

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

**REPORT OF PUBLIC LOCAL INQUIRY  
INTO  
OBJECTIONS TO THE INVERNESS LOCAL PLAN**

**VOLUME 3  
THE HINTERLAND AND THE RURAL  
DEVELOPMENT AREA**

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## ABBREVIATIONS

ABDS	Agricultural Business Development Scheme
ABIS	Agricultural Business Improvement Scheme
AOD	Above Ordnance Datum
AQMA	Air Quality Management Area
BP	Background Policy
BMW	Biodegradable Municipal Waste
BPEO	Best Practicable Environmental Option
BWS	British Waterways Scotland
CAA	Civil Aviation Authority
CD	Core Document
CLEUD	Certificate of Existing Lawful Use and Development
DDILP	Deposit Draft Inverness Local Plan
DDMILP	Deposit Draft Inverness Local Plan with Modifications
DfT	Department for Transport
DPPG	Development Plan Policy Guidance
EC	European Community
IEL	Inverness Estates Ltd
EfW	Energy from Waste
EIA	Environmental Impact Assessment
FADLP	Adopted Fort Augustus & Drumnadrochit Local Plan
FAG	Flood Appraisal Group
FLAG	Flood Liaison and Advice Group
FRA	Flood Risk Assessment
GHS	Garden History Society
GP	General Policy
(H)AWP	(Highland) Area Waste Plan
HAL	Highlands and Islands Airports Ltd
HIE	Highlands and Islands Enterprise
HLA	Housing Land Audit
HLF	Heritage Lottery Fund
HMA	Housing Market Area
HNS	Housing Needs Study
HQ	Headquarters
HS	Historic Scotland
HSCHT	Highland Small Communities Housing Trust
HSE	Health and Safety Executive
HSP	The Highland Structure Plan
HWSIP	Highland Waste Strategy Implementation Plan
ICALP	Adopted Inverness, Culloden & Ardersier Local Plan
ICTP	Inverness Caledonian Thistle properties Ltd

IMF	Inner Moray Firth
IMFHS	Inner Moray Firth Housing Strategy
INE	Inverness and Nairn Enterprise
IRBP	Inverness Retail and Business Park
ISCRN	Inverness Strategic Cycle Route Network
KPG	Kilmartin Property Group
LAQM	Local Air Quality Management
LCA	Landscape Character Assessment
LHS	Local Housing Strategy
LLCT	Local Landscape Character Type
ME	Moray Estates Development Company
MSW	Municipal Solid Waste
NCR	National Cycle Route
NID	Notice of Intention to Develop
NNR	National Nature Reserve
NOSWA	North of Scotland Water Authority
NPPG	National Planning Policy Guidance
NSA	National Scenic Area
NWS	National Waste Strategy: Scotland
OS	Ordnance Survey
PAN	Planning Advice Note
PFI	Private Finance Initiative
PPG	Planning Policy Guidance
PPP	Public/Private Partnership
pfs	petrol filling station
R & D	Research and Development
RSA	Royal & Sun Alliance
RSL	Registered Social Landlord
RSPB	Royal Society for the Protection of Birds
RTS	Round Table Session
(c)SAC	(candidate) Special Area of Conservation
SAPT	Scottish Association for Public Transport
SDR	Southern Distributor Road
SE	Scottish Executive
SEA	Strategic Environmental Assessment
SEDD	Scottish Executive Development Department
SEERAD	Scottish Executive Environment and Rural Affairs Department
SE RNMD	Scottish Executive Road Network Management Division
SNH	Scottish Natural Heritage
SPA	Special Protection Area
SUDS	Sustainable Urban Drainage Systems
SSLNELP	Adopted Strathdearn, Strathnairn & Loch Ness East Local Plan

SSS1	Site of Special Scientific Interest
SW	Scottish Water
THC	The Highland Council
TPO	Tree preservation order
UHI	University of the Highlands and Islands
UWWT	Urban Waste Water Treatment
WFD	Water Framework Directive
WTW	Water Treatment Works
WWTP	Waste Water Treatment Plant

## 24.1 LAND BETWEEN BALLOCH AND BALMACHREE

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**Objector: Moray Estates Development Company (118)**

**Procedure: Written submissions**

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### **Synopsis of objection**

24.1.1 Balloch could expand to the east as far as the natural gully at Balmachree.

### **Factual background**

24.1.2 Balmachree is about 300 m east of the eastern edge of Balloch. The adopted local plan shows the intervening agricultural land subject to an agricultural land safeguard, to a strong presumption against development on account of its proximity to the urban edge, and to a general presumption against development due to serious drainage sub-soil problems. The DDILP and the DDMILP include the site in the A96 Corridor, where Policy 3:1 is intended to apply. This states:

*“Developing the principle established in the HSP, the A96 corridor (as identified on the Proposals Map) presents a strategic development opportunity vital to the economic prosperity of Inverness and the Highlands. The Council will apply a strict presumption against any piecemeal development in this area. Other proposed changes in the use or management of land will be assessed to ensure that they do not prejudice post-2011 opportunities and that they comply with the overall landscape structure for the corridor”.*

### **Brief summary of the main points raised by the objector**

24.1.3 The DDILP states that housing development land at Balloch is virtually exhausted. Expanding the settlement to the east, as far as the natural, part-wooded, gully at Balmachree would relate development to natural features as opposed to the current "hard" eastern edge to the built-up area. Access could be taken via Cullernie, off the A96, or via existing development in Balloch.

### **Brief summary of the Council’s response to the objection**

24.1.4 Policy 3:1 presumes against piecemeal development in this area. The local plan makes abundant provision for long-term development within the Corridor. The site is also physically dislocated from Balloch, and the inability to provide a coherent link would prevent the site from functioning as an integral part of the neighbourhood. In particular, access to the A96 should not be permitted. Other objections seeking the expansion of Balloch raise important considerations relating to the size of the community, its infrastructure, and services. Significant extra growth would stretch the capacity of local schools, and the main distributor road network and A96, which are operating close to, or beyond, capacity.



## **Conclusions**

24.1.5 I adopt the account of the factual background to this objection, in paragraph 24.1.2. together with my conclusions regarding housing land supply in the local plan area, at paragraphs 22.35-22.53. These are to the effect that there is no need for the local plan to allocate more land in order to meet to meet HSP housing land requirements for the period to 2011, in quantitative terms. The prospect of longer-term development along the A96 Corridor does not alter these HSP requirements. I also adopt my conclusion at paragraph 23.2.7, to the effect that the local plan provides for an adequate range and choice of housing opportunities.

24.1.6 That said, as stated at paragraph 23.14.19, local circumstances have also to be taken into account. Both versions of the local plan acknowledge that land for housing development at Balloch is virtually exhausted. However, housing allocations ought to be on suitable sites. The objection site is part of the open agricultural landscape that extends to the east of Balloch. The gully and patches of woodland at Balmachree are a minor, incidental feature in this wider context.

24.1.7 As SPP 3 acknowledges, extensions to settlements can have advantages. However, it also stresses that such extensions need careful planning, and that the landscape setting of towns and villages must be respected.

24.1.8 The objection site would represent a substantial extension beyond an existing clearly defined settlement edge. Although arguably “imposed” on the ground, this existing edge is clear and well established.

24.1.9 The housing allocation sought by the objector would also encroach into an area that is currently the subject of a comprehensive Master Plan exercise designed to identify the potential for growth post-2011, and where the DDILP presumes against piecemeal development. It would be undesirable to pre-empt the outcome of this consideration by making piecemeal allocations within the study area, particularly as housing land requirements can be met at other locations.

## **Recommendation**

24.1.10 The local plan should not be changed in response to this objection.



## **24.2 LAND AT LOWER CULLERNIE FARM**

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**Objector: Mrs J Mackintosh (178)**

**Procedure: Written submissions**

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### **Synopsis of objection**

24.2.1 Land at Lower Cullernie Farm should be considered for housing or business development.

### **Factual background**

24.2.2 Lower Cullernie Farm is located in the A96 Corridor to the north of the A96 north of Balloch, where the DDILP and DDMILP intend Policy 3:1 (quoted at paragraph 24.1.2) to apply.

### **Brief summary of the main points raised by the objector**

24.2.3 The farm's proximity to Balloch, to the Airport, and to the A9 and the A96, make it very good strategically. The DDILP states that, with the completion of housing at Upper Cullernie, development land at Balloch is virtually exhausted. Some of the land earmarked for development near the Airport may be needed if the Airport was to expand, for example to accommodate an extra runway. The farm also has mineral rights, including a sandpit. With the possible dualling of the A96, it should be considered as suitable for development.

### **Brief summary of the Council's response to the objection**

24.2.4 The Council's response (on page 198 of CD10) appears to treat this objection as relating to Upper Cullernie Farm.

### **Conclusions**

24.2.5 I adopt the account of the factual background to this objection, in paragraph 24.2.2, together with my conclusions at paragraphs 24.1.5-24.1.6 regarding strategic housing land requirements and the circumstances of the housing land supply at Balloch.

24.2.6 In any event, irrespective of these local circumstances, housing and business allocations ought to be on suitable sites. As far as housing is concerned, Lower Cullernie Farm is located in the countryside away from the built-up area and local services and facilities. It is therefore not well-placed to serve as a new housing location from the perspective of national planning policy guidance or of the HSP strategy, which are underpinned by sustainability principles.

24.2.7 My conclusion at paragraph 24.1.9 regarding the A96 Corridor Master Plan is also pertinent to this objection. Allocating land at Lower Cullernie at this stage could pre-empt the outcome of this Master Plan exercise.

24.2.8 Even if industrial and business land allocations at the Airport, which conform to the provisions of the structure plan in principle, were to be curtailed as suggested by the objector, these are still likely to be significant. The local plan also allocates other industrial and business land, including at some established locations, and I have recommended a further such allocation. Taken together, these ought to avoid the prospect of an industrial or business land shortage within the local plan period.

24.2.9 In the event that dualling of the A96 did come forward, HSP Policy MIN 2 would provide a suitable policy basis for considering any proposals for exploiting mineral resources at Lower Cullernie.

### **Recommendation**

24.2.10 The local plan should not be changed in response to this objection.

## 25.1 INVERNESS AIRPORT ECONOMIC DEVELOPMENT INITIATIVE

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**Objectors: Mr J Brennan\* (22), Mrs J Bryson (29), Mr T Fret (89), Mr P Gerrard (91), Highlands and Islands Airports Ltd (115), Moray Estates Development Co (118), Mr I Kane (139), Mr S Lowe (152), Ms S Pledger (219), Ms P Richardson (225), Ms E Ross (231), Scottish Water (240), Croy Community Council (250), Mr A Wade (269)**

**Procedures: Public Inquiry\* and Written Submissions**

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### **Synopsis of objections**

25.1.1 Highlands and Islands Airports Ltd (HIAL) and Moray Estates Development Co (MEDC) object that the DDILP should allow greater flexibility with regard to the phasing and scale of development. HIAL also wishes the plan to take account of a forthcoming Aviation White Paper. Local residents and Croy Community Council raise viability, sustainability, access, amenity, noise control, and operating hours as issues, and query THC's involvement as a partner in the Airport Economic Development Initiative, and as planning authority. Scottish Water regards a Master Plan for the A96 corridor as essential.

### **Factual background and policy context**

25.1.2 Inverness Airport is located at Dalcross, to the north of the A96(T) about 10 km east of Inverness. Dalcross Industrial Estate lies to the north-west of the Airport adjacent to the B9039 to Ardersier. The Airport is accessible from the B9039 and via a minor road, the C4, which runs from the A96 at Mid Coul, along the western edge of the Airport, to join the B9039.

25.1.3 The ICALP, which promotes Dalcross Industrial Estate for suitable uses, also refers to a 10 ha site to the north of the Estate as suitable for a longer term extension, subject to demand and improved drainage. The adopted plan also commits the Council to supporting enhanced facilities at the Airport, and routes where viable; reports HIAL's plans for major expansion; and identifies hotel and ancillary business requirements as possible spin off uses.

25.1.4 The HSP states that the Airport area offers particular opportunities for business development and distribution, in terms of the potential offered by the provision of a multi-modal transport node, and proximity to population growth centres. It expects sites to be brought forward through the relevant local plan, and to offer opportunities to enhance the potential for a wide range of uses, based on the priorities outlined by Highlands and Islands Enterprise (HIE) and the Council. Policy B2 requires local plans to identify new high quality business and industrial sites in certain locations, including "*Inverness to Nairn (A96 Corridor)*". Paragraph 2.16.18 refers to recent expansion at Dalcross; confirms the intention of building a direct road link to the Airport from the A96, and to the need to investigate access by bus and rail; and concludes that improvements at Dalcross should be associated with the development of appropriate business opportunities, "*as set out in the Business and Industry section of the plan*". Policy TC2 states that the Council will support the development of multi-modal interchanges involving rail, road, sea, and air links for passenger and freight traffic. Policy TC14 states that the Council will support measures to improve air services within

and beyond Highland, and is committed to improving access to its airports for public and private transport.

25.1.5 The CDLP identified the A96 Corridor as a strategic development opportunity and the preferred direction for longer term growth. A proposal to allocate land around the Airport, for a range of uses, met with a mixed reception. The Council, HIE, Inverness and Nairn Enterprise (INE), HIAL and MEDC subsequently appointed consultants to produce a feasibility study for an Airport Freight and Business Park. CD42 is the Executive Summary of the study.

25.1.6 Policies 3:3, 3:4 and 3:5 of the DDILP prompted objections, and the Council proposed modifications. Incorporating the proposed modifications, the policies read (proposed modifications, in the DDMILP, are in emboldened type):

*3:3 “A feasibility study sponsored by HIE, INE, HIAL, Moray Estates and the Council has concluded that land adjoining Inverness Airport and between the Airport, railway and the A96 is suitable for development of a business park, freight “village” and ancillary activities along with a new road link to the A96 and passenger/freight rail facilities. The following **first phase** (proposed deletion) allocations of land are made:*

- (i) 50.0 ha. for a business, research and development park together with 2.0 ha. for hotel/conference centre between the A96 and railway;*
- (ii) 1.5 ha. for a transport interchange located on the main Inverness-Aberdeen line comprising a passenger rail halt and park-n’-ride facilities together with 5.0 ha. for a road/rail/air cargo distribution centre north-west of the railway;*
- (iii) 10.0 ha. for industry adjoining Dalcross Industrial Estate to the north together with a further **8.5 ha** (the DDILP referred to 14 ha) south-west of the Airport terminal;*
- (iv) further land north and south of the Airport terminal is identified for later phase business/hotel and airport-related support and servicing activities;*
- (v) **8.0 ha for warehousing west of the Airport.** (proposed addition).*

***Development and related infrastructure will be consistent with the protection of nature conservation interests in the Moray Firth cSAC (proposed addition)”.***

**Reporter’s note:** The Airport Inset Proposals Map in the DDMILP does not have a Policy 3:3(iii) notation south-west of the terminal. A Policy 3:3(v) notation appears in this area, but does not encompass all of the 8 ha site covered by this part of the policy. The Inset Proposals Map in both versions of the plan shows a cargo distribution centre of about 12.5 ha.

*3:4 “A distributor road which will involve upgrading and realignment of the C4 road (and take account of the Public Safety Zone west of the main runway) will be provided to serve these developments and provide a new link between the A96 and the Airport **ultimately.** (proposed deletion) **It is proposed to construct the distributor Road during 2004/05 in one phase.** (proposed addition)”.*

*3:5 “A Master Plan will be prepared as a basis for **elaborating the land allocations at 3(i-v above)**(proposed addition) and as a basis for implementing the main structural features of the development area including access, water and*

*sewerage networks, other utilities/communications infrastructure and a comprehensive landscape/land management framework incorporating arrangements for surface water drainage. Any phased installation of water and drainage services will be consistent with an overall framework for utilities, and the technical requirements of SEPA and Scottish Water. (proposed addition) Cognisance will be given to the Inverness and Inner Moray Firth Landscape Character Assessments to integrate the site within the wider setting of farm and woodland, which will incorporate safeguards for the ancient and semi-natural woodland between the development area and the B9093.(proposed addition) A badger survey will be required and measures taken to minimise disturbance to the species and its habitat. The Master Plan will include a detailed design prospectus to co-ordinate architectural standards and achieve a high quality development/ environmental management package. This will be based upon clearly defined planning obligations, financial contributions and developer provisions to be secured by Section 75 Agreement if necessary”.*

25.1.7 The Council also agreed to add “designated Airport Safeguarding Areas”, Public Safety Zone (1:100,000 risk), and Public Safety Zone (1:10,000 risk) to Appendix A as Policy BP2, BP3 and BP4 features respectively, and to the Proposals Map (See Chapter 25.3).

#### **Brief summary of the main points raised by the objectors**

*Mr J Brennan*

25.1.8 Mr Brennan objected to a range of matters relating to development around the Airport. However, he confirmed at the inquiry that only the following issues remain outstanding:

- the extent to which a transport/warehousing/business development on the A96 Corridor is viable and whether, as a consequence, its implications for road use and compatibility with NPPG 17 have been properly evaluated; and
- concerns regarding THC’s involvement as a partner in promoting the Airport Development Initiative, and as planning authority, and thus the extent to which it was willing to consider issues arising from the development proposal independently.

25.1.9 As regards the first of these issues, it is accepted as reasonable to expect synergy to help a project to be successful. However, the only “synergy” here is the A96. The Department of Transport (DfT) and the SE assess the Airport’s growth potential for freight as equivalent to 2 additional flights per day. As the potential tonnages involved are unlikely to justify an air-based freight village, a mainly road-based facility is likely to emerge. This raises questions about the site’s suitability for a business/technology park, let alone an hotel. The brief for the feasibility study did not mention an independent assessment of viability, and the study is based on the assumption that there was potential for development along the A96 and for Airport growth.

25.1.10 It would be difficult to find an alternative site on the A96 Corridor for this scale and mix of development, and the Airport sites are at least on marginal land. However, the proposed allocations include everything that could conceivably be regarded as “airport-related”. There are spectacular sites at Croy and Ardersier for uses such as an hotel. The

plan's references to high quality development are simply an expression of intent. The devil is in the detail, and the IRBP gives no grounds for confidence that high quality would be achieved in practice. A business park between the runway and the A96 would inevitably result in the loss of trees that ought to be retained as a screen.

25.1.11 If the SE's commitment to sustainable transport is to be given more than lip service, THC should be insisting on a passenger rail halt and park and ride provision as soon as the new Airport link road opens. However, Network Rail is unlikely to regard Dalcross as a priority, and investment will have to come from elsewhere. If a rail related proposal is retained, prospects for park and ride should be assessed independently of the local plan, and a Green Transport Plan made a condition of permission for warehousing (THC-16/16). The plan should also make clear that park and ride is envisaged at a late stage in the development, to avoid raising unrealistic expectations.

25.1.12 Turning to the second matter, THC was a development partner in the Initiative before the results of consultation on the local plan were even collated. The Initiative was not a proposal on which consultation was solicited, and it can only be defended as "emerging policy" in the light of the (subsequent) approval of the DDILP. The feasibility study was not made available until August 2002, and then only in summary, although THC officials clearly had access to it in preparing the DDILP. By then, THC and its partners were exploring planning applications in this area. Handing over the future disposition of uses to the development consortium looks like an abdication of responsibility.

#### *Croy Community Council*

25.1.13 While improvements to the A96 should take priority over other developments, the B9006 and other rural roads could be overused while the A96 is being upgraded. Rail access to the Airport is important. Light pollution from the Airport and business park and environmental effects on the area are also of concern. Any 24-hour operation of the Airport is opposed.

*Mr T Fret, Mrs J Bryson, Mr I Kane, Mr S Lowe, Ms S Pledger, Ms P Richardson, and Ms E Ross*

25.1.14 All these objectors wish the beech and the pine woodland adjacent to the B9039 to be safeguarded, and retained as a weather, noise and visual screen and as a recreational asset and wildlife habitat. Mrs Bryson also objects that a business park west of the Airport would exacerbate already dangerous traffic conditions in the area, while Mr Kane suggests that the boundaries of the business park allocation west of the Airport should be changed so that the woodland remains. It is regarded as essential that no development is allowed until the A96/Airport road link has been completed. In addition, Mr Fret, Ms Pledger, Ms Richardson and Ms Ross are concerned that THC's role as a partner in the company that would develop the proposed business park would conflict with its role as planning authority.

#### *Mr D Gerrard*

25.1.15 The site to the west of the Airport is a valuable wetland habitat, has no mains drainage, poor access directly across the flight path, and is wholly unsuitable for development. Roads in the area are already inadequate. Why refer to "communications



excellence” while ignoring the railway and lengthening lines of communication to the city? The only beneficiaries will be the landowner and the developers.

*Mr A Wade*

25.1.16 Mr Wade states that he lives in the direct flight path, in the last house before touch-down, and first after take-off and is concerned that 24-operation of the Airport would disturb his family at night, and could affect the value of his property.

*Moray Estates Development Company*

25.1.17 The DDILP should be amended to take account of the need for flexibility in the allocation and phasing of land for alternative land uses. The Policy 3:3(iii) allocation should include further land to the south. The plan should also refer to the potential to alter - and increase - the “provisional” land allocations made for a freight “village”, Policy 3:3(iii), and transport interchange, Policy 3:3(ii). The first sentence of Policy 3:5 in the DDMILP could be amended to clarify the opportunities that might be created through the Master Plan exercise to enhance the land allocation south-west of the terminal. The safeguarding of the woodland adjacent to the B9039 should not unduly restrict development opportunities in this area.

*Highlands and Island Airports Ltd*

25.1.18 HIAL objects to the reference to first and later phases in relation to the Airport Economic Development Initiative, and seeks rewording to reflect the need for flexibility. It also objects that Policy 3:3(iii) does not allocate enough land to meet the objectives of the Initiative; that Policy 3:3(ii) does not provide adequately for the facilities likely to be attracted to this location; and that detailed land allocations are best left to the Master Plan.

25.1.19 HIAL also refers to an Aviation White Paper is expected to be published in 2003, following a consultation exercise in 2002. It considers that the DDILP should indicate how it will take forward the implications of the White Paper for land use and surface access improvements.

**Reporter’s note:** The MEDC and HIAL objections relating to the Economic Development Initiative were “conditionally withdrawn” on the basis of the proposed modifications.

*Scottish Water*

25.1.20 A Master Plan is a prerequisite for further development in the A96 corridor. If drainage from the Airport developments goes to Ardersier, a new works will be required there. SEPA’s requirements would have to be addressed, as would the effects on existing networks. Other options, such as a new works at Dalcross, or connection to Allanfearn, would have significant financial implications for the development. Improvements to the water supply network would also have to be considered.

## **Brief summary of the Council's response to the objections**

### *The Airport Economic Development Initiative and its context*

25.1.21 The last 5 years have seen remarkable changes in the IMF economy and its growth potential. Although 3,000 jobs in the oil fabrication sector were lost in 1999, new sectors have emerged. The stock of land is shrinking and CD40 identifies a priority requirement for business, distribution and general industrial land. Dalcross and Ardersier are the only parts of the local plan area where Assisted Area financial assistance is available. The Airport continues to attract additional services and charter and freight movements. There are real prospects of 24-hour operation and additional runway capacity. Studies have identified opportunities for freight/mail distribution warehousing and for airside servicing. The proximity of air and strategic road and rail services gives an opportunity for modern interchange facilities, including a new link road from the A96. Scottish Ministers approved a long term vision of integrated sustainable development through the A96 Corridor in the HSP, and have acknowledged the City-Vision and related funding. Much of this strategy is predicated on transport improvements and linkages.

25.1.22 The indicative Master Plan in the feasibility study is based on the unique locational characteristics of the site and informed the proposals in the DDILP. The new link road has NID approval, funding is in place, and construction will begin in summer 2004. This will also open up large areas of business and industrial development land, as well as scope for a rail halt, park and ride facilities and multi-modal freight transshipment capability. Agreement has been reached with the SE RNMD regarding the A96 junction and wider traffic implications. A Master Plan, outline planning application, and EIA for a first phase business park, industrial land, freight village and hotel is expected shortly. The Master Plan for the A96 Corridor will take account of the Initiative at the Airport. Acknowledgement of the Corridor in the National Planning Framework will be a litmus test of recent awareness-raising by the Council and agency partners.

### *The Council's involvement in the Initiative*

25.1.23 The 1997 Planning Act places a duty on local planning authorities to prepare local plans, which have to be submitted to the SE before they are adopted. Scottish Ministers approve structure plans. Anyone aggrieved by procedural issues can challenge the validity of a plan in the Courts. Planning applications have to be determined in accordance with the development plan unless material considerations indicate otherwise, and applications require to be notified to Scottish Ministers in certain circumstances. These would include any application relating to the Master Plan.

25.1.24 The Local Government (Scotland) Act 1994 also conveys an economic development function on local authorities. The Council has collaborated with the development partners in pursuit of its economic development objectives. It has placed an emerging and evolving policy before the public during the evolution of the local plan, invited views and incorporated responses where these have strengthened and shaped its purpose. The partners have acted to address very significant structural changes in the sub-regional economy, and the Assisted Area inducements for business location withdrawn from other parts of the local plan area. However, further to negotiations regarding a partnership structure and the formation of a development company, the Council has decided not to continue to participate in the development consortium.

*The scale and phasing of the allocation and their relationship to the Feasibility Study and a future Master Plan*

25.1.25 The allocations in Policy 3:3(ii) reflect the indicative land use framework in CD42. HIAL has not identified the other land it considers has development potential. The modification to Policy 3:5 i.e. “*for elaborating the land allocations at 3(i-v) above*” is proposed because the local plan is not definitive, and because a Master Plan could present a cogent case for development outwith allocated land. The proposed modifications also delete “first phase” from Policy 3:3. The Council accepts that the reference to “later phase” in Policy 3(iv) could also be unduly restrictive. It resolved to grant planning permission for warehousing south-west of the terminal in 2003 (THC-16/16), although the application was withdrawn before a decision was issued. The reference to the Proposals Map and “*land adjacent to the existing entrance to Dalcross Industrial Estate and the Airport*” should reflect the extent of the indicative land allocations in CD42, and the land that was the subject of the resolution on the planning application. This is reflected in the proposed modification to Policy 3:3(v), which refers to 8.0 ha of land for warehousing. The Policy 3:3(v) notation in the DDMILP Proposals Map should be amended to include this 8.0 ha site.

25.1.26 Policy 3:5 explains how THC expects the developer to address the matters raised by Scottish Water. Drainage and other utilities may involve a significant upfront cost, and development proceeding incrementally will require to demonstrate satisfactory functioning in all respects. These matters will be fully investigated and the implications considered when a planning application/Master Plan is lodged.

*Sustainability issues*

25.1.27 NPPG 17 promotes the creation of sustainable patterns of development through joint consideration of transport, land use, economic development and the environment: It also seeks integration between different modes of transport, to ensure that transport choices do not conflict with environmental aims and that they reduce the need to travel. Employment is directed to edge of town and suburban centres, subject to other policy considerations and acknowledgement that such a location would not suit all business/industry. Under “Freight”, the NPPG links access to industry with its strategic importance to the economy, and the identification of sites adjacent to existing operational infrastructure, location away from congested areas, direct access to the main road network, and suitable rail facilities. These factors are promoted as locational assets for manufacturing, processing and distribution.

25.1.28 A site adjacent to an airport, a trunk road, a national rail route and within 10 km. of a congested city but with the potential to expand the Airport, to take advantage of an upgraded trunk road, develop a rail halt and air freight holdings, and the development of business, warehousing, and ancillary activities, has some resonance with NPPG 17 and SPP 2. The Airport and its juxtaposition with other transport infrastructure gives major potential for economic development, land uses and activities which thrive on synergies. The site’s suitability for development cannot be viewed in isolation. It is at the heart of the sub-region, where alternative directions for the growth of Inverness have been examined and decided against. Development will require major allocations of “public” money, there may be weighty on-costs to enable the initial phases to proceed, and major resources need to be identified for the rail and road networks. However, the fundamental test of viability is whether this is being done. Public funding through the European Transitional Fund, the Enterprise Network, the Council and the SE provides endorsement. Railtrack (Network Rail)

supports the principle of a main line rail halt. Although constraints to extending a branch line to the Airport Terminal appear insurmountable, a shuttle-bus link appears a viable alternative.

#### *The White Paper: The Future of Air Transport*

25.1.29 The DfT White Paper: The Future of Air Transport was published in December 2003. This states that “*revised forecasts suggest Inverness Airport may have the potential to grow beyond 1 m passengers per annum, and there are no local environmental or other constraints that should prevent this. An extension of the runway may be required to cater for larger planes and longer sector lengths. Additional terminal capacity will also be required, probably before 2015. Any consequential surface access improvements are likely to be local rather than strategic in nature.*” The purpose of the local plan is to set out proposals for development in the period to 2011. While it may set longer term objectives, it is inappropriate for it to refer to specific land use changes expected after 2011.

#### *Upgrading of the A96 and implications for the B9006*

25.1.30 While the A96 is the SE’s responsibility, it is THC and HSP policy that upgrading should be given priority. Policy GP9 in the DDMILP identifies the parts of the route that should take precedence, including dualling between Inverness and the Airport. The situation will be monitored and, subject to available resources, restrictions or other management measures could be considered. However, the Council expects the A96 to remain open at all times.

#### *Lighting*

25.1.31 The Council aims to limit lighting to the minimum required for road safety, security and operational reasons. Its development control policies include a requirement that all new outdoor lighting installations limit the amount of light they emit above the horizontal in order to protect the dark sky. The SE has pledged to reduce light pollution and save energy by specifying appropriate lighting standards and is drafting a report on the way forward.

#### *Operating hours*

25.1.32 There are no restrictions on operating hours at the airport at present, although in practice it operates between 6.30-22.00 on weekdays, and 6.45-22.00 at weekends. The reference to 24-hour operation is a local objective, as and when the amount of traffic justifies 24-hour staff cover.

#### *Noise control*

25.1.33 The Aerodromes (Noise Restrictions)(Rules and Procedures) Regulations 2003 apply to Airports with more than 50,000 aircraft movements per annum. Inverness currently has 35,000 movements per year and noise control is primarily the responsibility of the Airport management, which can set its own controls in conjunction (where appropriate) with the planning authority. Section 35 of the Civil Aviation Act requires the aerodrome management to provide adequate facilities for consultation with users of the aerodrome, local authorities and local organisations. The Future of Air Transport White Paper indicates that the Government aims to reduce the number of people significantly affected by aircraft noise, and that it recognises that a fair balance must be struck between local disturbance, the limits of

social acceptability, and the economic benefits of night flights. It also signals the intention of introducing legislation to strengthen and clarify noise control powers, including at smaller aerodromes.

### *Safeguarding of woodland*

25.1.34 The Council understands that Moray Estate has a 20 year Forest Plan for the woodland to the west of the Airport. The first 10 years (from 2001) has been approved. This includes selective felling of Scots Pine in the period to 2004 and long term retention of the beech woods. As an approved Forest Plan is in place, a TPO cannot be pursued. However, the proposed modifications aim to strengthen protection to secure continuity of the woodland as a whole, and as part of the landscape context for development.

### **Conclusions**

25.1.35 I adopt the account of the factual background and policy context relating to these objections, at paragraphs 25.1.2-25.1.7.

### *Dalcross as an industrial and business location*

25.1.36 The HSP requires local plans to bring forward sites to address identified shortfalls in the portfolio of strategic industrial and business sites in Highland. In this context, it identifies the Airport area as offering particular opportunities for business development and distribution, in terms of the potential offered by the provision of a multi-modal transport node and proximity to population growth centres. Policy B2 gives effect to this expectation, listing the “Inverness to Nairn (A96 Corridor)” as a location where the relevant local plan is required to identify new high quality business and industrial sites. Allocating land at Dalcross for business, industrial, and distribution services development, including warehousing, therefore conforms to the provisions of the structure plan in principle. Unlike the vast majority of the local plan area, Dalcross is also in a position to benefit from the Government financial assistance that is available for industrial and business development in Assisted Areas.

25.1.37 The HSP does not prescribe a scale or disposition of development at Dalcross and the industrial and business allocations proposed in Policy 3:3(i) and 3:3(iii) are derived from the Indicative Master Plan in the feasibility study. These allocations alone amount to 74 ha in the DDILP, and 76.5 ha in the DDMILP, compared with the 70 ha that CD40 calculates are required in Highland as a whole in the period to 2016. In addition, Policy 3:3(iv) identifies land for later phase development, including business, and airport-related activities. The HSP intends the provision required by Policy B3, whereby 20 ha of general industrial and business land will always be available in the Inverness area, to provide for a 5 year land supply.

25.1.38 Given its location away from the A96, and its existing mix of uses, extending Dalcross Industrial Estate alone (see Chapter 25.3) is unlikely to satisfy the HSP’s expectations, including for high quality sites. The industrial estate is also not well placed to realise the potential for providing the multi-modal transport node that the HSP regards as an integral part of business and industrial development at this location, or to encourage modal shift from road based transport, which is also HSP policy. The same applies to other land set away from the railway and the A96, particularly as a rail spur to the Airport does not appear to be a practical possibility, at least until some later stage.

*The proposed allocations and their relationship to the Feasibility Study Master Plan*

25.1.39 There is no reason in principle why a study undertaken in parallel with local plan preparation cannot inform policies in the plan concerned. The converse is also the case, and a mutual exchange of information between two such exercises can be beneficial. The proposed modification to Policy 3:5 states that the Master Plan “will elaborate” the allocations. This suggests that more detail will be provided. PAN 49 confirms that the main purpose of local plan Proposals Maps is to identify policies and proposals which affect any given piece of land. Notwithstanding the Council’s comment reported at paragraph 25.1.25, it would be the allocations in shown in the Inset Proposals Map that would apply for development plan purposes.

25.1.40 The feasibility study proceeded on the basis that the development partners wished to achieve a high calibre air/rail/road freight and business park adjacent to the Airport, and had already identified an area of search. At that stage the HSP had already identified the Airport area as offering particular opportunities for business and distribution services development, in the context of multi-modal transport node. In that context, and given the relationship between the Airport, the A96 and the railway at this location, a search area was largely self-selecting.

25.1.41 The industrial and business allocations proposed in the DDILP are much larger than the assessments of future requirements referred to at paragraph 25.1.37. The local plan also proposes other business and industrial allocations around Inverness. However, the assessments described reflect historical take-up rates, which appear to have accelerated in recent years. The evidence in relation to Beechwood Farm indicates that convenient “ancillary” facilities are likely to improve the prospects of a successful business and industrial development. This is likely to include some hotel and/or conference accommodation. That said, it is important that allocations are of a quality and in a location that will be attractive to business in other respects. The allocations proposed in the DDILP appear generous, particularly in a location that remains relatively untested as a business location.

25.1.42 Although finally content with the proposed modifications, HIAL and MEDC do not explain why they consider that the DDILP allocations should be increased. Their approach may reflect the developer interest that resulted in the warehousing application to the south-west of the terminal, which was subsequently withdrawn. CD10 indicates that THC proposed to increase the Policy 3:3(iii) allocation to encompass the warehousing site on the assumption that planning permission had been granted. This assumption turned out to be premature.

25.1.43 A location very close to the terminal is nevertheless likely to be a valuable part of an overall scheme. I have no evidence that land to the south-west of the terminal is intrinsically unsuitable for development on account of its wildlife habitat value. SNH commented only on the potential impact on the Moray Firth cSAC, which lies outwith the proposed land allocations, and is the subject of a proposed modification to Policy 3:5. The local plan also requires an overall framework to be put in place for the provision of utilities, including drainage. HIAL does not object to this allocation on Airport operational grounds.

25.1.44 That said, in the absence of any supporting evidence other than previous developer interest in warehousing, and having had regard to the other extensive allocations proposed in the DDILP, I see no reason to increase the 14 ha industrial allocation to the south-west of the terminal. This allocation appears to have emanated from an assessment undertaken as part of the Feasibility Study that was commissioned by the Initiative partners.

25.1.45 A degree of flexibility is desirable in a project of this scale and complexity. The proposed modifications recognise this and, if these were to be accepted, Policy 3:3 would make less reference to phasing. The Master Plan is likely to reflect a detailed appraisal of the practicalities of development, and thus be well-equipped to deal with this issue, including the phasing of transport related infrastructure, such as park and ride.

*The feasibility of the proposals and the achievement of sustainable transport objectives*

25.1.46 While local plan proposals ought to be realistic, it is impractical to expect financial feasibility to have been demonstrated before sites are allocated. Applications for funding, which will proceed independently of the plan, should ensure scrutiny of financial feasibility. However, there ought to be a reasonable prospect that these sites are capable of serving their intended purpose and function.

25.1.47 The evidence indicates that the “cargo distribution centre” that is the subject of Policy 3(ii) is intended to be multi-modal, including for air freight and rail. However, the Council’s reference to the recent White Paper refers only to potential for growth in passenger traffic at Inverness, and it does not challenge Mr Brennan’s figure of 2 additional freight flights per day. CD10 confirms Railtrack’s willingness to co-operate in the development of public transport links to and from the Airport, and that it regards the freight village with a rail served depot as feasible. However, Railtrack also states that a strategic view of the Inverness and Invergordon area as a whole needs to be taken, in order to determine which are the best freight sites to promote a sustainable local economy, and that a potential freight facility at Deephaven could alter the need for rail freight at the Airport. It would be prudent for THC to have regard to this advice.

25.1.48 It is possible that the Feasibility Study assessed the likely operational characteristics of a freight village in detail, and modal split, and it is unfortunate that only the Executive Summary appears to be in the public *domaine*. However, on the evidence, I conclude that this element of the proposal merits further scrutiny to establish compatibility with sustainable transport objectives, including those in the HSP, before the Council decides whether to confirm the Policy 3(ii) cargo allocation; and, if so, in what terms.

25.1.49 As the outcome of this scrutiny also has potential implications for the nature and scale of industrial, distribution and business allocations at this location, these ought also to be reassessed. If these are confirmed, in whatever form, an express requirement for Green Transport Plans has much to commend it.

*The Council’s involvement in promoting the proposals*

25.1.50 THC is statutorily charged with a range of duties. These include the administration of statutory planning powers, and the promotion of economic development. It is inevitable that these functions will sometimes overlap. There are procedures in place whereby planning applications in which planning authorities have another interest are notified to Scottish Ministers. Local plans are also subject to scrutiny. While I note that THC has no longer part of the development consortium, my remit is to consider the planning merits of local plan proposal that are the subject of objection. There are other avenues available for pursuing any claims of procedural irregularity.

### *Access and the proposed link road*

25.1.51 The C4 is unsuitable for additional traffic. It is therefore essential that the new link distributor road is in place before any other development begins. The proposed modifications to Policy 3:5 recognises this. NID approval has been granted, and construction may already be underway.

### *Other infrastructure*

25.1.52 The proposed modifications to Policy 3:5 cover the main issues raised by Scottish Water in relation to this location. The A96 Corridor Master Plan, which has been commissioned separately from the local plan, will provide the opportunity to assess infrastructure requirements for the Corridor as a whole.

### *The improvement of the A96*

25.1.53 It would be surprising if some traffic did not elect to use the B9006 while A96 was being upgraded. However, this is a traffic management issue, for the SE RNMD and the local roads authority to address at the time, not a matter for the local plan.

### *Woodland safeguarding*

25.1.54 The beech and pine woodland adjacent to the B9039 is an important landscape feature in its own right, in providing a landscape context for new development, screening and shelter, as wildlife habitat, and as a potential recreational asset. An approved Forest Plan prevents a TPO from being promoted. However, the proposed modifications to Policy 3:5 include safeguards for the ancient and semi-natural woodland. The Inset Proposals Map also identifies this woodland as a Policy BP3 feature and thus subject to a presumption against development. I have no evidence that these safeguards are likely to unduly restrict development opportunities at this strategic location. While some existing woodland adjacent to the A96 is likely to be lost, the remaining woodland shown subject to Policy BP3 at that location would provide screening and landscape containment.

### *Lighting, noise, and other amenity objections, including the prospect of 24 hour operation at the Airport*

25.1.55 Any applications for development around the Airport would be subject to the Council's development control policy which aims to limit light emissions to the minimum required for operational and other practical reasons. If this is consistently applied, significant amenity problems arising from the local plan proposals ought to be avoided.

25.1.56 The HSP supports measures to improve air services within and beyond Highland.

25.1.57 Inverness Airport is not subject to the Aerodromes (Noise Restrictions)(Rules and Procedures) Regulations 2003, which apply to Airports with more than 50,000 aircraft movements per annum. Noise control is therefore primarily the responsibility of the Airport management, which is required, among other things, to provide adequate facilities for consultation with users of the aerodrome, local authorities and local organisations.



25.1.58 The level of any increase in flights, and increased aircraft noise as a result of industrial, business and freight-related development around the airport cannot be predicted with certainty, although Mr Brennan's evidence suggests flight increase would be modest. The airport already opens for 18 hours per day. While the plan is generally supportive of 24-hour opening, any decision to increase operating hours would be for the Airport operator, not for THC, and would be taken outwith land use planning system. In any event, it cannot be assumed that this would result in a significant increase in night flights.

25.1.59 The White Paper: Future of Air Transport recognises the potential for passenger flight growth at the Airport, and that an extension to the runway may be required. It would be prudent for the Council to satisfy itself that the local plan proposals are compatible with the possibility of such an extension, and with any references in the National Planning Framework.

## **Recommendations**

25.1.60 I recommend that:

- (1) before deciding whether to confirm the allocations in Policy 3:3(ii), the Council gives further consideration, in discussion with Network Rail, as to whether a road/rail/air cargo distribution centre compatible with sustainable transport objectives is realistic at this location.
- (2) the warehousing allocation south-west of the Airport terminal proposed in Policy 3:3(v) of the DDMILP should not be confirmed.
- (3) in the light of the outcome of the consideration recommended at (1), the Council reassesses the nature and scale of the industrial and business allocations proposed in Policy 3:3(i), the 8.5 ha south-west of the Airport terminal proposed in Policy 3:3(iii) and the further land described in Policy 3(iv), in relation to their compatibility with sustainable transport objectives, including the desirability of an express requirement for green transport plans if these allocations are retained.
- (4) if recommendation (2) is not accepted, and the other proposed allocations are retained, the element of duplication in Policy 3:3 would be best addressed by deleting the allocation south-west of the terminal from Policy 3:3(iii) and amending Policy 3:3(v) to refer to 16.5 ha for industry and warehousing south-west of the Airport terminal.
- (5) in any event, the Inset Proposals Map should accurately reflect the extent and location of the allocations that are made.
- (6) the proposed modifications to Policy 3:3 regarding phasing and the Moray Firth cSAC, and the proposed modifications to Policies 3:4 and 3:5 are accepted, subject to the latter referring to Policies 3(i)-(iv), if recommendation (4) prevails.
- (7) it would be prudent for the Council to be satisfied that the local plan proposals are compatible with the possible runway extension to which the White Paper refers, and with any relevant references in the National Planning Framework.



## **25.2 AIRPORT SAFEGUARDING**

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**Objector: Highlands and Island Airports Ltd (115)**

**Procedure: Written submissions**

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### **Brief summary of the main points raised by the objector**

25.2.1 The DDILP lacks a policy on safeguarding areas at the Airport. The SE has issued a consultation paper regarding new arrangements for dealing with planning applications in designated safeguarding areas, transferring responsibilities from the Civil Aviation Authority (CAA) to the airport operator. To ensure safe operation, safeguarded areas need to be fully protected through the planning process. The plan should also have a policy stating (in summary) that the Council would refer planning applications within safeguarding areas to the CAA, or to the appropriate authority, and would refuse consent if safety was considered likely to be compromised.

25.2.2 The plan should also protect the newly designated Public Safety Zones at the Airport. To accord with SEDD Circular 8/2002: Control of Development in Airport Public Safety Zones, the Zones, and the 1:10,000 individual risk contours, should be shown on the Airport Inset Proposals Map.

### **Brief summary of the Council's response to the objection**

25.2.3 The Council proposed changes to address the objections. However, the DDMILP Inset Proposals Map omits the eastern safety zone (shown in THC-16/17) in error, and the Council confirmed this would be remedied. HIAL was content with this assurance. In further exchanges with HIAL in the course of the inquiry (THC-16/19-THC-16/21) the Council proposed further (unpublished) modifications. In summary, these reflect the publication of SEDD Circular 8/2003 and The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas)(Scotland) Direction 2003; propose to include the outer limit of the safeguarding areas at the Airport identified in the 2003 Direction on the Analysis Map; and propose to make the 24 hour operating regime mentioned in page 5 of the DDMILP subject to "due consideration of safeguarding requirements". HIAL confirmed it regarded these proposals as satisfactory in terms of protecting safeguarding interests, and conditionally withdrew this objection.

### **Conclusions**

25.2.4 SEDD Circular 8/2002 confirms that Public Safety Zones exist at Inverness Airport, and a general policy presumption against most new or replacement development in such zones. This is consistent with the basic policy objective that there should be no increase in the number of people living, working, or congregating, in such zones, and that, over time, the number should be reduced as circumstances allow. The Circular also states that local plans should include a policy stating that Public Safety Zones have been established for a particular airport, and that the presumption mentioned applies; and that the extent of Public Safety Zones and any 1:10,000 risk contours should be indicated on Proposals Map. Provided the eastern Public Safety Zone is included, the modifications now proposed by the Council reflect the terms of the Circular.

25.2.5 SEDD Circular 2/2003 confirms that the DfT has transferred responsibility for the official safeguarding of civil aerodromes and technical sites from the CAA to site operators. The Town and Country Planning (Safeguarded Aerodromes, Technical Sites and Military Explosives Storage Areas)(Scotland) Direction 2003 obliges a planning authority, before granting planning permission for the development of land forming the site or in the neighbourhood of an aerodrome for which a safeguarding map has been furnished to the authority, to the extent specified on such a map, to consult the airport operator. Inverness Airport is an officially safeguarded aerodrome in terms of the Direction.

25.2.6 This Circular states that local plans should indicate that officially safeguarded areas have been established for an airport, that certain planning applications will be the subject of consultation with the operator, and that there may be restrictions on building height or design, or development that might create a bird hazard. The outer boundary of the safeguarded areas should be indicated on local plan Proposals Maps, or in an annex to the plan. The plan should also state why an area has been officially safeguarded and that it is neither the responsibility nor the proposal of the planning authority. The modifications being proposed by the Council are also essentially consistent with the Circular. HIAL regards these as satisfactory in terms of protecting safeguarding interests.

### **Recommendation**

25.2.7 The proposed modifications should be accepted. To be consistent with my recommendation at paragraph 5.7.14 regarding the objection by the HSE, and with paragraph 25.2.6, the Analysis Map, in addition to showing the Safeguarding Areas, should include a note in the legend explaining the consultation arrangement that will apply in these areas.

## 25.3 EXTENSION TO DALCROSS INDUSTRIAL ESTATE

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**Objector: PDG Helicopters Ltd (213)**

**Procedure: Written submissions**

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### **Synopsis of objection**

25.3.1 The extension to Dalcross industrial Estate proposed in Policy 3:3(iv) would infringe on the objector's operations.

### **Brief summary of the main points raised by the objector**

25.3.2 PDG Helicopters occupies premises at the north-eastern edge of Dalcross Industrial Estate. Planning permission was granted for a helicopter landing base in 1987 (THC-16/10) and for expansion in 1995 (THC-16/11). While the company made its objection, it stated that it was exploring the possibility of negotiating a solution with the council. In the course of the inquiry, it reported it was optimistic that a solution could be achieved, but still wished its objection to be considered. The council owns the 10 ha site, which is let on a year-to-year agricultural tenancy.

### **Brief summary of the Council's response to the objection**

25.3.3 The objection site is the undeveloped part of 20 ha of land acquired by a predecessor planning authority for industrial development in 1971. Demand for industrial land in this area has accelerated since the Barmac yard at Ardersier closed in the late 1990s. The Council expects the 10 ha site to be required for development by 2011. While the industrial estate expansion site does not form part of the joint venture package proposed by the Council and its Economic Development Initiative partners, it has potential for development as part of an Airport "cluster" and the infrastructure provided for the Initiative's scheme will allow it to be fully serviced.

25.3.4 The current position, whereby the objector over-flies the Council's land, on a north-east/south-west path, enables helicopters to avoid flying over the developed part of the estate, in accordance with planning permission THC-16/10. When THC took that decision, it did not expect to need its land for 20 years. While any request for a right to over-fly might have been granted, this is unlikely to have been given in perpetuity. Operational criteria for the safe landing and take-off for helicopters is regulated by the CAA, and involves consultation with HIAL. As the company's current arrangements depend on being able to fly over virtually all of the Council's land, it would be unable to have access for helicopters to its own site if the 10 ha was developed. The Council values PDG's contribution to the local economy, and considers that development of the bulk of its land-holding at Dalcross, and the continued operation of the company's services, from its existing site are not incompatible.

25.3.5 Discussions as to how this situation might be resolved began in September 2002. (THC-16/8). It has been established, without prejudice to the position of either side, that a remote landing area on the outer (north-eastern) edge of the Industrial Estate expansion area, further back-up/storage and operational space at PDG's existing offices and servicing facility, with a lit taxi-way between, involving a land take of 1.9 ha, would accommodate the company's operations. A further 0.53 ha to the south east would be severed from the estate

and would be undevelopable without alternative access. Accordingly, 7.79 ha would remain for industrial development. This option has been the subject of consultation (THC-16/14) with the CAA and HIAL (its reply is THC-16/9) who are understood to regard it as acceptable in principle. The present flight-paths would be displaced further to the north-east, over land which is not allocated for development. It is for PDG to safeguard its position regarding any view the owner of that land might take.

25.3.6 THC undertook the negotiations and consultation reported above to satisfy itself that such an arrangement – in land use terms alone - could be acceptable to it, and to the objector, and to enable valuation of the Council’s land interests. The Council’s expectation was that the objector would investigate any costs it would incur if it elected to pursue this option. While the arrangement described would require planning permission, it could be compatible with industrial and distribution activities, and it is intended to continue negotiations when these matters have been investigated.

25.3.7 However, forfeiting 2.8 ha. of land in favour of the objector’s operation must not diminish the council’s asset or its entitlement to compensation. The entire 10 ha should therefore remain in the Policy 3:3(iii) allocation because, if PDG decided not to pursue the option identified above, the Council would be left unable to maximise the development potential of its land. A specific allocation of land for use as a helicopter landing facility would be unnecessarily restrictive. The same would apply if the allocation was not taken up.

## **Conclusions**

25.3.8 PDG Helicopters or a predecessor company has occupied premises adjoining the objection site since 1987. Highland Regional Council was aware when it granted planning permission for a helicopter landing site within the company’s yard that year that helicopters would over-fly the land, and the permission that was granted expressly prohibits over-flying the existing Estate. The evidence indicates that it is the company’s practice to over-fly the field, and it appears to rely on this. For its part, the Council has tolerated this situation, although no formal rights have ever been granted.

25.3.9 The objector’s concerns regarding the effect on the operation of its business are readily understandable. However, the issue before me is whether the 10 ha site is suitable for the purpose proposed in the local plan. This land is part of a larger area acquired for industrial development purposes by a previous planning authority. The adopted local plan describes the area as suitable as a longer term extension of the industrial estate. The objector does not argue that the 10 ha is unsuitable for this use, other than in terms of the consequences for its own operations.

25.3.10 There is no physical reason why an Estate extension on this land could not be laid out to accommodate PDG’s operations, particularly as the arrangement that has been discussed between the parties, and appears to be a practical proposition, is at the margins of the allocation. However, this can only be finalised when detailed plans for the Estate extension are drawn up. As there is scope for mutual accommodation, it would be unduly restrictive to curtail the proposed industrial allocation or for the local plan to specify that part must be set aside in perpetuity for a current occupier’s operation.

## **Recommendation**

25.3.11 The local plan should not be changed in response to this objection.







## 26. FORMER FABRICATION YARD AT ARDERSIER

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**Objectors: Mr J Brennan (22), Croy Community Council (251)\* , Mr T Fret (89), Mr S Lowe (152), Ms S Pledger (219), Ms E Ross (231), SNH (116)**

**Procedure: Public inquiry\* and written submissions**

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### Synopsis of objections

26.1 The SNH objection is that the DDILP policy regarding this site should be worded to protect European nature conservation interests in the IMF. The other objectors are concerned that the term “environmental technology” could allow a waste incinerator at the site.

### Background

26.2 Policy 3:6 in the A96 Corridor Chapter relates to the former Barmac oil fabrication yard at Ardersier. It states:

*“The established strategic industrial site at Ardersier, together with adjoining land allocated for industrial use, extends to some 320 ha. Substantial infrastructure including direct access to the A96 and a deep water berth provides a major opportunity for oilrig decommissioning or an environmental large-scale industrial/environmental technology purpose. The Council will keep under review the need for any remediation works or upgrading of services to equip the site for future use(s) including provision of a dedicated rail link, whilst at the same time protecting the nature conservation interest in the adjoining Moray Firth SPA”.*

26.3 In response to an objection from SEPA (subsequently withdrawn), the council agreed to modify the policy to refer to remediation works “*where necessary*”. It also agreed to add, after “*Moray Firth SPA*” the words “*and Ramsar site, the Moray Firth cSAC and Whiteness Head SSSI*”, and to amend the Proposals Map “*accordingly*”. However, it stated that the changes suggested by SNH represented the thrust of Policy BP4, and it was not necessary to refer to these again in similar terms. SNH “conditionally withdrew” its objection in response to the proposed modifications.

### Brief summary of the main points raised by objectors

#### *SNH*

26.4 This site includes parts of the IMF SPA and Ramsar site, the Moray Firth cSAC, and Whiteness Head SSSI. The policy should state that no development or operations damaging to the special interests of these areas will be permitted, unless for reasons of over-riding public interest, including those of a social or economic nature and there are no other alternatives. The Inset Proposals Map should identify these areas as Policy BP4 features.

#### *Mr J Brennan*

26.5 Scheduling this site for industrial or environmental technology is at variance with the intentions of the Development Order granted for the yard in 1972, against a background of

assurances to objecting wildlife bodies. A municipal waste incinerator, which the term “environmental technology” would allow, is unlikely to be consistent with the standards previously agreed with Barmac. The local plan should rule out any form of waste processing on the site, which is understood to extend to 149 ha.

#### *Croy Community Council*

26.6 The local plan leaves the way open for a waste incinerator at the yard. While it is reassuring that there is no specific proposal for an incinerator or a landfill site at present, this could be mooted in the future, causing traffic problems and potential pollution, smell and visual impact. Even if an “environmental technology” project could be undertaken safely, and other amenity problems satisfactorily addressed, traffic problems are inevitable.

#### *Mr Fret, Mr Lowe, Ms Pledger, and Ms Ross*

26.7 The term “environmental technology” would allow the establishment of an incinerator, and should be deleted.

### **Brief summary of the Council’s response to the objections**

26.8 Scottish Ministers, recognised the strategic importance of the yard when they approved the HSP. Redevelopment of this brownfield site would, with appropriate safeguards, lead to a net environmental improvement. “Environmental technology” is one of several possible options for the site. While this could include an EfW facility, subject to compatibility with environmental interests, it is intended also to cover uses such as wind turbine manufacture, environmental consultants, and downstream recycling processes, and should be retained, to help attract inward investment.

26.9 As matters stand, there is no specific proposal for an incinerator, or any other type of waste facility, on the site. Any proposal that did arise would have to meet strict environmental standards. Furthermore, THC wishes the A96 corridor to be an attractive environment, and is promoting an employment hub at the airport, as a springboard for longer-term housing development. “Bad neighbour” industrial activities or a landfill site at the yard would not be consistent with these aspirations. The latter could also inhibit expansion of the airport by increasing the risk of bird strike. Policy 3:6 relates to the 320 ha site that was leased by Barmac, to leave open the option for any future operator who might require improved access by sea. The allocation is therefore much larger than the former yard.

### **Conclusions**

26.10 Scottish Ministers, when they approved the HSP recognised the former Barmac yard as of strategic importance in the Highland and Scottish context as a major source of employment. It is desirable that this large brownfield site should be put to a suitable reuse.

26.11 The 320 ha site to which Policy 3:6 applies encompasses the entire area leased to Barmac, and is significantly larger than the former operational yard. The policy boundary is drawn to facilitate improved access by sea, if required. Affording this opportunity to a large coastal site is likely to improve its prospects of re-occupation. It ought to be supported in principle, provided that other interests are adequately safeguarded.

26.12 SNH has “conditionally withdrawn” its objection on the basis of the modifications proposed by the Council and included in the DDMILP, although these do not incorporate the wording SNH sought. However, it would be prudent, and consistent with my recommendation at paragraph 15.21 regarding Policy 2:23: Harbour, to reword the final part of the policy along lines similar to that previous recommendation. This further modification would also help to address, in part, Mr Brennan’s objection.

26.13 The Policy BP4 features at this site should be shown on the Inset Proposals Map, so that readers are aware of their presence, and the other policy implications that apply as a consequence.

26.14 I am not aware of a statutory definition of the term “environmental technology”. This could encompass a range of activities, including those identified by the Council, and by some objectors, whose concerns relate essentially to the prospect of waste management and disposal, particularly a waste incinerator.

26.15 Any specific development proposal that did arise, including for any form of waste treatment or management, would require to be assessed in the context of national and structure plan policies, and of other local plan policies; and to meet the technical and environmental standards applicable to the proposal concerned. These cover a wide range of considerations, including potential traffic implications. With these in place, I find no reason to exclude “environmental technology” from consideration as a potential use for this site.

## **Recommendations**

26.16 I recommend that:

- (1) the Inset Proposals Map is modified as shown in the DDMILP.
- (2) the text of the policy after “rail link” is deleted, and the wording along the following lines substituted:

*“Development will be subject to assessment of the effect on the Moray Firth cSAC and SPA and safeguards for the integrity of these interests where required. Where it is concluded that this integrity would be likely to be adversely affected, planning permission will only be granted if there are imperative reasons of overriding public interest”.*

## 27. MORAYHILL

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**Objectors: Croy Community Council (251) and SEPA (171)\***

**Procedures: Public inquiry\* and written submissions**

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### **Synopsis of objections**

27.1 Croy Community Council, which appeared at the inquiry regarding a similar objection relating to the former Barmac yard at Ardersier, objects that the local plan also leaves open the possibility for a future waste incinerator at this location. SEPA's objection is that connection to the public sewer should be a prerequisite for the industrial development that the local plan promotes at Morayhill.

### **Background**

27.2 Policy 3:7 in the A96 Corridor chapter proposes to allocate 12 ha of land to the east of an existing timber processing plant at Morayhill to the north of the A96, south-west of the Airport, "*for downstream or dependent activities and/or renewable energy production*". The policy also states that traffic assessment will be required to determine any requirement to upgrade access from the A96(T), and the impact of traffic generated on the capacity of junctions towards Inverness. In response to the objections, the Council agreed to add, after "*energy production*", the words "*subject to adequate drainage*".

### **Brief summary of the main points raised by objectors**

#### *Croy Community Council*

27.3 The Community Council did not add to the comments that it made regarding a similar issue at the former Barmac yard. These are reported at paragraph 26.6 *ibid.*

#### *SEPA*

27.4 SEPA's evidence regarding waste water treatment and disposal, reported in Chapter 4:10 *ibid.*, sets out the context for this objection. With regard to Morayhill in particular, it states that there is no public sewer at this location. The proposed modification does not adequately address SEPA's objection. It is unreasonable to promote a significant new area for industrial development without requiring connection to the public sewer. Allowing a multiplicity of private treatment works to deal with waste water from industrial processes could have significant environmental impacts, for the reasons previously explained.

### **Brief summary of the Council's response to the objections**

27.5 The Council also did not add to its comments regarding the possibility of a waste incinerator at the former Barmac yard. Its position regarding drainage is summarised in Chapter 4:10, and its suggestion for rewording Policy GP10 in paragraph 4.10.18. The Council does not propose any further changes to Policy 3:7 over and above those in the DDMILP.

## **Conclusions**

27.6 Croy Community Council does not object to any industrial use at this location in principle, but wishes a waste incinerator to be ruled out.

27.7 NPPG 6: Renewable Energy Developments states that the term renewable energy is used to cover those energy flows that occur naturally and repeatedly in the environment, from wind, the fall of water, the movement of oceans, and the sun. It acknowledges, under the heading Energy from Waste, that some waste-related developments have the potential to support other national and international policies and proposals, including the NWS, and that the significant matters to be considered include visual impact, noise, traffic generation and pollution control. The terms of the allocation proposed in the plan therefore encompass processes involving energy recovery from waste, including through incineration.

27.8 As I have concluded at paragraph 6.15, any development proposal in the field of renewable energy, or any other category of development that did arise, would require to be assessed against the technical and environmental standards applicable to the proposal concerned, and against relevant development plan policies, which include traffic considerations. With these in place, I find no reason to change the uses listed in the policy.

27.9 In considering SEPA's objection, I adopt my conclusions and recommendations at paragraphs 4.10.27-4.10.39 regarding the objections to Policy GP10. The Morayhill site is not connected to the public sewer, and the nearest public sewer to the site is at the Airport.

27.10 NPPG 15 states that the scope for new development opportunities in the countryside identified in local plans should be justifiable in environmental and infrastructure terms. New industrial development on an allocation of the scale proposed in the plan could produce large quantities of waste water, with qualitative parameters that are unknown at this stage.

27.11 The allocation would not affect SEPA's powers to restrict or control drainage arrangements. However, it would be unwise for the local plan to promote this allocation, if it is retained, without providing clearer guidance as to what the provision of "adequate drainage" is likely to require in practice. Accordingly, before deciding whether to confirm the allocation, it would be desirable for the Council should discuss this matter further with SEPA and Scottish Water based on the principles recommended at paragraph 4.10.39. If the allocation is confirmed, the plan should provide more specific guidance regarding drainage requirements.

## **Recommendation**

27.12 I recommend that:

- (1) if this allocation is retained, the uses listed in the policy are not changed.
- (2) before deciding whether to confirm the allocation, the Council should discuss drainage further with SEPA and Scottish Water based on the principles recommended at paragraph 4.10.39. If the allocation is confirmed, the plan should provide more specific guidance regarding drainage requirements.

## 28. LOCHSIDE

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**Objectors: Mrs M Carr (44) and SEPA (171)\***

**Procedure: Public inquiry\* and written submissions**

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### **Synopsis of objections**

28.1 Mrs Carr wishes Lochside House to be included within the settlement boundary at Lochside. SEPA objects to the proposed allocation of land at redundant poultry sheds for 8 houses, unless it is made clear that this site will not be developed until a public sewerage system is provided.

### **Factual background**

28.2 Lochside is located south of the A96(T) on the southern edge of Loch Flemington. In the Inset Proposals Map, Lochside House adjoins the settlement boundary, at the rear of a line of houses that are included in the boundary. The poultry sheds are at the northern end of the settlement, within the settlement boundary. Policy 1 proposes to allocate 1.1 ha of land on part of this site for 8 houses, subject to a number of requirements, including drainage, and safeguards for conservation interests in Loch Flemington SPA.

*Reporter's note:* Paragraph 5.1 of the plan refers to Loch Flemington as an SAC. THC has agreed to correct this factual error.

### **Brief summary of the main points raised by objectors**

*Mrs M Carr*

28.3 This objection is summarised at paragraph 28.1 above.

*SEPA*

28.4 Lochside does not have a sewerage system. The very sensitive Loch Flemington is close by. The DDILP identifies lack of a WWTP as an infrastructure constraint, and “a proliferation of septic tanks” as a restriction. Although drainage from the site is unlikely to be in connectivity with Loch Flemington, the lack of watercourses large enough to give dilution for a discharge to water, and the potential impact on ground water necessitate connection to the public sewer.

### **Brief summary of the Council's response to the objections**

28.5 The extension sought to the settlement boundary would deviate from the established linear settlement pattern. Any further housing would be best judged against the Housing in the Countryside Policy, which may offer very limited scope to round-off the existing housing grouping.

28.6 The Council's response to SEPA's objections regarding the principle of insisting on connection to the public sewer is reported in Chapter 4.10. With regard to Lochside in particular, it states the proposed allocation at the poultry sheds is subject to adequate drainage.

## **Conclusions**

28.7 While Lochside House is adjacent to a line of houses, the settlement form at Lochside is not wholly linear, and this broadens considerably at its eastern end. The house is set in spacious grounds with mature landscaping, adjoining the settlement boundary proposed in the plan. I conclude that it relates more closely in landscape terms to the identified settlement than to the countryside, and that it would be logical to include it in a settlement boundary at Lochside. Inclusion in the settlement boundary does not mean that further development will occur.

28.8 In considering SEPA's objection, I adopt my conclusions and recommendations at paragraphs 4.10.27-4.10.39 regarding the objections to Policy GP10. Loch Flemington is an SPA, and thus is affected by statutory provisions designed to protect European sites from development likely to adversely affect their integrity.

28.9 Lochside does not have a public sewerage system and existing development appears to rely on septic tanks. As there are no watercourses large enough to give dilution for a discharge to water, there is obvious potential for a private drainage system to have adverse effects on ground water. SEPA states that drainage from the poultry sheds site is unlikely to be in connectivity with the loch. However, while it is not clear whether ground water seepage would be likely to find its way to the loch, a requirement for connection to a public sewer has much to commend it in what is a sensitive location.

28.10 There is no suggestion that Scottish Water is likely to provide public sewerage at Lochside within the plan period. Accordingly, making connection to the public sewer a prerequisite of development could well make the allocation ineffective. This would not accord with SPP 3, and give rise to unrealistic expectations.

28.11 The poultry sheds allocation would not affect SEPA's statutory powers to restrict or control drainage arrangements. However, as with Morayhill, it would be unwise for the local plan to promote this allocation, if it is retained, without providing clearer guidance as to what the "drainage" proviso in Policy 5:1 is likely to involve in practice. Accordingly, before deciding whether to confirm the allocation, it would be desirable for the Council to discuss this further with SEPA and Scottish Water based on the principles recommended at paragraph 4.10.39. If the allocation is confirmed, the plan should provide more specific guidance regarding drainage requirements.

## **Recommendations**

28.12 I recommend that:

- (1) the Lochside Inset Proposals Map is modified to include Lochside House and its grounds in the settlement boundary.
- (2) before deciding whether to confirm the allocation, the Council should discuss drainage further with SEPA and Scottish Water based on the principles recommended at paragraph

4.10.39. If the allocation is confirmed, the plan should provide more specific guidance regarding drainage requirements.



## 29.1 HOUSING IN THE COUNTRYSIDE IN THE HINTERLAND - THE EVOLUTION AND CONTEXT OF POLICY

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### The local plan settlement hierarchy and its approach to Housing in the Countryside in the Hinterland

29.1.1 Paragraph 1.46(f) of the DDILP states, in relation to the Hinterland, that “*Careful analysis of past completions has pinpointed areas within 15-25 km of Inverness where sporadic housing development has mushroomed in recent years. Within acknowledged “pressurised” areas, a strong presumption should be applied against housing in the countryside where not required for occupational or related family need in order to protect rural resources, amenity and avoid unnecessary travel. There are limited opportunities to add dwellings in some of the smaller rural housing clusters*”.

29.1.2 An introductory table in the opening Hinterland Chapter, Chapter 6 (on page 57 of the DDILP) identifies 2 local centres - Beauly and Drumnadrochit – and 5 key villages - Ardersier (twice), Kirkhill, Kiltarlity, Croy and Dores. Culloden Moor, Clephanton, Daviot, Strathnairn (Invernarnie, Farr, Croftcroy), Tornagrain, Bunchrew, Inchmore, Lentrán, Dochgarroch, Lochend and Abriachan are identified as settlements.

**Reporter’s note:** As Tornagrain is in the A96 Corridor, its inclusion in the Hinterland list seems likely to be unintentional.

29.1.3 Paragraph 6.3 states that it is essential to protect the resources and amenity of the countryside and avoid unnecessary travel to work and services, and that “*Scope exists to strengthen the established pattern of rural building, but only where sites are specifically identified in the Plan*”.

29.1.4 Policy 6:1: Housing in the Countryside states:

*“Limited development of additional dwellings may be acceptable within the following settlements (the boundaries of which are identified on the Proposals Map). An indicative maximum additional capacity is given in brackets based on the existing settlement pattern:*

*Ardendrain (4), Balblair (5), Balnafaich (4), Beauly Braes (26), Cabrich (6), Cantray (north) (2), Cantraywood (6), Culburnie (7), Daviot East (8), Easter Clunes (3), Foxhole (5), Inchberry (3), Leanach (3), Lentrán House (4), Lentrán Station (3), Moy (3), Moy Hall (3), Nairnside (5), Newtonhill (4), Ruilick (3), Scaniport (3), Torness (2), Upper Myrtlefield (3).*

*Some residential development associated with other smaller housing groups may also be acceptable.*

*The Council will establish a presumption against the development of new dwellings and conversion of non-traditional buildings for housing purposes in the open countryside unless the proposal either:*

- *relates to the management of land;*

- *is required for family purposes related to the management of land;*
- *comprises conversion of a building of traditional design; or*
- *is to be developed by a social housing agency to meet demonstrated local affordable housing need.*

*All proposals within the Hinterland must also comply with the terms of the Structure Plan General Strategic Policies, in particular Policy G2 design for sustainability”*

Inset Proposals Maps show a settlement boundary at the locations listed in the policy, but do not identify specific sites for additional houses.

**Reporter’s note:** Policy 3:2 sets out essentially the same policy for the A96 Corridor, where Flemington House (3) and Gollanfield (4) are listed as settlements, with some residential development regarded as possibly also acceptable in smaller, unidentified housing groups.

29.1.5 The proposed modifications include deleting Lentrane House and Nairnside from the locations listed as settlements in Policy 6:1, and extending the settlement boundary at Cabrich and Daviot East. The Inset Proposals Maps Contents page in the DDILP and in the DDMILP lists key villages and settlements under the heading “Small Settlements” and those listed in Policy 6:1 under the heading “Housing Groups”.

### **National policy**

29.1.6 At the time of the inquiry, national planning policy guidance regarding housing in the countryside was contained in NPPG 15 and SPP 3. NPPG 15 suggests a typology of commuter, intermediate and remote areas. Respectively, these are less than 1 hour travel time (by road or rail); typically 1-2 hours travel time; and more than 2 hours travel time, from a principal centre. Paragraph 27 states that Government policy (at that time contained in NPPG 3) is to generally restrict new house building in the open countryside and to focus new development in areas where it can be accommodated in terms of access, infrastructure, landscape and habitat conservation. It expects planning authorities that identify a need for new opportunities for small groups or individual houses in the countryside in development plans to ensure (among other things) that these respect the inherent character of the area concerned, and match local infrastructure capacity.

29.1.7 SPP 3 states that where possible, most housing requirements should be met within or adjacent to existing settlements. However, it recognises that changes in farming and the rural economy mean that some aspects of policy on housing in the countryside need adjustment; and in some areas, particularly those categorised in NPPG 15 as intermediate and remote, new housing outwith settlements may have a part to play in economic regeneration and environmental renewal. It also recognises that proactive measures to help increase the resident population could assist economic and social regeneration, and that a dispersed settlement pattern is already an established feature of the landscape and economy in crofting areas. Paragraph 55 reiterates the thrust of the advice in paragraph 27 of NPPG 15.

### **The Highland Structure Plan**

29.1.8 The HSP deals with Housing in the Countryside in paragraphs 2.2.8-2.2.11 and Policy H3. Paragraph 2.2.8 states that, although many parts of the Highland countryside have been subject to long-term depopulation, in areas within commuting distance of Inverness,

there has been a substantial inward movement of people. *“While there are potential benefits from some of these new developments, the cumulative impact of individual houses in the countryside is undermining the character of certain rural areas, increasing house prices to the disadvantage of local people, increasing the need to travel and increasing demand for infrastructure services .... All this is contrary to the move towards sustainable development”*.

29.1.9 Paragraph 2.2.9 states it is national policy that isolated development in the open countryside should be discouraged and development directed to existing settlements, and that this is very much the thrust of the Structure Plan strategy. However, it goes on to recognise that there may be circumstances where there is a need for new housing in the countryside. *“These are likely to be exceptional and would apply to those managing the land, or family purposes associated with that, such as retired farmers or their spouses. In such circumstances, permission would be subject to an occupancy condition...”* The HSP also accepts, in paragraph 2.2.10, that there is also a case for housing which supports the maintenance of rural communities and services and where the existing settlement pattern or development constraints would warrant the development of sites in the open countryside. Paragraph 2.2.11 refers to an argument, within areas subject to commuter housing pressure, particularly in the Inner Moray Firth, that the release of sites in the countryside can assist local people in accessing affordable housing. However, it concludes that *“ideally provision for affordable housing should be made in settlements where day to day services can be easily accessed without incurring additional transport costs”*.

29.1.10 Policy H3 Housing in the Countryside states:

*“Housing development will generally be within existing and planned new settlements. In the hinterland of towns, indicated in Figure 9 and subsequently defined in Local Plans, new housing and conversions of non-traditional buildings in the open countryside will not be permitted, unless it can be demonstrated that it is required for the management of the land and related family purposes. Exceptions may also be made for social housing providers in meeting demonstrated local affordable housing needs that cannot be met within settlements. Elsewhere housing of an appropriate location, scale, design and materials may be acceptable where it supports communities experiencing difficulty in maintaining population and services. In crofting townships, new housing will need to respect the existing patterns of development”*.

### **Consultation Draft SPP 15**

29.1.11 The Consultation Draft SPP 15 of January 2004 states that SPP 3 remains the first point of reference on the general policy for housing; and that *“This SPP”* advances policy in respect of small scale rural housing developments, including clusters and groups in close proximity to settlements; replacement houses; plots on which to build individually designed houses; and holiday homes. *“The overall message is that there is considerable scope for allowing more housing developments of this nature and that this should be expressed in development plans, either as part of a general settlement policy or as a separate sub-set on rural housing policy”*. Paragraph 21 states that the amount and location of housing that can be developed in rural areas is determined by a number of factors, including proximity to services e.g. schools, shops (ideally within walking or cycling distance); ease of access; and drainage or sewerage capacity; and that fit in the landscape will be an important consideration. Paragraph 22 states that planning authorities should set out criteria where

houses on land not identified in development plans, outwith main settlements, will be acceptable, and that clusters and groups of dwellings could be feasible in helping to meet previously unsatisfied demand.

### **The Highland Council's account of the evolution and intended application of the local plan's Housing in the Countryside policy in the Hinterland**

29.1.12 Highland planning authorities have always sought to apply a more permissive policy to housing in the countryside than advocated in national guidance. This has been driven by history, fears about depopulation, a lack of a reliable economic base, the poor quality of agricultural land, and perhaps by resentment of control from outwith the area. Gifting plots to relatives and selling plots to other local people below market price is seen as securing affordable housing, keeping young people in communities, and supporting local tradespeople.

29.1.13 The CDLP proposed a presumption against housing in the open countryside in the Hinterland. In 24 "housing groups", including Balnafoich, Cabrich, Craggiemore (Daviot East in the DDILP), Culburnie, Easter Clunes, Leanach, Myrtlefield, Nairnside, and Scaniport, it stated that development might be acceptable, and that suitably designed proposals would be supported if these were consistent with Housing and General Policies in the Structure Plan and met certain amenity and servicing criteria. Elsewhere in the Hinterland, a presumption against additional dwellings was proposed, unless these related to the management of land (and family purposes) in which case a condition of occupancy would be applied; involved affordable housing for local needs provided by a social housing provider; or comprised refurbishment of traditional buildings. Detailed inset maps for "groups" were not provided, but the boundaries of each group appeared on the overall Proposals Map.

29.1.14 The vast majority of responses to the CDLP sought a more permissive housing in the countryside policy, that the DDILP reflects lengthy discussions with local communities and the SE, and that it represents a reasonable compromise between economic growth and environmental protection. National policy on housing in the countryside has also shifted from the restrictive regime promoted by Government in the 1990s, and SPP 3 has a significant change in tone compared with NPPG 3. The SE's latest statement on this issue, in the Consultation Draft SPP 15, urges planning authorities to adopt a much more positive approach to housing development in the countryside, even within areas of relatively high demand, provided there is no net detriment to the environment.

29.1.15 The DPPG on Housing in the Countryside (THC-17/1) of May 2002 contains a more detailed interpretation of HSP Policy H3. This was drafted after discussions with SE Planning officials and defines "existing settlements" as:

- those identified through the HSP and local plan settlement hierarchies (based on the provision of services);
- groups of houses which have one or more of the following facilities: mains drainage or a scheme in SW's 3-year plan; a public septic tank; street lighting; a 30 mph speed limit; a school, a doctor's surgery, a shop, a post office, a petrol filling station, a public hall, or a pub;
- established groups which comprise cluster, linear, or other recognisable forms of building without such a facility, but which are contained within a clear visual envelope; or
- dispersed grouping with a crofting settlement pattern.

29.1.16 The DPPG makes clear that such settlements are only to be defined where there are opportunities to make use of spare capacity to accommodate new housing, and where this would be consistent with, or enhance, the cohesiveness and visual appearance of the group. Generally, this will be within the existing boundary of the group, although there may be opportunities for some limited extension where the development will help to enhance the appearance of the group as a whole. Open countryside is all land outside the boundaries of defined existing settlements.

29.1.17 The report to the City of Inverness and Area Planning (Policy), Development, Europe and Tourism Committee of August 2003 (THC-17/6) followed a request from elected councillors for a more positive presumption in favour of housing in the countryside. The SE Chief Planner had previously advised that the SE would not support a permissive policy in the open countryside, but regarded the NPPG as the best possible interpretation of national policy within Highland.

29.1.18 The Council classified and then selected potential housing in the countryside settlements on the following basis. Residential addresses were plotted, and potential groups and settlements ringed for further investigation and survey. The DPPG criteria were then used to sieve out locations that the Council considered should be classed as settlements, and servicing and landscape capacity checks made for these. Locations with capacity were given a boundary, and (at DDILP stage) an indicative maximum additional capacity figure. Boundaries were drawn to allow further development, but within the existing visual envelope, and in keeping with the existing pattern of building and servicing and landscape capacity. The indicative maximum capacity figure equates to about 25% of the existing houses within the boundary in early 2002. The aim is to allow development similar in pattern to that which exists, for example “rounding-off” the more tightly related clusters of houses, or additional, single, well spaced dwellings in the settlements with a more dispersed crofting type pattern. Any permissions granted since 29 May 2002 (when the DDILP was approved for publication) count against the indicative maximum additional capacity figure. Locations such as Balnafoich, Cabrich, Daviot East, Culburnie, and Easter Clunes were classified as having a dispersed settlement pattern. Daviot East also has a commercial facility, a public house, as does Leanach, which has a tighter knit, clustered pattern. Blackpark does not meet the classification criteria.

29.1.19 The complaint that landownership or crofting township boundaries have not been followed in defining settlements misunderstands the purpose of the boundary, which is to indicate where development may be acceptable, subject to site-specific considerations. Boundaries have been drawn tightly around the limits of existing development and even around the core of some settlements with the aim of controlling a sprawl of new houses.



## **29.2 OBJECTIONS RELATING TO THE POLICY APPROACH TO INDIVIDUAL AND DISPERSED HOUSES IN THE COUNTRYSIDE IN THE HINTERLAND AND TO INDICATIVE MAXIMUM CAPACITIES IN POLICY 6:1 LOCATIONS**

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**Objectors: Kiltarlity Community Council (180)\*, Strathnairn Community Council (185)  
Procedures: Public inquiry\* and written submissions**

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### **Synopsis of objections**

29.2.1 These objections wish the local plan to be supportive of single or dispersed houses in the countryside in the Hinterland.

### **Brief summary of the main points raised by the objectors**

#### *Kiltarlity Community Council*

29.2.2 Most of the “countryside” in the Community Council’s area (shown in 180/2) is in the Hinterland. Provided accepted planning standards are met, the Community Council supports single plot development in the Hinterland countryside, including in the smaller settlements listed in Policy 6:1. This would reflect the traditional crofting settlement pattern, help to reduce the rate of development in larger settlements, and help make housing more widely available. Planning conditions, if rigidly applied, could prevent the scale and type of undesirable rural development the local plan’s “blanket ban” on houses outwith identified locations is seeking to prevent. The enforceability and practicality of the “land management” condition is also questionable. Extending the RDA boundary, where a more relaxed Housing in the Countryside policy applies, or widening the definition of “affordable housing” to include self-build plots, would help to resolve the objection.

29.2.3 The Community Council is also opposed to the identification of an indicative maximum additional capacity figure in the locations listed in Policy 6:1. It considers this is likely to result in a rush to submit applications and that it implies a rigidity of approach.

#### *Strathnairn Community Council*

29.2.4 The housing pattern at Strathnairn relates to adequate private water supplies and good drainage. The Hinterland Chapter should be amended to acknowledge the very special nature of traditional residential development there, which has always been ribbon in nature, due to its peculiar topography as a narrow strip of land along the River Nairn. Allowing scattered housing where and when need arises is preferable and less obtrusive than creating “urban” areas out of small settlements such as Farr, Inverarnie, Nairnside, Balnafoich, West Daviot and Leanach. Assuming that these have scope for expansion, because they exist, misses the strategic point that their size is limited by restricted services. PAN 44: Fitting New Housing Development into the Landscape states that housing should be appropriately sited and designed, and new developments considered carefully in relation to what is already there.

## **Brief summary of the Council's response to the objections**

29.2.5 As far as the first of these objections is concerned, meeting housing demand solely by single houses in the countryside does not represent good planning practice, or comply with SE guidance, and a policy that allowed single houses anywhere in the open countryside would be overly permissive. The local plan does not support multiple house applications in the countryside, unless as acceptable rounding-off or infill of tightly knit housing areas, nor does it support multiple house developments in dispersed crofting type pattern areas.

29.2.6 The indicative maximum additional capacity figures equate to 25% (to the nearest whole number) of the number of houses existing or with planning permission at the date the plan was approved for deposit (29 May 2002). Paragraph 1.46(a) explains, in the context of villages, that this 25% approach is intended to avoid the problems caused by an excessive rate of growth within any community.

29.2.7 Turning to the second objection, servicing limitations and the undulating and wooded nature of the landscape in Strathnairn make dispersed single plot developments easier to accommodate. However, new housing should be concentrated as close as possible to the focus of commercial and community facilities in order to help underpin those facilities, and to minimise unnecessary car-borne travel. The DDMILP proposes separate policy coverage and mapping of Inverarnie, Farr and Broomhill/Croftcroy. Allowing a small amount of additional development within existing settlements like Balnafoich and Leanach seeks to direct growth to appropriate locations. Their indicative maximum capacities equate to less than one house per year over the plan period. This does not amount to "increasing urbanisation".

## **Conclusions**

29.2.8 I adopt the account in Chapter 29.1 of the evolution and context of the local plan's policy regarding housing in the countryside.

29.2.9 In order to be adopted, the local plan requires to conform to the approved structure plan. PAN 49 confirms that local plans must also take account, among other things, of national planning policy guidance. It also makes clear that any apparent variance with national or approved structure plan policy needs careful explanation and justification.

29.2.10 SPP 15 advances policy in respect of small-scale housing development, including clusters and groups close to settlements, plots on which to build individually designed houses, and holiday homes. It sees considerable scope for allowing more developments of this nature and considers this should be expressed in development plans. However, as a consultation draft document, its terms remain subject to change, and it will only amount to national policy guidance when a finalised document is published.

29.2.11 Current national policy guidance regarding housing in the countryside is contained in NPPG 15 and SPP 3. These documents confirm that it is national policy, other than possibly in areas of the type that NPPG 15 categorises as intermediate or remote, to generally restrict new housebuilding in open countryside. It is also national policy to seek to meet housing requirements in or adjacent to existing settlements where possible. A local plan policy that allowed or encouraged individual houses in open countryside, other than in the circumstances described above, would not accord with current national policy.



29.2.12 When the HSP was approved, NPPG 3 represented national planning policy regarding housing in the countryside. However, the structure plan also reflects the current national policy approach, in SPP 3, and paragraph 2.2.9 confirms it is the thrust of the plan's strategy that isolated development in the open countryside should be discouraged, and development directed to existing settlements. To this end, Policy H3 requires housing development in Highland generally to be within existing and planned new settlements. In the hinterland around towns, it countenances new housing and conversions of non-traditional buildings in the open countryside only in specified exceptional circumstances. This policy is prompted, at least in part, by concern that the cumulative impact of individual houses in the countryside is undermining the character of certain rural areas.

29.2.13 In common with national guidance, the HSP does not define "isolated development", or "open countryside". However, having had regard to the context in which these terms are set, I conclude that they encompass individual houses in the countryside, set apart from other houses, at least outwith a discernible settlement grouping.

29.2.14 Figure 9 in the HSP reflects the plan's intention, explained in paragraphs 2.2.8-2.2.9, that housing in the countryside within commuting distance of Inverness should be carefully controlled. The hinterland areas in Figure 9, including around Inverness, are indicative, and diagrammatic in nature, and Policy H3 expressly delegates the definition of boundaries to local plans. That said, I am satisfied that those parts of the Kiltarlity and Strathnairn Community Council areas that the local plan includes in the Hinterland are within commuting distance of Inverness, both in practical terms, and in terms of the categorisation in NPPG 15. This conclusion is consistent with paragraph 1.46(f) of the plan, which describes areas within 15-25 km of the City as "pressurised" and as having experienced a mushrooming of sporadic housing development in recent years.

29.2.15 Policy H3 regards housing in the countryside as also possibly acceptable in principle where it supports communities experiencing difficulty in maintaining population and services. The evidence indicates that the areas that are the subject of these objections are not experiencing this difficulty, but rather development pressures.

29.2.16 It is established planning practice to impose occupancy conditions where houses are allowed for land management reasons, or because of other operational needs. There is no reason why this approach should pose insurmountable difficulties here.

29.2.17 The HSP also expects provision for affordable housing to be made in settlements, where day to day services can be easily accessed without incurring additional transport costs. Policy H3 allows exceptions for affordable housing in the countryside in meeting demonstrated needs, where these cannot be met within settlements. The local plan provides affordable housing opportunities in the Kiltarlity area within settlements, and there is no documentary evidence that these opportunities are insufficient. That said, the HSP definition of affordable housing tenures includes owner occupation. I have already recommended - at paragraph 4.5.48(4) - that the Council considers including a glossary in the local plan consistent with the HSP. If self-build plots were to be included in this, a mechanism should be put in place whereby these could be retained as "affordable" units in perpetuity.

29.2.18 The argument (also expressed at the inquiry by objector 182 in relation to Cabrich) that identifying an indicative maximum additional capacity at Policy 6:1 locations would be self-fulfilling, and prompt a "first come, first served" approach, is understandable. However,

the scope for accommodating additional development will vary between locations because of their differing circumstances. I conclude that, **if** Policy 6:1 locations are retained, there should be an indicative maximum figure, to provide a clear basis for consistent development control decisions, and to avoid cumulative incremental growth that could transform their character. To be workable, a base date from which this figure would apply would also be required.

29.2.19 Drawing these matters together, I conclude that a policy that allowed singly or individually dispersed houses in the open countryside in the Hinterland, even if carefully sited and well-designed, would not accord with national or HSP policy. Having had regard to my previous conclusions, and to the arguments advanced, I am not persuaded that this higher level guidance should not apply to the areas concerned.

### **Recommendation**

29.2.20 The local plan should not be changed to allow individually dispersed houses in the countryside in the Hinterland.

## 29.3 UPPER MYRTLEFIELD

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**Objectors: Mr Cargill (43), Mr Coull (59), Mr & Mrs Duncan (68), Mr Johnston (126), Mr & Mrs MacDonald (165), Mr & Mrs Lee (144)**

**Procedure: Public inquiry**

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### Synopsis of objections

29.3.1 Upper Myrtlefield should not be identified as a settlement with capacity for additional housing development. The Inset Proposals Map, on which this intention is based, is inaccurate and gives a misleading impression of the situation on the ground. The boundary is arbitrary and seems to have been drawn specifically to accommodate further applications, although development at this location has previously been resisted.

### Factual background

29.3.2 Policy 6:1 of the DDILP identifies Upper Myrtlefield, which comprises 12 houses situated to the south of the B9006 to the east of the C13 to Nairnside, as a settlement with an indicative maximum additional capacity of 3 houses. All but one of the houses, Myrtlefield Cottage, were built between 1987 and 2002. An Inset Proposals Map shows a settlement boundary drawn around the sites of the 12 houses, but only 8 houses are shown. Access from the C13 to Nairnside is via the U289, an adopted unlit single-track road without footways. Mrs S McRae and family owned a house at Highfield, within the proposed settlement boundary, and continue to own land around it (shaded pink in McR5). At the time of the inquiry, outline applications for 3 house plots on their land had been submitted.

### Brief summary of the main points raised by the objectors

29.3.3 Upper Myrtlefield is unsuitable for further housing. It grew in an *ad hoc* fashion during the 1990s, but has no planning status as a settlement, and was clearly never intended to be one. The access road from the Nairnside road is only 3 m wide in places, with 3 acute bends, which are not intervisible, only one formal passing place, open ditches on each side, localised flooding, and is frequently used for horse riding. Any increase in use would increase the risk of accidents. The traffic survey on 10 February 2004 (McR6) at the junction of the C13 and the U289 gives a “snapshot” picture, in winter, predates recent development at Nairnside, and is not necessarily representative of traffic conditions at other times. THC’s Area Roads Manager indicates only that some improvements could be made.

29.3.4 The procedures THC used to identify a “settlement boundary” at Upper Myrtlefield appear arbitrary, to say the least. Planning authorities are required to base their local plan maps on the Ordnance Survey Map, i.e. the most up-to-date map available, and to undertake a survey in preparing the plan. The DDILP Inset Proposals Map is based on an outdated OS map, which was not the latest available to the Council at that time (277/6 and 277/7). Anyone undertaking a survey would have seen that the plan omits 4 (37%) of the existing houses, and that the boundary would run through an existing house at Hillside. The omission of some houses, and large spaces on the Map, would have made 3 additional houses look more acceptable. In reality, the claimed additional capacity has already been used up. As THC’s Director of Planning and Development advised that elected councillors were never told of the

actual position on the ground, they would have been unaware that the Inset plan was inaccurate. The DDILP boundary, as drawn, could also allow more than 3 house plots. A “tight” boundary would exclude the field in front of Highfield. An alternative boundary would exclude undeveloped land between Hillside, Drynie lodge, and Highfield. The Reporter who dismissed an appeal in 2001 against the refusal of permission by THC for a house here (277/4) concluded that earlier proposal was contrary to development plan policies.

29.3.5 Identifying Upper Myrtlefield as a settlement does not accord with SPP 3, which requires planning authorities to guide housing development to the right places. It emphasises ease of access by public transport, integration into walking and cycling networks, and a presumption in favour of redeveloping sites and of developing extensions to settlements and new settlements in a sustainable way. It expects housing demand in rural areas to be met in towns and villages, and that support should be given to rural communities and local services. Upper Myrtlefield has no bus services, or local services, and relies wholly on Inverness. There are also no bus services to Nairnside. THC agrees that deleting 3 house plots would not affect the ability to meet HSP housing land requirements.

29.3.6 While Upper Myrtlefield could accept further housing development in landscape terms, and could accommodate drainage from 3 additional houses, this would encourage car use and would not satisfy the sustainability objectives reflected in HSP policies. Policy H2 indicates that a “new settlement” would require 500-1000 houses, and should also meet sustainability objectives. The Reporter who determined the 2001 appeal found a proposal for one house “in particular” contrary to Policy H3 and regarded Upper Myrtlefield as “an enclave of scattered housing”. Its physical characteristics and setting have not changed since then. The only change that has occurred is that large scale housing allocations are proposed in the vicinity. Firthview-Woodside, 300-400 m to the north, will include individual house plots, albeit with a different ambience.

29.3.7 There is no justification for THC’s change of attitude from refusing an application for one house for 7 reasons in 2000, to suggesting that it is suitable for 3 houses now. If it was not for the boundary, housing development here would be totally contrary to national and HSP policy, and to the first paragraph of Policy 6:1. Omitting a boundary would leave any proposals to be considered, on their merits, in terms of the third paragraph of the policy. THC-17/6 explains that the SE Chief Planner offered no support for a permissive policy around Inverness. THC-17/1 is only the Council’s interpretation of what constitutes a settlement, and its criteria are selective. NPPG 15 ought to be given far more weight than the Consultation Draft SPP 15, which is subject to change. NPPG 15 includes “small settlement clusters” as a potential focus for new development “*where employment, housing and other services can be provided close together*”. This implies community services, and clusters of a certain size. It also defines settlements in commuter areas as ranging from small villages to towns of around 10,000 population.

### **Brief summary of the Council’s response to the objections**

29.3.8 The local plan’s approach to Housing in the Countryside and its application to Upper Myrtlefield wholly accord with the SE’s latest guidance on this issue. The CDLP identified “Myrtlefield” as a housing in the countryside settlement group, but without a detailed Inset Map. Representations from local residents that further housing would be contrary to national policy were rejected. The Council remains of the view that Upper Myrtlefield should be

classified as a settlement and that the land within the boundary in the DDILP has sufficient landscape and servicing capacity to accommodate up to 3 house plots over a 10 year period.

29.3.9 The DDILP and DDMILP do not use the most up-to-date OS base map data that was available. Updating base data for each draft and for all Insets, would have been time consuming. However, the Council accepts that Inset Proposals Maps should use up-to-date OS information. It proposes this should be the date the relevant Committee(s) approve the next version of the plan, and that the Maps should give the date of the OS data used. Manual updates of the OS base are impractical in resource terms for a plan of this size and with a large number of allocations. The Council also accepts that the Upper Myrtlefield settlement boundary should be amended to coincide with the south-eastern edge of the house at Hillside, or its plot boundary, whichever is more logical on the ground. It also intends the plan to state that the 25% growth and maximum additional development capacity allowances are based on the number of existing houses and extant planning permissions as at 29 May 2002, the date that the DDILP was approved for public deposit. Other consequential amendments will also be required (e.g. to page 57 of the DDILP) for consistency.

29.3.10 A planning authority wishing to “inflate” the potential for further development on the basis of a 25% growth rate would have over-estimated the number of existing houses. Most of the members of the Inverness Area Committee that endorsed the policy approach to Upper Myrtlefield were well aware of the number and location of houses there. These were made clear in May 2000 (THC-17/10) when 9 members also attended a site visit (THC-17/11) and on subsequent occasions (THC-17/12 and THC-17/13). However, whether the OS base is up-to-date does not materially affect the justification for the policy boundary or development capacity. Upper Myrtlefield is a settlement in terms of THC-17/1 because of its established, clustered development pattern and mains drainage. It is listed in Policy 6:1 because it is considered to have capacity for limited development. The boundary is drawn to allow rounding-off in keeping with the existing pattern of building and the scale of spare servicing capacity, principally access. Although the U289 is only 2.8 m wide with 2-3 m wide verges, and thus below the 3.3 m width with 2 m verges in the Council’s Road Guidelines for New Developments (McR10), many Highland roads do not meet these standards. THC’s Area Roads Engineer considers that 3 houses could be accommodated without detriment to the safety of cyclists and pedestrians, to emergency vehicle access, and without additional passing places or widening (McR12).

29.3.11 Three house plots could also be accommodated within the settlement boundary shown in the plan, without detracting from the landscape (THC-17/5). The DPPG on Residential Standards (McR23) is not part of the DDILP, and has very little weight in the Inverness Area, but any applications would require to satisfy HSP Policies G1 and G2. The south-eastern settlement boundary runs in a straight line between Highfield and Hillside, although a more logical boundary might have been wider. However, it was concluded at CDLP stage that the Myrtlefield group, like many other housing in the countryside settlements, should have a tighter boundary, around existing development. A boundary running along the road from Hillside to Drynie Lodge, and then down to Highfield would be far more illogical and would exclude a site surrounded by existing development. The rate of development envisaged in the plan is lower than the rate since 1987.

29.3.12 The Reporter who allowed an appeal for a house at Upper Myrtlefield in 1991 concluded this would be acceptable in road capacity and visual terms, and that further development would be in keeping with the existing settlement pattern. The 2001 decision

was made in a relative policy vacuum. The Reporter was concerned that sustaining the appeal then would pre-empt the new local plan, which had not been published in consultative draft form. The replacement plan has now progressed much further and the adopted plan is more dated. SE guidance has also changed considerably since 2001. While removing 3 houses at Upper Myrtlefield from the land supply would slightly reduce housing choice in the local plan area as a whole, removing all the potential house sites in the housing in the countryside settlements would not affect the ability to meet HSP requirements in numerical terms.

### **Brief summary of evidence for Mrs S McRae and family**

29.3.13 The DDILP accords with the overarching aim in paragraph 7 of SPP 15, and with SPP 3 regarding small-scale housing development in clusters and groups close to settlements. Upper Myrtlefield is a settlement in terms of the criteria in THC-17/1, with pleasant houses in large gardens, in a rural setting, and an established quality of residential amenity. Deleting the Policy 6:1 approach to settlements would leave the way open for *ad hoc* development in the countryside around Inverness.

29.3.14 The 1.8 ha of undeveloped land within the settlement boundary could accommodate 3 house plots similar in size to existing plots, which are mostly between 0.3-0.4 ha, with individually designed houses in keeping with their surroundings, and in accordance with the guidance in SPP 3 regarding design, siting and layout. The principles in PAN 67: Housing Quality (McR3), and the residential amenity criteria in HSP Policy G2, could also be met, as could the criteria in the DPPG on Residential Standards. The process described in THC-17/1 conforms to Policy G2 and rounding off existing housing groups has always been regarded as part of a sustainable approach. Upper Myrtlefield has utility services, an adopted road, and reasonable access to schools. In order to “disconform” to the policy, further housing would have to be significantly detrimental in terms of residential amenity or service provision. The Reporter who determined the 1991 appeal found no substance in amenity arguments, although it is acknowledged that members of the McRae family have opposed housing development at Upper Myrtlefield in the past. Plots on “volume builder” developments allow only a narrow range of house types and do not meet the high demand for self-build plots around Inverness.

29.3.15 The 63 vehicles recorded on the C13 between 8-9.15 am in the traffic survey are well within the road’s capacity and do not suggest it is used as a rat run. Its good alignment and, frequent, intervisible passing places, are likely to place it at the upper range of single track road capacity, which is equivalent to 100 vehicles per hour. The 6 cars that emerged from Upper Myrtlefield are what would be expected from 11 houses. While the survey covered a short period, it was done on a weekday, at a peak time, and during the school term. Vehicle speeds were moderate, and cyclists and pedestrians should have no difficulty, despite the lack of footways or cyclepaths. Visibility along the C13 for vehicles emerging from Upper Myrtlefield is good, and localised widening allows manoeuvring at the junction.

29.3.16 The Council’s standards take account of access for emergency vehicles, and consider that up to 20 houses can be served by a cul-de-sac. Widening at bends, and the cul-de-sac turning head, provide 10 opportunities for vehicles to pass along what is an 800 m long road. This exceeds the standard of 7 passing places/km in McR10. Passing places are intervisible. The tortuous alignment beyond Hightor should keep traffic speeds low. The Council’s visibility standards are based on a design speed of 100 kph (60 mph) which will never be reached. Conditions on planning permissions could require achievable sightlines to

be maintained. It would also be open to THC to serve a notice under section 83 of the Roads (Scotland) Act 1984 requiring landowners to remove vegetation restricting visibility.

29.3.17 McR11 shows that there were no recorded accidents on the U289 or at the C13 junction, and 4 damage-only accidents (only one involving 2 vehicles) on the C13 in the period 1999-2003. The 2 additional emerging vehicles that would be generated by 3 additional houses in the morning “peak” would not compromise safety and would have a minimal effect at the junction. The Area Roads Manager did not object to any of the recent applications for house plots. The Roads Engineer’s view in 1990 (THC-17/14) was that the U289 was not suitable for “continuous roadside development”. This would not arise with 3 additional plots, and these could be provided with satisfactory access and parking. One would share the driveway to Highfield, where McR18 illustrates a possible improvement at the driveway entrance that would benefit all users.

29.3.18 Three house plots could also be developed, at least without any detrimental impact on local surface water drainage conditions elsewhere at Upper Myrtlefield, and could possibly secure improvements. THC has accepted the SUDS design solution and calculations in McR15. Circumstances have not changed since this work was done in June 2003, using BRE rainfall data. Its conclusions hold good for other locations within the settlement boundary. Controlling surface water run-off, and releasing it gradually to watercourses is good practice. Roadside ditches in rural locations often fill up in heavy rain. It is unclear how long the conditions shown in the photographs in 277/17 lasted and the ditches do not look recently maintained.

## **Conclusions**

29.3.19 I adopt the account in Chapter 29.1 of the evolution and context of the local plan’s policy regarding housing in the countryside, together with my conclusions at paragraphs 29.2.9-29.2.15 and 29.2.19. For the reasons stated, I concluded there that a local plan policy that countenanced new houses or the conversion of non-traditional buildings in open countryside in the Hinterland would not conform to HSP Policy H3. Paragraph 6.3 of the DDILP regards it as essential to protect the resources and amenity of the countryside, and to avoid unnecessary travel to work and services.

29.3.20 In addition to not defining “open countryside” or “isolated development”, the HSP does not define what it regards as a “settlement”. However carefully drawn, a boundary *per se* does not make a location a settlement. What ought to be regarded as constituting a settlement for local plan policy purposes is a matter of fact and degree, and ultimately judgement. It will reflect a range of factors, including size, character, and, in some cases, the existence, or otherwise, of services and facilities.

29.3.21 THC states that THC-17/1 represents the council’s “interpretation” of Policy H3, and its approach to settlement definition. However, in common with views attributed to SE officials, THC-17/1 does not alter the terms of the HSP, or of national policy.

29.3.22 The evolution of Policy 6:1, and the fact that the CDLP referred to locations listed in this policy as groups, may explain why the local plan is not consistent throughout in the terms in which it describes these locations.

29.3.23 PAN 49 regards it as critical for policies to be framed so that, among other things, they are expressed in simple and unambiguous terms. I conclude, having had regard to the terms of HSP Policy H3, that using the term “settlement” in Policy 6:1, under the heading of Housing in the Countryside, introduces a degree of ambiguity. This is unhelpful, and is likely to cause difficulties in interpreting and applying the policy in practice. It also overlaps with the remainder of the settlement hierarchy employed in the plan, which includes “settlements” to which Policy 6:1 does not apply. All of these other settlements, which often appear to be regarded locally as “villages”, have a settlement chapter, as well as a boundary within which a range of topic-based policies and proposals applies.

29.3.24 My conclusions in Chapter 22 regarding the local plan housing land supply indicate that there is no need to resort to the locations in Policy 6.1 in order to meet structure plan housing land requirements in quantitative terms. While Policy 6:1 locations would widen range and choice, the remainder of the land supply offers a good range of opportunities.

29.3.25 That all said, what Policy H3 sets its face against is new housing in “the open countryside”. In addition to the settlements that are the subject of individual settlement chapters, there are clearly identifiable housing groups in the countryside around Inverness. I conclude that the local plan ought to recognise the existence of groups that have some scope for additional housing development, and identify, in a policy, the basis on which proposals for such development will be considered. This policy should list all the groups to which that the Council intends it to apply.

29.3.26 I have already concluded, at paragraph 29.2.18 that, if Policy 6:1 locations are retained, an indicative maximum additional capacity figure should be stated, together with a base date from which this will apply. Although the Council proposes this date should be May 2002, the date the DDILP was placed on public deposit seems fairer. A maximum additional capacity figure that reflects a 25% proportion of the number of existing houses at the date selected seems reasonable, and would be consistent with the expansion rate proposed in Policy 6:2. The fact that the capacities are expressed as an indicative figure would provide an element of flexibility. A policy requirement for any new development, in addition to amounting to rounding-off or consolidation, to reflect the existing settlement pattern, would provide a better basis for achieving an appropriate response to local circumstances than a boundary.

29.3.27 As to whether Upper Mytlefield should be listed in this policy, while I note the terms of the 2001 appeal decision, and THC’s previous resistance to development, I have to consider the objections, on their merits, as matters now stand, and on the basis of the evidence before me.

29.3.28 Regulation 26(1) of the Town and Country Planning (Structure and Local Plans) (Scotland) Regulations 1983 requires local plan proposals maps to be prepared on a base map reproduced from, or based on, the Ordnance Survey Map. On a reasonable interpretation, this should be the most recent OS map available at the time the proposals map is prepared. Some Inset Proposals Maps in the DDILP and the DDMILP, including that for Upper Myrtlefield, were not prepared on this basis. The Council intends to rectify this, when the next version of the plan is being prepared.

29.3.29 Whether or not Council members misunderstood the amount of existing development at Upper Myrtlefield at some stage, they had opportunities to promote changes, following



representations. In any event, current circumstances at this location were made clear at the inquiry and confirmed at the site inspection.

29.3.30 Upper Myrtlefield has developed into a clearly discernible housing group. Accordingly, on this basis at least, it is a potential candidate for inclusion in the policy. It also has mains drainage and is served by an adopted road. The HSP's concerns regarding the cumulative impact of individual houses in the countryside include that these create demand for infrastructure servicing, including private sewage works. That said, sustainable development, with which Policy G2 is concerned, also has wider aspects. Upper Myrtlefield is not on a public transport route, and does not have other community services. However, it is close to Inverness, and 300-400 m from one of the City's Expansion areas.

29.3.31 The access road from the C13 does not meet the Rural Roads Standards in the Council's published guidelines. It is narrow, has 3 acute bends, which are not currently intervisible, deep ditches in part, and only one formal passing place. There is no guarantee, when resources are limited, that the roads authority would take action to secure the regular clearance of vegetation. Scope for other physical road improvements, which could be required in the context of planning applications, is limited. That all said, while less than ideal, the present road alignment would serve to keep traffic speeds well below the design speed on which the standards are based. Most of those using the road are likely to be familiar with it, and house driveways and localised widening at bends provide opportunities for vehicles to pass. Visibility at the C13 junction is good, with reasonable manoeuvrability, and a low incidence of recorded accidents. On balance, I conclude that the local road network has the capacity to cope with the traffic likely to be generated by up to 3 additional houses.

29.3.32 While improvements cannot be guaranteed, with the adoption of established SUDS techniques, there is no reason to expect 3 additional houses to exacerbate surface water drainage conditions.

29.3.33 The existing disposition and layout of houses at Upper Myrtlefield also afford scope for up to 3 additional house plots, similar in size to the majority of existing house plots. It is unlikely to be difficult to devise suitable house designs that would also retain satisfactory standards of residential privacy and amenity for existing residents. The existing properties are uncompromisingly modern in scale and appearance. The Policy G2 criteria of impacts on residential amenity, and sensitive siting and high quality design in keeping with the local character could therefore be satisfied.

29.3.34 Drawing these matters together, I conclude that Policy 6:1 should be retained, but reworded to reflect my conclusions, and that Upper Myrtlefield should be identified as a location where additional residential development of up to 3 houses may be acceptable.

29.3.35 If, notwithstanding my conclusions, at paragraph 29.3.26. the Council elects to retain a boundary, this should be the boundary shown in the DDILP, adjusted to coincide with the western boundary of the house plot at Hillside. The alternative boundaries suggested at the inquiry exclude land that could allow consolidation or rounding-off.

## Recommendation

29.3.36 I recommend that:

(1) Policy 6:1 is retained, reworded along the following lines:

Policy 6:1: Housing in the Countryside:

*“In addition to the settlements that are the subject of Chapters --, some residential development that would consolidate or round-off the following housing groups may be acceptable, always provided this is in keeping with the existing settlement pattern. An indicative maximum additional capacity, equivalent to a 25% proportion of the number of existing houses, or houses with planning permission at September 2002, when the Deposit Draft Local Plan was placed on deposit, is given in brackets:*

*..... Upper Myrtlefield (3).*

*Outwith these locations (i.e. in the open countryside or in the locations not listed above) there will be a presumption against the development of new dwellings and conversion of non-traditional buildings for housing purposes unless the proposal either:*

- relates to the management of land;*
- is required for family purposes related to the management of land;*
- comprises conversion of a building of traditional design; or*
- is to be developed by a social housing agency to meet demonstrated local affordable housing need.*

*All proposals within the Hinterland must also comply with the terms of the Structure Plan General Strategic Policies, in particular Policy G2: Design for Sustainability”.*

**Reporter’s note:** The policy does not list the other groups to which it would apply. Some are the subject of objections and are considered later in this report.

(2) the locations that are listed in the policy are not given a boundary.

(3) Policy 6:1 Inset Proposals Maps, if retained, should be based on the latest available OS map at the time the next version of the plan is prepared, and the plan annotated to that effect.

## Other matters

29.3.37 Objections relating to other locations that the local plan lists in Policy 6:1 are considered in subsequent chapters. These recommendations do not consider locations that are not the subject of objection, or address matters that do not form part of the objections concerned. However, the Council may wish to reconsider whether to reassess these other locations in the light of my conclusions and recommendations in this chapter.

29.3.38 Policy 3:2 is not the subject of objection. However, if the above recommendation is accepted, it would be logical for Policy 3:2 to be reworded to be consistent with the recommendation.



## 29.4 CABRICH

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**Objectors: Mr & Mrs A Maclellan & Family (182)\*, Mr & Mrs Tervet (257)\*, Mr West (--)**

**Procedure: Public inquiry\* and written submissions**

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### Synopsis of objections

29.4.1 The objectors wish additional land to be included in the settlement boundary at Cabrich.

### Factual background

29.4.2 Cabrich is about 10 km west of Inverness, to the south of the A862. It has crofting origins and a dispersed settlement pattern. The majority of the existing houses lie to the south of the minor road that runs eastwards from the A862/A833 junction to Moniack Castle, on land rising up from the minor road, towards woodland on the upper slopes. The northern edge of the settlement boundary in the local plan largely follows the minor road, but diverts to include 4 houses adjacent to the road. The southern edge is drawn largely around existing properties to the south of the road.

### Brief summary of the main points raised by the objectors

#### *Mr & Mrs A Maclellan & Family*

29.4.3 Land on 7, 9 and 12 Cabrich, which the local plan shows just outwith the southern boundary of the settlement, should be included in the boundary. There are remains of houses there, and an old track at 9 Cabrich could provide access to the upper part of this additional area. Allowing development between existing houses would match the traditional spacing of buildings. Existing vegetation would provide screening, and allow new houses to blend in with the countryside. This area is far more suitable for development than other ground that the plan zones for housing. The younger members of the Maclellan family wish to live in Cabrich in the future, but will be unable to do so unless the objection land is zoned. It is odd for planning policies to limit development when schools are closing, due to low pupil numbers.

29.4.4 Setting an “indicative maximum additional capacity” encourages a “first-come first-served” mentality, to the detriment of amenity. In any event, a maximum of 6 houses is far too low for Cabrich. As this “allowance” has already been used up, including 4 plots for the subdivision of gardens, the policy as it stands leaves no scope for further development for the remainder of the plan period. A flexible approach should be taken, and each application considered according to demand at the time.

#### *Mr & Mrs Tervet*

29.4.5 The former Balchraggan Quarry, which the plan shows just outwith the northern settlement boundary is within the traditional township boundary of Cabrich

and should be included in the settlement. It is well screened with trees, includes the remains of a former house, and has a good quality access. Suitable drainage arrangements could be provided. The roads depot that occupies part of the quarry floor is temporary. The western part of the site and (in particular) the south-eastern road frontage could accommodate about new 4 houses in total, without seriously affecting the appearance of the area, and help meet demand for this type of site. The council allowed a new house on the north-east side of the quarry in 2001, and has granted permission for prominent houses elsewhere in the vicinity. New houses at The Pines at the eastern edge of the settlement are not traditional. Current planning policy is forcing rural people to move to the alien environments of towns and villages.

*Mr West*

29.4.6 The Cabrigh boundary should be amended to include the entire garden of The Pines.

### **Brief summary of the Council's response to the objections**

29.4.7 The Council agreed to extend the settlement boundary to define correctly the extent of garden ground at "The Pines", and to include it in the DDMILP. This extension is related to the existing pattern of development at Cabrigh. The Council also accepts that the objections relating to 7, 9 and 12 Cabrigh have some planning merit. Although the plan draws the settlement boundary taut around existing development, the precedent for building on the south side of the road in this part of Cabrigh has been set and there is evidence of historic settlement on the objection site. Given the terms of SPP 15, the Council would be willing to see the boundary drawn to include at least the lower part of this site, which would sit well within the local landscape and is unlikely to have servicing problems. The precise location of the boundary could be assessed at a site inspection.

29.4.8 However, the Balcraggan Quarry site includes mature woodland, a disused quarry and a roads depot, and would not be a natural extension to the traditional pattern of settlement. The landform is also not conducive to forming suitable house plots and access is problematic. While this objection site may well be regarded as part of the township, the purpose of the boundaries is to indicate a presumption for, or against, development, often subject to criteria. Boundaries are not determined by ownership or by traditional crofting township boundaries. Seven planning permissions or approvals of reserved matters have been given at Cabrigh since 2003.

### **Conclusions**

29.4.10 I adopt my conclusions at paragraphs 29.3.19-29.3.26, and my recommendation at paragraph 29.3.36 regarding Policy 6:1.

29.4.11 There is a discernible housing group at Cabrigh, albeit with a dispersed settlement pattern, reflecting its crofting origins. On the basis of the above conclusions and recommendation, in the absence of any evidence regarding infrastructural constraints, Cabrigh should be identified as a location where some

additional housing development would be acceptable, provided this consolidates or rounds-off the group, and is in keeping with the settlement pattern.

29.4.12 I have already concluded, for the reasons stated, that Policy 6:1 should include an indicative maximum additional capacity figure for the locations to which it applies. The information provided by THC indicates that at least 6 houses have been granted permission at Cabrigh since 2002. Given its dispersed settlement pattern and apparent lack of servicing constraints, Cabrigh may be capable of accommodating a slightly higher figure. Whether this can be achieved, while satisfying the other policy parameters, will depend on the nature of the particular proposal put forward. The maximum capacity is indicative, and would allow this to be demonstrated in the context of a planning application.

29.4.13 If, notwithstanding my previous recommendation, the Council decides to retain a boundary at Policy 6:1 locations, the additional garden ground at The Pines, would be a more logical boundary on the ground than the DDILP boundary. The objection site on 7 and 9 Cabrigh, at least as far as the woodland edge, lies in well to this identifiable grouping and should also be included. However, the land at 12 Cabrigh is heavily regenerated woodland that reads as part of the wooded slopes behind. I conclude that it should not be included.

29.4.14 As regards Balchraggan, the Council does not challenge the objectors' statement that the roads depot is temporary, and the site inspection indicated that access to parts of the site at least need not be a problem. However, as the Council states, the purpose of a boundary, if retained, is to indicate the planning authority's attitude to development, and not historical associations. I find that the objection site at Balchraggan does not relate well to the existing grouping. With few exceptions, this lies on the opposite side of the road. Extending the boundary to include a significant area of land on the north side of the road would weaken this characteristic pattern. The other possible plots that the objectors suggest at the north-western edge of the quarry would relate particularly poorly to this grouping. The new house to the north, which is extremely prominent, does not justify further anomalous development.

## **Recommendations**

29.4.15 I recommend that Cabrigh remains a location listed in Policy 6:1, which should be reworded as recommended at paragraph 29.3.36, and with an indicative maximum additional capacity of 6 units.

29.4.16 If this recommendation is not accepted in full, and the Council elects to show a boundary in the plan, the DDILP boundary should be extended to include the open land at the Pines and at 7 and 9 Cabrigh identified in the relevant objections.

## **29.5 EASTER CLUNES**

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**Objectors: Mr C Swift (256)\* Mr K Summers (254)\***

**Procedures: Public inquiry\***

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### **Synopsis of objections**

29.5.1 These objections question the categorisation of Easter Clunes as a settlement, and express concern that this could encourage further development.

### **Factual background**

29.5.2 The area at Easter Clunes that the local plan identifies as a settlement for the purposes of Policy 6:1 lies about 10 km south-west of Inverness, to the south of the A862. It is about 2 sq km in extent. Mr Swift appeared on his own behalf, and also represented Mr Summers.

### **Brief summary of the main points raised by the objectors**

29.5.3 Local residents have been excluded from contributing to the local plan, and the CDLP tucked Easter Clunes away under “Hinterland”. The other areas mentioned in Policy 6:1 are recognisable, genuine settlements. The arbitrary and artificial “settlement area” proposed at Easter Clunes does not follow any historical or farm boundaries, or reflect the existing pattern of development. The SNH LCA classifies the area as “Enclosed Farmland”, and it is surrounded by important ecologically rich habitats, including SSSIs. Existing houses are related to farms, and are dispersed in this agricultural landscape. Two appeals against refusals of permission were dismissed in 2002, including on account of the detrimental effect on the area. While there is scope to add to the traditional settlement pattern, which is in clusters, inventing a settlement will make development self-fulfilling. There are already signs of this, with new houses being built at roadsides, unlike older properties, which are set back. Surveys of local households (256/2 & 256/3) show that, of the responses received, most are generally opposed to more housing, but regard 1 or 2 houses as appropriate if they are for a local family, and are located next to existing buildings. This could be achieved without “settlement” status. It would be more appropriate to treat Easter Clunes as an “other smaller housing group”.

### **Brief summary of the Council’s response to the objections**

29.5.4 CD8 and CD10 show that the Council exceeded the legal requirements for consultation on the local plan. Easter Clunes is correctly identified as a settlement, with a dispersed pattern and sufficient servicing and landscape capacity to accommodate up to 3 additional houses over a 10 year period. The boundary has been drawn around the concentration of existing development in the Clunes area but allows further single houses within the visual envelope of the settlement in keeping with the existing pattern of development.

## **Conclusions**

29.5.5 I am satisfied that the Council followed the relevant statutory procedures regarding publicity and consultation on local plans.

29.5.6 I adopt my conclusions at paragraphs 29.3.19-29.3.26, which incorporate the account in Chapter 29.1, and my recommendation at paragraph 29.3.36 regarding Policy 6:1.

29.5.7 I have already concluded that the local plan ought to recognise clearly identifiable housing groups in the area around Inverness, and have recommended the terms of a policy for these locations.

29.5.8 The settlement pattern in the Easter Clunes area comprises farmhouses and steadings, surrounded by farmland, and with occasional, widely spaced, houses. It is wholly rural in character and appearance and has does not form a discernible grouping. I conclude that, as a matter of fact and degree, it has the character and attributes of open countryside. I reach this conclusion, notwithstanding the concessions by the objector reported at paragraph 29.5.3.

## **Recommendation**

29.5.9 On the basis of the foregoing, I recommend that Easter Clunes is treated as a location to which a presumption against new dwellings and the conversion of non-traditional buildings would apply, other than in the exceptional circumstances listed in the penultimate paragraph of Policy 6:1 as recommended at paragraph 29.3.36.





## **29.6 CULBURNIE**

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**Objector: Mr H. Maclennan (179)**

**Procedure: Written submissions**

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### **Brief summary of the objection**

29.6.1 Some of the properties that the local plan includes in the Culburnie settlement boundary have never had any association with Culburnie. Place names can get lost over time.

### **Factual background**

29.6.2 Culburnie is located about 1.5 km west of Kiltarlity. The settlement boundary shown on the Inset Proposals Map encloses a sizeable area containing dispersed properties.

### **Brief summary of the Council's response to the objection**

29.6.3 The Culburnie group (sic) boundary is drawn in relation to the existing settlement pattern and further development potential, not to reflect the original crofting township. Its unusual shape is due mainly to the extent of the adopted road network. The names used in the plan may not reflect the correct historical associations, but are based upon administrative convenience and majority current usage.

### **Conclusions**

29.6.4 The purpose of a boundary, if retained, would be to indicate the planning authority's attitude to development. Accordingly, unless obviously factually inaccurate or misleading, which does not appear to be the case here, the name given to a location is immaterial for planning purposes.

### **Recommendation**

29.6.5 The local plan need not be changed in response to this objection.

## 29.7 ARDENDRAIN

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**Objectors: Ms L Campbell (39), Mr & Mrs Lemon (145)**

**Procedure: Written submissions**

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### **Synopsis of objections**

29.7.1 Miss Campbell wishes an area of woodland to be excluded from the settlement boundary. Mr & Mrs Lemon wish the plan to state that planning permissions at Ardendrain will be limited to single houses.

### **Factual background**

29.7.2 Ardendrain is located on the A833 south of Kiltarlity. It contains about 12 fairly dispersed houses. The local plan includes 2 chalet parks, both on the east side of the road, in the settlement boundary. Miss Campbell's objection focuses on woodland in the southern part of the more northerly park.

### **Brief summary of the main points raised by the objectors**

*Mr & Mrs Lemon*

29.7.3 The objectors, while generally supporting the local plan's policy for Ardendrain, do so on the assumption this would allow planning permission for up to 4 single houses only, and would rule out a group of 3 or 4 houses.

*Ms L Campbell*

29.7.4 The triangular area of mature woodland uphill from, and adjacent to, the Kiltarlity Chalet Park should be excluded from the Ardendrain settlement boundary. This would still leave a large area available for new houses within the boundary. Building in the woodland would inevitably result in the substantial loss of trees, contrary to established planning principles. It would also run counter to the environmental, tourism and community considerations cited in the plan, and to the support given to woodland initiatives. Recent flooding in the Inverness area makes it desirable to retain tree cover. The woodland corridor along the A833 up Ardendrain Brae should also be protected.

### **Brief summary of the Council's response to the objections**

29.7.5 With regard to the first of these objections, the plan does not, and should not, offer specific siting advice within the settlement envelope. While it indicates that new development should be in keeping with the existing settlement pattern, the spacing of new houses, and their relationship to existing properties, are best considered in the context of planning applications.

29.7.6 The woodland to which the second objection refers is principally birch and is not an overriding constraint. Development on adjacent sites has been successfully integrated within

woodland. Policy 6:1, by cross-referencing to HSP Policy G2, provides protection against proposals that would have a detrimental effect on landscape or habitat.

## **Conclusions**

29.7.7 Neither of these objections takes issue with the identification of Ardendrain as a settlement, or with the principle of a settlement boundary.

29.7.8 Policy 6:1, worded as I have recommended, includes a proviso that any new development would be in keeping with the existing settlement pattern at the location concerned. This should ensure that the disposition of any new houses reflected the prevailing pattern, which is generally dispersed. On this basis, it is unnecessary for the plan to stipulate that only single houses will be permitted at Ardendrain.

29.7.9 If my recommendation regarding the wording of Policy 6:1 is accepted, there would not be a settlement boundary at Ardendrain. In any event, including land within a boundary, does not mean that it will be developed. Policy 6:1 is cross-referenced to HSP Policy G2, which includes impacts on habitats, landscape, and scenery, among matters against which development proposals will be assessed. Policy BP3 of the local plan intends a presumption against development in important amenity trees/woodlands, and within 20 m of woodlands, particularly where there would be significant damage to heritage, amenity or public health. This policy would therefore require consideration of the likely consequences in these respects in order for this presumption to be overcome. There is no technical evidence that it is necessary to retain all the woodland in this area for flood prevention reasons.

29.7.10. Given these various policy safeguards, I conclude that, if a settlement boundary at Ardendrain is retained, there is no need to exclude the birch woodland from the boundary, or to introduce other safeguards for trees in this area.

## **Recommendation**

29.7.11 Other than applying my recommendation that Policy 6:1 locations should not have a boundary, the local plan should not be changed further in response to these objections.

## 29.8 BALNAFOICH

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**Objectors: Mr & Mrs Chilton (47), R Evans & Mrs M Evans (71), N, K and J Fuller (90), SEPA (171)\***  
**Procedure: Public inquiry\* and written submissions**

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### **Synopsis of objections**

29.8.1 Most of these objections seek restrictions on further development at Balnafoich. SEPA's objection relates to drainage and is reported in Chapter 4.10 in the context of Policy GP10.

### **Factual background**

29.8.2 Balnafoich is located about 0.5 km north-west of Inverarnie, west of the River Nairn. The local plan shows a settlement boundary drawn around houses to the south-west of the junction of the B861 with the minor road to Daviot West, and extending for about 1.5 km along the minor road to the north-east of the junction. The boundary to the north-east of the junction includes land to the south of the minor road, as far the boundary limit. To the north of the road, which is largely woodland, the boundary departs from the road at 2 locations.

### **Brief summary of the main points raised by the objectors**

#### *Mr & Mrs Chilton*

29.8.3 Septic tanks for additional houses along the unclassified road to Daviot West could pollute the River Nairn. If building in this area is allowed, this should not be on both sides of the road. Badger setts and red squirrels to the north of the road should be protected.

#### *N, K and J Fuller*

29.8.4 Further development in this area would detract from rural amenity and would be detrimental to road safety on a single-track road where there has been a large number of accidents. As house plots tend to be sold to the highest bidder, the objective of providing low cost housing is often not met.

#### *R Evans & Mrs M Evans*

29.8.5 Houses on both sides of the road would be inappropriate, and ribbon development. With one exception, development to date has been confined to the south side of the road, away from the woodland and valuable wildlife habitats to the north. The potential for pollution of the River Nairn, and road safety, also militate against development.

#### *SEPA*

29.8.6 Further development at this location within the River Nairn catchment should only be permitted there where foul drainage is to a public sewerage system capable of treating waste water to a high standard. Alternatively, where there is no public sewerage, limited numbers

of individual houses could have a land-based drainage solution compatible with Part M of the Technical Standards.

### **Brief summary of the Council's response to the objections**

29.8.7 The group (*sic*) has sufficient capacity in visual and servicing terms to accommodate 4 well sited, well designed, houses. Processing of 2 recent planning applications (THC-17/2) has not revealed any particular drainage or road capacity problems.

### **Conclusions**

29.8.7 I adopt my conclusions at paragraphs 29.3.19-29.3.26, and my recommendation at paragraph 29.3.36 regarding the terms of Policy 6:1.

29.8.8 There is no technical evidence that road or servicing capacity are insurmountable constraints to limited development at Balnafoich. In areas without public sewerage, which appears to be the case here, SEPA countenances limited numbers of individual houses with a land-based drainage solution compatible with Part M of the Technical Standards. Policy G2 of the HSP, with which Policy 6:1 expressly requires development also to comply, and Policy BP3, would provide safeguards for any important woodland habitats.

29.8.9 The Council refers, notwithstanding the terms of Policy 6:1 in the DDILP, to Balnafoich as a group. I consider this description can be fairly applied to development around the road junction, at the south-western end of the settlement boundary shown in the plan. Thus if my recommendation at paragraph 29.3.37 is accepted, Balnafoich would be retained as a location for the purposes of this policy. No boundary would be shown, but the principles of rounding-off or consolidation, in keeping with the existing settlement pattern, would apply. In practice, this would confine development to the vicinity of the junction.

29.8.10 The houses to the north-west of this junction area are sporadically located, extending for about 1.5 km along the minor road, predominantly on its south-side. I consider that development in this area does not have the form, or character, of a group, beyond Woodlands. Accordingly, if my recommendation is not accepted, and the Council elects to retain a boundary in the plan, this should be drawn more tightly around the road junction, and exclude the area to the north-west of Woodlands. In the absence of any evidence that a land-based drainage solution would be unusual or onerous, and given the cross-reference to Policy G2, there is no need for the local plan to expand upon drainage requirements.

### **Recommendation**

29.8.11 I recommend that Balnafoich is listed as a location to which Policy 6:1, reworded as recommended in paragraph 29.3.36 applies.

29.8.12 If this recommendation is not accepted, and the Council elects to show a boundary, this should be drawn more tightly around the road junction, and exclude the area to the north-west of Woodlands.

## 29.9 DAVIOT EAST

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**Objectors: Mr I Christie (49), Mr A J Horne (194)\*, SEPA (171)\***  
**Procedure: Public inquiry\* and written submissions**

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### Synopsis of objections

29.9.1 Mr Christie wishes the Daviot East settlement boundary proposed in the DDILP to be extended at its eastern end, at Auchnahillan. Mr Horne wishes the boundary to be extended at its western end, to include a 1.1 ha site to the north of the B9154, opposite the former police station. SEPA's objection relates to drainage and is reported in Chapter 4.10 in the context of Policy GP10.

### Factual background

29.9.2 Daviot East lies to the east of the A9, on both sides of the B9154, about 9 km south of Inverness. A public house and camp site at Auchnahillan are within the DDILP boundary. The SSLNELP allocates most of the land that is the subject of Mr Horne's objection, and a smaller site on the opposite side of the B9154, for 4-6 houses in total, subject to provisos regarding drainage and access. The smaller site has now been developed for one house.

### Brief summary of the main points raised by the objectors

#### *Mr I Christie*

29.9.3 The objection site would be suitable for housing, to help meet the acknowledged housing needs in Strathnairn. This would allow natural infilling, completion or rounding-off of an existing nucleated grouping, and reflect the established settlement pattern at Daviot East, namely single houses and clusters of 3-4 houses in well spaced plots. It would also help to support the local community hall, school, and businesses.

#### *Mr A J Horne*

29.9.4 The objector submitted an outline planning application for 5 houses on the objection site in February 2003 (HORNE 1). This application was submitted following advice from THC planning officials in May 2001 that the proposal was acceptable in principle (HORNE 2).

29.9.5 The Daviot East settlement boundary in the DDILP encloses an area of almost a sq km. It seems to be based largely on physical/geographical features surrounding a scattering of houses. Virtually none of this land is within the settlement boundary in the SSLNELP. Conversely, the boundary excludes the objection site, which is allocated for housing in the adopted plan.

29.9.6 SPP 3 and NPPG 15 expect, where possible, most rural housing requirements to be met within or adjacent to existing settlements - towns, villages and small settlement clusters - where employment, housing and other services can be provided close together. In common with PAN 36, these indicate that new housing areas should (in summary): be easily accessible

by public transport, well integrated into walking and cycling networks, and developed in a sustainable way; respect their landscape settings; where possible, be within or adjacent to existing settlements; respect landscape settings; and be unobtrusively sited.

29.9.7 The HSP seeks to ensure that an adequate supply of housing land is available at all times to meet community needs, and to provide for a choice of sites, and requires local plans to identify sites to maintain this supply. Policy H3 indicates that development will generally be within existing and planned new settlements, and presumes against new housing in the open countryside. Policy G2 sets out criteria for land allocation and development control purposes. The objector agrees with THC's liberal interpretation of Policy H3, and that Daviot East should be identified as a settlement with an indicative maximum additional capacity of 8 houses. However, it considers that 4-6 of these houses ought to be specifically allocated to the objection site, in recognition of its history. This would also provide the certainty expected of a local plan. That said, THC's "compromise" suggestion (reported at paragraph 29.9.13) would also be acceptable. The objector also draws some comfort from the third paragraph of Policy 6:1, which does not require a boundary in order for some new housing to be allowed.

29.9.8 THC gave 3 reasons for not allocating the site: settlement pattern, drainage, and quarry safeguarding. Dealing with these in turn, Daviot East is a settlement in (literally) the loosest sense of the term, with individual houses scattered over a wide area, presumably due to a lack of planning control in the past. The SSLNELP appears to have sought to redress the situation by identifying 2 housing sites at the most readily identifiable 'hub' of the community namely the former police station and bus stop. The new house opposite the objection site adds to the sense of a grouping at this location. Sympathetic development on the objection site would add to this sense of focus, and enhance the settlement pattern. The boundary in the DDILP and in the DDMILP would encourage further sporadic development across a wide area, contrary to national policy and guidance. These also pay little regard to the siting principles in SPP 3 and PAN 36. Much of the area within the boundaries is on high ground and almost half is prominent from the A9. The objection site on the other hand is low-lying, and is only visible from the trunk road when heading south. Daviot East is not the type ofcrofting area where SPP 3 countenances scattered development. THC-17/1 is the Council's own "spin" on national policy. SPP 15 is in draft form, and ought to be given less weight than SPP 3.

29.9.9 While SEPA is generally opposed to private waste water treatment plants, HORNE 7 indicates that satisfactory drainage could be provided by this means. The quarry safeguarding area has presumably been established on the basis of the buffer distance required to mitigate noise/dust nuisance to residential properties. The site is more than 500 m from the working face of the quarry, is screened from it, and is not downwind of the prevailing wind. Additional planting could provide a further buffer if required.

#### *SEPA*

29.9.10 Further development at this location within the River Nairn catchment should only be permitted there where foul drainage is to a public sewerage system capable of treating waste water to a high standard. Alternatively, where there is no public sewerage, limited numbers of individual houses could have a land-based drainage solution compatible with Part M of the Technical Standards.



## **Brief summary of the Council's responses to the objections**

29.9.11 Ideally, the local plan would zone housing land at Daviot West, to the west of the A9, where the primary school roll is falling, and the church is less well attended. However topography, the realignment of the A9, and the 400 m safeguarding set-back from the quarry make it very difficult to expand there. The settled area to the east of the A9 is therefore the only practical alternative.

29.9.12 While the housing sites identified in the adopted local plan are closest to West Daviot, the DDILP did not reaffirm the allocation to the north west of the B9154 for a number of reasons. Firstly, as the site had not come forward for development since the SSLNELP was adopted September 1997, its availability seemed doubtful. More importantly, a judgement was made, on the basis of an intuitive assessment and the criteria in THC-17/1, that Daviot East ought to be classified as having a dispersed crofting-type settlement pattern. The Council therefore decided to support further development that matched this pattern. The proposed Auchnahillan extension is well related to the existing settlement pattern, visually enclosed, and could accommodate development subject to servicing. However, an aggregated group of houses on the SSLNELP site was not considered to be in keeping with the existing settlement pattern and there were doubts about its surface and foul water drainage capability. The site is also close to the quarry safeguarding area. Sites further from the quarry offer a better standard of residential amenity.

29.9.13 THC is not seeking to encourage sporadic housing development, but to direct new housing to settlements identified on the basis of THC-17/1 and to housing groups, and to control development in the open countryside. National policy allows new housing in keeping with existing settlement patterns. That said, the Council accepts there is no approved SE guidance that supports dispersed housing outwith crofting areas. There are no active crofts at Daviot East. While the objection site should not be specifically allocated for 4-6 houses, and a group of 5 houses would be out of keeping with the existing settlement pattern, including it in the settlement boundary would be a reasonable compromise. A grant of planning permission for one house at Daviot East since May 2002 has reduced the indicative maximum additional capacity to 7 houses.

## **Conclusions**

29.9.14 I adopt my conclusions at paragraphs 29.3.20-29.3.25, and my recommendation at paragraph 29.3.36 regarding Policy 6:1.

29.9.15 While most of the community facilities at Daviot are located to the west of the A9, opportunities for further housing development are limited by the factors described by the Council.

29.9.16 A loose grouping of houses is discernible at Daviot East. This dispersed settlement pattern may be a legacy of crofting origins. On the basis of my previous conclusions and recommendation, it should be identified as a location where some additional housing development would be acceptable, provided this consolidates or rounds-off the grouping and is in keeping with the settlement pattern, but without a settlement boundary. I have also concluded that, if Policy 6:1 locations are retained, an indicative maximum additional capacity figure should be given, to provide a clear basis for consistent development control decisions, and to avoid cumulative incremental growth that could transform their character;

and that this figure should be based on the date the DDILP was placed on public deposit. None of the objectors concerned with Daviot East argues that an indicative maximum figure should not be given at this location, or takes issue with the figure in the DDILP. The remaining capacity at the time of the inquiry appears to be 7 houses.

29.9.17 In areas like this, which have no public sewerage, SEPA countenances limited numbers of individual houses with a land-based drainage solution compatible with Part M of the Technical Standards. If the above recommendations are accepted, there is no need for the plan to expand upon drainage requirements, for the reasons stated at paragraph 29.8.10 in relation to Balnafoich. This is because houses that consolidated or rounded-off the grouping, and were in keeping with the settlement pattern would tend to be dispersed. It is impossible for the plan to cover all eventualities, and any clustered or group applications are best determined on their merits, on the basis of Policy GP10 (as recommended) and of Policy G2.

29.9.18 If, notwithstanding my previous recommendation, the Council decides to retain a boundary at Policy 6:1 locations, the Auchnahillan extension proposed in the DDMILP should be included, for the reasons given by THC at paragraph 29.9.12. However, describing the objection site opposite the Police Station as a “hub” is over-stated. The B9154 is a defining feature and there is no development on this very low-lying ground on the north side of the road until it rises towards Craggie House 400-500 m to the north-east. On this basis, the boundary at the western end of Daviot East should be that shown in the DDMILP.

### **Recommendation**

29.9.19 I recommend that Daviot East remains a location listed in Policy 6:1, which should be reworded as recommended at paragraph 29.3.36, and with an indicative maximum additional capacity of 7 units.

29.4.20 If this recommendation is not accepted, and the Council elects to show a boundary in the plan, this should be the boundary shown in the DDMILP.

## 29.10 LEANACH

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**Objectors: National Trust for Scotland (9), Ms N Duncan (67)\*, SEPA (171)\*, Mr I MacKay (196)\*, Ms N Murray (214)**  
**Procedure: Public inquiry\* and written submissions**

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### Synopsis of objections

29.10.1 The National Trust for Scotland (NTS) is concerned that development at Leanach could affect the setting of Culloden Battlefield. Ms Duncan and Ms Murray object to Leanach being identified for further housing. Mr MacKay wishes the settlement boundary proposed in the DDILP to be extended to the south-west and south-east. SEPA's objection relates to drainage and is reported in Chapter 4.10 in the context of Policy GP10.

### Factual background

29.10.2 Leanach lies just south of the B9006, east of Culloden Battlefield. The settlement boundary in the DDILP extends south from the Culloden Moor Inn, which fronts the B9006, and along the minor road linking the B9006 with the B851. It also includes properties around the junction of the B851 with the minor road, which continues to Clava Lodge and Clava Chambered Cairns. Most of the area within the DDILP boundary, which encompasses 13 dwellings, including the Inn is within the Culloden Battlefield Conservation Area.

### Brief summary of the main points raised by the objectors

#### *National Trust for Scotland*

29.10.3 The Trust is anxious to protect the setting of Culloden Battlefield, particularly views from the Battlefield, and views towards it. Further development at Leanach would put additional pressure on limited services/resources, and increase the risk of accidents at the Leanach junctions. The local plan should limit the potential development of this settlement.

#### *Ms Duncan*

29.10.4 Additional housing at Leanach would not be a good fit with national planning policy guidelines. The DDILP Inset Proposals Map does not include recent houses. The indicative maximum additional capacity of 3 units, plus 4 other potential houses, if each of the landowners here was to demonstrate land management reasons for housing, would increase the housing stock to 20. This would be intolerable. There is no public drainage system, and none is planned. Locations for private systems or soakaways are limited, and ground conditions are poor. There is no speed limit, and accidents at the B851/minor road crossroads are frequent. Urbanisation at Leanach crossroads would also detract from the view from the Visitor Centre at Culloden Battlefield. Recent housing development at Brookfield has more than met needs. Leanach should not be listed as a settlement in Policy 6:1, or given a boundary. This would leave any applications to be considered against the third paragraph in the policy.

*Ms Murray*

29.10.5 Leanach has no public sewerage system, shop, or amenities for young people. The primary school at Balloch is full. Roads, especially towards Clava, will not stand more traffic. Ribbon development is not generally acceptable to the Council. Any building at Leanach Farm would be detrimental to the ambiance of the area.

*Mr MacKay*

29.10.6 While the settlement boundary proposed in the DDILP reflects Leanach's linear form along the four axes of the crossroads, it provides little room for future growth, and insufficient flexibility to accommodate additional housing over the next 10 years. The boundary should be extended along the south-west side of the Clava road and along the south-east side of the B851, as shown in MACKAY 1, to accommodate 4 additional house plots (i.e. one more than envisaged in the plan). As well as helping to meet housing demand, this would create a balanced village form, centred on the crossroads, and would respond to Leanach's existing distinctive form. A more limited expansion in these locations, perhaps for 2 or 3 plots, would also be an improvement on the DDILP proposal

29.10.7 National planning policy guidance and best practice advice on this issue, in SPP 3 and NPPG 15, expect where possible, most rural housing requirements to be met within or adjacent to existing settlements - towns, villages and small settlement clusters - where employment, housing and other services can be provided close together. With PAN 36, these documents indicate that new housing areas should (in summary): be easily accessible by public transport, well integrated into walking and cycling networks, and developed in a sustainable way; respect their landscape settings; where possible be within or adjacent to existing settlements; respect landscape settings; and be unobtrusively sited.

29.10.8 The HSP seeks to ensure there is an adequate supply of housing land is available at all times to meet community needs, and to provide for a choice of sites. It requires local plans to identify sites to maintain this supply. Policy H3 indicates that development will generally be within existing and planned new settlements and, presumes against new housing in the open countryside, while Policy G2 sets out criteria for land allocation and development control purposes. Leanach is readily identifiable as a settlement.

29.10.9 THC's response to this objection (MACKAY 2) was that the limited development potential identified in the DDILP reflected concerns about road capacity and foul drainage. However, the nature of these concerns is unclear. The 4 house plots sought by the objector can be adequately serviced, including in terms of drainage (MACKAY 5), and would not have a significant impact on the road network. The key issue is to strike an appropriate balance between maintaining the character of Leanach, and providing for limited growth to sustain the community. The boundary extensions sought by the objector would achieve this.

29.10.10 At present, there is an abrupt change from built development to countryside at the edges of the settlement, and the existing "end" properties to the south-west and south-east do not enhance the character of the area. The DDILP boundaries provide less scope for development that appears at first sight. A hedge at the rear of the Inn might have to be removed to provide access to a house there, and developing a potential plot on the opposite side of the road could require trees to be removed. The objector's revised boundary would provide greater flexibility for locating new development, in a style more in keeping with the

rural setting. Landscaping could soften the visual impact, and create more defensible boundaries. Any planning permissions granted could be subject to a section 75 agreement to prevent further expansion. The objector owns the fields in which the additional land is located.

#### *SEPA*

29.10.11 Further development at this location within the River Nairn catchment should only be permitted there where foul drainage is to a public sewerage system capable of treating waste water to a high standard. Alternatively, where there is no public sewerage, limited numbers of individual houses could have a land-based drainage solution compatible with Part M of the Technical Standards.

#### **Brief summary of the Council's responses to the objections**

29.10.12 The restricted visibility at the crossroads and lack of mains drainage militate against significant expansion at Leanach. However, the presence of the Inn means it qualifies as a settlement in terms of THC-17/1. THC's Area Roads Engineer, although probably unaware that landscaping on land proposed for inclusion in the boundary might reduce visibility at the B851 crossroads, advised there is road capacity for up to 5 additional houses. The local plan ought therefore to allow for limited expansion, subject to servicing improvements. Mr MacKay offered foul drainage arrangements that would service any new development, and improve matters for existing residents.

29.10.13 There are potential house plots on each side of the road south-east of the Inn, and immediately inside the south-western and south-eastern edges of the boundary proposed in the plan, where landscaping could extend onto adjoining land in the same ownership. While none of these sites is suited to a large detached house, the Council wishes to see a form of development in keeping with what already exists. While the Inn could be regarded as standing apart from the remainder of the "settlement", a house to the south-east would "read against" existing buildings, and provide linkage. It may be possible to retain some of the hedge, although its loss would not have a major impact. Whether the settlement is linear, or a cluster around the crossroads, is a matter of judgement. Extending the envelope beyond the boundaries in the DDILP would result in ribbon development, and increase pressure on the crossroads. That said, it would be reasonable to adjust the other boundaries to coincide with existing house plot boundaries, provided this did not open up further opportunities for new development.

29.10.14 The Culloden Battlefield Conservation Area extension proposed in Policy GP17 of the DDILP will be to the west and south of the present conservation area, and will not affect more of Leanach. While a high standard of design will be required of any development proposed, proximity to the Battlefield does not justify an embargo. The DDILP proposal could also allow Leanach to accommodate any land management justification housing that would otherwise need to be located in the open countryside (potentially) closer to the Battlefield, although it is accepted this could be done without a settlement boundary. Inset Proposals Maps will be up-dated, as previously explained.

## **Conclusions**

29.10.15 I adopt my conclusions at paragraphs 29.3.19-29.3.26, and my recommendation at paragraph 29.3.36 regarding Policy 6:1.

29.10.16 I also adopt my conclusion at paragraph 29.3.28 regarding the basis for Inset Proposals Maps, and the Council's intentions. While the published Inset Maps for Leanach do not show all of the existing houses, the indicative maximum additional capacity of 3 houses stated in the plan is equivalent to a 25% proportion of the current number of houses.

29.10.17 Whether the form of the developed area at Leanach is linear or a cluster around the crossroads is a matter of judgement. Whichever view is adopted, a grouping is clearly discernible, including the Inn. There is scope to physically accommodate up to 3 house plots in a form that would consolidate or round-off, the grouping. The fact that development ranges from traditional cottages around the crossroads to modern spacious houses in larger plots, affords flexibility in relating new built form to what already exists. There is also scope for avoiding the wholesale removal of existing vegetation and for replacement planting.

29.10.18 The lack of a public drainage system, localised drainage problems, and the restricted visibility and layout of the southern crossroads impose significant constraints on the scope for additional development in infrastructural terms. However, a maximum of 3 houses, not all of which need regularly use the crossroads, as there are alternative routes, is unlikely to increase traffic significantly. SEPA countenances limited numbers of individual houses at this location with a land-based drainage solution compatible with Part M of the Technical Standards. Up to 3 houses at Leanach are likely to be developed as individual plots.

29.10.19 I conclude that Leanach should be identified in Policy 6:1 as a location where some additional housing would be acceptable, provided this consolidates or rounds-off the grouping, and is in keeping with the settlement pattern. "Consolidation" or "rounding-off" impose their own limitations, and in combination with the indicative maximum additional capacity, would prevent any more than minor linear extension. This would also guard against adverse effects on the setting of the Culloden Battlefield.

## **Recommendations**

29.10.20 I recommend that Leanach remains a location listed in Policy 6:1, which should be reworded as recommended at paragraph 29.3.36, and with an indicative maximum additional capacity of 3 units.

29.10.21 If this recommendation is not accepted in full, and the Council elects to show a boundary in the plan, this should be the boundary shown in the DDILP and the DDMILP, although the Council should also consider extending the north-easternmost boundary to coincide with an existing garden boundary at that location.

## **29.11 LENTRAN HOUSE**

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**Objector: Mr R Wright (274)**  
**Procedure : Written Submissions**

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### **Synopsis of objection**

29.11.1 The local plan should make clear that 4 houses is the maximum number acceptable at this location and recognise that it is a conservation area.

### **Factual background**

29.11.2 Lentrán House is a nursing home to the south of the A862 about 1 km east of Inchmore. The Inset Proposals Map in the DDILP shows a settlement boundary centred on the nursing home, and bounded largely by minor roads and woodland. This appears to encompass about 10 existing detached houses and cottages and buildings at Lentrán Farm, in addition to the nursing home.

### **Brief summary of the main points raised by the objector**

29.11.3 The DDILP Inset Proposals Map does not show 3 existing houses - 2 just outside the proposed settlement boundary, and one within it. There are also planning permissions for another 4 houses within the boundary. These 4 houses should be regarded as fulfilling the terms of Policy 6:1. The local plan should also recognise that this area is a conservation area.

### **Brief summary of the Council's response to the objection**

29.11.4 The Council accepts that the number of extant planning permissions at Lentrán House, the limited capacity of the local road network, and doubts about land availability, mean that Lentrán House does not merit being identified in Policy 6:1 as having potential for further development. It has therefore agreed that the plan should be modified to delete it from the settlements listed in the policy, and to delete the Inset Proposals Map. The Lentrán area is not a designated conservation area.

29.11.5 However, the Council understands that the objector wishes the plan to include an express presumption against any further development here. In this context, he has referred to a policy in the adopted BDLP that applies to several parcels of land at this location. These are intended to safeguard prime quality agricultural land and the setting of Lentrán House, which is a Category 'B' listed building. However, the Council does not consider that these features justify an embargo on development. Any further housing proposals should be considered on their merits. This could allow rounding off, or proposals with a land management requirement or other exceptional justification, subject to site-specific considerations.

### **Conclusions**

29.11.6 The objection I have been appointed to consider is summarised at paragraph 29.11.1. This does not seek an express presumption against any further development around Lentrán House.

29.11.7 In considering the objection that has been made, I adopt my conclusions at paragraphs 29.3.19-29.3.26, and my recommendation at paragraph 29.3.36 regarding Policy 6:1.

29.11.8 There is no designated conservation area around Lentrán House.

29.11.9 Although there is a discernible housing group around Lentrán House, the purpose of Policy 6:1 is to identify groups that have capacity to accommodate further development. There are already about 13 houses at this location, together with cottages and a farm. Permissions for a further 4 houses also exist. I agree with the Council that the road network in the vicinity, which is narrow and has a very awkward junction with the A862, severely limits the capacity for further development. I conclude that it is inappropriate for Policy 6:1 to identify Lentrán House as a housing group with capacity for development over and above the amount of development already committed.

29.11.10 However, there is no guarantee that the extant permissions will be taken up. I therefore conclude that the best solution is to retain Lentrán House in Policy 6:1 as a identified location, but with a note to the effect that extant permissions are regarded as fulfilling the indicative maximum additional capacity, and that further permissions will only be granted in substitution for any of these extant permissions that lapse.

### **Recommendation**

29.11.11 I recommend that Lentrán House is retained in Policy 6:1 as a identified location, reworded as recommended at paragraph 29.3.36, with a note to the effect that extant permissions will be regarded as fulfilling the indicative maximum additional capacity, and that further permissions will only be granted in substitution for any of these extant permissions that lapse.



## 29.12 NAIRNSIDE

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**Objectors: Mr & Mrs Boardman (17), Mr J Callum (33), Mr & Mrs Chambers (46), Mr D Lawrie (143), Mr and Mrs MacInnes (167), Mr & Mrs MacLeod (183), Mr MacQueen & Ms MacIsaac (168), Strathnairn Community Council (185), J W & M L Robertson (226)\*, Mr Snedden (247), Mr & Mrs Thomson (261)**

**Procedures: Public inquiry\* and written submissions**

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### Synopsis of objections

29.12.1 The thrust of these objections is that Nairnside has already reached the limit of development that is acceptable, and that no further housing should be allowed.

### Factual background

29.12.2 Nairnside is about 1.5 km south of Westhill, on a minor road that runs south-east from the B9006 to the B851. It is linear in form, and extends along both sides of the minor road. The DDILP shows a settlement boundary extending, in the main, around existing houses, but also including, near its eastern end, undeveloped land to the north-east of the road. At the time of the inquiry, some affordable houses had been built in this general location, and others were under construction.

### Brief summary of the main points raised by objectors

29.12.3 These points can be summarised as follows:

- other than the redevelopment of existing houses, the local plan should impose a development embargo at Nairnside. The indicative maximum additional capacity figure of 5 in the DDILP was based on 18 existing houses, but there are actually 28. Most of these are recent. The 25% growth figure, which is intended to cover a 10 year period, has therefore already been exceeded. The local plan settlement map is misleading and does not show all these existing houses.
- the access road to Nairnside is narrow, with no pavements or lights, and is unsuitable for increased use. The adopted ICALP identifies access as a constraint.
- further development is likely to result on pressure on the Council to provide “urban-type” services, such as street lighting and pavements, which residents do not want. They have chosen to live at Nairnside for its rural amenity.
- the DDILP settlement boundary includes woodland and wildlife habitat, and an open field at the eastern end of the village that should be protected from development. The Council appears to have ignored the principles of social justice, and the importance that national planning policy places on community involvement, whereby the public can influence the future development of their area.

29.12.4 Strathnairn Community Council endorses the views of residents who are opposed to further development, while Mr Callum is particularly opposed to more affordable housing, in the light of experience to date.

## **Brief summary of the Council's response to the objections**

29.12.5 THC's resolution to delete Nairnside from the settlements listed in Policy 6:1 as having further development potential reflects a decision, made at the same Committee meeting, to grant a planning permission that took Nairnside to its notional maximum additional capacity. However, there is no justification for imposing an embargo on development for the lifetime of the plan. Leaving Nairnside as an unidentified grouping could allow very limited infill or rounding-off, provided the details of a proposal were acceptable. Although the access road is single-track, its horizontal alignment is good and part of the grouping has mains drainage. Enclosing woodland provides adequate landscape capacity if acceptable single infill plots can be found within that framework.

## **Conclusions**

29.12.6 I adopt my conclusions at paragraphs 29.3.19-29.3.26, and my recommendation at paragraph 29.3.36 regarding Policy 6:1.

29.12.7 I also adopt my conclusion at paragraph 29.3.28 regarding the basis for Inset Proposals Maps, and the Council's intentions. The published Inset Maps for Nairnside do not show all of the existing houses.

29.12.8 As an identifiable housing grouping, Nairnside is a potential candidate for listing in Policy 6:1 as having capacity for some additional development. Although the access road is single-track with passing places, its horizontal alignment is good. The survey produced for the Upper Myrtlefield objections, while pre-dating some recent development at Nairnside, indicates that the road is likely still to be within its technical capacity. Part of the grouping has mains drainage. However, the evidence indicates that a significant amount of development has taken place in the recent past, and the Council states that a planning permission granted in March 2003 took the village to its "notional" maximum additional capacity figure. This permission, if not already taken up, is likely to remain extant.

29.12.9 If all the permissions that have been granted at Nairnside have been taken up, it should not be listed in Policy 6:1. However, if permissions remain to be taken up, Nairnside will not have reached its indicative maximum additional capacity, and a note similar to that recommended for Lentrans House would be appropriate.

## **Recommendations**

29.12.10 I recommend that, if all the permissions that have been granted at Nairnside have been taken up, it should not be listed in Policy 6:1. However, if permissions remain to be taken up, Nairnside should be retained in the policy as a identified location, the policy reworded as recommended at paragraph 29.3.36, and a note included to the effect that extant permissions will be regarded as fulfilling the indicative maximum additional capacity, and that further permissions will only be granted in substitution for any of these permissions that lapse.

## **29.13 SCANIPORT**

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**Objector: Mr J Baillie (20)**

**Procedure: Written submissions**

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### **Synopsis of objection**

29.13.1 Land at Scaniport, formerly used as a caravan and camping site, should be identified as suitable for up to 6 houses.

### **Factual background**

29.13.2 Scaniport is located on the B862, about 3 km south-west of Inverness. An Inset Proposals Map includes the southern part of a former caravan and camping site on the north side of the road in the settlement boundary. The adopted SSLNELP treats Scaniport as a housing group, where limited rounding-off or consolidation is allowed. The settlement envelope in that plan does not include any of the former caravan and camping site.

### **Brief summary of the main points raised by the objector**

29.13.3 This former caravan and camping site should be identified as suitable for 6 houses, and the indicative maximum additional capacity of 3 houses applied to the rest of the area within the settlement boundary. An overall limit of 3 houses is too restrictive and does not reflect housing demand in the area. Concerns over servicing, particularly water, should not prevent the allocation sought. Any development would be subject to the necessary service provision, and the existing private water supply is being reviewed. The site is well screened by trees, and 6 houses would have a minimal visual impact.

### **Brief summary of the Council's response to the objection**

29.13.4 The DDILP strikes a reasonable balance in terms of accommodating growth at a scale that reflects the servicing and visual/landscape capacity of this small rural settlement. Extending the settlement boundary to include more of the former caravan and camping site would encourage development outwith the natural visual envelope, and possibly the loss of an attractive area of birch woodland. The absence of a suitable mains water supply and foul drainage militate against concentrated development. The Council's approach is not to identify specific sites in smaller countryside settlements. It regards an envelope and a policy as a sufficient framework for development control decisions.

### **Conclusions**

29.13.5 No party argues that Policy 6:1 should not identify Scaniport as a location with capacity for further development. The differences between the parties are the extent of the area that should be identified for this purpose, the indicative maximum additional capacity figure that should be given, and how this should be allocated.

29.13.6 In this regard, I adopt my conclusions at paragraphs 29.3.19-29.3.26, and my recommendation at paragraph 29.3.36 regarding Policy 6:1. As there is an identifiable

building group at Scaniport, and no obvious servicing or infrastructure constraints that would prevent some development, it merits identification in the modified policy I have recommended.

29.13.7 As to the maximum additional capacity that should be indicated, I have already concluded that 25% of the number of existing houses would be proportionate, particularly where groups are fairly small. I see no reason to depart from this principle at Scaniport. Applying this to the 12 or so houses that exist would give an indicative maximum additional capacity of 3 additional houses.

29.13.8 I have also already recommended that the local plan ought not to identify a boundary for housing groups listed in Policy 6:1, but that the principles of consolidation or rounding off of groups, in keeping with the existing settlement pattern, should apply. These could allow some development on the southern part of the former caravan and camping site, where there is existing housing to the north-east, and on the opposite side of the road. Accordingly, if a boundary is retained, the boundary in the DDILP would be appropriate.

### **Recommendations**

29.13.9 I recommend that:

- (1) Scaniport should be retained as location listed in Policy 6:1, reworded as recommended at paragraph 29.3.36, without a boundary, and with a maximum additional capacity of 3 houses.
- (2) If this recommendation is not accepted, and the Council elects to show a boundary in the plan, this should be the boundary shown in the DDILP.

## **29.14 BLACKPARK FARM**

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**Objector: Mr I Alexander**

**Procedure: Public inquiry**

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### **Synopsis of objection**

29.14.1 The local plan should designate the B9006 between Westhill and Culloden Battlefield as a major tourist route, and safeguard land for tourism-related development. It should also allow other development, such as limited general needs housing, to allow tourism-related development to be viable. The Culloden Battlefield Conservation Area should not be extended to the detriment of other tourism-related development.

### **Factual Background**

29.14.2 The objector and his mother own the 75 ha Blackpark Farm to the north of the B9006 between Westhill and Culloden Battlefield.

### **Brief summary of the main points raised by the objector**

29.14.3 Blackpark is classified as Less Favoured Area - Severely Disadvantaged Category A - and the Scottish Agricultural College agrees it is not viable as a farm. The objector has therefore established a farm diversification scheme, providing holiday houses for letting. This has been funded by the sale of 3 private house plots, bank loans, private sources, and grants under the Agricultural Business Improvement Scheme (ABIS) and Agricultural Business Development Scheme (ABDS, 130/4 & 130/5). The first letting house was built in 1999, adjacent to the farmhouse, and the second in 2001, to the south of the B9006. THC granted permission for a further 2 letting houses in 2004, subject to holiday occupancy conditions. Only one of these houses will receive ABDS funding. There is no funding in place for the remaining house.

29.14.4 In view of the impending reform of the Common Agricultural Policy (CAP), the objector aims to move further towards an amenity/tourism business. However, the new letting houses, and other potential tourism developments, such as a visitor centre, golf course, and caravan and camping park (130/6), are only viable with external funding. These other developments would enhance the area, and existing tourism facilities, but can only be provided with funding from the sale of private house plots. THC recognised the need to support the farm business in granting 3 private plots to date. None of these fell within the scope of Hinterland Policy 6:1. The local plan should recognise the 8 existing and permitted houses at Blackpark (including the farmhouse) as a small, close-knit, housing group, suitable for expansion. It should also identify a boundary, to include land surrounding the group, to allow up to 12 additional houses - 6 for letting and 6 for general needs. The Firthview/Westhill development will extend mains drainage to the western boundary of the farm, bringing it within the settlement definition criteria in THC-17/1. It is similar to locations such as Upper Myrtlefield, which the plan identifies as a settlement. In addition, to accord with HSP Policies A2, T2 and T3, and Hinterland Policy 6:1 and Policy GP6 of the local plan, the plan should state that the Council will consider expansion of the group, for general needs housing, to be associated with farm diversification. The Council should also be

recommended to allow one general needs house for each letting house granted, to provide a suitable financial basis for diversification, otherwise it will have failed HSP Policies T2 and T3. It has allowed housing elsewhere, including at Castle Heather, to help finance leisure/recreation and tourism infrastructure.

### **Brief summary of the Council's response to the objection**

29.14.5 Blackpark does not merit a specific allocation for tourism-related development. It is no more suitable for this purpose than many other locations, and would not meet 2 of the tests in HSP Policy T2, namely the geographic dispersal of economic benefits and accessibility other than by car. It is questionable whether the 3 daily bus services on the B9006 can be described as "regular". While a high quality tourism proposal might nevertheless be acceptable, subject in particular to satisfactory visual impact from the B9006 and Culloden Battlefield, this should be tested through the development control process.

29.14.6 That said, the objector's real intention appears to be to secure significant housing expansion. Policy 6:1 does not designate Blackpark as a settlement. While the Firthview–Westhill development would bring it within the settlement definition criteria in THC-17/1, because there would be mains drainage, the additional tests regarding suitability for expansion would rule it out. However, it could be regarded as a smaller housing group in terms of Hinterland Policy 6:1, which would allow limited rounding-off.

### **Conclusions**

29.14.7 I adopt, for the purposes of these conclusions, my previous conclusions at paragraphs 29.3.19-29.3.25.

29.14.8 NPPG 15 confirms it is EC and national policy to promote diversification in agriculture, including the provision of facilities for tourists. Policy A2 of the HSP, which states that the Council will generally encourage proposals for the diversification of farm incomes, including non-farming enterprises, gives effect to the plan's recognition that it can sustain the agricultural sector by supporting measures which provide additional sources of income for farmers and a wider range of employment opportunities in rural areas.

29.14.9 Policy GP6 of the DDILP, which encourages farm diversification, including business/visitor and recreation facilities "consistent with Policies BP1-2", reflects the structure plan's approach. The local plan Proposals Map appears to include Blackpark in a Policy BP2 area.

29.14.10 HSP Policy T3 is a regulatory policy, intended to prevent self-catering tourist accommodation from being used as permanent dwellings. The HSP nevertheless also recognises that tourism is a vital part of the Highland economy. The support for high quality tourism development proposals in Policy T2 is general, and is not confined to proposals that spread economic benefits more widely, or are accessible by means other than private vehicles. The HSP therefore gives encouragement in principle for the type of tourism-related development the objector has in mind.

29.14.11 The evidence indicates that expansion of the diversification on which the objector has embarked, including implementation in full of the 2004 permission, will require a level of funding that the farm enterprise is unable to provide. However, it would be inappropriate for

Policy GP6, which, by definition, is intended to have a general application, to refer to specific locations. Notwithstanding Blackpark's proximity to the B9006 and Culloden Battlefield, and the holiday letting accommodation already provided, I am also not persuaded that it has attributes that are sufficiently distinctive or special to merit an express allocation or identification for tourism-related development. It is likely to be one of many small farms around Inverness that has elected to broaden its income base through a tourism based enterprise.

29.14.12 Having had regard to my previous conclusions, I also conclude that Blackpark does not merit identification in Policy 6:1 as a location where additional housing development may be acceptable. While mains drainage will be extended to the farm boundary in due course, implementation of the outstanding permissions would still leave it as a tight knit cluster of houses around a farm steading, surrounded by open fields, and with no obvious opportunities for consolidation or rounding-off. Any proposals for further new houses would therefore fall to be determined on the basis of the second part of the policy, when the circumstances summarised in the bullet points would apply. There is no documentary evidence that the Council's reason for granting permission for 3 general needs houses at this location was to assist diversification. The Castle Heather decision is likely to have turned on the circumstances of that particular case, and should not dictate future local plan policy at another location. There is no support in the HSP, or in national policy, for the "one-for-one" general needs/letting house policy promoted by the objector.

29.14.13 The B8006 is already well-signposted for tourists throughout the local area.

29.14.14 Extension of the Culloden Battlefield Conservation Area stands to be determined on its merits, in the context of section 61 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, which places a duty on planning authorities to undertake conservation area designation, based on a determination of the desirability of preserving or enhancing character or appearance. Possible consequences for other development does not form part of this statutory assessment.

### **Recommendation**

29.14.15 The local plan should not be changed in response to this objection.

## **29.15 BEAULY BARNYARDS**

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**Objector: Mr R MacDonald (156)**

**Procedure: Written submissions**

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### **Synopsis of objection**

29.15.1 No further housing development should be allowed at Beauly Barnyards.

### **Factual background**

29.15.2 Beauly Barnyards is a group of buildings to the east of the A862. The DDILP shows it within the Hinterland countryside, about 250 m north of the Beauly settlement boundary.

### **Brief summary of the main points raised by the objector**

29.15.3 The volume of traffic using the access road to Barnyards has increased significantly since the road was adopted in 1995 and there have been several accidents. There are also considerable drainage problems, particularly relating to septic tank soakaways. Any additional development would add to these problems, and should not be allowed.

### **Brief summary of the Council's response to the objection**

29.15.4 The local plan does not allocate land at Barnyards for development.

### **Conclusions**

29.15.5 While the DDILP does not identify Beauly Barnyards as a location for further development, it also does not rule out development. However, there is no documentary or technical evidence that access and drainage problems justify an express embargo. Any applications that were submitted would fall to be determined in the context of the provisions of the development plan and other material considerations. As an unnamed location for the purposes of Policy 6:1, additional housing development would only be allowed in certain exceptional circumstances. The criteria in HSP Policy G2, which any future proposals would also require to take into account, include compatibility with access and service provision.

### **Recommendation**

29.15.6 The local plan need not be changed in response to this objection.



## **29.16 ACHMONY, BALCHRAGGAN, BALMACAAN, BUNLOIT, DRUMBUIE AND STRONE**

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**Objectors: Mr R K Barrow (7), Ms K Hunt (119), A D & V M MacDonald-Haig (166),  
Glenurquhart Community Council (220)**

**Procedure: Written submissions**

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### **Synopsis of objections**

29.16.1 These objections relate to the local plan's approach to housing development at several locations around Drumnadrochit.

### **Factual background**

29.16.2 The local plan shows all these locations in the Hinterland countryside, outwith the settlement boundary proposed at Drumnadrochit. None is listed as a settlement in Policy 6:1. Achmony, Balchraggan and Drumbuie are located to the north of Drumnadrochit overlooking the village. Balmacaan lies just outwith the settlement boundary, to the south-west. Bunloit is south of the village, to the west of the A82 overlooking Loch Ness. Strone lies above the A82(T), north-west of Urquhart Castle.

**Reporter's note:** THC considered all these objections as relating to Drumnadrochit and the Hinterland, although part of the Bunloit area appears to extend into the Rural Development Area. This chapter considers only land within the Hinterland. The southern part of the Bunloit area, in the RDA, would be subject to Policy 23:2, which is supportive of housing in the countryside.

### **Brief summary of the main points raised by objectors**

*Mr R K Barrow*

29.16.3 Drumbuie and North Bunloit are very prominent areas of hillside visible from the main village. Consideration should be given to adjusting the boundary to allow rationalising of housing development in these new communities. Some limited additional housing could be associated with landscape features.

*Ms K Hunt*

29.16.4 Drumbuie, Bunloit, Achmony and Balchraggan should not be included in the Hinterland, because this would rule out single houses. They should be defined as settlements, and allowed to grow appropriately, with each proposed development being considered on its merits. Allowing only multiple house developments in rural communities is wholly inappropriate as it excludes high quality new houses that would enhance the area. The bland, suburban Tulloch development at Drumnadrochit is an eyesore from surrounding hillsides.

*A D & V M MacDonald-Haig*

29.16.5 This objection, which CD10 records as relating to Bunloit, is that the local plan should consider opportunities (indicated in an Annex to the objection) for single house developments to round-off existing groups of houses at Strone. The Annex indicates 2 house plots.

*Glenurquhart Community Council*

29.16.6 The local plan should incorporate guidelines for settlement planning in the Hinterland, specifically Drumbuie and Balmabaan (sic). There should also be a road safety audit of side roads, and a commitment to their improvement as a condition of further development in areas such as Drumbuie and Bunloit.

### **Brief summary of the Council's response to the objections**

29.16.7 Limited development, including single houses, that rounds-off established groups is acceptable within the principles of Policy 6:1, providing the relevant site planning criteria are met. These criteria include siting and design, and consideration of landscape impact and are matters for consideration in the context of individual proposals.

29.16.8 As regards the Community Council's comments on local roads, the DDMILP proposes to add to Policy 8:21 the words "*the Council will keep under review the need to upgrade the local road network*".

### **Conclusions**

29.16.9 I adopt the factual background to these objections, at paragraphs 29.16.2, together with my conclusions at paragraphs 29.3.19-29.3.26, which incorporate the background and context account in Chapter 29.1, and my recommendation at paragraph 29.3.36 regarding Policy 6:1. As indicated there, the local plan ought to recognise clearly identifiable housing groups in the area around Inverness, and I have recommended the terms of a policy for such locations.

29.16.10 None of the objectors argues that the locations outwith the Drumnadrochit settlement boundary that feature in the objections considered in this chapter ought not to be located in the Hinterland because they are unrelated to Inverness. They are characterised by loosely disposed or sporadic housing and have no discernible nucleus or focus that serves to form a discernible grouping. I conclude that, as a matter of fact and degree, they have the character, appearance and attributes of open countryside. The narrow, steep and tortuous roads leading to Drumbuie and Bunloit in particular and their elevated and prominent locations also limit the capacity to accommodate additional development.

29.16.11 In the light of the above, these locations should be regarded as locations to which a presumption against new dwellings and the conversion of non-traditional buildings applies, other than in the exceptional circumstances listed in the penultimate paragraph of Policy 6:1, in the terms recommended at paragraph 29.3.36.

29.16.12 Irrespective of whether any new development occurs, the narrow, steep and tortuous roads leading to Drumbuie and Bunloit would benefit from improvement. I conclude that the proposed modification to Policy 8:21 ought to be accepted.

### **Recommendation**

29.16.13 I recommend that:

(1) these locations outwith the Drumnadrochit settlement boundary are regarded as locations to which a presumption against new dwellings and the conversion of non-traditional buildings would apply, other than in the exceptional circumstances listed in the penultimate paragraph of Policy 6:1 in the terms recommended at paragraph 29.3.36.

(2) the proposed modification to Policy 8:21 regarding the local road network is accepted.

## **30. OBJECTIONS REGARDING SETTLEMENT EXPANSION RATE IN THE HINTERLAND**

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**Objectors: Homes for Scotland (64) and Kiltarlity Community Council (180)\***  
**Procedures: Public inquiry\* and written submissions**

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### **Synopsis of objections**

30.1 Homes for Scotland objects to the statement in paragraph 1.46(a) of the DDILP that land allocations in the Hinterland area will, “*as a rule ... not exceed 25% of the existing scale of settlements for any 10 year period*”. Kiltarlity Community Council wishes the plan to make clear that the maximum rate of expansion in settlements will be 25% over 10 years.

### **Factual background**

30.2 Paragraph 1.46(a) is a reference to Policy 6:2 which states:

*“The Council will seek within the Hinterland and within any 10 year period, to ensure that housebuilding in local centres, key villages and small settlements (as defined in the local plan) does not generally exceed 25% of the number of existing dwellings in such settlements. The Council will endeavour to ensure that further housing on allocated land (i) is distributed as evenly as possible and provides choice within each settlement, and (ii) is phased to enable development to proceed incrementally over the plan period. Accordingly, for development proposals involving land identified under the Settlement Policy E: Expansion, the Council will seek to limit, pro-rata with the total capacity of such land in any settlement, the number of houses granted planning permission in any period not exceeding 5 years”.*

### **Brief summary of the main points raised by the objectors**

#### *Homes for Scotland*

30.3 The statement in paragraph 1.46(a) quoted above should be deleted. The Council must seek to meet demand for housing in full, irrespective of whether it exceeds a 25% figure. It is sufficient to state that the rate of growth in villages should be monitored to avoid overheating.

#### *Kiltarlity Community Council*

30.4 Policy 6:2 should make clear that the maximum rate of expansion will be 25% over any 10 years, based on the existing housing stock in the settlement stated in the plan, and that the reference to a *pro rata* expansion rate cannot be interpreted as allowing 25% growth in 5 years, i.e. 50% in 10 years. “Generally” should be deleted from the policy. Although THC planning officials have advised they will “try” to hold development to 25% over 10 years, in line with the intention in Policy 6:2, a Council minute (180/1) indicates the 25% rate may be “elastic”.

## **Brief summary of the Council's response to the objections**

30.5 The 25% growth limit proposed in the plan derives from the very strong views expressed by local communities on settlement expansion, and the view expressed by the SE (THC-18/BEA3) that the CDLP allocated far too much land. It also reflects the Council's desire to express a policy aspiration in terms that allow monitoring and control. The Council deleted some allocations and reduced the capacity of others to accommodate the concerns that had been expressed. It also re-phased larger expansion sites in main villages so that only a proportion is available for development by 2011. This meshes with guidance in SPP 3 that development plans should take a longer view of the supply of housing land.

30.6 The local plan approaches village housing site phasing in 2 ways. Long-term (15-20 year) allocations are safeguarded, as "Amenity" areas, from piecemeal development that could prejudice future access and layout options. Medium-term (post-2011) allocations are identified more clearly because there is more certainty about their access, layout, and boundaries. The 25% growth figure is intended to be based on a 10 year assessment period from 29 May 2002, when THC approved the DDILP. It is accepted that Policy 6:2 could be reworded to clarify that the "*pro rata*" rate refers to 50% of the 10 year figure. However, the distribution of this figure over the 10 year period could be influenced by the take-up rate.

## **Conclusions**

30.7 SPP 3 requires local plans to conform to the structure plan covering the area concerned, to provide sufficient housing land to meet the housing land requirement for at least 5 years from the date of adoption, and to identify further sites to meet requirements in the medium term. Policy H1 of the HSP requires local plans to provide for a supply of land for housing in accordance with the figures contained in the policy. These are calculated on an Area basis, consistent with current and future Local Plan boundaries. The HSP does not specify allocations for individual settlements.

30.8 SPP 3 also states that care should be taken, particularly in smaller towns and villages, to ensure that the scale of new development is appropriate, and that consideration should be given to the cumulative impact of a succession of developments over time.

30.9 The consequences of "overheating" are likely to become apparent only after development has taken place, and therefore require to be addressed in retrospect. This would tend to make it difficult to effectively address any adverse consequences of cumulative settlement growth in practice. Identifying, as a benchmark, a maximum figure that is generally expected to be met would therefore be a useful regulatory tool. While any specific proportion that will have general application is inevitably arbitrary, 25% is a relatively generous figure. Homes for Scotland does not argue that the Council's approach will prevent HSP housing land requirements from being met. This is consistent with my conclusions at Chapter 22.

30.10 That said, a degree of flexibility is desirable, to take account of the likelihood that some settlements will be better able to accommodate growth than others, and to allow for circumstance that have not been foreseen. I conclude that the term "generally" provides a suitable level of flexibility in those respects.

30.11 While a smooth continuum in the rate of development over a 10 year period is unlikely always to happen in practice, a 5 year *pro rata* rationing of Expansion land would help to regulate the rate of land release in line with the objective of the policy. However, the plan should make clear the date from which the 10 year period will apply. It would be logical for this to coincide with the base date for calculating the indicative maximum additional capacity figure at Policy 6:1 locations, which I have concluded ought to be September 2002. The reference to a 5 year *pro rata* figure also ought to be more clearly expressed.

### **Recommendations**

30.12 I recommend that:

- (1) paragraph 1.46(a) is not changed.
- (2) Policy 6:2 is retained, subject to the final sentence being reworded as follows:

*“Accordingly, for development proposals involving land identified under the Settlement Policy E: Expansion, the Council will seek to limit, pro rata with the total capacity of such land in any settlement, the number of houses granted planning permission in any 5 year period to 50% of the 10 year figure”.*

- (3) the local plan identifies a base date from which the 10 year period in the policy will apply. For the reasons previously stated, this ought to be the date when the DDILP was placed on public deposit.

## 31.1 BEAULY

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**Objectors: Mr H Black (16), Scotia Homes (27), Lovat Estates (81)\*, Beaulay Community Council (84), Mr A & Mrs M F MacKay (173), Mr D & Mrs C MacLennan (181), Mr J Russell (237)\*, Mr P & Mrs D Wortham (273)**

**Procedures : Public inquiry\* and written submissions**

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### **Synopsis of objections**

31.1.1 Beaulay Community Council raises a range of matters, summarised at paragraph 31.1.7. However, most of the objections relate to proposals for housing development at the northern end of Beaulay, in the vicinity of Croyard Road. Scotia Homes and Lovat Estate object that the DDILP should allocate more land at this location. The other objections are to a modification, proposed in the DDMILP, that 2.7 ha of agricultural land that the DDILP safeguards for the longer-term expansion of the village should be allocated for housing and related amenity uses during the plan period.

**Reporter's note:** Dr R Fergusson made comments on the DDILP, which he does not wish to be treated as objections. These relate, among other things, to parking, drainage and water supply, and the quality and scale of new development.

### **Factual background**

31.1.2 The DDILP describes Beaulay as the principal local centre for the west of the local plan area. It has about 580 houses, a primary school, shops, a post office, a bank, a police station, and a railway station. Paragraph 7.2 states that the River Beaulay and flood plain to the east, the railway to the south and west, and open land to the north, which is important to the local setting, determine Beaulay's potential and direction for growth. Connection to the WWTP at Muir of Ord is stated to have lifted severe drainage constraints, although it is acknowledged that pumping may be required to drain lower ground, particularly at the rear of the Nurseries, where surface water problems may contribute to higher development costs. Land within the railway and west of the village is regarded as best placed to accept development, with present ownership and access constraints suggesting this should be phased from the north and south with the remainder safeguarded for long-term needs.

31.1.3 Policies 7:2 and 7:3 of the DDILP propose to allocate 2 small sites within the village for up to 9 houses in total. Two Expansion sites -7.2 ha west of Garden Place (Policy 7:10) and 5.7 ha north-west of a lorry park at the north end of the village (Policy 7:11) are also proposed, for 85 and 60 houses respectively.

31.1.4 The proposed modification that prompted objections is to reinstate a proposal that appeared in the CDLP. This 2.7 ha allocation, north-east of Croyard Road and north-west of Croyard Drive and Croyard Court, would be for 30 houses. The site adjoins the south-western boundary of the lorry park site. Policy 7:12 of the DDMILP states that the 2.7 ha allocation is "*subject to assembly with (11) above and phasing of development from the west. Completion of a distributor road between Croyard Road and the High Street (A862) will be a prerequisite to development commencing*".

31.1.5 The DDMILP also states that, at all 3 expansion sites - Garden Place, the lorry park and Croyard Road – “a section 75 agreement will be sought to ensure a rate and scale of building compatible with the terms of policy 6:2 Settlement Expansion. Development Briefs including comprehensive layout and servicing, footpath links, open space and landscaping will be expected. Development will also be expected to incorporate affordable housing”.

**Reporter’s note:** It emerged at the inquiry that THC intends Policy 7:12 to refer to phasing from the east i.e. from the direction of the lorry park, and to require the completion of the distributor road before development commences on the Croyard Road site.

31.1.6 Both versions of the plan safeguard the land between the Garden Place site and Croyard Road that is not proposed to be allocated for development during the plan period for the long-term expansion of the village. In the interim, a strict presumption against piecemeal development is to be applied, and the land’s existing open character and use is expected to continue.

### **Brief summary of the main points raised by the objectors to the DDILP**

#### *Beauly Community Council*

31.1.7 The main issues raised by the Community Council in relation to Beauly are:

- 140 houses could be disproportionate to the village; development must be at a reasonable pace, not in large amounts, and not of any one type.
- close monitoring is required, with a review after 5 years to guard against large, unchecked growth.
- mixed development is needed, with provision for the elderly, sheltered housing, a proportion of self build sites, and 25% low cost housing to encourage young people to stay.
- better community and leisure facilities are required, adequate water and drainage must be in place before development proceeds.
- there could be traffic hazards in Croyard Road and at the access beside Made in Scotland (at the south end of the village).
- building on agricultural land is a concern.
- restricting building in outlying areas could affect small contracting businesses.

#### *Scotia Homes*

31.1.8 Allocation of the lorry park and the Croyard Road site is essential to ensure the deliverability of housing. Allocating the lorry park site for short-term development, but reserving the Croyard Road site for the long-term would prevent the joint access and development that is required for a viable development.

#### *Lovat Estates*

31.1.9 Beauly needs more houses. Croyard Road serves the school, two churches, two surgeries, a range of businesses, and about 60 houses in the village, as well as a large number of properties at Beauly Braes. Much of the traffic that comes down Croyard Road is heading for Inverness and Dingwall. A distributor road would act as a bypass, relieve pressure on the



lower part of Croyard Road, and accommodate traffic from another 30 houses. The Estate owns the DDMILP Policy 7:12 site and is willing to make it available for development. If the allocation is confirmed, it would seek to resume the existing agricultural tenancy, as it had done after the previous local plan inquiry in 1986 (THC-18/BEA1) recommended that the site now occupied by Croyard Drive and Croyard Court should be allocated. If the Croyard Road site is not allocated, there will be no chance of the new road, and traffic will continue to increase. There will eventually be a new road round the west side of the village, one way or another.

### **Brief summary of the main points raised by the objectors to the proposed modifications**

*Mr J Russell*

31.1.10 The objector farms, in partnership with his son, 14 ha of land at Croyard Road, comprising the Policy 7:12 site, and fields around Croyard House, under a full agricultural tenancy from Lovat Estates. He also owns a further 4 ha in Ross-shire. Despite the loss of planning protection for prime land, the loss of production from such land raises immediate concerns for viability, employment, and sustainability. High quality land is best placed to respond to changing markets at a time when the agricultural industry is under pressure to diversify. The objection site is readily accessible, close to markets, and readily serviced.

31.1.11 The site already provides high amenity for those who use Croyard Road, and opportunities are being taken to enhance its environmental value. The wildlife interest on the field margins exists in the context of its use for different purposes at different seasons. Housing development would appear as an isolated linear intrusion along Croyard Road into an otherwise natural landscape. While the distributor road would remove some traffic heading for the centre of the village, and the site is within walking distance of the centre, its distance from the railway station would encourage car journeys to the station, or more probably beyond, adding to congestion at peak travel times.

31.1.12 Developing the site for housing is an opportunistic “quick fix” that takes little account of complex and inter-related factors, and would be an inappropriate and irreversible use of scarce resources when other options exist. The site is also unlikely to be available. Lovat Estates would have to embark on a complex legal process to resume control, with no guarantee of success. When the Croyard Drive/Croyard Court site was recommended for release it comprised only 10% of similar land farmed by the objector. All the land to the west of Beauly is a similar quality. THC’s reasons for affording the land to the south-west of Croyard Road a different planning status from the objection site are unclear.

31.1.13 The proposed modification is also contrary to the wishes of most of the local community, and appears to have been prompted by objections to the DDILP by the landowner and potential developer of the site, who have vested interests. The turnover of houses in Beauly is about 10-15 per year. The 155 house sites proposed in the DDILP would increase the village’s housing stock by over 25%, and could change its character. There is no need for 30 more houses. Beauly should not be the solution to the housing problems of Inverness.

*Mr H Black*

31.1.14 Building 175 houses with an average of 2.1 persons per house would increase Beauly’s population by 367 persons and radically alter its character. Drainage and sewerage

systems are problematical. The village school is in Croyard Road, which is already busy. Increasing pupil numbers significantly would increase traffic, and the risk of accidents to children. The school is also unlikely to be able to cope with additional pupils. A distributor road would alter the character of the village, and increase the likelihood of speeding at the school. Any proposal to block off Croyard Road would reduce access and amenity. If development does proceed, it should be single-storey, and in sympathy with neighbouring properties.

*Mr & Mrs MacKay*

31.1.15 The objectors oppose the proposed distributor road and closure of Croyard Road.

*Mr MacLennan*

31.1.16 The DDILP proposals would more than cater for housing needs. A distributor road is unnecessary and undesirable, and would not improve congestion on the lower section of Croyard Road. If the lorry park and Garden Place sites did not meet demand, the Croyard Road site could be considered for development as envisaged in the DDILP, although this could seriously affect the viability of Croyard Farm.

*Mrs MacLennan*

31.1.17 The Croyard Road and distributor road proposals raise grave concerns regarding traffic. Croyard Road provides access to the Braes of Beaully. It would be a disgrace if this was removed.

*Mr Wortham*

31.1.18 Development at Croyard Road could exacerbate surface water drainage problems and could be susceptible to flooding. Croyard Road is an important walking route, and its rural nature should be safeguarded. It is questionable whether Beaully requires 145 houses. Needs must be balanced against the maintenance of the rural nature of the community.

*Mrs D Wortham*

31.1.19 Beaully cannot be expected to cope with this scale of development. Most residents opposed the Croyard Road site at CDLP stage, and it is undemocratic to reinstate it without adequate publicity. It is also unfair to take more land from Croyard Farm, and shortsighted to develop scarce prime land when so much lower quality land remains undeveloped. Given the existing surface water drainage problems in this area, 30 additional houses could result in massive flooding. The Policy 7:12 site contributes significantly to Croyard Road's rural character, which makes it a popular recreational feature. It would be more consistent with national policy to preserve the area's wildlife interest and promote road improvements and speed control measures outside the village boundary. Most drivers are unlikely to use the distributor road - this should be properly researched, and unsubstantiated claims not simply accepted.

## **Brief summary of the Council's responses to the objections**

31.1.20 The Croyard Road housing proposal is conditional upon the problems that led to it being omitted from the DDILP being resolved, specifically the capacity of Croyard Road and the fear that Beaulieu will expand too quickly because of the "over-allocation" of housing land. As it is impractical to widen Croyard Road to an acceptable standard as far as the entrance to the housing site, development could only be acceptable if an alternative access is provided. This could be done by forming a distributor "loop" road between the A862 and Croyard Road. Existing problems of primary school safety, on-street parking, the junction with the A862, and increasing traffic on Croyard Road, could also be addressed. The local plan does not propose the closure of Croyard Road, and traffic calming measures would be far easier to implement if an alternative access was available. In the long-term, a loop road round the west side of village, through the safeguarded land, is envisaged. The owners of the lorry park site, and Lovat Estates, are understood to be in discussions with a housebuilder.

31.1.21 Policy 7:12 as proposed in the DDMILP would control the rate and scale of development to a level compatible with Policy 6:2. The surface water drainage problems that apply to this flank of Beaulieu in terms of a high water table, the maintenance of existing drainage ditches, and the flow of water off the Braes, will require to be addressed in considering any Master Plan(s) or planning applications. However, THC is satisfied that these problems can be resolved and that they do not provide a reason not to allocate the site, which lies above the 5 m AOD contour that reflects the best estimate of the 1:100 year flood risk. In the light of SPP 7, a developer-funded flood risk assessment may also be necessary.

31.1.22 THC-18/BEA2 shows that national planning policy guidance regarding the protection of prime farmland has changed considerably in recent years, and land quality is no longer an overriding consideration in determining its suitability for development. That said, 2.7 ha is a sizeable proportion of Mr Russell's tenanted land. If the site was developed, the diversification that is already underway might have to increase.

31.1.23 The Council decided against allocating land to the south-east of the railway line, as this is more remote from the village centre, and because the railway is a defining feature. Policy 6:1 allows up to 26 additional plots on the Braes above Beaulieu, which should not be asked to accommodate more than this. Compared to the allocations proposed in the village, the Braes area is more prominent, and more difficult to access in terms of its single track road network. Allocating land to meet only the demands and needs of Beaulieu residents is not permissible under current SE guidance, or desirable or enforceable. Local housing associations operate letting policies that give priority to tenants with a local connection. This may be the best way of ensuring that any new affordable accommodation is "reserved" for those with a Beaulieu connection.

## **Conclusions**

31.1.24 I adopt the account of the factual background to the objections, at paragraphs 31.1.2-31.1.6.

31.1.25 Policy H1 of the HSP requires local plans to provide for a supply of land for housing in accordance with the figures contained in the policy. I have already concluded, at paragraphs 22.52-22.53, that there is no need for the local plan to allocate more land in order to meet structure plan housing land requirements for the period to 2011, in quantitative terms.

The ability to meet these needs does not turn on confirming disputed housing allocations at Beauly.

31.1.26 As far as the distribution of housing land is concerned, HSP requirements are calculated on an Area basis, consistent with current and future Local Plan boundaries, which are stated to be coterminous with housing market areas. SPP 3 and PAN 68 also address the issue of meeting housing land requirements in the context of housing market areas, not individual settlements.

31.1.27 While it is appropriate for the City to accommodate the majority of housing land in the local plan area, commensurate with its role as a regional centre, a geographical spread of sites outwith the City is also desirable, to provide a range and choice of housing locations, to meet local needs, and to support local community services and facilities.

31.1.28 Beauly is a sizeable settlement, with a range of community facilities. The DDILP states that the drainage restrictions that have constrained development in the past have been lifted with connection to the new WWTP at Muir of Ord. It also identifies sites to address the service deficiencies identified in the plan, namely a medical centre (which already has planning permission) and a fire station. The rail halt that has recently been established also improves accessibility to Inverness by public transport. Beauly is therefore well-placed to serve as a new housing location. Its identification in the local plan as a Local Centre reflects the settlement hierarchy in the HSP. As the local plan also provides for housing opportunities in the countryside and in smaller settlements, work would be available for local contractors in a range of locations.

31.1.29 However, as SPP 3 states, care should be taken, particularly in smaller towns and villages, to ensure that the scale of new development is appropriate. The cumulative impact of a succession of developments over time has also to be taken into account. Housing growth ought therefore to proceed at a rate commensurate with these considerations, while maintaining continuity in supply. SPP 3 also states that extensions to settlements need careful planning, that the landscape settings of towns and villages must be respected, with attention given not only to the visual impact within a village or town, but also from outside.

31.1.30 The HSP expects housing allocations to take account of the criteria in Policy G2. In common with national guidance, these include a preference for the development of brownfield land, as a matter of principle. However, no party argues that there are significant brownfield opportunities at Beauly, and the allocations proposed within the built-up area are understandably very limited.

31.1.31 Options for expansion are also limited, for the reasons explained in the plan. The river and the floodplain to the east, the landscape setting to the north, and the definition of the village to the south by the railway line, make expansion to the west the only practical option.

31.1.32 While the emphasis may have changed, it remains national policy that prime quality agricultural land should be protected from irreversible development where possible. THC-18/BEA2 relates to a procedural change, whereby the statutory obligation to notify Scottish Ministers regarding certain proposals no longer applies, and confirms that prime land will continue to be protected through relevant policies in NPPGs and Circulars. Policy A1 of the HSP countenances development on prime quality or locally important agricultural land only where this is essential to the interests of the local community and no alternative location is

feasible. The local plan identifies prime quality land as a Policy BP3 feature, and thus subject to a presumption against development. However, no party argues that Beaulieu should not expand, and I have already concluded that it is well-placed to be a new housing location. As the land to the west of Beaulieu is stated to be similar in quality to the objection site, the sacrifice of some prime land is likely to be unavoidable if expansion is to be achieved.

31.1.33 The proposed modifications regarding the site to the north-west of Croyard Road relate primarily to timing, as the DDILP proposes to safeguard this land for the long-term expansion of Beaulieu for a range of possible uses.

31.3.34 The 2.7 ha site represents almost 20% of Mr Russell's land tenancy at Beaulieu, and about 15% of his total farm operation. However, he does not state that it is essential for him to retain this land in order to continue farming. The outcome of any legal action cannot be predicted with any certainty, although the Estate previously succeeded in resuming adjoining land for development.

31.1.35 Phasing development at a level consistent with Policy 6:2 would help to address concerns regarding the rate and scale of growth in the village. The expansion sites that are the subject of objection are capable of accommodating a wide range of house types. A Development Brief, which SPP 3 states can help in setting out development principles, carried forward to the development control process, could ensure that the necessary infrastructure was provided timeously.

31.1.36 A location closer to the station would accord with the statement in SPP 3 that, in planning the expansion of settlements, preference should be given to locations that can be well integrated, *inter alia*, with existing and proposed public transport. However, the Croyard Road site is close to, and within easy walking distance of, the centre of the village, where the majority of local services and facilities, and public transport routes, are located. It is also within easy walking distance of the local primary school. These are very significant advantages for a housing location.

31.1.37 While Scotia Homes and Lovat Estates do not detail the economic case for allocating the Policy 7:12 site for development within the plan period, a combined development is more likely to be able to bear the cost of a distributor road. I find, irrespective of drivers' destinations, that such a road would help to relieve Croyard Road of through traffic, particularly if traffic calming was introduced on the lower part of the road. I consider that, to this end, the local plan ought to require traffic calming in association with development at the objection sites.

31.1.38 The criteria in Policy G2 also include compatibility with service provision, which I have already addressed, together with the very limited availability of brownfield land in Beaulieu. The objection site's ability to accommodate a range of house types would allow it to provide for the needs of all sectors of the community, including for affordable housing.

31.1.39 While the character of the lower part of the undeveloped length of Croyard Road would inevitably change, the objection site does not have a pronounced linear form, and buildings would be seen against the rest of the village when descending Croyard Road. I conclude that a well-designed and landscaped development, drawn up with consideration for its surroundings, and for the amenity neighbouring residents, need not be obtrusive, or impact adversely on individual or community residential amenity. While I note the submissions

regarding the site's wildlife interest, there is adjoining agricultural land that could afford a similar habitat for species.

31.1.40 Flooding is potentially a more significant issue. While THC is confident that any problems can be resolved, it states only that the site is above the 5 m AOD contour that reflects the best estimate of the 1:100 year flood risk. In this regard, the Risk Framework in SPP 7 (reported at paragraph 4.11.12) is pertinent. This site is not within an already built-up area. It is therefore a location that the Framework regards as generally not suitable for built development, and where flood prevention and alleviation measures are likely to be required if built development is permitted, exceptionally. There is also the possibility that the flood risk maps, with which the Council is now likely to have been supplied, show that the site is subject to a significantly higher flood risk than the Council had understood. In that event, it would be prudent for land allocations in the vicinity of Croyard Road, and possibly elsewhere at Beaulieu, to be reappraised in the light of the information in the maps. In any event, a developer-funded Flood Risk Assessment should be required.

31.1.41 Drawing these matters together, although its availability cannot be guaranteed, I consider that the Croyard Road site has the potential to facilitate the bringing forward of land for housing in an eminently sustainable location in this local centre. Subject to the Council remaining satisfied following a flood risk reappraisal that the risk can be satisfactorily addressed, I conclude that the site takes sufficient account of the relevant criteria in Policy G2 to allow the allocation proposed in the DDMILP to be confirmed. This conclusion is also subject to Policy 7:12 being reworded as recommended at paragraph 31.1.42 below.

### **Recommendation**

31.1.42 I recommend that:

(1) subject to the Council remaining satisfied, in the context of the most up-to-date flood risk information available, that flooding issues at this location can be satisfactorily addressed, the Policy 7:12 allocation proposed in the DDMILP is accepted, with requirements worded as follows:

*“30 houses, subject to assembly with (11) above, a developer funded Flood Risk Assessment, and phasing of development from the east. Completion of a distributor road between Croyard Road and the High Street (A862) and traffic calming on the lower section of Croyard Road will be a prerequisite to development commencing on this site”.*

(2) the remainder of the policy is worded along the following lines:

*“Section 75 agreement will be sought to ensure a rate and scale of building compatible with the terms of policy 6:2 Settlement Expansion. Development Briefs including comprehensive layout and servicing, footpath links, open space and landscaping will be expected. Development will also be expected to incorporate a range of house types and tenures, including affordable housing”.*

## 31.2 DRUMNADROCHIT

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**Objectors: Mr R K Barrow (7), Mr J Cameron (38), Mr D S Fraser (86)\*, Mr D Skinner (137)\*, Mr A Lumsden (153), Mr & Mrs A MacDonald-Haigh (166), Mr & Mrs J Morritt (204), Glenurquhart Community Council (220)**

**Procedures : Public inquiry\* and written submissions**

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### Synopsis of objections

31.2.1 The objections to the DDILP cover the following issues:

- land at Pitkerrald/Allanmore
- sites at Pitkerrald Road and south-west of Glenurquhart High School
- land at Benleva, north of the former High School
- Drum-Lewes (north) and Drum-Lewes (south)
- Blairbeg Wood
- Milton
- the Village Centre
- conditions at Drumnadrochit Bridge
- shopping
- funding
- amenity areas
- Borlum Farm
- Lewiston

31.2.2 The only extant objection to the modifications proposed in the DDMILP relates to design policies and implications for development at the Lewiston Arms.

**Reporter's note:** Other than Borland Farm, which is partly outwith the settlement boundary in the DDILP, this chapter deals with objections relating to land within the boundary. Mr Barrow's objection regarding Drumbuie, Mr & Mrs A MacDonald-Haigh's objection regarding Strone, Glenurquhart Community Council's objections regarding Drumbuie, Balmacaan and Bunloit; and Objection 119 (Ms K Hunt) are considered in Chapter 29.16. The Community Council's objections regarding Balnain are considered in Chapter 37.1. All objections relating to Lewiston are reported at paragraphs 31.2.21-31.2.25.

### Factual background

31.2.3 Drumnadrochit is on the west side of Loch Ness about 25 km south of Inverness. The local plan identifies it as a Local Centre, in the Hinterland, with 460 houses, a secondary school, shop/post office, hotels, halls, sheltered housing, day care, a service point, and a fire station. A health centre is identified as a service deficiency, and water supply as an infrastructure constraint. "Green" buffers are identified as Environmental Action.

31.2.4 Policy 8:1 (in summary) refers to the Council's wish to investigate strengthening the village centre as a focus for commercial/social activity, for a range of uses, including

retailing, in a Development Brief. The DMMILP adds a proposed modification, that any development will require to “reflect” residential amenity.

31.2.5 Policies 8:3-8:9 in the DDILP propose to allocate 7 sites for housing: Benleva (east) for 35 houses; Pitkerrald Road (5 houses); Drum-Lewes (north)(6 houses); Drum-Lewes (south)(5 houses); East Lewiston (south)(4 houses); Lewiston Arms (flats); and Kilmore (1 house). In response to Mr Cameron’s objection (38), the DDMILP proposes an additional site - Pitkerrald Road (south) for 5 houses. It also proposes changes to the requirements for the Lewiston Arms site (Policy 8:8) to read “*planning permission, conversion, design details at 11 below will be sought where appropriate*”.

31.2.6 In the DDILP, Milton is covered by an “H”, Housing, designation. In the DDMILP, Policy 8:11 also applies. This policy states that further infill housing at Lewiston and Milton, “*where compatible with the flood protection and other site requirements, should be of compatible plot size, orientation, height, form and finishes, building line and curtilage treatment*”.

31.2.7 Policy 8:17 in the DDILP (Policy 8:19 in the DDMILP) states that the (now former) listed High School and its curtilage would be “*suitable for a mix of community-related, residential, business, health-care, visitor/heritage uses. .... 0.5 ha of adjoining land to the north is allocated for ancillary development. Suitable access links will be required together with a pedestrian/cycle route to the village centre*”.

31.2.8 Policy 8:19 in the DDILP (Policy 8:21 in the DDMILP) states (the emboldened text indicates proposed modifications):

*“Further to traffic management measures on the A82 through the village, the Council will encourage the Scottish Executive to give priority to extending the 30 mph speed restriction and providing a pedestrian footpath on the eastern side of the Trunk Road between Kilmore and the Village Centre **together with other safety improvements.** **The Council will keep under review the need to upgrade the local road network**”.*

31.2.9 Policy 8:18 in the DDILP (Policy 8:20 in the DDMILP) identifies land and property at the junction of the A82/Balmacaan Road as an Action Area, stating that the upper floor of the shop there is underused, and that the surgery may become available for alternative use in the event that new health-care facilities are secured elsewhere in the village.

31.2.10 Policy 8:20 in the DDILP proposes to allocate 1.5 ha of land at Borlum Farm, to the north of the A82 south of the River Coiltie, just inside the eastern boundary of the settlement, for caravan and camping facilities. The DDMILP proposes the following replacement policy, Policy 8:22:

*“Subject to details, the Council will support development of visitor and recreational facilities at Borlum, including on land south of the River Coiltie, subject to adequate servicing and flood safeguards; and conversion of farm steadings. 1.5 ha of land allocated for camping and caravan facilities may offer scope for expansion subject to adequate servicing and compatibility with conservation interests”.*



31.2.11 Policy 8:21 in the DDILP (Policy 8:23 in the DDMILP) identifies an Expansion site at Pitkerrald/Allanmore for housing and community uses in the medium/longer term. The policy goes on to state (the emboldened text indicates proposed modifications):

*“Access will be reserved from the A82 north of Druimlon, **although consideration will continue to be given to the scope to serve this land from Pitkerrald Road**; and development will involve extension of mains utility networks and developer contribution towards affordable housing. **The Council will continue to discuss the principles of development at this locality with community interests and** will prepare a Development Brief in consultation with the community with a view to securing development compatible with the character of the village. This will establish principles governing:*

- *the phased release of land and a building rate consistent with (6.2) above;*
- *a predominantly linear form of development integrating groups of buildings, green spaces and trees;*
- *a design guide incorporating traditional building features, materials and other details;*
- *segregated footpath/cycle links; and*
- *the management of adjoining open/residual land including connections with a core network of local walks.*

*The Council will seek Section 75 Agreement in relation to these requirements where necessary. A strict presumption against development that could prejudice the future layout and servicing of this area and its setting will apply. **It is essential that any limited infill does not prejudice these objectives**. The existing open use and character of the land will be expected to continue in the interim”.*

31.2.12 Policy 8:22 in the DDILP (Policy 8:24 in the DDMILP) relates to Amenity areas, whereby land separating Drumnadrochit, Lewiston, Benleva, Pitkerrald, Balmacaan, Kilmichael and Milton, regarded as essential to the setting of the village, is proposed to be subject to a strict presumption against development not associated with maintaining the overriding open character and adjacent woodlands. These areas are considered suitable in principle for agriculture or crofting; horticulture and organic farming; outdoor community facilities and amenities; recreation; landscape enhancement; and essential flood protection works.

### **Brief summary of the main points raised by the objectors**

*Glenurquhart Community Council*

31.2.13 The Community Council seeks the following changes and commitments in the plan:

- a commitment to further consultation regarding the location of any future larger-scale housing developments at Drumnadrochit. It states that the community is keen to see a period of consolidation after the sustained growth over the last 5 years. Residents would also like to see amenity development, further footpaths and cycle paths, and projects to encourage biodiversity awareness.
- while the reasoning behind the Pitkerrald/Allanmore proposal is understood, there are concerns about its aspect, and about safety at the proposed access onto the A82, and a feeling that a number of smaller allocations would be better.

- the Development Brief for the Village Centre should take the views of local residents into consideration.
- the plan should mention the issue of pedestrian and cycle safety on the Drumnadrochit Bridge; this is a matter of local concern, and has longer term implications for the further development of cycle and walking routes in the area.
- there should be a statement about the availability for funds for community consultation, flood risk assessment and business development surveys. Appropriate funding needs to be available for these activities.

*Mr R K Barrow*

31.2.14 The objector raises the following main points:

- some uses proposed in Amenity Areas could include intrusive features, which would require careful landscaping and screening. Any golf course could be linked to land at the rear of Druimlon, where the village 9-hole course was previously located.
- the Pitkerrald/Allanmore proposal could involve significant loss of important village amenity, and a major hazard on the A82. Taking access from opposite the fire station as proposed in the DDILP would involve tree felling, substantial earthworks, disturbance to pedestrians, and removal of the new amenity seat. Access should be via Pitkerrald Road.
- any development in the vicinity of the Village Centre could pose traffic problems on the A82. The scale of development should be restricted (as well as fitting with existing development) unless parking/access can be obtained west of the Fire Station.
- the proposals for the former High School could be enhanced by a new surgery in association with multi-use of the listed building.
- to avoid the substantial destruction of most of the locally important woodland at this site, development at Drum-Lewes (north) should be restricted to 5 houses, and be subject to retaining the majority of trees in the woodland, adjacent to the footpath, and boundary trees.
- any development on the Balmacaan Road frontage at Drum-Lewes (south) should include tree planting and stone walling to reflect of the existing character, and consideration given to using at least part of the remainder of the field as a kickabout/play park for Lewiston.
- Blairbeg Wood is a major amenity feature. Excluding part of the woodland from protection will cut most of the desire line footpaths, and tree felling will prejudice its character. Access should be limited to a minimal length from adjacent roads.
- relocation of the tennis courts would allow expansion of the “shopping” area and car parking at the Balmacaan Road Action Area. For traffic and residential amenity considerations, any redevelopment of the surgery site should be for housing.

*Mr J Cameron - sites at Pitkerrald Road and south-west of Glenurquhart High School*

31.2.15 The Policy 8:4 housing site at Pitkerrald Road should be extended to include land to the south. This is set back from the main village, but is close to schools and services, and will offer a secluded and quiet area for low density housing.

31.2.16 Construction of the new High School has superseded the local plan’s proposal for a golf course to the south-west. The smaller, lower part of the Policy 8:28 site should be

considered for long-term development. This would be natural in-fill and avoid restricting future development to one site.

*Mr D S Fraser - land north of the former High School*

31.2.17 The CDLP, which states that substantial further housing land is required at Drumnadrochit, proposed to identify a 3 ha site in this location, Benleva (west), for 30 houses. This site was omitted from the DDILP due to local resistance to further housing at Drumnadrochit, prompted by disruption due to new sewer works and dislike of the adjacent Tulloch development. It is wrong to condemn future development because previous houses are considered unattractive. The 35 houses at Benleva (east) are built, and should not be included in future numbers. The remaining DDMILP sites will accommodate only 26 houses, plus the Lewiston Arms flats, over the next 10 years. These will not meet needs, or local demand. A reduced level of building would also seriously affect local building companies. Pitkerrald/Allanmore will be expensive to develop, and is realistically a very long-term option. New sewerage will be required, and it is optimistic to expect it to follow on from the allocated sites without a gap.

31.2.18 Allocating the eastern 75% or so of the CDLP site would be a natural progression from the Tulloch site, convenient for local facilities, and in one of the few parts of Drumnadrochit that is readily accessible to the public sewer. Development could be phased and include a variety of house types and tenures. Views of the Tullochs site from the A82 could be improved, and there would be an opportunity to combine with the former High School site. The local councillor has inquired whether the objector would lease buildings in the centre of the village for community uses that cannot be accommodated at the school.

*Mr & Mrs Morritt - land at Milton*

31.2.19 Milton is a small hamlet with few houses and is unsuitable for further development. Roads are single track, with no passing places or pavements, and children play in the streets. The drainage system is already overflowing. The road to the site indicated in the plan is already used by 24 cars. The site itself has wildlife interest.

*Mr A Lumsden - shopping*

31.2.20 With the amount of new housing proposed, Drumnadrochit has insufficient shopping facilities. Existing stores are very expensive and need competition. Not everyone can travel easily to Inverness.

*Lewiston - Glenurquhart Community Council*

31.2.21 The local plan should show Lewiston as a settlement in its own right, given its historical significance as a 19<sup>th</sup> century planned estate village. OS maps show it as a settlement. The SE RNMD has erected roads signs, marking its existence, on the A82.

31.2.22 The DFALP contained design guidelines for buildings and curtilages in West Lewiston. Residents wish to ensure that any development here complies with these guidelines and is in keeping with the traditional character of the area. This is particularly significant in relation to the flats proposed on the Lewiston Arms site.

*Lewiston – Mr R K Barrow*

31.2.23 Flats at the Lewiston Arms could increase traffic problems at the Lewiston/A82 junction, and increase traffic through Lewiston. Any development should seek ways of minimising traffic, reflect the planned village character, the character of the building, and enhance its setting.

*Lewiston – Mr D Skinner*

31.2.24 The objector, who owns the Lewiston Arms, objects that the proposed modifications do not take account of the outline planning permission granted for 30 flats on the site in 1998 (THC-18/DRU6 and 137/1). The proposed modifications would also prejudice the outcome of a current planning application for the demolition and replacement of the hotel, originally with 31 flats (THC-18/DRU3), but amended to 28 flats in January 2003 (137/3). A first phase reserved matters submission in 2001 has kept the outline permission extant (THC-18/DRU2). If the policy is not changed, the objector will be obliged to pursue that application, although it is inferior to the latest scheme, because it would be impractical to devise a form of redevelopment compatible with its surroundings in terms of the proposed policy. The 1998 permission, which shows the existing building converted to 10 flats, with 2 new blocks each with 10 flats, also could not be implemented so as to accord with Policy 8:11.

31.2.25 There is a very wide variety of building form and style around the Lewiston Arms. Terraced cottages opposite are single and 1½ storey in height and take up the full width of their plot, whereas new buildings on the same side of the road are set back, are of varying sizes, and do not have a common building line. While the height of any new development should reflect that of the existing building, form and finishes should be determined in the context of a planning application. Good architecture need not be traditional in form and finish. The term “compatible plot size” could restrict development the site to 2 or 3 units, to match those across the road. Accordingly, Policy 8:8 should read “*Lewiston Arms - flats 30 - planning permission – conversion and/or new build - design details at 11 below will be sought as appropriate*”. Policy 8:11 should not refer to plot size or building line. If “orientation” is retained, it should make clear that it is the orientation of the frontage development that is to reflect its surroundings. The hotel is not listed, and is the only building of its type in this area.

*Mr & Mrs A MacDonald-Haigh - land at Borlum Farm*

31.2.26 Amendments to the licence for the existing camp site at Borlum proposed by THC may make this facility unviable. However, the site that the DDILP proposes to allocate for a caravan and camping site is too small. To be viable, a larger area, extending further east along the riverside, would be required. If providing access to the north of the A82 proved too expensive, there should be an option to locate a camp site to the south of the road, to the west of the steading. A golf course and a driving range are also possibilities. Conversion of part of the steading could provide backpackers’ accommodation for users of the Great Glen Way. Other tourist-related developments might include a steam railway to the loch shore.

## **Brief summary of the Council's responses to the objections**

### *Glenurquhart Community Council's objections (excluding Lewiston)*

31.2.27 The proposed modifications are an appropriate response to the matters raised. With regard to Pitkerrald/Allanmore, the comments made indicate this is a broadly acceptable location for housing. It is important that the plan gives direction for the longer-term and safeguards opportunities from piecemeal building. It is also important, given the substantial concerns about the scale of development at Kilmore and the need to avoid a concentration of future housing in one location, that the plan provides for early discussion with the community about the principles of development.

31.2.28 While THC welcomes the community's efforts to implement the terms of the local plan, funding is a matter for consideration by the relevant providers or partners. The plan is a vehicle for negotiating priorities in this regard.

### *Mr Barrow's objections (excluding Lewiston)*

31.2.29 The Council understands that the proposed modifications resolve these objections, other than in respect of Blairbeg Wood. The local plan does not allocate or identify any of the wood for development, and the Inset Proposals Map shows each compartment subject to an Amenity "A" designation. However, to clarify this, the Map should show the entire wood as a Policy BP3 feature, consistent with its status as important amenity trees/woodlands.

31.2.30 Additional parking will be a requirement at the Village Centre. Landscaping and screening could be taken forward as part of the landscape/environmental enhancement initiative promoted in Policy 8:27 in the DDILP (Policy 8:29 in the DDMILP).

31.2.31 The objector's design aspirations for Pitkerrald/Allanmore are consistent with the principles of the strategy for the Hinterland villages, and the tenets of good design reflected in the plan's policies. Any disturbance to trees or ground will be minimised. The plan makes clear that access from Pitkerrald Road is an option.

### *Sites at Pitkerrald Road and south-west of Glenurquhart High School*

31.2.32 Services to the new school have opened up the development potential of the Pitkerrald Road (south) site where housing would be acceptable and would broaden choice. However, the land to the south-west of the school represents a major green "buffer" important to the structure of the village and adjoining villages. Development would be out-of-keeping with the pattern of building, detrimental to amenity, and a breach of longstanding policy which the plan seeks to reinforce. There are other suitable locations available for housing.

### *Site to the north of the former High School*

31.2.33 Infrastructure, access and services have been upgraded in association with the development of 90 houses in this area. The CDLP acknowledged the potential to link development on the objector's land with future use of the former High School site. However, very considerable concern was raised - by Glenurquhart Community Council and others (CD8) - about further housing in this locality. The strength of representations was an important factor in drawing up the DDILP, which continued to allocate only land at Benleva-Kilmore that had planning permission.

31.2.34 In taking this decision, the Council had regard to the demand for housing in the local area, and the availability of alternative sites. The DDMILP proposes to allocate sites, capable of immediate development, for about 60 houses (not including the Lewiston Arms). Pitkerrald/Allanmore could accommodate 2-3 times that capacity in the longer-term. The 180 houses built in the village over the last 10 years represent an increase on the previous decade when 110 were built. Even at an average of 15 houses per annum, there is easily enough housing land for the period to 2011. However, flexibility in the delivery of land incrementally is also required, and this should be distributed as evenly as possible within communities. While servicing will involve on-costs at Allanmore-Pitkerrald, this area is broadly agreed as the preferred location for long-term growth. The SE RNMD gave no indication, in initial discussions on the plan, that it would be opposed to development there on access grounds. That said, THC accepts that there is an urgent need to look at opening up this area, and will probably publish a draft Development Brief in early 2005. The local plan identifies the scope for discussion with the community in the context of a Brief. Benleva (east) was identified for development in the previous local plan in 1990, obtained planning permission in 1996/97, and had a 2-3 year lead in time thereafter.

31.2.35 While the pace, extent and design of building can be regulated through the development control process, further housing at Benleva-Kilmore would inevitably create an undesirable intrusion. This would (i) exceed what is seen as complementary to the character and sense of place of this community; (ii) perpetuate a form of building, which because of its “depth”, is out-of-keeping with the prevailing linear settlement pattern; and (iii) make housing unnecessarily prominent. The local plan includes this objection site in a green “buffer”, and suitable for a range of uses consistent with its open character. Given the significant potential for development at the Village Centre, and for a further community playing field, the extent and dimensions of remaining open land are important. The minimal land take for this latter purpose, allowing for access, parking and changing accommodation would be about 1 ha. The impact of the Tullochs development could be softened without new building.

#### *Milton*

31.2.36 The plan properly identifies the extent of the settlement envelope at Milton. The owner of the land that is the subject of the objection wishes it to be considered for inclusion in the village envelope (THC-18/DRU4). There are no overriding reasons which militate against recognition of its development potential. While the site is not specifically allocated for development, the Housing Settlement Policy and Policy 8:11 would require any proposals to demonstrate appropriate fit with its surroundings. These, together with servicing, amenity and privacy considerations, would - in the context of any future proposal - determine the land’s capacity for housing. Access would be taken from the road at the eastern boundary of the site, upgraded to adoptable standards if necessary (THC-18/DRU5). This would increase choice in the range of housing opportunities available locally. There are few other remaining possibilities at Milton.

#### *Shopping*

31.2.37 The plan makes provision for extending the village centre to accommodate local shopping, subject to feasibility and a Development Brief.

### *Borlum Farm*

31.2.38 The proposed modifications are appropriate in response to the matters raised.

### *Lewiston*

31.2.39 The Community Council raises valid considerations. The plan recognises the planning permission at the Lewiston Arms, which is for conversion. This acknowledges housing as an acceptable use for the former hotel buildings, and that such use offers a potentially viable future for a locally significant building. Policy 8:8 indicates that Policy 8:11 will apply “where appropriate”. This could arise if the existing planning permission, or an acceptable alternative conversion scheme, did not materialise, and demolition and redevelopment became an option. The design criteria the plan identifies for the village seek to retain the existing character which is primarily linear, with single and 1½-storey dwellings, orientated with the road. Any proposal would require careful consideration against this guidance, but a new, high density scheme, disrespectful of plot size and form, would probably not sit comfortably with the prevailing character. This character could be retained by converting the existing building, or by building in a form that recognised the pattern of plots on the south side of the street. These factors are subject to flood risk assessment and do not necessarily convey acceptance that the entire site can accommodate new buildings.

31.2.40 The terms of the DDMILP are no different in substance from the DDILP. The proposed modification to Policy 8:8 applies Policy 8:11, which is intended to require a plot size, orientation etc compatible with existing development. It strengthens the housing infill policy "H", which also seeks compatibility of use and character. Redevelopment at the Lewiston Arms would, from the date of the approval of the CDLP in 2001, have been subject to this policy - insofar as the local plan review would have been a factor - together with the adopted local plan. There are no grounds for excluding the Lewiston Arms from consideration against the policy criteria that apply to all other housing at Lewiston. An existing permission, although a material consideration in determining any new application, should not dictate the terms of future policy.

### **Conclusions**

31.2.41 I adopt the account of the factual background to these objections, at paragraphs 31.2.3-31.2.12.

### *Housing*

31.2.42 Policy H1 of the HSP requires local plans to provide for a supply of land for housing in accordance with the figures contained in the policy. These are calculated on an Area basis, broadly consistent with current and future Local Plan boundaries. On the basis of my conclusions at paragraph 22.53, there is no need for the local plan to allocate more land in order to meet HSP requirements for the period to 2011, in quantitative terms. The ability to meet these needs does not turn on confirming disputed housing allocations at Drumnadrochit.

31.2.43 As far as the distribution of housing land is concerned, HSP requirements are calculated on an Area basis, and the plan does not specify allocations for individual settlements, including Inverness. That said, it is appropriate for the City to accommodate the majority of housing land in the local plan area, commensurate with its role as a regional

centre. However, a geographical spread of sites, both within, and outwith, the City is also desirable, to provide a range and choice of housing locations, to meet local needs, and to support local community services and facilities.

31.2.44 As a sizeable settlement, with a good range of facilities, no serious infrastructure constraints, and accessible to Inverness, Drumnadrochit is well-placed to contribute in these respects. It is also a popular tourist destination in its own right. Its identification in the local plan as a Local Centre is consistent with the settlement hierarchy in the HSP.

31.2.45 However, as SPP 3 states, care should be taken, particularly in smaller towns and villages, to ensure that the scale of new development is appropriate. The cumulative impact of a succession of developments over time has also to be taken into account. Housing growth ought therefore to proceed at a rate that takes account of these considerations, while also maintaining continuity in supply.

#### *The housing allocations proposed in the DDILP*

31.2.46 Of the 7 housing allocations proposed in the DDILP, Benleva (east) is to all intents and purposes complete. It is thus no longer a “proposal “ as such, and will not contribute to the future supply of housing land in Drumnadrochit. There are no objections to the Policy 8:4 site, at Pitkerrald Road. No party argues that the sites at Drum-Lewes (north) and Drum-Lewes (south), where the proposed modifications should ensure that developments fit well with their surroundings, should be deleted. I also conclude that the proposed modifications satisfactorily address the points of objection regarding these 2 locations. The local plan includes the remainder of the field at Drum-Lewes (south) in an area suitable in principle for uses that include recreation and public access. East Lewiston (south) is identified as having capacity for 4 houses. The plan also acknowledges a planning permission for residential flats at the Lewiston Arms, and identifies a minor residential opportunity at Kilmore.

#### *Other potential housing locations*

31.2.47 I also conclude, having had regard in particular to the practical completion of the Benleva East site, that Pitkerrald Road (south) would be a useful modest addition to the short-term supply, subject to the safeguards listed in the proposed modification, and to the delineation of development boundaries to reflect existing topographical features.

31.2.48 In addition to allocations, the plan also countenances further infill housing at Lewiston and at Milton. Although no specific sites are identified, the settlement boundary at the latter encompasses the field to which objectors refer. The Council’s submissions indicate that this is also a site it has in mind. While the road network in this area will limit the scale of development that is likely to be acceptable at Milton, improvements that would allow some development appear possible. There is no technical evidence that drainage or nature conservation interest are likely to be insurmountable constraints. Policy 8:11 is subject to provisos regarding plot size and other design and amenity considerations. I see no reason for the plan to rule out infill housing at Milton in principle.

31.2.49 The land to the south-west of the High School is part of a larger area of open land adjoining the western edge of the built-up area of Drumnadrochit. The local plan recognises this larger area as important to the setting of the developed areas that it treats as comprising



Drumnadrochit, although the Inset Proposals Map does not identify the site specifically for a golf course.

31.2.50 The objection site is at the margin of this larger area and is bounded on 2 sides by built development. However, while close to local schools, it is set well away from the centre of the village. Its limited size also limits its potential to contribute to the type of comprehensive plan for long-term needs that is desirable if a series of incremental developments is to be avoided.

31.2.51 The significant development that has recently taken place in the vicinity of the former High School, where housing extends in some depth back from the road, at odds with the traditional settlement pattern, makes allocating the entire objection site to the north of the former High School problematical.

31.2.52 The local plan identifies land at Drumnadrochit with capacity for 26 houses, in addition to the committed flats at the Lewiston Arms, and infill housing. This land is in a variety of locations, and seems suitable for a range of house types, including flats. I conclude that these sites provide adequate short-term housing opportunities in the village and that it would be undesirable for the plan to allocate further greenfield land for housing at this time, solely to provide such further opportunities.

31.2.53 That said, the evidence indicates that it may be difficult to accommodate the range of uses envisaged on the former High School site (which include health-care) within the area identified in the local plan. This includes 0.5 ha of adjoining land “for ancillary development”. In that event, there could be scope for limited housing development on adjoining land, if this is necessary to secure additional land to fully realise the potential of a community project that has the potential to significantly benefit the village. It would therefore be desirable for the Council to establish whether it is practical to contain this project entirely within the local plan site before confirming the extent of land allocations here.

31.2.54 The Council accepts that continuity in housing land supply is important. It has also come to the view that, if this is to be achieved, the Pitkerrald/Allanmore Expansion site, which is intended to secure an ongoing long-term land supply, ought to be brought forward sooner than had been envisaged. This would be prudent, if continuity is to be achieved, as a site of this size and complexity is likely to have a significant lead-in time.

31.2.55 Although the Community Council has reservations regarding the Pitkerrald/Allanmore site, specifically in relation to access and aspect, and seeks a commitment to further consultation, no party argues in terms that the site should be deleted from the plan. While any access from the A82 would require to be executed with great care, the proposed modifications effectively reserve access proposals for further consideration, presumably in discussion with the SE RNMD and others. A commitment to continuing discussion with the local community regarding the principles of development and a Development Brief are also proposed. I conclude that, as matters stand at this stage, the proposed modifications adequately address the concerns raised by objectors.

31.2.56 Drawing these matters together, I conclude that the housing sites identified in the DDMILP should be retained, and that, subject to the Council being satisfied that it is practical to realise the full potential of the High School project within the local plan site, no further housing sites need be allocated. This may have to be reassessed, and further consideration

given to the land south-west of the High School, and north-west of the former High School, if development at Pitkerrald/Allanmore was to be significantly delayed. However, I have no evidence that this is likely to be the case.

### *Village Centre*

31.2.57 Policy 8:1 simply commits the Council to continuing to discuss the principles of development in this location with community interests, in the context of investigating the scope to strengthen the Centre as a focus for a range of activities, including extended car parking. Any specific proposal that emerged from this consideration would require to take access and traffic considerations into account.

31.2.58 A balance would also have to be struck between commercial, social, built heritage, and residential amenity considerations. Policy 8:1 should recognise this. Modifying the policy to state that development in the Village Centre will “*take account of residential amenity*” would express this principle more clearly than the wording proposed in the DDMILP.

### *Shopping*

31.2.59 A development in the village centre would have the potential to provide additional shopping facilities. Redevelopment at the A82/Balmacaan Action Area, where commercial/community or business use is envisaged, would provide a further opportunity. Details of the mix and disposition of uses at this location is best left to a Development Brief or determined through the development control process.

### *Amenity Areas and improvements*

31.2.60 The local plan proposes a strict presumption against development not associated with maintaining the overriding open character of Amenity Areas, and adjacent woodland. Any potentially intrusive uses would stand to be considered in this overall context. There is no reason to assume that the landscaping and screening sought by Mr Barrow could not be achieved.

31.2.61 The plan includes a range of policies for amenity improvements at Drumnadrochit. Policy 8:27 (Policy 8:29 in the DDMILP) promotes a comprehensive landscape/environmental enhancement initiative, on a partnership basis. This provides a good policy basis for taking forward these intended improvements in an integrated manner.

31.2.62 More specifically, Blairbeg Wood is an important amenity feature and should be protected. This appears to be what the Council intends, although the Inset Proposals Maps in both the DDILP and the DDMILP could be interpreted otherwise. The further modification proposed by the Council at the inquiry would make this intention clear. This should be accepted.

### *Drumnadrochit Bridge*

31.2.63 Drumnadrochit Bridge is a pinchpoint on the A82. This limits its ability to cope safely with vehicular traffic, cyclists, and the large number of pedestrians who frequent the village, particularly in summer. As a trunk road, any improvements are the responsibility of

the SE RNMD. The proposed modification to Policy 8:19 (Policy 8:21 in the DDMILP) would commit the Council to encouraging the SE to give priority to “other safety improvements” on the trunk road through the village, in addition to the individual matters listed. I consider that, given the commitment in the proposed modification, the plan goes as far as it reasonably can in promoting long-term improvement at the bridge.

### *Funding*

31.2.64 As previously stated, PAN 49 expects local plan policies to take account of the resources available to support new development. There is no evidence that any of the policies put forward in the plan are unrealistic in this respect. However, given the nature and wide range of proposals put forward for the village, the developing nature of some projects, and the involvement of other partners, it would be impractical for the plan to give details of funding.

### *Borlum Farm*

31.2.65 It is appropriate for the plan to support the development of further visitor and recreational facilities around Drumnadrochit in principle, as the local economy is likely to benefit significantly from tourism. A camp site and equestrian facilities already exist at Borlum Farm. The farm’s situation on the main road makes it well-placed in locational terms for further facilities, provided that satisfactory servicing and flooding safeguards are provided, and conservation interests relating in particular to the woodlands along the river, are respected. It would be undesirable for the plan to be more specific about future uses, particularly as those suggested by the objectors are expressed as possible aspirations. However, Policy 8:22, as proposed in the DDMILP, would benefit from slight rewording, to make its meaning clearer.

### *Lewiston*

31.2.66 Lewiston is to all intents and purposes contiguous with Drumnadrochit, where the vast majority of local services are located. I conclude that it ought to be treated as part of Drumnadrochit for local planning purposes rather than as a separate settlement.

31.2.67 However, Lewiston’s distinctive architectural character merits protection and this ought to be recognised. Policy 8:11 seeks to provide this as far as infill housing is concerned, presumably with the intention of ensuring that new development is compatible with its surroundings in terms of the attributes listed.

31.2.68 Mr Skinner’s concerns regarding the potential implications of the DDMILP policies for his proposals are understandable. Policy 8:8 purports to record a factual position, namely that there is planning permission for conversion, although the permission also appears to include new building. It also refers to design details in Policy 8:11 being sought “as appropriate”. This in itself provides flexibility. Moreover, any planning application would stand to be determined on its merits, in the context of development plan policy, and other material considerations. The latter would include the existence of a permission and the nature and quality of the scheme being proposed. As the objector states, the building line around the Lewiston Arms varies.

31.2.69 Having had regard to all these factors, I conclude that, if Policy 8:8 is to refer to the planning permission, it should reflect its terms accurately. However, what are essentially

development control considerations do not justify setting aside the sound policy principles expressed in the DDMILP.

## **Recommendations**

31.2.70 Drawing all these matters together, I recommend that:

(1) the proposed modifications to Policies 8.6, 8:8, 8:11, 8.19 and 8:21 in the DDILP are accepted, subject to the following further modifications:

(a) If Policy 8:8 is to refer to the planning permission for the Lewiston Arms, it should accurately reflect the terms of the permission.

(b) Policy 8:11 should refer to *“plot size, orientation, height, form and finishes, building line, and curtilage treatment compatible with its surroundings”*.

(2) Policy 8:1 is amended to read *“..... area identified on the Proposals Map. Within this area, any development will be expected to reflect the form and character of established buildings and their setting around the Green and to take account of residential amenity. ...”*

(3) the Pitkerrald Road (south) site is allocated for housing as proposed in Policy 8:10 of the DDMILP.

(4) the Inset Proposals Map identifies Blairbeg Wood in its entirety as a Policy BP3 feature.

(5) Policy 8:20 (Policy 8:22 in the DDMILP, relating to Borlum Farm) is reworded as follows:

*“Subject to details, including adequate servicing and flood safeguards, the Council will support development of visitor and recreational facilities at Borlum, including on land south of the River Coiltie, and conversion of farm steadings. The 1.5 ha of land allocated for camping and caravan facilities may offer scope for expansion subject also to adequate servicing and compatibility with conservation interests”*.

(6) the Council establishes whether it is practical to realise the potential of the High School project within the site shown on the Inset Proposals Map before confirming land allocations at this location.

## 32.1 KIRKHILL

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**Objectors: Mr C MacMillan (135), Mr I McCook (200)**

**Procedure: Public inquiry**

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### **Synopsis of objections**

32.1.1 Mr MacMillan wishes the site covered by Policy 11:9 of the DDILP to be identified as an Expansion site for 4 houses. Mr McCook's objection is that the plan should identify land within the grounds of Achnagairn House for housing development.

### **Factual background**

32.1.2 Kirkhill is about 13 km west of Inverness, on the B9164 loop road to the north of the A862. The DDILP states that this Key Village has expanded rapidly over the last 10 years, with about 6 house completions per year, a population of 650, and 220 houses. It has a primary school, a shop/Post Office, a community centre, and a church. The plan describes the village as "*capable of further growth*", although "*tighter controls on the rate of growth and choice of accommodation may be necessary to ensure a balanced community and amenities*".

32.1.3 Proposed allocations comprise Expansion sites for housing and related amenity uses under Policies 11:6, 11:7 and 11:8 - 3.0 ha at Wester Kirkhill for 25 houses; 3.4 ha at Achnagairn Estate (outwith the Achnagairn objection sites) for 25 houses; and 2.5 ha at Groam Farm Road for 20 houses. Policy 11:9 safeguards "*wooded policies and fields at Clunes together with the established walk*" at the northern edge of the village, where an "A", Amenity, designation applies. However, the plan acknowledges that "*Exceptionally, scope may exist for one house located in the vacant site adjoining the path to the south-west of the Grange, subject to minor and sensitive upgrading of the access and replanting of the margins of the former mansion house site*". Achnagairn House is located in 16 ha grounds just outwith the western settlement boundary and west of the Policy 11:7 site. The wooded parts of its grounds are covered by a TPO made in 1988 (THC-18/KIR2). The house and its 2 gate lodges are Category B listed (THC-18/KIR3).

32.1.4 The Kirkhill Village Plan (THC-18/KIR2) was adopted in 1994 as a formal Alteration to the BDLP. It also allocates the Wester Kirkhill site for housing, together with a larger site (now partly developed) at the south-eastern edge of the village. The 33 units that remain to be built at this latter site had planning permission at May 2002. The Achnagairn Policy 11:7 site and adjoining land to the north (which the DDILP shows subject to an Amenity designation) are identified as a "*long term reservation*".

### **Brief summary of the main points raised by the objectors**

*Mr MacMillan*

32.1.5 The Clunes site has been largely cleared of trees and is within the village envelope. THC has failed to recognise that it is no longer woodland. With minimal improvements to the former mansion driveway, and marginal planting, it could accommodate up to 4 traditionally designed houses, possibly in a courtyard, without affecting amenity or the route of "the

established walk”. As the village is surrounded by open countryside, there is no benefit in classifying the site as Amenity land. It can be serviced, and the objector has the necessary control to improve the driveway. The site should therefore be identified as an Expansion site for 4 houses, subject to the considerations listed in Policy 11:9, and to satisfactory siting and design. While the DDILP Expansion sites could accommodate a range of densities, THC has failed to demonstrate that the Policy 11:6 or Policy 11:7 sites are available. Both have been allocated for 10 years, but have never been the subject of planning applications. The only land that can be regarded as available is the Policy 11:8 site. The local plan also fails to allocate any smaller sites in the village, despite the demand for larger plots in a rural setting. It would be uneconomic to improve the access to Clunes (even to less than adoptable standard) for only one house. If it is concluded that the site should not be identified for 4 houses, it should still be identified as an Expansion site, without a specific capacity.

*Mr McCook*

32.1.6 The local plan should allocate land at Kirkhill for a small number of high quality house plots. While perhaps numerically sufficient, the sites that are identified will probably be developed as 0.25 ha plots strung out along a road with token landscaping. The few plots available in the surrounding countryside are different in type. Many people are keen to have “rural” amenity and the convenience of living in a village.

32.1.7 Achmagairn House is in a perilous condition, and needs large sums spent on it if it is to be retained. Income from development on the edges of the estate could safeguard the house, and retain its setting. It would not be intervisible with the new buildings, would still sit within 10 ha grounds, and would have exclusive use of much of the drive. A mechanism requiring income from new development to be devoted to refurbishing the listed house would be acceptable in principle.

32.1.8 The northern edge of the grounds adjacent to the B9164 has housing to the west and east, and is in a sense a “gap site”. Two areas - A and B on plans 200/1 - are suitable for development. A previous planning permission for 25 lodges in Area A (adjacent to the B9164) set a precedent for development. This also acknowledged that the only important trees are along the roadside, where a 10 m strip of woodland could be retained, together with conifers just inside the entrance to the east drive. The frontage trees are outwith road sightlines, and the driveway could be locally widened without affecting trees. Council Roads officials have accepted standards less than those in the Council Roads Guidelines elsewhere. Taking access via the existing drive would avoid any new entrances from the B9164, and a few 0.75 ha plots would be hidden from the road. The field adjoining the eastern boundary of the estate (Area B) would be suitable for about 4 plots, again of 0.75 ha. The DDILP identifies the land to the east and north for housing and 2 existing buildings in the adjacent part of the estate have detailed permission for conversion to residential use. Access could be provided by extending the road from the “zoned” areas, or from a track to the north-east of Area B.

### **Brief summary of the Council’s responses to the objections**

32.1.9 As far as Mr MacMillan’s objection is concerned, the Kirkhill Village Plan explains the significance of the tree-lined lanes and paths and open fields in the northern part of the village. These are part of wider policies that extend into the adjoining countryside. The Council is anxious to preserve the undeveloped nature of this area as far as possible. Housing

allocations at Kirkhill were reduced or deleted to accommodate the concerns of the SE and local residents, but there is still no shortage of allocated land in the village.

32.1.10 The sites that the DDILP identifies are better located and would have less impact on amenity than 4 houses at Clunes, which would represent a suburban form of development detached from the village. The requirement to upgrade the narrow, tree lined lane to serve 4 houses would also prejudice the area's established character, fine amenity, and local walks. The plan recognises scope for one house in deference to the past use of the site, which accommodated a large mansion house in wooded grounds.

32.1.11 As far as the second objection is concerned, the DDILP recognises limited scope for development in the north-eastern part of Achnagairn Estate, which is covered by the general housing settlement policy "H". Potential impact on the setting of the listed buildings and TPO woodland militated against formal identification for development, although the objector's intentions are reassuring in these respects. That said, the DDILP identifies sufficient better land for housing than promoted by the objector. The southern part of the allocation that is sought is further from Kirkhill's core facilities than allocated sites and would have a greater impact on the setting of the village. The limited demand for "exclusive" detached properties in their own grounds could be met on the allocated sites. The capacity figures on these sites are indicative and a suitable low density development on allocated land at Achnagairn, or at Wester Kirkhill, would be acceptable. Although the Policy 11:6 and Policy 11:7 sites have never been the subject of planning applications, Lovat Estates has stated it remains willing to make the former available, if it can secure a satisfactory price. The owner of the Policy 11:7 site is keen that it continues to be allocated.

## **Conclusions**

32.1.12 I adopt my account of the factual background to these objections at paragraphs 32.1.2-32.1.4, together with my conclusions at paragraphs 31.2.42-31.2.43 in so far as these relate to housing land supply in the local plan area and within the Hinterland.

32.1.13 The DDILP describes Kirkhill as an important dormitory settlement with a range of facilities, which has expanded rapidly over the last 10 years, and where substantial investment in local facilities and drainage provide the capability for further growth. However, it also recognises that, while improved commuter links would improve Kirkhill's appeal for house building, tighter controls on the rate of growth and choice of accommodation may be necessary to ensure a balanced community and facilities. This is a fair summary of the principles that ought to be applied in considering the scale and location of sites for new housing development in the village.

32.1.14 The local plan allocates 3 Expansion sites, for 70 houses in total. These equate to over 25% of the 250 or so existing or committed houses in the village at May 2002, although Policy 6:2 would apply.

32.1.15 Neither of the objections, as made to the plan, sought to have any of these allocations deleted. However, the objectors question the availability of the Policy 11:6 and Policy 11:7 sites, which have been identified for housing for at least 10 years, but have never been taken up. As I regard the hearsay evidence that the Council offered on this issue as inconclusive, I consider that the availability, and thus the effectiveness, of these sites is

uncertain. The Council would therefore be well advised to undertake further investigations before deciding whether to confirm these allocations.

32.1.16 Any decision not to confirm the allocations would not undermine the ability to meet HSP housing land requirements in numerical terms. It is also unrealistic to expect to provide for all sectors of the market at all locations. The local plan provides housing opportunities in several settlements in the vicinity of Kirkhill, and at more rural locations in the context of Policy 6:1.

#### *Clunes*

32.1.17 The circumstances surrounding the tree felling that took place at this site in the past are not entirely clear. However, tree growth has regenerated over the years. No trace of the previous mansion is apparent, and the driveway has become overgrown. While there is no documentary evidence that there is a public right of access along this driveway, the impression of the site as it stands is as part of a pleasant woodland walk very much on the fringe of the village. I conclude the location merits safeguarding under an Amenity designation, rather than a potential housing opportunity. The local plan countenances a house here, exceptionally, in recognition of a previous building. I conclude that it would be undesirable for the plan to suggest that there is potential for more development than this.

#### *Achnagairn*

32.1.18 Describing the northern edge of the Achnagairn objection land as “a gap site” is unduly stretching this term, as it is generally understood. However, the evidence, and the site inspection, provide reassurance, as the Council accepts, that it is capable of accommodating some housing development without significantly affecting important trees, while also respecting the character of the entrance and eastern driveway and the setting of the adjacent listed lodge. That said, housing development in this area would significantly extend the village away from its centre, and its core facilities. I regard this as a considerable disadvantage for a housing location, particularly when there are potential sites closer to the village centre.

32.1.19 Area B also lies closer to the village centre. Development on the Policy 11:7 site, if this proceeds, would afford an opportunity to provide access from this direction, subject to the owner’s agreement. Alternatively, development could share access with the buildings that already have planning permission for conversion.

32.1.20 The case for development at this location would be enhanced in the context of the village if the Council’s investigation regarding the availability of the Policy 11:6 and Policy 11:7 sites led it to conclude that neither of these proposed allocations should be confirmed. However, the north-eastern part of the Achnagairn Estate (which has an “H” designation) would still allow a choice of housing locations in this Key Village. It is also open to the Council to decide, in the light of the evidence led regarding amenity considerations, whether the “H” designation should be replaced by a formal allocation. I therefore conclude that an insufficient case has been made for allocating any of the objection land unless other benefits could be secured.

32.1.21 In this regard, even if the Policy 11:6 and 11:7 sites are allocated, and the “H” designation at Achnagairn is replaced by a specific housing allocation, I conclude that the



balance of advantage would still lie with allocating Area B, for up to 5 house plots, subject to a requirement to devote a proportion of the proceeds of development to the repair of Achnagairn House, which is a particularly fine listed building, in need of attention. This requirement would reflect the fact that the allocation was being made, exceptionally, in order to secure such action.

### **Recommendations**

32.1.22 I recommend that:

- (1) the Council investigates the availability of the Policy 11:6 and Policy 11:7 sites before confirming these allocations.
- (2) Area B at Achnagairn is allocated for a maximum of 5 houses, subject to a requirement for a section 75 agreement requiring some of the proceeds from development to be devoted to the repair of Achnagairn House.
- (3) Policy 11:9 is not changed.

## 32.2 KILTARLITY

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**Objectors: Mrs A Gloag, Beaufort Castle Estates (58)\*, Mr D Fraser (82 & 186)\*  
Mr J Fraser (83), Kiltarlity Community Council (180)\*, Mr H Paton (215),  
Ms C Roy (233), Mr & Mrs Wallis (270)**

**Procedures: Public inquiry\* and written submissions**

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### **Synopsis of objections**

32.2.1 The Community Council considers that the housing allocations proposed for Kiltarlity are excessive and should be strictly limited to a maximum of 25% of the existing housing stock over any 10 years. Mr Paton, Ms Roy and Mr & Mrs Wallis also express concern regarding the scale of development, and oppose specific sites. Mr D Fraser, Mr J Fraser, and Mrs Gloag wish specific sites to be allocated for housing.

### **Factual background**

32.2.2 Kiltarlity lies about 20 km west of Inverness to the west of the A833. It has about 125 houses, a primary school, a shop/Post Office, a hall, a sports field and an hotel. The DDILP identifies it as a Key Village.

32.2.3 Policy 12:1 proposes to allocate a former Council depot for 3-6 houses. Policies 12:5, 12:6 and 12:7 propose the allocation of 3 Expansion sites, for a total of 37 houses (including affordable accommodation). Respectively, these are 1 ha south of Allarburn Place for 10 houses and 0.3 ha of open space; 1.5 ha at Glebe Farm for 12 houses and 0.4 ha of open space; and 1.4 ha at Balgate Sawmill for 15 houses. Policy 12:8 proposes a strict presumption against the piecemeal development of a further 1.7 ha of pasture at Glebe Farm and 1.2 ha at the sawmill. This land is to be safeguarded for the long-term expansion of the village, including for possible community, business and residential use. Development is expected to require upgrading of the WWTP, and the land's existing open character and use is expected to continue in the interim.

### **Brief summary of the main points raised by the objectors**

#### *Kiltarlity Community Council*

32.2.4 THC appears to regard Kiltarlity primarily as a dormitory for Inverness and the A96 corridor. Although the DDILP reduces the housing allocations from the 85 proposed in the CDLP, 43 houses represents an increase of 34.4% relative to the base figure of 125 houses. The rate of growth proposed in local centres and in other Key Villages in the Hinterland is 17-26.5%. The DDILP proposals appear to be based on previous building rates in the area. However, much of this development has taken place in the countryside, and only 3 houses per year have been completed in the village over the last 10 years. THC seems to treat the village and the surrounding area as one community only when aggregated figures support a large village expansion. Any development must preserve the physical character of the village, particularly the tongues of farmland that extend into it and provide its "open attractive setting". Views to the south must not be destroyed. Residents are also concerned about the

lack of services and facilities for the expansion that is envisaged. Long-term Expansion sites are likely to be tempting to builders during the 10 year “growth limit” period. The road layout shown in an application for 14 houses on the Policy 12:6 site could encourage expansion onto the safeguarded site to the south within 10 years.

### *Beaufort Castle Estates*

32.2.5 Local plans should not zone specific sites, but instead describe areas that are worthy of consideration for housing development. The planning authority can impose sufficient safeguards to control development. Zoning a restricted amount of land increases land, and thus house, prices, as only a few sites can compete. It is also open to abuse and prompts objections and long inquiries.

32.2.6 A THC planning official confirmed that the Council never considered the objector’s field at the rear of the village hall for housing development and gave the impression that the Sawmill and Glebe Farm sites were selected because their owners had asked for these to be considered. THC never sought any such information from the objector. Its opposition to development at the field, which is surplus to the Estate’s requirements, is inconsistent with its proposal to extend the village boundary at other locations.

32.2.7 The sawmill is fully operational. As identifying it for housing provides little incentive for this to continue, local jobs could be lost. It would be better to transfer this allocation to part of the Estates’ field. This field, which is secluded and screened by mature trees on all sides (58/3), is also preferable to the Glebe Farm site. A cul-de-sac of about 15 houses could be oriented to obtain maximum sunlight, with large gardens and a direct connection to the nearby WWTP. Kiltarlity Hall Association has indicated (58/1) that it is inclined to agree to access over part of the hall car park and 58/4 illustrates how this might be achieved. The hall would benefit, as it would have a new car park that would meet Building and Health and Safety standards. A larger area of the field than indicated in the objection is also worth considering for housing.

### *Mr D Fraser*

32.2.8 These objections cover 3 areas of land – a 0.68 ha triangular field within the settlement boundary near the western end of the village, east of Bruiach Mill Farm, and which the CDLP had proposed to allocate for 4 houses; the balance of the field that includes the Policy 12:5 site; and a rectangular plot of land in the north-eastern corner of a field to the south of the Post Office. Dealing with the sites in turn, the objector states:

- the triangular field, which is within the 30 mph speed limit, should be allocated for 6 houses. THC’s reasons for deleting the allocation proposed in the CDLP are not sustainable. This site drains naturally. Existing properties with foul drainage problems, including the Post Office, could link into the new sewer connection that would be provided for the new development. The level of farm activity is already low and will probably decrease.
- the balance of the field that includes the Policy 12:5 site is also within the village and is adjacent to existing houses and the Post Office. Development here would enhance the village. The northern part of the field is already zoned for affordable housing. Access to the remainder could be taken from the top of the hill to the south. There are

plans to upgrade the primary school. Most traffic through the village is generated from the surrounding area.

- the third site is adjacent to the Post Office and Bruiach Cottage and is also suitable for housing.

*Mr J Fraser*

32.3.9 The field to the south of the field that includes the Policy 12:5 site and the entire field to the south of the Post Office and Bruiach Cottage should be allocated for housing. The southern part of the Policy 12:5 field will be the next area to be zoned for housing, and this could include the 2 fields that are the subject of this objection.

*Ms C Roy*

32.3.10 There is no local need to expand Kiltarlity by over 34%. Bringing more people in will continue pressure for houses in the future, and turn the village into a dormitory for Inverness. Public transport is limited, water supply, sewage treatment facilities, and the village hall, are already under pressure, and there are no plans to carry out badly needed repairs at the local (Tomnacross) School. The Glebe Farm site would make the access road to the school dangerous, particularly during house construction. Traffic congestion at the school would also be exacerbated.

*Mr Paton*

32.3.11 This objector raises similar issues regarding water supply, sewerage and effects on Tomnacross School, states that the DDILP proposals would transform Kiltarlity's "village" character, and could set a precedent for further expansion. In particular, development at Glebe Farm would destroy the important open aspect to the south. It could also exacerbate existing surface water drainage problems in this area.

*Mr & Mrs Wallis*

32.3.12 The village lacks the facilities required to cope with the scale of expansion proposed in the DDILP. THC has failed to appreciate how this would irrevocably change the shape of the village. Glebe Farm is historically and visually the most splendid part of the village and should be left as it is. A planning application, submitted despite the local plan inquiry, is poorly designed. More housing in the Beauly area would also increase traffic on the A862. This should be avoided, in view of the traffic lights at Clachnaharry Bridge.

### **Brief summary of the Council's response to the objections**

32.3.13 The DDILP achieves a reasonable balance between competing views on development in the village. While the owner of the Sawmill has indicated he is considering closing or moving within the plan period, it is doubtful whether this site will be available. A choice of housing location is therefore required. It is the 37 houses proposed on the 3 Expansion sites that stand to be assessed against the 25% growth "limit". Phasing these main housing allocations, the uncommitted capacity of the WWTP (now 48 houses, in addition to the 12 houses already granted planning permission on the Policy 12:5 site), and Policy 6:2, will control the rate of development. SW has no plans to increase the capacity of the WWTP.

32.3.14 There are no traffic reasons to prevent any of the DDILP sites from being developed. These would also provide opportunities for access improvements, including road widening and a footpath towards the school. The A862 was formerly part of the A9 and also has no capacity problems. The DDILP sites sit comfortably within the shape of the village, and the plan proposes the incorporation of amenity features in the form of open spaces/greens, and respect for local landscape features. The Council does not intend to determine the application for the Glebe Farm site prior to the report of the inquiry. New planting there could define the outer edge of the village.

32.3.15 The field to the north-west of the village hall lies outwith the physical limits of the village. Development there would breach the boundary created by the planting belt that runs north-west from Balgate Drive and by trees along the north-eastern boundary of the Sawmill site. While a cul-de-sac with significant planting in part of the field could form a defensible boundary, it could still be seen as a precedent “first phase” of development in the remainder of the field. Given the choice and availability of other land, this would be a significant and unnecessary incursion into the setting of the village. The plan proposes to retain part of the Sawmill site for business use.

32.3.16 THC decided not to allocate the site at Bruiach Mill Farm for housing because of concerns at CDLP stage regarding flood risk, the proximity of a working farm, and because better sites are available. While there is no record of the adjacent burn overflowing, the Policy 12:5 site and the Sawmill site have fewer constraints and are closer to the centre of the village. However, as the Bruiach Mill Farm site is covered by the plan’s general Housing “H” policy, and is within the visual limits of the village, one or 2 house plots could be acceptable.

32.3.17 The approved road layout for the Policy 12:5 site would not allow an access through that site to the rest of the field to the south. THC is opposed to extending development in this direction in any event because it would breach the defensible physical boundary formed by the hill slope above the Policy 12:5 site, which also prevents coalescence with the neighbouring crofting community. The same arguments apply to the land to the south of the Post Office. The allocations proposed in the DDILP are better located, less constrained, and do not breach the natural physical limits of the village.

## **Conclusions**

32.3.18 I adopt my account of the factual background to these objections at paragraphs 32.2.2-32.2.3, together with my conclusions at paragraphs 31.2.42-31.2.43 in so far as these relate to housing land supply in the local plan area and within the Hinterland.

32.3.19 Kiltarlity is one of the larger villages in the Hinterland. It is easily accessible to Inverness, including by public transport, and has a range of community facilities. There is no technical evidence that the infrastructure constraints to which some objectors refer are serious or insurmountable, at least so far as the level of development proposed in the plan is concerned. The DDILP identifies it as a Key Village, and it is well-equipped to accommodate some additional housing.

32.3.20 As regards the scale of new development that would be appropriate, I have already recommended (at paragraph 30.12) that Policy 6:2 should be retained, subject to rewording to clarify the intention behind the *pro rata*, 5 year, expansion rate; and that the plan should make clear the base date for the purposes of assessment. As the former depot is not an Expansion

site, only the 37 houses proposed on the Policy 12:5, 12:6 and 12:7 sites stand to be assessed against this policy, in relation to the 125 or so houses that existed in 2002. These 37 houses equate to an expansion rate of just under 30%. If 12 houses are built on the Policy 12:5 site, in accordance with the planning permission, this figure would increase to 31%. The depot site, although not within the ambit of Policy 6:2, would add a further 3-6 houses.

32.3.21 Policy 12:8 does not propose to allocate land, but to safeguard it for long-term expansion. There is no evidence that THC is likely to permit the timescale described in this policy to be anticipated, thus adding further to village growth in the short or medium term.

32.3.22 THC does not challenge the Community Council's statements that house completions in Kiltarlity village over the last 10 years have been about 3 per annum; that the "demand locally" figure over 8 houses per annum to which the plan refers reflects primarily house completions in the countryside; or that this latter figure influenced the DDILP proposals for the village. However, in the context of a more restrictive policy regarding housing in the Hinterland countryside, it is reasonable, and consistent with national and HSP policy, to expect settlements to accommodate a greater proportion of new housing than previously. I have already concluded that a degree of flexibility in the rate of settlement growth is desirable, for the reasons explained at paragraph 30.10, and land take up rates are unlikely to remain wholly constant over time.

32.3.23 However, as THC recognises, a balance has to be struck. It is important that the village's open, attractive setting, which is acknowledged in the plan, and its village character, are respected. These attributes should not be significantly eroded by large scale development, or by the inappropriate development of sites that, in their present state, contribute significantly to that character. The open nature of the rising land at the southern edge of the village is noteworthy in this regard.

32.3.24 A landowner or prospective developer is legally entitled to lodge a planning application at any stage in the local plan process.

32.3.25 Section 11(3)(a) of the Act requires a local plan to include a written statement "formulating in such detail as the planning authority think appropriate" its proposals for the development and other use of land in the area covered by the plan concerned; and a map showing these proposals. It does not require specific land allocations to be made. However, SPP 1 confirms that it is national policy that local plans contain policies relating to the allocation of land, including for housing; and SPP 3 expects local plans to convert structure plan housing land requirements to effective site-specific allocations. A local plan that did not allocate or identify specific sites for housing development, but resorted to a more general description, would not accord with national policy. The objections relating to specific sites are considered below.

#### *The Glebe Farm housing site*

32.3.26 This site is an open pasture field rising gently towards the school and church. It affords an attractive open outlook to the south and, in its present state, contributes to the character of this part of the village. This aspect is likely to be particularly appreciated as and when the land to the south-west is developed for community uses as proposed in Policy 12:4 and the planning permission for the Policy 12:5 site is implemented. Any development on the

Glebe Farm site would therefore merit careful treatment, and careful consideration of the proposed access, which would be from the road leading to the school.

32.3.27 However, the site's location close to village services, including the school, is a significant advantage for a housing location. It ought to be possible to devise a housing layout that would retain a view through to the south, and allow some improvements to the access road to the school to be secured. On balance, I conclude that the proposed allocation should be retained, subject to housing being set back from Allarburn Drive beyond open space, and to express requirements for a very high standard of design, layout and landscaping for the development, the widening of the access road at least as far as the site entrance, and the provision of a footpath link to the school.

*Site north-west of the village hall*

32.3.28 The terms of the objection made regarding this site are that the southernmost 2 ha of the field north-west of the village hall should be allocated for housing, in preference to the Sawmill site. The objection does not mention a larger allocation, or the Glebe Farm site, although the latter is the subject of objections by others.

32.3.29 Village "development boundaries" or "limits" are rarely fixed for all time, and changes can be justified in response to changes in circumstances. The evidence indicates that there is a reasonable prospect of providing an access to the objection site, while maintaining and potentially improving car parking for the hall. There is no evidence of other insurmountable infrastructural constraints. The site is set at the rear of existing development, and the field of which it forms part is visually contained by trees. However, this lies beyond an established tree belt at the rear of housing along Balgate Drive, and trees along the north-eastern edge of the Sawmill site. I consider that these features provide a strong and clear boundary to the village at this location. I conclude that it would be undesirable for development to extend beyond this clear landscape threshold, into a large open field, without good reason, notwithstanding that a further boundary could be established over time, and that this might prove defensible.

32.3.30 The Sawmill site is already an integral part of the village and, while I note the objector's concern regarding the potential adverse effects likely to arise from its closure, an activity of this nature is likely to have shortcomings as a residential neighbour. Given the availability of alternative sites, which I regard as more suitable for housing, I conclude that the objector's site should not be allocated for housing. I reach this conclusion notwithstanding the Council's doubts regarding the availability of the Sawmill site. That said, these doubts make it prudent for the Council to investigate the availability of the Sawmill site more fully before deciding whether to confirm its allocation.

*Site at Bruiach Mill Farm*

32.3.31 There is no evidence, other than anecdotal references, that this site is subject to significant flood risk and it appears capable of accommodating some housing without conflicting significantly with farming activity. There are no obvious infrastructural constraints, the site is well contained in landscape terms, and the DDILP includes it within the settlement boundary. While further from the geographical centre of the village and from the school and church than other potential allocations, it is close to the Post Office and the hotel.

As the “H” designation indicates, THC does not oppose a limited housing development in principle.

32.3.32 If the Council concludes that the Sawmill housing site, which is more central to the village, is unlikely to be available within the plan period, and should not be allocated, the Bruiach Mill Farm site should be allocated in its place, to maintain a good choice of housing location. However, if the Sawmill site is retained, given the other housing allocations proposed in the plan, which are either not the subject of objection, have planning permission, or I have concluded should be retained, there should not be another specific allocation in the village. I reach this conclusion in the interests of maintaining village character, and avoiding unduly rapid expansion.

*Sites to the south of the Policy 12:5 site and south and east of the Post Office*

32.3.33 I consider that the Policy 12:5 site, which is held below a discernible break of slope in the field to the east of the Post Office, represents the maximum desirable extent of development at this location. The plot of land to the south of Bruiach Cottage is the corner of an open field and, in common with the remainder of that field, and the field to the east of the road, read as part of the elevated countryside beyond the village. I conclude that the local plan should not allocate any of these objection sites for housing.

**Recommendations**

32.3.34 I recommend that:

- (1) that proposed housing allocation at Glebe Farm (Policy 12:6) is retained subject to express requirements for a very high standard of design, layout and landscaping; housing being set back from Allarburn Drive beyond open space and oriented to retain a view across the site to the south; the widening of the access road at least as far as the site entrance, and the provision of a footpath link to the school.
- (2) that the Council investigates the availability of the Sawmill (Policy 12:7) site before deciding whether to confirm its allocation.
- (3) if the Sawmill site allocation is confirmed, the Bruiach Mill farm site should remain subject to an “H” designation.
- (4) alternatively, if the Sawmill site allocation is not confirmed, the Bruiach Mill farm site should be allocated in its place, for 4-6 houses.
- (5) the site to the north-west of the village hall and the sites to the south of the Policy 12:5 site and south and east of the Post Office are not allocated for housing.

**Other matters**

32.3.35 Although not the subject of objection, and thus not a formal recommendation, Policy 12:3 appears to contain a typographical error. The requirements that the plan lists for this site would be clearer if the last phrase began “; *and relocation ...*”



## 32.3 DORES

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**Objectors: Mr I Cameron (34), Mr & Dr Campbell (40)\*, Rev J Christie (48), Dores and Boleskine Church Congregational Board (122)\*, Mr & Mrs King (141), Ms J Mackinnon (177)**

**Procedures: Public inquiry\* and written submissions**

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### Synopsis of objections

32.3.1 Mr Cameron wishes the plan to identify woodland adjacent to the Parish Hall at the south end of the village, which the deposit draft plan shows with an “A”, Amenity, designation, for housing. The other objections relate to Policies 13:1 and 13:3, to a cemetery extension proposed in Policy 13:6, and to Expansion Policy 13:8, which relates to 0.7 ha of land to the west of the B862, adjacent to an existing recreation area, for community/visitor uses in the longer term.

### Factual background

32.3.2 The DDILP identifies Dores, which is located on the shore of Loch Ness 10 km south of Inverness, as a Key Village in the Hinterland. It has 2 churches, a hall, a Post Office and an inn, and about 55 houses. Paragraph 13.1 refers to the village’s exceptional location, where “*a compact form and steep, wooded backdrop create a fine setting*”. Most built development is to the east of the B862.

32.3.3 Policy 13:1 allocates 1.8 of land north-east of Torr Gardens, to the rear of the listed Drumashie Lodge, for 8 houses, citing “*access from above, set back from woodland*” as requirements. Policy 13:2 allocates land (stated to be 2.2 ha) north-east of Clune/Rosebank at the north end of the village, also for 8 houses, with a “*second phase access reservation*” requirement. Policy 13:3 allocates 0.8 ha at The Glebe, to the south of the listed Dores Parish Church and the surrounding burial ground, for 5 houses with “*access through to site 1 above, design brief including set-back from listed church and burial ground*”. Pasture land between the church and burial ground is shown with an “A” designation.

32.3.4 Policy 13:6 allocates 0.3 ha between the church and the B862, on land currently used as car parking, for the extension of the cemetery. Policy 13:5 reserves land at the south end of the village for a new WWTP, which has now been installed. The Policy 13:8 allocation is stated to be “Subject to discussion with the community and the landowner”. The policy states that uses could include relocation of the primary school (currently at Aldourie about 2 km north of the village), the extension of amenities to form a community focal point attached to the existing park, a small visitor/tourist information centre and car parking, a shop, and a caravan and camping site. A Development Brief is proposed, to “*address the siting of low profile buildings held tightly to the eastern side of the area to preserve the open outlook to Loch Ness ... Access improvements/traffic calming on the B862, retention of trees and footpaths associated with the loch margins and remnants of the military road*” are described as essential.

32.3.5 The SSLNELP allocates the southern part of the Policy 13:1 site for 8 houses (with access from Torr Gardens) and 1.0 ha at Clune/Rosebank, adjacent to the B862, for 8 houses. The plan also reserves 0.8 ha to the south of the church for a replacement primary school, and safeguards land to the west of the cemetery (approximately 50% of the Policy 13:6 area) for a cemetery extension. Policy 4.4.1 presumes against development that would have an adverse effect upon, or be unsympathetic to: (a) the fabric and setting of the Parish Church and Drumashie Lodge; .... (c) open farmland which is important to the village setting and farm viability; and (d) open space and landscaping to the west of the church.

### **Brief summary of the main points raised by objectors**

*Mr I Cameron*

32.3.6 The woodland between the Parish Hall and houses at Innistore and The Chalet is not amenity woodland. It adjoins a much larger woodland area, which has far greater amenity value, and there is existing development to the south. Housing would be in keeping with the rest of the village.

*Ms Mackinnon*

32.3.7 The site north-east of Torr Gardens should be limited to 4 houses.

*Mr & Mrs King*

32.3.8 Any development, particularly caravans, on the Policy 13:8 site would impact on views down the loch. The roads to the south of the village are unsuitable for caravans, the viability of a shop is questionable, and locating a school on the opposite side of the B862 from most of the village does not make sense.

32.3.9 The scale of new housing proposed in the village is excessive. Ten houses have been allowed at Clune/Rosebank. If this “growth rate” occurs on all the proposed sites, the village would increase by 50% over the next 10 years. House numbers on the other sites should be reduced to allow for an increase at planning permission stage. Adequate drainage is also essential, to avoid surface run-off problems. In any event, the Policy 13:1 site is opposed in principle, unless public access past the objectors’ house, to the south of Drumashie Lodge, is expressly ruled out. Traffic calming should precede or run in tandem with any further development.

*Dores & Boleskine Church Congregational Board and Rev J Christie*

32.3.10 Houses on The Glebe would detract from the amenity of the church and burial ground, could exacerbate drainage problems, and would prejudice the agricultural value of the rest of The Glebe. The proposed cemetery extension would be better located on the proposed Amenity area to the south of the church.

*Mr and Dr Campbell*

32.3.11 The SSLNELP describes Dores as a “compact village with adjoining farmland and steep wooded backdrop, enjoying an extremely attractive environment and outlook”. Limited

car parking and the absence of commercial development regulate week-end visitor numbers. The DDILP proposals do not reflect local aspirations.

32.3.12 While Dores is well-placed to accommodate some growth, the 21 additional houses that are proposed would increase its housing stock by almost 40%. There is no evidence that Dores is in an area of housing stress, or that these proposals are based on an assessment of demand. The Torr Gardens allocation in the adopted plan has not been taken up, probably because of limited drainage capacity and lack of commuter demand. The 10 houses granted planning permission at Clune/Rosebank, plus the 8 units proposed on the balance of that site, could meet the village's needs for the next 10 years. If monitoring indicates that more land is required, the adopted local plan proposal for Torr Gardens could be reconsidered. Expansion should be limited to an absolute maximum of 25% in any 10 years, as proposed in the Deposit Draft Ross and Cromarty East Local Plan (40/2).

32.3.13 The DDILP states that “future development should retain the community’s established character and setting. New houses on the Policy 13:1 and 13:3 sites would be conspicuous, involve extensive underbuilding, reduce the privacy and amenity of existing houses, detract from the setting of Drumashie Lodge, exacerbate surface water seepage and flooding problems, and result in the unnecessary loss of valuable agricultural land. Surface water could not be discharged to Allt a’ Mhinisteir (the Minister’s Burn) as it has limited capacity. Local residents opposed proposals for housing on these sites when the SSLNELP was being prepared, and the scale of development proposed there was reduced. *Policy 4.4.1(c) applies to the northern part of the Policy 1 site while the proposed cemetery extension is in part of the area covered by Policy 4.4.1(d).*

32.3.14 Improved sewage treatment is only one factor affecting land release. Photographs (40/2) show that Drumashie Lodge would inevitably suffer a loss of privacy, winter sunlight, and amenity if the Policy 13:1 site is developed. Tree screening would reduce daylight. While it is possible that the objectors would reach agreement on the form of any development, which should be as far from the listed building as practicable, THC would not agree to a Design Brief, or a buffer strip. The set-back to which the policy refers could just be a building line.

32.3.15 The caravan and camping site mentioned in Policy 3:8 could become a self fulfilling prophecy. Holding buildings close to the B862 would mean that caravans would be located in the most conspicuous part of the site, in front of Drumashie Lodge, and in the forefront of a magnificent vista towards Loch Ness. This would be contrary to the statement in the plan that exceptional views in that direction from the approach to Dores must be protected. The roads to the south of the village are unsuitable for use by touring caravans. Static caravans on the site are unthinkable.

32.3.16 The site of the proposed cemetery extension is a pleasant amenity feature at the entrance to the village (40/2), and should be retained as such. It is conspicuous and close to the B862, and probably too close to the existing burn. A site to the south of the existing burial ground, on part of the “A” area, which is part of the Glebe, would be more appropriate. It is at the same level as the existing burial ground, and would allow access direct from the church. A sketch layout (40/3) illustrates how vehicular access could be taken direct from the B862, to a small car park located behind existing trees.

## **Brief summary of the Council's response to the objections**

32.13.17 Dores has community and social facilities and water supply and drainage arrangements have been improved. Subject to funding, it is also a candidate for a replacement school within the plan period. It is therefore entirely acceptable for it to absorb development that respects its scale and character, particularly as there are policy restrictions on building in the surrounding countryside. Sporadic new houses along the Errogie Road illustrate the need for restraint outside the village.

32.3.18 The Torr Gardens site and the Glebe site, which account for over 60% of the village's housing land supply, are interdependent. The local plan proposes to take access to the Torr Gardens through the Glebe site, and it could be impossible to gain access to the Torr Gardens site if the Glebe site was deleted. In that event, the plan would fail to provide an effective land supply for the plan period. The Council agreed to replace the "A" designation at the Parish Hall by "H", as this land has potential for limited infill house plots, provided woodland safeguards and access requirements are met. However, the only other housing allocation in the village is the second phase of the affordable housing development at Clune/Rosebank. Topography limits development to the south and east and the views across land to the west of the village down the Great Glen have exceptional value. The most appropriate location for growth for Dores has therefore been set, and the adopted local plan endorsed the principle of development at Torr Gardens and the Glebe in 1997. The Church of Scotland General Trustees have indicated that the Glebe land, which is central to the village and close to facilities, is available. The Policy 13:1 site is also understood to be available.

32.3.19 Concerns about density, access, topography and surface water, are not overriding constraints. Development would be designed to minimise any impact on the adjacent listed buildings. A 25% village expansion rate would equate to about 13 units. The 10 houses at the north end of the village count against the "limit" as they were granted planning permission after May 2002. If Phase 2 came forward at Clune/Rosebank, the other sites would probably be "put on hold", in effect planning permissions would be rationed. That said, as Phase 2 is likely to be for affordable houses, the 25% limit might be increased in order to widen choice.

32.3.20 THC's Burial and Cremations Officer considers that additional cemetery capacity will be required by 2011, and regards the Policy 13:6 site as the optimum one in terms of topography and ease of access and maintenance. As only part of the 0.3 ha would be required for cemetery use, there could be an opportunity also to improve the currently inadequate access and parking for the church. The land to the south of the existing burial ground would not allow for improved access, and land to the east has poor ground conditions. That said, ground conditions at the Policy 3:6 site have not been assessed in detail, and surface water problems are possible. If it was concluded that the site suggested by the objectors was preferable, the plan could leave both options open.

32.3.21 The uses listed in Policy 13:8, which emerged from a "Planning for Real" workshop held in the village, would support local services and facilities. Safeguarding a primary school site closer to the village centre has widespread local support. However, the policy could be worded to make clear these are simply options.

## Conclusions

32.3.22 I adopt the account of the factual background to these objections, at paragraphs 32.3.2-32.3.5, together with together with my conclusions at paragraphs 31.2.42-31.2.43 in so far as these relate to housing land supply in the local plan area and within the Hinterland.

32.3.24 Policy H3 of the HSP requires new housing development generally to be within existing and planned new settlements. It also regards new housing in the open countryside in the Hinterland, as defined in local plans, as permissible only in specified circumstances.

32.3.25 Dores is within the Hinterland, as defined in the DDILP. It is an established settlement, with a range of community facilities, and is suitable for some additional development. No party argues that it should not be identified as a Key Village. The installation of a new WWTP has removed the drainage constraint that formerly applied.

32.3.26 The local plan recognises that Dores enjoys an exceptional location, and that its distinctive compact form and steep wooded backdrop create a fine setting. Any new development ought to respect these attributes. Views to Loch Ness when approaching the village from the north are truly exceptional and deserve particular protection, as do the settings of the 2 listed buildings in the village. These various factors constrain the location and extent of new development.

32.3.27 Some opportunities nevertheless exist. The evidence in relation to affordable housing indicates that Dores is an area of housing stress. The planning permission that has been granted for 10 affordable houses on a site at the north end of the village is intended as a first phase of a larger development, with access to the Policy 13:2 site at the rear. This latter site is generally well contained by woodland, and built development could sit in well to the setting of the village. In addition, the wooded ground at the south end of the village is capable of accommodating limited infill housing, subject to the siting, design and environmental considerations in the General Settlement Policy H, in Policies GP1 and GP2, and in Policy G2 of the HSP.

32.3.28 SPP 3 states that care should be taken, particularly in smaller towns or villages, to ensure that the scale of new development is appropriate, and that consideration should be given to the cumulative impact of a succession of developments over time. The maximum 25% increase over any 10 years proposed in Policy 6:2, equivalent to 13 units at Dores, is intended to serve this purpose. Subtracting the 10 houses that have planning permission leaves a balance of 3 units. If 8 units were to be permitted on the Policy 13:2 site, which would be sensible in terms of development costs, these could also be developed for affordable housing. I therefore regard it as desirable to identify further opportunities to allow some choice in location and tenure in this Key Village. Policy 6:2 would provide a basis for regulating the rate of release. In that regard, the area between the Parish Church and Ness View Cottage, which is convenient to the centre of the village, has potential for development.

32.3.29 It would be prudent for the plan to safeguard a site for a new primary school in the village, if there is a prospect, as seems likely, that funding for the replacement of the present remote facility will become available during the plan period. Even with traffic calming, there would be a significant road safety disadvantage in locating a school on the opposite side of the main road through the village from the majority of houses.

32.3.30 The site that the adopted local plan safeguards for this purpose does not have this disadvantage. Although it would include the Amenity area that the plan proposes as a set back from the Church and burial ground, it ought to be possible to avoid built development that would not impinge significantly on the settings of the listed buildings. This would reduce the extent of a housing allocation, and could require this to have an alternative access. In that regard, there is no clear evidence that it would be impractical to take access from Torr Gardens to the balance of the Policy 13:1 site as proposed in the adopted plan. This would also have the advantage of reducing the impact of new development on the listed Drumashie Lodge. As the 1.0 ha site in the adopted plan was deemed to have scope for up to 8 houses, there is no reason why capacity on this site need be significantly reduced, and there would still be a choice of housing location in the village. There is also no evidence that surface water drainage would be an insurmountable problem.

32.3.31 Both of the cemetery extension sites discussed at the inquiry have advantages and disadvantages. The DDILP site is more obviously accessible for vehicles, and would probably be easier to maintain. While some parking would be taken up, not all of the 0.3 ha seems likely to be required and the SSNLELP shows the majority of the land between the existing church yard and the road retained as landscaping. However, further investigation of ground conditions may rule out this site for technical reasons. The objectors' alternative site is less conspicuous and the present parking area would not be affected. However, while there would be easy pedestrian access from the church, new vehicular access and parking arrangements are likely to be required. This option could also be problematical if the school site identified in the adopted local plan was to be reinstated.

32.3.32 Drawing these matters together, I conclude that the Council should reconsider the local plan proposals for the area between the Church and Ness View Cottage with a view to safeguarding a site for a school, accommodating a cemetery extension (following further investigation of ground conditions), and a reduced housing allocation, preferably with access via Torr Gardens. While the prospects of letting the balance of the Glebe could be reduced, this need not be impossible, and a field access could be maintained

32.3.33 Identifying uses for the Policy 13:8 site, even as possibilities, could well become a hostage to fortune and make any formal applications for these uses difficult to resist. It is also difficult to see how any significant built development, even if held close to the road, or a caravan site, could be sited and designed to avoid detracting from the fine views down the loch. While a shop to replace the previous facility, which has closed, and a visitor information centre, could be welcome in the village, alternative possibilities may exist. I note that the former filling station site in the village remains unused.

## **Recommendations**

32.3.34 I recommend that

(1) the Council reconsiders the local plan proposals for the area between the Church and Ness View Cottage with a view to safeguarding a site for a school, accommodating a cemetery extension (following further investigation of ground conditions), and housing. If the school site in the adopted local plan was to be retained, the extent of the Policy 13:1 housing allocation would be reduced, and could require an alternative access, via Torr Gardens.

(2) Policy 13:8 is deleted or, alternatively, reworded to refer only to recreational use.

- (3) land in the vicinity of the hall at the south end of the village is given an “H” designation as proposed in the DDMILP.
- (4) the plan is updated to take account of the installation of the new WWTP.
- (5) if recommendation (1) is not accepted, Policy 13:1 should refer to “access from site 2”.

## 33.1 STRATHNAIRN

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**Objectors: Petition of 45 signatures per Mr W E Campbell (41), Mrs Chalmers (45), Mr & Mrs Chilton (47), Mrs M Evans (71), Mr & Mrs D Henderson (114), SEPA (171)\*, Mr & Mrs Maybee (198), (Strathnairn Community Council (185\* regarding affordable housing), Mr & Mrs Rowley (232), Mr D Scott (238)**

**Procedure: Public inquiry\* and written submissions**

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### **Synopsis of objections**

33.1.1 Strathnairn Community Council's objections not dealt with thus far seek adequate planning controls to preserve the character of Strathnairn. The principle of providing affordable housing is considered in Chapter 4.5. Other local objectors state that the Proposals Map for Strathnairn is out-of-date, and gives a misleading impression; that the local plan should not treat Farr and Inverarnie as one settlement; and that additional septic tanks could cause pollution problems. SEPA's objection is reported in Chapter 4.10 in the context of Policy GP10.

### **Factual background**

33.1.2 Chapter 14 of the DDILP refers to Inverarnie, Farr and Broomhill-Croftcroy as small settlements, strung out over 2 km alongside the B851. Paragraph 4.2 (corrected to 14.2 in the DDMILP) states that the priority is to preserve the separate identities of the Strathnairn communities by preventing their coalescence, that emphasis is placed on building opportunities which safeguard this existing settlement pattern, and that land east of Inverarnie, between Farr and Croftcroy, and west of Broomhill, appears suitable for development. However, the introductory table to the Chapter presents these 3 locations as one settlement, and lists 4 proposed housing allocations: East of Inverarnie, at School Wood, at Croftcroy and at Dalvourn (for 14 houses in total) under a single heading.

33.1.3 In response to objections, the introductory table in the DDMILP presents Inverarnie, Farr, and Broomhill/Croftcroy each as a settlement, and disaggregates the housing allocations under these 3 headings. The Council also agreed to delete the reference to "*west of Broomhill*".

### **Brief summary of the main points raised by the objectors**

#### *Strathnairn Community Council*

33.1.4 The character of Strathnairn should be preserved through adequate planning controls. The Strath includes an SAC, an SSSI, a nature reserve, archaeological sites, and walking and cycling routes. These should be preserved and improved, not destroyed by the introduction of the type of large incompatible developments such as landfill sites, which are currently being proposed by developers. Developing the Right Places is important, given current pressures. The Community Council also supports local residents who consider that Farr and Inverarnie should be regarded as separate.



*The Petitioners, Mr & Mrs Chalmers, Mr & Mrs Rowley*

33.1.5 Farr and Inverarnie should be treated as separate settlement zones and the 25% growth figure applied to each. This would be more representative and provide more appropriate control.

*Mr & Mrs Chilton*

33.1.6 Farr and Inverarnie have no more in common than the other 2 settlements in Strathnairn. Treating them as one entity means that Inverarnie, which is already over its 25% growth limit, will be expected to include further housing development. Building houses with septic tank drainage above and behind existing houses will result in health hazards.

*Mrs M Evans*

33.1.7 There is a distinct possibility that run-off from septic tanks from the proposed developments between Inverarnie and Farr could pollute the River Nairn. The access road through Strathnairn cannot easily sustain the amount of traffic that uses it at present.

*Mr & Mrs Henderson*

33.1.8 Inverarnie should have its own settlement area. Its growth is well beyond the 10 year 25% figure. In addition, further development should be halted until public drainage is installed. More septic tanks and soakaways will pollute the area and watercourses.

*Mr & Mrs Maybee*

33.1.9 The local plan is already out-of-date, and the Inset Proposals Map omits existing houses. The 3 houses proposed north of Dalvourn Farm (in association with houses not shown on the Map) would mean that Farr and Inverarnie would be virtually joined up. This would run counter to the intentions expressed in paragraph 14.2. As new housing is being allowed contrary to the existing local plan, how can the community be confident this new plan will be adhered to? It is also questionable whether secondary schools could cope with the increase in the number of pupils arising from development at Strathnairn and Balnafoich, and from housing development close to the SDR. The boulder field opposite the Old Manse is used regularly for recreation, and should be protected.

33.1.10 No pylons from the proposed wind farm should be allowed. The plan must also make clear that land accessed by the proposed access road for the wind farm, behind Inverarnie Cottage and Craggan House, is protected from future development.

*Mr Scott*

33.1.11 The reference in the DDILP to “*west of Broomhill*” is confusing and inappropriate. Any land encompassed by this description would fall outwith the village envelope.

*SEPA*

33.1.12 Strathnairn (east of Inverarnie, School Wood, Croftcroy, and Dalvourn) is within the River Nairn catchment. Further development should only be permitted where foul drainage is

to a public sewerage system capable of treating waste water to a high standard. Alternatively, where there is no public sewerage, limited numbers of individual houses could have a land-based drainage solution compatible with Part M of the Technical Standards.

### **Brief summary of the Council's response to the objections**

33.1.13 THC believes that it has responded to most if not all of the concerns of the community in rationalising and reducing the number of housing allocations in the area. The DDMILP wording and mapping identifies Inverarnie, Farr and Broomhill/Croftcroy as separate communities. The size and number of remaining allocations will not lead to urbanisation but would allow the consolidation of existing centres and help to underpin local facilities.

### **Conclusions**

33.1.14 I adopt the factual background to these objections, at paragraphs 33.1.2-33.1.3.

#### *General issues*

33.1.15 The local plan includes a range of general (BP and GP) policies that afford policy protection to the heritage and amenity features listed by the Community Council. Most of these policies apply throughout the local plan area. The HSP also contains development control policies. Subject to the changes recommended earlier in this report, I consider that these policies provide a sound basis for the consideration of development proposals. I conclude there is no need for additional local plan policies directed specifically at Strathnairn.

33.1.16 THC's intention of basing Proposals Maps on the most up-to-date OS information available when it approves the next version of the local plan would address the objection regarding inaccuracies in current maps so far as is reasonably practicable.

#### *Affordable housing*

33.1.17 I adopt my conclusions at paragraph 4.5.44 regarding the policy approach to the provision of affordable housing outwith the locations listed in Policy GP4. The policy I have recommended at paragraph 4.5.47 would allow affordable housing to be provided at Strathnairn in the event that suitable locations are identified.

#### *The identification of settlements*

33.1.18 Inverarnie, Farr and Broomhill-Croftcroy are discernible as separate settlement groupings on the ground. Treating them as separate entities, each with a discrete settlement boundary, as proposed in the DDMILP, would be consistent with this. It would also be consistent with the plan's stated priority, which is to preserve the separate identities of separate communities, and help to ensure that the disposition of new development reflected and consolidated the existing settlement pattern.

33.1.19 The phrase "*west of Broomhill*" could be interpreted referring to the area beyond the settlement boundary at Bromhill/Croftcroy, where a strong presumption against sporadic development would apply. It is therefore potentially misleading, and should be deleted.

33.1.20 The proposed allocation at Dalvourn is to the north of the farmhouse and steading. I consider that a housing development on this site would help to tie in the existing buildings at the farm to Inverarnie in visual terms. A clearly discernible gap would remain between the farm grouping and Farr and maintain the separate identities of these 2 locations.

#### *Drainage*

33.1.21 The housing allocations proposed east of Inverarnie, at Dalvourn, at School Wood, and at Croftcroy refer to 3, 3, 6 and 2 houses respectively and therefore amount to more than individual houses. Accordingly, as recommended at paragraph 4.10.39, the Council should reassess these allocations, in discussion with SEPA and Scottish Water, based on the principles listed in Policy GP10 as recommended, before deciding whether to confirm these allocations.

#### *Other matters*

33.1.22 The DDILP states that the land that the plan identifies for development takes account of the protection of the Boulder Field and the setting of the Church. This field, opposite the Manse and Church, lies just outwith a settlement boundary and is not identified for development. While I have no specific evidence regarding the incidence of recreational use, the General Settlement Boundary policy, and thus a strong presumption against sporadic development, would apply to the field. I conclude that this would afford adequate protection.

33.1.23 The local plan does not propose a wind farm in the vicinity of Strathnairn. The wind farm related issues raised as an objection should be considered in the context of any planning application made, when the local plan's General Policies would apply.

### **Recommendations**

33.1.24 I recommend that:

- (1) the proposed modifications relating to the treatment of Inverarnie, Farr, and Broomhill/Croftcroy as separate settlements are accepted.
- (2) the phrase "west of Broomhill" is deleted from paragraph 4.2.
- (3) the Council reassesses the housing allocations proposed east of Inverarnie, at Dalvourn, at School Wood, and at Croftcroy, in discussion with SEPA and Scottish Water, based on the principles listed in Policy GP10 as recommended, before deciding whether to confirm these allocations.

## 33.2 ABRIACHAN

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**Objectors: Inverness West Community Council (111), Mr D E MacDonald (161), Mr C Webster (271)**  
**Procedures: Written submissions**

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### Synopsis of objections

33.2.1 These objections relate to the extent of the “H”, Housing, areas within the settlement boundary at Abriachan, to the location of the Abriachan settlement boundary at Benlie and Balmore, to Policy 17:3 regarding land adjoining the village hall, and express concern about the prospect of low-cost housing.

### Factual background

33.2.2 Abriachan is a scattered crofting township above the west side of Loch Ness. The DDILP identifies it as a small settlement in the Hinterland, with a nucleus of facilities, including a Post Office and hall. It also states that the location and scale of building will be influenced by the following factors:

- historic pattern of crofts and absence of public drainage which necessitate continuity of the loose scatter of buildings.
- substandard alignment of the township road, which limits the scope for safe access.
- more prominent land either side of the road which should remain substantially open.
- exposure and the need to hold building primarily to the sheltered lands which shape the community.
- need to avoid fragmenting resources or impact on the community’s setting.

33.2.3 Policy 17:1 states:

*“Limited housing will be encouraged within building “nodes” at Balchraggan, Balmore, and Leault. The characteristic spacing between properties should be maintained, and access upgraded where necessary”.*

33.2.4 Policy 17:4 states that *“Open fields following the burn through the township should remain open”*, and identifies scope to create wildlife habitats and planting, and emerging local recreational needs.

33.2.5 Policy 17:3 states:

*“Land adjoining the hall would be suitable for further community facilities or business use. Buildings should be capable of multi-use or conversion”.*

33.2.6 In response to objections, THC agreed to expand Policy 17:1 to require access to be upgraded *“to adoptable standards where necessary”* and to add to the policy *“Additional dwellings will require to demonstrate acceptable fit with the building pattern and landscape setting, focus on the established “nodes” and retain intervening open land and vegetation”*. The DDMILP also includes amendments to the Inset Proposals Map, including at Leault,

where an “A” notation replaced an “H” notation. The settlement boundary is also proposed to be extended to include land at Balmore.

33.2.7 No objections to the modifications were received. However, further exchanges between the Council and Mr Webster (THC-18/ABR5, /ABR6, and /ABR7) resulted in a “provisionally agreed position” (indicated on the plan attached to THC-18/ABR6) between the 2 parties regarding the boundary at Balmore. The latest inquiry document on this issue is an invitation by THC to the Community Council to agree to this position (THC-18/ABR8).

### **Brief summary of the main points raised by the objectors**

#### *Inverness West Community Council*

33.2.8 The Inset Proposals Map is at odds with the plan’s stated intention of encouraging housing in building “nodes” and shows a general sprawl of housing throughout the settlement. This has been greeted with consternation by most local residents. The 3 areas to the south of the road, shown on a plan attached to the Community Council objection, should remain green and open because of their prominence, visibility, and amenity value. The Balcraggan node should include Benlie. However, the prominent wooded area behind the School House, and between Balmore and Leault, has a number of new houses already. Further housing would be seriously detrimental to that area.

#### *Mr D E MacDonald*

33.2.9 Croftland at Leault should remain open. The hall already causes enough congestion. The SSLNELP refers to a 250 m spacing between buildings.

#### *Mr C Webster*

33.2.10 The settlement boundary should be extended to include additional land at Balmore, which is eminently suitable for development. The nodes the DDILP shows in this area would restrict building to the few level fields on the croft and are too close to existing houses. The additional land indicated on the plan attached to the objection is harder to farm and more suitable for small scale development. That said, Abriachan is unsuitable for low-cost housing. The single-track hill road is unsuitable even for current traffic, and is already affected by timber haulage and flash floods. The social problems resulting from building low-cost housing in Drumnadrochit could be magnified at Abriachan, which does not have many facilities. Low-cost housing is only low-cost for the initial owners. More information on funding options is required before informed discussions can take place.

### **Brief summary of the Council’s response to the objections**

33.2.11 THC regards the proposed modifications as a reasonable response to concerns regarding inappropriate development. However, the changes proposed (in the DDMILP) to the Inset Proposals Map at Balmore in response to the objection by Mr Webster are understood to be unacceptable to the Community Council. Further investigation has also revealed that the additional area would embrace the historic township of Achulin, which is a Scheduled Ancient Monument (THC-18/ABR1), steep and open terrain which could be scarred by under-building and access tracks, and that it would enable the settlement to extend well beyond the established pattern and distribution of croft buildings. Further modifications

to the Proposals Map, confining development largely to the west of the burn between Balmore and Achulin, as provisionally agreed with Mr Webster, and replacing the policy symbol “H” with “A” at some locations, including on land east of Abriachan as agreed with the owner, the Woodland Trust, would address these issues.

## **Conclusions**

33.2.12 I adopt the account of the factual background to these objections, at paragraphs 33.2.2-33.2.7. No objector argues that Abriachan, which is an established crofting township, is unsuitable for any additional housing. The local plan does not contain any specific proposals for low-cost housing at this location. Any proposals that did arise should be considered on their merits.

33.2.13 While building “nodes” are discernible at Balchraggan and Balmore, Abriachan’s scattered settlement pattern is characteristic of a crofting township. To be consistent with national and HSP policy, and to safeguard the character of the local landscape setting, and amenity, new development ought to respect this established pattern. The modification to Policy 17:1 proposed by THC on this matter is consistent with this principle and should be accepted. With this safeguard, there is no need for this local plan to specify a separation distance between buildings.

33.2.14 At the conclusion of the inquiry, the location of the settlement boundaries at Abriachan, and the policy notations within these, was the subject of unconcluded exchanges. However, the proposed change in notation at Leault, which is outwith a “node”, to Amenity land is appropriate. The same principle applies to the notations on the Woodland Trust’s land at the east of the settlement. None of these changes appears contentious.

33.2.15 I consider that the position of the boundary as “provisionally agreed” between the THC and Mr Webster provides a suitable balance between allowing reasonable opportunities for development at this location, but safeguarding the open land further to the east (edged green in THC-18/ABR6) by an “A” Amenity designation. As an “H” designation on the area edged red would make clear that appropriate development within this area would be encouraged, there is no need to depart from the convention employed elsewhere within the boundary by identifying individual sites.

33.2.16 Locating further community facilities and business use adjacent to the village hall, which is likely to serve as a focus for the community at present, is sensible in principle. While it would be surprising if any such development at Abriachan was to be large scale, traffic and parking implications would stand to be determined in the context of a planning application. I have no technical evidence that suggests that any future development at this location should be ruled out on account of its potential to increase congestion.

## **Recommendations**

33.2.17 I recommend that the DDILP proposals for Abriachan are accepted, subject to the modifications proposed in the DDMILP, and the further changes proposed to the settlement boundary indicated in THC-18/ABR6.

### 33.3 INCHMORE

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**Objectors: Mrs R Duns (69), Mr & Mrs MacMillan (132)\***

**Procedures: Public inquiry\* and written submissions**

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#### **Synopsis of objections**

33.3.1 Mrs Duns considers that the boundary of the village to the north of the A862 should be extended further to the east. Mr & Mrs MacMillan wish land at the eastern end of the village to be identified for housing.

#### **Factual background**

33.3.2 Inchmore straddles the A862 about 8 km west of Inverness. Policies RS4.7 and 4.8 of the BDLP allow infill housing within the village boundary. Policy CV4.28 presumes strictly against development on its margins.

33.3.3 The DDILP states that prime farmland, high voltage power lines, and a drainage “buffer”, limit the potential for building to the eastern end of the village. It identifies 2 sites for housing, both in that general location, to the south of the A862. The site covered by Policy 19:1, 0.1 ha at the entrance to the village, to the east of the former primary school, is stated to have capacity for 1 house, with redevelopment of a former smithy. Policy 19:2 applies to a 1.7 ha site to the west and south of the former school. This is stated to have capacity for 10 houses, subject to comprehensive layout and servicing, overhead line safeguards, and the avoidance of skylining, and to be suitable for affordable housing. A 0.1 ha site adjoining the north-western corner of the Policy 19:2 site is proposed for commercial use or business expansion, including a shop.

#### **Brief summary of the main points raised by the objectors**

##### *Mrs Duns*

33.3.4 The objector owns a field to the north of the A862 at the eastern end of the village, to the east of a track which the plan identifies as the eastern boundary of the settlement. She wishes the boundary to be extended, stating that she intends to apply for planning permission to build a house there for her son, who would help to look after her cattle in the rest of the field. Drainage could be pumped to the existing sewer.

##### *Mr & Mrs MacMillan*

33.3.5 The objectors, who own the Policy 19:1 site and adjoining open land to the east, explain that the CDLP proposed to allocate this 0.9 ha triangular area for 8 houses, subject to a comprehensive layout, “*preferred rationalisation of access to the A862*”, and redevelopment of the former smithy. They wish the consultative draft allocation to be reinstated, stating that the infill areas identified in the BDLP are largely developed. The CDLP allocations were intended to provide sufficient housing in the Inchmore area, at a density compatible with the existing community. The 10 houses proposed at the Policy 19:2 site are insufficient to meet the demand for new houses at Inchmore, or to keep the

community alive. Mr MacMillan receives daily inquiries for house plots, mostly from people wishing to move out from Inverness.

33.3.6 The CDLP proposal is understood to have been dropped partly because THC considered that housing would detract from the entrance to the village. However, the present entrance is unsightly. While other measures could be put in place to control traffic speeds, a sensitive development, including demolition or redevelopment of the former smithy buildings, and incorporating an entrance feature with new stone walls, would provide badly need housing, a quality entrance to the village, and slow down through traffic. A proportion of affordable housing could be included, in which case the allocation should be increased to 10 units. The objection site is not part of an agricultural holding, and is used only for horse grazing on an *ad hoc* basis. It can be adequately serviced, and localised road improvements could be carried out. It would only be worth improving the smithy site (which was a repair garage at one stage, but is now used for storage) as part of a larger development.

33.3.7 The City-Vision is biased towards the east side of Inverness, and to Inverness itself. However, not everyone wishes to live in these areas, and there should also be opportunities for existing communities to expand. This would help to safeguard, and possibly improve, services. The SE (THC-18/BEA3) stated that the CDLP figures for both areas and house numbers should be examined to ensure that the 25% expansion limit was not exceeded. The Policy 19:2 site amounts to only 15.6% of the residential area in Inchmore. Adding the objectors' site would increase this to 20%. That said, while the objectors do not object to the Policy 19:2 site, they consider that it has not been properly considered by THC. If a choice has to be made between the 2 sites, their own site should be preferred. The link between the 2 parts of the Policy 19:2 site is narrow, the southern part is crossed by overhead power lines, and the combined development that THC envisages may never happen. Development there would also extend a finger of development into the countryside. This would be out of character with Inchmore, which extends along the A862.

### **Brief summary of the Council's response to the objections**

33.3.8 As far as Mrs Duns' objection is concerned, it would not be appropriate to allocate land for a single house plot outside the village. However, a house in the objector's field would be compatible with the Housing in the Countryside Policy, subject to adequate siting and design, and to a land management requirement.

33.3.9 The CDLP allocation at Mr & Mrs MacMillan's site was reduced in the DDILP to reflect a local concern (THC-18/INC1) regarding the impact of development at the eastern entrance to the village and to ensure, in line with SE advice, that the housing land supply was not excessive. The former smithy buildings are not an attractive gateway to the village. Redevelopment would almost certainly result in an environmental improvement, but should be limited to the brownfield portion of the objectors' land. Allocating land for 8-10 houses here would be excessive in terms of the Council's desire to limit the scale and rate of expansion. The 25% limit relates to the number of houses within a community, not the land area within the boundary.

33.3.10 The Policy 19:2 site is better related to the core of the village and could help to deliver affordable housing, and land for business and commercial use. The CDLP allocation here was increased in size following a request to that effect from the owner of adjacent land. The site capacity was increased from 6 to 10 units because of the prospect of affordable



housing. Most of these units would be located in the northern part of the site, which would also provide access to the remainder of the site, along the line of an existing track. The 2 landowners concerned have agreed informally to co-operate to secure a comprehensive development and are willing to provide some affordable housing. The alternative of extending the Policy 19:2 site onto the Amenity land to the west as suggested in THC-18/INC1 is not an option as the landowner is not prepared to make land available. The DDILP housing proposals should be accepted as they stand, leaving any proposal for affordable housing on the objectors' site to be considered under the Hinterland Housing in the Countryside Policy.

## **Conclusions**

33.3.11 I adopt the account of the factual background to these objections, at paragraphs 33.3.2-33.3.3, together with my conclusions at paragraphs 31.2.42-31.2.43 in so far as these relate to housing land supply and its distribution in the local plan area and within the Hinterland.

33.3.12 Inchmore is an established settlement. Additional housing there would accord with HSP Policy H3.

33.3.13 The tree-lined track that coincides with the settlement boundary at Inchmore to the north of the A862 in the DDILP is clear and well-defined. I conclude that it represents a suitable settlement boundary at this location. Extending the boundary to include a house plot in the adjacent field would result in a significantly less well-defined edge to the village. Retaining the boundary in the DDILP would not preclude a house plot in the field, if the Policy 6:1 criteria were met.

33.3.14 As regards the scale of new development that would be appropriate at Inchmore, paragraph 1.46(a) of the DDILP states that, as a rule, land allocations in the hinterland will not exceed 25% "*of the existing scale of settlements for any 10 year period*". Policy 6:2 makes clear that the 25% limit is intended to relate to the number of houses in a community, not to the land area within the settlement boundary. This is sensible, as impact on the local community and facilities is more likely to relate to increases in house numbers than in the physical extent of development. I have already concluded this policy should be retained, subject to minor rewording for the purposes of clarification. The views expressed by the SE in THC-18/BEA3 regarding the CDLP housing land allocations were prompted by concern that these would exceed the allocations required by Policy H1 of the HSP, which are expressed in terms of house numbers.

33.3.15 Mr & Mrs MacMillan do not challenge the statement in the DDILP that the existing housing stock at Inchmore is 40 units. The 25% limit would allow up to 10 additional houses within any 10 years. Applying a base date of 2002, this would equate broadly to the intended local plan period. The DDILP allocations exceed 10 houses, but only marginally, and include redevelopment of some existing buildings.

33.3.16 Inchmore is accessible and convenient for Inverness. There is no reason to doubt its attraction as a housing location, including for those working in the city. While the adopted and deposit draft local plans note that the village has lost important services over the years, and the CDLP proposed to allocate land for 14 houses in the village, there is no specific evidence to indicate that land should be allocated for development in excess of 25% of the

existing stock in order to prevent its viability as a community from coming under serious threat. The scale of development proposed in the DDILP reflects the outcome of a reassessment of the CDLP allocations intended to achieve accordance with HSP housing land requirements.

33.3.17 In addition to setting a 25% limit, Policy 6:2 seeks to ensure that housing on allocated land is distributed as evenly as possible and provides choice within each settlement. The DDILP proposes only one significant new allocation at Inchmore, where infill opportunities are likely to be limited. However, the need for conformity with the structure plan, and the desirability of avoiding excessive rates of growth, make it unlikely to be practical to provide choice in every settlement in the local plan area, particularly in smaller settlements such as Inchmore.

33.3.18 While Policy GP4 is not intended to apply to Inchmore, the evidence indicates that it would be desirable to provide affordable housing in other locations in the local plan area. The objectors' site and the Policy 19:2 site both provide the prospect of affordable housing.

33.3.19 In the absence of a duly made objection that the Policy 19:2 should be deleted, it is not open to me to recommend formally that this should be done. In any event, on the evidence, I find no reason for the Council to reassess its proposal. CD10 indicates that there is landowner interest in development. In addition, 2 "fingers" of development already extend to the south of the A862 at Inchmore – to the east of the former school, and at Drumchardine, at the south-western end of the village. The Policy 19:2 site is more central to the village than the objectors' site, and is better placed to deliver land for business and commercial use, adjacent to an existing commercial premises. Even if the 2 land ownerships were not combined, the northern part of the Policy 19:2 site alone could accommodate at least 6 houses. In that event, an additional 8-10 houses, as sought by the objectors, would still significantly exceed the 25% limit.

33.3.20 The unsightly condition of the former smithy site does not, in itself, justify built development on a larger greenfield site at the edge of the village. There are other means of controlling traffic speeds through the village and of providing a "gateway" feature. That said, redevelopment of the existing unsightly buildings and land is desirable. It is debatable whether identifying the 0.1 ha former smithy site alone, for one house, would provide sufficient incentive to prompt action. Increasing the capacity of the site to 2 or 3 units, possibly by incorporating limited additional land to the south, would improve the prospects for redevelopment, increase choice in the settlement, and help compensate for any reduction in the number of units achieved at the Policy 19:2 site. Even if fewer than 10 houses in total were actually to be built in the village, the 25% limit in Policy 6:2 is a maximum figure.

## **Recommendation**

33.3.21 I recommend that the settlement boundary to the north of the A862 in the DDILP is retained, but that the stated capacity of the Policy 19:1 site is increased to 2 or 3 units, possibly by incorporating a limited amount of additional land to the south.

## 33.4 CULLODEN MOOR, INCLUDING IMPROVEMENTS TO THE B9006

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**Objector: Croy Community Council (251), SEPA (171)\***

**Procedure: Written submissions**

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### Synopsis of objections

33.4.1 The Community Council's objection relates to the improvement of the B9006. SEPA's objection concerns foul drainage arrangements.

### Brief summary of the main points raised by the objectors

#### *Croy Community Council*

33.4.2 The local plan should highlight the urgency of upgrading the entire B9006 to provide a uniform standard of road, as this is an important commuter route to Inverness. The same applies to the re-opening the railway halt at Culloden Moor to provide a park and ride facility to Inverness and for visitors to Culloden Battlefield. There should be a pedestrian footway from Culloden Moor Caravan Park to Culloden battlefield, along the B9006.

#### *SEPA*

33.4.3 Policy 20:1 allocates land for 6-8 houses with a stated requirement for "drainage", although the plan states there is no remaining drainage capacity and no investment programmed at Culloden Moor, and that "*opportunities for development in the immediate future are limited essentially to existing commitments.*" SEPA would be concerned if a proliferation of private systems was to develop in this sewered area.

### Brief summary of the Council's response to the objections

33.4.4 Policy 20:2 in the DDILP includes land for a rail halt. Policy 20:7 commits the Council to investigating traffic calming and pedestrian safety measures on the B9006 through Culloden Moor. Policy GP9: Traffic Management (GP10 in the DDMILP) commits the council to improving the free flow of traffic and safety for users on all key routes, including the B9006. However, as it is very unlikely that the Council could fund the wider improvements that the Community Council seeks, including a policy to that effect would raise false expectations. That said, THC expects the A96 Corridor development areas to be accessed from an improved trunk road. Any traffic impact of increased development on surrounding rural roads would be kept under review and might necessitate investment at a future date.

33.4.5 THC's response to SEPA's objection is reported in Chapter 4:10 in the context of Policy GP10.

### Conclusions

33.4.6 The DDILP includes a rail halt among the village centre uses promoted for the bitumen plant and former station area in the village. These are envisaged as longer-term, but

there is no evidence that earlier development is likely to be a practical proposition. The plan also commits the Council to investigating the scope for improving provision for pedestrians, and the extension of speed restrictions and traffic calming on the B9006 through the village. While the further improvements sought by the Community Council would be desirable, plans have to be realistic, and to take account of available resources. The measures envisaged in Policy GP9, which does not identify specific routes, are proposed to be pursued “as resources permit”. In the absence of any evidence that funding is likely to be available within the plan period for the further works to the B9006 sought by the Community Council, it would be unwise for the plan to include specific proposals for these. I conclude that no changes to the plan in these respects should be made.

33.4.7 Given the statement in the DDILP that “*opportunities for development in the immediate future are limited essentially to existing commitments*”, the housing allocation proposed in Policy 20:1 may have planning permission, in which case reassessing the allocation would serve little practical purpose. If it does not have permission, before deciding whether to confirm the allocation, the Council should hold further discussions with SEPA and NOSWA on the basis of my recommendations at paragraph 4.10.39.

### **Recommendation**

33.4.8 I recommend that the Council reassesses the housing allocation proposed in Policy 20:1 on the basis of the changes to Policy GP10 which I have recommended at paragraph 4.10.39.

## 33.5 DAVIOT

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**Objector: The Church of Scotland General Trustees (--)**  
**Procedure: Written submissions**

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### **Synopsis of objection**

33.5.1 This objection, that the “small glebefield” at Daviot, which the DDILP designates as an Amenity Area should be zoned for development, was conditionally withdrawn subject to the proposed modifications described at paragraph 33.5.4.

### **Factual background**

33.5.2 Daviot lies immediately to the west of the A9 south of Inverness. The DDILP identifies it as a small settlement in the Hinterland. The objection relates to land to the north of the church, which the plan includes within the settlement boundary. The plan also identifies an operating quarry and lack of public drainage as substantial constraints on further development, and Policy 22:1 states that the Council will presume against further housing.

### **Brief summary of the main points raised by the objector**

33.5.3 Any building on the objection site would be contained between existing buildings, the churchyard, and the A9. Local church parties have suggested they might require it, perhaps for a church hall. The site would be enhanced by suitable building. It is not truly amenity land as it is private and there is no open access to it. If the Amenity designation means that it ought to be kept as open space, there is plenty of open space to the west of the existing buildings. Open space to the east of these buildings, adjacent to the A9, does not improve their amenity.

### **Brief summary of the Council’s response to the objection**

33.5.4 The Council agreed to add to Policy 22:1 “... *with the exception of limited infill outwith the operational buffer associated with the quarry, suitably set back and screened from the A9 by significant planting*”, and to replace the Amenity designation with a Policy 1 and an “H”, Housing, notation. It explains that the land had been safeguarded due to its proximity to the A9 and contribution to the church, which is a listed building. However, it lies outwith the quarry operational buffer. Adjusting the Proposals Map would meet the considerations raised.

### **Conclusions**

33.5.5 The objection site has shortcomings as a location for built development, due to its proximity to the listed church, which is a distinctive landmark, particularly from the south, and due to its proximity to the trunk road.

33.5.6 Section 59(1) of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 imposes a statutory duty on planning authorities in considering whether to grant planning permission for development which affects the setting of a listed building to have special regard to the desirability of preserving the building’s setting. If built

development was likely to have an adverse effect on the setting of the listed church, this would also weigh against allocating the site concerned for this purpose.

33.5.7 However, there are already some modern houses to the north of the church, and one in particular approaches fairly close to the road. I conclude that the objection site is capable of accommodating limited and carefully executed built development without seriously affecting the setting of the church. Although the Council proposes an “H1” designation, for which the wider, northern, part of the objection site may have more scope, the objector refers to the possibility of a church building. It would be unfortunate if the latter was to be ruled out by an Amenity designation.

### **Recommendation**

33.5.8 I recommend that the proposed modifications are accepted.

## 34.1 THE KINNERAS AREA

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**Objectors:** Mrs D Bjerland (14), Mrs M Butcher (31), Mr I Fraser (85), Mr & Mrs T Gibson (92), Mrs F H Greenlaw (99), Mr & Mrs J Jeorrett (124), Mr & Mrs A Johnston (125), MacDonald Family (201), Mr & Mrs D Ramsay (223)

**Procedure:** Written submissions

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### Synopsis of objections

34.1.1 The high quality landscape of the area around Kinneras and Cruive merits a presumption against development, unless related to land management or the conversion of traditional buildings. The area's narrow and twisting approach road from Kiltarlity and limited and unreliable public utilities also make it unsuitable for further development. It should be included in the Hinterland, or made subject to Policy BP3.

### Factual background

34.1.2 These objections relate to the rural area south-west of Culburnie, along the narrow unclassified cul-de-sac road through Kinneras to Cruive. The DDILP Proposals Map shows the majority of this area, south-west of a line drawn north-east of Kinneras, in the RDA. The remainder, nearer Cuburnie, is in the Hinterland. Open ground in the area is shown subject to Policy BP1. Woodland is a Policy BP3 feature.

34.1.3 The DDILP proposes that the following Housing in the Countryside, Policy 23:2, will apply in the RDA:

*“Housing in the Rural Development Area will help to repopulate communities and strengthen services. Suitably designed proposals will be supported if they are consistent with the established settlement pattern and Structure Plan policies”.*

### Brief summary of the main points raised by the objectors

34.1.4 While the boundaries in the 1:85,000 scale overall Proposals Map are far from clear, a line one-third of the way along the minor road places the south-western two-thirds in the RDA, where THC proposes a “*permissive rural housing regime*”. This factor, together with the identification of much of the area as subject to Policy BP1; its proximity to the Hinterland, where the Council rightly proposes a restrictive policy on housing in the countryside; and the reduction in new housing allocations in settlements, is bound to increase pressure for new houses in the countryside. Although local landowners have been unwilling to sell house plots so far, ownership and attitudes can change. THC frequently allows individual houses in the countryside contrary to its own policies. One such decision was the subject of a critical report by the Local Government Ombudsman (99/4). Principles of good siting and design are often ignored in practice, and PAN 36: Siting and Design of New Housing in the Countryside is not even a core document for the inquiry. Once a few new houses are permitted, a precedent is set. Design standards are generally poor, and out-of-keeping with their surroundings.

34.1.5 Extending the Hinterland boundary would accord with the HSP, which shows a hinterland extending 30 km from Inverness. The Kinneras area is only 20-25 km, and a 20-25 minute drive, from the City. Rising house prices also indicate the area is within commuting distance of Inverness. It is not in decline and its services are not under threat. If the boundary is not extended, the RDA housing in the countryside policy should be made more flexible. The reference to a “permissive policy” in paragraph 1.47(e) of the DDILP conveys the wrong message. NPPG 15 and the Consultation Draft SPP 15 emphasise the need to take account of the diversity of rural areas and environmental quality and NPPG 15 suggests a tripartite typology – commuter, intermediate, and remote. The SE Environment and Rural Affairs Department (SEERAD) recognises the importance of conserving natural heritage (99/3). The Ross & Cromarty East Local Plan includes a heritage/natural zone for areas that are no more remote than parts of the ILP area. The approach road is single track with no official passing places, and suffers severe weather in winter. It already serves 22 houses and farm and forestry use and could not take more traffic without major investment. Electricity services are regularly interrupted and there is no mains drainage. SEPA is concerned about a proliferation of septic tanks in rural areas. SW has stated that the local water supply cannot serve further development without major investment. Supply is already sometimes disrupted.

34.1.6 Even if the area remains in the Hinterland, its very high landscape value, particularly the mountain panorama that suddenly opens out beyond Knocklea, biodiversity issues, and its importance for quiet recreation, should be recognised. The BP policy criteria in the plan should be adjusted to enable particular areas, such as the finest views around Knocklea, which is vulnerable to skyline development, crofting land around Cruive, and land along the roadside to be re-designated as Policy BP3 features.

### **Brief summary of the Council’s response to the objections**

34.1.7 Policy 23:2 contains sufficient provisos to address the objectors’ concerns. Its support for further housing in the RDA is subject to good design, consistency with the existing settlement pattern and, through HSP Policy G2, adequate servicing. Dependence on private water supplies and the character of the access road do not justify a local plan embargo on any further housing. There is no justification for extending the Hinterland Boundary. Kinerras is not an area of commuter pressure and has seen little development in recent years. Any good reasons, such as poor servicing, that preclude development on certain sites will be revealed through the consideration of individual planning applications.

### **Conclusions**

34.1.8 I adopt the factual background to these objections at paragraphs 34.1.2-24.1.3.

34.1.9 While I note the objectors’ comments regarding the Council’s exercise of its development control function, my remit is to consider the terms of the local plan policies that ought to apply in this area.

34.1.10 As far as the location of the Hinterland boundary is concerned, the HSP Key Diagram is indicative, and the structure plan delegates the definition of the Hinterland to local plans. The DDILP indicates that the definition of the Hinterland is derived from an analysis of past house completions to identify “pressurised” areas where a strong presumption against housing in the countryside should be applied. This approach is consistent with the thrust of the HSP’s approach to housing in the Hinterland countryside.



34.1.11 The HSP takes a different approach to housing in the countryside outwith the Hinterland of towns, and Policy H3 countenances such housing of an appropriate location, scale, design, and materials, where it supports communities experiencing difficulty in maintaining population and services. Incrofting townships, the policy requires new housing to respect the existing pattern of development. The HSP therefore advances a bipartite, not a tripartite, typology of countryside as far as new housing development is concerned.

34.1.12 The evidence that is available indicates that the area that is the subject of these objections has not experienced significant development pressures, and the objectors state that landowners have been unwilling to sell house plots. This is consistent with what I saw at the site inspection. Most houses are well-established, and there are relatively few new houses. Rising house prices are likely to be a feature throughout the local plan area. Any line drawn on a map can be criticised as unrepresentative of the situation on the ground, as there will inevitably be a transition in character, not an abrupt change. However, there is an impression of increasing remoteness south-west of Culburnie. I conclude that the local plan Hinterland boundary in this area is a reasonable reflection of local circumstances and that it should be retained.

34.1.13 I have already concluded that it is likely to be impractical to tailor a suite of general policies, each covering a wide range of features, and intended to apply throughout the local plan area, to fully suit all interests. Revising the BP policy categories to suit a particular area or site-specific features would defeat the purpose of these policies, and run the risk of knock-on effects that would be unsuited to other locations.

34.1.14 That all said, the landscape and character of the Kinneras area, and of much of the RDA, is highly attractive and merits protection. The reference to “a permissive policy” carries a connotation of a “free for all”, and I agree with the objectors that it conveys the wrong message. Reference to a “more relaxed” or “more flexible” policy would be more appropriate. This would also be consistent with the terms of Policy 23:2, which supports suitably designed proposals consistent with the established settlement pattern and with structure plan policies. Other local plan policies and HSP policies include a range of amenity and servicing considerations that require to be respected in considering individual applications. The narrow and twisting access road and limited services in the Kinneras area thus impose policy constraints. The potential for ill-judged siting to result in skyline development also calls for careful and consistent application of policy, and adherence to the considerations identified in PAN 36.

34.1.15 Drawing these matters together, other than the rewording suggested at paragraph 34.1.16, I conclude that the local plan policy approach to this area should not be changed.

### **Recommendation**

34.1.16 I recommend that the reference in paragraph 1.47(e) of the DDILP is amended to refer to a “more relaxed” or “more flexible” policy, rather than a “permissive” policy.

## 34.2 AULT-NA-GOIRE

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**Objector: Mr A Sutherland (255)**

**Procedure: Public Inquiry**

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### **Synopsis of objection**

34.2.1 The DDILP should include an Inset Proposals Map for Ault-na-goire and retain the safeguards that the adopted SSLNELP applies to new development there.

### **Factual background**

34.2.2 Ault-na-goire is a small crofting township in Stratherrick, on the minor road from Errogie to Inverfarigaig. The SSLNELP identifies it as a dispersed community, subject to a strong presumption against new houses which are not essential for the management of land, family and occupational purposes. Detailed guidance in an Inset Proposals Map seeks an average separation distance of 75 m between buildings and refers to drainage and the single track access road as constraints.

### **Brief summary of the main points made by the objector**

34.2.3 The SSLNELP's approach to Ault-na-goire was introduced after the Council lost a planning appeal for 3 new houses. It was drafted to retain the rural character, and to protect the objector's holiday letting business, which relies on this. The successor to the original developer has built 2 houses within 25 m of each other, one has been occupied for 4 years, despite having planning permission only for use as a garage. The *ad hoc* policy proposed in the DDILP may have been prompted by reluctance to take enforcement action against this development. In any event, the loss of clarity in policy approach would allow a proliferation of development that could erode the area's character, affect the holiday letting business, and reduce the Council's service to residents.

34.2.4 HSP Policy G2 states that developments will be assessed on the extent to which they impact on individual and residential amenity, and their impact on non-renewable resources. Local amenity and separation of properties in their original envelopes are such resources. Any policy from a parent structure plan should be embodied in its offspring local plan. Simply cross-referencing to HSP policy leaves scope for new development at the expense of local character, and reduces the prospect of enforcement action. The deposit draft Ross and Cromarty East Local Plan (255/1) prescribes criteria for new development at small rural settlements. Ault-na-goire could easily be made part of the Errogie Inset and a commentary inserted in the text, while still saving space. Other locations could also benefit from this type of treatment. The fact that the Errogie maps in the DDILP are out-of-date and inaccurate may have affected planning officials' judgement.

### **Brief summary of the Council's response to the objection**

34.2.5 The DDILP's provisions are consistent with the overriding objectives of repopulating and strengthening the remote and peripheral parts of the landward area, in support of local services. This approach is wholly in accordance with the SE's latest guidance on this issue.

The Hinterland boundary in the DDILP was drawn closer to Inverness than in the SSLNELP after a review of house completion data showed that the pressure for commuter housing did not extend as far south as previously thought. Given this change in the Hinterland boundary, it would be illogical to impose a policy presumption against new houses. Replicating the adopted plan's mapping and wording on separation distances would also give Ault-na-goire greater policy detail than any other small settlement in the RDA. As the DDILP only identifies housing in the countryside settlements that have development potential, including Ault-na-Goire in the Hinterland would not assist the objector's aims. Servicing and separation distance concerns are covered by the criteria listed in Policy 23:2, and by the reference in the policy to structure plan policies. HSP Policy G2 indicates that "impact on individual and community residential amenity" will be a factor against which proposals will be assessed. The Ross & Cromarty East Local Plan covers a much less complex range of settlements, there is much more scope for detailed commentaries.

## **Conclusions**

34.2.6 I adopt the account of the factual background to this objection, in paragraphs 34.2.3-34.2.4, together with my conclusions at paragraphs 34.1.10-34.1.11 regarding the HSP's approach to housing in the countryside outwith the Hinterland of towns, including Inverness.

34.2.7 The objector does not seek to have Ault-na-goire excluded from the RDA.

34.2.8 There is no evidence that out-of-date plans for Errogie affected THC's policy approach to Ault-na-goire. In any event, the objector explained the factual position at the inquiry, and this was confirmed by my site inspection.

34.2.9 Policy 23:2 supports suitably designed proposals consistent with the established settlement pattern in an area and with structure plan policies. Other local plan General Policies and HSP policies include a range of amenity and servicing considerations that require to be respected in considering individual applications. Specifically, HSP Policy G2 indicates that "impact on individual and community residential amenity" will be a factor against which proposals will be assessed. I conclude that these policies provide sufficient safeguards for preserving Ault-na-goire's rural character and that reciting HSP policies in the local plan would amount to unnecessary duplication.

## **Recommendation**

34.2.10 The local plan should not be changed in response to this objection.

### **34.3 SOILSHAN**

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**Objector: R C Tinsley Ltd (262)**

**Procedure: Written submissions**

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#### **Synopsis of objection**

34.3.1 The local plan does not refer to development opportunities in the Soilshan area.

#### **Factual background**

34.3.2 Soilshan is a rural location in the RDA, east of Tomatin, on a minor road to the east of the River Findhorn overlooking the river.

#### **Brief summary of the main points raised by the objector**

34.3.3 The local plan policy for the RDA, which accepts suitably designed housing proposals in the Tomatin area, reflects local opinion. There is a demand for sites at Soilshan, generally between the railway viaduct and the Manse, on the hill side of the road. A small number of carefully chosen fairly large plots could be made available, developed to a high standard of design.

#### **Brief summary of the Council's response to the objection**

34.3.4 The objector's intention is consistent with policy, subject to details.

#### **Conclusions**

34.3.5 Policy 23:2 supports suitably designed proposals housing proposals in the countryside in the RDA, provided these are consistent with the established settlement pattern and Structure Plan policies. This policy, which is consistent with the objector's stated intentions for Soilshan, makes clear the plan's approach to housing development in the countryside in the RDA. It would be impractical for the plan to identify every development opportunity in the RDA countryside.

#### **Recommendation**

34.3.6 The local plan should not be changed in response to this objection.

## 35. FORT AUGUSTUS

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**Objectors:** Mr B Clark (52), Ms L Findlay (79)\*, Mr S Findlay (80)\*, Lovat Estates (81)\*, Mrs V Hargreaves (109), Fort Augustus & Glenmoriston Community Council (142), British Waterways Scotland (147), Mr E Stewardson (250)\*, Mr A Varwell (268)

**Procedures:** Public inquiry\* and written submissions

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### Synopsis of objections

35.1 The objections to the DDILP relating to Fort Augustus cover:

- omissions and inaccuracies in the plan
- traffic conditions in the village
- the future use of Fort Augustus Abbey
- proposals for the village centre
- sites at Bunoich, Jenkins Park and Auchteraw
- sites at Market Hill (on each side of the A82)
- BWS land between the River Oich and the Caledonian Canal
- BWS land between the Caledonian Canal and Fort Augustus Abbey
- the bowling green
- the blaes pitch

35.2 The only objection to the DDMILP relates to the BWS land between the Caledonian Canal and the Abbey.

**Reporter's note:** unless otherwise stated, this chapter uses the policy numbering in the DDILP. As explained at paragraph 1.4, the Council resolved to treat representations regarding a draft development brief for Market Hill (THC-18/FOR1) as objections to the plan, where those who had made representations confirmed that they wished this to be done.

### Factual background

35.3 The DDILP identifies Fort Augustus as the only local centre in the RDA. It is stated to have 300 houses, a population of 600, a secondary school, medical centre, shops, a post office, a petrol filling station, and no servicing deficiencies. Parking is described as the only infrastructure constraint.

35.4 Policy 24:1 in the DDILP (in summary) recounts work to identify suitable new uses for Fort Augustus Abbey, referring to the need for a concerted Action Plan to take matters forward, and to the intended establishment of a "Community" Company.

35.5 Policy 24:2 proposes to allocate 0.3 ha of land in the Village Centre for an extension to the main public car and coach park, where the Council proposes to provide additional parking on its own land and to acquire additional ground, to create "a total of some 160 car spaces and 10 coach bays as a matter of priority".

35.6 Policy 24:3 states:

*“1.2 ha. of land adjoining the village centre could have potential for housing, business and community uses subject to removal of part of the embankment, site levelling/upfilling, extension of services and any necessary river defence works. The bridge abutments and adjoining ground will be retained to enable public access, and vegetation around the edges of the site reinforced. Access will be safeguarded from the car park and any necessary reconfiguration of parking undertaken by the developer. A full feasibility study should be pursued to explore the cost/engineering implications of development and the Council will prepare a Development Brief”.*

35.7 Policy 24:8 proposes to allocate 0.2 ha of land to the east of the Policy 24:3 site for business use, stating this will involve reconfiguration of access through the car park and removal of part of the disused railway embankment.

35.8 Following objections by Mr Stewardson and the Community Council, THC proposed, in the DDMILP, to delete Policies 24:3 and 24:8 and to apply an Amenity designation to these sites. This prompted a “counter-objection” by the landowner, Lovat Estates.

35.9 Policy 24:4 proposes to allocate 0.3 ha of land at Bunoich, in the northern part of the village, to the east of the A82, for 4 houses, citing building line, shared access, and comprehensive layout as requirements. Policy 24:7 states that, subject to, among other things, adequate servicing, limited infill housing maybe acceptable at Jenkins Park and Auchteraw. A third policy relating to this area, Policy 24:11, states that the Council will encourage conversion of the former school buildings at Bunoich, and that suitable uses include residential, office, or community uses.

35.10 Policy 24:14 proposes to allocate 0.1 ha adjoining the Royal British Legion premises for a bowling green.

35.11 Policy 24:16 states that 0.2 ha of land comprising the blaes pitch south of the Abbey is suitable for community/recreation use or, in the event of alternative opportunities arising, for business purposes.

35.12 Policy 24:5 proposes to allocate 1.5 ha of land at Market Hill (south) for 6 houses, citing low density and a spacious comprehensive layout as requirements.

35.13 Policies 24:17 and 24:18: Market Hill (*quoted overleaf*) relate to land at the south end of the village on either side of the A82.

“EXPANSION

*The following land is allocated for community uses in the medium-longer term. The Council will prepare Development Briefs to guide the comprehensive layout and servicing of these areas together with footpath links, related amenities and landscaping:*

<i>Area</i>	<i>Location</i>	<i>Requirements</i>
<i>(17) 2.0 ha.</i>	<i>Market Hill</i>	<i>access will be taken from the A82 and will involve upgrading/reconfiguration of the junction and road serving the Cemetery/sub-station, including consideration of a roundabout as part of a wider traffic management initiative. Development will be limited to the southern most fields. The Council will expect to enter Section 75 Agreement with the land/owner developer to secure the higher ground and mature woodland together with local cultural features in the community’s interest. Development will be set well back from the river margins to enable public access to be promoted and a new pedestrian link will be sought through to the trunk road/Abertarff Place north west of the site</i>
<i>(18) 8.5 ha.</i>	<i>between the Academy and the Golf Course</i>	<i>development could comprise a mix of housing reflecting the range of local needs and detailed survey to be carried out by the HSCHT - business, community and recreation uses together with tree planting and safeguards for amenities, phased from the east. Access should be taken from the A82(T) opposite Abertarff Place with links incorporated through to the school, adjoining land identified for recreation, canal related servicing and established village footpaths, adjoining land identified for recreation, canal-related servicing and established village footpaths .</i>

**Reporter’s note:** As the Development Brief for the second of these sites describes it as “Market Hill”, this report refers to the Policy 24:18 site as Market Hill, and to the Policy 24:17 site as the Old Convent site.

35.14 Policy 24.7 in the DDMILP states that BWS is investigating the scope for craft workshops/residential use on 0.1 ha of land adjacent to the canal, north of the Abbey, shown on the DDILP Inset Proposals Map as covered by an “H” Housing designation. It was introduced to the DDMILP after BWS objected that the land should be given a policy designation to reflect these potential uses, which BWS had under consideration for the site.

## **Brief summary of the main points raised by objectors**

### *General matters including traffic*

#### *Mr Stewardson*

35.15 As the population figure in the plan is inaccurate, the housing stock may also be inaccurate. The Royal Mail states there are 325 private home delivery addresses in the village. The “Community” Company to which Policy 24:1 refers - the Fort Augustus Abbey Preservation Trust - has been formed.

#### *Mrs Hargreaves*

35.16 It is to be hoped that BWS will be encouraged to update and let buildings, and that the Abbey will again accommodate small businesses. However, if Fort Augustus becomes too busy, with traffic lights and roundabouts, tourists will go elsewhere.

#### *Mr Varwell*

35.17 The plan does not refer clearly to the need to reduce traffic on the A82. Reducing timber-related lorries would help improve communities, the passage of other vehicles and reduce accidents. There is ample scope for diverting timber traffic onto the canal. Given the timber processing plants at each end, the potential for road/rail transfer at Corpach and Muirtown Basin, and the suggestion for rail and sea access to the Ardersier Yard, there could be major environmental gains for Highland.

### *The Village Centre – land adjoining the car park*

#### *Fort Augustus & Glenmoriston Community Council*

35.18 The community chose option (2) following a car park extension Options Appraisal by THC (plans 250/1 and 81/1 show some or all of the options). This is for 156 car spaces and 10 coach bays. The developments envisaged in Policies 24:3 and 24:8 would have a major visual impact from the Great Glen Way. There is also a possibility of opening up a footpath through these sites. The Community Council is keen to see the car park extension proceeding, based on the layout option chosen, which would retain the embankment. The rest of the land at the rear of the existing car park should be Amenity land.

#### *Mr Stewardson*

35.19 The land behind the car park is the backdrop to the only remaining vista of the River Oich from the canal and the Great Glen Way. The Local Heritage Group plans to include the old railway embankment in the route of a circular walk from the old Oich Bridge, over the old railway bridge to the canal, and linking to Forestry Commission footpaths, as part of a network of local paths to retain visitors longer in Fort Augustus. Heritage Lottery Fund (HLF) grant is being sought. Removing the embankment to gain access to the land at the rear would result in a loss of car parking, and bisect the car park with a road. This was rejected by the community, following extensive consultation, including a questionnaire survey. It is inequitable that a landowner can thwart community wishes. The Market Hill Brief addresses the need for housing



for the next 20-30 years. Spending Council Tax on a Development Brief for the Policy 24:3 site when Lovat Estates has already produced costed plans would be a waste of money.

*Lovat Estates*

35.20 THC roads, planning and housing officials, and villagers, supported development at the rear of the car park. The Estate is happy to provide land to provide a much needed extension to the car park, if it can also secure development, primarily for affordable housing, on the land at the rear. The centre of the village is the best location for such housing. The site is of interest to local housing agencies, and a suitable scheme would put waste ground to positive use. The assertion that the land would be expensive to develop is not substantiated. No plans have ever been produced. THC's intention of "moving" the housing intended for the village centre site to Market Hill, which is much more remote, is surprising. BWS land on the other side of the river (see objection 147) is also further from the village centre and has access problems.

*Bunoich, Jenkins Park and Auchteraw - Policies 24:4, 24:7 and 24:11 – objection by Mr Stewardson*

35.21 Bunoich Brae is unsuitable for further development. Until THC improves the road from Inchnacardoch to Jenkins Park and Auchteraw, there will be an increased risk of accidents at the Bunoich/A882 junction. Displacing the previous school traffic with much needed affordable housing may be a good use, but business or office use could lead to overuse of the access.

*Special Uses Policy 24:13 - objection by Mr Stewardson*

35.22 Housing in the areas covered by this policy will create more traffic chaos at the junctions at Bunoich and the A82, and on the A82 between the 2 bridges, which is dangerous with pedestrians milling around in the tourist season.

*Bowling green at Royal British Legion premises – Policy 24:14 – objections by Fort Augustus & Glenmoriston Community Council and Mr Stewardson*

35.23 SportsScotland will not fund bowling greens that do not conform to the Scottish Bowling Association standard. This site does not conform to the standard because of inadequate green length. The Legion is unlikely to develop this site without external funding.

*Blaes pitch south of the Abbey - Policy 24:16 – objections by Fort Augustus & Glenmoriston Community Council and Mr Stewardson*

35.24 This policy is now irrelevant as planning permission has been granted for commercial buildings. This is a disgraceful and unnecessary loss of a first-class all-weather playing field.

*Market Hill South - Policy 24:5 – objection by Mr Clark*

35.25 This site should be allocated for 8 houses.

*The Old Convent site - Policy 24:17 – objection by Mr Stewardson*

35.26 Allocating this site now could lead to it being developed before the Market Hill site. This would split the area for housing, dilute and undermine efforts to develop Market Hill, which is convenient and safe, and spread the village envelope long before this is needed. The proposed access from the A82 is in a concealed dip and a known hazard. Landowners appear to be getting precedence over the local community.

*Market Hill - Policy 24:18*

*Fort Augustus & Glenmoriston Community Council*

35.27 The Development Brief is not what was asked for. It is unacceptable to build 50 publicly funded houses over 3-5 years. This is a valuable site for mixed housing. The Brief ignores private housing needs. The site should have a range of home ownerships - 70% private to 30% publicly funded houses is suggested - to encourage developers to fund site servicing costs. It would be inconsistent to develop craft businesses outside the village centre, and cause housing and business traffic chaos on the A82. Instead of 2 accesses, there ought to be a roundabout opposite Abertarff Place. It is unacceptable to spend public money on developing community leisure facilities when THC has allowed development on the blaes pitch.

*Mr Findlay*

35.28 There is no need for the scale of development proposed. A Housing Needs survey in 2003 identified a local requirement for up to 30 mixed tenure houses. These could be provided at Jenkins Park, the Old Convent site, and near the Fire Station. There are also plans for 80 apartments at the Abbey. The HSCHT assessment of a need for about 50 houses is a more accurate reflection of demand than house waiting lists. Meeting external needs in Fort Augustus depends on providing year round employment first. The village must retain its assets, and its village character, if it is to retain and attract visitors. A large housing estate at Market Hill would ruin this character. Any development should be reduced to 30 houses, on areas D, C and F in the Brief only, with access in the vicinity of the Gondolier Restaurant and traffic calming. Providing another access via the West End garage would avoid the need for any development in area A. The accesses shown in the Development Brief Framework would be very unsafe, due to their proximity Abertarff Place, and a blind summit, although the Inset access option is better. A bend on the A82, close to the Gondolier, would obstruct forward visibility from the north. The A82 is busy, particularly in summer. As the carriageway is only 6 m wide, there is little room for error, and large vehicles come very close to the kerb. Police records confirm that the speed limit at the southern end of the village is frequently exceeded.

*Ms Findlay*

35.29 Fort Augustus is one of the rare villages where the old pattern of Scottish village still exists, with houses and open land mixed. The view across the croft land on the Market Hill site to Ben Tigh, in constantly changing light, is one of the delights of living in Fort Augustus and is enjoyed by visitors and residents. Providing access would present a very tricky problem, but if the site is developed slowly, at a very low density, and to a very high quality, it could be done well. The HSCHT survey was thorough, and the 56 houses identified

represent a core need. However, any village can absorb population only at a certain rate. Increasing Fort Augustus by 75 households, ¼ of its present size, in 5 years will seriously threaten its infrastructure and an economy that is just sufficient for the present population. There is only limited improved pasture with pockets of agricultural land at Fort Augustus and the stability and assurance of families are at least partly linked to the croft land on the site. The “balanced social structure” of Fort Augustus is not dependant on “priority intervention by the Agencies” as the Development Brief states, but on the hard work of the local population. It does not seem to be the needs, wishes or abilities of the people of Fort Augustus that are being taken into account.

*Mr Varwell*

35.30 While the Market Hill proposal is most acceptable, the local plan gives no indication of where residents will find employment. Could vehicular access be provided from the development to Kilchuimen Academy? A roundabout at the junction of Station Road, the A82 and the B862 should also be considered.

*Mrs Hargreaves*

35.31 The location and number of new houses needs to be very carefully considered. One bedroomed houses are not practical.

*Land between the River Oich and the Caledonian Canal - objection by BWS Scotland*

35.32 Subject to access being resolved, BWS land between the River Oich and the canal, north-west of Kilchuimen Academy, has development potential. The Inset Proposals Map is unclear, as the site appears to be subject to Policy BP1, and to an “Amenity” designation. This ambiguity should be removed, and an opportunity provided for a small housing development. THC’s response to the objection was confusing.

35.33 The local plan states that Fort Augustus needs further housing and business facilities to support economic recovery, that the acute shortage of affordable housing is recognized by the priority given to the village by the HSCHT, and that further limited infill housing may be acceptable over and above allocated sites. A small, low density, social housing development on the eastern 0.5 ha of the objection site could contribute to this need, within the context of the above objectives, and would be viewed in association with the much larger development at Market Hill. While the precise extent of development would depend on funding to improve the access, a suitable scheme would establish a well-defined settlement boundary on the approach along the canal from the south.

*Land between the Caledonian Canal and Fort Augustus Abbey – objection by BWS Scotland*

35.34 Policy 24:7 in the DDMILP is too neutral in tone. The plan should support, rather than merely note, the potential for development at this location.

## **Brief summary of the Council's responses to the objections**

### *General matters including traffic*

35.35 No change in the population or housing figures in the plan is proposed. However, Policy 24:1 in the DDMILP refers to the formation of the Abbey Preservation Trust. Transport of timber by canal as a matter for BWS Scotland and operators.

### *The Village Centre- land adjoining the car park - Policies 24:2, 24:3 and 24:8*

35.36 Policy 24:2 should refer to 156 car spaces. The existing use and character of the other land at the rear of the car park should be retained. It is appropriate for open land close to the village centre to remain in a semi-natural state. Such pockets of land - with rock outcrops and knolls - are a significant feature in Fort Augustus. Combined with the strong structural constraints formed by the A82, the Caledonian Canal, the embankment, and the river, these contribute to the fragmented form and somewhat dislocated layout that are part of its shape and character. There is no significant built development at this level to the west of the village centre. The land is regarded locally as important to of the village's landscape setting, and as part of the openness and amenity associated with the River Oich and its walks. It is close and accessible to the "hub" of commercial and visitor activity in Fort Augustus, including the car and coach park, a picnic site, and tourist information office.

35.37 It would be expensive to provide access and services (located 70 m off-site), ground and river defence works, and pumped foul drainage for a development. The car park layout would have to be changed, and any displaced parking relocated. THC's Archaeologist considers that the embankment has local historic and archaeological significance (THC-18/FOR15) and there have been representations that it should be included in the village conservation area. Removing or breaching the embankment would deprive the village of an important part of its social history, and could affect community aspirations for walks around Fort Augustus. Since the Abbey closed, the village has become very much a walking centre. Incorporating gradients suitable for all users would be difficult and costly to achieve if the embankment was "broken", although it would be possible to incorporate a through pedestrian route in a development scheme. While there is no technical reason why access could not be taken through the car park, retaining the land in its present use would not jeopardise the car park extension that is urgently required, now that the Abbey grounds are no longer available.

35.38 While a large number of local residents did not express a view on the future use of the land, those who did do not support its development. They also understood that housing on the site would be targeted at the same sector of the market as the Abbey, which it is proposed to convert to high quality apartments. While there is no public right of access to the Estate land at present, the local THC councillor has suggested this should be registered under the Community Land Act, to give the community first option to buy, if it was marketed. She put the Estate in touch with the HSCHT after hearing the Estate was interested in affordable housing, and had seen draft plans. However, affordable housing should be provided in the locations favoured by the community. The Market Hill and Old Convent sites can meet projected housing needs over the plan period. Further infill opportunities have also been identified in the village.

*Bunoich, Jenkins Park and Auchteraw - Policies 24:4, 24:7 and 24:11*

35.39 Land at Bunoich represents a longstanding infill opportunity, and the limits of the housing allocations accessible from the A82, given deficiencies at the junction. As far as the former school is concerned, there is no overriding case for constraining the re-use of an important heritage building on traffic grounds.

*Policy 24:12: visitor infrastructure and facilities*

35.40 There is no overriding constraint in terms of the capacity of the A82 that would prevent these suggested developments.

*Bowling green at Royal British Legion premises and blaes pitch south of the Abbey*

35.41 The DDMILP proposes the deletion of these policies in the light of the matters raised by the objectors.

*Market Hill South*

35.42 The DDMILP proposes to modify the plan to refer to 7-8 houses.

*The Old Convent site*

35.43 There is a significant housing requirement in Fort Augustus. While the Council accepts the community's preference to develop the Market Hill site west of the A82, it is vital to retain choice in the availability of sites. Market Hill will be subject to a feasibility study, land assembly, and programming of funds for affordable housing and infrastructure. Until these matters are resolved, it would not be appropriate to curtail options, particularly where these involve sites that the community regards as broadly acceptable for development.

35.44 The Old Convent site is allocated for housing in the adopted local plan, and its owner re-confirmed it as an appropriate allocation during the local plan review (THC-18/FOR3). The principle of access from the A82 is acceptable to the SE RNMD (THC-18/FOR4). The Development Brief will provide an opportunity for further public involvement.

*The Market Hill site*

35.45 This site is close to infrastructure and facilities (school, medical centre, shops) and presents a logical direction for growth. The inquiry report may lead to adjustments in the Development Brief. Finalisation of the Brief, and completion of a Feasibility Study, will allow a firm proposal to be taken forward.

35.46 The village's social structure depends on additional housing to meet the significant priority needs that have built up, partly as a result of the low level of completions in Fort Augustus over a considerable period. There are about 100 households on THC's housing waiting list. The HSCHT Housing Needs Assessment confirms an immediate requirement for 40 affordable homes. Some of these should be accommodated at Market Hill, together with latent private sector needs. Public intervention is necessary to open up land, and to assemble a viable, albeit subsidised, package to deliver new homes in partnership with the private sector. Local needs can best be satisfied by a mix of tenure, type and size of houses, and by

creating conditions attractive to the private sector (including self-build plots). It is essential that economic initiatives are supported by a well-balanced community able to sustain local services and facilities. INE has identified the need for “nest units” in Fort Augustus as part of local regeneration objectives, and is to continue to discuss local economic priorities, with the aim of providing locations for new, small scale “clean-green” enterprises that can be integrated into the village. Deletion of other local business opportunities from the plan makes it important to retain this option at Market Hill

35.47 An additional policy, Policy 24:21, in the DDMILP was added in response to the community Council’s objection. This states:

*“Further to the allocation of alternative sites, the Council will investigate with INE and community interests an economic development strategy for Fort Augustus. This should take account of demand, land availability, and the types of activity to be accommodated”.*

35.48 The Brief identifies access options to the north and south of the existing junction at Abertarff Place. The SE RNMD advises a third alternative, involving a roundabout at the junction (THC-18/FOR4) and the Feasibility Study will establish which access arrangement is chosen. Safety measures on the A82 approaches should also be investigated by the Executive. An access between Ash Cottage and Morenish may also be a possibility, if this could be negotiated. The Brief also emphasises compatibility with the village character, setting and local amenity. The Feasibility Study will examine the effect of partially developing the trunk road margins of the site, or keeping this land free from development. Although potentially reducing the present open aspect, change in levels, low density/low profile building on part of the eastern edge of the site and provision for access, should enable views to permeate through. There are no current proposals for a roundabout at the A82/B862 junction, although it may be possible to consider such an arrangement in association with development at Market Hill. The plan refers to links through to the school.

35.49 While the Brief gives a site capacity of about 75 houses, the rate at which these are built will be determined by the Housing Needs Assessment and funding programmes. Development should proceed at a pace consistent with meeting needs, ensuring a supply of land for the longer term, respecting the village’s social circumstances, maintaining character, securing good design, and an appropriate fit within the setting, shape and layout of Fort Augustus. It has also to recognise the investment required to open up land for development and provide a viable package. There is no evidence that local traffic capacities, or those relating to schools, utilities or other social facilities, will be exceeded. However, development has to be cohesive and capable of linking with infrastructure and services in a cost-effective manner. Building on parcels C and D is essential to this objective. The Brief acknowledges that parcels A and E - in the main - should accommodate later phases. The Brief suggests the development of 30-35 houses in the next 5-years, of which 50% should comprise a priority building programme of affordable homes. Development beyond 2008 will be expected to incorporate a further phase of affordable homes subject to monitoring. Overall, the average completion rate should not exceed 10 dwellings per annum.

35.50 The 5 parties who own land covered by the Brief have all been involved in discussions about the possible release of their land and there is a common understanding that negotiations should proceed on the basis of the Brief. One feu comprises a registered croft, which the adopted local plan identifies for housing, and is essential to a co-ordinated and

viable development proposal. The landowner and tenant are willing to make this land available, and the Crofters Commission has withdrawn its objection to the development.

*BWS land between the River Oich and the Caledonian Canal*

35.51 This site is unsuitable for housing. Although there is a chalet development to the west, further development in this direction would sit uncomfortably with the shape of the village and its setting. A staircase of Category B listed locks marks the “gateway” to the village. The canal is a Scheduled Ancient Monument and its towpath, which is contiguous with the southern boundary of the site, is part of the Great Glen Way. This is a nationally important visitor corridor of particular value to the local and Highland economy and it is incumbent on the Council to safeguard its amenity. Development would also be susceptible to flooding and seepage.

35.52 The site also lacks a reasonable vehicular access. The ground on the south side of the canal - adjoining Market Hill - is safeguarded from development because of the potential hazard due to the proximity of the canal and to keep the open approach to the village from the south free of development. The canal-side road is narrow, on-street parking occurs, and there is significant pedestrian use. THC’s Area TEC Services Manager does not consider it can be improved to make it suitable for further housing; and regards the junction with the A82(T) as particularly hazardous (THC-18/FOR12) with limited visibility and substandard geometry, and a significant point of traffic and pedestrian conflict. The most direct pedestrian route to the school, post office and medical centre would involve using the canal lock gates, presenting an added and unnecessary risk to public safety.

*BWS land between the Caledonian Canal and the Abbey (Policy 24:7 in the DDMILP)*

35.53 The Council agreed (in CD30) that the policy should be reworded to allocate the site for the uses being considered by BWS and to state that these “*are supported as part of an economic development strategy for the village (see 21 below)*”.

**Conclusions**

35.54 I adopt the account of the factual background regarding objections relating to Fort Augustus, at paragraphs 35.3-35.14.

*General issues*

35.55 Fort Augustus is the main local centre in the RDA. It contains a range of local services and facilities and is a popular tourist destination. However, the DDILP reports continuing depopulation and high levels of seasonal unemployment. While the restoration of the Abbey is in prospect, the evidence indicates that the village would benefit from other action to support economic recovery and community development.

35.56 As far as the objection summarised at paragraph 35.15 is concerned, the local plan ought to be factually accurate. Accordingly, if it has not already done so, the Council should verify the housing and population figures quoted in the plan. To the same end, Policy 24:1 should refer to the formation of the Fort Augustus Community Preservation Trust.

35.57 Policy 24:1 includes business uses, such as catering and retail, among possible future uses at the Abbey. Policy 24:21 in the DDMILP, which is not the subject of objection, could be more clearly expressed. In any event, even as it stands, it commits THC to investigating an economic development strategy for the village. The future of vacant and/or underused BWS land not covered by other policies would be best addressed in the context of such an overall strategy.

35.58 As a trunk road, management of the A82 falls to the SE RNMD. Policy 24:23 of the DDILP (Policy 24:20 in the DDMILP) commits the Council to encouraging traffic management measures, in association with the A82(T) throughout the village. I conclude that, together the environmental improvements encouraged in Policy 24:21 (Policy 24:18 in the DDMILP), the plan goes as far as it reasonably can on this issue. Understandably, no details are given as such measures appears still to be designed. However, I see no reason why these could not be executed sensitively, and without deterring visitors.

35.59 It would be inappropriate for the plan to refer to the use of the canal for timber transport, unless this was a realistic prospect. To establish whether this was the case, a range of fundamental issues would have to be considered, including implications for the management and use of the waterway as a whole, and the availability of land for transfer at a number of locations, some outwith this local plan area. The attitude of BWS is also critical. There is no evidence that any of these factors have been investigated, even on a preliminary basis.

#### *The Village Centre – land adjoining the car park*

35.60 It is not disputed that the car park requires to be extended, to cope with demand in summer. It would be sensible for Policy 24:2 to refer to the scheme that the Council intends to implement, if this has been decided. However, no party argues that other possible development in this area would prejudice the ability to extend the car park in principle.

35.61 Uneven topography, including rock outcrops and the embankment, provision of drainage, implications for the configuration of the car park, and the possible need for river defence works, make development on the scrub land at the rear of the existing car park far from straightforward.

35.62 That said, a site in the village centre, adjacent to the public main car park has significant advantages as a development location. Policy 24:3 does not allocate land for development, referring only to its possible potential for housing, business and community uses. It also identifies a number of planning requirements, including the retention of land to allow public access to the area of the former river bridge, and the need for a full feasibility study to explore cost and engineering implications. The issue of whether plans, costed or otherwise, have previously been produced for a development was disputed at the inquiry, and I can reach no firm conclusion on what may have transpired. In any event, consideration of the objections turns on land use issues.

35.63 Given the land's proximity to the Great Glen Way, and the popularity of Fort Augustus as a walking centre, it would be unfortunate if built development was to make local aspirations for a walking route impractical. Policy 24:22 in the DDILP encourages a village heritage trail along similar lines. However, the Council agrees it would be possible to incorporate a route in a development scheme. Although Lovat Estates is under the impression



that THC has “moved” an affordable housing proposal from the objection site to Market Hill, given the relatively small size of the Village Centre site, and the range of uses suggested for it, I also see no reason to expect development here to significantly affect the prospects of development at Market Hill.

35.64 Local opinion, in so far as expressed in objections to the local plan, and reportedly in a questionnaire survey, is opposed to built development at the rear of the car park. Concerns regarding the potential implications for visual and general amenity, including the present wooded backdrop to views when approaching from the south are understandable. However, this land is backed by higher land to the north and east. The implications of development on the Policy 24:3 site, which is larger than the Policy 24:8 site, potentially more obvious, and closer to the river, can only be assessed when the likely nature and extent of development becomes clearer, and following a feasibility study. A car park extension would also change the character of the area.

35.65 The former railway embankment has already been breached more than once at Fort Augustus, and THC-18/FOR15 appears to refer to the embankment at the Market Hill site, where the development framework in THC-18/FOR1 proposes a fresh crossing of the embankment to provide the main access. Given these factors, the embankment ought not to be regarded as an insurmountable constraint to development on the Policy 24:3 or on the Policy 24:8 sites.

35.66 Drawing these matters together, it may be that the feasibility study will conclude that any development would be impractical. However, I consider that the possibility of at least some development on the Policy 24:3 and Policy 24:8 sites merits further investigation, in association with a car park extension, and should not be discarded at this stage. To be consistent with Policy 24:3, and to take account of the need for further investigation, Policy 24:8 should be reworded.

*Bunoich, Jenkins Park and Auchteraw – Policies 24.4, 24.7 and 24.11*

35.67 The Council acknowledges the deficiencies of the Bunoich Brae/A82 junction, which I agree is far from ideal. However, this is located within the village, where a 50 kph speed limit applies. There is no evidence that the junction has an accident record.

35.68 The amount of new housing provided for in the plan with the potential to increase traffic using this junction is limited. The Policy 24:4 allocation is for 4 houses, while Policy 24:7 countenances only limited infill houses, subject to several provisos. An alternative access via Inchnacardoch, although not ideal, is also available.

35.69 The former school buildings are attractive and in a prominent location. It is desirable for these to be put to a suitable use. The level of traffic generated by business or community use, and potential implications for road safety, will depend on the specific use proposed. These matters can only be assessed in the context of a planning application. I see no reason for Policy 24:11 not to encourage these uses as potential uses, in principle, as a matter of policy.

*Policy 24:12 – visitor infrastructure and facilities*

35.70 This objection relates to traffic implications of housing for the Bunoich Brae/A82 junction, and the A82 between the 2 bridges in the centre of the village. Conditions at the time of the inquiry confirmed the latter area is busy with pedestrians during the tourist season.

35.71 Some of the sites to which this policy applies, such as the caravan and camping site at the south end of the village, are unlikely to have a significant impact on conditions at the locations mentioned in the objection. Any expanded facilities at the rare breeds park, which adjoins the public car park, are likely in the main to be patronised by visitors already in this area. In common with the moorings and the canal apron, this is unlikely to include housing. Visitors based at Inchnacardoch could access the A82, without using Bunoich Brae. This is likely to be tempting, particularly when heading north. Having had regard to all these factors, I find insufficient justification for altering or deleting this policy on traffic or road safety grounds.

*Policy 24:14 – bowling green at Royal British Legion premises*

35.72 The objections suggest that the provision of a bowling green is no longer a realistic proposition at this location. In the light of this, Policy 24:14 should be deleted.

*Policy 24:16 – blaes pitch south of the Abbey*

35.73 As the submissions indicate that community/recreation use is no longer a realistic proposition at the blaes pitch, Policy 24:16 should be redrafted to omit the reference to community/recreation use. If the planning permission for commercial buildings has been implemented, the policy should be deleted altogether.

*Policy 24:5 - Market Hill (south)*

35.74 There are no planning reasons why this 1.5 ha site could not accommodate a suitable low density development of 7-8 houses.

*Sites at the Old Convent and at Market Hill*

35.75 I adopt my conclusions at paragraphs 31.2.42-31.2.43 in so far as these relate to housing land supply in the local plan area. The identification of Fort Augustus as a Local Centre reflects the settlement hierarchy in the HSP. As a sizeable settlement, with a range of facilities, a popular tourist destination, and no identified infrastructure constraints other than car parking, which the local plan proposes to address, it is well-placed to contribute to the housing land supply in these respects. While opinions vary as to the order of need for affordable housing in the village, the evidence that is available indicates that this need is likely to be significant.

35.76 However, as SPP 3 states, care should be taken, particularly in smaller towns and villages, to ensure that the scale of new development is appropriate to the settlement concerned. SPP 3 also acknowledges that, while extensions to settlements can have advantages, these need careful planning, and that the landscape setting of the settlement concerned must be respected. The HSP requires local plan housing allocations to take

account of the criteria in HSP Policy G2, which include landscape impact, and a demonstration of sensitive siting.

35.77 The local plan proposes to allocate the 2 Expansion sites proposed at Fort Augustus “for community uses”. Policy 24:17 of the DDILP is no more forthcoming than this regarding the uses intended on the Old Convent site, although parties to the inquiry envisage housing development. The draft HLA (THC-1/5) is consistent with this expectation and refers to capacity for 35 houses.

35.78 It is possible that the allocation of the Old Convent site relates could reduce the momentum for developing Market Hill. However, as the latter is likely to have a significant lead-in time, direct competition is unlikely. It is also desirable to provide continuity of supply and a choice in location in the interim. Setting aside the site adjoining the car park, which is subject to uncertainties, and the very limited infill opportunities identified in other policies, leaves only the site at Market Hill (south). The SE RNMD is willing to entertain the possibility of an acceptable access from the trunk road to the Old Convent site, which is well within the settlement envelope.

35.79 I therefore conclude that there are no land use planning reasons why this site ought not to be retained. However, before confirming the allocation, it would be advisable for the Council to satisfy itself that the site is likely to be available. Although the adopted local plan has safeguarded it for longer-term development since 1991, there is no evidence of specific developer interest. The last correspondence from an owner dates from 1999.

35.80 The Market Hill site has attracted a wider range of objections. Some of these relate to the terms of the draft Development Brief, and I have previously referred to the role of such documents in supplementing development plans. However, as I made clear at the pre-inquiry meeting, the Brief is a separate document from the local plan, and its terms are a matter for the Council. My remit is to consider the local plan’s proposals for this site, and the terms in which these are expressed.

35.81 Dealing with the issues raised by objectors, concerns regarding the scale of development that is proposed are understandable. However, maintaining continuity in supply and accommodating village requirements over the medium/long term will require a sizeable site. This is likely to incur significant development costs, and thus require a scheme of a significant scale in order to be viable. Confining development to Areas D, C and F in the Brief is likely to make it difficult to provide a suitable access. Much will depend on the feasibility study, to which the local plan does not refer. That said, having had regard to the terms of SPP 3 (reported at paragraph 35.76) I agree that it is critical that development is carefully phased, over a period, and that a mix of house types and tenures is provided from the outset.

35.82 As far as the other elements of the proposal are concerned, there will be some types of craft businesses that will be unsuited to a village centre location. Where housing is provided at a new location, it is desirable for community leisure to be provided in association with this, particularly if leisure opportunities elsewhere in the village have been reduced, for whatever reason.

35.83 The very fine views available over the Market Hill site, particularly to the south, are not challenged. It would be highly regrettable if these views were to be significantly

diminished in quality or extent. However, the topography to the north and west, the River Oich and the canal to the south-west, and the loch and River Taff to the east, make expansion to the south the only feasible option. It is nevertheless critical that development is executed with the greatest care. While it would be inappropriate for the local plan to give a detailed exposition of what is expected, it ought to give greater emphasis to this aspect.

35.84 The characteristics of the A82 in the vicinity of the site require access to be very carefully considered. Local residents are likely to be familiar with local traffic conditions. However, a roundabout at Abertarff Place would allow turning movements from both sides of the road to be accommodated at a single location, away from the bend to the north. The local plan mentions links through to the school, which are also desirable, so that the advantages of the site's proximity to this facility are realised.

35.85 Drawing all these matters together, I conclude that none of the objections justifies deleting or reducing the extent of the proposed allocation and that it should be retained. However, while it would be inappropriate for the plan to set out the nature of the proposals in detail, it should make clear that a mix of house type and tenure is proposed, give greater emphasis to amenity, and mention the feasibility study.

#### *BWS land between the River Oich and the Canal*

35.86 As far as this objection is concerned, Policy BP1 favours development, subject to detailed site factors. In this case, notwithstanding the chalet development, the objection site is part of an attractive generally open vista, when leaving and approaching the village, and the staircase of locks that mark the entrance to the village.

35.87 There is no technical evidence to substantiate the Council's submission that the site would be susceptible to flooding and seepage. However, the canal-side road is narrow. On-street parking occurs and many pedestrians frequent it in summer. Its junction with the A82 has technical shortcomings, and a heavy pedestrian cross-flow. The fact that the most direct pedestrian route to important local facilities would involve crossing the lock gates also weighs heavily against this site as a residential location. In the light of the above, I conclude that this site should not be allocated for housing.

#### *BWS land to the north of the Abbey - Policy 24:7 in the DDMILP*

35.88 It is appropriate for the local plan to refer to BWS' intentions for this site. It ought also make clear the planning authority's attitude to these intentions. The further modification suggested by the Council addresses shortcomings of the wording in this respect. It should be accepted.

### **Recommendations**

35.89 I make the following recommendations:

- (1) if it has not already done so, the Council ought to verify that the housing and population figures quoted in the plan are factually accurate.
- (2) the proposed modification to Policy 24.1 should be accepted.

- (3) the proposed modification to Policy 24:2 should be accepted, if this is consistent with the scheme that the council intends to implement.
- (4) Policies 24:3 and 24:8 should be retained, subject to Policy 24:8 being reworded along similar lines to Policy 24:3, i.e. to recognise the potential for business use, and the need for a feasibility study.
- (5) Policies 24:4, 24:7, 2:11 and 24:12 should be retained.
- (6) Policy 24:14 should be deleted.
- (7) Policy 24:16 should be redrafted to omit the reference to community/recreation use. Alternatively, if the planning permission for commercial buildings has been implemented, the policy should be deleted.
- (8) the proposed modification to policy 24:5 should be accepted.
- (9) Policy 24:7 proposed in the DDMILP should be accepted, further modified as proposed by the Council.
- (10) subject to the Council being satisfied that the site to the east of the A82 is likely to be available, the allocation of 2 ha, making clear this is for housing, should be retained. It would avoid confusion with the Market Hill site opposite if the local plan described this site to the east of the A82 as the Old Convent site.
- (11) the Market Hill site should be retained, subject to development requirements being modified along the following lines:

*“development could comprise a mix of housing types and tenure reflecting the range of local needs; business, community and recreation uses together with tree planting and safeguards for amenities, phased from the east. Particular attention should be paid to maintaining views. Access should be taken from the A82(T) opposite Abertarff Place with links through to the school, adjoining land identified for recreation, canal related servicing and established village footpaths”.*
- (12) the BWS land between the River Oich and the canal should not be allocated for housing.

### **Other matters**

35.90 Although not the subject of objection, and thus not a formal recommendation, the meaning of Policy 24:21 in the DDMILP is unclear. What the Council may intend is to investigate, in the context of an economic development strategy, business sites other than, or in addition to, allocated sites.

## 36. TOMATIN

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**Objectors: Mr & Mrs Anderson (2), Tomatin Distillery (36), B M Developments (50)\*, Health & Safety Executive (HSE, 57), Mr C D Glynn Percy, Tomatin Estate (93)\*, Mr D G MacAskill (155), SEPA (171)\*, Mr & Mrs Purves (221), Mr J W Robertson (228)\*, Mr & Mrs J Simpson (244), Mr D Simpson (245)**

**Procedure : Public inquiry\* and written submissions**

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### Synopsis of objections

36.1 The objections to the DDILP cover the following main issues:

- inaccuracies in the plan
- affordable housing
- drainage
- the potential implications of major hazards and pipelines
- land at Allt Dubhag at the north end of the village
- safety problems at the junction of the C34 and the A9 and conditions along the C34 through the village
- land west of the Little Chef at the north end of the village
- a proposal for a hostel/bunkhouse south of the Little Chef
- land “east of the Distillery”, which the DDILP identifies as an Expansion site for 20 houses, with related requirements, including a sports pitch
- access to land south-west of Old Mill Road
- a housing site at the south end of the village

36.2 The objections to the DDMILP relate to:

- continued inaccuracies in the plan
- the Allt Dubhag site
- the land east of the Distillery
- the land west of the Little Chef

36.3 THC also agreed to refer representations by Tomatin Distillery for consideration at the inquiry. These relate to Distillery land, including a field to the east of the Distillery, which the DDILP and the DDMILP show with a “B”, Business, designation and subject to Policy 25:20. This policy commits the Council to promoting “*additional planting and improvement of the (Distillery) bonded warehouses compatible with operational requirements to improve the appearance and context of the Distillery*”. (sic)

### Factual background

36.4 Tomatin is about 22 km south of Inverness, to the west of the A9. The settlement boundary in the DDILP has a pronounced elongated shape. It extends southwards from Allt Dubhag, which lies to the north of the A9 junction, for about 4 km. The main Inverness railway line curves through the village, to the west of the A9. There are 2 main building

groupings – in the vicinity of the Distillery, and at the south end of the village, where most of the community facilities are located, including the school, Post Office, Inn and village hall.

36.5 The local plan regards Tomatin as a Key Village, although the heading to the introductory table in the Tomatin chapter refers to it as a “Settlement”. The existing housing stock is stated to be 95 houses. The plan also describes a rail halt as a service deficiency, and a WWTP as an infrastructure constraint. Policy 25:13 in the DDILP and the DDMILP allocate a site off Balvraid Road for a new WWTP, to be constructed by SW in 2002. This work has now been done. This policy also allocates land at the Allt na Frith for *“additional treatment facilities to serve development towards the north of the village in later years”*.

36.6 Policies 25:1-25:6 propose the allocation of 6 sites for housing, including a site at the south-west end of Old Mill Road, and a site at the south end of the village, for 29-34 houses in total. Policy 25:9 proposes to allocate a 0.7 ha site south of the Little Chef for tourist related uses, *“including a hostel/bunkhouse or other accommodation/services”*. Policy 25:15 proposes to allocate 1.0 ha east of the distillery for a playing field. The Expansion site proposed for 20 houses is also in this location. Policy 25:18 describes its requirements as *“longer term, dependent on 13 above. Development will be subject to a brief specifying design and layout, provision of a sports pitch, links through to Station Yard and upgrading of Station Road to the south-east, drainage connections to any new works and management/retention of existing woodlands”*.

36.7 Policy 25:20 includes under ACTION:

- *“enhancement of the village centre between Tomatin Inn and the hall. This could include traffic calming, surface treatment of the public road, a footpath, decorative street lighting and boundary walling”*.

36.8 THC’s responses to objections include the following proposed modifications:

- the deletion from Policy 25:3 of the access requirements for the Old Mill Road site
- an additional Policy, 25:7, allocating 0.8 ha (sic) at Allt Dubhag for 6-7 houses, subject to satisfactory access and drainage
- the redrafting of Policy 25:9 (renumbered as Policy 25:10) to encourage tourist uses close to the northern “gateway” to the village, where *“Land comprising:*
  - *0.7 ha south of the Little Chef; or*
  - *0.7 ha west of the Little Chef*

*offers suitable locations for services which might include a Visitor Centre, craft enterprises and parking/picnicking facilities”*.

- in Policy 25:18, deletion of *“longer term”* and *“links through to Station Yard and upgrading of Station Road to the south-east”* as requirements and the replacement of the latter by *“together with provision for access through to Station Road ultimately”*.
- inserting in Policy 25:20, after *“boundary walling”* the words *“these features could be extended through the village”*.

- 2 additional ACTION policies:

Policy 25:23: *“The Council will investigate the scope for pedestrian measures through the village together with other safety and amenity concerns”*; and

Policy 25:24: *“The Council will lobby the Trunk Roads Authority to improve the safety of the A9 junction at Tomatin”*.

**Reporter’s note:** It was confirmed at the inquiry that the proposed allocation at Allt Dubhag should refer to 1.6 ha, which equates to the site shown on the DDMILP Inset Proposals Map.

### **Brief summary of the main points raised by objectors**

#### *Miscellaneous issues*

##### *Mr Robertson*

36.9 There are inaccuracies in the plan, including the omission of existing houses from the Inset Proposals Map. Land owned by the objector is shown with an “A”, Amenity, designation. THC has not taken account of local views, although NPPG 1 states that social justice requires attention to be paid to all community interests.

##### *Mr & Mrs J Simpson*

36.10 These objectors also refer to omissions, query the meaning of an “H”, Housing, designation and consider that the Council has ignored previous objections. THC refuses to grit Station Road so that residents have safe access to the A9 in winter.

##### *Affordable housing – objection by Mr Robertson*

36.11 Some residents would like to see affordable housing provided at Tomatin for the younger generation of local residents. However, the DDILP fails to identify the village as a location for affordable housing, although the reasons for this omission are unclear. An application for 9 units on the Policy 25:4 site is just under the 10 unit threshold. THC should undertake an independent survey on this issue before the plan is adopted.

##### *Drainage – objection by SEPA*

36.12 This objection is that, given its scale, connection to the public sewer should be a pre-requisite of development in Tomatin. The background and context relating to this objection are considered in Chapter 4.10 in the context of Policy GP10.

##### *Major hazards and pipelines – objection by the HSE*

36.13 This objection, to the effect that the local plan should contain a policy relating to development around major hazard sites and pipelines, is considered in Chapter 5.7. In its objection, the HSE states that the proposals promoted by Policies 25:9, 25:15, 25:18, 25:20 and 25:21 could be affected by the outcome of consultations on the hazard implications of the Distillery and its warehousing, and that the plan should make this clear, to avoid raising expectations that are subsequently not met. The HSE subsequently stated that it objected to



Policy 25:18, but indicated later that it was prepared to withdraw its objection, subject to the plan identifying notifiable hazards and to a policy committing THC to consulting the Executive regarding developments within consultation distances.

*The Allt Dubhag site (Policy 25:7 in the DDMILP)*

*B M Developments*

36.14 The SSLNELP allocates land at Allt Dubhag for 3 houses, subject to satisfactory drainage and upgrading of the access road. The objector's land extends to 1.6 ha, and is suitable for 6-7 houses in keeping with the rural character of the locality, while also reflecting the established precedent for small clusters of houses on the periphery of the village. Detailed planning permission has been granted for 5 houses, subject to conditions requiring the access road to the site to be widened to 3.3 m and brought up to an adoptable standard. Road construction consent has also been granted, and a road bond has been lodged. A sixth house could be accessed off the site loop road. THC Roads officials have agreed that a 7<sup>th</sup> house, which would complete development here, could have an access lay-by. It is not feasible to connect this site to the public sewer and septic tanks have been agreed for the first 5 houses. Because of site conditions, the remaining 2 plots will require private sewage treatment plants. Open land on the site could be left in its present state, although the Council could stipulate landscaping as a condition of planning permission. Additional housing would help to support local services and facilities.

*Mr MacAskill*

36.15 This objector is opposed to more than 5 houses at this location, particularly if these were to be directly in front of his property.

*Mr Robertson*

36.16 It is THC policy that more than 4 houses should have a road to adoptable standard. Although building is underway, the road is in disrepair and is getting worse. Provision for pedestrians between the site and the village needs to be improved. The area should not be urbanised. The current development pays little attention to layout. Any additional land should be set aside as an amenity area. THC seems to have ignored PAN 36.

*Site opposite the Little Chef (Policy 25:10 in the DDMILP)*

*Mr Glynn Percy*

36.17 The SSLNELP allocates land at this location for craft-related use. This could provide employment opportunities and should be reinstated. The proposed modification (i.e. to Policy 25:10) would satisfy the objection.

*Mr Robertson*

36.18 This site's proximity to a dangerous road junction makes it inappropriate for the purpose proposed in the DDMILP. While a development could be moved slightly further north, a roundabout would have to be considered at the junction. This would also assist the

free flow of traffic, although the recently constructed gateway feature that obstructs the access to the site would be an obstacle.

*Mr & Mrs J Simpson*

36.19 This proposal, which was previously deleted from the plan, would be located right at the junction and the new gateway signs.

*Field to the east of Tomatin Distillery and land within the Distillery grounds – objection by Tomatin Distillery*

36.20 The field is potentially surplus to Distillery's requirements. A Business designation and Policy 25:20 should not be regarded as mutually exclusive. Improved screening of parts of the Distillery can only be achieved on the Distillery's land. The site is ideally situated for business use, or for an appropriate tourism development, such as an hotel. While THC has addressed many of the issues raised by the objector, the Distillery remains concerned that the outcome of any planning application made would depend on the Council's interpretation of the business/tourism policy, and that it may try to tie this in with Distillery activities. Given the acknowledged potential for tourist development at Tomatin, and the importance of the objection site to the objector and the village, the site might be better designated as a "development opportunity site".

36.21 Although a significant number of houses have already been built within the Distillery grounds for workers, and there are some farm steadings suitable for conversion, the entire Distillery site has a Business designation. This blanket designation is too wide. Residential development opportunities do not appear to have been fully considered.

*Site to the south of the Little Chef*

*Mr Robertson*

36.22 The former Freeburn Hotel (now the Little Chef) is a listed building. Any hostel and bunkhouse could be detrimental to fragile "cottage" bed and breakfast industry at Tomatin. This site is also common land. A picnic area or visitor centre would be acceptable, subject to the A9(T)/C34 junction being improved. However, the proposed modification (i.e. to Policy 25:10 in the DDMILP) would satisfy this objection.

*Mr & Mrs J Simpson and Mr & Mrs Anderson*

36.23 These objectors, who also refer to the listed building, state that the site should be used as a visitor centre and picnic area, with access and amenity improvements. Any hostel and bunkhouse should be close to the Inn and the village hall.

*The provision of a playing field east of the Distillery and housing development at the south end of the village (Policies 25:15 and 25:6 in the DDILP) - objection by Mr C D Glynn Percy*

36.24 The Policy 25:15 site is boggy woodland would be very expensive to level, drain, and surface. Trees would have to be cleared. The site's north-eastern exposure and a wooded bank to the south and west mean that a pitch would not get sun for much of the year, would retain frost and provide poor growing conditions for grass. As the site is also remote from the

village centre and from changing and toilet facilities at the village hall, new changing rooms, toilets, and car parking would be required. As Tomatin also serves as a local centre for the glen to the south, a pitch need not be central to the village. The Policy 25:6 housing site at the south end of the village is already used for recreation, requires minimal work, is close to the village hall, and is firm enough to create an access and park cars. Allocating it for 8-10 houses is contrary to the policies in the adopted local plan, and to the statement that the DDILP “seeks to consolidate the form of the village”. There are also other sites that would be more suitable for a pitch and easier to develop, such as the field on the opposite side of the C34 from the Policy 25:15 site.

*Housing site east of the Distillery (Policy 25:18 in the DDILP)*

*Mr Glynn Percy*

36.25 The Estate offered in 1993 to work with the Council in drawing up a Development Brief for 20-24 houses at this site, phased over 10 years. However, the Council now appears to be placing obstacles in the way of development. The site should be identified as a Housing site, not as an Expansion site. Giving shorter-term preference to the Policy 25:6 site will extend rather than consolidate the village.

36.26 The DDILP does not indicate whether the developer of the Policy 25:18 site is expected to contribute land for a football pitch or also to provide a completed facility. While the need for a pitch is accepted, providing one would not be viable as “planning gain” for 20 houses. The site will therefore remain undeveloped if THC insists on such a “developer contribution”. Providing 1.0 ha of land, even without construction costs, would also be contrary to SPP 3, as it would be unrelated in nature, scale or kind to a development of 20 houses. SPP 3 advises that provisions for developer contributions should be drawn up in consultation with the relevant parties, and that the cost of providing infrastructure should be commensurate with the scale of the development proposed.

36.27 In addition, the access requirements in the DDILP rely on agreements being reached with Railtrack and others in relation to Station Road, which is a private roadway. An additional access to Station Road is unnecessary, when there is an acceptable access from the C34. Housing at the Policy 25:18 site will also depend on connection to the public sewer, but the plan does not commit the Council to encouraging the additional works required at the Allt na Frith to serve the north end of the village. If this work has not been done by the time the site is developed, septic tanks could be provided as an interim solution, if acceptable to SEPA. That said, THC’s explanation of the Expansion policy and of its intentions regarding a football pitch, and the deletion of “*longer term*”, would address the objector’s concerns on these matters.

*Mr & Mrs Anderson*

36.28 The woodland to the south of Station Road has a colony of red squirrels. This is a protected species and cannot be disturbed. Any further housing development should be at the south end of the village.

*Mr Robertson*

36.29 In relation to the DDILP, the objector shares the views summarised at paragraph 36.28. Following publication of the DDMILP, he maintained objections to 20 houses at this site, and suggested that 10 could be considered. The balance could be built at the north end of the village, where they would facilitate the visitor centre and picnic area. This would avoid urban-type development at the Policy 25:18 site, allow 10 houses along the roadside, the retention of amenity areas, woodland management, and a footway along the C34 to the south. However, the access that THC described at the inquiry would assist development at the Station Yard. If this was designed to minimise disturbance to the woodland, the objector would be satisfied. A playing field at this location is unlikely to be much used.

*Mr & Mrs Purves*

36.30 Access to this site should not be via Station Road, which is totally unsuitable for 20 houses. Why cannot access be direct from the C34?

*Mr & Mrs J Simpson*

36.31 The area covered by Policies 25:15 and 25:18 should not be developed. The proposed modifications would allow development without providing an access through to Station Road. Residents do not wish to see an urban housing estate here.

*Mr D J Simpson*

36.32 Mr Simpson, although treated by THC as an objector, simply queries whether the DDILP intends housing on the Policy 12:18 site and to safeguard land “labelled 20” in the CDLP as open ground. The DDILP shows this land subject to an Amenity designation. Commenting on the DDMILP, he states that the Amenity area between the north-western boundary of the Policy 25:18 site and Station Road should be retained on account of the presence of red squirrels.

*Housing site south-west of Old Mill Road (Policy 25:3) - objection by Mr Glynn Percy*

36.33 As an agreed access to this site is now in place, the requirement relating to access can be deleted. The proposed modification would satisfy this objection.

*The junction of the A9(T) and the C34 and conditions on the C34 through the village*

*Mr & Mrs Anderson*

36.34 The C34 through the village is hazardous. A 50 kph (30 mph) speed limit should be introduced, together with traffic calming, street lighting from the little Chef to the Distillery entrance, and barrier and boundary improvements.

*Mr Robertson*

36.35 The junction of the A9(T) and the C34 is dangerous. It is used by heavy lorries, including Distillery traffic, and requires to be upgraded. The C34 through the village is also

hazardous. A speed limit, traffic calming, additional street lighting, and barrier improvements should be supported.

*Mr & Mrs J Simpson*

36.36 The objectors agree that the junction of the A9(T) and the C34 requires to be upgraded, and that the features along the C34 sought by other objectors should be provided.

### **Brief summary of the Council's responses to the objections**

*Miscellaneous issues, affordable housing and SEPA's objection regarding drainage*

36.37 The Council's response to inaccuracies in Inset Proposals Maps, affordable housing, and SEPA's objections are reported at Chapters 29.3, 4.5 and 4.10. The Council regards the gritting of Station Road as a road maintenance issue, explaining that its Winter Maintenance Policy refers to the priority that is applied to road gritting. Unadopted roads such as the northern part of Station Road are not treated.

*The Allt Dubhag site*

36.38 SPP 3 encourages more diverse, attractive, mixed residential communities in terms of tenure and land use and regards it as important that local authorities provide a choice of residential environments. This site is bounded to the north and south by woodland and to the west by the railway line. The DDMILP does not propose housing in front of existing properties and the woodland will protect the amenity of adjacent residents. The planning permission obliges the developer to bring the access road up to an adoptable standard and to meet drainage requirements. B M Development's intentions in that latter regard are acceptable to the Council in principle.

*Site opposite the Little Chef (Policy 25:10 in the DDMILP )*

36.39 This allocation was established in the SSLNELP and the Council considers that a satisfactory access can be formed. Details would be resolved when a planning application is lodged. The junction of the C34 with the A9 is 61 m from the edge of the site.

*Field to the east of Tomatin Distillery and land within the Distillery grounds – objection by Tomatin Distillery*

36.40 The extent to which residential and visitor uses may accord with policy will require consideration of any proposal against the overriding Business/Tourism objectives and the design principles in Policy GP1. The field to the east of the Distillery is very prominent. While it is important that any development is done sensitively, tourist accommodation or similar would be acceptable in principle, subject to appropriate design, layout and scale. Any new development could fulfil the terms of Policy 25:20 by including additional planting around the bonded warehouses.

*Site to the south of the Little Chef*

36.41 The DDMILP proposal is an appropriate response to the matters raised by objectors.

*Land to the east of the Distillery - Policies 25:15 and 25:18 in the DDILP*

36.42 With investment in a new primary school and water and drainage, Tomatin is a growing community. It is therefore appropriate for the plan to provide for long-term growth by identifying land for housing and community facilities. The village is linear, with 2 main nodes of development – one around the Distillery and the second at the south end near the village hall and the Post Office. The plan seeks to consolidate the village. The land covered by Policies 25:15 and 25:18 is geographically central to the settlement. A playing field or sports pitch here would serve both ends of the village, whereas a facility at the south end of the village would be 3 km from residents in the north. Suitable landscaping would allow a pitch to fit into the settlement boundary. THC does not intend the developer to provide the pitch, simply that the Development Brief would identify a site. This would allow its acquisition, at open space value, and its development by other parties at a future date. To reflect this, Policy 25:18 should be reworded as refer to “ ... a Brief specifying design and layout, identification of land at this location or nearby for a community playing field (see 15 above); drainage connections ...”. The policy should also make clear that the identified land is to be safeguarded for a playing field. An “E”, Expansion, allocation means that the Council will encourage development in accordance with a comprehensive Master Plan, and will presume against piecemeal proposals. “Longer-term” should be deleted from the policy, to remove any perceived timescales for development.

36.43 THC-18/TOM1 indicates that Railtrack wishes to develop its surplus land at this location. As access to this land is from an unadopted length of road, a new road from the C34 would be required to allow development. The council’s Head of Roads and Transport (THC-18/TOM3) considers that a new road from the C34, through the Policy 25:18 site, to join the adopted section of Station Road would be acceptable. It ought to be fairly straightforward for the 2 owners to reach agreement on this. This arrangement would also serve the Business allocation at the Old Station Yard proposed in Policy 25:8, and the rail halt and parking proposed in Policy 25:14, and safeguard the amenity of residents on the unadopted section of the road. Together with the retention of trees – and thus a minimal impact on woodland habitat – it would also give residents to the north of the site separation and privacy from future housing. SNH has been consulted and has not indicated that there is likely to be a habitat or species issue. However, if there are concerns when a planning application is lodged, steps will be taken then to resolve these.

*The A9 junction and conditions on the C74 through the village*

36.44 The SE has indicated that the remote location of the A9 junction, its accident record, competing priorities elsewhere, and precedent, count against SE funding improvements. However, the Council will continue to lobby for this. As regards the C34, traffic enhancements, lighting, and a pedestrian footbridge will be considered in the context of competing priorities in the Council’s budget.

**Conclusions**

36.45 I adopt the factual background to these objections, at paragraphs 36.4-36.8.

### *Miscellaneous issues*

36.46 THC's intention of basing Proposals Maps on the most up-to-date OS information available when it approves the next version of the local plan would address objections regarding inaccuracies in current Maps so far as is reasonably practicable.

36.47 An "A", Amenity, designation indicates that the Council intends to safeguard the area concerned from development not associated with its purpose or function. It does not signify land ownership, or an intention of devoting the land concerned to public or amenity use. There is no evidence that any of the land at Tomatin that the local plan shows subject to this designation does not merit such safeguarding.

36.48 An "H", Housing designation indicates that the Council intends to safeguard the function and character of established residential areas, and to encourage appropriate development. This is a sensible planning approach for residential areas.

36.49 Road gritting practice is a road maintenance issue, not a matter for the local plan.

### *Affordable housing*

36.50 I adopt my conclusion at paragraph 4.5.44 regarding the policy approach to the provision of affordable housing outwith the locations listed in Policy GP4. The policy I have recommended at paragraph 4.5.47 would allow affordable housing to be provided at Tomatin in the event that suitable locations are identified in the village. Such identification may well require a survey at some stage. However, with the policy in place, I see no reason for such a survey to be completed before the local plan is adopted.

### *The Allt Dubhag site*

36.51 The 6-7 house allocation proposed in Policy 25:7 of the DDMILP is subject to satisfactory access and drainage. It includes 5 houses with planning permission. This permission is being implemented, and each of these 5 houses will have a septic tank. B M Developments considers, and the Council agrees, that it would not be feasible to connect this site to the public sewer, even when the further waste water treatment facilities intended to serve the north end of the village are completed. The Council also regards private drainage arrangements as acceptable in principle.

36.52 The existing access road to this site is narrow and poorly surfaced. However, the planning permission requires this road to be widened and brought up to an adoptable standard. A road bond has been lodged to provide security for these works. These will benefit all users of the road and allow a technically suitable access to be provided for up to 7 new houses in total.

36.53 The additional land that B M Developments wishes to be included in the allocation that it seeks is set away from established houses, between the site being developed, and the railway line. Arguably, it would physically round-off development in this area. The Design Principles in Policy GP1 provide an adequate policy basis for securing suitable, design, and amenity for a development at planning application stage.

36.54 However, an improved access road would not affect the remote location of this site. Although THC has elected to include it within the settlement boundary, it is in an outlying position, about 300 m north of the A9 junction along an unlit rural road with no footways or lighting. Local community facilities, including the school are a further 1.5 km away, also along a road largely lacking in lighting or footways. I regard these as serious disadvantages for a housing location, even if some improvements on the C34 through the village were to be made.

36.55 I have already recommended, at paragraph 4.10.39, that connection to the public sewer should be a requirement for all new development in key villages. The fact that the development that has already been permitted at Allt Dubhag will have septic tanks does not make this policy requirement less sound. Two additional houses are unlikely to provide significant support for local community services, which are not stated to be under serious threat, and there are other housing sites available in the village. In the absence of any evidence that development at this location would have benefits that would outweigh the disadvantages I have identified, I conclude that this site should not be allocated for housing.

#### *The junction of the A9 and the C34*

36.56 As the A9 is a trunk road, the SE RNMD is responsible for its management. While no party argues that visibility at the junction is substandard or has a poor accident record, the SE does not claim that no improvement is needed. THC proposes to modify the plan by introducing a policy committing the Council to “lobbying” the trunk roads authority to improve the junction. I conclude that this is as much as the plan can do on this issue.

#### *Site to the west of the Little Chef*

36.57 On the basis of the above, I do not regard the A9 junction as a serious constraint to some further development at Tomatin. This site is ideally placed in geographical terms to serve as a gateway to the village. Because of its proximity to the A9 junction, and its location at the junction of a secondary road to the north, the means of providing a suitable access would have to be carefully considered. However, this seems likely to be a practical proposition, although relocation of the existing gateway feature, which comprises a length of stone wall and a signboard, would probably be required.

#### *Site to the south of the Little Chef*

36.58 This site is also well placed geographically to accommodate “gateway” visitor facilities. The terms of the proposed modification (Policy 25:10 in the DDMILP) present it as an alternative to the previous site. This is a pragmatic approach as one or other of these sites may not be made available for development. The possible uses listed in this policy are not exhaustive, thus allowing other visitor services to be entertained. This flexibility is desirable as it is impossible to provide for all eventualities.

36.59 The HSE stated when it objected to the DDILP in November 2002 that the proposals covered by Policies 25:9, 25:15, 25:18, 25:20 and 25:21 (which promotes Tomatin as a local tourist centre) could be affected by the consultation distance around the Distillery and warehousing, but did not object to any proposed allocations in terms. It is prepared to withdraw its objection, subject to the plan identifying notifiable hazards, and to a policy committing THC to consulting the Executive regarding developments within consultation



distances. This indicates that the HSE's prime concern is that the plan should make readers aware of notifiable installations, and of their planning implications, including the consultation procedures that would apply. My recommendation at paragraph 5.7.13 provides for this, and would encompass all the locations at Tomatin to which the HSE refers.

#### *Field east of the Distillery*

36.60 According to the Business notation that applies to this site, the Council will support business/tourism. There is no indication in the terms of this policy, or elsewhere in the plan, that a proposal for business/tourism development would be restricted to uses associated with the Distillery. Designating the objection site as a "development opportunity site" would not take matters further forward from the objector's perspective.

36.61 As the bank of unprepossessing bonded warehouses at this site is prominent from several directions, it is not surprising that Policy 25:20 promotes improvements. There is likely to be a better prospect of this being achieved in association with a suitable development on the site. It would be helpful if the policy was to recognise this.

#### *Housing within the Distillery site*

36.62 There is a significant number of houses within the Distillery site. Most of these stand away from the main complex of Distillery buildings. It would be sensible for the plan to acknowledge the existence of this residential area with an "H", Housing, designation.

#### *Conditions on the C34 through the village*

36.63 Local concerns, particularly for pedestrian safety, on the C34 through the village are understandable. Only a relatively short section, from north of the railway viaduct to south of the Inn, has a 50 kph speed limit. A footway and lighting are also confined to this general area. Objectors are also critical of roadside safety barriers.

36.64 Given its very extended nature, a uniform standard of provision throughout the village is unlikely to be practical. Improvements are nevertheless desirable. The proposed modification to Policy 25:20, and the proposed additional policy, Policy 25:23, appear to be intended to commit the Council to investigating the scope for such improvements. They deserve to be supported in principle, although Policy 25:23 ought to be reworded to clarify the Council's intentions.

#### *Land east of the distillery – Policies 25:15 and 25:18 in the DDILP*

36.65 Tomatin has a pronounced linear form, with a sparsely settled area between 2 more developed areas, one towards the northern end of the village, and the other at the southern end. The local plan states that "*flat land to the north and south offers scope for consolidation*". The land covered by the above policies lies towards the geographical centre of the village and the Council regards it as an opportunity to consolidate the village form.

36.66 As poorly drained coniferous woodland, located away from the majority of local community facilities, the Policy 25:18 site is not an obvious housing opportunity. Given the distances between the 2 parts of the village, the extent to which a housing development here

would assist in consolidation on its own is highly debatable. However, it could help provide a basis for this as part of a more comprehensive development.

36.67 Some of the objections appear to be based on a misunderstanding of how the local plan proposes this site should be developed, including in relation to access, and the provision of a playing field. This is not surprising as both versions of the plan are less than transparent on these issues. An Expansion policy does not imply a timescale. There is no reason in principle why the local plan need specify longer term development here, although drainage requirements could mean this is what transpires in practice.

36.68 THC has clarified that it envisages an access through the objection site to link to the adopted length of Station Road, thus bypassing the unadopted northern end of Station Road. With the co-operation of Network Rail, which THC-18/TOM1 indicates is likely to be forthcoming, this road could also serve as an access to the proposed Business allocation at the Old Station Yard, and the proposed rail halt and related parking. Neither of these proposals is the subject of objection, and both are commendable in principle. A Development Brief would identify a more detailed development framework, including for the provision of this road, and its timescale. However, in view of conditions for pedestrians on the C34 between the likely entrance to the site and the main local community facilities, it would be desirable for a pedestrian link at least to be provided to Station Road before houses are occupied.

36.69 An Amenity designation is proposed to apply to the woodland along the south side of Station Road, between the Policy 25:18 site, and the existing houses on Station Road. This would have the effect of safeguarding this woodland.

36.70 The new road described at paragraph 36.68, would affect the remainder of the woodland. However, this has the appearance of a commercial coniferous plantation, and does not appear to contain many fine individual trees. Subject to careful design, impact on the woodland need not be serious. THC reports that SNH has been consulted on the local plan proposal for the Policy 25:18 site, but has given no indication that nature conservation issues are likely to arise.

36.71 Having had regard to these conclusions, I am satisfied that this 5.2 ha site is capable of accommodating a development of 20 houses, together with a playing field, without presenting an “urbanised” impression.

36.72 THC’s explanation of its intentions with regard to land for a playing field would avoid obvious conflict with the principles in Circular 12/1996, and my previous conclusions regarding developer contributions. I note local doubts regarding the extent to which such a facility would be used, but these are unlikely to be realised with 20 houses close at hand. The site is also convenient for existing housing at the Distillery.

36.73 As indicated above, I am not persuaded that development of this site on its own would help to consolidate the village. However, it could secure other benefits, namely a link road to Station Road, which would facilitate development at the Station Yard and a rail halt, and avoid the need for development traffic to use Station Road to gain access to the C34. It would also secure land for a playing field. These benefits are worthwhile, and are otherwise unlikely to be achieved. The terms of the HSE objection, and its conditional withdrawal, do not suggest that the site’s location within the consultation distance is an insurmountable constraint to an allocation.

36.74 On balance, I conclude that the housing allocation proposed in Policy 25:18 should be retained, subject to the amended wording proposed by THC at the inquiry, further amended to include a requirement for land for a playing field to be safeguarded, and the timing of a pedestrian link to Station Road. It would also be helpful for the Inset Proposals Map to indicate the likely line of the proposed access road. Policy 25:15 ought also to be amended to take account of the possibility that the playing field may not be located on the Policy 25:18 site.

*Land south-west of Old Mill Road*

36.75 As the access to this site has been upgraded, the Policy 25:3 requirement has been satisfied. The access requirement is therefore no longer necessary and should be deleted.

*Housing site at the south end of the village*

36.76 This site is adjacent to existing development and could be regarded as consolidating the southern end of the village. A choice of housing locations is desirable in a Key Village. If my recommendation regarding Policy GP10 is accepted, the Policy 25:6 requirements would include connection to the public sewer. For consistency, the same would apply to other housing allocations in the village.

**Recommendations**

36.77 I recommend that:

- (1) “Settlement” in the Heading in the Tomatin introductory table is replaced by “Key Village”.
- (2) the proposed modification to Policy 25:3 is accepted.
- (3) the Policy 25:6 allocation is retained, subject to public drainage requirements.
- (4) the proposal, in the DDMILP, to allocate the Allt Dubhag site for housing, is not accepted.
- (5) Policy 25:10 in the DDMILP is accepted.
- (6) housing in the Distillery grounds, west of the railway, and north of the burn, is given an “H”, Housing, designation.
- (7) Policy 25:13 is updated to reflect the current factual position regarding waste water treatment facilities at Tomatin.
- (8) Policy 25:15 is reworded as follows:

*“The Council will seek to secure and safeguard 1:0 of land east of the Distillery or nearby for a community playing field (see Policy 25:18)”.*

(9) Policy 25:18 is retained, subject to the requirements being reworded as follows:

*“Dependent on 13 above. Development will be subject to a Development Brief specifying design and layout, the identification and safeguarding of 1.0 ha of land at this location or nearby for a community playing field (see 15 above), drainage connections to a new sewage treatment works, and management/retention of existing woodlands, together with provision for a pedestrian link to Station Road before any houses on the site are occupied, and vehicular access through to Station Road ultimately”.*

(10) the Inset Proposals Map identifies the approximate line of the link road from the C34 to Station Road.

(11) the following sentence is added to the end of Policy 25:20:

*“This could take place in association with a suitable business/tourism development on the site”.*

(12) the proposed additional Policy 23:23 is accepted, subject to rewording along the following lines:

*“The Council will investigate the scope for measures to improve pedestrian safety through the village, and to address other safety and amenity concerns”*

(13) the proposed additional Policy 23:24 is accepted.

### **Other matters**

36.80 Although not the subject of objection, and thus not a formal recommendation, I note that the DDMILP Inset proposals Map includes a Policy 25:12 notation at Station Road. As this policy relates to the school at Old Mill Road, the notation appears to be an error.

## 37.1 BALNAIN

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**Objectors: Mr & Mrs Lyon (154); Mr P MacDonald (158), Ms L MacDonald (159), Ms C MacDonald (160), Ms M MacDonald (162), SEPA (171)\*, Ms C Munro (210), Ms M Munro (211), Mr M Munro (212), Glenurquhart Community Council (220), Dr U Urquhart (267)**

**Procedure: Public inquiry\* and written submissions**

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### **Synopsis of objections**

37.1.1 These objections, to the DDILP, are to a proposed housing allocation (Policy 26:1), and to Policy 26:2, which concerns the provision of toilets for public use in the local hall.

### **Factual background**

37.1.2 The local plan identifies Balnain, which comprises about 30 houses alongside the A831 about 5 km west of Drumnadrochit, as a settlement in the RDA. Policy 26:1 in the DDILP proposes to allocate a 0.7 ha site on the north side of the A831 for 4 houses, subject to a developer contribution to mains drainage. The policy also describes the site as suitable for affordable housing. Policy 26:2 states that there are no toilets available for public use, and that the Hall Trust may wish to consider the feasibility of creating physically discrete, but shared use, facilities at the hall. Paragraph 26.2 states that SW intends to provide improved “waste treatment” facilities by 2005.

### **Brief summary of the main points raised by objectors**

*Proposed housing allocation - Policy 26.1*

37.1.3 Glenurquhart Community Council wishes this allocation to be reviewed.

37.1.4 The other local objectors raise the following main points:

- housing on this site should be deleted and the site retained as farmland.
- clustering or grouping houses is out of character with Glen Urquhart.
- there are more suitable sites available elsewhere in the glen where individual houses could be built and where development would be more in keeping with the local environment; most people would prefer not to live in a “development”.
- a policy of maintaining green spaces and buffer areas, and developing sites that already have planning permission should be applied, as at Drumnadrochit.
- a development of 4 houses is unlikely to be attractive financially to a housing association, due to scale and costs.
- affordable houses can be sold on, and become no longer affordable.

37.1.5 SEPA objects to the proposed housing allocation, unless this states that development will not be permitted until the Balnain sewage system is connected to Drumnadrochit. Its evidence at the inquiry regarding foul drainage is reported at Chapter 4.10. SEPA did not expand at the inquiry on its reasons for objecting specifically to Balnain.

### *Toilets at the village hall - Policy 26.2*

37.1.6 Ms L MacDonald and Ms C Munro object that, because the hall is used by local childrens' groups and toddlers, staffing, health and safety, and insurance problems make it impractical to provide toilets for public use at the hall. Glenurquhart Community Council wishes Policy 26.2 to be deleted.

### **Brief summary of the Council's response to the objections**

37.1.7 In response to the matters raised by local objectors, the Council agreed it would be appropriate to delete Policy 26:2, and to substitute the following policy for Policy 26:1, under the heading SPECIAL USES:

*“The Council will consider development proposals in accordance with the General Policies contained in the local plan and the provisions for the RDA; consistent with the settlement pattern at Balnain, existing land uses and amenity”.*

37.1.8 The DDMILP Inset Proposals Map shows a Policy S1 notation applying over much of the land within the settlement boundary.

37.1.9 As far as SEPA's objection is concerned, the Council states that HSP Policy G2 makes clear that adequate drainage is required for any development proposal. The local plan recognises drainage as an important development factor in most settlements. The Council's suggestion for rewording Policy GP10 is reported at paragraph 4.10.18.

### **Conclusions**

37.1.10 As previously concluded, it is national and HSP policy that new housing development will generally be within settlements. This principle applies in the RDA, although housing in the open countryside is also permissible in some circumstances. Balnain has the character and attributes of a settlement, including a primary school, post office, and hall. The disposition of buildings within the settlement boundary, while largely comprising detached properties in generous plots, varies. The objection site is similar in size to the area taken up by 4 houses in a cul-de-sac to the south-east of the site.

37.1.11 The HNA identifies a need for affordable housing in the local plan area as a whole, and mechanisms are available whereby affordable housing can be retained as such in perpetuity. However, this does not mean that affordable housing must be provided at all possible locations, and some will be better suited to this type of accommodation than others. While SPP 3 does not require a need for affordable housing to be demonstrated at settlement level, evidence of a specific need for affordable housing at Balnain would have been a factor in favour of the terms of Policy 26:1 in the DDILP. However, no such evidence is put forward. The plan also makes provision for affordable housing at other locations, including Drumnadrochit, which has a much wider range of services and is better equipped than Balnain to support additional housing.

37.1.12 Additional housing would nevertheless help to underpin local services at Balnain. However, the Policy 26:1 site is part of an open field rising up from the main road. It presents an attractive foreground in views towards a hillside with woodland beyond. Having had regard to my conclusions this far, and to the absence of any argument that this is the only

development opportunity at Balnain, or that the village has requirements that can only be met at this site, it seems a pity for the local plan to identify it specifically for development. The Council's proposal to delete the allocation reflects local views, at least in so far as these are expressed in objections to the plan.

37.1.13 That said, the Special Uses heading to the proposed modified Policy 26:1, read with the Inset Proposals Map, conveys an expectation that developments within the settlement boundary would be expected to be mainly community, service, or tourist related in nature. This seems unnecessarily restrictive for a policy that seems intended to apply generally within the settlement boundary, subject to having regard to BP features, and the Action policy that would apply to the management of woodland beside the school. A settlement policy that also conveyed the attitude of the planning authority to development proposals within the settlement boundary in more definite terms would be an improvement.

37.1.14 The village hall is immediately adjacent to the A831 and is thus very well placed to provide toilets for public use, including for visitors in the summer months. A similar initiative appears to have been put in place at Invermoriston. However, as this seems unlikely to be a practical proposition at Balnain, retaining Policy 26:2 would be likely to give rise to expectations that were subsequently not met.

37.1.15 Time has moved on since SEPA's objection was made. The plan states that Scottish Water plans improvements, presumably to waste water treatment, by 2005. As no party suggests that these planned improvements are likely to be delayed, they seem likely to be in place by the time any new development was occupied. A cross-reference in a settlement policy to the local plan's General Policies would, in any event, provide a link to Policy GP10.

## **Recommendations**

37.1.16 I recommend that:

(1) Policy 26:1 in the DDILP is deleted, and the following policy substituted in its place:

### **"BALNAIN SETTLEMENT POLICY**

*"Within the settlement boundary at Balnain, the Council will consider development proposals sympathetically where these accord with the General Policies contained in the local plan and the provisions for the RDA, and are consistent with the settlement pattern, existing land uses and amenity".*

(2) the proposed modification, whereby Policy 26:2 in the DDILP is deleted, is accepted.

## 37.2 INVERMORISTON

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**Objectors: Invermoriston Holiday Chalets (146), SEPA (171)**

**Procedure: Public inquiry**

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### **Synopsis of objections**

37.2.1 Invermoriston Holiday Chalets objects to an Amenity designation of its riverside land. It also objects to a Policy BP3 designation at Dalcattaig, if the latter was to inhibit the future development or sensible clearance. SEPA wishes the plan to make connection to the public sewer a pre-requisite for development at Invermoriston.

### **Factual background**

37.2.2 Invermoriston is located on the River Moriston, which is a cSAC (although not described as such in the plan), at the junction of the A82(T) and the A887(T). It has about 35 houses. Community facilities include a shop/PO, a hall, and an hotel. Policy 27:1 encourages mixed uses, consistent, among other things, with “adequate drainage and access”. Policy 27:2 states that the Council will encourage Scottish Water (changed in the DDMILP to refer to North of Scotland Water Authority, NOSWA) to prioritise provision of a WWTW.

37.2.3 Invermoriston Holiday Chalets owns a chalet park south-west of the river. The DDILP shows most of the objector’s land covered by Settlement Policy S (Special Uses). The remainder comprises wooded land extending alongside the river and at a group of chalets at Dalcattaig. The riverside land is shown subject to Settlement Policy A (Amenity Areas) and, towards its north-western end, also as a Policy BP3 feature. The Dalcattaig woodland, which is also within the settlement boundary, is shown subject to Policy BP3.

### **Brief summary of the main points raised by objectors**

#### *Invermoriston Holiday Chalets*

37.2.4 The wooded area east of Glen Stroma, (Area 1 on the plan attached to the objection) should be designated as Special Use. The same should apply to Area 2, upstream from the old river bridge, between the river and the chalet park driveway. This could be developed commercially, for example for a club-house for the chalet park. It could have a wonderful aspect of the river and bridge without being intrusive, could serve summer visitors and local residents, and provide employment. If necessary, parking could be provided to the west of the chalet park driveway. There is space for a private WWTW with pumped drainage to a soakaway in the gravel of the old river bed. Land and buildings on the opposite bank of the river were once in commercial use and are classified as Special Use.

37.2.5 The intervening area, Area 3, should also be treated as part of the chalet business, and designated for Special Use. A track from the old bridge along the lower bank on the “new” flood plain is unsuitable for use by the public for privacy and security reasons. Area 4, between the two bridges and the Dalcattaig road, should also be “Special Use”. There is already some minor domestic development here, and work could be done to improve it. The



cSAC is confined to the channel of the river, which will continue to be safeguarded by Policy BP4, and by SNH. The fact that the old bridge is a listed structure should not prevent development.

37.2.6 Most of the woodland surrounding the Dalcattaig Chalets is recent regeneration. Growth from the boles of previously felled trees is problematical, and shading creates dampness, making some clearance desirable. However, if the “woodland” classification of this Special Use area is not to be a reason for inhibiting future development or sensible clearance, there is no real need to amend this part of the plan.

#### *SEPA*

37.2.7 The freshwater pearl mussels in the River Moriston, which are a reason for its identification as a cSAC, can be affected by suspended solids and nutrient enrichment. A proliferation of private systems would threaten water quality. Given the scale of development envisaged at Invermoriston, the plan should make connection to public sewer a pre-requisite.

#### *Brief summary of the Council’s response to the objections*

37.2.8 The S designation reflects the Council’s support for well-sited proposals complementary to the chalet park and the local economy. A Policy BP3 designation is not intended to prevent woodland management.

37.2.9 The objective of the A designation is to protect the margins of the river from the encroachment of development, protect property against flooding, enable essential services and infrastructure, safeguard riparian trees and access, and protect the cSAC and the setting of the river and its amenity. The Council has agreed to replace the A designation in Area 1 by S. However, it considers that Areas 2-4 should remain designated as Amenity land.

37.2.10 Fitting in development successfully at Invermoriston requires its most notable natural landforms to be respected. An A designation is a safeguarding provision and does not imply there should be public access. However, safeguarding the listed bridge and its setting is paramount. The HSP refers to the Council’s concern to safeguard listed buildings by preventing development which would have an adverse impact on them. A development back from both sides of the river is intended to provide a buffer. Historic development does not set a precedent and policy has to be responsive to potential future pressures. It would be possible to undertake improvements without including inappropriate development.

37.2.11 The Council’s response to SEPA’s objection was that HSP Policy G2 makes clear that adequate drainage is a requirement of any development proposal, and that the local plan recognises drainage as an important development factor in most settlements. The Council’s suggestion for rewording Policy GP10 is reported at paragraph 4.10.18.

#### **Conclusions**

37.2.12 Dalcattaig is part of an established chalet park, where a Special Use designation would be consistent with the Council’s objectives. The Policy BP3 designation that the Deposit Draft plan also proposes to apply at this location derives from the woodland which forms the setting for the chalet group. This policy presumes against development, particularly where there would be significant damage to heritage, amenity or public health. Read with a

Special Use designation, this would not preclude woodland management consistent with the maintenance of the Special Use.

37.2.13 Policy BP4 states that the Council would not approve development unless there is an over-riding social, economic, public health or safety reason, or for benefits of primary importance to the environment. The cSAC, which is confined to the channel of the river, would continue to be protected by this designation, and by statutory nature conservation provisions, irrespective of the policy designation given to the riparian areas.

37.2.14 An Amenity designation does not reflect land ownership, nor imply public access, but an intention of safeguarding designated areas from development not associated with their purpose and function. Similarly a Special Use designation *per se* does not mean that development will be permitted, but that the Council will expect certain uses to be maintained or developed “where stated”. The local plan does not include the chalet park in the Policy 27:1 area.

37.2.15 The falls on the River Moriston, the listed bridge, the A82 road bridge, and the woodland that clothes both sides of the river at this location, present an outstanding combination of visual features. These features make it a deservedly popular visitor destination and viewpoint. In common with the remainder of the village, built development is set away from the river and does not impinge on views, or on the setting of the listed bridge. It is important that these aspects are safeguarded. An Amenity designation is therefore appropriate in the vicinity of the bridges, and in particular the wooded area bounded by the river, the A82, the Dalcattaig road, and the path leading from the chalet park driveway to the listed bridge. The presence of a timber garage adjacent to Dalcattaig Road indicates that some ancillary domestic use is already part of the area’s purpose and function.

37.2.16 The importance of Amenity safeguarding diminishes further to the north, away from the bridges. There is also no need to safeguard an area of mown grass immediately to the east of the chalet park driveway, which is an integral part of the chalet park, and not part of the outstanding area described above. For the same reason, it would be sensible to extend the Special Use designation eastwards, to the north of this, to coincide with the top of the former river bank and clear of the easternmost line of chalets. This would leave the wooded area at the base of the bank with an Amenity designation.

37.2.17 My conclusions this far are based solely on amenity considerations. Drainage is a further factor in the equation as far as development at Invermoriston is concerned. The factors identified by SEPA relating to the River Moriston mean that the implications for water quality of countenancing private drainage systems have to be very carefully considered. Accordingly, before confirming the terms of the plan, the Council should hold further discussions with SEPA and NOSWA on the basis of my recommendations at paragraph 4.10.39. SEPA’s objection refers to “a proliferation” of private systems, and it may be that some additional development could be countenanced on the basis of the changes to Policy GP10 which I have recommended. NOSWA’s investment programme may also have moved forward in the interim.

## **Recommendations**

37.2.18 I recommend that:

(1) the extent of the Amenity areas that are the subject of objection is reduced as described in paragraph 37.2.16 i.e. the modification proposed by the Council is accepted; the Amenity designation in the central part of Area 3 is reduced to coincide with the top of the former river bank, clear of the easternmost line of chalets; and the area of mown grass to the east of the chalet park driveway in Area 2 is excluded from the Amenity designation, and designated Special Use.

(2) before confirming the terms of the plan, the Council should discuss drainage implications with SEPA and NOSWA on the basis of the changes to Policy GP10 which I have recommended, and the current position regarding the future provision of a WWTP.

(3) the plan is corrected to refer to the River Moriston as a cSAC.

### 37.3 DALREICHART

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**Objectors: Mr & Mrs Barnes (6), Mr & Mrs Bostock (19), Mr & Mrs Elliot (70), Mr & Mrs Hampson (104), SEPA (171)\* and Mr & Mrs Morris (203)**

**Procedure: Public inquiry\* and written submissions**

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#### **Synopsis of objections**

37.3.1 Mr & Mrs Barnes, Mr & Mrs Bostock, Mr & Mrs Elliot, Mr & Mrs Hampson, and Mr & Mrs Morris object to an affordable housing safeguarding proposal. SEPA wishes the local plan to state that any further development at Dalreichart should be connected to the public sewer.

#### **Background**

37.3.2 The DDILP identifies Dalreichart, which comprises 20 houses off the A887(T) about 13 km west of Invermoriston, as a settlement in the RDA. Paragraph 28.2 states that water treatment works are proposed by 2004, and that further linear development would be in keeping with the building pattern, septic tank drainage and amenity.

37.3.3 Policy 28:1 states that the Council will support development to the north of the township road ....

*“ as identified on the Proposals Map and within the boundary identified, subject the following criteria .... adequate servicing, in particular drainage and access; .... 0.6 ha of land west of the primary school is safeguarded for affordable housing development”.*

**Reporter’s note:** The Dalreichart Inset Proposals Map has Policy 1 notations north and south of the township road.

#### **Brief summary of the main points raised by objectors**

##### *Local objectors*

37.3.4 The main points raised can be summarised as follows:

- there is no need for affordable housing at Dalreichart - most houses in this part of the glen tend to be in the lowest price bracket.
- Dalreichart is unsuitable for affordable housing in any event, due to its remoteness from community facilities and very limited public transport. The nearest shop is 13 km away, and the nearest health services 20 km away.
- the site identified in the plan is physically unsuitable - the western part is boggy, and the ground holds standing water in wet weather.
- a turning area and access to forestry at the rear need to be maintained.
- there are electricity lines overhead, and wildlife interest has developed.

- it is foolhardy to site affordable housing, with no control over the ultimate occupancy, next to a school.
- SEPA's requirements will make housing even more unviable than it was in the past. The need to reroute power lines and a water main would increase unit costs.
- affordable housing would have to be attached, for cost reasons, and thus out of keeping with all the other houses in the villages, which are detached.
- keeping the turning area, and preserving the area to the west of the school as amenity area would be a possible compromise.

## SEPA

37.3.5 SEPA's position regarding the local plan's approach to water and waste water treatment is reported in Chapter 4.10 at in the context of Policy GP10. With regard to Dalreichart, it states that most septic tanks discharge to the River Moriston, a cSAC where water quality is particularly important. Drainage to land is difficult, given local conditions. In this context, it is inappropriate to encourage further private septic tank drainage. As Dalreichart is a village, it should have drainage infrastructure appropriate to a village i.e. public sewage treatment.

### **Brief summary of the Council's response to the objections**

37.3.6 In response to the matters raised by local objectors, the Council agreed that it would be appropriate to delete Policy 28:1 in the DDILP, and to replace it by the following policy  
SPECIAL USES:

*The council will consider development proposals in accordance with the General Policies contained in the Local Plan and the provisions for the RDA; consistent with the settlement pattern at Dalreichart, existing land uses and amenity.*

37.3.7 The Council's response to SEPA's objection was that HSP Policy G2 makes clear that adequate drainage is a requirement of any development proposal. The local plan recognises drainage as an important development factor in most settlements. The Council's suggestion for rewording Policy GP10 is reported at paragraph 4.10.18.

### **Conclusions**

37.3.8 As I have already concluded at paragraph 37.1 10, it is national and HSP policy that new housing development will generally be within settlements, including in the RDA. No party argues that the local plan should not identify Dalreichart as a settlement.

37.3.9 Additional housing at Dalreichart could help to support the local primary school, where the DDILP describes the roll as very low. The plan also refers to the emergence of supplementary employment opportunities in the area.

37.3.10 Some of my other conclusions regarding Balnain also apply to Dalreichart, namely that the HNA has identified a need for affordable housing in the local plan area as a whole, and that SPP 3 does not require this to be met at settlement level. However, as concluded there, this does not mean that affordable housing must be provided at all possible locations.

37.3.11 Dalreichart's remote location, poor public transport, and very limited community facilities, are significant disadvantages for an affordable housing location. That said, having had regard to my conclusion at paragraph 37.3.9, it would be unfortunate to discard Dalreichart entirely as a housing location. While the features described by objectors mean that the objection site may not be ideal for building, including it in the settlement boundary does not mean that it will be developed. The boundary shown in the local plan runs from the school towards a house on the opposite side of the road, and is a reasonable termination for the settlement.

37.3.12 Drawing these matters together, I conclude that, leaving drainage considerations aside for the present, the best solution would be to leave the settlement boundary unchanged, and to apply a policy similar to that recommended for Balnain. This would widen the range of uses that could potentially be expected within the settlement boundary.

37.3.13 However, the factors identified by SEPA, relating to the River Moriston and local ground conditions, mean that drainage implications have to be carefully considered. There is no planned proposal to provide public treatment facilities. Accordingly, before confirming the terms of the plan, the Council should hold further discussions with SEPA on the basis of my recommendations at paragraph 4.10.39. If the Council concluded, following these discussions, that any new development at Dalreichart should be connected to the public sewer then, in the absence of any proposal for public drainage, there would be little point in identifying the village as having development opportunities.

### **Recommendation**

27.3.14 I recommend that:

(1) if the Council concludes, following discussions with SEPA, that development not connected to the public sewer can be entertained at Dalreichart, then Policy 28:1 in the DDILP is deleted, and the following policy substituted in its place:

#### **“DALREICHART SETTLEMENT POLICY**

*“Within the settlement boundary at Dalreichart, the Council will consider development proposals sympathetically where these accord with the General Policies contained in the local plan, and the provisions for the RDA, and are consistent with the settlement pattern, existing land uses and amenity”.*

(2) however, if the Council concludes, following discussions with SEPA, that any new development at Dalreichart should be connected to the public sewer, it to reconsider whether to identify Dalreichart as having any practical opportunities for development.