

Town and Country Planning (Scotland) Act 1997

The Highland Council

Report of the Public Local Inquiry

Into Objections to the

Ross & Cromarty East Local Plan

Volume 1

Key Issues, Strategy and General Policies and Landward Area

Reporter:

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Foreword

Foreword to the Report

BACKGROUND TO THE REPORT

1. “The Highland Structure Plan Written Statement” (referred to throughout this report as ‘the structure plan’) was published in March 2000. It was approved by Scottish Ministers and became operative in March 2001.

2. In February 2000 the Highland Council (referred to as ‘the council’) gave notice of the intention to prepare a local plan for Ross and Cromarty East. Once adopted the plan would replace the four previously adopted local plans, namely: The Black Isle Local Plan, adopted in 1985; The Invergordon Local Plan, adopted in April 1986; The Mid Ross Local Plan adopted 1990; and The Easter Ross Local Plan, adopted 1992

3. Initial consultations and workshops were held, and in June 2002 a consultation draft, which was published. After a period of public consultation the council agreed changes and a Deposit Draft Ross and Cromarty east Local Plan was published in October 2004. Following a further period of consultation the council considered all the objections to the plan and proposed changes were published on 4 February 2005. Objections to these changes were submitted by 18 March 2005.

4. On 8 October 2004, I was appointed by the council to conduct a public local inquiry into objections properly received but not withdrawn into the deposit draft plan. I held a procedure meeting on 22 March 2005 in the Victoria Park football ground, Dingwall, when procedural arrangements for the inquiry were discussed. The inquiry opened in the Church of Scotland Hall, Evanton, on 7 June 2004 and continued at: the Victoria or Ross Suites, Ross County football ground, Victoria Park, Dingwall, on 8, 14, 15, 17, 21, and 28 June; the Duthac Centre, Tain, on 16 June; the West Church Hall, Cromarty on 22 June; the Ardross Community Hall, Ardross, on 23 June; the Findon Hall, Culbokie, on 24 June; the Munloch Hall, Munloch, on 29 June; the Town Hall, Fortrose, on 30 June and 1 July; the Village Hall, North Kessock, on 5 July; and the Old Church Hall, Muir of Ord, on 6 July; closing in the Ross Suite, Victoria Park, Dingwall on 7 July 2005. Where appropriate I made accompanied as well as unaccompanied site visits, including visits to sites referred to in written submissions. These visits were made before, during and after the inquiry, some of the sites being visited on a number of occasions.

CONTENT OF THE REPORT

5. The report follows the sequence of the deposit draft local plan, that is, it comprises this introduction, followed by an index which is combined with a summary of my recommendations in relation to each topic. There follows a section on each of the objections relating to policy issues followed by those directed at individual settlements, as shown on the inset maps. Within these headings however, I have taken the objections in the order set down by the council, following the number and order set out. In many instances it has been necessary to refer to policies in the modified version of the plan as well as the deposit draft, although all my recommendations refer to the latter. Where a paragraph or policy reference is to the modified draft they are enclosed in brackets, for example H21 (H22).

6. In an attempt to make my report more intelligible at first reading to all its potential readers, I have tried to ensure that it contains no planning acronyms or jargon. There are occasions however when the use of abbreviations has been unavoidable, in the interests of brevity, but in most cases these are preceded by the full text.

7. I have noted that in many of the documents plan the term paragraph and policy are used interchangeably, and the they are both uses in the same way throughout the text.

8. Finally, I would wish to record my appreciation of the arrangements which the council put in place for the inquiry and my recognition of the hard work which was involved by all the council's officials who were involved. It enabled the inquiry to proceed as efficiently as it did, and to take into account the interests of all parties concerned. I would also like to thank Morven Spalding, the programme officer, for her efficient management of the administrative side of the inquiry and of the procedures involved; her assistance and support were invaluable to me throughout.

Trevor A Croft
Inquiry Reporter

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1 OBJECTIONS RELATING TO CHAPTER 3: KEY ISSUES PARAGRAPHS. 3.23 & 3.24 – ROADS, TRAFFIC IMPACT, TRANSPORT (Issue 1)

Objectors: A B Bryant (29); Ferintosh Community Council (78); Black Isle Forum (91); D G Pocock (113); Knockbain Community Council (123)*

Procedures: Hearing* and written submissions

Background

1. Chapter 3 of the deposit draft sets out the key issues identified by the structure plan that affect the local plan area. Paragraphs 3.23 and 3.24 of the transport section deal with strategic issues relating to road and rail transport within the region. They make reference to road improvements in the last 20 years, notably the A9 to the north, and A835 to the west, and to the growth in traffic. The council's Local Integrated Transport Strategy recognises the need to reduce the numbers of cars and lorries, and increase the use of buses and trains.

2. In response to objections the council has recognised the need for an overall policy on transport, and has proposed in the modified draft a general supporting policy as follows:

“GSP16: TRANSPORT In accordance with its Local Transport Strategy, the Council will pursue a major package of integrated transport measures for which it will seek to assemble funding from appropriate sources including in partnership with the relevant agencies and private sector. Specifically, the Council will continue to encourage the Scottish Executive to give priority to the allocation of resources for trunk and other major road improvements as well as for the continued development and integration of commuter rail halts and park-n-ride facilities. Developer contributions will be expected in respect of relevant transport objectives and proposals will demonstrate as necessary, through Green Transport Plans and in accordance with national planning guidance, commitment to increased accessibility to public and community transport, reductions in private car commuting, increased integration of transport facilities, and modal shift in freight haulage. Other measures, particularly in communities not on the rail network, will involve improving bus services and related infrastructure, traffic management/traffic calming, and the use /implementation of ‘Home Zones’ and ‘Safer Routes to School’.”

Summary of main points raised by objectors

3. The first objector says that there is already considerable jamming on the high streets of Rosemarkie, Fortrose and sometimes Avoch. As there is no practical way to bypass these villages it is essential that a proper assessment is made of the capacity of the high streets in the three villages before any large development of new housing. This must also allow for traffic from extra housing in Cromarty. It is essential that this problem be considered before more houses are built because once the problem has been created there can be no solution. Life in the High Street will become intolerable, frustrating, and dangerous; businesses will close and so on.

4. The problem needs an assessment of the cumulative traffic generated by all proposed new housing. The total number of houses allowed in the plan can then, and should, be based on the known traffic capacity of the streets, just as it should be on the capacity of all other

public services. The assessment could be done by the roads authority. To develop houses without proper calculation of the effect would be irresponsible, not least when there is plenty of opportunity for new housing to the west of these villages which would not create a problem of this nature.

5. The second objector is concerned that there appears to be little obvious forward planning in relation to road issues within the plan. It says there should be an assessment made on the potential impact of the increased traffic on roads and junctions, which will result as a consequence of the additional housing proposed in this plan. The A9/B9169 junction is a particular problem. Any necessary upgrading of roads and junctions should then be carried out in advance of the housing developments. The council should look at transport issues as a whole for the plan area and consider how best to develop these in conjunction with the proposed developments to meet with a proper integrated transport policy.

6. The third objector emphasises the need for an integrated transport strategy, and says that public transport links from the Black Isle should go to more than one destination in Inverness. Housing developments, particularly affordable housing, should be linked to good public transport provision. Cycle tracks should be established along road sides.

7. The fourth objector raises the points made by the first objector regarding the road infrastructure in the coastal villages of the southern Black Isle. The wording of the deposit draft is weakened from the original consultation plan, and there is little chance of measures being successful. Other than the improved Inverness - Beaulieu rail service no local public transport services appear to have met the aspirations voiced for them. Mitigation measures proposed in the plan for the increase in traffic have no chance of success.

8. The fifth objector is concerned that there are only two exits from the Black Isle, at Tore and Munlochy, and there is too much traffic going too fast. There should be an integrated plan for public transport with financial levies on new developments.

Summary of the council's response to the objections

9. The council says it had given consideration to the use of an overall traffic simulation model, but current resources in this regard are prioritised for the Inverness A96 Corridor. Even if resources could be identified, this type of modelling would probably not be helpful outside Dingwall, or possibly Muir of Ord, as it really only works where there are lots of assignment options over an area network. Many of the land allocations can more easily be assessed via a simple junction analysis or generation data, which will be required of developers as part of traffic impact or transport assessments when individual sites are brought forward for formal consideration.

10. Monitoring of traffic flows on the High Streets would be part of the process of an overall assessment of the potential for improvements in advance of preparing detailed proposals. A successful scheme for traffic calming and management in Fortrose, for example, is most likely to be based upon on a double track road width and additional off street parking being available. However, such measures must be looked at as part of a package of integrated transport measures, within the broader framework of the council's Local Transport Strategy, including perhaps encouraging greater use of bus services through better timetabling, possibly increased frequency and flexibility of services to and from Inverness and Dingwall, and park-n-ride facilities. These will need to be quantified as the basis for seeking developer

contributions and they are for the roads authority to examine, with the affected local communities and developers. Developers of major sites will also be required to address these matters in a Transport Assessment. The council acknowledges that Fortrose High Street is a particular problem area and very sensitive to local residents. This is dealt with under issue 30 relating to development in Fortrose.

11. In preparing the plan the council has consulted with the Scottish Executive Development Department in connection with the potential impact upon the trunk road network. The Executive asked for the plan to give greater consideration to a modelling exercise to determine the impact of development on the A9 corridor, to inform the requirements for trunk road and public transport infrastructure improvements, and to examine the funding mechanisms including the potential for developer contributions.

12. The greatest proportion of traffic on the existing road network north of the Kessock Bridge is thought to be generated from the much larger settlements in the Muir of Ord to Tain development corridor. In line with the Executive's sustainable development and transport objectives, it is also in this corridor that the local plan strategy allocates the greatest proportion of land to encourage economic development and associated housing linked to major business/industrial site development and increased use of the rail network for transport. In this corridor, land is allocated for almost 3,700 additional dwellings compared with approximately 500 across the Black Isle from Munlochy to Cromarty.

13. The ongoing development of an integrated transport strategy for the inner Moray Firth will aid the delivery of priority transport improvements. The proposals in the document "Developing a Transport Vision for Inverness 2004 – 2031" (THC1/2), for more sustainable transport, seek to address current problems and facilitate growth in the Inner Moray Firth area. This approach can also make existing public transport provision more viable or provide additional funding for improvements through developer contributions for bus services and infrastructure, traffic management/traffic calming proposals within settlements and 'Safer Routes to School'. In addition to developer contributions, the council's ability to deliver the whole package of measures will also depend upon funding support from the Government, in line with its sustainable transport objectives.

14. The delay in making a right turn manoeuvre at the specific A9/B9169 junction is not thought to be significant and affects a very small proportion of traffic generated by development in Culbokie. Some of the traffic comes from the west, but the delay is largely caused by the volume of traffic on the A9, which mainly originates from the Inverness and Easter Ross areas. The Scottish Executive has agreed to look at traffic data for this junction and will be consulted on future major applications in Culbokie. The council also agrees that the Cromarty Bridge-Tore section of the A9 should have crawler lanes, as recommended in the structure plan.

15. As well as developer contributions, the council's ability to deliver the whole package of measures will depend upon funding support from the Executive, in line with its sustainable transport objectives. The need to deliver measures should also be emphasised in the plan with the addition of a General Supporting Policy in Chapter 5. This would be consistent with the Inverness Local Plan approach. The proposed General Supporting Policy 16: Transport, as set out in paragraph 2 above should be included in the plan.

16. It is unclear in what context reference is made to two exits from the Black Isle. There are several more exits on to the A9 between the Kessock and Cromarty Bridges. Measures to reduce traffic volume and speed are being tackled by the relevant authorities, but are not necessarily for the local plan to address. Cycle tracks along all roads are not feasible on cost grounds, but will be addressed in relation to the Avoch to Fortrose improvements to the A832.

17. Although this local plan has not had the benefit of a wider comprehensive traffic modelling exercise, which may not be appropriate in isolation, it does take account of the Executive and council's strategic transport objectives, together with transport priorities identified in the Local Transport Strategy and subsequently incorporated into the Transport Vision for Inverness. These clarify that the ability to address existing problems and create the capacity to accommodate further development depends upon the implementation of a combination of a whole series of integrated transportation measures.

18. As well as the addition of policy GSP16 to Chapter 5 in support of individual priorities identified across the plan area, further changes may be necessary for the settlement statements for Fortrose, Rosemarkie, Avoch and Muir of Ord relative to the need for more detailed assessments.

19. The council asks for support for the inclusion of policy GSP16 in the deposit draft.

Conclusions

20. These objections deal with similar aspects of the same issue, effectively traffic levels, and can be dealt with collectively. It should also be noted that some of the objections are dealt with in more detail in relation to issue 30, developments in Fortrose.

21. Chapter 3 of the deposit draft local plan deals with key issues that are taken from the structure plan. It is not therefore setting out policies or actions, other than noting what other documents may propose. It is to the structure plan that reference must be made for the overall policies affecting the area. Having said that I am aware from the written submissions of the concerns regarding the specific traffic issues affecting the southern Black Isle coastal villages, and it would be sensible for the council to acknowledge the problem in chapter three. Although not identified in the structure plan, it could be dealt with at the end of paragraph 3.23, which refers to road transport, by adding a sentence that reads:

“There is particular local concern about the volume of traffic on the A832 through the coastal villages of Avoch, Fortrose and Rosemarkie, relative to the size of the narrow main streets, and the extent to which this could be increased by potential housing developments.”

22. The structure plan itself has a specific proposal and two recommendations that are relevant to the objections. The proposal, TC3, is for the preparation of an Integrated Local Transport Strategy with particular emphasis on the Inner Moray Firth. This includes better public transport facilities, by passes and relief roads, and pedestrian and traffic calming measures. None of these are specific proposals, and arguably cover issues over which there are doubts amongst the objectors as to their effectiveness in the particular local circumstances, although in the case of Fortrose this is considered under issue 30.

23. The recommendation, TC4 is for trunk road improvements that include the addition of crawler lanes on the A9 rising from the Cromarty Firth bridge to the Tore roundabout. Although this would not in itself improve the junction with the B9169 it could reduce some of

the long queues that build up behind heavy lorries, thus increasing the number of gaps in the traffic potentially allowing more frequent turning movements.

24. Recommendation TC6 is for road network improvements. As well as the strategic road network this refers to the improvement of rural distributor roads according to a roads hierarchy, especially where important for the effective functioning of the plan's settlement hierarchy. The only local scheme mentioned in the deposit draft is the upgrading of the A832 between Avoch and Fortrose, which the council says is not an immediate priority.

25. The council has given reasons why it is unable at present to carry out a comprehensive traffic assessment, and says that it will rely on individual junction based assessments in each case. Such assessments may not take fully into account the capacity of connecting roads, and the objectors' concerns could be met at least in part by a greater recognition in the plan for the impact of developments on the local road system.

26. The council proposes the new general supporting policy as set out in paragraph 2 above. As with any policy, its effectiveness will depend on the implementation. The policy makes a clear commitment to developer contributions in respect of relevant transport objectives, but it is unclear as to the extent that these could help address the concerns raised, especially regarding the capacity of the high streets. Other general background policies raise specific issues to be addressed in considering development, and it would be sensible to add a further sentence to the policy, to give a reassurance of the council's intention to address these matters, as follows:

“Particular attention will be paid in assessing new development to the impact on the local road network and its ability to accommodate any increases in traffic volumes.”

27. Drawing these points together, the main policy impact of any changes would apply to chapter 5 rather than chapter 3 that is the main subject of the objections. The council has out forward a general supporting policy that will help address these issues. This, and chapter three, can be strengthened by the modifications I have proposed.

Recommendation

28. I therefore recommend that the following additions be made to the deposit draft local plan:

- (i) the additional sentence set out in paragraph 21 above be added to the end of paragraph 3.23; and
- (ii) the new general purpose policy proposed by the council as set out in paragraph 2 above be approved, subject to the addition of a new final sentence as set out in paragraph 26 above.

2 OBJECTIONS RELATING TO CHAPTER 3: KEY ISSUES PARAGRAPHS 3.27 & 3.28; GENERAL SUPPORT POLICY 5 WASTE MANAGEMENT; CHAPTER 5 GENERAL SUPPORT POLICY 1 – DESIGN AND SUSTAINABLE CONSTRUCTION (WASTE) (Issue 2)

Objector: Scottish Environment Protection Agency (170)
Procedure: Inquiry

Background

1. Paragraphs 3.28 and 3.29 of chapter 3 key issues refer to the Highland Area Waste Plan (HAWP) as establishing a framework for improved waste management practices across the Highlands. It represents Best Practicable Environmental Options (BPEO) for the management of solid municipal waste. It sets out figures for increasing recycling, composting and energy production, and forecasts that landfill will decrease from 98% to 29% over a 20 year period.

2. The Inner Moray Firth area will require a Clean Materials Recycling Facility (MRF) and an EfW Plant (from 2010 onwards), and landfill sites for waste with no further obtainable value. The council is to prepare an implementation plan to inform the delivery of the majority of the infrastructure and provision of waste management services for the next 25 years.

3. General policy GSP1 Design and Sustainable Construction seeks to ensure that development becomes sustainable, and that new buildings are demonstrated to represent good design. It sets out issues for developers to take into account, including aspects of location, layout, landscape and sustainable construction concerns, including efficiency, health, waste minimisation and materials. Further guidance is to be included in the development plan policy guidelines (DPPG).

4. General policy GSP5 says: “Proposals for waste management facilities will be assessed in the context of the policies set out in the Highland Structure Plan and the Local Plan, guided by the Highland Area Waste Plan. Provision will also require to be made for commercial and industrial waste following the closure of the Longman landfill site in Inverness, and these are likely to be provided by the private sector. Any proposals for the transfer or disposal of these wastes will also be the subject of assessment under the criteria set out within the development Plan, as well as the general principles and any emerging guidance within the Highland Area Waste Plan”

Summary of main points raised by the objector

5. Although the objector notes the plan’s reference to proposals for the new Recycling Centre in Dingwall, and other small waste management infrastructure facilities, it does not yet acknowledge the need for provision for large waste infrastructure such as EfW or landfill in accordance with the HAWP. There is a requirement for the local plan, as with others in the Highlands to identify sites (or locations where identification of sites can be demonstrated to be unachievable) for facilities required within the HAWP. This is supported by the findings of the Inverness local plan inquiry.

6. There is a need for urgent action to deliver the HAWP, and the present high reliance on landfilling and negligible recycling are unacceptable. The HAWP and implementation plan (IP) set out implementation dates for each type of facility:

Recycling centres	2005 (IP), 2003-2020 (HAWP)
Recycling points	2004-2006 (IP), 2003-2020 (HAWP)
In-vessel composting plant	2004-2006 (IP), 2003 onwards (HAWP)
Landfill	No date (IP), 2006 (HAWP)
Energy from Waste	2010 (IP), 2010 onwards (HAWP)
Transfer station	2004-2006 (IP), 20003-2020 (HAWP)

None of these are challenged by the council.

7. As landfill can take up to five years to plan and construct, this facility is likely to be four years late. An EfW plant has a similar lead in period without further site selection delays, and may not meet the target. The local plan policies should therefore provide a clear and robust framework for driving the establishment of a network of integrated waste management facilities to contribute to national targets imposed by the European Landfill Directive. The council does not dispute this and the difference between parties appears to be whether it is premature to identify landfill and EfW sites in the local plan.

8. Structure plan policy W5 requires the identification of sites for all waste management facilities other than landfill and EfW. The structure plan provides a framework, but this is not as suitable as identifying sites in the local plan, and the proposed modification needs to be made identifying sites in Alness, Tain, Dingwall and Invergordon. Any suggestion that sites would be too small for identification does not fit with the structure plan, and was not considered to be a problem at the Inverness inquiry, and inset maps are drawn to a scale identifying individual houses.

9. National guidance should also be taken into account, and NPPG 10 states at paragraph 99 that local plans should identify sites consistent with national waste strategy. This is echoed in PAN 63 which, whilst acknowledging the complexity of the issue, says that planning authorities should identify sites to provide a degree of certainty for the community and waste management industry. Paragraph 18 says that general and at times vague, criteria based policies offer no certainty about the outcome of a planning application.

10. The council's principal reason for not identifying sites appears to be a lack of instruction from its waste strategy area group, but this instruction is given in the structure plan and national guidance. There is now sufficient information for sites to be identified, through a report issued by the Office of the Deputy Prime Minister on the factors to be taken into account in determining the siting of waste management facilities, including EfW plants (SEPA 26). Although this was not available for the plan preparation, or the Inverness inquiry, it can be used to identify sites now.

11. Identification should be made in appropriate site specific development allocations of the requirement to provide communal waste recycling/composting facilities in association with new development proposals. The local plan also needs to identify and safeguard existing and committed waste management facilities, where their continued operation does not undermine implementation of the Area Waste Plan. It should identify and safeguard a) a site for in-vessel or in-building composting unless it is confirmed that this is being identified in the Inverness Local Plan and b) a large station for bulking and transferring recyclables unless

it is confirmed that this is being identified in the Inverness Local Plan area for the Inner Moray Firth EfW and Inner Moray Firth landfill.”

12. There is no reason why the Public Private partnership (PPP) and the planning process cannot work in tandem, and the identification of appropriate sites is likely to make the planning permission process smoother and quicker. A planning consultation exercise is also likely to draw potential PPP bidders into the process to have their sites considered. The council also agreed at the inquiry that the identification of sites does not prevent the granting of planning permission for a different site if circumstances change. The Executive’s Strategic Options Review also has a role to play but is essentially a funding exercise and does not abrogate the council’s local planning responsibility. The outcome of the review is likely to be known in early 2006, in time for any identification of waste management sites to be included as a post inquiry modification.

13. The council would deal with this through an alteration to the local plan, but there is no commitment to the timing of this. Given the urgency of the matter it is unacceptable for this matter to be left. Developers and the public should not have to go through the structure plan, implementation plan and local plan to find a solution – this should be provided in the local plan. Dealing with it simply at the planning application stage is unsatisfactory and not the intention of national guidance.

14. Regarding policy GSP1, the objector considers that in the interests of clarity, and given the detail available in the Implementation Plan, the incorporation of space to allow for the separate collection of recyclables, green garden waste and residual waste should be specified for all new domestic dwellings. The Highland Implementation Plan gives an approximate spread of recycling centres for existing communities and this should be applied to proposed housing developments. Although guidance will be contained in the DPPG these are simply guidelines and would be unenforceable, whereas compliance should be a requirement.

15. The original policy GSP5 was inadequate and need to be reworked to comply with national guidance. The importance attached to area and national waste plans was not sufficiently identified. The policy should add: “proposals for waste management facilities must demonstrate conformity with the national and area waste plans”. The council’s proposed modification appears to meet this request.

Summary of the council’s response to the objections

16. The structure plan provides a comprehensive policy basis on waste management, and goes further than give guidance regarding local plan preparation. Policy W5 guides developers of waste management facilities to the types of sites that would, in principle, be suitable and therefore accord with the structure plan, subject to the set down criteria. The fact that the structure plan goes further than some is a factor influencing the content of the local plan.

17. Existing W5 sites are not identified on the proposals maps because they are too small, and individual uses are not normally specified, and on that basis the local plan accords with the structure plan. Structure plan policies W6 and W7 do not require the identification in local plans of landfill or EfW plants, and the reporter to the Inverness inquiry concluded that policy W6 criteria are comprehensive, and that it is desirable to retain a degree of flexibility

for energy plants as they are likely to serve wide areas, possibly outwith the local plan area. Read together, structure plan policies W1 – W7 and G2, and local plan policy GSP5 and its proposals maps provide an adequate and appropriate development plan framework for determining new waste management proposals.

18. At the time of agreeing the deposit draft local plan, the draft Highland Waste Implementation Plan had not been lodged with the Scottish Executive. It has since been lodged and returned with suggested revisions, largely to account for the limited availability of funding to implement proposals in 2004-06. The plan is to be implemented through a PPP, and it would be premature and contrary to this process, and risk blighting land, if the types of waste management proposals covered by it were included in the local plan. Identifying such sites would not give certainty to both the public and the industry, but could prejudice the PPP process and delay adoption of the local plan.

19. The council is currently embarking on a PPP that will provide waste management services for the next 25 years, including significant investment in new infrastructure. The PPP contract covers the areas of Inverness, Nairn, Ross and Cromarty (excluding Ullapool) and Lochaber. This PPP will deliver the majority of the infrastructure for the BPEO for municipal waste, as set out in the HAWP. It is for the private sector to take forward specific sites within this context, taking into account guidance already set out in the structure plan and the HAWP, as well as NPPG 10 and PAN 63.

20. The implementation plan does however provide more certainty about the location of materials recycling facilities and a waste transfer station. More specifically, there are proposals to upgrade existing civic amenity sites in Alness and Tain, to provide a new civic amenity site in Dingwall and a waste transfer station at the Cromarty Firth Industrial Park in Invergordon.

21. As well as mentioning these proposals in the key issues chapter of the plan, appropriate references were made in the relevant settlement statements. However, it is not appropriate for the local plan to identify specific sites for landfill or an EfW plant for a number of reasons. The HAWP sets out the indicative infrastructure required for the delivery of the BPEO for municipal waste in Highland. Until the Implementation Plan in relation to municipal waste, the PPP process and further work on business and industrial waste is complete, the exact nature of these strategic facilities required will not be known.

22. In the case of the Inverness Local Plan PLI the reporter (THC-2/4) concluded that the structure plan does not require the identification of EfW or Landfill sites and to do so within the local plan would create uncertainty. The reporter asserted that policy W6 criteria, which are comprehensive, remain the basis for assessing landfill proposals. Furthermore, she concluded that as information is not yet complete it would be counterproductive to identify a large site presently for EfW.

23. The structure plan already sets out a framework for waste management planning which identifies broad locational criteria against which proposals for all types of facilities will be assessed, and only made a partial commitment to identify waste management sites in local plans. There have however been significant changes in context since the structure plan was prepared, but the criteria remain relevant. The commitment is given in policy W5 which only covers the smaller waste management facilities. No such commitment is given within policies W6 & W7, which cover landfill and EfW proposals. However, the criteria within policies

W5, W6 and W7 give a reasonable indication of where facilities may be acceptable, for example within or close to industrial allocations in the local plan. It is not therefore felt necessary to additionally include this detail within the local plan. The guidance as set out in PAN 63, which represents a more up to date position than that set out in NPPG 10, is being met through this approach.

24. Reference is already made in the local plan to draw attention for appropriate consideration in layouts. The last part of policy GSP1 indicates that the council will prepare policy guidance on design and sustainable construction that will be contained in supplementary DPPG. The detailed aspects of design for waste management facilities in new developments will be set out within such a guideline. Draft guidance will be the subject of widespread consultation, which will include discussions with SEPA. In the meantime it would not be appropriate to expand the local plan policy further on this issue.

25. In the case of the Inverness Local Plan PLI, the reporter recommended inclusion of further wording to state that in the absence of facilities and in consistency with Developers Contribution Policy, developers will be expected to include household waste recycling facilities equivalent to one point per 500 houses. However, it was concluded that any further details should be contained within the DPPG and not the local plan.

26. A Strategic Options Review, to have been completed by 31st January 2005, was initiated by the Scottish Executive in the autumn of 2004 involving the Highland, Moray, Aberdeenshire and Aberdeen City councils. The review is to provide a business case to the Executive, including details of sites which are either in the councils' possession or could be brought into it, which details how residual waste will be treated and how bio-waste will be composted to help achieve Scotland's requirements under the Landfill Directive. The review group includes planners from each authority who will in due course identify likely sites. It would therefore be premature to attempt to either identify or guess at how many sites might be required between the four partnering authorities.

27. The council wishes for the outcome of this issue on waste management with the objector to be productive rather than negative in light of the Strategic Options Review. Subsequently as a result of this review, the council may have to agree to an early alteration to the local plan in respect of this issue.

28. In response to the objections to the deposit draft on this issue the council proposes modifications:

In Chapter 3: Key Issues, paragraph 3.29 with regard to the Highland Implementation Plan (IP), ADD that the council was awaiting: *“approval by the Scottish Executive”*; and, to highlight current proposals within the Local Plan area: *“In the Local Plan area there are proposals to upgrade existing civic amenity sites at Alness and Tain, as well as provide a new civic amenity site at Dingwall and a new waste transfer station at Invergordon.”*

GSP1 – Design and Sustainable Construction, bullet point 4 (c):

DELETE *“waste minimisation, including design for re-use and recyclability (including separation/ collection of household, commercial or industrial waste)”* and

INSERT *“waste minimisation, including avoidance of waste and re-use and recycling of waste during the demolition and construction phases, design for re-use and recyclability (including the separation/ collection of household, commercial or industrial waste)”*.

29. The council agrees that proposals should conform to National and Area Waste Plans, but says there are other planning considerations and policies set out in the structure and local plans which any development proposals will be assessed in relation to. For example, the siting of development in an area designated for as highly sensitive for scenic or nature conservation importance should generally be avoided. A Modification is therefore proposed to GSP5 – Waste Management to identify the need for proposals for waste management facilities to demonstrate conformity with National as well as Area Waste Plans. In the first sentence, after ‘local’ ADD: “*and must demonstrate conformity with National and Area Waste Plans*”.

30. A potential further modification should also be considered as recommended for policy GP5 of the Inverness Local Plan as follows, but adapted to suit the Ross and Cromarty East Local Plan:

“(2) To assist the delivery of the Area Waste Plan, this local plan identifies the sites for sorting, processing (except EfW) and transfer of Municipal Solid Waste that are required to implement the Area Waste Plan, and these will be safeguarded for this purpose. Proposals for other waste management facilities, including for commercial and industrial waste, will be assessed against policies in the Structure Plan, and in this local plan, guided by the Area Waste Plan.

Unless facilities already exist or are to be made available by other means, and where consistent with Policy GP--, proposals for new housing developments, will be expected to include household waste recycling facilities designed to achieve a level of provision equivalent to one recycling point/per 500 houses. Further guidance will be contained in the Development Plan Policy Guideline or protocol to be prepared in the context of Policy GP--*.*

** i.e. the policy relating to developer contributions.*

(3) the sites safeguarded under Policy GP5 are identified in the relevant settlement chapters, and Inset Proposals Maps.

(4) if recommendation (2) is not accepted, the Council should promote an Alteration to the plan, as soon as practicable following adoption, identifying the sites required to conform to HSP Policy W5.”

31. The council asks for support for the modifications set out in paragraphs 28, 29, and 30 above.

Conclusions

32. These issues, objections and responses relate very closely to those considered in relation to policy GP5 at the Inverness local plan inquiry. These are considered fully in the report of that inquiry and presented to this inquiry as the council’s production THC 2/3. There is nothing to be gained in repeating those comments and findings, with which I concur, and this report should be read along side the Inverness one.

33. Having said that there are some points that should be emphasised, particularly as at the end of the Ross & Cromarty inquiry session there seemed to be little between the two parties, with the council agreeing to the identification in the plan of waste management facilities at

Alness, Tain, Dingwall and Invergordon. This is also in line with the conclusion of the Inverness inquiry, as well as being in line with structure plan policy W5.

34. The key structure plan policies of relevance are W5, W6, and W7. The latter two relate to landfill and energy recovery, and in so far as neither of them states that specific provision should be made for sites in the local plan, I do not consider there to be a conformity issue between the two plans.

35. Policy W5 does however state quite clearly that: “Sites for the facilities necessary for the sorting, processing, and transfer of household, commercial and industrial wastes, as part of the overall waste disposal network, will be identified in local plans. Proposals must meet the following criteria.....”

36. Although the council has argued that the local plan does not require any further detail than that provided in the three structure plan policies, this is avoiding the specific content of policy W5, which is quite clear about the identification of sites in the local plan. The fact that the structure plan may be in more detail than others elsewhere, including some detail on criteria that might normally be expected in local plans, does not avoid a responsibility to translate the policy correctly. The council’s modification set out in paragraph 28 above, to chapter 3 paragraph 3.29 does just that, subject to the identification of the four sites in the individual settlement chapters and inset plans.

37. I also agree particularly with the Inverness reporter in her statement that, in the council’s wishing to avoid prejudicing the PPP process, “it cannot reasonably abrogate the forward planning duty with which it is statutorily charged. It is therefore to be hoped that the inclusion of the four facilities will avoid the need for a further alteration, given that there is no requirement to include the landfill or energy sites in the plan, even though this would appear desirable if possible.

38. These points are effectively brought together in the council’s acceptance of the modification to the Inverness policy GP5, which requires only minor modification to conform to this local plan. I note that part of the modification includes a reference to local recycling provision, with further guidance contained in the DPPG. Although this has been produced for this inquiry (CD 6), it is not yet complete, with the design and sustainable construction section still to be added, although it may be more appropriate to include the reference within residential standards.

39. The objector was also concerned about other aspects of policies GSP1 and GSP5, but these have been dealt with by the proposed modifications in paragraphs 28 and 29 above.

40. Drawing all these points together, and taking into account all the discussion and points raised at the inquiry, I am satisfied that the modifications proposed by the council, including minor adaptations to the Inverness proposal, meet the requirements of the objector so far as the approval of the local plan is concerned. Apart from this it is clear that there are issues to be addressed about the wider planning process for waste management, but these need not be of further concern here.

Recommendation

41. I therefore recommend that the following changes be made to the deposit draft local plan:

(i) chapter 3: Key Issues, paragraph 3.29 with regard to the Highland Implementation Plan (IP), ADD that the council was awaiting: “*approval by the Scottish Executive*”;
ADD a new last sentence: “*In the Local Plan area there are proposals to upgrade existing civic amenity sites at Alness and Tain, as well as provide a new civic amenity site at Dingwall and a new waste transfer station at Invergordon.*”

(ii) policy GSP1 – Design and Sustainable Construction, bullet point 4 (c):
DELETE “waste minimisation, including design for re-use and recyclability (including separation/ collection of household, commercial or industrial waste)” and INSERT: “*waste minimisation, including avoidance of waste and re-use and recycling of waste during the demolition and construction phases, design for re-use and recyclability (including the separation/ collection of household, commercial or industrial waste)*”.

(iii) policy GSP5 – DELETE the whole policy and INSERT:
“*(1) Proposals for waste management facilities will be assessed in the context of the policies set out in the Highland Structure Plan and the Local Plan and must demonstrate conformity with National and Area Waste Plans. Provision will also require to be made for commercial and industrial waste following the closure of the Longman landfill site in Inverness, and these are likely to be provided by the private sector. Any proposals for the transfer or disposal of these wastes will also be the subject of assessment under the criteria set out within the development Plan, as well as the general principles and any emerging guidance within the Highland Area Waste Plan*”

“*(2) To assist the delivery of the Area Waste Plan, this local plan identifies the sites for sorting, processing (except EfW) and transfer of Municipal Solid Waste that are required to implement the Area Waste Plan, and these will be safeguarded for this purpose. Proposals for other waste management facilities, including for commercial and industrial waste, will be assessed against policies in the Structure Plan, and in this local plan, guided by the Area Waste Plan.*”

Unless facilities already exist or are to be made available by other means, and where consistent with Policy GP--, proposals for new housing developments, will be expected to include household waste recycling facilities designed to achieve a level of provision equivalent to one recycling point/per 500 houses. Further guidance will be contained in the Development Plan Policy Guideline or protocol to be prepared in the context of Policy GSP1.*

** i.e. the policy relating to developer contributions.*

(3) the sites safeguarded under Policy GSP5 are identified in the relevant settlement chapters, and Inset Proposals Maps.

(4) if recommendation (2) is not accepted, the Council should promote an Alteration to the plan, as soon as practicable following adoption, identifying the sites required to conform to Highland Structure Plan Policy W5.”

3 OBJECTIONS RELATING TO CHAPTER 4: STRATEGY - HOUSING

Objector: R A Lee (212)
Procedure: Written submissions

Background

1. Chapter 3 includes as key issues the impact of the expansion of Inverness and the need to identify sites for some 4,156 houses by 2017. There is pressure on the Black Isle communities for housing development that would provide homes for people commuting to the Inverness area. These issues are addressed in chapter 4 as part of the plan's strategy.

Summary of main points raised by the objector

2. The objector sets the question that there are two underlying planning policies, creating a commuter belt in the southern Black Isle and suppressing the rural economy by an overly strict interpretation of housing in the countryside policy. The primary role of Fortrose and Avoch as commuter settlements for Inverness has been accepted by the council without evidence from the local population. Inverness prospers because of planning regulation, so that other areas decline or become dormitory settlements that are empty during the day and bear no relationship to traditional villages. This is because the housing in the countryside policy is applied inflexibly, with too high a level of viability required for the test for rural housing occupational need. The same viability assessments are not required for, say, advance factories.

3. There are many rural houses where businesses are run that are not full time, or viable in that sense, and would not take place in suburban estates. These support the rural economy, but this is threatened by an overly strict interpretation of the rural housing policy. The local plan should state that the intention to undertake rural economic activity is sufficient reason to justify housing in the countryside.

4. The objector also raises issues relating to land at Mount Pleasant, which is dealt with under chapter 6 landward policies.

Summary of the council's response to the objections

5. National guidance is given in SPP 3 and (now) SPP 15. The resulting council policies are set out in structure plan policy H3 and the supplementary DPPG 1. National policy is founded on promoting development in existing settlements, avoiding coalescence and isolated development. Employment requirements or the need for support of more remote areas allow some relaxation of this general policy.

6. Close to large towns policy is concerned with managing development pressure, but in remoter areas the concern is allowing growing communities to expand and sustain fragile and sometimes dispersed communities. Policy is therefore more flexible in the remoter parts of the plan area, and circumstances are set out that allow well designed and located development that does not affect agriculture or conservation interests, can be serviced, and merged into the countryside.

7. The focus on existing settlements allows for the more efficient provision of services. There should be a presumption against new development that adds to car commuting, and support for that which reinforces the viability of public transport links, such as the Fortrose/Avoch bus service, making outline communities more sustainable and less dormitory like. Local objections to allocating business land, such as at Munloch, and the desire for larger businesses to be in Inverness, hamper this objective.

8. The broad local plan strategy focuses development on the A9 corridor, and growth of Avoch and Fortrose is due more to market forces than council policies. The private housing market does not determine where people work and this can only be achieved through public sector letting policies. Many local communities provide homes for retired people who benefit from the services provided, and are not just suburban dormitories. Housing in the countryside can cumulatively undermine the character of rural areas and increase house prices, to the detriment of local people, and the need for dispersed servicing is contrary to moves towards sustainability.

9. In the hinterland areas past development pressures have resulted in a sporadic pattern of housing in the countryside, with the cumulative effects undermining the role of smaller settlements, as well as damaging the character of the area. Settlements where development can take place are identified in the local plan, but there is no provision for new groups of houses, except at structure plan level in large communities of 500 – 1,000 houses in areas such as the A96 corridor east of Inverness, outwith the local plan area. The policy proposed by the objector has drawn strong opposition from most planning authorities, including the council. The idea of supporting policies for those seeking top of the range houses and assist people wanting to live in commuter areas does not equate with social justice. A policy that allows a house supporting an untried business proposition is open to abuse, and many spurious proposals are put to councils to try and justify houses in the countryside. There is not a problem with a well established business. Also, within the spirit of national and council policies it is possible to establish small clusters or groups of dwellings on the site of non-traditional buildings, without a land management or business reason.

Conclusions

10. The council has given an extensive defence of its policies of which the summary is only a précis. I accept the general points made, and these need no further repetition. The objector is effectively saying that the commuter belt problem would be resolved by allowing more housing in the countryside. The issue for this inquiry is whether the plan should include the policy statement proposed by the objector allowing housing in the countryside on the basis of a potential developer saying that there is an intention to undertake rural economic activity.

11. The council has referred to the many spurious proposals that are put forward to try and justify houses in the countryside. If a simple statement, such as that called for by the objector, was all that was required to gain planning permission for houses in the countryside, the Black Isle would almost certainly be filled with isolated houses occupied by those having no intention of carrying out any economic activity. Whilst such a policy may well benefit individual land owners, and no doubt fuel a speculative market spree, it would be of little benefit to the local communities or help local people trying to purchase reasonably priced properties.

12. Apart from this, the overall development framework for the Highlands is set down in the structure plan. Section 11.(5)(b) of the Town and Country Planning (Scotland) Act 1997 states that the planning authority “shall secure that the local plan conforms generally to the structure plan, as it stands for the time being, whether or not it has been approved by the Scottish Ministers.” In my view it was not the intention of the structure plan that policy H3 regarding housing in the countryside should be weakened in the manner proposed. Its acceptance would therefore be contrary to the structure plan and there is no justification for amending the deposit draft.

Recommendation

13. I therefore recommend that no changes be made to the deposit draft local plan as a result of this objection.

4 OBJECTIONS RELATING TO CHAPTER 4: STRATEGY – RURAL DEVELOPMENT AREA

Objectors: J Lowe (52); S Barrowcliffe (59); S Barrow & C H Richard (71); J Hill (141); S Hill (151); J Robertson (154)

Procedure: Written submissions

Background

1. The area west of Ardross, including Strath Rusdale, and the Lealty/Boath area are designated in the deposit draft as a rural development area. These are generally characterised as remoter areas where population is thinly spread and may be in decline, possibly exacerbated by a loss of local services. Note that this is related to issue 8 Ardross, dealt with on page 67.

Summary of main points raised by objectors

2. This is not a fragile area, but is under intense pressure for commuter development. The population is increasing and there is a shortage of capacity at the local school. The clusters of development around existing housing in the area, such as Dublin or Ardross crossroads, will be perfectly adequate to meet local demand. The council has previously stated that there would be no further developments in the glen and should listen to local views. The infrastructure of the rural environment, including water supply, waste water treatment, and roads, is not suited to more development and the rural environment should be respected. The present community has a healthy balance.

Summary of the council's response to the objections

3. After considering the area further the council accepts that it is more in accord with the heritage/natural zone than rural development. The population has been maintained in recent years and this can be continued through opportunities within the small settlements and associated groups of housing. The area also has a road network with limited development potential. Development opportunities in the heritage/natural zone should respect the more dispersed settlement pattern and are subject to adequate services being available or provided. The following amendment is therefore proposed:

DELETE all references to Ardross and Strath Rusdale from the Rural development Area, including the Spatial elements of the Strategy Map;

In paragraph 4.9 DELETE “and Strath Rusdale”;

DELETE all of paragraph 4.12 and renumber the following paragraphs accordingly; and

move the Strath Rusdale, Lealty/Boath and Loanreoch/Strathy areas into the Heritage/Natural Zone.

Conclusions

4. The council has effectively accepted the points made by the objectors, and proposed a modification to the plan taking them into account. In the circumstances this is a sensible proposal and the objections could have been conditionally withdrawn.

Recommendation

5. I therefore recommend that the council's proposed modification to the deposit draft set out in paragraph 3 above be approved.

5 OBJECTIONS RELATING TO CHAPTER 4: STRATEGY – HINTERLAND PARAGRAPH 4.16

Objector: J M Edmondson (45)
Procedure: Written submissions

Background

1. Chapter 4 paragraph 4.3 (iii) defines the hinterland as the area around Inverness and the main work centres in the development corridor, which extends as far as Tain. Paragraph 4.16 notes that it is an area of extensive commuting where pressures for development in the countryside are strongest.

Summary of main points raised by objectors

2. As Ardross is only four miles from Alness, and closer to Inverness than Tain, it should be protected from development pressures. The hinterland boundary includes Ardross, but nearby is the designated rural development area. It cannot be the intention that those living within the latter give up commuting whereas those in Ardross are able to commute. This would be nonsense in this day and age.

Summary of the council's response to the objections

3. The hinterland boundary reflects areas of greatest pressure around the larger settlements in the Highlands. Beyond the boundary there is believed to be some capacity for rural housing development with subsequent benefit to the local community. The area west of Ardross is proposed as a modification, removing the development area status and incorporating it within the heritage/natural zone.

4. Rural employment has been in decline for many years following changes in farming practices. The local plan supports the development of new employment opportunities that use the resources of the area in a sustainable manner. Diversification is encouraged. The reduction in rural employment has undoubtedly led to an increase in commuting, and the encouragement of rural employment opportunities is designed to reduce this. The council recommends no change to the deposit draft.

Conclusions

5. The rural development area west of Ardross is subject to other objections and is considered on page 18. Following these the council recommended that the designation should be changed to heritage/natural in recognition of the relative unsuitability of the area to accommodate significant additional amounts of development. This would appear to answer part of the objection.

6. The designation hinterland is in fact a protective designation, which seems to be what the objector is seeking for Ardross. There is a basic presumption against housing development, with proposals subject to structure plan policy H3 that requires a land use justification for such housing. Otherwise any new houses would be limited to designated

settlements and smaller communities that are identified within the local plan. In the Ardross area this includes land at the cross roads, around the school, at Ardross Mains steading, Cuillich, and Dublin, although these are also covered by other objections and subject to further recommendations.

7. Apart from this the hinterland area gives the highest general protection from development other than areas covered by national or international conservation designations. This would appear to fulfil the aims of the objector, and I see no justification for a change to the plan as a result of this objection.

Recommendation

8. Accordingly I recommend that no change be made to the deposit draft local plan as a result of this objection.

6 OBJECTIONS RELATING TO CHAPTER 5: - THE REQUIREMENT FOR A GENERAL RETAIL POLICY AND RELATED MATTERS (Issue 6)

Objectors: C G Properties (69); Lidl UK GmbH (168)
Procedures: Written submissions

Background

1. Chapter 2.3 of the structure plan deals with retailing, and sets out seven policies, R1 to R7, that provide for all aspects of retail trade. These cover:
 - R1 shopping hierarchy;
 - R2 everyday shopping needs;
 - R3 rural shop support fund;
 - R4 major foodstores;
 - R5 town centre shopping;
 - R6 comparison shopping; and
 - R7 shopping facilities in the countryside.
2. The chapter recognises the policy guidance set out in NPPG 8, particularly relating to the assessment of major development over 2,500m². The policies pay due regard to the importance of supporting the vitality and viability of local services.

Summary of main points raised by objectors

3. The first objector makes a general comment regarding the legibility of the proposals maps, and suggests that they would be more user maps with the addition of colour, shading or hatching.
4. Paragraphs 66 to 68 of National Planning Policy Guideline 8 Town centres and Retailing refer to shops in small towns and rural areas. Paragraph 66 says that: “planning policies should be supportive of local facilities in small towns and villages which provide an effective and valuable service to the local community.” Paragraph 67 relates to the services provided by existing foodstores and supermarkets. Paragraph 45 sets out criteria for assessing developments that are not consistent with the development plan, including the sequential approach to site selection, satisfying current deficiencies, accessibility, design, amenity and environmental impacts, and other policy compatibility.
5. The structure plan emphasises the importance of shopping facilities and the need for policies to ensure a pattern of provision convenient for all sectors of the community. Section 2.3.4 requires developments over 2,500m² to be supported by information in line with the requirements of policy G3 and guidance in NPPG 8.
6. Chapters 8, Alness, and 14 Dingwall, should be expanded to include NPPG 8 guidance. This could be done either by adding a general retail policy in chapter 5, general policies, or expanding the policy C section in each case to reflect the national guidance. In both cases the proposals maps should define the exact town centre boundaries, failing which paragraph 45 of NPPG 8 cannot be applied. In the case of Alness stores, at Obsdale Road and

Coulhill Locality Centre should be identified for retail use or included within the town or local centres respectively.

7. The second objector is a discount supermarket developer and operator. These form a clear sector within convenience retailing, having distinct characteristics distinguishing them from other types of supermarket or convenience retail operations. The reference to 'discount' refers to the pricing strategy adopted within the store, which does not compromise the quality of the goods offered. This type of discount operation can result in substantial benefits for the communities in which they are located by virtue of the provision of quality goods at low prices thereby increasing competition and choice for communities - especially those located in the more rural parts of Scotland. Detailed background information is provided on the range of goods, pricing structure, store operation, store size and turnover and the market area to be served.

8. Further investment for new discount supermarkets to serve local communities throughout the Highlands is being considered, in particular on sites located in Alness and Dingwall. (NOTE – specific objections on these were withdrawn following subsequent development).

9. Although there are some references to retail proposals in the draft local plan, it does not provide a coherent basis for assessing retail developments in accordance with both the approved structure plan and NPPG 8, wherever they are proposed to be located. On this basis the second objector proposes that a policy should be inserted setting out principles for all forms of retailing including:

- support for proposals for all forms of retail development in defined town centres subject to their not adversely affecting the vitality or viability of other defined town centres within the local plan area, in line with structure plan policy R1 Shopping Hierarchy;
- support for proposals for retail development in locations where they are part of regeneration/development proposals contained within the development plan, provided that these do not undermine the vitality or vitality of existing town centres, in line with structure plan policies R4 'Major Food Stores' and R6 'Comparison Shopping';
- satisfying the sequential approach for all retail locations, in line with paragraphs 12-16 of NPPG 8; and
- retail floorspace not located on sites within or on the edge of existing centres, or on sites identified in the local plan would be granted planning permission subject to compliance with sub-paragraphs (a)-(k) of paragraph 45 of NPPG 8.

10. This approach is adopted by nearly all planning authorities in Scotland as providing a consistent basis for determining planning applications on sites not allocated for retail development. It would also provide developers, retailers and the public a clear basis for understanding the principles that would be applied to determine whether or not a retail proposal was acceptable in terms of the local plan.

Summary of the council's response to the objections

11. Regarding the first objector's comments on the maps, the council now has in-house colour printing facilities, and in future development allocations will be highlighted in colour on inset maps, together with other features such as town centre boundaries.

12. In relation to NPPG 8 the issues raised are covered in the structure plan. The council acknowledges however that in relation to chapters 8 Alness, 14 Dingwall, 22 Invergordon, and 33 Tain, the towns in the area, a new paragraph 3 should be INSERTED, in the Dingwall case after the DELETION of the reference to the now completed Tesco store, as follows:

“Proposals for retail development should satisfy the sequential approach. That is, in the absence of town centre sites, consideration should be given to edge of centre sites, and, in the absence of either town centre or edge of centre sites consideration should be given to out of centre sites which are easily accessible to a choice of means of transport and located within the defined settlement boundary. [R1, 2, 4 - 7, G2 & 3]”

13. Regarding the specific shops referred to in Alness, the council refers in paragraph 11 above to the use of colour in maps, and this will clearly show the Obsdale Road shop as within the town centre. In the case of Coulhill locality centre the current use should be identified and a policy added to ensure that this is not compromised. The deposit draft should be modified by the INSERTION of policy: *“Special Uses, 23. The council will seek to maintain the existing retail use at the Coulhill Locality Centre.”* The map should be modified with the INSERTION of “S23” over the site.

14. Chapter 2 paragraph 2.3 of the deposit draft local plan states: *“Taken together, the Structure and Local Plans comprise the Development Plan for the area and the policies of both documents apply when considering development proposals.”* In addition, the Scottish Executive, through the consultation document, ‘Making Development Plans Deliver’, seeks the preparation of more concise plans. Against this background the policy suggested is not appropriate. The content is covered in structure plan retailing policies. It is also too long and more likely to apply to only the communities of Dingwall, Alness, Invergordon, and Tain, which are already significant shopping centres in the context of the local plan area.

15. The only aspect that perhaps needs to be highlighted, particularly for these communities, is the sequential test. The council therefore proposes that the sentence referred to in the preceding paragraph, regarding the development plan, be highlighted in bold, in addition to the modification already proposed in paragraph 12 above, in response to the first objector, being added to the chapters on Alness, Dingwall, Invergordon and Tain respectively.

16. The criteria in the structure plan against which retail development proposals are assessed are quite comprehensive. The local plan applies the provisions of the structure plan and translates its policies into more detailed land allocations. The council says there is no need to repeat the policies of the structure plan in the written statement of each local plan. The inclusion of the policy suggested by the objector would lengthen the plan, contrary to the principles of emerging Scottish Executive guidance seeking shorter more focused development plans.

17. The council therefore asks for support for the provisions of the deposit draft local plan with the proposed modifications set out in paragraphs 12 – 15 above.

Conclusions

18. With regard to the first objector, all the points raised have effectively been accepted by the council, and responses proposed either in the form of added policies for Alness, Dingwall, Invergordon, and Tain, and by modifications to maps and the introduction of more colour printing. The objector has not responded to these proposals, and as no evidence has been

provided to suggest that they should not be taken forward, I accept the council's modifications.

19. Although related to the points raised by the first objector, the second objector emphasises the need, in its view, for a central policy on retailing. The council in turn emphasises that the structure and local plan are to be read together as the development plan, and points out that the policy the objector wishes to see in the local plan is effectively taken account of in the structure plan retail section.

20. The bullet pointed policy requirements proposed in paragraph 9 above by the second objector themselves make reference to the relevant structure plan policies, or to NPPG 8, which need not necessarily have every detail repeated in the development plan. Whilst there may well be other planning authorities that would have more general references in the structure plan, leaving it to local plans to provide more detail, I have not been provided with any evidence to say that the Highland council approach is wrong. As the structure plan has been approved by Scottish Ministers it is implicit that the approach taken is satisfactory within the overall planning framework.

21. I am therefore satisfied that the policy guidance sought by the objector in the local plan is already contained within the structure plan, and is therefore statutorily part of the development plan. Consequently I see no need to modify the deposit draft other than to recommend the modifications proposed by the council as set out in paragraphs 12 – 15 above.

Recommendation

22. Accordingly I recommend that:

- (i) in chapter 2 paragraph 2.3 of the deposit draft local plan highlight in bold: ***“Taken together, the Structure and Local Plans comprise the Development Plan for the area and the policies of both documents apply when considering development proposals.”***;
- (ii) in chapters 8 Alness, 14 Dingwall, 22 Invergordon, and 33 Tain, a new paragraph 3 should be INSERTED, in the Dingwall case after the DELETION of the reference to the now completed Tesco store, as follows: *“Proposals for retail development should satisfy the sequential approach. That is, in the absence of town centre sites, consideration should be given to edge of centre sites, and, in the absence of either town centre or edge of centre sites consideration should be given to out of centre sites which are easily accessible to a choice of means of transport and located within the defined settlement boundary. [R1, 2, 4 - 7, G2 & 3]”*;
- (iii) in chapter 8 Alness INSERT policy: *“Special Uses, 23. The council will seek to maintain the existing retail use at the Coulhill Locality Centre.”* The map should be modified with the INSERTION of “S23”; and
- (iv) on the analysis, proposals, and inset maps, colour, hatching, shading or a combination of these should be used, where not already done so, to highlight features and clarify the maps.

7 OBJECTIONS RELATING TO CHAPTER 5: GENERAL POLICIES - TELECOMMUNICATIONS

Objectors: British Telecom plc (166); Mobile Operators Association (214)
Procedure: Written submissions

Background

1. Specific policies and recommendations on telecommunications are set out in the Highland structure plan as follows:

Policy U4 Telecommunications – The council will give favourable consideration to proposals for the erection of radio masts and other telecommunications structures provided that there is compliance with strategic policy G2 and that:

- Existing masts or other structures cannot be shared;
- Existing services are not interfered with;
- There is no discernible risk to public health;
- The operator is licensed (except in domestic circumstances);
- The proposals form part of a network (except in domestic circumstances); and
- Redundant masts and equipment are removed (without prejudice to their possible re-use elsewhere).

Policy U5 Telecommunications and Council property – New installations of microwave telecommunications equipment on and within the curtilage of the Council’s own “sensitive” properties, including schools, colleges, residential establishments and offices, will not be permitted.

Recommendation U6 Telecommunications and electro-magnetic fields – The Council recommends to the Government that precautionary guidance should be issued which would address concerns regarding the siting of microwave telecommunications equipment on or near to sensitive locations of public occupancy.

Recommendation U7 telecommunications and planning requirements - The Council recommends to the Government that permitted development rights in respect of significant free-standing telecommunications masts and their associated infrastructure should be withdrawn.

2. Strategic policy G2 sets out 13 criteria against which developments will be judged. The most relevant to the objection are:

- Making use of brownfield sites;
- Impact on individual and community residential amenity;
- Sensitive siting; and
- Contribution to the economic well being of the community.

3. Accordingly the local plan does not make specific provision for telecommunications installations, and proposals are dealt with as for other forms of development, by reference to general background and strategic policies or to specific references on inset plans.

Main points raised by the objectors

4. The objectors recommend that a telecommunications policy be included within the local plan to provide a comprehensive framework and facilitate economic growth. A positive policy would permit development and define parameters, ensuring that the opportunity to develop such infrastructure is not lost. This would be in line with NPPG 19 guidance which states (paragraph 56), that: “Radio telecommunications development is unlikely to raise any strategic locational or land use issues which must be addressed in structure plans. If a planning authority wishes to take a different approach they should outline how it differs from this guidance and justify their approach.” Paragraph 58 states that: “Local plans should specify development control criteria for radio telecommunications development, including siting and design matters, consistent with this NPPG.

5. NPPG 19 guidance also says (paragraphs 53 and 54) that providing the necessary safety declarations are made in accordance with appropriate ICNIRP guidelines, public health is a Government responsibility, not local authorities. The guidance states: “...it is not necessary for planning authorities to treat RF transmissions as a material consideration. To demonstrate to planning authorities that the known health effects have been properly addressed, applications for planning permission involving antennas must be accompanied by a declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines for public exposure to radiofrequency radiation.”

6. A policy is proposed along the following lines by the first objector:

‘The council will only approve telecommunications development where:

- The siting and design of the equipment is in accordance with PAN 62 Radio Telecommunications;
- There are no satisfactory alternative sites;
- Appropriate landscaping and screening works are incorporated where necessary;
- There are no significant adverse affects on the natural and built heritage; and
- The application is accompanied by a declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines for public exposure to radiofrequency radiation.’

The application of the above criteria will take into account technical and operational criteria.’

7. A similar policy is proposed by the second objector which also adds a suggested supporting text regarding the Scottish executive’s policy of enabling the telecommunications industry to expand and diversify in a sensitive manner.

8. The first objector also seeks an established utility sites policy.

Summary of the council’s response to the objections

9. The council emphasises the large number of local plans in the Highlands and that the structure plan covers the general provisions in relation to telecommunications, mainly through policies/recommendations U4 to U7. These must be read in association with general strategic policy G2, design for sustainability, including development control criteria. These have been upheld by reporters on successive local plans. The local plan contains background (BP1-4)

and settlement (S1-7) policies that seek in principle to promote development consistent with the existing pattern of uses and activities. These are refined by further site specific provisions and convey where the council will support or oppose development. The suitability of individual utility sites can therefore be considered for other uses if declared redundant. The provisions sought by the objectors are not exclusive to utility properties and could be sought by any specialist interest. It would not serve the council's or the plan's interest to accept the proposed modification.

Conclusions

10. The principal issue in this case is whether the objectors' clear requirements as utility providers are properly provided for by the development plan. The priority in this regard is the provision of sites for telecommunications masts, for which the main focus is the mobile telephone network. The first objector is also concerned about the re-use or redevelopment of redundant sites, many of which are former telephone exchanges. Operators need to be able to find out from the plan where they are likely to be able to site their equipment and what conditions they are likely to have to meet to gain planning permission.

11. Under normal circumstances the structure plan would set out a strategic planning framework and leave it to local plans to provide a development control framework, as envisaged in SPP 1 paragraphs 32 and 37 (CD10). In this case the structure plan was approved by Scottish Ministers in 2001 and is thus well established. In approving the plan Ministers stated that it could have been briefer, in line with their stated wishes (CD1), but whether or not this would extend to the removal of development control policies is speculation.

12. As matters stand, however, structure plan policy U4, read with strategic policy G2, presumes in favour of telecommunications development, except in circumstances that are clearly set out, and gives the criteria that will be used in the assessment of any specific development proposals. This would also apply to any re-use or redevelopment of equipment or buildings that are no longer required by the utility provider. In this respect the policies are applicable to any person or body wishing to carry out development, and in these circumstances, although the development plan is not entirely conventional, I see no gain in effectively repeating policies that are already well established, simply by giving them a different name applicable to one type of developer only. Matters relating to public health and safety are dealt with adequately in NPPG 19.

Recommendation

13. Accordingly, I recommend that no change be made to the deposit draft as a result of these objections.

8 OBJECTIONS RELATING TO CHAPTER 5 BACKGROUND POLICIES BP2, 3, & 4 AND THE APPROACH TO NATIONAL SCENIC AREAS AND SITES ON THE INVENTORY OF GARDENS AND DESIGNED LANDSCAPES (Issue 85)

Objector: Scottish Natural Heritage (197)
Procedure: Written submissions

Background

1. Chapter five sets out general policies that are intended to guide land use change in principle. Background policies B1 to B4 cover the whole of the plan area, and are marked on the proposals and inset maps. They indicate the degrees of protection from development that will be given to a specific area, with B1 favouring development, and B4 presuming against it. Appendix 1 sets out the criteria that are used to designate land in each of the background policy areas. National Scenic Areas and the Inventory of Gardens and Designed Landscapes are included in the list of criteria for the designation of land as subject to policy BP2.

Summary of main points raised by the objector

2. The objector states that the approach taken by the deposit draft local plan of setting the policy background for the majority of the area, outwith settlements, via a general policies approach is confusing and could be misleading. This could result in one policy being applied to an area where more than one sensitivity or issue exists; conflicting or incompatible policies applying to one issue or area; and the degree of protection for some interests being contrary to national planning guidance and structure plan policies.

3. The amendment of background policies B3 and B4 is recommended to more accurately reflect national policy, the structure plan, and the hierarchy of protection afforded to the natural heritage interests. Specifically this would be:

- BP3 – “Development which affects the interests which make up BP3 (as detailed in the appendix to this policy) will only be permitted where it is demonstrated that this interest will not be compromised, or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits of national importance”; and
- BP4 – “Development which affects the interests which make up BP4 (as detailed in the appendix to this policy) will be refused unless for reasons of over-riding public interest, including those of a social and economic nature and where there are no alternatives. In addition to this, developments within this policy area which adversely affect a priority habitat or species (as defined in Article 1 of the habitats directive) will be refused unless it is required in the interests of public health or safety.”

4. The policy protection given to National Scenic Areas should more accurately reflect national policy, the structure plan and the hierarchy of protection afforded to the natural heritage interests. The deposit draft presumes in favour of developments in national scenic areas, contrary to paragraph 25 of National Planning Policy Guideline 14 which states that development will only be permitted when the interests of the designation will not be

compromised, unless the adverse effects are clearly outweighed by social or economic benefits of national importance. NSAs appear to have less significance than other designations of national interest as it is only given protection by BP2, rather than the BP3 or BP4 of the other categories. Sites on the inventory of Gardens and designed landscapes should also be included in the criteria for BP3. This issue was also raised in response to the Inverness Local Plan.

Summary of the council's response to the objections

5. The council notes that the Scottish Executive's consultation paper 'Making Development Plans Deliver' (THC-61/62/63/85/2) published in April 2004 highlights the need for shorter, more focused local plans. Paragraph 33 states that: "Policies should be limited to what is required to deliver the plan's aims and support decision making. Many detailed development control policies can be provided in supplementary planning guidance. As a further step in reducing unnecessary duplication and increasing harmonisation of plans, the idea of model policies was proposed and broadly welcomed in the responses to the Review of Strategic Planning consultation."

6. The council says it is attempting to "reduce unnecessary duplication", and is running one of the two pilot local plans for the Executive. The pilot Wester Ross Local Plan contains only three general policies (on settlement development areas, the countryside and affordable housing) compared to 16 in the Ross and Cromarty East Local Plan, and only a brief cross reference to the content of national policy and guidance and other legislation is given. This approach has been welcomed by the Executive.

7. It is not possible with a set of generic policies to tailor them to suit each particular vested interest group or land use. A re-wording of the BP1-4 policies to suit the objector would be likely to unbalance the relative policy presumptions in respect of other land uses, proposals and/or interest groups. By its very nature, the wording of any set of generic policies is a compromise when tested through each public local inquiry. In the statement of case on the same Inverness local plan inquiry issue the Council asserted that if the reporter were to agree to a re-wording of the BP1-4 policies for that local plan this would create an anomaly compared to the wording of the same policies in other recently adopted Highland local plans.

8. The objector's suggested terminology for the BP4 policy is not appropriate and would fetter the council's consideration of proposals against the provisions of the development plan as a whole, and material considerations. NPPG 14 does not contain guidance in relation to these matters in the context of the development plan. Any representations made by the objector in respect of such matters will be taken into account in the course of any decisions the council may take.

9. Following the recent Inverness local plan public inquiry, the reporter concluded (THC-61/62/63/85/3) that in respect of National Scenic Areas they should remain a BP2 feature along with a reworded Policy BP2: "*The Council will permit development unless this would be likely to have a significantly adverse effect on, or be significantly adversely affected by, the features for which the area has been designated. Where it is concluded that any such adverse effects are likely to arise, development will only be permitted where it is considered that these would be outweighed by social or economic benefits.*"

10. The reporter added that National Scenic Areas and other national heritage designations be shown on the relevant inset proposals maps, and on the overall proposals maps, if a notation that avoids clutter and/or confusion can be devised. If this proves impractical, these should be shown on the analysis map, and the plan should state that this should be read in association with the proposals maps.

11. The council considers that sites on the Inventory of Gardens and Designed Landscapes merit the same degree of policy protection as National Scenic Areas, and both should therefore continue to be classified as BP2 features. They are landscape designations that do not merit being BP3 criteria, as this can often presume against development. Although National Scenic Areas and Sites on the Inventory of Gardens and Designed Landscapes are national designations, the Executive does not require that they carry a negative policy presumption. The large number and extent of inventory sites within Highland and the fact that their boundaries enclose or extend into several large settlements would make such a policy unworkable.

12. The Inverness local plan reporter also concluded that although national and structure plan policies are protective of historic gardens and designed landscapes, neither have a presumption against development within designated areas, or specify a policy test. She found that Historic Gardens and Designed Landscapes should not be a BP3 policy feature, but that a reworded Policy BP2, as set out in paragraph 9 above, would provide “a suitable level of protection”. She also acknowledged that the inventory was published in 1989 and therefore is now 17 years old and may omit sites, and therefore the sites in the interim list should be BP2 features also. She added that historic gardens and designed landscapes in the Inventory of Gardens and Designed Landscapes in Scotland and those in the Inventory Interim list be identified on the analysis map, and if practicable on the relevant proposals maps on the basis set out in paragraph 10 above.

13. The council asks for potential further modifications as recommended for the Inverness local plan, as set out in paragraphs 9 and 10 above to be considered.

Conclusions

14. The reporter’s conclusions following the consideration of some of these issues at the Inverness local plan inquiry are set out in the council’s production THC-61/62/63/85/3. The production also summarises the national policy context and this need not be repeated here.

15. As well as the conclusions referred to specifically above, the reporter states that the purpose of the local plan’s general policies BP1 to BP4 is to reflect the predominant activities and character of different parts of the countryside, and that these are regarded as covering broad, flexible land use areas intended to allow compatible uses and activities to locate together and interact.

16. She states that it is likely to be impractical to tailor a suite of general policies, each covering a wide range of features, to fully suite all interests. The very general approach employed in the plan inevitably involves significant compromise, and as a result is not particularly useful as a policy tool. Although there are problems caused by the application of background policy features, and the potential overlapping of policies, in practice the use of a ‘highest common denominator’ background policy need not cause problems. She concludes that the best solution would be to reword policy BP2 to better reflect the thrust of NPPG 14,

and the plan's main policy thrust for the heritage/natural zone, which includes presuming against intrusive developments that would detract from the zone's intrinsic core qualities.

17. The proposed rewording of policy BP2 is more comprehensive than that in the deposit draft, and in the absence of any evidence to support a contrary view, I consider that it should be used in this local plan. As well as the more comprehensive and clearer definition, it will help towards continuity amongst the council's different local plans. Similarly I also accept the reporter's view that National Scenic Areas and Sites on the Inventory of Gardens and Designed Landscapes should be included on the Appendix 1 list of criteria for BP2 areas, and that the mapping changes set out in paragraph 10 and 12 above should be approved.

18. I have considered the objector's proposals for the rewording of policies BP3 and BP4 set out in paragraph 3 above. The council argues that change would bring them out of line with recently adopted local plans and I accept this. The objector's proposal for policy BP3 is potentially weaker than that of the council's as it would allow development for social and economic reasons, whereas the draft effectively presumes against this.

19. Apart from containing a specific reference to the habitats directive sites, the proposed rewording of policy BP4 is effectively a reordering and slight expansion of the existing policy. As the principal directive sites are set down in the Appendix 1 BP4 criteria, from the evidence provided I am not persuaded that the case for changing the policy is strong enough to override the council's objection. Taking the two policies together, they should therefore remain as in the deposit draft.

Recommendation

20. I therefore recommend that the following modifications be made to the deposit draft local plan:

- (i) DELETE existing policy BP2 and substitute a new policy BP2: *"The Council will permit development unless this would be likely to have a significantly adverse effect on, or be significantly adversely affected by, the features for which the area has been designated. Where it is concluded that any such adverse effects are likely to arise, development will only be permitted where it is considered that these would be outweighed by social or economic benefits."*;
- (ii) Sites on the Inventory of Gardens and Designed Landscapes, and on the Interim Inventory, should be included on the Appendix 1 list of criteria for BP2 areas;
- (iii) the mapping changes set out in paragraph 10 above be approved; and
- (iv) that no other changes be made as a result of these objections.

9 OBJECTIONS RELATING TO CHAPTER 5: GENERAL POLICIES BACKGROUND POLICY BP3 TELECOMMUNICATIONS

Objector: British Telecom plc (166)
Procedure: Written submissions

Background

1. The chapter 5 general policies section includes policy BP3 where developments will only be approved where there would be no significant adverse effects on heritage, amenity, public health and safety interests.

Summary of main points raised by the objector

2. The objector asks that if a telecommunications policy be inserted into the local plan it should be made evident that there is a clear distinction between policy BP3 and telecommunications development with regard to the issue of public health. It notes the national guidance given in NPPG 19 Radio Telecommunications.

Summary of the council's response to the objections

3. The council states that it would be inappropriate to distinguish between one type of development and another in this general background policy. Otherwise the plan would become unnecessarily long and unwieldy. Telecommunications developments are adequately covered in the structure plan.

Conclusions

4. The council has given a clear and sound reason why this policy should not be changed. Telecommunications are dealt with in structure plan policies U4 – U 7, and thus form part of the statutory development plan. The objection could have been withdrawn.

Recommendation

5. Accordingly, I recommend that no change be made to the deposit draft as a result of this objection.

10 OBJECTIONS RELATING TO CHAPTER 5: GENERAL POLICIES – BACKGROUND POLICY BP4

Objector: Cromarty Firth Port Authority (16)
Procedure: Written submissions

Background

1. Background policy BP4 states that “The council will not favour development unless there are overriding environmental or public health and safety grounds or unless there are imperative reasons of overriding public interest including those of a social or economic nature.” The areas subject to specific background policies are shown on proposals maps A and B. Proposal map B shows the ground at Nigg Bay between the high and low water marks, and part of the entrance to the Cromarty Firth, both including areas adjacent or close to the Nigg industrial site, as designated under policy BP4.

Summary of main points raised by the objector

2. The objector is concerned that any future development of marine facilities would appear contrary to the deposit draft local plan. Although it would be wrong to indicate that anything other than very broad plans are in place, the Nigg area is generally accepted as being the most suitable for port development, and it would be unfortunate if this was compromised by the designation.

Summary of the council’s response to the objections

3. The BP4 designation at the entrance to the Firth illustrates the candidate Special Area of Conservation for the Moray Firth, whilst that for Nigg Bay is the Cromarty Firth Special Protection Area. These designations do not preclude development of the Nigg site but intensification would need to have regard for them and require an appropriate assessment to inform any planning application.

4. Development proposals on the safeguarded petrochemical site would require an appropriate assessment under the Habitats Regulations to determine the likely impact on the conservation interest that has resulted in the European site classification. An environmental assessment would be required for any significant development proposal and this information could be used for a Habitat Regulation assessment. Any ultimate decision would be made on the basis of these assessments allied to imperative reasons of overriding public interest. The council therefore proposes no change to the deposit draft local plan.

Conclusions

5. The council has explained that these designations are based on statute at a European level. As such it is not open to the council to change them as far as a recording in the local plan is concerned. Any proposals would be judged on their merits on the basis of the assessments set out by the council, which has pointed out that development is not necessarily precluded by his. It would ultimately depend on the overriding public interest relative to the assessments and no change is required to the plan.

Recommendation

6. I therefore recommend that no change be made to the deposit draft local plan as a result of this objection.

11 OBJECTIONS RELATING TO CHAPTER 5: GENERAL POLICIES, SETTLEMENTS, SPECIAL USES

Objector: British Telecom plc (166)
Procedure: Written submissions

Background

1. The chapter 5 general policies section on settlement policies S: Special Uses says: ‘The council will expect other uses mainly of a community, service or tourist related nature to be maintained or developed where stated.’

Summary of main points raised by the objector

2. This policy is unduly restrictive and the following is suggested: ‘In circumstances where established utilities and their associated land holdings are no longer required for their original purposes, the council will positively consider change of use or new development proposals in light of other development plan policies and the surrounding land uses.’

Summary of the council’s response to the objections

3. The council refers to the four background policies, and seven special use policies within the main settlements. These promote development consistent with the existing pattern of land uses and activities. These convey where the council will broadly support or oppose development. Utility sites can therefore be considered for different uses in the event of being declared surplus. The provision sought is not exclusive to utilities and could apply to any specialist interest. It would not therefore serve the local plan interest to accept this modification proposal.

Conclusions

4. The council has given a clear and sound reason why this policy should not be changed. A change of circumstances could apply to any land use, with a subsequent requirement for a change of that use or redevelopment of a site. The background policies set out clearly the circumstances under which this would be considered and I am not persuaded of any need to change the policy.

Recommendation

5. Accordingly, I recommend that no change be made to the deposit draft as a result of this objection.

12 OBJECTIONS RELATING TO CHAPTER 5: GENERAL SUPPORTING POLICIES – GSP1 DESIGN AND SUSTAINABLE CONSTRUCTION

Objector: J M Edmondson (45)
Procedure: Written submissions

Background

1. General supporting policy GSP1 sets out issues considered to be important aspects of good design. These include sustainable construction concerns incorporating (d): local and natural materials to address pollution and energy use (both associated transport energy and embodied energy).

Summary of main points raised by the objector

2. The use of local materials is important, providing local jobs. Those such as wood and stone are less obtrusive in the environment and incur less travel miles. Cost arguments should not be an excuse for the erosion of the local landscapes and amenity of established residents, and the use of such materials is the price to be paid for building in sensitive areas. The council has yet to be brave enough to stop the erosion of the landscape.

Summary of the council's response to the objection

3. Supplementary guidance 'Designed for Sustainability in the Highlands' has been commissioned offering guidance on: how new buildings can be fitted into the character of the towns and villages where they are sited; energy efficiency; minimising pollution; and preserving landscape quality. Sustainable design is only one aspect of good design and reference should also be made to the local plan, and national and local guidance on housing in the countryside

Conclusions

4. Whilst well stated regarding the use of local materials, this is more of a commentary on the council's perceived attitudes to development than an objection as such. It appears to relate to the implementation of policies rather than a criticism of the policies themselves. I see no justification for a change to the text as a result of this.

Recommendation

5. I therefore recommend that no change be made to the deposit draft as a result of this objection.

13 OBJECTIONS RELATING TO WASTE WATER TREATMENT: CHAPTER 5 GENERAL SUPPORTING POLICY GSP2, CHAPTER 6 AND APPENDIX III – SPECIFIC LOCATIONS (Issue 4)

Objectors: B Matheson (9); J F Clark (76); Ferintosh Community Council (78); Black Isle Forum (91); Scottish Environment Protection Agency (170); JIG Ltd (410); HGA (UK) Ltd (434)

Procedures: Written submissions

Background

1. Note that objections recorded in the council's statement of case as being made (a) by J F Clark (76) and (b) by Ferintosh Community Council (78) regarding small settlements have been dealt with under chapter 6, paragraphs 29 (28), and 35 (34) respectively.

2. This group of objections is about waste water disposal. The objections relate first to the principles of overall policy and second to the policy as it affects a number of small settlements. It was originally envisaged that the issue would be heard at a full inquiry session, but agreement was reached between SEPA and the council regarding the wording of the disputed policy GSP2. This is also acceptable to HGA (UK) Ltd, although it expresses a preferred alternative wording on detail, and of the other objectors only JIG Ltd remained opposed to the agreed wording. As it decided to rest on written submissions it was agreed that there was no need to hold a formal inquiry session, and that it would be left to me to consider the proposed wording.

3. This wording is identical to that proposed by the reporter following the Inverness local plan inquiry regarding a similar policy, excepting where changes have been made to reflect the different local plan area. The agreed policy GSP2 reads:

“Connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 will be a prerequisite of planning permission for all development proposals in Main Settlements identified in the plan and wherever significant development is proposed. Elsewhere, connection to the public sewer will be required, unless the applicant can demonstrate that:

- (i) connection is not feasible, for technical or economic reasons, or,*
- (ii) the receiving WWTP is at capacity and Scottish Water has no programmed investment to increase that capacity; and*
- (iii) the proposal is not likely to result in or add to significant environmental or health problems.*

Planning permission for developments with private waste water systems will only be allowed where proposals satisfy (i) or (ii) above, and satisfy (iii). Any such systems in areas adjacent to waters designated under EC Shellfish Directives 79/923/EEC or 91/492/EEC should discharge to land rather than water.”

4. The council asks for the agreed wording to be recommended for approval, and notes that this would require further modifications to chapter 6 landward, paragraphs 2 and 3 on housing, and on individual housing allocations to remove reference to the need to connect to a public sewer in order to avoid duplication of the plan-wide GSP2 policy.

5. The council's other proposed modification to the deposit draft regarding these objections are:

Chapter 6 paragraph 23 (22) – Mount High (objection 76) – ADD to requirements: *“Development within the original part of the settlement limited by accessibility and hydro line. Expansion to the north requires separate single access and privately developed sewage treatment plant.”*

6. The council considers that the general objections from the community council will be addressed by the proposed changes to policy GSP2.

Summary of main points raised by remaining objector

7. JIG Ltd states that it has no real objections in principle to the wording of GSP2 but has some reservations on the exact wording. It says the remaining objection could be resolved by including more flexibility in proviso (ii), by removing the absolute need to demonstrate that “Scottish Water has no programmed investment to increase the capacity”. This is because potential community development should not be put solely in the hands, and subject to the timescales, of Scottish Water or other “responsible person”, and the agreed statement could cripple growth in some of the chapter 6 settlements.

8. The objector makes a number of comments about public organisations that are not relevant to this inquiry. Its principle other concern relating to the wording is its legality, especially with regard to European Directives, although this has yet to be tested.

Conclusions

9. The general considerations relating to this issue, which come down to the need for a proper system for dealing with foul waste water, are dealt with by the Inverness reporter, and her report is produced by the council (THC 4/3). I see no need to repeat this, but its major conclusions are that it would be unwise for the plan to promote development without a connection to the public sewer at locations where this is likely to give rise to serious or significant environmental or health problems, and that it would also be undesirable for the plan to identify land for development, with a requirement for a connection to the public sewer, if this is unlikely to be a practicable proposition over the plan period.

10. She also considered that she had insufficient evidence to make individual recommendations regarding other locations identified by SEPA, and that because of potential doubts the council should discuss the allocations concerned with SEPA and Scottish water before deciding whether or not to confirm them. This conclusion is equally applicable to Ross and Cromarty east.

11. In considering the alternative wording put forward for proviso (ii) I am minded that the alternative as agreed is that accepted by the council for the Inverness local plan, subject to detailed changes to reflect different geographical areas. I am not therefore persuaded that it would be sensible to change this for a neighbouring plan, so soon after its adoption by the council, although no doubt this can be reviewed in the future.

12. The council should however satisfy itself about the legality of the wording in the light of the concerns raised by the objector.

13. Drawing these points together, I am satisfied with the proposed wording of policy GSP2 as agreed between the council and SEPA, subject to the points I have just raised.

Recommendation

14. I therefore recommend that:

- (i) policy GSP2 of the deposit draft should be DELETED, and in its place INSERTED the text proposed by the council as set out in paragraph 3 above;
- (ii) the council should satisfy itself as to the legality of the wording before it is finally approved;
- (iii) the council should reassess the allocations and locations to which SEPA and/or other parties object on drainage grounds, in discussion with SEPA and Scottish water, based on the principles listed above, before deciding whether or not to confirm these allocations; and
- (iv) the council's proposed modification of the deposit draft regarding development at Mount High, be approved.

14 OBJECTIONS RELATING TO CHAPTER 5 – GENERAL SUPPORTING POLICY GSP3 - SURFACE WATER DRAINAGE (Issue 51)

Objectors: JIG Ltd (410); HGA (UK) Ltd (434)
Procedures: Written submissions

Background

1. Deposit draft policy GSP 3 deals with surface water drainage and says: “The Council has a statutory responsibility to maintain the efficiency of existing water courses, together with related powers and responsibilities under the Flood Prevention and Land Drainage (Scotland) Act 1997 and PAN 61 Planning and Sustainable Urban Drainage Systems. The council will require development proposals, in all but exceptional circumstances, to comply with the guidance contained in the Sustainable Urban Drainage Systems (SUDS) Design Manual for Scotland and Northern Ireland, produced by the Sustainable Urban Drainage Scottish Working Group and the framework for an agreement drawn up by COSLA and the Water Authorities. Development proposals will be assessed for any requirement to provide related attenuation measures and where necessary, remedial works associated with existing drainage systems. There will be a strict presumption against development not associated with the open space functions of the “green” corridors adjoining rivers and burns as identified in the Local Plan, to avoid jeopardising their potential for disposal or attenuation of surface water [NH1].”

2. Following objections from SEPA modifications were approved, deleting “in exceptional circumstances” in the second sentence and inserting “and treatment” between ‘attenuation’ and ‘measures’ in the third sentence. The proposed modification now reads:

Policy GSP3 “The Council has a statutory responsibility to maintain the efficiency of existing water courses, together with related powers and responsibilities under the Flood Prevention and Land Drainage (Scotland) Act 1997 and PAN 61 Planning and Sustainable Urban Drainage Systems. The council will require development proposals to comply with the guidance contained in the Sustainable Urban Drainage Systems (SUDS) Design Manual for Scotland and Northern Ireland, produced by the Sustainable Urban Drainage Scottish Working Group and the framework for an agreement drawn up by COSLA and the Water Authorities. Development proposals will be assessed for any requirement to provide related attenuation and treatment measures and where necessary, remedial works associated with existing drainage systems. There will be a strict presumption against development not associated with the open space functions of the “green” corridors adjoining rivers and burns as identified in the Local Plan, to avoid jeopardising their potential for disposal or attenuation of surface water [NH1].”

Summary of main points raised by objectors

3. The first objector says that policy GSP3 is now too restrictive as the “agreement” drawn up by COSLA and the water authorities cannot materialise at present as Scottish Water is refusing to adopt any SUDS as we await new industry guidance that will be contained in ‘Sewers for Scotland II SUDS for Scotland’. The role of a potential agreement with a third party factoring company has been overlooked.

4. The second objector says that there is a grey area surrounding the adoption of SUDS. Scottish Water is refusing to adopt any SUDS measures provided by developers as they are holding back on this framework or any agreement until new design guidance is issued by the industry. “Sewers for Scotland II SUDS for Scotland” is awaited and the planning authority should seek a response or advance documentation or policy stance prior to adoption of this policy.

Summary of the council’s response to the objections

5. The council says that these are not valid objections to a modification, as they appear to be objections to the policy itself, rather than specific modifications. Such ‘objections’ should have been made at the deposit draft stage of the Plan. The council as planning authority believes that it has fulfilled its obligations under both the Flood Prevention and Land Drainage (Scotland) Act 1997 and NPPG 14: Natural Heritage with respect to providing a policy framework for the safeguarding of areas of natural heritage value. It says that general policy GSP3 – Surface Water Drainage provides that adequate framework.

6. The Water Environment and Water Services (Scotland) Act 2003 identifies SEPA as the regulatory operator of the rules contained within the Act, and with regards to vesting, takeover and connection states that Scottish Water agreements are subject to compliance with specified standards, and any agreement shall not take effect until the developer can satisfy any assurances, reasonably required by Scottish Water.

7. The Council therefore asks for support for the proposed modifications to the deposit draft.

Conclusions

8. It is unclear whether these objections relate to the whole substance of the policy or to its tightening up by the removal of the ‘exceptional circumstances’ contained in the deposit draft. Apart from this they are also concerned with a timing issue regarding the publication of new guidance, but this is not strictly a matter for the local plan.

9. In its statement of observations the council included background information regarding the reporter’s conclusions on a similar policy following the recent Inverness local plan inquiry (THC 51/4). Although the objection in that case referred to a specific issue of culverting and canalisation, the policy as recommended by the reporter is effectively the same as policy GSP3 of this local plan, and does not provide for any exceptions. It is reasonable to expect that similar standards be applied throughout the local planning authority area, and I see no justification in the very brief objections for changing this policy.

10. The first objector also says that the role of a third party factoring company has been overlooked. The council has emphasised the various statutory responsibilities of the relevant parties, and I do not see it as a function of the local plan to interfere with these. I do not know what scope there may be for third party involvement, but I would have thought that this would be a matter outwith the remit of the local plan.

11. Having said all this I am concerned that the wording of the policy is inaccurate as proposed, and it differs in one significant respect from the Inverness policy. The first paragraph refers to PAN 61 as though it is a statutory document along with the Flood

Prevention and Land Drainage (Scotland) Act 1997. This is not the case, as PAN 61 is Scottish Executive advice, and does not in itself carry any statutory powers. The reference to this should therefore be deleted from the first sentence and inserted after ‘Water Authorities’ in the second sentence, relocating ‘and’ as appropriate. This would bring it in line with similar wording of Inverness policy GP13.

Recommendation

12. I therefore recommend that the modifications to the deposit draft proposed by the council, set out in paragraph 2 above, be approved, subject to my further modifications set out in paragraph 11 above. Modified policy GSP3 should read:

“The Council has a statutory responsibility to maintain the efficiency of existing water courses, together with related powers and responsibilities under the Flood Prevention and Land Drainage (Scotland) Act 1997. The council will require development proposals to comply with the guidance contained in the Sustainable Urban Drainage Systems (SUDS) Design Manual for Scotland and Northern Ireland, produced by the Sustainable Urban Drainage Scottish Working Group, the framework for an agreement drawn up by COSLA and the Water Authorities, and PAN 61 Planning and Sustainable Urban Drainage Systems. Development proposals will be assessed for any requirement to provide related attenuation and treatment measures and where necessary, remedial works associated with existing drainage systems. There will be a strict presumption against development not associated with the open space functions of the “green” corridors adjoining rivers and burns as identified in the Local Plan, to avoid jeopardising their potential for disposal or attenuation of surface water [NH1].”

15 OBJECTIONS RELATING TO CHAPTER 5 – GENERAL SUPPORTING POLICY GSP4 – FLOOD RISK (Issue 52)

Objector: J M Edmondson (45); Scottish Environment Protection Agency (170)
Procedures: Written submissions

Background

1. Policy GSP4 of the deposit draft local plan states:

“Some areas of Ross and Cromarty East are known to be at risk from flooding, for example along the River Conon and adjoining the Cromarty Firth. In line with current and emerging national policy, areas will be assessed in terms of development suitability on the basis of the following categories of annual flood risk:-

1. Little or no risk, where the likelihood of watercourses, tidal or coastal flooding in any one year is less than 0.1% (or 1 in 1000) – no general constraints.
2. Low to medium risk, where the likelihood of watercourses, tidal or coastal flooding in any one year is 0.1% to 0.5% (or 1 in 1000 to 1 in 200) – suitable for most development but not essential civil infrastructure.
3. High risk, where the likelihood of watercourses, tidal or coastal flooding in any one year is 0.5% (or 1:200) or greater – not suitable for essential civil infrastructure. In built up areas protected by existing or proposed flood prevention works most other development should be acceptable. Undeveloped and sparsely developed areas are generally not suited for most development.

The Council urges SEPA and the Centre for Ecology and Hydrology to give the highest priority to the preparation of detailed Indicative Flood Risk Maps. In the meantime, sites should be appraised on the basis of information already held and if necessary developers may have to carry out a flood risk appraisal where the position is unclear. The Council will consult the Roads Authority, SEPA and, as appropriate, Scottish Water, on flooding matters.

In areas of low to medium risk, development must demonstrate that

- any new buildings can be adequately protected from flooding and, where appropriate, remedial measures to alleviate the flood risk have been taken
- evidence is provided that there is no adverse impact on the natural characteristics of the watercourse
- any such protective/alleviation measures will not involve The Council in inordinate public expenditure
- SUDS are used in the disposal of surface water runoff
- the development will not contribute to or increase the risk of flooding elsewhere
- all reasonable measures have been adopted to improve the management of flood waters on land adjacent to the site
- proposals do not impede the flow of flood water or the ability of the floodplain to store water and to flood naturally and takes account of the riparian habitat and wetland.”

[NH1 - 4]

Summary of main points raised by objectors

2. The first objector says that the Strathrusdale valley floor must be classed as a high risk area, as it floods regularly in any season, covering the valley floor, which should not therefore be developed. This means that development would have to be along the main road, which is unsuitable, and the reason why the rural development area designation was opposed by the council's roads department.

3. The second objector says that with regard to the proposed development strategy the potential land use allocations have not been subjected to consistent flood risk screening utilising all existing flood risk information in accordance with the provisions of national planning policy, guidance and advice, with particular regard to SPP 7 and PAN 69. Specific land use allocations have been identified that are potentially at high risk of flooding contrary to the provisions of national planning policy, guidance and advice, with particular regard to the Risk Framework set out in SPP 7. The deposit draft local plan is not in accordance with the provisions of the approved structure plan in that the proposals map does not identify flood consultation zones or all areas with a perceptible risk of flooding. The council has not assessed all development proposals for their compatibility with the flood risk and with the flow character of the watercourse.

4. Regarding policy GSP4, the policy wording is not consistent with the most up-to-date national planning policy, guidance and advice, with particular regard to SPP 7. The objector therefore recommends to the inquiry modifications prior to the approval of the deposit draft. There should be an adequate assessment of the risk of flooding for all land use allocations proposed in the local plan, using the available sources of information. Sites judged to be within the "Medium to high risk area" as defined by SPP 7's Risk Framework should be deleted from the proposals.

5. The objector understands that the GSP4 risk categories were drafted by the council when SPP 7 was at consultative draft stage. The categories therefore reflect the general principles, but not necessarily all of the specifics, of the finalised version of SPP 7. An opportunity therefore exists to improve the wording of GSP4 so that it is consistent with SPP 7. The first section of GSP4 should therefore read:

"Some areas of Ross and Cromarty East are known to be at risk from flooding. Areas will be assessed in terms of development suitability using the Risk Framework set out in Scottish Planning Policy SPP 7 "Planning and Flooding". Sites will be appraised on the basis of all flood information held. If necessary, developers may have to carry out a flood risk assessment. The Council will consult the Roads Authority, SEPA and, as appropriate, Scottish Water, on flooding matters."

6. The objector proposed the following alternative wording for the second section of GSP4, incorporating elements of the existing GSP4 wording with relevant information taken from paragraph 37 of SPP 7:

"In areas where a flood risk assessment is required from a developer, the flood risk assessment and the design of the proposed development should demonstrate that the following criteria have been taken into account:

- the characteristics of the site;
- the use and design of the proposed development;
- the size of the area likely to flood;

- depth of water, likely flow rate and path, rate of rise and duration;
- existing flood prevention measures – extent, standard and maintenance regime, and confirmation that any such protection/alleviation measures will not involve the Council in inordinate public expenditure;
- an allowance for freeboard;
- cumulative effects of development, including the loss of flood storage capacity, and demonstration that the development must not contribute to or increase the risk of flooding elsewhere;
- cross boundary effects and the need for consultation with adjacent authorities;
- effects of a flood on access, including by emergency services;
- effects of a flood on proposed open spaces including gardens;
- the extent to which the development, its materials and construction are designed to be water resistant;
- evidence is provided that there is no adverse impact on the natural characteristics of the watercourse;
- SUDS are used in the disposal of surface water runoff;
- all reasonable measures have been adopted to improve the management of flood waters on land adjacent to the site;
- proposals do not impede the flow of flood water or the ability of the floodplain to store water and to flood naturally and takes account of the riparian habitat and wetland.”

Summary of the council’s response to the objections

7. Responding to the first objector, the council says that it does not currently have detailed flood mapping for the Highland area. When available it will be used to assess flood risk for development applications. The change from a rural development area to heritage/natural places a greater emphasis on the landscape. Any necessary road improvements to accommodate new development would be the responsibility of the developer.

8. Regarding the second objector, in November 2002 the council established a Flood Appraisal group for the Highland area. The group has discussed the lack of, and need for, accurate flood probability data, and the organisations represented on this group – SEPA, Scottish Water, the council and the insurance industry have agreed a commitment to seek better information on flood risk.

9. The Scottish Executive is due to provide £1.6 million of funding to make national flood maps available on the internet, and SEPA has commissioned consultants to produce floodplain maps for catchments of greater than 3km and the choice of return periods in accordance with SPP 7 guidance, suggested as 1 in 200 and 1 in 1,000 year probabilities. SEPA expects such maps to be available by late 2005, and all information is expected to be available on the internet by Spring 2006. The new maps will be much-improved products using modern modelling methods, new digital topographic data, and will be continually improved through the addition of data gathered through surveys after flood events. This information, when available, will provide a comprehensive resource for both private developers and a legitimate foundation for developing locational guidance within Highland development plans.

10. The council accepts that flood risk is a material consideration in its local plan policy formulation. However, in the absence of comprehensive flood probability data it believes that policy GSP4 should provide an adequate policy framework for assessing development proposals in respect of this issue, and should also be consistent with the Inverness Local Plan. Flood data currently held by both SEPA and the council is partial. Most of it is unspecific to the sites of flood events and is only held back to 1997. Therefore, until better data is available, the council believes it is reasonable to expect developers to fund flood risk assessments for appropriate developments, as endorsed by the reporter to the Inverness Local Plan Inquiry (THC-52/2).

11. The council asks that the deposit draft with modifications be further amended in line with the modifications now recommended for the Inverness Local Plan policy GP11, which reads as follows:

“Development proposals in areas susceptible to flooding (defined using SPP 7’s Risk Framework) will require a developer funded Flood Risk Assessment.

In all circumstances where flood risk occurs, developers will be required to demonstrate:

- *That the development can be adequately protected from flooding in terms of the Risk Framework and, where appropriate, that remedial measures to alleviate the flood risk will be taken;*
- *That no adverse impact on the characteristics of the watercourse will arise;*
- *Use of best practice in the management and disposal of surface waters; and*
- *That suitable evacuation provisions are embodied in site/building layout and design.*

The costs of flood protection works associated with development proposals will be met by developers whether on or off-site.”

Conclusions

12. Dealing first with Strathrusdale, the objector is anticipating the outcome of the flood risk maps that are expected to be available no later than Spring 2006. Under all the potential policies these will be taken into account in assessing development proposals. I see no reason, therefore, to make a specific amendment to the local plan for one particular area, subject to the comments made in paragraph 18 below. Matters relating to the ability of the road to accommodate more development are not relevant to this policy, and are dealt with under issue 8 Ardross.

13. Turning to the second objections, Scottish Planning Policy 7 Planning and Flooding now provides the most up to date source of guidance in relation to this issue. Much of the evidence relates to the availability, or otherwise, of the relevant assessments and mapping for the flood risk within the local plan area, and setting this aside there is little dispute between the parties regarding the purpose or detail of the policy, subject to slightly different approaches over wording.

14. Both parties agree that SPP 7 provides the basis for dealing with flood risk, through the risk framework set out in paragraph 37. This is comprehensive and covers the issues that

are set out as bullet points in one or other of the proposed sets of policy wording. Provided the policy is tied to SPP 7 I see no need for this to be repeated.

15. The deposit draft version, unchanged in the modified plan, also covers background information that is a statement of fact or reference to issues contained in SPP 7, and which tend to make the policy unwieldy rather than necessarily adding to its effectiveness. The council, whilst not explicitly saying this, acknowledges it by recommending the condensed wording proposed by the reporter following the Inverness local plan inquiry.

16. This recommendation is concise and, through its reference to the risk framework, covers the essential points of risk assessment set out in SPP 7. It is also sensible that in this regard there is some consistency between the two plans. I therefore accept the council's recommendation that the Inverness GP11 policy wording from the reporter should be recommended for policy GSP4.

17. A further point arises from SPP 7 concerning paragraph 43, which gives guidance on the issues relating to flooding that should be covered in local plans. Although not specifically part of the objection, these do relate to flood risk matters, and I feel it is incumbent on the council to ensure it has considered the extent to which they are adequately covered, or otherwise, and whether any other modifications should be made in the light of this.

18. The second objector is also critical of the local plan in not designating specific areas of risk. The council has rebutted this on the grounds that not all the necessary evidence was available to it. I note that this was considered by the Inverness reporter who said that in that case the objector had acknowledged that it would be unrealistic to reappraise the local plan using the forthcoming data. I agree with this, and with the reporter's conclusion that it would be prudent for the council to give consideration to a reappraisal if the flood risk maps indicate any allocations that would be subject to a significantly higher flood risk than had previously been thought.

Recommendation

19. I therefore recommend that:

- (i) the revised policy GSP4 as set out in paragraph 11 above be substituted for that in the draft deposit local plan;
- (ii) the council considers whether the points set down for inclusion in local plans in paragraph 43 of SPP 7 have been adequately covered; and
- (iii) when flood risk maps are received, consideration be given to the review of areas at risk, in the light of comments made in paragraph 18 above.

16 OBJECTIONS RELATING TO CHAPTER 5: GENERAL POLICIES GSP7 – SETTLEMENT EXPANSION

Objector: R A Macpherson (204)
Procedure: Written submissions

Background

1. Policy GSP7 states:

“The Council will seek to ensure that house-building in the settlements within the Hinterland area (as defined in Chapters 7 to 34) does not exceed 25% of the number of existing dwellings in such settlements in any 10 year period. The Council will endeavour to ensure that further housing on land allocated for such development is distributed as evenly as possible and provides choice within each settlement, and phased to enable development to proceed incrementally over the plan period. Accordingly, for development proposals relating to 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. In so doing, the Council will seek Section 75 Agreement if necessary and will have regard to

- the availability for development of other land allocated within 5 years, including any infrastructure or other constraints likely to delay building
- the average rate of completion of new homes (within the settlement zone) during the previous 10 years
- any overriding local housing priorities as identified in the needs assessment undertaken as part of the Local Housing Strategy; the extent of possible developer contributions
- extant planning permission.

Summary of main points raised by the objector

2. The second and third sentences of this policy are unclear. Also it is not clear what the word ‘overriding’ means in the third bullet point. If it has the sense that the case for such needs could overcome well-founded planning objections to a particular development (such as those relating to proposal E10 in Avoch), this would be unacceptable.

Summary of the council’s response to the objections

3. As the proposed housing allocations in Avoch do not exceed 25% of the housing stock this policy is unlikely to apply to sites there. The willingness of a developer to provide affordable housing is a material planning consideration, and may justify a breach of the 25% guideline. It would not exclude consideration of other factors such access, drainage, and design in determination of a planning application. The policy wording was considered at the Inverness local plan inquiry and in these circumstances it would be appropriate to await any recommendations from that reporter.

Conclusions

4. This specific objection is about policy GSP7, settlement expansion. There is also a cross reference to expansion site E10 in Avoch, in relation to one of the policy bullet points. I accept the council's view regarding the application of the policy to site E10 in Avoch, insofar as it relates to the applicability of the 25% guideline, given that the proposed housing allocations in the settlement are less than this proportion. The site referred to, E10, is in any case subject to a separate objection which is dealt with as issue 66. This cross reference is useful therefore only as an example of the type of site that could be covered by other sections of the policy, and the future of that site is not directly relevant to my consideration of the objection to policy GSP7.

5. The council has referred to the outcome of the Inverness local plan inquiry, but I am not aware of any part of the Inverness report relevant to this objection being produced in evidence. My consideration is therefore made on the basis of the evidence before me relevant to this specific objection.

6. The first part of the objection relates to the clarity or otherwise of the second and third sentences of the policy, as set out in paragraph 2 above. In examining this it is helpful however for me to set out my understanding of the policy.

7. The first sentence is clear, and seeks to limit the rate at which designated settlements can grow within a ten year period. This is no doubt aimed at ensuring that the occupants of any new housing can be absorbed within the settlements without creating imbalance of a social or related nature. As such it is an understandable policy to which I am unaware of any objections.

8. The remaining part of the policy appears to be aimed at all housing development within the hinterland settlements, irrespective of whether the 25% figure is relevant or not. In my interpretation it seeks to ensure that development is reasonably well spread out within settlements, so as to provide a variety of housing types, and that it takes place at a steady rate throughout the plan period, rather than being concentrated into a short period of time. If this is correct then the sentence is reasonably clear, although it would benefit from being split into two and expanded slightly, dealing respectively with the spatial and timing elements.

9. The third sentence applies only to land within the settlements allocated for expansion. As I understand it the purpose is a follow on from the previous sentence and is aimed at ensuring the steady flow of land release previously referred to, but it is rather clumsily expressed and it is unclear just how the pro-rata allocation would work. It is also unclear what the section 75 agreement would serve, although I assume that it refers to timing. It reads as though the bullet points refer only to the agreements, whereas I suspect that they are relevant to the overall timing of land release. I therefore have some sympathy with the objector's view, and consider that the policy as written is open to ambiguity and could be better expressed. As my understanding of the aims of the policy may not fully reflect the council's position it would be better for it to reassess the wording, rather than for me to recommend something that may not be accurate.

10. Regarding the use of the word overriding it would make the policy clearer if it was qualified along the lines of the considerations the council itself outlines. For example the

addition after the words 'local housing strategy' of 'subject to compliance with other local plan policies' or similar would serve to make this clear.

11. Although it is not part of the objection as such the statement at the end of the third bullet point 'the extent of possible developer contributions' sits uneasily and I note that in the modified version of the plan it is given its own bullet point, which then reads more clearly.

Recommendation

12. I therefore recommend that the council considers rewording the policy, to clarify areas of ambiguity referred to in paragraphs 9 and 10 above.

17 OBJECTIONS RELATING TO CHAPTER 5: GENERAL SUPPORTING POLICY GSP8 - AFFORDABLE HOUSING (Issue 5)

Objectors: Black Isle Forum (91); Knockbain Community Council (123)*; Homes for Scotland (194);

Procedures: Hearing* and written submissions

Background

1. The wider policy for affordable housing is set out in policy GSP8. In the deposit draft this provides target figures, expressed as the percentage of houses that must be provided as affordable units, in developments of 10 houses or more by private developers that do not already have planning permission. Section 75 agreements will be used to secure the development, and implementation is expanded on in the development plan policy guidelines.

Summary of main points raised by objectors

2. The first objector says that there is a demand for more than 25% of developments to be assigned for affordable housing, and the availability of single units is a high priority. There should be greater provision of affordable housing plots, and rigorous controls need to be in place to ensure that affordable housing remains so in perpetuity.

3. The second objector says that it is concerned that the local needs for social housing are not being met. It is understood that some communities have agreements to ensure that local needs are met by housing developments in their area. This information should be contained in the local plan. At the hearing it was emphasised that there are doubts as to whether the policy will be delivered as it is not known whether local agreements are in place or not. This could be addressed by a simple statement to give assurance that proper provision will be made for affordable housing.

4. The third objector says that the council has not yet clarified the proportions of affordable housing needed through a local housing strategy and housing needs assessment. There is no documentary basis for the minimum figure set. The policy should be clarified in relation to the cut off point.

5. Objectors also refer to the development plan policy guidelines section on affordable housing.

Summary of the council's response to the objections

6. In response to the first objector, the council says that affordable housing is a priority in planning and housing policies. Local housing development fora identify priorities for provision. The Black Isle has a high priority in regard to providing affordable housing as part of private sector proposals. The use of housing associations and charitable trusts can be more effective than planning controls in maintaining affordable housing in perpetuity.

7. Regarding the second objector, the local plan sets out the guidance/policy for securing affordable housing against other housing development in compliance with the structure plan,

Scottish Planning Policy 3: Planning for Housing, and Planning Advice Note 74 Affordable Housing. SPP 3 requires development plans to provide clarity on the expected scale of affordable housing provision, and the locations in which this will be sought. Policy GSP8 sets out the main principles that will be employed in applying the policy, and is sufficiently flexible to allow the range of circumstances that are likely to arise in practice to be taken into account.

8. Policy GSP8 provides a policy basis for negotiation with landowners and developers to secure affordable housing through developer contributions, and this is expanded on in the development plan policy guidelines. Agreements are normally made with housing associations, but it is not appropriate for the local plan to include detailed information on individual developments as it soon becomes outdated as they are implemented. At the hearing the council stated that it would be agreeable to a sentence being added to the policy to provide clarification of this issue.

9. Responding to the third objector, the council says that the housing needs assessment, undertaken by DTZ Pineda (THC/1) during the preparation of the council's housing strategy, clarifies the shortfall of affordable housing. Table 8.9 of the sub-area profiles quantifies the Ross and Cromarty East area shortfall as 230 - 314 affordable houses per annum during the five year period to 2008, totalling between 1,150 and 1,570 houses.

10. Land is allocated in the deposit draft for approximately 3,600 houses on sites of 10 or more units in the plan area. If all of this land were to be developed over the next 15 years this would equate to a minimum of around 900 for affordable purposes, assuming the 25% figure now proposed for the main settlements, or about 60 houses per annum. This clarifies the concerns of the second objector, which are shared by the council, that the level of affordable housing required is not being met. The amount that could be secured through 25% of any development would represent only about 20-25% of the number of houses required to meet the housing needs assessment figures. The 25% figure would give a more flexible means of addressing the issue than a fixed number of houses for each settlement. It would allow for negotiations to provide a higher figure, but the council said at the hearing that the problem is more of a housing policy issue than a planning one.

11. As an area of high demand and extreme pressure for housing, the Black Isle merits a high priority for the development of affordable housing, particularly in relation to private sector proposals. National planning guidance allows developers to offer, and planning and housing authorities to seek, much higher levels of affordable housing than 25%. Paragraph 36 of PAN 74 requires a higher percentage figure to be fully justified on the basis of: "full consultation with stakeholders, including the development industry; a housing needs assessment; land values and other financial obligations linked to particular developments, including any infrastructure and supporting development; different levels of need in different parts of the local authority area; and a clear and reasoned justification".

12. To help address the shortfall in the next five years, the council and its housing partners are seeking to maximise investment through additional public funding sources likely to be available. A draft investment programme is in preparation, bringing together the priorities identified in the housing strategy by the area housing development fora, and the potential sources of funding. In communities where the more detailed housing needs surveys that have been undertaken confirm a significantly higher level of need, it would be appropriate to

negotiate with developers for a higher contribution and for appropriate public investment. The latter might include land acquisition or a specific development by a housing association.

13. The council therefore proposes the following changes to the deposit draft local plan in response to these objections, to which there were no further objections:

- DELETE “in the settlements listed below on the basis of the following minimum proportions” from the third sentence, the table of settlements with percentages and the whole of the fourth sentence.
- In the third sentence, after “proposals” INSERT “*for 10 or more houses in the Main Settlements of the Local Plan area (Chapters 7 to 34) to secure a minimum proportion of 25% as affordable housing.*”

Conclusions

14. These objections are based on clear concerns that the need for affordable housing is not being adequately provided for in the local plan. Concerns about the potential shortfall are clearly shared by the council. It also has a dilemma as to the extent that the issue can be solved in pure local (or development) plan terms, when the solution depends to a large extent on the wider policies that are in place, or not, to resolve the issue. As the council has pointed out, this is a housing policy matter as much as a planning one.

15. The wider understanding of this issue is perhaps made more difficult by the fact that there is relatively little preamble to policy GSP8 in the deposit draft. Paragraphs 3.4 and 3.5 of chapter 3, key issues, identify the problem but give little insight into the solutions. This is provided in paragraphs 2.2.13 to 2.2.21 of the structure plan, along with its policies H4 and H5 that relate to affordable housing. More particularly an excellent explanation is set out in section 2 of the development plan policy guidelines. These latter are not, however, a formal part of the local plan, for statutory purposes, and are therefore outwith the remit of this inquiry. This is not a criticism of the arrangement, but simply to show how some of the answers to the objections are already in the public domain, but not formally a direct part of the local plan.

16. The extent of the housing problem is set out in the council’s own response, which shows a maximum expected build figure of around 60 affordable houses per year, throughout the whole plan period, against a shortfall of up to 254 per year in the first five year period, based on an upper needs estimate from the Pieda report of 314 houses. This would give a figure of 1,270 houses for the five year period. Using the minimum need figure the shortfall would be 850 houses. The Pieda report also makes an allowance for eight new houses being built each year by registered social landlords, but it is not clear if this figure is part of the 60 mentioned above, as this could reduce the need by up to 40 over the five years.

17. I note from table 8.9 of the Pieda report, referred to in paragraph 9 above, that 219 units of the five year projection are to address homelessness. This figure is likely to be less reliable in the longer term, as people move in and out of the area, than other figures, such as emerging households, that account for 275 units. Nevertheless, it is an important sector, and having said that the figure may be less reliable, it could go up as well as come down.

18. I am satisfied, however, in relation to the first two objectors, that the extent of the need for social housing is fully appreciated by the council, but that its ultimate resolution lies elsewhere than in the local plan. I consider that the 25% minimum figure for affordable

housing on sites for more than ten houses is a realistic one, and will also allow for a greater proportion in certain cases. I do not believe that it would be appropriate to refer to specific agreements in the local plan, and it is likely that these will be publicly available elsewhere.

19. In relation to the third objector, I am unclear as to the extent to which the figures and studies referred to above will have addressed the concerns. Given however the extent of housing need already identified, and the resultant potential shortfall in supply, I am satisfied that the operation of policy GSP8, as proposed for modification, will not be prejudiced if the council's local housing strategy is still under review. Whilst in ideal circumstances the availability of an up to date housing strategy would have been helpful, the plan takes what steps it can to address the issue, which can only ultimately be resolved by policies outwith the local plan that address the financial issues of the provision.

20. I am satisfied that the council's proposed modification will give more flexibility in dealing with potential developers. In the circumstances I have outlined above I am not persuaded that there is any need to make further modifications to the plan.

21. The third objector also refers to the Development Plan Policy Guidelines, regarding the recommendations on affordable housing and recreational facilities and open space. The guidelines are not, however, a formal part of the local plan for statutory purposes, and I am unable therefore to consider them as part of this inquiry.

Recommendation

22. I therefore recommend that the council's proposed modification to the deposit draft set out in paragraph 13 above be approved.

18 OBJECTIONS RELATING TO CHAPTER 5 – NATURAL HERITAGE: GENERAL SUPPORTING POLICIES GSP14 HABITATS AND SPECIES, AND GSP15 BIODIVERSITY INITIATIVES (Issues 53 & 54)

Objector: Scottish Natural Heritage (197)

Procedure: Written submissions

Background

1. Structure plan policy G2 Design for sustainability states that:

“Proposed developments will be assessed on the extent to which they (among other things):

- Impact on the following resources, including pollution and discharges, particularly within designated areas: habitats, species, landscape, scenery, freshwater systems, marine systems, cultural heritage and air quality;

Developments which are judged to be significantly detrimental in terms of the above criteria shall not accord with the Structure Plan.”

2. Policy G6: Conservation and promotion of the Highland heritage states that:

“The Council will seek to conserve and promote all sites and areas of Highland identified as being of a high quality in terms of nature conservation, landscape, archaeological or built environment.”

3. Policy N1 Nature Conservation sets out a hierarchy according to which the Council will seek to conserve and promote all sites. New developments will be required to look to curb their impact on the nature conservation resource and wherever possible enhance it. The defined hierarchy is:

- sites and species of international importance
- sites of national importance
- sites of local importance.

4. Policy N4 Local Biodiversity Action Plans states that:

“in respect of habitats and species, The Council will have regard to Local Biodiversity Action Plans, where available, in addition to Strategic Policy G6, in the consideration of development proposals.”

5. Policy N5 states that:

“The Council will initiate the implementation of Local Biodiversity Action Plans throughout Highland, as part of a partnership venture, fully involving the community.”

6. The deposit draft local plan does not contain any major policy statement on habitats, species or biodiversity initiatives, effectively resting on the structure plan for this. Following objections from the objector, two new policies were introduced in the deposit draft with modifications:

Policy GSP14: Habitats and Species “Development proposals which affect habitats or species to which Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 (as

amended), Annex 2 or 4 of the EC Habitats and Species Directive and Article 4.1 and 4.2 of the EC Wild Birds Directive refer, will be considered in the context of policies N1 and G2 of the Structure Plan. When considering development proposals, the Council will encourage the protection, enhancement, creation and sustainable management of key habitats and features of the landscape of major importance for wild flora and fauna and landscape character, including drystone dykes, hedgerows, rivers and river banks, ponds, riparian woodland, burns and wetlands.”

Policy GSP15: Biodiversity Initiatives: “The Council recognise the value of natural heritage resources outwith the confines of designated sites and together with other agencies and voluntary groups, will seek to safeguard and enhance these features, through the development and implementation of the East Ross Biodiversity Action Plan. The Council, together with other agencies and the local community will work towards the identification of wildlife sites of value to the local community including measures to safeguard and enhance these sites. [N4 & 5]”

Summary of main points raised by the objector

7. Whilst welcoming the inclusion of policy GSP14 the objector considers the statement that development proposals will be considered in the context of structure plan policies N1 and G2 to be confusing. Policy N1 relates to designated sites and the hierarchy of protection afforded to these sites and Policy G2 is concerned with general sustainability criteria. The objector considers that the wording in the modified local plan does not adequately protect special natural heritage features in the wider countryside.

8. The objector also welcomes the inclusion of policy GSP15 and its wording. However, it considers that as the policy refers specifically to ‘the identification of wildlife sites of value to the community including measures to safeguard and enhance these sites’ it should either replace or be combined with Landward Area Policy No 70 – Sites of Local Nature Conservation Interest.”

Summary of the council’s response to the objections

9. The council accepts that the local plan should include a general policy covering the need to consider the impact upon habitats and species. However, it is recognised that habitats and species do not just exist in the wider countryside. Certain areas within and around the settlements could be just as important. The issue of habitats and species was considered by the reporter at the Inverness local plan inquiry, who recommended for Inverness policy GP22 a revised form of wording that takes into account the objector’s concerns. It would be appropriate for this to be adopted here, as follows:

“The Council will encourage the management and maintenance of areas supporting the following habitats and species, where these contribute to the coherence of the Natura network or are of major importance:

- *Habitats and species listed in Annex I of the EC Habitats Directive;*
- *Habitats and species of community interest listed in Annexes II, IV, and V; and*
- *Habitats of naturally occurring wild birds, particularly those in Annex I of the EC Birds Directive and migratory species.*

This policy will also apply to species listed in Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 as amended.

All these resources will be given full consideration in the assessment of development proposals that may affect them, and developments that are judged likely to have significantly detrimental effects shall not accord with the plan. In respect of the animals and plants identified in Annex IV, planning permission will not be granted unless it is demonstrated that the proposal will either not impact adversely on any European Protected Species in the area, or that all 3 tests in Regulation 44 of the Habitats Regulations are satisfied”.

10. It was also accepted that a general policy covering biodiversity should be included within the local plan. The inclusion of Policy GSP 15 in the modified draft was aimed at addressing part of the objector’s concerns over the apparent lack of background and criteria for introducing Sites of Local Nature Conservation Interest.

11. It was the objector and the Scottish Wildlife Trust (SWT) that first requested the recognition of these sites in local plans – see issue 62. It is also appropriate that the local Biodiversity Action Plan (LBAP) process is accounted for and that priorities for appropriate access and/or interpretation should relate to the LBAP. The inclusion of such references in local plans has been at the request of the objector in the past, as was the term ‘Site of Local Nature Conservation Interest’.

12. Article 3(4) of The Conservation (Natural Habitats, & c) Regulations 1994 (THC-53&54/1) requires planning authorities to have regard to the Habitats Directive in their local plans. The council believes that its plan-wide references under Chapter 3: Key Issues: Natural Heritage; General Supporting Policies 14 and 15; and Chapter 6: Landward Area: Environment paragraph 70 adequately satisfy this requirement. The council also considers that its obligations under SPP1 (CD13) and NPPG 14 (THC-53&54/2) to adequately provide for the protection and enhancement of the natural heritage in local plan policies have been fulfilled within the modified draft local plan.

13. Structure Plan Policies G2, G6, N1, N4 and N5 also provide a comprehensive strategic policy framework for nature conservation across the Highland area.

14. The council therefore asks that no change be recommended to the content of the deposit draft with modifications other than the substitution of policy GSP14: Habitats and Species with that set out in paragraph 9 above.

Conclusions

15. Looking first at modified policy GSP14, this was dealt with at length in chapter 4.15 of the report on the Inverness local plan inquiry, referred to by the council in paragraph 9 above (THC 53/54-4). The conclusions set out in that report are equally relevant to the issue here, and I see no need to repeat them.

16. The proposed rewording of the policy by the reporter is more comprehensive than that in the modified draft, and omits the specific reference to the structure plan that the objector found confusing. It sets out clearly the council’s international obligations, in accordance with

the regulations, and I agree with the council that it should be recommended for approval as a modification to the deposit draft.

17. The objection relating to policy GSP15 is cross referenced to chapter 6 paragraph 70, which is considered separately under issue 62. I consider that paragraph 70 provides for a detailed interpretation of how the policy will be implemented on the ground, through the listing of specific potential sites. It would be wrong for this list to be included in the general section of the plan chapter 5 as it refers to specific rather than general sites. Combining the two in chapter 6 would also place the wider policy interests in that part of the plan dealing with specific area, rather than policy interests. I am not persuaded, therefore, of any need for change in response to this objection.

Recommendation

18. I therefore recommend that policy GSP14 as set out in paragraph 9 above, and policy GSP15 as set out in paragraph 15 above be added to the deposit draft local plan. For the avoidance of doubt the policies to be added are:

Policy GSP14 - Habitats and species

“The Council will encourage the management and maintenance of areas supporting the following habitats and species, where these contribute to the coherence of the Natura network or are of major importance:

- *Habitats and species listed in Annex I of the EC Habitats Directive;*
- *Habitats and species of community interest listed in Annexes II, IV, and V; and*
- *Habitats of naturally occurring wild birds, particularly those in Annex I of the EC Birds Directive and migratory species.*

This policy will also apply to species listed in Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 as amended.

All these resources will be given full consideration in the assessment of development proposals that may affect them, and developments that are judged likely to have significantly detrimental effects shall not accord with the plan. In respect of the animals and plants identified in Annex IV, planning permission will not be granted unless it is demonstrated that the proposal will either not impact adversely on any European Protected Species in the area, or that all 3 tests in Regulation 44 of the Habitats Regulations are satisfied”.

Policy GSP15 – Biodiversity initiatives

“The Council recognise the value of natural heritage resources outwith the confines of designated sites and together with other agencies and voluntary groups, will seek to safeguard and enhance these features, through the development and implementation of the East Ross Biodiversity Action Plan. The Council, together with other agencies and the local community will work towards the identification of wildlife sites of value to the local community including measures to safeguard and enhance these sites. [N4 & 5]”

19 OBJECTIONS RELATING TO CHAPTER 6: PARAGRAPH 3 FODDERTY AS A SETTLEMENT

Objectors: J A S McGill (54); L Wright (216)
Procedure: Written submissions

Background

1. Fodderty is a small community of about seven houses and a farm located on relatively level ground on the north side of Strath Peffer, some 3 km west of Dingwall. Access is gained from the A834 by a short single track road.
2. Chapter 6 paragraph 3 of the deposit draft says that development may be acceptable within the defined boundaries of small rural settlements listed in paragraphs 4 to 34. Fodderty is not included in the list. Paragraph 35 says that in exceptional cases, and subject to adequate drainage (GSP2), there may be opportunities to round off certain existing groups with suitably designed new houses. These groups are identified on the proposals maps and listed in appendix III. Development proposals should include measures to remedy infrastructure problems. Fodderty is not included on this list.

Summary of main points raised by objectors

3. The first objector says that he wishes to build two houses within the acre garden of the Fodderty House Care Home, which is his business. The ground is not used by residents. One house would be for his retirement, and the other for his son who would take over the business. It is necessary to live next to the business as they are always on call, but the present accommodation, a small house next door, is not suitable for the family needs.
4. The second objector owns a small plot in Fodderty and has had plans for a house drawn up at considerable expense, but was informed by the council that because of a change of policy planning permission is now unlikely. Fodderty is considered a settlement as there are at least nine houses on the lane, and the site is an infill one, with other houses on either side. It is of no use for anything else. The objector says the family of four live in a tied house on the farm, and this is the only opportunity for an affordable house.

Summary of the council's response to the objections

5. The council says that all existing and prospective settlements were examined in respect of their potential for further development. The advice given regarding foul drainage and the road network was unfavourable. The access from the A834 is of poor standard in terms of surface, forward visibility and lacks passing places. The junction with the A834 is also substandard. The drainage problems relate to the low lying ground and poor conditions for septic tank disposal. The proliferation of existing tanks also causes problems.
6. Under these circumstances Fodderty was not identified as a settlement and any housing is subject to the housing in the countryside policies. These presume against housing in the countryside unless for an essential land management purpose, is social housing, or the conversion of a traditional building or redevelopment of a ruinous dwelling.

Conclusions

7. Although the objection is listed as relating to paragraph 3, this refers to settlements of a reasonable size, and in some cases an allocation for significant numbers of housing. Fodderty is inappropriate for this list, being on too small a scale. It would therefore be more relevant for consideration in terms of paragraph 35 and the list of settlements in appendix III. In this case the exclusion of Fodderty from the list appears to be based on drainage and road access considerations rather than because the settlement is inherently unsuited in terms of its present size or layout.

8. Fodderty has many of the characteristics of small groups of houses that are already included on the appendix III list. There are at least seven existing houses that are reasonably tightly knit together, as well as extensive farm buildings. There is scope for the three houses referred to, as these would effectively be infill developments. The objectors appear to have good employment related reasons for living there, although these may not have been formally tested against the relevant council policies, and the need could be desirable rather than essential. Despite this the ability to provide at least one affordable house is in line with the general thrust of council policies.

9. Although the access road and junction with the A834 are substandard, the road is only about 300m in length to the middle of the settlement. As there is no through traffic, total levels are likely to be low, and it is unlikely that the additional volume from three houses would be significant. Any necessary improvements, such as the installation of a passing place, could be a requirement for the developers.

10. Drainage is obviously a problem, but the designation of Fodderty in the list would not automatically guarantee planning permission, as the requirements of policy GSP2 would still have to be met. As proposed in the modified plan the policy does not preclude development, although if the necessary standards could not be achieved this would clearly be the case. This does not appear to have been tested however, and it may be possible for potential developers, on what appear to be nearby sites, to combine to provide a suitable scheme. It may therefore be premature to conclude finally that infill development should be precluded.

11. Drawing these points together I see merit in reassessing whether Fodderty should be included on the appendix III list, although if this was to be done it would be on the understanding that development may still not be possible because of foul water drainage problems.

Recommendation

12. I therefore recommend that the council reconsiders the possibility of Fodderty being included in the list of appendix III settlements under the terms of paragraph 35. If this is approved development would be restricted to three houses, and subject to the provision of a satisfactory drainage scheme under the terms of modified policy GSP2 and appropriate improvements to the road access.

20 OBJECTIONS RELATING TO CHAPTER 6: PARAGRAPH 5 – ALCAIG ROAD CAPACITY (Issue 7)

Objector: Ferintosh Community Council (78)
Procedures: Hearing

Background

1. Alcaig is a small settlement located on the B9163 about 2.5 km north-east of Conon Bridge. It is included in the list of small rural settlements set out in chapter 6 as being suitable for some development, subject to various constraints. The capacity of Alcaig is set at 20 houses subject, among other things, to a developer contribution to road improvements required in relation to the overall development.

2. The B9163 from Conon Bridge is twin track with generally good alignment and visibility. It enters Alcaig on a tight right hand bend, rather less than 90°. The road has been subject to reconstruction some time ago to improve a junction at the bend with a side road to the north that serves about half the houses in Alcaig. This road is short, but single track without any turning space. After the sharp turn the road markings show the priority road as heading south-east towards Easter Kinkell. The B9163, which is the main road, turns sharp left however, by an old sawmill, past the remaining housing in Alcaig. It then becomes single track for about 4 km until it joins the A9 at the south end of the Cromarty Bridge.

3. The Alcaig inset plan in the deposit draft shows two potential areas for housing, on backland at the north end of the village, accessed by the side road to the north, and at the southern end next to the old sawmill, where access appears possible either from the B9163 or from the Easter Kinkell road.

Summary of main points raised by the objector

4. The objector considers that the problem of the two very sharp bends on the main B9163 through road, within the village envelope, where there have been accidents in the past, have not been addressed by the deposit draft. The road should be realigned to reduce the severity of the bends and improve the junction as part of any expansion of this village. This too should be made clear as an expectation within the plan. The objector is also very concerned that there is only an inadequate, single-track road connecting the village to the A9 to the east. The 20 further houses proposed in the plan would increase the traffic on this road significantly, increasing the risk of further accidents.

5. No traffic surveys appear to have been undertaken, so the levels using the two ends of the road are uncertain. There have been a number of accidents, although these may have been non-reportable, and fresh rubber is often seen on the road, as if from tyres skidding under braking. Although the initial objection said that it was essential that the road to the north be made twin track it was accepted at the hearing, that this was unrealistic. However, some measures would help, with the provision of more passing places and a speed limit within Alcaig. The objector is agreeable to the statement in the plan being strengthened as a result of the inquiry.

Summary of the council's response to the objection

6. The council's roads engineer advises that there is adequate capacity in the network to accommodate further development. As most traffic movements are likely to be between the settlement and the A835(T), the existing twin track road towards Conon Bridge will be able to cope with the anticipated increase in traffic.

7. Scottish Planning Policy 15 Planning for Rural Development says at paragraph 25 that "Planning authorities can allow development where the impact of vehicle movements on the local road network would not be significant." Successive local plans indicate that the capacity for further housing development depends upon the provision of a new mains drainage system, which was included in the last public version of the Scottish Water investment programme for implementation by the end of 2005. This is also complemented by advice first contained in the adopted local plan alteration regarding the B9163 road allowing good access, although main side road requires a turning head.

8. The Comments/Constraints column in the deposit draft plan refers to "road improvements required in relation to the overall development." While the council considers it unnecessary to be too specific about what is required, reference is already made to the need for a turning head on the side road to the west. Footway access is also poor and the junction could be upgraded to meet modern standards. The council's local engineer advises that it would be appropriate to add a reference to the constraints, particularly for development on land to the south east being required to address visibility problems at the T-junction adjacent to the former sawmill.

9. A modification to the deposit draft is proposed by the council as follows:
In the third sentence of the Comments/Constraints column, DELETE "*but main side road requires turning head*" and reword the last sentence to read: "*Developers /applicants should contribute on a pro rata basis per each new house to the provision of the play area and road works required in relation to the overall development, notably a turning head on the west side road and visibility improvements at the T-junction.*"

10. At the hearing the council said that it may not be reasonable to look for road improvements outwith Alcaig, but acknowledged that some other improvements could be sought, including possible traffic calming. The council was agreeable to the strengthening of the constraint statement along these lines following the inquiry.

Conclusions

11. The council has referred to the national guidance in SPP 15, but the issue following from this is whether or not the impact of any development on the road system would be significant. There are no figures to give overall levels of traffic or the extent to which the B9163 is used north and south of Alcaig, relative to each direction. Common sense suggests that the greatest amount of traffic generated in Alcaig would be to local centres such as Conon Bridge or Dingwall, or to Inverness, for which the southern route via the A835/A9 is both shorter and quicker than to the north via the A9 alone. The B9163 could also be used by traffic from Conon Bridge and other areas to reach the A9 north. On balance, however, I consider that the council's view that the majority of the traffic is likely to be on the twin track section of road to the south of Alcaig, rather than the single track to the north, has credibility.

12. Assuming this to be the case, I do not consider that the increase in traffic generated by 20 new houses using the single track section of the B9163 to the north would be such as to increase road safety problems to an extent that would be significant. This is not to say that there are not parts of the road that would benefit from some local engineering works, including providing extra passing places. This would, however, be desirable irrespective of the construction of any new housing and I do not consider that it should be a specific condition for such development.

13. Looking at the road within Alcaig there is no doubt that the road enters the settlement at a tight bend, although it has a fairly constant radius and it only appears to be a problem if traffic from the south approach too quickly and is taken unawares. Visibility at the junction on the bend is reasonable, but I note the council's view that it could be improved to the latest standards.

14. Traffic from the north has a clear straight run into Alcaig, and without a speed limit this may encourage relatively high speeds, although vehicles have to give way at the T-junction where the B9163 meets the Easter Kinkell Road. Visibility here could be improved especially to the south where there are the former saw mill buildings, and this is also acknowledged by the council, as well as being recognised in the proposed modification.

15. It may be unrealistic to expect a major re-engineering of the bends to smooth traffic flow, but I am not convinced that this would have the desired effect of reducing traffic speeds. The most likely way that this could be achieved would almost certainly be by means of a speed limit, with the associated modern speed reducing approach signs, although I do not know if Alcaig would qualify for this. Otherwise traffic within the settlement is already calmed to the extent that it has to negotiate the junction by the old sawmill, where the give way sign on the B9163 means coming virtually to a halt at the Easter Kinkell Road.

16. I am uncertain as to the extent that new traffic calming would help, unless associated with a speed limit, and this would be a matter for further consideration by the council. It would however be sensible to strengthen the constraint statement to take into account the traffic calming possibility.

Recommendation

17. I therefore recommend that the deposit draft local plan be modified as follows:

- (i) In the third sentence of the Comments/Constraints column, DELETE "*but main side road requires turning head*" and reword the last sentence to read: "*Developers /applicants should contribute on a pro rata basis per each new house to the provision of the play area and road works required in relation to the overall development. These should include visibility improvements at the T-junction, traffic calming, and, for development on the north side of the village, a turning head on the west side road.*"

Although not a formal recommendation for the modification to the plan it would be sensible for the council to consider a speed limit for Alcaig as a means of resolving the issues raised by this objection.

21 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD PARAGRAPH 6 – ARABELLA

Objector: T Jackson (53)
Procedure: Written submissions

Background

1. Arabella is a small but elongated settlement within level countryside, stretching for nearly 1.5 km along the B9175 A9 to Nigg road, south-east from the railway crossing. There are groups of houses near the railway and in the middle of the settlement, but otherwise they are relatively spread out, allowing scope for infill. This is recognised in the deposit draft by the inclusion of Arabella in the list of small rural settlements, set out in chapter 6 of the plan, where development may be acceptable within the defined boundaries. The capacity set for Arabella is ten houses, but this is subject to the drainage system being brought up to an approved standard (programmed for 2004/2006), unless the means of disposal is otherwise approved by SEPA and the council. There is to be no development within 15m of the sewage treatment works or removal of important roadside amenity trees.

Summary of main points raised by the objector

2. The objector wishes to develop a house on a plot adjacent to Smiddy Cottage at Nigg Station, just outside the settlement boundary, and therefore objects to the present boundary, which should be extended to include the objection site. This would not promote ribbon development, as land to the south-west of the road is arable and there is a strip of dense woodland on the north-east side extending to the objection site. The site is hidden by a conifer hedge and a sympathetically designed dwelling would not detract from the feel of the rural countryside area. There is no intention of spoiling the views or outlook for anyone. There is a great demand for rural plots and this would help meet that need.

Summary of the council's response to the objections

3. This site is over 450m beyond the settlement boundary and falls within the hinterland area where structure plan policy H3 applies. The specific objection is to the settlement boundary, which coincides with the extent of the catchment for sewage treatment. A new sewage facility should be in place by the end of 2005, and SEPA states that all housing should be connected to mains waste water treatment where possible. The cost of this to the proposed site would be restrictive. A significant extension would be required to the settlement boundary to include the site, and this would only serve to include housing that is outwith the clear visual envelope of the present boundary. The extension would undoubtedly lead to pressure for further housing and the removal of the wooded area. There is adequate potential for development within the existing settlement, and the council proposes no change to the deposit draft local plan.

Conclusions

4. As the council has stated, noted in paragraph 3 above, this area of land is clearly in countryside and subject to the relevant policies. In this case the guiding one is structure plan

policy H3 regarding housing in the countryside, which requires a land management justification, in line with national guidance. If such justification was available it could potentially allow the development of a house irrespective of the settlement boundary, but this appears not to be the case.

5. Arabella is already a lengthy settlement, considering that in places it is effectively only one house plot deep, and to some extent could already be said to constitute a ribbon of development. Apart from consideration of waste water disposal issues, the inclusion of the objector's site would lead to a considerable extension of this ribbon, and I share the council's concerns about this. In addition, it would be illogical to have a settlement boundary consisting only of the main road, so any extension would have to include land on at least one side of the road and undoubtedly open this up to development pressure, irrespective of whether it is tree covered or not. Whilst one more house may not significantly affect the rural feel of the area this would not be the case with a greater number. I therefore find that there is no justification for an extension of the settlement boundary.

Recommendation

6. Accordingly I recommend that no alteration is made to the deposit draft local plan as a result of this objection.

22 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD, PARA 7 – ARDROSS VARIOUS ISSUES OVER HOUSING ALLOCATIONS IN THE AREA (Issue 8)

Objectors: J Brown (12)*; Ardross Community Council (13)*; S Barrow & C H Richard (71); S Drever (81); A Chamier (120)*; S Dymond (136); J M Edmondson (153)*; J Robertson (154)

Procedures: Round table discussion* and written submissions

Background

1. Ardross is a dispersed rural community located mainly to the west of the B9176 ‘Struie’ road, on the north bank of the River Avern, along the Strath Rusdale road, about 4 km north of Alness. There is a primary school, millennium village hall, and garage at the cross roads with the B9176. For the purposes of this issue it is taken as including the groups of houses, farms at, among others, Dalnavie (east of the B9176), Cuillich, Easter Ardross, Dublin, Cnoc Ruadh, and Ardross Mains. Issues relating to the deposit draft designation of the area as a rural development area are dealt with under Chapter 4: Strategy – Rural Development Area at page XXX above. In this I accepted the council’s view, in response to objections, that the area should be redesignated within the heritage/natural zone.

2. The deposit draft says that future development is subject to drainage constraints, with mains drainage and waste water treatment. Private arrangements will depend on ground conditions. The plan gives an overall allocation of 25 houses, with specific allocations made for up to 23 houses plus the redevelopment of Ardross Mains steading and associated houses.

Summary of main points raised by objectors

3. Most of the objectors make similar points. The principal ones are:
- overall number of houses for all Ardross settlements undefined and potentially increased in total from consultative draft;
 - housing total beyond what is reasonable for the existing community to absorb in the time frame for the plan – could be up to 35;
 - six houses is maximum that can be accommodated at Cuillich;
 - importance of Ardross Mains Steading as part of designed landscape of Ardross Castle, and need for sensitivity in conversion, avoiding new build if possible;
 - need for designated site for sheltered housing, possibly by the school;
 - tongue of green land at Dublin (16 existing houses) and Cnoc Ruadh (8 existing houses) opposed by residents for housing, joining the two groups together;
 - do not jeopardise the upgrading of the existing Cnoc Ruadh septic tank, programmed for 2004-5, together with the incorporation of Dublin into that system;
 - no need for development at both Dublin and Ardross Mains Steading;
 - potential increase in light pollution at Dublin – there should be no street lighting;
 - impact on views and house values at Dublin;
 - development at Dublin would not finance Ardross Mains restoration (same owner);
 - traffic problems on Strath Rusdale Road;
 - need to protect avenue of trees along this road west from Ardross;

- need for appropriate designs and landscaping of new houses;
- failure to identify the area to the east of the B9176 at Dalnavie as suitable, despite the presence of existing services and the prospect of land being made available to provide suitable waste water treatment;
- land for houses at Dalnavie should be identified in plan; and
- further development contrary to new heritage/natural status.

Summary of the council's response to the objections

4. The housing allocations serve the needs of the surrounding countryside areas where there are no specific allocations. There is significant pressure for housing in rural areas and the identification of clustered groups of established housing offers potential for housing in a rural location. This removes some pressure for applications in inappropriate locations. Potential development at the Ardrross Mains and the former Castle Inn (Cuillich) would also be development of brownfield sites in keeping with sustainable principles. The total allocation is intended to meet structure plan allocations up to 2017, beyond the local plan.

5. A MODIFICATION is proposed to take into account proposed changes in waste water treatment following SEPA objections. In paragraph 7 delete the second, third and fourth sentences and substitute: *'In the interests of sustaining important community facilities (school, hall, etc.), the Council will discuss with Scottish Water and SEPA the prospects for the provision of a first time public drainage system to serve areas (a), (b) and (c) below.'*

6. The figure proposed for Cuillich indicates the total number of houses for the allocated site. The previous development has three houses already built on the site. The policy should state that the residual figure lies between 3-5 houses. The text should be MODIFIED to delete in 7(c) "6-8 houses" and replace with *'3-5 houses'*.

7. The site at Dublin is proposed for housing at a low density to provide for an element of demand for the area. Dublin is served by a septic tank which is due to be upgraded by Scottish Water by the end of 2005. Any new development would be the subject to General Supporting Policy 2 (GSP2) and may be required to make a contribution to create the necessary capacity or improve sewage treatment. A MODIFICATION is proposed to the deposit draft: delete the requirement *'The existing septic'* And substitute *'Developers may be required to contribute to provision of additional capacity (GSP2).'*

8. Conditions of any planning permission can require that early structural planting and landscaping be carried out to minimise the impact of and help integrate development into the landscape. Guidance in relation to house design seeks sympathetic development to that existing but also encourages innovation in design as evidenced in the new millennium Ardrross public hall. The development at Dublin/Cnoc Ruadh is not intended to provide any financial contribution towards the renovation at Ardrross Mains, where the policy statement for that site says there may be potential for new build within the overall extent of the site.

9. Views from private houses are not a consideration for the planning authority, although the question of amenity is. The intended density and limited number of houses proposed would reduce the impact on surrounding properties. The issue of street lighting will be addressed at the time of a development application. The Council has some discretion in respect for small housing developments and would consider the provision of a safe environment for pedestrians, including children travelling to school, and security issues. The

council only approves lighting that does not emit light upwards. Developments are dealt with by the council on an individual basis and developments of four or less units may not be required to provide street lighting, but cabling and ducting may be required to cater for any future expansion of this development. Private security lighting is also an issue.

10. Additional housing must be consistent with, or enhance, the cohesiveness and visual appearance of the group. Generally this should be within the existing boundary of the group, but there may be opportunities for some limited extension beyond this, where the development would contribute to enhancing the appearance of the group as a whole (through, for example, new edge planting) and where its rural character is not undermined. Proposals which will result in suburbanisation, ribbon and backland development, involve excessive infrastructure or loss of prime agricultural land or important areas of woodland, for example, will not be considered acceptable.

11. The development potential of Ardross Mains steading is not readily quantifiable as capacity figures will vary according to the type of redevelopment proposed, to be addressed through a planning application. Redevelopment is likely to be expensive and an element of new build within the allocated area to cross-subsidise renovation work, although the renovation and sale of the existing farm workers cottages may provide necessary revenue. It may be possible to accommodate other uses within the steading building. Proposals for new build should be restricted to the north of the steading building, and would have to be in keeping with the existing buildings and reflect the nature of the farm workers accommodation that exists on the site.

12. A MODIFICATION is proposed to reflect more clearly requirements for development on the site, deleting the existing words and substituting new wording: *'The former Ardross Mains Steading offers potential for renovation to provide housing within the existing farm workers cottages and the steading building. There is opportunity for development of business uses within the steading to provide local employment opportunities. Potential exists for limited new build to help cross-subsidise renovation of the steading building. This should be located to the north of the steading building and reflect the character, layout and design of the existing farm workers buildings. Development shall be subject to the provision of necessary infrastructure.'*

13. The sites proposed at Dalnavie would effectively form ribbon development extending eastwards along the Scotsburn Road. This would produce an almost continuous stretch of development eastwards from the Ardross crossroads for a distance of over 800 m, contrary to the existing pattern of development and the Council's approved policies with regard to housing in the countryside.

14. Applications were recently considered in respect of four of the nine sites identified within the objection (THC8/1). Two were approved contrary to recommendation, with the other two being refused. The recommendation for refusal was based on the proposals being contrary to structure plan policy H3 and the Development Plan Policy Guideline in relation to housing in the countryside. The two approved sites lie to the east of the Ardross crossroads and were approved on the basis that they were adjacent to existing housing and were situated close to the facilities of the school and hall.

15. The council does not accept that the other proposed three sites, to the south-east of the crossroads, constitute part of an existing group east of the B9176 at Dalnavie, and they would

contribute to sporadic development along the Scotsburn Road. Further concentration of development at the crossroads of the B9176, for two plots, is not consistent with the planned development of the existing group at Ardross, as indicated in PAN 72, and would set a precedent for further sprawl of the community to the north and east of the crossroads.

16. The council's technical service says that the road network is capable of accommodating an increase of traffic flows at the scale of allocations proposed. Any road improvements required to directly serve the development would have to be provided by the developer.

17. The heritage/natural zone does not preclude the development of housing but places greater emphasis on the environment and natural heritage considerations. The proposals at Dublin and Ardross Mains Steading are consistent with national and structure plan guidance.

18. In respect of General Supporting Policy GSP7 Settlement Expansion the 25% guidance figure refers to the main settlements contained in Chapters 7-34. In relation to small rural settlements, allocations contained within these are seeking to provide for a large rural catchment and in general have little in the way of facilities. The allocation adjacent the crossroads obviously represents more than 25% of the existing within the boundary, but in this situation is aimed at supporting the existing facilities of the hall and school, meeting sustainability criteria.

19. The council asks for support for the proposed changes to the deposit draft, as set out in paragraphs 5 and 6 above.

Conclusions

20. The wider area of Ardross is made up of a series of small groups of houses, often originating with an estate development, such as at Dublin and Ardross Mains. There is no major settlement focus, with such facilities as there are, the primary school, millennium hall, and garage, situated at the cross roads on the B9176, with only a few houses nearby.

21. The basic policy for housing in the countryside is set out in structure plan policy H3. This restricts housing within the hinterland around towns, which includes Ardross, to development within existing or planned settlements, unless required for land management or provision by social housing providers. It is left to the local plan to define such settlements and the section relevant to Ardross is chapter 6 paragraph 3, which says that development may be acceptable within the defined boundaries of the rural settlements listed, including paragraph 7, Ardross, with an allowance for 25 houses. This provides, by the council's proposed modifications, for eight to nine houses near the hall and school, on either side of the Strath Rusdale road, three to five at Cuillich, the former Castle Inn, and six at Dublin. Ardross Mains Steading is designated for potential renovation and limited supporting new build, without a number being specified.

22. In relation to overall numbers, there is an anomaly in that the total figure of 25 allows only five extra houses on top of those provided for in sites 7(a) to (d). This figure could easily be exceeded if development proceeds at Ardross Mains, which is not included in the total figure. I am satisfied with the council's explanation that the figure allows for provision up to 2017. It would however be sensible for the council to re-examine this figure, and assess

whether or not it is a realistic upper limit. Otherwise it could place an artificial constraint on some allocated sites.

23. Looking first at sites 7(a) and (b) on the Ardross inset map, these are subject, together with site 7(c), to the provision of a new first time public drainage system. The first two sites would consolidate the existing development around the school and the hall and are not the subject of any specific objections. There may be scope here for sheltered housing.

24. Site 7(c) at Cuillich, the Castle Inn is a former public house, now closed following, presumably, the diversion of the main road north along the new A9. This has become an eyesore. The revised figure proposed by the council allows for new development already completed. The revised figure is for three to five houses, in line with the local objector's figure, and it was stated at the hearing that there is no longer an outstanding objection. I accept that up to five houses could be accommodated within the settlement boundary in a satisfactory manner, without overcrowding or adverse landscape impact, on what is partly a brown field site, occupied by the former inn.

25. Site 7(d) is an open sloping field that links the original estate workers cottages at Dublin with the relatively recent affordable and other houses at Cnoc Ruadh, where there is also a local church. Some of the objectors' concerns relate to the outlook from and value of the existing houses at Dublin, but these are not planning issues that affect the inquiry, as the council has pointed out in the case of views. Having said this, the Dublin houses are compact single storey terraces, and it would be easy to dwarf these by unsympathetic designs, affecting residential amenity. The six houses proposed would however be a low density for the site, and could take advantage of capacity in the upgraded drainage system. It was suggested at the hearing that this could be a possible site for sheltered housing, although it is not close to any amenities, other than the church at Cnoc Ruadh. Sheltered housing could however be sympathetic in form and scale to the existing cottages.

26. Issues relating to detailed design and street lighting are matters for development control and not appropriate for the local plan. I also share the council's view that any development at Dublin would be unrelated to Ardross Mains Steading. In other respects site 7 (d) is a logical infill between Dublin and Cnoc Ruadh, that could be developed without adversely affecting the two existing groups of houses, although it would have been more consistent with other inset plans for the council to have drawn the settlement boundary to include both Dublin and Cnoc Ruadh, emphasising the cohesive nature of the group. Drawing these points together I do not find that the arguments against development at Dublin are based on sound planning reasons, provided the council takes account at the planning application stage of the issues relating to residential amenity, which it appears in its evidence to recognise. It should also be satisfied that the houses are needed to meet its total requirements, and if so whether it would be an appropriate site for sheltered or affordable housing, for which there is not otherwise any specific provision.

27. Ardross Mains Steading comprises about nine residential units, which appear from my accompanied site inspection to include flats, houses and cottages, together with substantial steading buildings, with the original ones having been more recently extended. Although not listed, they form part of the original estate buildings of nearby Ardross Castle. The original buildings, both houses and steading, appear as fine examples of traditional estate architecture, and I am satisfied that they are worth protecting through renovation and conversion. The

buildings are however in a generally poor state of repair, and extensive renovation and conversion would need to provide satisfactory accommodation.

28. All the objectors accept that the steading should be renovated, and the objections focus on the need for this to be fully in keeping with the existing buildings, particularly regarding design and materials, and that there should be no additional enabling building. The first point is recognised by the council, and was discussed at some length at the hearing. It is not, however, spelt out in the council's revised wording, and I consider that a sentence should be added requiring a development brief, taking into account the need to respect the form and materials of the older existing buildings on the site, not least to provide reassurance to the local community that this will be done.

29. With regard to new enabling building, my view, based on experience and what I saw at the site inspection, is that restricting development to within the form of the existing buildings is unlikely to be viable in terms of producing the standard of renovation expected by the objectors. Enabling development is now an accepted way of providing cross-funding for renovation work on listed buildings. In this case the buildings are not listed, and there is thus little ground for refusing such development, providing it is in keeping with the form and materials of the original steading and houses. At the hearing the council referred to the possibility of a section 75 agreement to ensure that any new build did not precede the renovation, with the consequent possibility of this not being undertaken. This should be set down through an appropriate modification to the plan. Providing this is done I am satisfied, subject to these conclusions, that the concerns expressed by the objectors are taken into account as far as is reasonably possible.

30. With regard to the Strath Rusdale road, the council has said that it is capable of accommodating any likely increase in traffic from the developments allowed for. Although narrow in places, I did not find the road significantly better, or worse, than many similar roads serving non-through routes in Highland glens. Although care is needed my impression is that a significant increase in traffic could be accommodated without any undue threat to road safety.

31. Turning to the objections regarding development at Dalnavie, it was stated at the hearing that the council's planning committee, in granting permission for two houses on the south side of the Dalnavie road, thought that the expansion of the settlement should not be restricted by the road. At the accompanied site inspection we looked at land on the north side of the road, adjacent to the cross roads, and I visited unaccompanied sites along Dalnavie Road. The objector argues that conditions for septic tanks are better to the east of the B9176 than to the west, but septic tank provision would still be contrary to the general policy requiring connection to a SEPA approved treatment system.

32. I also accept the council's view that development along the Dalnavie road would contribute to a sporadic pattern of development, and lead ultimately to ribbon development, emphasised by the plan showing recent planning application and objection sites along the road (THC8/1). The indicative drawing 0321/P11, produced on behalf of the objector, also shows an area to the east of the cross roads that is very substantially in excess of the ground occupied by the existing four houses, including the ones under construction. Although indicative it gives it shows the general extent of the land designation sought by the objector, which would produce an increase in the size of the community of the order of about 10 houses, based on the allocation to the west of the cross roads. As well as being development

that would mean crossing the main road to reach the facilities at the hall and school, it would also take the total number of houses well beyond the target figure of 25, taking account also that this figure may not allow fully for Ardross mains. In these circumstances I do not find any sound planning arguments for development east of the B9176, and accept the council's view that it should not be approved.

33. Drawing all these points together, for the reasons given I accept the council's arguments, subject to the qualifications I have expressed in paragraphs 26, 27, and 29 above.

Recommendation

34. Accordingly I recommend that the following changes are made to the deposit draft local plan:

- (i) the modifications proposed by the council, as set out in paragraphs 5, 6, 7, and 12 above be approved.
- (ii) under site 7(e) Ardross Mains Steading, insert after infrastructure '*A design brief is required, setting out how the renovation and any new build will respect the form and materials of the original steading buildings and houses. A section 75 agreement will be required to ensure that any proposed renovation is substantially completed before any new houses are occupied.*'
- (iii) the council should satisfy itself that that there is a need for any new houses proposed for site 7(d) at Dublin, within the overall Ardross limits, and give further consideration to whether it would be appropriate for sheltered or affordable housing.
- (iv) no other changes should be made as a result of these objections.

23 OBJECTIONS RELATING TO CHAPTER 6: PARAGRAPH 9 – BARBARAVILLE HOUSING

Objector: Balnagown Estate (35)
Procedure: Written submissions

Background

1. Barbaraville is a relatively small settlement located on the north shore of the Cromarty Firth, astride the B817 road about 4 km north-east of Invergordon. Historically most of the development took place on the south side of the road, but more recently there has been expansion on level ground to the north, at Mull Hall, with the emphasis on provision of retirement accommodation, including a ‘retirement’ village of detached bungalows that is under development. It is designated site 9(a) in the deposit draft for 50 ‘retirement’ homes.

2. North-east of this, on the north side of the main road, is site 9(b), Barbaraville North, which is 3.9 ha designated for low density housing, with the comment/constraint that it will require significant landscaping, planting and provision of amenity and open space. As the total settlement capacity is set at 80 this would leave 30 houses for site 9(b). There is also a potential requirement to contribute to waste water system improvements in line with policy GSP 2. Important open spaces and amenity areas are protected, especially the foreshore, and there is a presumption against development within 15m of the waste water treatment plant.

Summary of main points raised by the objector

3. The objector proposes the inclusion of a further 17.3 ha of ground to the north and north-west of sites 9(a) and (b). This would be developed with not more than, say, 25 houses spread over the whole area, incorporated sensitively within a community wood, open playing fields and wildlife areas. Discussions have been held with the local community, which is said to be desperately in need of such areas because of the increase in the number of senior citizens. With the larger area proposed houses can be more sensitively sited and fulfil the growing demand for quality houses that are not crammed in to higher density developments.

Summary of the council’s response to the objections

4. The proposal for the addition of a further 17.3 ha would provide the opportunity for a higher level of amenity provision for the community in general. Any development proposal will require the provision of an overall layout showing the built form, circulation, green space and landscaping, with the overall capacity of the site retained at the current figure. The council proposes the modification of the deposit draft to read: “(b) 20.2 ha of land is allocated for low density housing at Barbaraville North. Development proposals for the site shall require to produce an overall layout showing built form, circulation, green space and landscaping.”

5. The council also proposes that the reference in the deposit draft to the potential contribution to upgrading the waste water system be deleted and replaced with: “Connect to the existing public sewer.”

Conclusions

6. The land proposed for the extended site 9(b) is shown on a plan submitted with the objection, with the whole of the extended site shown as one and marked for community woods, paths, ponds and low density houses. The extended area is relatively flat open ground, recently under cereals. It is bounded to the south-west by an unclassified road leading to the A9, which also provides the main access to the retirement homes. To the north-west is the railway and to the north-east open fields. Although it would increase the settlement substantially in terms of land area, the council sees the number of houses fixed at the level in the deposit draft, and there would be significant benefits to the local community, especially occupants of the adjacent retirement village.

7. The objection is slightly ambiguous as it does not make clear whether its reference to 25 houses is for the 'whole area' just of the extension or including the deposit draft site 9(b). As there has been no objection to the modified draft I assume it is the latter, in which case the council's figure of 30 for the site, as explained in paragraph 2 above, would be satisfactory.

8. I therefore accept the council's proposed amendment as set out in paragraph's 4 and 5, above.

Recommendation

9. Accordingly I recommend that:

- (i) the proposed modification to the deposit draft set out in paragraphs 4 and 5 above be approved; and
- (ii) that no further amendments to the deposit draft be made as a result of this objection.

24 OBJECTIONS RELATING TO CHAPTER 6 PARAGRAPH 11: HOUSING AT CORNTOWN BY CONON BRIDGE

Objectors: G Sullivan and S Maher (430) (to modification)

Procedures: Written submissions

Background

1. Corntown is a small settlement sitting astride the B9163, 1km east of Conon Bridge. It is elongated, with a small group of houses at either end separated by a gap of about 100m, which is an open field. The group of buildings at the eastern end includes an old farm steading used as garage and car repair workshop. The deposit draft designated Corntown at chapter 6, paragraph 11 as a small rural settlement where development may be acceptable, subject to adequate drainage, and with the comment that potential exists to fill the gap between the two parts of the settlement and convert the steading buildings, a capacity of 10 houses..

2. This drew objections from Ferintosh Community Council (78) and SEPA (170) regarding drainage problems. A connection would be required to Conon Bridge waste water treatment works, some 600m to the north, which would be uneconomic for the scale of development proposed. An objection was also received on behalf of C Millar and L Manclark stating that the settlement boundary excluded land adjoining the western group of buildings on which they proposed to build a house. A planning application relating to the site had been deferred by the council pending the outcome of the local plan. The council subsequently approved a modification to the deposit draft in January 2005 as follows:

- DELETE Corntown from the table of Small Rural Settlements in Chapter 6 as well as the Inset Map. Add Corntown to the list of small groups with potential in Appendix III to be covered by the provisions of paragraph 35 (34), with the development potential limited to one house.

The one house was intended to be the site sought by C Millar and L Manclark.

3. On the basis of this change the initial objections were conditionally withdrawn, or, in the case of the community council was effectively no longer an objection. Another objection was then received from G Sullivan and S Maher in response to the modification.

Summary of main points raised by objectors

4. The deposit draft provided a coherent plan for potential future development of Corntown, in accordance with the established pattern of development in the area, and a mix of new-build and conversion. The reasons for the identification of Corntown as a small settlement, and for the proposed boundaries, remain valid. The basis of the proposed modification to the deposit draft, an application for a single house, is insufficient justification for removing Corntown from the list of small settlements and altering the proposed boundaries. The land to the south of the road is available for development, and information put to the council that it was not was incorrect. The proposed modification would allow backland development, contrary to the established pattern of the area, of houses with road frontages and good separation, and would set an undesirable precedent

Summary of the council's response to the objections

5. The council does not dispute the objectors' comments about a coherent plan for potential future development in accordance with the established pattern, as this approach was initially promoted by it. The proposal to change the deposit draft to confine the development potential to the smaller group of houses at the western end of Corntown was based on concerns by SEPA and the community council about drainage together, with land availability considerations at the time.

6. SEPA and the Community Council essentially seek the connection of development in a larger group to a public sewer, in this case to the Conon Bridge waste water treatment works. The servicing of land for a further 10 houses on this basis is likely to be cost prohibitive, given the length of sewers required. This factor and the possibility that one additional house in the area could instead have its own private system suggested a return to the adopted plan approach of identifying a smaller cluster of houses with limited potential.

7. At the time the council was considering an application for the proposed backland development at the western end of the village information was received, erroneously as it turned out, that land was not available for development on the south side of the road as proposed in the deposit draft. Taking this into account the proposed modification was aimed at recognising some potential for development based on the adopted local plan alteration, as had this not been under review the recommendation on the planning application might have been to approve the single house on the basis of local plan compliance.

8. It is unfortunate that the draft local plan has become embroiled in such a point of detail, and a committee decision to either approve or refuse the planning application, instead of deferring it for the review might have decided the appropriate policy for the area. Regarding the proposed modification it is agreed that a precedent would be created if the settlement remains as per the deposit draft plan. In this situation the further development potential should be confined to the south-east side of the road. However, the group of six houses at the western end of the settlement, three on either side of the road, are sited relatively close together and meet the initial criteria for defining small clusters of three or more dwellings sited less than 50 metres apart. Only one of the three houses north-west of the road is a traditional dwelling, and one of the two modern adjacent houses is set back farther from the road. In the respect, the addition of a new house to the rear, effectively rounding off the small group, may not be contrary to the settlement pattern.

9. The council concludes that this issue is a dilemma as far as the interests of the two main parties is concerned. There is clearly support for retaining Corntown as a larger group of houses, as per the deposit draft, except that the requirement to connect to the Conon Bridge wastewater treatment works for up to 10 houses could place very high costs on development. This level of development would also effectively double the number of dwellings in this location, a matter that the community council had concerns about at the consultative draft stage. Ignoring the land ownership issues, on balance the council feels that the provisions for this area should be more in keeping with the adopted local plan alteration as a small group with limited potential for one house, possibly with its own private drainage system, and asks for the proposed modification outlined in paragraph 2 above to be supported.

Conclusions

10. The wider concerns of SEPA regarding drainage are dealt with under issue 4 in chapter XXX of this report. These appear to have resolved as far as issues relating to Corntown are concerned, resulting in the conditional withdrawal of the objection, and are therefore not repeated here.

11. I accept the council's view that it is unfortunate that the local plan review has become embroiled in points of detail, as these would normally be resolved as development control matters. This report must concentrate on the planning issues that should be taken into account in considering the proper form of development for the settlement, and other matters are not relevant to this inquiry.

12. There are two principle concerns regarding the proposals in the deposit draft, the increase in the size of the settlement, and the provision of adequate drainage. The construction of ten new houses would effectively double the size of the community, and I share the community council's concern about this. On the basis of my site inspection the present settlement appears to have grown on an incremental basis, giving time for the community to adapt to an increase in size. Although the council's 25% limit on the growth of larger settlements does not strictly apply in the case of smaller ones it is a reasonable indication of council thinking of how much new development might be absorbed by a community. There is also merit in continuity between successive local plans, and in the absence of overriding reasons for change, the concentration of development at the western end of the settlement, albeit restricted to one house, would maintain the adopted local plan position.

13. The question of drainage is not unique to Corntown. Although a situation is available through a connection to Conon Bridge treatment works, taking into account the length of sewer and a possible need for pumping, I accept the council's view that this is likely to be prohibitively expensive for the potential level of development at Corntown. Taking all these points into account I am not persuaded that a strong enough case has been made to justify my recommending against the council's proposed modification to the deposit draft.

Recommendation

14. Accordingly I recommend that the deposit draft be amended as proposed by the council, as set out in paragraph 2 above.

25 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD, PARAGRAPH 12 (11) –EXPANSION OF CROMARTY MAINS (Issue 10)

Objector: D MacPherson (183)
Procedures: Hearing

Background

1. Cromarty Mains Farm is located on high ground, about 1 km south of Cromarty, overlooking the Cromarty Firth and Nigg Bay. The original farm settlement consisted of the farm house and steading buildings, and eight farm cottages in two terraces of four, all the housing being on a farm track running south-east from South Sutor Road. The original holding has been broken, with the houses and steading now in different ownerships. South-west of the steading, on the ‘American’ road, are four recently built large houses. Planning permission has been granted for eight houses in a courtyard setting on land south-east of the cottages, accessed by the farm track.

Summary of main points raised by the objector

2. The objector proposes the designation of an ‘L’ shaped area of ground along South Sutor Road and the farm track. This would be 45m deep along both roads, totalling some 2.2 ha. This designation would be compatible with structure plan policy G2 as it would be fully serviced, with easy access to facilities in Cromarty village, within walking distance. There would not be any impact on any form of designated ground, amenity, natural or cultural resources or prime agricultural land, and the houses could be set into the landscape behind existing trees. This would mirror the four houses on the ‘American’ road, the planning permission for which allowed for the felling of some of the trees. There would be a high design quality and no conflict with the designed landscape of Cromarty House. They would help sustain the local community and there would not be any conflict with structure plan policies G2, G4, G5, G6, G7, or G8.

3. The planning permission for the eight houses has conditions requiring the prior commissioning of the Cromarty waste water treatment works, and improvements to the access road from Cromarty, the latter at the expense of the developer. The former has been done and capacity is available for further development at Cromarty Mains. All the conditions would benefit the wider community at Cromarty mains. It is proposed that five houses be constructed on the designated land, as opposed to the ten originally put forward, which would increase the size of the settlement from 21, including the yet to be built eight houses with planning permission, to 26, within the council’s 25% expansion criteria for existing groups.

4. The increasing costs of the infrastructure mean that the development of the existing permission for eight houses is not viable without the additional proposed development. It is accepted that in general the funding costs for servicing infrastructure is not in itself a reason for requesting additional houses. However, the existing houses are allocated in the local plan and have a permission that cannot be implemented because of the high infrastructure costs. There is ample demand for the houses, so this is not an issue. Also this proposed expansion would fit with the advice given in SPP 15, particularly paragraph 18, which allows considerable scope for the expansion of clusters and groups in close proximity to settlements.

The site would also meet the requirements of PAN 72 regarding siting and design. The development would enable the use of the available capacity at the new treatment works, making use of public investment that would otherwise be wasted.

Summary of the council's response to the objections

5. Proposed changes to the deposit draft were approved in January 2005. No changes were recommended in response to the main objection. However, in part response to a SEPA objection regarding foul water drainage there is a need to MODIFY the Comments/Constraints of Cromarty Mains to account for changes to Landward paragraph 3 as follows:-

- in the second sentence, DELETE "mains drainage";
- in the second sentence, after the word "connection" INSERT "*to the Cromarty treatment works*"; and
- DELETE the third sentence.

Consequently SEPA withdrew its objection relative to Cromarty Mains, in view of the requirement through planning conditions to connect additional development to the Cromarty waste water treatment works.

6. The council acknowledges the advice in SPP 15, and PAN 72. It emphasises structure plan policies G2 and H3, the latter being expanded on in the DPPG on housing in the countryside. These define Cromarty Mains as a larger group of farm dwellings and buildings with potential for expansion. Such settlements should only be defined where there are opportunities to make use of spare capacity to accommodate new housing where this would be consistent with or enhance the cohesiveness and visual appearance of the group. Adopted local plan policies supporting development in the countryside have now been superseded by structure plan and guideline presumptions against the development of further ad hoc clusters of housing in the countryside.

7. The overall demand for housing does not justify a sprawl of housing in the countryside away from the main group of existing or approved houses at Cromarty Mains. The high cost of servicing the development with planning permission does not justify further housing that would be incongruous to the traditional settlement pattern and contrary to national guidance in SPP 15 and PAN 72. The reporter into the adopted plan housing amendment expressed concern at the 'ribbon of development in a conspicuous position' along the so called American road, and recommended the development of a courtyard or terrace style of development closer to the existing buildings, 'contingent on the revocation of planning permissions for conspicuous ribbon development of four houses west of the steading'. This latter recommendation was not accepted and the four houses were then built, and the current planning permission granted for eight houses. The objection site would be similarly exposed and the tall trees would not screen the ribbon of houses proposed. The houses would also detract from the undeveloped nature and rural ambience of this stretch of public road well used by travellers on foot or by car to and from the South Sutor.

Conclusions

8. The objector's case emphasises the need for further development to justify the cost of providing the sewerage connection to the new treatment works and the improvements to the single track access road from Cromarty. Although it is acknowledged that this in itself is not a reason for requesting further development it is fundamental to the implementation of the extant planning permission. SPP 15 does give greater encouragement to the development of

houses in rural areas, provided, at paragraph 22, that there is no net detriment to the environment. In this case the potential improvements to foul water treatment for Cromarty Mains as a whole must be balanced against the potential visual impact of the development proposed.

9. The council has referred to the previous reporter's recommendation that any further development should be in a terraced or courtyard form and contingent on the revocation of the planning permission for the four houses on the American road. The consequences of that not being done were clear at my site inspection, with four new houses spread out along the road, of urban type designs which relate neither particularly well to each other, or to the existing traditional houses at the Mains. The loss of some of the trees, no doubt compounded by the unfinished landscaping, helps to give an impression of urban sprawl adjacent to what was otherwise a compact nucleus of sound quality traditional buildings.

10. Additionally the planning officer's report on the courtyard development (THC10/1) describes the proposals as 'acceptable but not ideal', and questions whether the increase in the number of houses is 'limited' in relation to the 13 existing houses. The objector has asserted that the proposed further extension would be within the 25% allowable increase in the size of the settlement, but this figure originates in policy GSP7 – Settlement Expansion, which states that it applies to settlements in the hinterland area as defined in chapters 7 to 34. These chapters relate to the larger settlements and do not include Cromarty Mains. Even if the policy did apply, this figure is effectively more than taken up by the extant planning permission, and I do not believe it to be the council's intention that settlements should immediately be further extended once a development is completed, based on another addition to the new total number of houses.

11. To endorse the development in the location proposed would be to risk repeating the earlier expansion along the American road, leading to an extended elongated settlement unrelated to its original form. Although I do not consider that this would necessarily affect the adjacent area covered by the designed landscape of Cromarty House to an extent that would be significant, it would still effectively create a sprawling settlement that would be unsatisfactory, and contrary to the general thrust of advice in PAN 72 and guidance in the DPPG. This would not therefore be outweighed in environmental terms by the undoubted benefits to be gained from improvements to the drainage system.

12. Whilst having some sympathy for the problems caused by the viability issue, it appears from my site inspection that there is sufficient ground within the settlement boundary to provide additional housing better related to the original still existing farm buildings and houses. I accept that this could involve land and buildings not in control of the objector, but in the absence of any evidence to suggest that better solutions have been considered, I am unable to endorse a proposal unrelated to the existing settlement form that would have an undesirable impact on the landscape.

Recommendation

13. I therefore recommend that:
- (i) the deposit draft plan be amended as proposed by the council, set out in paragraph 5 above; and
 - (ii) no other change be made to the plan in relation to this objection.

26 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD, PARAGRAPH 15 (14) EASTER KINKELL EXPANSION (Issue 11)

Objectors: Mr & Mrs W D MacPherson (50) (Deposit draft); Ferintosh Community Council (78)*; M Applegate (441)*; S Grieve (442) (Modifications).

Procedures: Round table discussion* and written submissions

Background

1. Easter Kinkell is a relatively dispersed settlement lying astride the B9169 road, about 2.5km north-east of its junction with the A835. The deposit draft places the northern settlement boundary of Easter Kinkell around land designated for Ferintosh primary school. The school itself faces on to the old main road through the village. This is separated from the new road by an area of open grass. A winding single track unclassified road, leading to Alcaig, runs north-west down hill past the south-western side of the school, and along side the playing field which is at a lower level behind and to the north-west of the main school buildings. Opposite the playing fields, on the south-west side of this road, is a working farm. Ground on the north-east side of the school is occupied by housing. An objection to the deposit draft proposes the allocation of land for houses on the north-west side of the playing field, with an extension of the settlement boundary to accommodate this.

Summary of main points raised by objectors

2. The first objectors state that they have reached agreement to purchase two plots of land north-west of the primary school, adjacent to but outwith the settlement boundary. They request an extension of the boundary to accommodate the two plots. Following the inclusion of this land in the deposit draft, in response to objections relating to drainage, access and the school playing fields, the first objectors propose the provision of additional playing field ground adjacent the existing field, and the location of the two house plots farther down the hill, on the inside of a bend, and the provision of a joint access road and two passing places.

3. The second group of objectors expressed opposition to the extension of the settlement boundary on grounds including:

- poor site drainage;
- location of houses on top of existing drainage systems, with existing servitude rights;
- hazardous access from unsuitable single track road; and
- development adjacent to the school/village playing field affecting visual amenity.

Summary of the council's response to the objections

4. Objections lodged by SEPA in respect of drainage issues for Easter Kinkell have been conditionally withdrawn, but are relevant to the other objections. Proposed changes to the deposit draft approved by the council in January 2005, in response to wider objections and comments relating to drainage, are dealt with under issue 4. Other proposed changes regarding Easter Kinkell specifically are as follows:

- in chapter 6: Landward, paragraph. 15 (14), Easter Kinkell: MODIFY Comments and Constraints as follows:

in the eighth sentence INSERT a full stop after "drainage" and revise the remainder into a new ninth sentence: *"The Council will discuss with Scottish Water and SEPA the prospects for the provision of a first time public drainage system through a future investment programme."*;

- DELETE the original ninth sentence; and, in response to the first objectors
- include the land requested on behalf of Mr & Mrs W D MacPherson in the Inset Map but retain capacity for development across the overall settlement at 15.

5. Regarding the counter objections, there is no public foul drainage system and the existing arrangements consist of a plethora of individual septic tanks. SEPA would be concerned about further development unless both a public sewer and first time provision of a waste water treatment works took place. These issues are dealt with partly by the proposed amendments under issue 4, and partly by the drainage amendment in the preceding paragraph.

6. The extended area included in the proposed modifications to the deposit draft local plan does not correspond with the area originally requested by the objectors or the area now indicated in their further written submission. The area shown in the document is almost twice the size that should have been included, which appears to have been a mapping error on the part of council. As a minimum the council should adjust the settlement boundary to accord with the latest proposal from the objectors, and indicate the land offered for recreational purposes. Whether this would address the counter objections regarding drainage, particularly about the potential impingement upon existing systems, would have to be resolved, in addition to any requirements that SEPA may have.

7. The council accepts that the site would be sustainable in that it would be within walking distance of the school. However, the access road from Easter Kinkell to Alcaig is of a very poor standard, being restricted in terms of width, visibility, and lack of passing places. A single point of access serving both houses and sited close to the existing village would be required if visibility and width restrictions were to be overcome, and a developer would be required to undertake necessary detailed improvements, under council guidance, including the provision of passing places and the identification of the precise location for a single point of access to serve any development. In the absence of dedicated public funding, improvements to road safety would be sought in relation to further development.

8. There is also a local requirement to provide land for a play area and a location adjacent to the school playing field is preferred. Some land may have to be given up for this purpose therefore, rather than a pro-rata financial contribution made. The council notes the first objectors' agreement to site servicing requirements and the safeguarding of land for an extension to the playing field as a play area.

9. In trying to overcome concerns about the impact upon the setting of and outlook from the existing playing field, and release more playing field space, the houses would have to be sited farther to the north-west from the playing field, perhaps over a small hillock and down the slope, as recognised by the first objectors. This would extend development down the north-east side of the road, and the council has concerns that they could not be sited far enough away and down the slope, so as to allow views to the north-west and north from the playing fields, without the development area becoming too detached from the village. Accordingly, the council asks for the scope for modifications to the deposit draft plan to be considered in relation to these concerns, and to the proposed modifications on drainage requirements covered in Issue 4.

Conclusions

10. The proposed modification to the deposit draft has confused issues because of the wrongly drafted plan. Despite this, even with the reduced area referred to by the council, there are still concerns to be addressed as to whether the development proposed would be feasible regarding drainage. The counter proposal to relocate the development farther down the hill may resolve this, but it opens up other issues, particularly about access, road safety, impact on amenity, and detachment from the village.

11. The development may also be precluded in the short term by the wider drainage requirements of SEPA. This does not necessarily preclude the site being designated in the plan, as suitable caveats have been included through the modifications proposed under issue 4, even though there is no timetable for the necessary improvements to be put in place. I accept that the site can be regarded as sustainable because of proximity to the school, although that is effectively the only day to day facility provided in the village.

12. The council acknowledges the problems of access from the Alcaig road, which I noted at my site inspection to have poor visibility, with sub-standard horizontal and vertical alignment, being narrow and twisting, and dropping fairly steeply past the field with high banks on some sections. Although passing places could be provided a new access point would still be required, and the frequent presence of heavy farm vehicles on the road is not disputed. I am not convinced that a suitable access could be provided without at least some compromise to road safety.

13. The first objectors' latest proposal locates the two plots farther to the north-west to allow for the incorporation of a greater area of play ground, and to protect the amenity of the original field. This would place the upper of the two proposed houses some 50m from the deposit draft settlement boundary and the lowermost house would be some 240m from the nearest other buildings on that side of the road, the primary school. As the land falls, and there is an intervening knoll, referred to by the council, the two houses would appear isolated from the village, with no relationship to any other houses or buildings. In these circumstances they would appear as houses in the countryside, normally subject to structure plan policy H3 requiring a locational justification in terms of land management. Such a justification has not been provided, nor has any specific requirement been given for housing on these two plots.

14. Given these concerns, and taking into account the potential problems of drainage, and the acknowledged difficulties of road safety and access, I am not satisfied that the arguments in favour of extending the settlement boundary to include the two plots are sufficient to override the well founded objections.

Recommendation

15. I therefore recommend that:

- (i) the changes proposed by the council regarding drainage, set out in paragraph 4 above, be incorporated into the deposit draft local plan; and
- (ii) no other changes are made to the deposit draft as a result of these objections.

27 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD PARA 18 (17) – JAMESTOWN HOUSING (Issue 12)

Objector: R C Macdonald (167)
Procedures: Written submissions

Background

1. Jamestown is a small settlement of around 40 houses on the east side of the A834 about 1 km south of Strathpeffer. It is almost entirely residential, with a large proportion of modern housing around the old traditional core. It sits on high ground overlooking the Conon valley and access is gained from two junctions on the A834 at the western and northern edges of the settlement respectively. Both of these have restricted visibility, especially for traffic travelling north and turning into the settlement, across the south bound carriage way.

2. All the roads within the settlement are effectively single track, with restricted visibility junctions. There is an old church, now ruined, in the centre and many of the houses are traditional. There are also many modern and recently built houses, which appear to have used almost every infill opportunity. Four sites designated in the adopted local plan for housing have now been developed.

Brief summary of main points raised by the objector

3. The objection site has little or no amenity value. Screening from the A834 can be effectively dealt with by setting aside approx 10 m of planting along the roadside edge of the site. Any further development in this area would have its own access and as the objector owns all this land there would be no difficulty in rearranging the main access to the A834 to comply with the road authority parameters. Access to any other development could be taken off a widened junction between the A834 and the village access. This would improve the existing access without imposing any increase in traffic or impact on the internal road network. The traffic/access situation could be significantly improved if the 40 mph restriction was extended beyond the western approach to Jamestown.

4. All necessary services are adjacent to the site, including a recently installed sewage system, and low cost cottage type houses, detached or semi-detached, to conform with the character of existing houses adjacent, could be constructed. Three houses have recently been erected on the site. The design of the two houses adjacent to the village access road ignores the character of the existing dwellings and the remaining land been compromised to the extent that its amenity value has all but disappeared. The construction of cottage type low cost housing, with tree screening adjacent to the A834, would help regain the character of the village. A notional sketch layout of how the area that could be developed is attached as a production.

Brief summary of the council's response to the objections

5. The development of sites already allocated in the adopted Mid Ross Local Plan represents Jamestown's maximum development capacity. No further development would be practicable without significant investment to achieve a safe road access. Jamestown is a

hamlet characterised by small, closely spaced houses. New homes developed to current standards of spacing and design would be counter to the settlement's traditional, informal layout. The area of land suggested for further development performs an important role by maintaining separation between Jamestown and the A834, acting as a buffer and enhancing residents' safety, creating a high level of amenity and ensuring the settlement causes minimal visual intrusion in the landscape.

6. The council states that widening or moving the main access to the A834 would not achieve an improvement to forward visibility. This access will also reach its capacity on completion of houses that already have planning permission, and this has been done with the three houses referred to. This featured heavily in the consideration by the council in 2002 (THC12/3) of the planning application for three houses, which included part of the area now sought for inclusion in the local plan as well as the site allocated for three. The objector indicated then to the council that it was his "intention to sell off the remainder of the area as a field which would be attached to the proposed house sites as additional land". The "field" is the area now sought for inclusion as housing land in the local plan.

7. The main access road cannot be significantly improved in terms of visibility for traffic emerging from an access or approaching along the A834 road, so any suggestion that further development could be taken off a widened junction without imposing any increase in traffic or impact on the internal road network is not relevant. The scale of works required to achieve road improvements within the settlement would involve securing land outwith the control of the objector and would significantly alter the landscape character of the area. Also the anticipated level of development (with associated financial contributions) necessary to achieve this would also be so significant that it would have severe detrimental affect on the character and amenity of this small rural hamlet, and would attract substantial opposition from the existing residents. There is no 40 mph speed restriction on the Strathpeffer approach to Jamestown. The limit through Strathpeffer is 30 mph, and an extension of this or introduction of a 40 mph limit to Jamestown would not meet the relevant criteria. Similarly, in the absence of road improvements, the existence or not of sewage capacity is also not relevant.

8. Low cost housing provision will be made in the near future within Strathpeffer, in closer proximity to the primary school, shops and other village services. There is also a history of local opposition to more significant housing development in Jamestown. It is considered that the current development provisions for the village are adequate and that the requirement for further housing in the area should be met in Strathpeffer or Contin.

9. As the last of the approved houses is now complete, the council considers that it would be appropriate to delete Jamestown from the list of small rural settlements with development capacity. As an alternative it should be added to the list of constrained settlements in the last sentence of the housing in the countryside Chapter 6, Policy 35 of the Proposed Modifications to Deposit Draft version of the Plan. Accordingly, the council proposes these modifications:

DELETE Jamestown from the list of settlements referred to in chapter 6 paragraph 3 of the deposit draft and renumber the remainder accordingly;

ADD Jamestown to the list of constrained settlements in the last sentence of the housing in the countryside Chapter 6, Policy 35 of the Proposed Modifications to Deposit Draft version of the Plan;

REMOVE the reference to "(see para. 17, Ch. 6)" in policy 65 (64); and

RENUMBER subsequent sections of this Chapter accordingly.

Conclusions

10. Jamestown is an attractive settlement with a mixture of modern and traditional houses in a wide variety of styles and sizes, not all of which sit comfortably in juxtaposition. These are linked by a network of narrow roads that meet by the old ruined church in the central part of the settlement. Further development, with the possible exception of the objection site, would only be possible as backland development that would detract from Jamestown's character.

11. All these roads are effectively single track and join the A834 at two junctions. Both of these are on the outside of bends, so that whilst traffic leaving the settlement appears to have reasonably visibility it is actually constrained by a sharp bend in the road between the two junctions. The situation is worse for traffic entering from the south, which has to cross the carriageway in the face of oncoming traffic. The situation could only be remedied by a substantial realignment of the main road, requiring major engineering works.

12. Under these circumstances the council's conclusion that the village is effectively 'full' is entirely understandable. The completed development that was designated in the adopted local plan will have increased the number of houses by around 30%, and as many of the new houses are substantial, and there is effectively no public transport, they are likely to generate a significant increase in traffic within the settlement, on roads that were not designed for modern volumes of vehicle movement. Whilst the access to the objection site would be close to the junction with the A834, there is no guarantee that traffic from any houses built on the site would not use the other roads in the settlement. I therefore accept the council's view that no further development should be allowed, so that the situation does not become any worse.

13. None of the objector's other points cover issues that convince me otherwise. It appears from the council's evidence that the objection site was originally envisaged as part of garden ground for the three recently developed houses at north end of the village, and given the scale of these properties such use would still be appropriate. Also the site is alongside the main road, where as the great majority are set back and thus screened to a large degree from disturbance. Although this might be mitigated by planting, that would be a long term consideration. The availability or otherwise of sewage capacity does not affect the issue.

14. Bringing all these points together, I find that the circumstances envisaged in the deposit draft, where three houses could be developed, have effectively been overtaken by events. No evidence has been provided to justify the development of the objection site, contrary to the sound views put forward by the council because of the road traffic issues. I therefore agree that Jamestown should be removed from the list of settlements in chapter 6 that are subject to the development potential outlined in chapter 6 policy 3, and that it be added to the list of constrained settlements in policy 35 of the same chapter.

Recommendation

15. I therefore recommend that the proposed modifications to the deposit draft or deposit draft with modifications as set out in paragraph 9 above be approved.

28 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD, POLICY 18 (17) JAMESTOWN – LAND FOR HOUSING ON BEALLACHNAGORE ROAD (Issue 12)

Objectors: A C & J C Chisholm (202)

Procedure: Written submissions

Background

1. Jamestown is a small settlement on the east side of the A834 about 1 km south of Strathpeffer. It is entirely residential, with a large proportion of modern housing around the old traditional core. It sits on high ground overlooking the Conon valley and is seen from some distance to the south and south-west against the backcloth of Blackmuir Wood. A narrow single track road runs east from the settlement serving three houses and a farm at Beallachnagore 750m to the west. East of the three houses a large field extends south from the road and is prominent in the wider landscape seen from the A835 road to the west coast, which runs along the valley bottom.

Brief summary of main points raised by objectors

2. The objectors say that there is an ongoing need for housing in the area. The field would be appropriate for housing when considered against existing fringe development and infill housing in the area. Previous water supply problems have been addressed by the laying of a new main.

Brief summary of the council's response to the objections

3. The council does not dispute the need for housing, and points to allocations within Strathpeffer that will shortly come forward with a high proportion of affordable housing. The objection site is however well beyond the obvious boundary of Jamestown and quite detached from it. The access road is substandard and any necessary upgrading would change the character of the area. Additionally Jamestown's access junctions with the A834 are substandard, and upgrading is not feasible. The internal road network is also limited and could be upgraded only by encroaching on other property or affecting the amenity of residents. The land is also highly visible and would have a significant impact on an area of open country.

Conclusions

4. This area of land is outwith the settlement boundary and is therefore subject to structure plan policy H3 regarding housing in the countryside. This is amplified in policy GSP10 of the modified plan, which presumes against housing in the hinterland areas, which includes the land around Jamestown, except where necessary for land management, is social housing for a demonstrated local affordable need, or is the conversion of a traditional building, or redevelopment of a substantial ruin. None of these situations has been put forward as being applicable here and the proposal is therefore contrary to both the structure plan and deposit draft policies.

5. In addition the proposed area is in open country and it was clear from my site inspection that it is not well related to other settlements or buildings, even taking into account the three long established houses on the south side of the access road. The field slopes to the south and is prominent in the landscape for some distance around. Significant development here would be intrusive, and any landscaping would take many years to become effective.

6. I note also the council's comment about the road network. The road to the site is especially narrow, and it is not easy to find turning space, even for a relatively small car. Upgrading would be required to serve a development of any size, and I accept the council's view that this would change the character of the area. I also consider that the road network within Jamestown is not capable of accepting a significantly higher level of traffic, and there are no reasonably practicable alternatives that would have an acceptable landscape and amenity impact.

7. The fact that a new water main has been laid does not provide any justification for the development of the objection site. Significant amounts of housing land are available in Strathpeffer and other nearby settlements, including allocations for affordable housing. I find that no evidence has been provided to overcome very substantial policy, landscape and access constraints to the objection site.

Recommendation

8. I therefore recommend that no change be made to the deposit draft as a result of this objection.

29 OBJECTIONS RELATING TO CHAPTER 6: PARAGRAPH 25 (24), EXPANSION OF NEWHALL POINT, BLACK ISLE (Issue 56)

Objectors: U Ferguson (2); C D Lillie (to modification) (405)
Procedure: Written submissions

Background

1. Newhall Point is a small settlement on the south shore of the Cromarty Firth, served by a narrow loop road that leaves the B9163 at Balblair, returning along the coast to rejoin the main road at the old ruined church. The settlement comprises some 17 houses, five of which have been recently completed, looking east over the Firth, at the east end of the village. From the west end of the settlement a narrow road runs west along the shore for 350m to an old pier and boat repair yard, still in use. The road is bounded on its south side by an open field that rises slightly, and then more steeply, with the latter part forming a raised beach, which continues east behind the rest of the settlement.

Summary of main points raised by objectors

2. The objector proposed that land be allocated on the shoreline to the west of the existing settlement, between it and the existing pier. It is stated that this would help balance the community and all services could be provided for.

3. The counter objector expressed concern at the proposed modification, as the site is a raised beach, which is an important geological feature that should not be disturbed. The modification commentary that the houses should be well sited and set into the slope is unclear, as this could indicate cutting into the raised beach. Building on the level ground below the slope of the raised beach would be acceptable.

Summary of the council's response to the objections

4. The council states that the initial objection proposal, for housing between the settlement and the pier, would constitute ribbon development, elongating the settlement contrary to the established pattern. It notes that SEPA has advised that a connection to a sewer would be necessary, meaning initially a privately developed system in accordance with the provisions of GSP2, as a discharge to land would be required to avoid conflict with designated shellfish waters and proximity to Udale Bay National Nature Reserve. There is also potential for flooding on land up to 5m AOD, and the Cromarty Port Authority has already recorded tides equivalent to 3.5m AOD.

5. Although it has strong reservations about the development the council considered that provided these points are taken into account, with design and planting following appropriate guidance, a less substantial settlement than that proposed by the objector would be more acceptable. The council approved a modification to the deposit draft in January showing a site for three houses to the west, and the deletion of a site for five houses in the eastern part of the settlement as this has now been developed, as follows:

- On the Inset Map extend the settlement boundary west for as distance of approximately 150 metres and then in a south easterly direction towards the Balblair road. Indicate an area for amenity planting (BP3 feature) along the south and south west fringes.
- In the Written Statement, change the capacity from “5” to “3” houses, to reflect the completion of the 5 houses on the east side of the settlement and the potential for 3 more on the west side.

6. Regarding the counter objection the council considers this to be a point of detail normally dealt with at the design stage. Despite this it accepts that additional guidance would be appropriate in the text, reflecting the completion of the five houses referred to, and taking into account the comments from SEPA. The inset map would show the boundary extended west for approximately 150m compared with the deposit draft, to allow for the three houses, and include an area for amenity planting on the south and south-west fringes of the site. Guidance would be modified to read:

“Borders SPA/SSSI and Udale Bay NNR. Nearby Scheduled and unscheduled archaeological sites require archaeological assessment in advance of development, which should not impinge upon any proven features. Imperfectly drained soils. Presence of designated shellfish waters requires foul drainage discharge to land. Loop road has several tight corners but otherwise reasonably aligned. Limited infill development potential in original settlement, together with extension of the building envelope to the west, subject to drainage (GSP2). Development should exclude the steep face of the raised beach and avoid intrusion of buildings above it. Address potential risk from coastal flooding. Elevation and contour/site level drawings required, together with careful siting and high quality house designs. Landscape/tree planting to south and west.”

Conclusions

7. Newhall Point is a tightly knit community with clear boundaries. The recently completed development at the eastern end of the village, which featured in the deposit draft, effectively completes the infill within what might be termed the ‘natural’ boundaries of the community. The objection site lies to the west and would clearly extend the settlement into what is now open country. Any development on the site would be separated from the main settlement, appearing as housing in the countryside, for which justification would otherwise be required in terms of structure plan policy H3. Apart from such justification being unlikely in this location no indication has been provided of any particular need for further housing on the site, or at Newhall Point as a whole. I see no merit in the argument that the proposal would provide a ‘balanced’ community, and in this regard the addition of another three house on top of the existing 17 would not seem to be significant.

8. Although the council has recommended a modification to the deposit draft, it has expressed strong reservations about the proposed development, referred to in paragraph 5 above. In addition, based on what I saw at my site inspection, if the development were to consist of houses anywhere near the scale of those recently completed in the settlement, it is unlikely that they could be accommodated in a satisfactory manner without potential damage to the raised beach, which at this point would allow a site depth of no more than 30m. Unless the raised beach area was specifically excluded from the plots there would also be the likelihood of further damage from landscaping or gardening activities, however inadvertently from potential occupiers. Given other concerns about the potential impact on the SPA/SSSI and Udale Bay National Nature Reserves, reflected in the council’s unusually detailed

qualifications to the development, I am not convinced that the arguments in favour of development outweigh those against, and on the evidence before me do not find it to be justified. Now that the development originally provided for in the deposit draft has been completed there does not appear to be any significant scope for more housing at Newhall Point.

Recommendation

9. I therefore recommend that no further housing development be provided for at Newhall Point, and that it be removed from the list of small rural settlements contained in chapter 6 of the plan.

30 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD, PARAGRAPH 26 (25) HOUSING DEVELOPMENT POTENTIAL AT NEWTON OF KINKELL (Issue 13)

Objector: Ferintosh Community Council (78)

Procedures: Written submissions

Background

1. Newton of Kinkell is a small, somewhat dispersed group of houses on the south side of the A835 road, about 3 km south-east of Conon Bridge. It is included in the chapter 6 list of small rural settlements with defined boundaries where suitably designed proposals will be supported by the council. Paragraph 26 (25) allocates a capacity of four houses with the comment/constraint: “No mains drainage and imperfectly drained soils. Subject to satisfactory drainage scope exists for one infill plot in dispersed area plus three in the redevelopment of the former contractor’s yard at Rootfield (GSP2). Consider whether decontamination of yard is required.”

Summary of main points raised by the objector

2. The inset map for Newton of Kinkell defines the village envelope within which there is an indicated capacity for an additional one infill plot, understand to lie between Highlea and Drum Ard. There is also the possibility of three further houses within the contractor’s yard (if redeveloped) at the A835 and the B9169 junction. It is assumed that policy GSP6 will apply. The Council’s view that this is all the development that should proceed in this area, subject to satisfactory drainage, is supported.

Summary of the council’s response to the objections

3. The council noted this response as support, with no further changes being necessary. In response to a drainage objection from SEPA, policy GSP2 was modified, as dealt with under issue 4. Subsequently a consequential modification was put forward to paragraph 3 of chapter 6, which provides the background for the individual settlements. This enabled the commentary for paragraph 26 (25) to be amended DELETING “Subject to satisfactory drainage” and “GSP2”. The Council therefore asks that this modification be supported.

Conclusions

4. The objector’s statement is effectively one of support for the deposit draft paragraph on Newton of Kinkell, and could have been withdrawn. There is however a reference to the assumption that policy GSP6 will apply, and it would be a sensible precaution to add this in brackets at the end of the commentary, after “decontamination of yard is required.”

Recommendation

5. I therefore recommend that the modifications proposed to paragraph 26 (25) in paragraphs 3 and 5 above be approved.

31 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD AREA 27 – NIGG MAPPING

Objector: P Grant (111)
Procedure: Written submissions

Background

1. Analysis map B gives details of existing features at Nigg, and the inset map on page 11 details of the areas at Nigg covered by specific detailed policies.

Summary of main points raised by the objector

2. Of the 13 listed buildings in the Nigg area, Nigg Old Church is shown as listed in category B/C rather than A on analysis map A. Five nearby buildings are listed B or C.

3. On the inset map only a small part of the Nigg settlement is shown, from Gardener's Cottage to Nigg Hall. It should show at least the area along Balintore road from Nigg House to Chapelhill.

Summary of the council's response to the objections

4. Regarding the first objection, all the buildings are shown but because of the small scale there is an overlap of the symbols showing their presence. The 'A' symbol for the Church has been covered by the overlapping B/C symbols, and the Scheduled Ancient Monument symbol for the Pictish Cross Slab.

5. Regarding the second objection the mapping reflects areas of the plan for which there are policy references in the text. In this case the references are to potential housing south of Cameron Place and the better interpretation at the Old Church and Pictish Cross Slab. Other parts of Nigg are shown on the Nigg Point inset, and the remaining area is covered by the general landward and rural development area policies.

Conclusions

6. In each case the council has given a reasonable explanation of why Nigg is shown in the way described. To alter this would mean significant changes to the analysis maps and the insets, including showing areas not presently covered, but with no public benefit. The reference by the objector to analysis map A should read B, which covers the eastern part of the plan area.

Recommendation

7. I therefore recommend that no change be made to the deposit draft local plan as a result of these objections.

32 OBJECTIONS RELATING TO CHAPTER 6: PARAGRAPH 29 (28) SETTLEMENT BOUNDARY AND HOUSING DEVELOPMENT AT RHICULLEN/NEWMORE (Issue 57)

Objectors: J F Clark (76); V Leslie (77); Invergordon Community Council (165);
Mr & Mrs R Mackenzie (191);
Procedures: Written submissions

Background

1. Rhicullen/Newmore is a rural settlement of relatively new houses located some 3 km north of Invergordon. It has a primary school. The settlement boundary is drawn relatively widely and the supporting text in the deposit draft allows for eight houses, noting that these would help maintain the school. Restrictions on development safeguard the playing fields and woodland, and point to the best opportunities on the eastern and western margins of the community. Development opportunities are restricted subject to new drainage provision post 2009 and there is a presumption against septic tank drainage, although an allowance is made for 'package' biological treatment plants subject to satisfactory long term maintenance and refurbishment. The site at the junction of the Tomich and Kindeace roads, referred to by an objector, lies within woodland some 160m south of the settlement boundary.

Summary of main points raised by objectors

2. The first objector considers that no further development should take place at Rhicullen/Newmore until drainage issues have been resolved by the installation of a mains drainage system. The present system of septic tanks is not properly maintained, with a number of tanks and soakaways becoming inoperative. This leads to overflows and health hazards.

3. The fourth objectors wish to build a house in woodland on the north-east corner of the junction of the Tomich and Kindeace roads. They record problems they have incurred in obtaining a grant of planning permission, including the costs of soakaway tests, and in their general dealings with the planning authority.

4. The third objector questioned why new drainage provision at Rhicullen/Newmore will be post 2009. The second objector expressed concerns about the long standing drainage problems in the area, and said that no more development should take place until mains drainage is installed. The area should be zoned under BP2 to reflect this.

Summary of the council's response to the objections

5. The council states that the proposed house site at the Tomich and Kindeace roads junction is located well outside the present settlement boundary, and its inclusion would require a significant extension. There is adequate potential for development within the boundary, albeit that this is dependent on the provision of a satisfactory drainage system. The proposed site falls within the hinterland around towns area, and is subject to policy H3 that requires any application for housing to be supported by a land management justification. Two applications for planning permission have been turned down because of this.

6. In response to concerns about drainage a modification is proposed to paragraph 28 which should be deleted and replaced with:

"Development opportunities are restricted in advance of a satisfactory new drainage system. As further housing will help sustain the school, the Council will discuss with Scottish Water and SEPA the prospects for providing a first time public drainage system. In the meantime a presumption will be maintained against further development. Future development proposals should be confined to the eastern and western margins of the community and avoid the playing field and safeguarded woodland to the south."

This wording has been agreed by SEPA, enabling it to withdraw an earlier objection. It also removes the reference to 2009 referred to by the community council.

7. The area is zoned as subject to BP2 on account of the poorly drained land and subsequent experiences with existing septic tanks. The presumption against development until this is resolved is reinforced in the modification.

Conclusions

8. Dealing first with the proposal for a housing site at the Tomich and Kindeace roads junction, this is clearly outwith the settlement boundary and thus falls to be considered under structure plan policy H3. No evidence has been put forward to provide a land management justification for the site, and I note that two previous planning applications have been refused because of this. As the designation of the site for a house would be a clear breach of the structure plan policy there is no reason for me to recommend its designation in the plan. Issues relating to the handling of planning applications and consultations are not matters for this inquiry.

9. The other objections are related to problems with the existing foul water drainage systems, and these appear to have been satisfactorily resolved by the council's proposed amendment to the deposit draft. This precludes further development until the drainage problems have been resolved, and I note that SEPA is satisfied with the proposed amendment.

Recommendation

10. I therefore recommend that:

- (i) the deposit draft plan be amended as proposed by the council, set out in paragraph 6 above; and
- (ii) no other change be made to the plan in relation to this objection.

33 OBJECTIONS RELATING TO CHAPTER 6 PARAGRAPH 32 (31) SCOTSBURN: LACK OF NATURAL HERITAGE ISSUES (Issue 58)

Objector: Scottish Natural Heritage (197)
Procedures: Written submissions

Background

1. Scotsburn is an elongated dispersed settlement located on the unclassified road from Invergordon to Tain, on the north side of the Balnagown valley. It is designated in chapter six as a small rural settlement in which further development may be acceptable within defined boundaries. The text at paragraph 32 (31) sets out a capacity of 12 houses and states that: “The Scotsburn area has seen substantial housing development over the last decade and there are now significant servicing problems especially in relation to waste disposal. The majority of development has been contained to the southern side of the road, where the best views are to be found. Potential for further infill development is subject to satisfactory drainage arrangements (GSP2) and, where feasible, the use of shared access points.”

Summary of main points raised by the objector

2. The objector says that the deposit draft policy wording does not mention the specific natural heritage issues which need to be addressed under this allocation.

Summary of the council’s response to the objection

3. The council notes that in its statement of publicity, consultation and representations (CD10) this objection was referred to against paragraph 31 of the deposit draft, Rosehaugh Estate, rather than paragraph 32, whereas paragraph (31) Scotsburn is the number in the modified draft.

4. The Council accepts that in addition to the current policy wording in paragraph 32 (31) Scotsburn, the objector’s concerns could be addressed by highlighting the presence of natural heritage interests in the area. The following modification is proposed:- ADD “*The allocation borders the Morangie Forest Special Protection Area (SPA) and the Scotsburn Wood Semi-Natural and Ancient Woodlands; due regard will be taken to these natural heritage considerations.*” This policy wording has been submitted to the objector for approval or variation.

Conclusions

5. The objector is not specific about the issues that it considers are not being properly addressed in paragraph 32 (31). These appear however to be understood by the council. The proposed modification refers specifically to the Morangie Forest Special Protection Area and the Scotsburn Wood Semi-Natural and Ancient Woodlands. No confirmation, or otherwise, of the acceptance of the proposal by the objector has been provided. Ultimately the test will be how the council reacts to specific development proposals, but in the circumstances of the deposit draft local plan the proposed modification seems sensible, taking into account the sensitivity of these natural heritage designations.

Recommendation

6. I therefore recommend that the modification proposed by the council to paragraph 32 of the deposit draft local plan, subject to minor editing in the substitution after ‘taken’, of ‘to’ by ‘of’, be approved. The proposed modification reads:

ADD “The allocation borders the Morangie Forest Special Protection Area (SPA) and the Scotsburn Wood Semi-Natural and Ancient Woodlands; due regard will be taken of these natural heritage considerations.”

34 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD PARAGRAPH 33 (32) – WINDHILL - HOUSING

Objector: J Morrison (31)
Procedure: Written submissions

Background

1. Windhill is a small settlement located on the west side of the A862, the northern part being adjacent to the southern end of the settlement boundary Muir of Ord, at that point on the east side of the road. Access is. It consists of around 15 established houses with some infill potential and this is recognised by its inclusion in the list of small rural settlements, set out in chapter 6 of the plan, where development may be acceptable within the defined boundaries. Access is by a narrow loop road from the main road.

2. The deposit draft notes constraints to development including farmland, watercourses and an old quarry. The latter is an old sandpit located in the middle of the settlement on the west side of the road, now somewhat overgrown and thus excluded from the settlement boundary. Development capacity is set at seven houses, subject to a connection to mains drainage and contributions to upgrade either the north or south junctions with the main road. Some development had already taken place at the time of my site inspection. Minor changes to the deposit draft are proposed in the modified version, relating to renumbering, and the deletion of a GSP 2 policy reference and one to drainage in relation to site (b) Black Burn.

Summary of main points raised by the objector

3. The objector states that the old sand quarry is a brownfield site and if not developed will probably remain as waste ground. This could provide a housing site for which there is great demand. Land could be made available for road improvements in association with any planning permission.

Summary of the council's response to the objections

4. The figure of seven houses was raised from three at the consultation draft stage following a representation from the objector about the old sawmill as a potential development site. This was linked to improvements to the road junctions, necessary from a road safety point of view, on a stretch of road known as an accident black spot. Road services advice is that the figure of seven new houses would represent the threshold for development at Windhill in terms of the internal road system and the junction capacity. The old sandpit has been at least in part a rubbish tip, with questions about possible contaminants, land conditions and suitability for building, apart from the road safety and capacity considerations.

Conclusions

5. Windhill gives the impression of a small community with a substantial proportion of new houses, and against this the old sandpit is rather an eyesore. The site is adjacent to the road through the settlement, with housing at either end, and in other circumstances would have been considered a natural infill site, simply straightening out the settlement boundary.

The issue is therefore whether the potential benefits of developing the site, in terms of the environmental improvements, are outweighed by other considerations.

6. Although there has been recent growth, the main concerns about the settlement's capacity to absorb more houses relate to the road safety issues of the internal road and the access to the A862 at either end of the settlement. There is no doubt that the internal road is narrow with poor alignment including a 90° bend near the southern end. It is however only about 360m in total length, in a location where casual traffic is likely to be low, and where the great majority of users, local residents or service providers, would be familiar with its characteristics and potential dangers. It is unlikely therefore that the extra traffic generated by, say, another two houses would increase any risks significantly.

7. Similar arguments apply regarding the two junctions. At first sight they appear to be on open stretches of road, with generally good visibility, although there is a sweeping bend approaching the northern junction from the south. It is questionable however whether another, say, two houses would increase road safety problems to an extent that would be significant. These factors must be weighed against the benefit to the community of the adverse environmental impact of the site, particularly on visual amenity. There are also issues relating to potential contamination of the site and its suitability for building, but these could no doubt be resolved and relevant constraints placed in the text.

8. Taking all these points together, I find the benefits of removing the eyesore just outweigh the potential problems caused by additional traffic on a sub-standard road system.

9. Other minor amendments are necessary as there is a discrepancy between the notation of the development sites in the text and on the inset map.

Recommendation

10. Accordingly I recommend that alterations are made to the deposit draft local plan as follows:

- (i) the proposed amendments referred to in paragraph 2 above be approved;
- (ii) ALTER the settlement boundary to include within it the old sand pit;
- (iii) DESIGNATE the old sandpit as site (e), capacity 2 with comments/constraints: *“Old Sandpit: subject to satisfactory assessment and amelioration of contamination and ground conditions. Developer contribution to north junction access with A862.”*;
- (iv) ALTER site designations on inset map to match text; and that
- (v) no further modifications be made to the deposit draft as a result of this objection.

35 OBJECTIONS RELATING TO CHAPTER 6: PARAGRAPH 35 (34) – VARIOUS SMALL HOUSING GROUPS IN THE COUNTRYSIDE (Issue 14)

Objector: Ferintosh Community Council (78)
Procedure: Written submissions

Background

1. Paragraph 35 of the deposit draft local plan is a catch-all policy for housing in the countryside not covered by other policies. It identifies small groups of existing houses where some further development may be possible, subject to certain criteria. These groups are set out as a list in appendix III of the plan.

Summary of main points raised by the objector

2. Dunvournie and Balmeanach have been added to this list of small housing groups in the countryside with further development potential, as listed in Appendix III, since the consultative draft. These so-called "groups" of houses are not considered to be "settlements". The whole issue of the development of housing in these small housing groups is very confusing. The possible area for development is not indicated nor are the possible potential (maximum) numbers of houses. Also the development of further housing in these areas could create further drainage problems as these do not benefit from any form of public drainage system and are therefore likely to have individual septic tanks. The objector therefore considers that Balnabeen, Duncanston, Wester Alcaig, Drummondreach, Mid Alcaig, Dunvournie and Balmeanach should not be included in the Appendix III list. This objection could only be withdrawn if the specific maximum number of houses possible for each group was known and the potential maximum area for development set out clearly in the plan, with an opportunity for further comment at that stage. This would allow the public fair and reasonable knowledge of what may be developed in the area rather than a vague statement which could be interpreted in various ways and may allow what is considered an unreasonable scale of development.

3. Also with the Balmeanach group, this is only some 300 metres from the edge of the village of Culbokie in the narrow area of the "dumbbell" shape of the village. Any expansion in this area should properly be done as part of the integrated planning of the village and not merely a tack on without any due regard for the village.

Summary of the council's response to the objection

4. Scottish Planning Policy 15: Planning for Rural Development advises at paragraph 21 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 and fit in the landscape. Structure plan policy G2 design for sustainability sets out criteria for assessing development, including compatibility with service provision; impact on amenity, natural and cultural heritage features; and siting and design. These principles apply to all development proposals in the countryside.

5. The development plan policy guidelines define existing settlements as including established groups with a recognizable building form contained within a clear visual envelope, but without any service facility. These are defined in local plans only where there are opportunities to make use of spare capacity to accommodate new housing consistent with or enhancing, the cohesiveness and visual appearance of the group. This will generally be within the existing boundary of a group, but there may be opportunities for limited expansion beyond when this would contribute to enhancing the appearance of the group as a whole, through for example new edge planting, where this would not undermine the rural character.

6. For the local plan, the small tightly-knit groups of housing were defined initially as three or more existing dwellings sited less than 50m apart. All 78 groups contained in the Black Isle local plan alteration were reviewed together with the potential for such groups across the remainder of the new local plan hinterland area. The ability to service these, or overcome problems, and the planning history, were checked and a series of site visits undertaken to determine the potential for additional housing in relation to the criteria set out above. Over 75% of the original Black Isle 'groups' either failed to meet the criteria used and/or their previous 1992 based development potential had been taken up.

7. It was not feasible to identify specific boundaries or development potential for smaller groups in local plans. This is a matter for development control in response to detailed proposals. Development of a scale that would significantly change the character of small groups will not be encouraged. This applies to the filling in of gaps exceeding 50m between existing dwellings. In most cases the scale of development to round off the group will be a single house. This whole process is consistent with the council's policy thrust requiring housing development opportunities to be within existing or planned new settlements, and with Scottish Planning Policy 15 Rural Planning's guidance encouraging the adoption of a more positive approach to housing development in the countryside, provided there is no net detriment to the environment.

8. However, and responding also to more general objections from SEPA on housing groups, the council proposes that policy 35 in chapter 6 of the deposit draft local plan should be modified to provide greater clarification of the criteria used to define the small tightly-knit groups or clusters in the hinterland area, as follows:

"In the open countryside of the Hinterland area the Council will presume against housing development that creates new ad hoc clusters of housing or adds to existing small tightly-knit groups of housing comprising 3 or more dwellings sited less than 50 metres apart. In exceptional cases and subject to adequate drainage (GSP2), there may be opportunities to consolidate or round off certain existing groups with 1 or 2 suitably designed new houses. These groups are identified on the Proposals Map and listed in Appendix III. Development proposals should indicate the relationship of the new buildings to the group as a whole, arrangements for planting to screen or enhance the group's amenity and appearance, and measures to remedy infrastructure problems [H3]."

9. The groups at Balnabeen, Duncanston, Wester Alcaig, Drummondreach, Mid Alcaig, Dunvournie and Balmeanach are excluded from the list of small rural settlements in paragraphs 4 to 33 of chapter 6 because of their very small scale. The criteria for identifying the groups listed in Appendix III are set out above, and the development potential is mostly limited to one or two additional houses, subject to suitable drainage and access. It is not

possible to draw a boundary for these groups on a map or indicate the maximum number of houses, and this will be dealt with as a development control matter.

10. The Balnabeen, Duncanston, Wester Alcaig and Mid Alcaig groups were originally contained in the adopted Housing Alteration No 2 to the Black Isle Local Plan as having potential for additional houses subject to suitable drainage, access, siting and design. It is for prospective developers to discuss detailed siting proposals for the council and SEPA to consider. The development potential of these groups may be taken up before the local plan is finalised, as at Mid Alcaig and Balmeanach, where houses have either been completed or are under construction, and these should be DELETED from Appendix III.

11. At Drummondreach, the development potential is largely in the redevelopment or renovation of the existing houses on the south east side of the public road. The potential to develop on the north-west side should be contained within the farm yard/ruinous steading area, but it is unclear how many dwellings might be accommodated there. At Dunvournie the potential is limited to one house on the site applied for in the past. If this is granted consent and building commences before the plan is considered for post inquiry modifications that group also should be deleted from appendix III.

Conclusions

12. There are two basic issues here, relating first to the criteria for the housing groups listed in appendix III, and second the validity of some of the groups on that list. Taking first the issue of the groups, the council has pointed to guidance set out in the new SPP 15 regarding rural housing, which encourages a more positive attitude to housing provision in the countryside. The council has pointed out in relation to another issue 14 objection about a potential housing group at Artafallie (see page 113) that the new guidance is in line with that followed by the council since the early 1990s. I consider that the designation of the appendix III groups bears this out, as it allows development, albeit limited, across the rural area in locations that under previous rural development national guidance may have been discouraged.

13. The council has explained the considerations that are used to define these groups, set down in paragraphs 5 and 6 above, and noted the need for specific site inspections in each case, so that inevitably there are individual judgements to be made. The basic arguments are sound and I see no reason to disagree with these. The council has also recognised that the criteria could be tightened up, and the proposed modification set out in paragraph 8 above attempts to do this.

14. The proposed modification applies the policy to the hinterland area, which was omitted from the original deposit draft text, placing emphasis on the need for tighter policies in areas of higher demand closer to the main settlement areas, and including the whole of the Black Isle. This emphasis is continued in policy 36 (35), which effectively presumes against development other than that specified in policy 35 (34).

15. The first part of the modified policy sets out a clear presumption against the expansion of clusters, or relatively tightly knit groups that could easily become bigger – hence the reference to 50m spacing. The exceptions are then clearly set out, and listed in appendix III. I accept the council's view about being non-specific in each case about boundaries and numbers, and the policy states clearly that in most cases it will be one or two houses. I am

therefore satisfied with the policy and believe that it sets out a fair framework for development control, and that there is no need for further modification on the basis of the objection.

16. Turning to the specific groups named, the council has acknowledged that Balmeanach and Mid Alcaig should be deleted on the grounds that they are now at capacity, and I accept this view. Mid Alcaig has in fact been considered in relation to another objection, which I have dealt with at page XXXX, upholding the council's view that it should be deleted. It also points out that the same position may be reached at Dunvournie, and that if so it also can be deleted as a post inquiry modification. I also accept the view that the potential at Drummondreach is confined largely to the redevelopment or renovation of existing houses, so its retention on the list is justified.

17. Regarding the remaining groups of Balnabeen, Duncanston and Wester Alcaig, these are identified in the extant local plan, and without sound evidence of a change of circumstances, such as the taking up of the development potential, I see no grounds for their removal from the appendix III list.

18. Drawing these points together, I find that the proposed modifications to the deposit draft will clarify the situation regarding the designation of appendix III properties, and that the removal from the list of Balmeanach and Mid Alcaig is justified on the grounds that their development potential has been reached.

Recommendation

19. I therefore recommend that the following modifications be made to the deposit draft local plan:

- (i) policy 35 be reworded as set out by the council in paragraph 8 above;
- (ii) Balmeanach and Mid Alcaig be removed from the list of small housing groups in appendix III; and
- (iii) that no other alterations be made in response to this policy.

**36 OBJECTIONS RELATING TO CHAPTER 6: PARAGRAPH 35 (34) –
SMALL HOUSING GROUPS IN THE COUNTRYSIDE - LOCH USSIE AREA
(Issue 14)**

Objector: Brahan Estate (42)

Procedure: Hearing

Background

1. Loch Ussie is located in a basin contained by relatively high ground some 4.5 km south-west of Dingwall. There are plantations around much of the south-east, south and western sides, but to the north and east the ground is more open and under small scale agriculture, including some crofting. Access is by two relatively narrow, steep and twisting unclassified roads leading from the A835 west of Maryburgh, with junctions about 1 km apart. These two roads join after about 1 km and follow the higher ground around the eastern, northern and western sides of the loch, with no practicable exit for road vehicles at the far end. A spur to the north serves Knockfarrel, a former crofting settlement. The whole area lies within the hinterland of Dingwall and any housing proposals would be considered under the terms of policies 35 (34) and 36 (35) of the draft local plan.

2. The Larches, Meikle Ussie and Keithtown are three areas of housing along the road to the east of the loch. At The Larches the road runs west before turning north and then east again. On the inside of the first bend going west are four houses laid out approximately in an 'L' shape, with one at the end of the foot of the 'L' and the other three along the upright. Measuring on the plan submitted by the objector, each of the four houses is within 50m of the next one up the road, but the one at the top of the 'L' is some 85m from the one at the bottom, and the one next to the former some 60m away. These are separated by an area of predominantly larch planting. There is a single house to the west of the road, between the two bends, and a further two houses to the north of the road, beyond the second bend, and these are all well in excess of 50m apart.

3. At Meikle Ussie the road runs north, and there six houses on the east side of the road, four being close to the road and all within 50m of each other. Another two houses lie to the east, and north-east, one a farm house with adjacent steading, and both around 150m from each other and the first group. Another recently built house stands just over 150m north of the first group, facing south over a bend in the road. This is separated from the other houses by dense conifers.

4. Keithtown is the most southerly of the groups. The road runs north, and there are two houses on the west side about 40m apart. There is then a gap of about 50m to a compact group, also on the west side and all within 50m of each other. Opposite these a farm road leads to Clethorps farm house and steading. There are two houses next to each other on the north side of this, close to the main road, and then a gap of 50m to the farm house.

Summary of main points raised by the objector

5. The objector considers that small groups of houses at The Larches, Meikle Ussie and Keithtown should be identified under the housing groups policy 35 (34). The council has not

given due consideration to its own criteria which states that three or more houses within 50m of each other create a housing group, and in any case these distances are fairly arbitrary. Plans are submitted for each of the locations described, and show ground for potential further housing development.

6. At The Larches there are seven houses and two other buildings at an appropriate density for their situation. The council has said that the houses are sited more than 50m apart, but this rule does not seem in character with, or appropriate for, this location. Four of the houses are within 50m of each other, another 60m and the other two 70m and 80m apart. By allocating land shown on the plan all the houses would be within 50m and the council should recognise this as a housing group. This would not significantly change the character but would allow for rounding off. An official report recommending the refusal of planning permission for a house here made no reference to road conditions.

7. At Meikle Ussie Wood there are four houses within 50m of each other and ground owned by the objector offers a good opportunity to site two or more houses in a situation which would be screened by the existing trees. This would link the four houses to the south with an additional recently built house to the northwest, making a tightly knit cluster.

8. There are nine houses in the group at Keithtown, all of which are within 50m of each other. There are ideal opportunities to consolidate and enhance this group, which should be recognised as a housing group in excess of three.

9. Regarding drainage, the Loch Ussie area is devoid of a mains system, and provision is unlikely to be a priority or to be cost effective. The suitability or otherwise of individual sites should be informed by intrusive test based evidence, with the council ensuring the proper regulation, rather than relying on a remote desk assessment by SEPA. Modern septic tank treatment applications using a reed bed system are generally sustainable and can be designed to relevant technical standards. The high standard of management of the objector estate was also emphasised, and the fact that any funds from the sale of housing plots would be ploughed back into the estate, with there being no intention of harming the area's landscape character.

Summary of the council's response to the objection

10. Scottish Planning Policy 15 Planning for Rural Development advises at paragraph 21 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 and fit in the landscape. Structure plan policy G2 design for sustainability sets out criteria for assessing development, including compatibility with service provision; impact on amenity, natural and cultural heritage features; and siting and design. These principles apply to all development proposals in the countryside.

11. The development plan policy guidelines define existing settlements as including established groups with a recognizable building form contained within a clear visual envelope, but without any service facility. These are defined in local plans only where there are opportunities to make use of spare capacity to accommodate new housing consistent with or enhancing, the cohesiveness and visual appearance of the group. This will generally be within the existing boundary of a group, but there may be opportunities for limited expansion beyond when this would contribute to enhancing the appearance of the group as a whole, through for example new edge planting, where this would not undermine the rural character.

12. The potential for groups of three or more existing dwellings sited less than 50m apart was reviewed across the new local plan hinterland area. The ability to service these, or overcome problems, and the planning history, were checked and a series of site visits undertaken to determine the potential for additional housing in relation to the criteria set out above. Following this, and responding also to more general objections from SEPA on housing groups, the council proposed that policy 35 in chapter 6 of the deposit draft local plan should be modified to provide greater clarification of the criteria used to define the small tightly-knit groups or clusters in the hinterland area, as follows:

“In the open countryside of the Hinterland area the Council will presume against housing development that creates new ad hoc clusters of housing or adds to existing small tightly-knit groups of housing comprising 3 or more dwellings sited less than 50 metres apart. In exceptional cases and subject to adequate drainage (GSP2), there may be opportunities to consolidate or round off certain existing groups with 1 or 2 suitably designed new houses. These groups are identified on the Proposals Map and listed in Appendix III. Development proposals should indicate the relationship of the new buildings to the group as a whole, arrangements for planting to screen or enhance the group’s amenity and appearance, and measures to remedy infrastructure problems [H3].”

13. In this case none of the three areas of housing put forward by the objector was accepted as a group in terms of the policy. Apart from the above considerations, and as previously advised by roads officials, the Loch Ussie to Knockfarrel road has limited capacity for more dwellings. In this respect, preference would be given to houses essential for the management of land or involve the redevelopment of an existing house or conversion of a traditional building. There are also localised drainage difficulties, which may result in objections from SEPA to further septic tanks and soakaways, particularly in close proximity to existing dwellings or poorly drained areas. These and the comments above continue to apply in respect of all the groups requested for listing in the Loch Ussie area.

Conclusions

14. There principal issue here is whether the three areas of housing referred to qualify to be included within the housing groups listed in appendix III as having scope for further development. In considering this I am conscious of the general criteria referred to in paragraphs 10 to 12 above, which require an assessment to take into account matters other than simply the distance between existing houses, such as landscape fit and the form and layout of the existing buildings.

15. The recently published SPP 15, Rural Development was discussed at some length at the hearing. The council has acknowledged that it encourages a more positive attitude generally to housing provision in the countryside, and that the new guidance is in fact in line with the policy regarding housing in the countryside followed by the council since the early 1990s. I consider that the designation of the appendix III groups bears this out, as it allows development, albeit limited, across the rural area in locations that under previous national guidance on rural development may have been discouraged, so that the new national guidance is taken into account.

16. The council has explained the considerations that are used to define these groups, and the steps it has taken to assess them, as set down in paragraphs 10 to 12 above already

referred to. These include the need for specific site inspections in each case, so that inevitably there are individual judgements to be made. The basic arguments are sound and I see no reason to disagree with these. The council has also recognised that the criteria could be tightened up, and the proposed modification set out in paragraph 8 above attempts to do this, and is relevant to these objection sites as it introduces the 50m assessment rule.

17. The proposed modification applies the policy to the hinterland area, which was omitted from the original deposit draft text, placing emphasis on the need for tighter policies in areas of higher demand closer to the main settlement areas, and including the whole of the hinterland area. This emphasis is continued in policy 36 (35), which effectively presumes against development other than that specified in policy 35 (34).

18. Looking first at The Larches, of the houses on the east of the road, inside the bend, only the three most southerly are all within 50m of one another and therefore potentially qualify for consideration as a group. Further development would mean the felling of much of the larch wood, although the exact extent of this would require professional assessment. However the potential development sites marked on the objector's plan are on the opposite side of the road, covering fields to the north and south of the single house on that side. This is located some 60m from the first group, and 80m from the house to the north.

19. The houses to the east sit comfortably within the woodland framework, whereas the sites to the west are open, and do not have any particular landscape framework to relate to. Also, although the development of, say two plots, would bring the houses within 50m of each other, this would lead to an elongated and expanded cluster that is clearly not the purpose of the policy. I find therefore that the proposal falls on these grounds, irrespective of other possible issues such as road access and drainage.

20. The situation at Meikle Ussie is similar in that there is a cluster of four houses close together, with others farther apart. The four meet the 50m rule but form a tightly knit group with no scope for expansion within it. Also the land marked on the objector's plan is again outwith the group, in this case to the north, taking in ground on the east side of the road within the woodland. The gap between the houses here is some 150 m, and although the development would bring individual houses within 50m of one another this would still be in an extended linear form that is not the intention of the policy. This proposal therefore falls also on policy grounds.

21. At Keithtown the land owned by the objector is to the south and west of the first house entering the area from the south. Although this is only 40m from the next house, these are separated from the rest of the group and housing on the objector's land would not relate well to the existing properties, appearing relatively isolated and unrelated to landscape features. It would extend the group at its southern edge, extending rather than infilling, and again this is not the policy intention.

22. Taking the three groups of houses together I find that my interpretation of the policy fit differs from that of the objector. The policy is designed to prevent the enlargement of groups by infilling between relatively dispersed houses, but that would be the specific result of the objection proposals. In each case this is irrespective of any further policy consideration relating to the suitability of the road network or the capacity of the ground to accommodate private drainage systems. I therefore conclude that there is no justification for the inclusion of the objector's land under any of the general criteria for appendix III designation.

Recommendation

23. Accordingly I recommend that no modifications be made to the deposit draft local plan as a result of this objection.

37 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD POLICY 35 (34) – MID ALCAIG, HOUSING APPENDIX III (Issue 14)

Objectors: Mr & Mrs I MacDonald (460)
Procedure: Written submissions

Background

1. Mid Alcaig is a small group of houses on the site of a former knackery complex on the south shore of the Cromarty Firth, about 0.5 km west of Alcaig. Access is via a single track road from the B9163. It is listed in Appendix III of the deposit draft listing small housing groups in the countryside with further development potential. The council proposes in the deposit draft with modifications that Mid Alcaig be removed from the list. A substantial single storey house, Burnlea, has recently been constructed on slightly raised ground near the entrance to the group, in the middle of ground with potential for two houses.

Summary of main points raised by the objectors

2. The objection is to the proposed modification to the deposit draft local plan to delete the group of houses at Mid Alcaig from the list of settlements in Appendix III of small housing groups in the countryside with further development potential. The objectors' preferred option would be the retention of Mid Alcaig on the list.

Summary of the council's response to the objections

3. The Black Isle Local Plan Alteration No. 2: Housing (CD5) first identified the housing group at Mid Alcaig (5.5.17, p.39) as having potential for additional development in relation to the redevelopment of the former knackery. The remaining potential for the deposit draft was considered to be an area of scrub land lying between the group, a clump of trees and an adjacent public road. Subject to suitable foul drainage, it was felt that the development of one or two well designed additional houses in this area with boundary planting would not make a significant intrusion into the local landscape, particularly when viewed from the B9163 road.

4. Recently a very large detached house has been built in the middle of the potential development area leaving very limited ground for further development. The new house is also sited on a slightly higher ground level than nearby properties. The new house is owned by the objectors, who sought advice from council officials about fitting in a second house into the limited space between their own and the other houses (THC14/13). In view of the potential impact upon adjoining properties, this form of development was considered inappropriate. In this respect, and in part response to the Ferintosh Community Council objection (CD30/78), the council agreed to a proposed modification to the deposit draft local plan deleting the group at Mid Alcaig from Appendix III.

5. Although correspondence has continued between the objectors and council officials over the siting of a further house on nearby land, the site is still on open ground overlooking existing properties. It is also very prominent when viewed from the B9163 road. The development potential was taken up with the construction of the objectors' very large house, and the decision to remove Mid Alcaig from Appendix III is fully justified.

Conclusions

6. Mid Alcaig lies within the hinterland area and subject to the relevant policies. In this case the guiding one is structure plan policy H3 regarding housing in the countryside, which requires a land management justification, in line with national guidance. In the local plan policy 36 (35), presumes against housing in the hinterland areas, including around Muir of Ord. This is amplified in policy GSP10, except where the housing is necessary for land management, is social housing for a demonstrated local affordable need, or is the conversion of a traditional building or redevelopment of a substantial ruin. None of these situations apply here and the proposal is therefore contrary to both the structure plan and other draft local plan policies.

7. Some relief from this may have been provided if the objection site was within a settlement listed in Appendix III. This Allows for some development potential under deposit draft local plan policy 35 (34). However, the land that had been identified for possible development, of up to two houses, leading to the original inclusion in the deposit draft of Mid Alcaig in Appendix III, has now been developed with a house, Burnlea, of such a scale and location on the ground that it has prejudiced the scope for further development.

8. The plans submitted show a site boundary very close to the east wall of Burnlea, and whilst this is really a development control rather than local plan matter, I can readily understand the council's view that such a site would now be inappropriate for further development. Apart from being unduly cramped in an otherwise fairly open rural area, there is the likelihood of overlooking other properties. The council's conclusion that the development ground has been taken up is therefore correct and the decision to remove Mid Alcaig from the list sensible.

9. I therefore see no justification for placing Mid Alcaig back on the Appendix III list.

Recommendation

10. I therefore recommend that Mid Alcaig be removed from the list of housing groups shown in Appendix III of the deposit draft local plan.

38 OBJECTIONS RELATING TO CHAPTER 6: PARAGRAPH 36 – LANDWARD, HOUSING, GENERAL

Objector: British Telecom plc (166)
Procedure: Written submissions

Background

1. Chapter 6 paragraph 6 sets out a presumption against housing development in the hinterland around the larger towns in the plan area. Exceptions include circumstances where: ‘development involves the conversion of a traditional building or redevelopment of a ruinous dwelling that currently exists to wall head level’.

Summary of main points raised by the objector

2. The objector supports the policy but asks in the interests of clarity that the word ‘traditional’ be changed to ‘existing’ as follows: The council will presume against development that involves the conversion of an existing building or redevelopment of a ruinous dwelling that currently exists to wall head level.’

Summary of the council’s response to the objections

3. The council states that the wording is taken from structure plan policy H3, with which the local plan must conform. ‘Existing’ only applies to houses, whereas ‘traditional’ applies to other buildings such as steadings. The replacement of a small rural telephone exchange with a significantly larger house would be against the spirit of the policy.

Conclusions

4. The council has given a clear and sound reason why this policy cannot be changed, because of compliance with the statutory structure plan. The objection should therefore have been withdrawn.

Recommendation

5. Accordingly, I recommend that no change be made to the deposit draft as a result of this objection.

**39 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD POLICY 36 (35) –
ARTAFALLIE, NORTH KESSOCK HOUSING (Issue 14)**

Objector: A Sharp (38)
Procedure: Written submissions

Background

1. The objection site is located on the north-east side of the A9 dual carriageway trunk road, just to the north of its junction with the B9161 Munloch road. On the north-west side of the B9161, 150m from the A9, stands an old Toll House, much enlarged, in an extensive triangular shaped garden. Next to this, the objection site field, again (almost) triangular shaped, is bounded on the south-west by the A9, the north-west by woodland containing a cluster of houses known as Woodend in the adopted local plan, and on the east side by the old main road and the toll house garden. The old main road, now unclassified, leaves the B9161 at a junction by the east corner of the toll house garden.

2. The field slopes gently down from the A9 to the unclassified road and is almost level at its lower end. An electricity transmission line on wooden poles crosses the field from just behind the Toll House to a point mid-way along its north-west boundary, dividing it approximately 65/35 with the smaller, northerly, part being the actual objection site.

3. The small cluster of about ten houses and chalets that form Woodend is located within woodland and is entirely hidden from view, at least at the time of my site inspection in June when the deciduous trees fringing the northern side of the field were fully in leaf. Around the houses there is a greater proportion of coniferous plantation type trees. Access to Woodend is gained from the unclassified road just north of the objection site.

Summary of main points raised by the objector

4. The objection site is the only part of the farm at Artafallie for which the objector is seeking development status. The proposal is to develop three or four houses of suitable design with adequate services, noting that improvements are planned for the adjacent properties regarding drainage, road access and amenity. The objection site is not subject to the presumption against housing in the open countryside because it is not in the open countryside but relates to the existing cluster of houses in the Woodend area, where there are three particular houses within a few metres of each other, and development would consolidate this by linking the former Toll House to these existing houses. The latter group includes in total six houses, three chalets and a pet rescue centre.

5. The proposal forms part of an overall plan to develop field 4 of the farm for tree planting. The whole field is reclaimed land of limited value as farming land due to very poor soil and drainage. Alternative use such as tree planting, similar to the scheme entered into for fields 1 and 7, have been examined but the safety strip required for the power line makes part of the area uneconomical. An application to plant trees in the remainder of the field is already being progressed, which will provide shelter, visual screen and amenity for the overall properties.

6. The existing local plan presumes against expansion of the existing settlement due mainly to poor drainage. This problem is unresolved and it is intended to install appropriate treatment facilities for the three/four proposed houses which can be accessible to existing properties, solving their problem, which will remain if the development does not happen.

7. There is problem at Artafallie junction for pedestrians going from Croftnacreich to the bus stop on the Tore road. The main issue is numerous school children having to walk round the Toll House at the same time as rush hour traffic. The proposed development would incorporate a length of footpath on the objector's land to the west of the Toll House, removing, the danger to pedestrians, particularly children.

8. The proposed houses would be at least 150m from the junction and the tree planting in the remainder of field would provide screen and sound baffle from traffic noise, fumes, and dust. The planting could also be available as amenity for new and existing houses. The properties would not be visible from the A9 once the trees mature and would only be visible to traffic travelling east on the B9161 and only then when they are more than 200m from the junction. Overall the development would provide overall enhancement of the area and appropriate much needed housing.

9. The committee report on the objection did not set out the circumstances at Artafallie, but referred to conditions at Poyntzfield Mill which is some miles east on the Black Isle, so the committee may not have been fully aware of the potential for Artafallie to be included in the list of settlements with development potential in Appendix III.

10. The recently published Scottish Planning Policy 15 Planning for Rural Development advances at paragraph 18 policy in respect of small scale rural housing developments including clusters and groups in close proximity to settlements. Its 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. Therefore national policy broadly supports the objection proposal.

11. Paragraph 34 of the deposit draft local plan with modifications says that in exceptional cases there may be opportunities to consolidate existing groups with one or two new houses, suggesting that existing groups should be three or more dwellings less than 50 metres apart. These qualifications are met at Artafallie where there are three houses to the west of the objection site and two to the east. Development of two houses on the site would consolidate this group. The housing group at Artafallie fits with the requirements of paragraph 34 of the deposit draft with modifications and should therefore be included in Appendix III.

12. Professional advice has concluded that the site could accommodate two houses with plots of sufficient size to accommodate private wastewater treatment plants, dispersing through an associated mounded filter system that would meet the requirements of SEPA and the Building Standards (Scotland) Regulations. Council officials have also confirmed that the current access to the Artafallie Toll House is capable of accommodating a further two houses without any hazard to the traffic on the B9161 and the (former) B9162. Artafallie therefore meets the requirements of an existing housing group as defined in the local plan, and the objector seeks its inclusion in Appendix III.

Summary of the council's response to the objections

13. The council says that advice from service/infrastructure organisations during the plan preparation indicated that the capacity for development had been reached in this location, and this is still the case. The cluster of houses at Woodend is visually contained within the woodland, whereas the former Toll House stands alone as a single house, as is the case with most 'toll houses'. To link this property with those discretely sited in the woodland would significantly change the rural character of the area.

14. The intention to plant trees is acknowledged, but these would take a considerable period of time to mature to screen further housing as well as buffer it from the noise impact of the A9. The addition of three or four speculative houses in the location suggested would be clearly contrary to the settlement pattern in this area of open countryside of the hinterland, and contrary to policy H3 of the structure plan. Providing a safer access to the bus stop nearby does not justify the development of additional housing in this location.

15. SEPA says that many small housing groups have unsuitable foul drainage. The objection proposal is another scheme in an area identified with a foul drainage problem. SEPA has confirmed this to the objector, saying (THC14/1) "it is not easy to see a means to address drainage difficulties in this area in the short term and would not encourage further development until a sustainable solution can be found." The adopted local plan, at paragraph 1.5.10, also refers to "imperfectly draining soils" and "drainage problems" at Woodend.

16. Many land owners and developers believe that land being cut off from the remainder of a farm or otherwise unsuitable for farming justifies the allocation of the land for housing. When Artafallie was severed by the A9 more than 20 years ago the severance factor would have been used in assessing compensation. Other farm fields are also on the 'wrong' side of the A9 from the farm buildings, and developing field 4 could set a precedent for other fields as far as the small settlement of Croftnacreich. There is little to stop the owner undertaking woodland planting independently of development and this may qualify for grant assistance.

17. The council acknowledges the incorrect response in the committee report, due to an error with the report database. The correct response is given above, supplemented by the SEPA comments on foul drainage. The proper response was given to the local councillor prior to the committee, and the issue was debated at length at the committee prior to the decision not to agree the designation of the site in the new plan (THC14/4).

18. The council notes the change in the objector's proposals from three/four houses to two houses, but this does not mean that it becomes an appropriate form of development as it is still in a sensitive area of open countryside within 150 metres of the A9 Trunk road. There also appear to be three existing dwellings on this farm, sited to the south of the A9, which may preclude the development of just one more dwelling on land management grounds.

19. The SPP 15 (CD17) national policy approach for "small scale rural housing developments including clusters and groups in close proximity to settlements" now corresponds with policy operated in Highland and the Black Isle since the early 1990s. SPP 15 states at paragraph 21 that potential for additional housing in rural areas is determined by several factors, including infrastructure and landscape fit. Paragraph 22 advises planning authorities to 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. While national planning policy broadly supports the concept of housing groups, the objector's proposals do not meet the detailed local criteria, which are set out in the development plan policy guidelines.

20. The cluster of houses at Woodend is visually contained within the woodland. In view of servicing difficulties within the general wooded setting of the cluster, notably the poor visibility of the existing access by the Toll House, and the poor sub-soil conditions, it was not identified as a group with further potential. The former Toll House also stands alone as a single house in open countryside and has no close association with Woodend, being sited some 200 metres from the nearest house. Significant new planting between the land and the A9 would not change this, and could take 20 or more years to have the desired effect.

21. Map THC14/5 indicates that nearest part of any of the existing houses is 42 metres from the north-west boundary of the objection site. Most of this land lies within 150 metres of the A9. This, and its intersection with the B9161, generate considerable traffic noise and disturbance in the area. The draft local plan presumes against development within 150 metres of a trunk or major road for visual and traffic noise amenity reasons. Even development outwith the 150 metre buffer from the A9 would place the nearest part of that land some 48m from the nearest house at Woodend. A new house would have to be sited less than two metres from the north-west boundary to tie in with the existing cluster. The council considers that any expansion beyond Woodend, no matter how close, would take on the appearance of sporadic development in the open countryside and significantly change the character of the area. Verbal or written advice about the ability of the current access to the Artafallie Toll House accommodating further houses is not relevant when the proposals fail fundamentally to relate to a cluster of houses are not identified as a group with potential for additional housing.

Conclusions

22. When seen from the A9 or the B9161 the objection site appears as an agricultural field in open countryside. Other than the Toll House, which in its enlarged form sits somewhat conspicuously, there are no other houses immediately close by in views north of the B9161, at least in summer with all the trees in leaf, that bear any relationship to the objection site. The nearby houses at Woodend are set back within the woodland and it would be easy to pass by the area without realising that there are any buildings there at all.

23. I do not, therefore, accept the objector's view that this area of land is not in countryside. That being so the relevant guiding policy is structure plan policy H3 regarding housing in the countryside, which requires a land management justification for housing, in line with national guidance. In the local plan, policy 36 (35) presumes against housing in the hinterland areas, including the Black Isle. The re-written (for the deposit draft with modifications) policy 35 (34) strengthens this. This presumption is also amplified in policy GSP10, except where the housing is necessary for land management, is social housing for a demonstrated local affordable need, or is the conversion of a traditional building or redevelopment of a substantial ruin. None of these situations apply here and the proposal is therefore contrary to both the structure plan and other draft local plan policies.

24. The objector has put forwards proposals to mitigate this, including planting, footpath access to the bus stop, and improved drainage, although the latter appears to change from a scheme that could serve Woodend to one for just two houses. None of this alters the fundamental fact that the houses are in open countryside.

25. SPP 15 also states that, at paragraph 10, in the more accessible and densely populated rural areas development will continue to be in, or adjacent to, existing settlements. Although this is relative, in the context of the wider Inverness area this is relevant to the objection site, and I see no reason to disagree with the council's view that Woodend is not a settlement in terms of the deposit draft local plan, thus isolating the objection site.

26. SPP 15, in saying that it advances policy in terms of small scale rural housing developments, including clusters and groups in close proximity to settlements, places the onus on development plans to express this, as part of general settlement policy. In my view this is done clearly by the development plan, with the structure plan setting out the Highland wide framework, and the deposit draft interpreting this at a local level. The provision within the local plan, for development within small housing groups is set out clearly as policy 35 (34) of chapter 6. Although the writing of this pre-dates the publication of SPP 15, the general thrust of the document would have been known from earlier Scottish Executive consultation, and in any event, as the council has noted, the new document effectively brings national policy into line with that followed locally for some time. I therefore find little, if any, support in SPP 15 for the development of the objection site, and cannot accept the objector's view that national policy broadly supports the proposed development.

27. I have considered carefully the situation regarding Woodend, but find that it is a largely self contained cluster of houses that sits comfortably within the woodland, at least in visual terms. It bears no great relationship to the objection site and any development of the latter would be a clear extension of Woodend rather than any consolidation. The old Toll House is so far away that it is not related to Woodend, and I do not see any compelling reason as to why they should be linked together.

28. Farm management matters are not issues for this inquiry, but the council makes a valid point about the potential development of field 4 setting a possible precedent. I have referred to the objector's proposed improvements regarding footpaths, planting and drainage, but do not consider that these provide an overriding justification for a development contrary to policy. The way a committee report was handled is not a matter for this inquiry. Taking all these points together I am not persuaded that there is any reason for designating land for housing that is so clearly against housing in the countryside policy.

Recommendation

29. Accordingly I recommend that no alteration is made to the deposit draft local plan as a result of this objection.

40 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD AREA PARAGRAPH 36 (35) –HOUSING, BALBLAIR FARM, EDDERTON (Issue 70)

Objector: Caledonian Forestry (109)
Procedures: Written submissions

Background

1. The objector owns land at Balblair Farm on the north side of the unclassified road leading from Edderton primary school at Balleigh to the B9176 'Struie' road near Aultnamain. Balleigh contains about 14 houses surrounding the school and spread along the road in each direction, about 0.7km south of Edderton. The objection site is to the west of these, separated from the settlement by an old dam, and is a large field on the north side of the road, measuring some 260m along the road by 70m deep. It slopes up gently from the road and is bounded on the north side by Balleigh Wood, a commercial conifer plantation. Apart from the houses at Balleigh the general surrounding area is sparsely populated. A planning application for the development of six houses on the site was refused planning permission in august 2004 on grounds relating to housing in the countryside, ribbon development, drainage, and lack of land management justification.

Summary of main points raised by the objector

2. There is a need for more housing within the Edderton community to support in particular the attendance levels at the primary school. The objection site could accommodate six large plots and would be an extension of the existing housing either side of Edderton primary school. The land is not a significant or integral part of the agricultural unit owned by the objector, and the school site has mains water and electricity, and drainage could be dealt with by septic tank.

3. The area to the west of Station Road in Edderton, which is zoned for residential development in the deposit draft local plan, cannot at present be developed until Scottish Water extends the drainage facility in the village, the time scale for which is unclear. The objector also owns a field on this designated land, and it is intended that part of the profits made from the residential development west of the primary school would be used to contribute towards Scottish Water's costs of upgrading the Edderton drainage system. The objector has paid for a feasibility study for this but there is no clarification as to the extent of the developer's contribution that will be specified by Scottish Water. It may be necessary therefore to put the case for an additional area to be zoned in order to comply with the contribution which is required by Scottish Water.

4. The objector understands that one of the significant factors in the refusal of an application for outlying planning permission for the six residential sites on was the absence of any mains drainage facility. The area could therefore be zoned for residential development subject to any housing being connected to mains drainage. The site could then be developed with high quality housing as and when the main is provided.

Summary of the council's response to the objections

5. The site lies outwith the established settlement area of Edderton and is subject to Structure Plan Policy H3: Housing in the Countryside. Housing requirements within the hinterland around towns are met by allocations in established settlements and to a lesser extent in identified housing groups where there is opportunity to infill or enhance existing development. Outwith these allocations housing proposals are required to meet a land management criteria, where there is a justification for an agricultural use. The allocation of this area of land is contrary to the contents of Policy H3: Housing in the Countryside and further expanded on in the DPPG. The proposed site, if allocated, would lead to ribbon development along the Edderton to Aultnamain single track road and does not reflect an existing development pattern in the area.

6. The main sewer network is sited in close proximity to the site and as such would be required to connect to the network. The capacity of the works at Edderton is at present at capacity and development potential is constrained at present. The identification of this site presents no immediate solution to meeting the housing land requirement for Edderton. It has already received consideration as a planning application for the development (THC 69/1). This proposal was refused mainly on the basis of the non compliance with structure plan Policy H3 Housing in the Countryside and the deficiency in servicing arrangements in respect of waste water.

7. The site referred to, west of Station Road, is already allocated within the deposit draft local plan (chapter 15 paragraph 4), and is similarly constrained in terms of connection to waste water treatment. Scottish Water is required to address the upgrading of the works to meet outfall standards in relation to the Shellfish Waters Directive by the end of 2005. A scheme for the allocated site within the village could be pursued, although premature to the works to be undertaken by Scottish Water, through an interim drainage arrangement or through a contribution towards upgrading by Scottish Water.

8. The initial objection was based around the fact that development in Edderton was constrained by the lack of capacity in the wastewater treatment works. The objection was offered as having potential to provide an earlier delivery of housing land by serving the proposed housing with septic tank drainage. The development at this site has been assessed through a planning application and does not comply with council policy in respect of housing in the countryside. The further written submission indicates that connection to mains drainage is possible but this removes any benefit put by the objection, over the current allocated land, offered by the site in respect of early delivery. The council therefore asks for no change to be made to the content of the deposit draft with modifications, in respect of these matters.

Conclusions

9. The objection site is located in open countryside and falls to be considered under the terms of structure plan policy H3, requiring justification through need for land management purposes. This is developed in the deposit draft as chapter 6 paragraph 36, later incorporated as policy GSP10 as a modification, and supported in the DPPG chapter 1. In the case of the objection site it falls within the hinterland of Tain, referred to in policy GSP10 and outlined on proposals Map B. The only justification given is to provide a development site in advance of land being released in Edderton, thereby providing the potential for cross funding for a

contribution to the upgrading needed for the Edderton waste water system. This does not provide a justification for the site in terms of any of the policies.

10. The objector has referred to the site as not being ribbon development, but simply an extension of existing housing at Balleigh. Apart from the fact that the site is actually separated from Balleigh by the old dam, such an extension would be precisely why the development would be ribbon development. In reality the site is not well connected visually to the other houses, and only one upper gable is seen when approaching from the west, because of the intervening landform and vegetation. This emphasises the open countryside aspect of the site, unrelated to other development. I am unable therefore to find any justification for the proposals in terms of background policies or guidance.

Recommendation

11. I therefore recommend that no change be made to the deposit draft, or the proposed modifications, as a result of this objection.

41 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD POLICY 36 (35) – HOUSING AT BEECHWOOD, MARYBURGH

Objector: L Ballingall (125)
Procedure: Written submissions

Background

1. Bakerhill is located on ground that rises from the A835, some 600m to the north-west of the edge of Maryburgh. Lower down the hill is Seaforth House, a substantial property used as a respite care home. To the east of this, between the house and woodland, are open fields with an irregular boundary that extend down hill from the Bakerhill/Seaforth access road almost to the main A835. Access is by a steep, narrow and twisting single track road that leads from the A935 towards the Loch Ussie area. The fields lie within the hinterland area of Dingwall.

Summary of main points raised by the objector

2. These fields have not been included in the deposit draft despite a request to do so in 2000. This should be made available for long term housing in 10/15 years time when the objector is prepared to consider making the land available. It is presently used for horse grazing and is free draining with good road links and an excellent aspect. Development here would relieve the pressure for single houses in the countryside.

Summary of the council's response to the objections

3. This land is beyond the settlement boundary and significantly on the wrong side of the A935. It would be difficult to provide sewage connections or safe routes to school. There is also a presumption against the intensification of the present access on to the main road. The land is clearly in the countryside and it would be necessary to meet the criteria for the relevant policies. There is a history of proposals in this area that do not meet the criteria, and no change is recommended to the deposit draft.

Conclusions

4. As the council has stated, noted in paragraph 3 above, this area of land is clearly in countryside and subject to the relevant policies. In this case the guiding one is structure plan policy H3 regarding housing in the countryside, which requires a land management justification, in line with national guidance. In the local plan policy 36 (35), presumes against housing in the hinterland areas, including around Dingwall. This is amplified in policy GSP 10, except where the housing is necessary for land management, is social housing for a demonstrated local affordable need, or is the conversion of a traditional building or redevelopment of a substantial ruin. None of these situations apply here and the proposal is therefore contrary to both the structure plan and other draft local plan policies.

5. In addition the proposed development fields are in open country, and although adjacent to Seaforth, it and not well related to other buildings so as to form a group in terms of policy 34 of chapter 6, regarding development in the hinterland areas. In addition the

position of the fields, on sloping ground close to the road, means that they are visually exposed and difficult to screen, and any development here would be prominent in the wider view from the main road, parts of Maryburgh to the south. A new junction would also be required from a main road where there is a presumption against the intensification of such accesses.

6. Although the objector 'may be prepared to release the land for housing' no justification has been provided for building housing on this site, and in these circumstances there is thus no case for any alteration to the deposit draft.

Recommendation

7. I therefore recommend that no alteration is made to the deposit draft local plan as a result of this objection.

42 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD AREA PARAGRAPH 36 (35) CRAIGDARROCH DRIVE, CONTIN (Issue 67)

Objectors: Mr & Mrs B A Harding (37)
Procedures: Written submissions

Background

1. Craigdarroch Lodge Hotel is located at the end of a short unclassified road, Craigdarroch Drive, that leaves the west side of the A835 Dingwall to Ullapool road about 3km north-west of Contin. There are 19 predominantly single storey houses on the south side of the road as it leads to the hotel, some relatively old, some recent, and a ten unit chalet development on the north side, close to the hotel. The objection site is adjacent to the hotel policies on the south-east side, and extends to the east to the south of the line of houses. To the south the ground is generally open fields, but to the north it rises steeply and is clad in woodland. Settlement in the wider surrounding rural area is sparse.

Summary of main points raised by objectors

2. Although not within the main designated envelope of the village of Contin, the cluster of some 20 houses at Craigdarroch Drive, together with the chalet development and hotel comprises a significant settlement in itself, with development over the last 10 or so years of in the region of 10 new houses. A recent planning application was made for two house plots on a lawn of Craigdarroch Lodge Hotel, between the hotel and the western end of the line of houses. The objection land is a scrub field, not used for agriculture, nor suitable for that use. It is immediately adjacent to the existing settlement, and development for residential use would be a natural extension of that, without material detriment to the existing development, or to the landscape, given the backdrop of the adjacent steep hillside, rising behind.

3. The development along Craigdarroch Drive is a prime example of ribbon development, not a desirable concept in planning terms, and lateral expansion of the configuration that exists, would have benefits for the overall layout of the area, without setting a precedent for further sporadic development. Included in the land ownership, is an access strip between No. 12 Craigdarroch Drive and the lawn to the Hotel.

4. The land is well screened from the houses adjacent in Craigdarroch Drive, by virtue of the existing wild grown band of native trees, and further sporadic growth on the land could easily be retained by an appropriate development layout. Mains electricity and water are close at hand, therefore there are no practical restraints to development. There exists a greatly undersupplied demand for development opportunities for individual houses in rural areas under the current property market, in locations within commutable distance of Inverness. Contin now falls within that category.

5. The principle reasons for dismissal of the proposal by the council were the unsuitability of access to the A835, and drainage problems. With regard to roads issues, although visibility is to a degree less than the council's standards, additional development at Craigdarroch over the last 15 or so years, virtually doubling the number of units, has been permitted throughout which time this junction has essentially remained unchanged. The

addition of a maximum of four new houses, and traffic generated thereby, is not a significant increase to such risk as may already exist, and the council granted permission for an additional dwelling in the grounds of Craigdarroch Lodge, as recently as March 2004.

6. Percolation tests have shown satisfactory results. As ground conditions throughout the site are essentially the same, provision of individual septic tank and soakaways will adequately provide the necessary facilities. In recent years a mains water supply has been laid in the drive and the seven newer dwellings are served by this. These properties are provided with individual septic tank drainage systems. Access to the site is available via a 10m wide strip running adjacent to boundary of 12 Craigdarroch Drive. An agreement has been reached to acquire part of the front garden of No. 12 to provide the necessary access splay and service bay, and visibility. Satisfactory access can accordingly be achieved.

7. The residential property market in the Inverness and surrounding areas has experienced a previously unknown degree of buoyancy, with demand outstripping supply of all classes of property, and with ever inflating prices in Inverness forcing buyers ever further from the centre, the Contin area is well within the acceptable commuter radius. Restriction on new individually located country properties, due to policies has created a lack of supply of such properties on the market, for which there is strong demand. A development of the type intended, whilst satisfying the requirement to develop in an established development area, would achieve the provision of properties of a type for which there is strong demand, whilst according with planning policies and providing choice.

Summary of the council's response to the objections

8. The draft local plan applies in detail the provisions of structure plan policy H3 Housing in the Countryside in respect of the hinterland around towns boundary. Within this area land suitable for housing development is largely defined within existing settlements where there are opportunities to make use of spare capacity and where that housing would be consistent with, or enhance, the cohesiveness and visual appearance of the group. This is also consistent with the DPPG. A planning application for the development of the objection site was refused permission in November 2004 on grounds relating to lack of compliance with structure plan policy H3, traffic and drainage concerns, and precedence.

9. Craigdarroch is not identified with potential due to inadequate infrastructure and no further potential to consolidate within the existing linear development pattern, the natural conclusion of which is the Craigdarroch Lodge Hotel. As such, paragraph 36 contained in the landward section of the deposit draft plan specifically mentions a number of small settlements, including Craigdarroch, where there is a presumption against further development. Exceptions to this policy would be: where proposals were essential to the management of land, intended to meet demonstrated affordable housing needs that cannot be met in settlements; or involves the conversion of a traditional building; or redevelopment of a ruinous dwelling. The proposal for four house plots is for a different form of development, contrary to policy guidance, notably in respect of the existing settlement pattern as well as poor drainage and substandard access to the A835 Trunk road. All potential for infill development has been exhausted and as such Craigdarroch has not been identified as having further potential for development within the recognised form of development.

10. The development proposed is not consistent with that existing, or with national guidance in relation to the use of existing services and infrastructure, or fit in the landscape as

contained in SPP 15: Planning for Rural Development. The road serving the existing development is substandard, being single track with limited passing places, no footpath and only a short length of street lighting. The access junction with the A835 is inadequate in respect of current visibility standards. Opportunity exists in the nearby settlement of Contin offering potential for development within an existing settlement that makes best use of available infrastructure and helps retain the rural amenity of Craigdarroch Drive. Accordingly, the council asks that no change be made to the content of the deposit draft with modifications.

Conclusions

11. Although the objection site is adjacent to existing housing this is part of a long established development that sits against the steep, wooded, hillside and is partly screened by natural tree growth. The site is thus effectively separated from the existing houses and located in open countryside, and must therefore be considered under the terms of structure plan policy H3, requiring justification through need for land management purposes. This is developed in the deposit draft as chapter 6 paragraph 36, later incorporated as policy GSP10 as a modification, and supported in the DPPG chapter 1. In the case of the objection site it falls within the hinterland of Dingwall, referred to in chapter 6 paragraph 36 (35) and GSP10, and outlined on proposals Map A. For the avoidance of doubt paragraph 36 (35) states specifically that the presumption against further housing development applies to Craigdarroch.

12. As well as being in breach of this policy, no specific justification has been given in terms of structure plan policy H3 regarding a land management purpose for the houses. Although the objectors have argued that issues relating to drainage and road access can either be overcome or are not significant respectively, neither of these provides overriding reasons for allowing development that is contrary to structure and draft local plan policy. Similarly there is no support for the proposal in SPP 15.

13. In addition to these points, the construction of houses on the site would effectively create a new direction for the development of Craigdarroch. As well as potentially having an adverse impact on the residential amenity of the existing houses, it would also be difficult to resist further housing to the east of the objection site and south of the remaining existing houses. This concern was expressed as one of the reasons for the refusal of the planning application referred to by the council. Also the cumulative effect could have serious implications for access and traffic safety. In terms of choice there does not appear to be any lack of housing land available in the wider area, and during my site inspection I looked specifically at land in Contin where good sites are available, fully serviced, in what appear to be good locations. In these circumstances I am unable to find any justification for the amendment sought by the objectors.

Recommendation

14. I therefore recommend that no change be made to the deposit draft local plan or proposed modifications as a result of this objection.

43 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD POLICY 36 (35) – DUNMORE, MUIR OF ORD, HOUSING (Issue 14)

Objector: J A MacKinnon (90)
Procedure: Written submissions

Background

1. Dunmore is located on the eastern slopes of the high ground that rises to the west of the A862 Beauly to Muir of Ord road. This rural area is threaded with a network of mainly single track roads often tortuous with sharp bends and hills, which serve a relatively high number of houses in a sporadic development pattern. The objection site is located on the south side of one of these roads, which runs along the southern edge of Forestry Commission woodland forming part of Rheindown Wood. It comprises a relatively level field of some 0.4 ha, elongated with its narrow northern end abutting the road. There are existing houses on either side of the plot, 61.8m apart according to the objector. A third house is located a little way to the south, 72m and 90m from the other two houses, again according to the objector's figures.

2. The administrative boundary between Ross and Cromarty and Inverness-shire passes just to the south of the third house mentioned above. There is a number of houses along the road to the south-west. To the north-east the slopes are undeveloped in the immediate vicinity of the objection site, with the nearest properties being some 0.5 km down the hill towards Muir of Ord.

Summary of main points raised by the objector

3. The objector proposes the inclusion of Dunmore as a housing group with development potential in the list in Appendix III. This states that it is the council's policy in open countryside that in exceptional cases, subject to adequate drainage, there may be opportunities to consolidate or round off certain existing groups. Only a very small part of Dunmore is in Ross & Cromarty, as shown on a map enclosed that marks the plot shaded yellow. This qualifies to be included in Appendix III as: it is a single infill site that would round off the existing group of houses; adequate drainage tests were certificated by Building Control in 1997; there are no servicing or roads objections; the plot is an ample size for planting any screening required; and under the new policy 26 new houses are to be built on the Braes leading up to Dunmore (within Inverness-shire).

4. The council has stated that the road infrastructure is inadequate but this cannot apply here as the Roads Department did not object to the previous applications. The 26 houses mentioned, on land which adjoins the objection plot, will use the same roads so a difference of attitude is illogical. Treatment should be the same whether in Inverness or Ross and Cromarty. The council's response to Ferintosh Community Council's objection regarding housing in the countryside contains criteria that are a mirror image of the situation at Dunmore. Also the reporter to the Inverness local plan inquiry is reported in the press as approving houses in the countryside in small clusters or individual plots.

Summary of the council's response to the objections

5. The proposed site falls within the hinterland around towns area and is subject to Structure Plan Policy H3 Housing in the Countryside. Development Plan Policy Guideline 1 provides supplementary guidance on the interpretation of this policy, the general thrust being that housing in the hinterland of towns should be restricted to existing settlements and groups identified within local plans. Some groups not identified in local plans may also be acceptable where additional houses might contribute to enhancing the appearance of a group. New housing in the open countryside is only permitted where it is required for the management of the land or other related circumstances.

6. The assessment of existing groups ruled out the possibility of further development at Dunmore due to the inadequacy of the roads infrastructure. The proposal would increase traffic flow along a substandard road network, and because of poor road geometry, poor visibility, and the lack of a footpath, any such increase would be potentially hazardous to other road users. The proposal would, therefore, have significant shortcomings in terms of traffic and access and hence the specific exclusion of Dunmore in chapter 6 at paragraph 36 of the Deposit Draft Local Plan.

7. The Inverness Local Plan identifies capacity at Beauly Braes for the further development of an existing crofting township (THC14/6). The boundary of this area lies approximately 1.5 km from the objector's site. The extent of the Beauly Braes group, which is confined within the boundary of the Inverness Local Plan, was determined upon investigation of the existing infrastructure and capacity of the landscape to absorb further development.

8. The objector has submitted a copy of the letter from the Area Planning and Building Control Office, dated 10 September 1997, to David A West in respect of application ref. RC/1997/607. The second paragraph states that "the road network in the Corry/Dunmore area is coming under pressure from increased traffic volumes being generated by new development." The Area Roads and Transport Manager feels that: "he would have difficulty in sustaining a recommendation for refusal in this case but consideration has to be given to curtailing development in this area. If approved, the following conditions should be met prior to the commencement of construction on site: A passing place should be provided.... between the site and the T-junction to the north-east.... This is required to alleviate traffic congestion on the public road network."

9. This is not the same as saying that there was no roads objection, and concern is stated about the problems in the area that need to be addressed. These problems were not new, and are highlighted in the adopted local plan at paragraph 4.11. From the time of adoption to the time of planning applications for the site at Dunmore being lodged and refused in 1997 (THC14/7) and 1998 (THC14/8), the pressure for development continued.

10. Further pressure in the area has not been completely abated, and the cumulative impact of such development has compounded the road access and traffic problems on the single track local road network. There is thus every need to apply a more restrictive policy in the new Ross and Cromarty East Local Plan. The servicing difficulties of the wider area also preclude the identification of small groups or a more dispersed township with development potential.

11. Favourable advice from the council on servicing matters is given on the basis that it does not assume planning permission, as a greater range of factors are also considered. The consultation responses to the 1997 applications indicate the concerns of the drainage and roads authorities about further development in this area and combined with policy and amenity considerations were the basis of the recommendations and subsequent decisions to refuse permission. In dismissing the subsequent appeal (THC14/9), the Reporter made particular reference to the “considerable shortcomings in terms of traffic and access”.

12. The Inverness Local Plan Inquiry Reporter’s report, endorsing the policy covering small clusters of houses, was on the basis that the servicing conditions and landscape can accommodate further development. The Inverness Local Plan Deposit Draft with Modifications (THC14/6) recognises the large dispersed (not tightly-knit cluster) ‘group’ of houses at Beauly Braes as having potential. This is located more than a mile away from the Dunmore area and the main access roads to Beauly Braes are located further to the west. Since this area was first identified in 2001, permissions granted have substantially used up the development potential and there are increasing concerns about road access capacity. The Reporter has not supported this form of dispersed development in the hinterland area, and stated (THC14/11): “... 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 structure plan policy. The local plan should not be changed to allow individually dispersed houses in the countryside in the hinterland.”

13. The objector’s site at Dunmore is not within a tightly knit small cluster of houses with properties sited less than 50 metres apart, the fundamental criteria for identifying groups in Appendix III. The nearest property is sited just over 60m away and the development proposed would therefore lead to the filling in of a ‘gap’ of more than 50 metres between existing properties, contrary to the established settlement pattern and with the possible consequences of loss of rural privacy and amenity enjoyed by neighbouring properties. However, it is the overall servicing problems of the broader area, notably road access, that mitigate against further development other than where this meets the exceptions criteria for houses in the open countryside of the hinterland area.

Conclusions

14. As the council has stated, noted in paragraph 5 above, this area of land is clearly in the hinterland area and subject to the relevant policies. In this case the guiding one is structure plan policy H3 regarding housing in the countryside, which requires a land management justification, in line with national guidance. In the local plan policy 36 (35), presumes against housing in the hinterland areas, including around Muir of Ord. This is amplified in policy GSP10, except where the housing is necessary for land management, is social housing for a demonstrated local affordable need, or is the conversion of a traditional building or redevelopment of a substantial ruin. None of these situations apply here and the proposal is therefore contrary to both the structure plan and other draft local plan policies.

15. In the deposit draft with modifications the council proposes a change to policy 35 (34), which in the deposit draft is written to apply to housing in the open countryside. In the modified version this is changed to apply to open countryside of the hinterland area and presumes against adding to small tightly knit groups of houses less than 50m apart. In exceptional cases there may be opportunities to consolidate or round off existing groups, set out, as the objector has noted in Appendix III. The list does not include Dunmore. More

importantly, a rider to policy 36 (35) adds a list of settlements that are specifically included in the general presumption against housing in the hinterland area, and this list does not include Dunmore.

16. The objector has argued that developing the Dunmore site would create a group of houses that would be closer together than 50m. There is not however a specific policy that would allow that, and if the logic of the argument were to be followed throughout the plan area it could potentially lead to the suburbanisation of large areas of the countryside, and I am certain that this is not the intention of the council.

17. The objector has also pointed out the availability of services, but I accept the council's view that this does not mean that a site is otherwise suitable for development. The question of when an area has reached saturation in terms of the capacity of the local roads system is a matter of judgement. At my site inspection I was very much aware of the sharp bends and sudden inclines on the access from Muir of Ord, with a need for more than usual care on some sections. The situation was made worse by the already large amount of rural housing in the area, and I have sympathy with the council's argument that the system is at or near capacity.

18. Matters relating to development in Inverness-shire were considered at the recent Inverness local plan inquiry and do not form part of this inquiry.

19. Taking all these points together, I am not persuaded from the evidence before me that there is any justification for changing the council's proposals in either the deposit draft local plan or the version with modifications.

Recommendation

20. I therefore recommend that no alteration is made to the deposit draft local plan as a result of this objection.

44 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD, PARAGRAPH 36 (35) - LAND FOR HOUSING – HINTERLAND, EASTER SPRINGFIELD, RESOLIS, BALBLAIR

Objector: J K Bisset (139)
Procedure: Written submissions

Background

1. Easter Springfield is located on a broad ridge running approximately east-west about 1km south of Resolis, which is located on the B9193 near Balblair. An unclassified road, fairly narrow in places, runs along the ridge from Newmills to Newhall and three small areas of ground, two on the south side of the road and one on the north, are proposed for housing. The two on the south side, measuring some 100m and 130m by 40m, are under grazing and arable respectively and separated by a single house. They lie relatively close to existing steadings or houses, some of the former appearing to be little used. The area on the north side of the road lies farther east, measures some 270m by 50m, contains a woodland belt along the road, and is more isolated. The general settlement pattern is one of dispersed farms and isolated houses. The area has good tree cover, with significant woodlands and plantations.

Summary of main points raised by the objector

2. The objector would like the three areas described in the preceding paragraph to be considered for inclusion in the local plan. No justification is given for such designation.

Summary of the council's response to the objections

3. The three locations requested do not comply with the council's policies for housing in the countryside. The land is open country in the hinterland area, outwith defined settlements or existing groups of houses. The proposal would create two areas of ribbon development, contrary to the established development pattern and countryside character, and would cause problems for road safety and loss of amenity. The DPPG presumes against proposals resulting in suburbanisation and ribbon development, and involve excessive infrastructure or loss of important areas of woodland.

4. The criteria for defining small groups or clusters are set out in the deposit draft and do not apply to any of the requested allocations. However, the west side of the western most area requested is close to the group at Newmills, which is identified in the deposit draft (*Appendix III*), and comprises three existing houses, plus a traditional steading and the former mill.

5. The general policy guidance (*Chapter 6 – paragraph 35*) would allow the refurbishment and reoccupation of any houses, and the conversion of other traditional buildings. There may also be potential for two new houses on either side of the mill, one of these plots being in the north-west corner of one of the objector's fields. This potential would be subject to adequate servicing, particularly drainage, and good design. Such houses could be accommodated without any need to modify the draft deposit local plan.

Conclusions

6. Other than the potential exception referred to by the council, noted in paragraph 5 above, these three areas of land are subject to structure plan policy H3 regarding housing in the countryside. This was amplified in Chapter 6 paragraph 36 of the deposit draft, altered in the modified version so that the policy is set out as GSP10. These are effectively identical and presume against housing in the hinterland areas (including the Black Isle) except where necessary for land management, is social housing for a demonstrated local affordable need, or is the conversion of a traditional building or redevelopment of a substantial ruin. None of these situations applies here and the proposal is therefore contrary to both the structure plan and other deposit draft policies. In addition the proposed areas are in open country and not well related to other settlements or buildings, subject to the council's caveat referred to.

7. The council has referred to one possible exception, and I accept that this offers some, albeit minor, scope for development. As the council states this could potentially be carried out within the terms of the deposit draft, so no modification would be necessary to the deposit draft.

Recommendation

8. I therefore recommend that no change be made to the deposit draft as a result of this objection.

45 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD, PARA 36 (35) – HOUSING IN THE COUNTRYSIDE AT LOGIE QUARRY BY KILDARY (Issue 15)

Objector: Balnagown Estate (163).

Procedures: Hearing

Background

1. Kildary is a small village with a population of around 120, located on the north side of the A9, north of Nigg Bay. Most local services, other than a post office and large garage, are provided in Milton of Kildary, a kilometre to the south-west. The expansion of the settlement is constrained by the A9, the Balnagown River to the west and the Balchraggan woodland to the north.

2. To the north of Kildary, and separated from it about 700m of woodland, some of it on previously worked but now restored or regenerated ground, is the Logie gravel quarry. This has been worked extensively for over 30 years. The total area of working covered in excess of 60 ha. It is bounded by unclassified roads that serve small numbers of houses in the vicinity of Kildary, and is barely seen from these roads because of good tree cover around the perimeter of the site. Access is gained from the A9 trunk road 1.4 km north-west of Kildary via an improved length of unclassified road. Internally there are a number of ponds and wet areas, and much of the ground has been restored or is regenerating, but there are still extensive tracts of recently worked exposed ground.

3. The area is covered by four planning permissions granted in 1972 and 1973. The statutory review of mineral permissions listed the site as Phase II Active and has brought a submission of an application for the determination of conditions in relation to all site operations (THC15/1). The accompanying statement indicates that much of the site has been restored and is fully revegetated with native species. The application indicated the intent of the operator, Caledonian Quarry Products Ltd, to continue extraction on remaining areas and carry out subsequent restoration works with a nature conservation after use. Extraction has now effectively stopped other than for very small amounts by local users.

Summary of main points raised by the objector

4. The objector says that Logie Quarry has reached the end of its productive life. It believes that this provides an opportunity to create a ‘model village’, with beautifully designed houses, in generous settings. This would be set within a landscaped framework of woodlands and lochs, and interspersed with footpaths to ensure the good local access that is already established. The site has been considered as a possibility for a holiday village, but residential use would be more valuable in raising the profile of the area, and would attract owners who would have the income to benefit other areas of Easter Ross.

5. There would be opportunities to include other facilities such as units for local businesses and recreational buildings. An appraisal has been made of the development of the ‘model village’ of Poundsbury in Dorset as part of preparation in putting proposals to the

council. It is the wish to work with all parties to produce something that is "unique" and of the highest quality, which will inspire others to follow suit.

6. At the hearing the objector accepted that the quarry site is outwith the settlement boundary, and the proposal contrary to structure plan policy H3. However it is considered to comply with policy G2 and would bring benefits to the community in terms of policy G4. The site could also be developed under policy T3 regarding self catering tourist accommodation, so the issue is related purely to houses. There would be no urban sprawl or loss of identity for the local community.

7. If the site is not developed it would be restored, and a master plan has been prepared for this by the site operator. There would be no net benefit from this, unlike a housing development that would contribute to the local economy. At present one of the lochs is used for fishing, managed by a local club, and off road motorcyclists frequent the site, causing some annoyance to local people.

8. Plot sizes would be around 1-1.5 ha each, with high quality landscaping and a network of footpaths. The estate is aiming for high quality developments, and has shown this with holiday accommodation it has already developed. It would not be aimed at second homes, but at permanent residents. It would be willing to make land available for affordable housing, but this would not be appropriate as part of this project, but could be done at Barbaraville. There would be community links within the site, and access maintained to the fishing loch. The scheme would be an example for others to follow, and would be restoration, not development in open country.

Summary of the council's response to the objection

9. The council says that the proposal does not accord with the policy framework in the structure plan or deposit draft local plan. The site is situated outwith the recognised settlement boundary for Kildary and is therefore subject to structure plan policy H3 housing in the countryside. The location does not have direct links to the existing village and would comprise a separate new settlement, fragmenting the integrated nature of Kildary. The provision of housing land at Barbaraville would not be a suitable alternative as it is not sufficiently local to Kildary, where there is a need for such houses.

10. In the hinterland of towns a planned approach to new housing developments is required that meets the policy's strategic aims yet also provides a degree of choice for living within smaller rural communities. Housing development opportunities within the hinterland are encouraged in the local plan, either within existing or planned new settlements, but the latter relates only to large communities of 500 to 1,000 houses with employment land, or located close to existing major employment sites and transport infrastructure, such as, within the structure plan area, the A96 Corridor close to Dalcross, east of Inverness.

11. Scottish Planning Policy 3 Planning for Housing says that housing requirements should be met within or adjacent to existing settlements to prevent the sprawl of settlements and protect the setting of towns. Scottish Planning Policy 15 Planning for Rural Development does regard brownfield sites which are no longer "required for their original purpose where conversion to residential use would bring about a net environmental benefit" as having potential subject to a number of factors, including proximity to services, ease of access and drainage and sewerage capacity. Logie Quarry has by and large already been returned to a

natural vegetative state, and the development of the site for housing does not accord with the council's desire to restore the quarry to this state. Roads and other infrastructure would be required, as well as the definition of the curtilages of residential properties.

12. The development of tourist accommodation would accord with the aims of the structure plan in policies T2 tourism developments and T3 self-catering tourist accommodation, where encouragement is given to the development of high quality proposals providing economic benefits to the area. The supporting text to policy T3 self catering tourist accommodation requires such proposals to have a minimal impact on services, roads infrastructure and the environment. It would be for non-permanent accommodation and use for permanent occupancy would be unacceptable. It could provide an economic input to the area through the presence of visitors throughout much of the year and also opportunities for local employment. The reuse of the quarry for this type of use would accord with Policy G2 in terms of the use of a brownfield site and the contribution to the economic development of the community. Much of the site, however, has now revegetated and any such proposal would require sympathetic development on areas that are brownfield in nature, with leisure activities linked to the naturally regenerated areas, so as not to conflict with the aim of restoring the quarry to a natural state as outlined in the restoration master plan (THC15/1).

13. Access would not link the site with the existing village of Kildary, but be via the A9 trunk road some 1.5km to the east, then the Pitmaduthy Road. The A9 junction would require improving, and probably the Pitmaduthy access road itself. There may be potential for an access to the site from the Brenachie Road to the west side of the village, which would be closer. The coniferous plantation immediately to the north of Kildary forms part of the backdrop of the village and the council would seek to retain this, with access further north still distant from the village. Access improvements would be required to the road and also the provision of a footpath and street lighting connecting to the village.

14. The site may offer potential for development as a natural resource within the context of chapter 6, policy 68 of the deposit draft local plan: "The Council will explore the scope for the development of a Country Park in the Local Plan with land owners and SNH. Potential locations to be considered should be readily accessible from the major road network."

Conclusions

15. All parties accept that Logie Quarry is outwith the settlement boundary and is therefore subject to structure plan policy H3 regarding housing in the countryside. This is amplified in policy GSP10 of the modified plan, which presumes against housing in the hinterland areas, which includes the land around Kildary, except where necessary for land management, is social housing for a demonstrated local affordable need, or is the conversion of a traditional building, or redevelopment of a substantial ruin. None of these situations has been put forward as being applicable here and the proposal is therefore contrary to both the structure plan and deposit draft policies.

16. In addition the proposed area is in open country, albeit that it is generally well screened from outside views. It was clear from my site inspection, however, that it does not relate well to other settlements or buildings, even taking into account the presence of scattered houses in the wider rural area. It is quite distinct from Kildary, and would continue to be visually separated by a relatively extensive tract of woodland. Although footpath links are proposed these would effectively take people into a developed area, which by its very nature

would not be as encouraging of access as the apparently natural environment of a restored gravel quarry. Structure plan policy G2 appears to lend some support, but the proposal would not accommodate the needs of all sectors of the community, as required by the policy.

17. I note also the council's comment about the road network. The road from the quarry entrance to the A9 has been improved. If necessary further improvements could be made to the main road junction, and given that this was deemed suitable for heavy lorries, and a tourist development is seen as being acceptable, I do not see road access as being a long term impediment to the objection proposal.

18. The main issue is therefore whether there are any special circumstances that justify the development of a 'model village' in this location. From the description of the proposal put forward at the hearing, it would clearly be an exclusive development of top of the market houses. Assuming that such a market exists at this location, it would create a community that would be unlikely to relate to any of the existing ones in the locality. This is effectively confirmed by the proposal that any related affordable houses should be located at Barbaraville, some 4 km to the south-west, as it would not be appropriate within the 'model village'. This would be contrary to the spirit of the deposit draft, and government guidance. Scottish Planning Policy 3 Planning for Housing encourages at paragraph 24 the creation of mixed communities, with a range of housing types providing for all segments of the market. This would not be the case with the objection proposal, which would place the houses some distance from the required location at Kildary.

19. The development would undoubtedly provide some economic benefits to the locality, and this would accord with the general requirements of structure plan policy g4. This would however also apply to a more conventional development within the framework of the existing settlement network, and arguably other forms of development could provide more positive employment benefits.

20. Although the site is a brownfield one, it is clear from my site inspection that it is capable of regeneration, and that some form of development is not a prerequisite for this. I must therefore conclude, on the basis of the evidence provided, that there is no justification for a development contrary to the basic policies.

21. In saying this I accept that some form of development could take place within the terms of the deposit draft, providing tourist related accommodation. The council has also acknowledged the possibilities of some form of recreational based development, possibly as a country park. None of these possibilities has been put forward as a specific proposal for my consideration, but the terms of the deposit draft allow for appropriate development to be assessed on its merits, even though the site is not specifically designated for such uses.

22. Bringing all these points together, I am unable to recommend a proposal that so clearly contravenes the draft local plan policies, whilst acknowledging that there are possibilities for other forms of development on the site, that do not require a specific site provision.

Recommendation

23. I therefore recommend that no change be made to the deposit draft local plan as a result of this objection.

46 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD POLICY 36 (35) – HOUSING AT MOUNTPLEASANT, FORTROSE

Objector: R A Lee (212)
Procedure: Written submissions

Background

1. Mountpleasant is located high above the inner Moray Firth, on the south-west flank of the Hill of Fortrose, on the northern side of the Fortrose to Killen unclassified road. It stands within fields and is separated visually from Fortrose by a plantation that extends, with an irregular boundary, onto the hill itself. To the south-east of Mountpleasant a road strikes east from the unclassified road, through the plantation, to Broomhill Farm.

Summary of main points raised by the objector

2. This objection is linked to another by the same objector regarding housing in the countryside in general. This is dealt with under objections to chapter 4, strategy. Half the field immediately west of the Broomhill road end should be designated for four affordable homes and four rural houses. The objector has already provided affordable homes in the centre of Avoch. Land on the northern side of the Fortrose to Killen Road, on three sides of Mountpleasant, should be designated for four or five rural homes each with 2-4 ha of land and outbuildings suitable for pursuing rural economic activity. The objector has previously run both high-tech and land based rural business and several other successful businesses on the Black Isle. There would be no increase in refuse, water or postal service costs, and land would be released for road widening. The impact would be less than the current high infrastructure costs associated with the steep housing sites in Avoch and Fortrose.

Summary of the council's response to the objections

3. Both these areas of land lie in open countryside in the hinterland area, and are somewhat detached from Fortrose. The extension of the necessary infrastructure would be very expensive, including significant upgrading of the public road from the Feddon Hill junction, together with a connection to the public sewer. These would undermine the feasibility of providing affordable housing. There is a presumption against the non-affordable element in the open countryside of the hinterland area. It would also have to be demonstrated that land for affordable housing is not available in Fortrose, and this must be considered in the light of developer requirements to provide such housing on the land allocations towards the Ness and at the Wards.

4. The sub-division of large farms to smallholdings is not acceptable under the DPPG 1 unless substantiated by the functional and financial justification and terms of the man hours worked and level of economic dependency. Land management related businesses would have to be established for at least two years before the council would consider an application for a house on the land. Revised guidance for other rural businesses is not yet in place, but it is anticipated that a similar period of establishment would apply. The council proposes that no change be made to the draft deposit local plan.

Conclusions

5. As the council has stated, noted in paragraph 3 above, this area of land is clearly in open countryside. It is therefore subject structure plan policy H3 regarding housing in the countryside, which requires a land management justification, in line with national guidance. In the local plan policy 36 (35), presumes against housing in the hinterland areas, including around Dingwall. This is amplified in policy GSP 10 and DPPG 1, except where the housing is necessary for land management, is social housing for a demonstrated local affordable need, or is the conversion of a traditional building or redevelopment of a substantial ruin. No substantiation has been given of a land management need, and redevelopment or conversion does not apply. Although there may be an argument for affordable housing no evidence has been put forward as to the necessity for developing this site, and the council has put forward well founded arguments about infrastructure costs and the potential availability of such houses in the nearby villages. The proposal is therefore contrary to both the structure plan and other draft local plan policies.

6. No indication has been given as to the sort of economic activity that could be developed on the large plots, which sound like the type of development that could be used to support rural recreational uses, such as riding, rather than the type of activity envisaged by the objector. If a genuine rural business was proposed its development could no doubt be considered by the council on its merits within the scope of existing policies, or using the forthcoming guidelines for rural businesses not concerned with land management. The objector's own good record of establishing affordable housing and running rural businesses does not affect this objection. I therefore find that the views put forward in support of the proposal are insufficient to override the council's views regarding long established policies, and justify an amendment to the draft plan.

Recommendation

7. I therefore recommend that no alteration is made to the deposit draft local plan as a result of this objection.

47 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD POLICY 36 (35) – HOUSING AT SOUTH SUTOR, CROMARTY (Issue 14)

Objector: Harbro Limited (99)
Procedure: Written submissions

Background

1. The site of a former army camp, covering nearly 3.4 ha, is located on prominent high ground at South Sutor, commanding extensive views over the mouth of the Cromarty Firth and the outer Moray Firth. Access is gained by the single track road that leads north-east from Cromarty Mains Farm to the car park and view point. Below the camp, on the steep slopes above the Sutors Stacks, are the remains of the old defensive emplacements built to guard the entrance to the Cromarty Firth during the Second World War.

Brief summary of main points raised by the objector

2. The brown field site dates back to 1939 when it was compulsorily purchased by the government for a military camp site with 30 huts housing over 700 troops. The site was later used as a piggery and then became derelict, and was acquired by the objector through the purchase of the company owning the site. Some 20 of the remaining huts were in a very poor state of dilapidation and all but two were demolished.

3. With the growth of Cromarty and North Sea oil the possibility of planning permission for housing was discussed with the council, and advice was given that under the extant local plan only two houses would be allowed as replacements for the two buildings. Since then the local plan has changed and the area has expanded rapidly, with enquiries being made about the sites. Four houses would be an appropriate figure for the site, allowing for a large sites of around 0.8 ha, which would be environmentally improved as part of planning conditions.

4. The objector understands that the access road has now been adopted, and would be willing to install passing places, noting that several hundred cars use it in the peak tourist season to visit the viewpoint.

Brief summary of the council's response to the objections

5. Under Development Plan Policy Guideline 1 this area does not meet the criteria for as housing group, as it does not comprise a group of three or more dwellings less than 50m apart. The guidelines also allow for the replacement of houses only on a one to one basis. In this respect planning permission has already been granted for the replacement of one of the huts by a house.

6. Although there is merit in removing dereliction, Highland wide guidance does not allow replacement dwellings on more than a one to one basis, and it is not appropriate for the local plan to promote development contrary to this, nor is it able to change it. The council will however consider revising the guidance in the light of the Scottish Executive's Scottish Planning Policy on rural development, so as to allow the redevelopment of derelict property

regardless of whether it was a dwelling house or not. Individual proposals would then be considered on that basis, but until then it is not a matter for the local plan.

Conclusions

7. Part 1 of the DPPG refers to structure plan policy H3 regarding housing in the countryside. For locations within the hinterland area as defined in local plans, which in this case includes all the Black Isle, new housing and conversion of non-traditional buildings requires a land management justification, in line with national guidance. In the local plan, policy 36 (35) presumes against housing in the hinterland areas, and this is amplified in policy GSP10 of the modified version of the deposit draft, except where the housing is necessary for land management, is social housing for a demonstrated local affordable need, or is the conversion of a traditional building or redevelopment of a substantial ruin. No substantiation has been given of a land management need, and redevelopment of an existing house or conversion of a traditional building do not apply. No case has been made for affordable housing and it is unlikely to be relevant on this relatively remote site. Under present policy the proposal is therefore contrary to both the structure plan and draft local plan policies.

8. The council has outlined circumstances where this situation could change, in response to new national guidance. Although this has now been issued it has not been placed before me for consideration as part of this inquiry, and it is not open to me to take it into account. It could offer some scope for the council to adopt a different position in the event of any change to Highland wide guidance that it may make, but in the meantime I accept the council's view that this is not a matter for this local plan, or for the inquiry. Under these circumstances a change to the deposit draft is not justified.

Recommendation

9. I therefore recommend that no alteration is made to the deposit draft local plan as a result of this objection.

48 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD AREA PARAGRAPH 36 (35) SWORDALE, EVANTON (Issue 29)

Objectors: A Macdonald (140)
Procedures: Written submissions

Background

1. Swordale is a group of about 25 houses based on and extending from the former Swordale farm steadings and cottages. It lies on a narrow cul-de-sac road that runs west along the north side of the Sgitheach valley from Evanton, about 2km from the latter. The former steading buildings have been redeveloped to provide 10 houses on the north side of the road and three on the south. There are six former farm cottages close to the steading. To the east is a relatively new house, and to the west a number of detached houses. Although narrow the road has a reasonable alignment to the west of Ash Hill/Knock Rash.

Summary of main points raised by the objector

2. The Swordale Farm area has been excluded from the BP1 zoning, and the Draft Development Plan Policy Guidelines - Housing in the Countryside, unlawfully amend structure plan policy. The Swordale steading and adjacent dwellings constitute a settlement in its own right, of some twenty six houses capable of all service provision. It is contained within a clear visual envelope with capacity to accept additional housing, particularly low density, and low impact housing as described and recommended on page 11 of National Planning Policy Guideline 15 Rural Development which states:

“29. Low density housing, sometimes referred to as "lowland crofting", is one approach that has been adopted in the commuter area of West Lothian and could be emulated in other appropriate rural areas characterised by low grade agricultural land and degraded land. The policy promotes the restructuring of farms, with at least one third of the total area planted as native or amenity woodland, one third (the better farmland) retained in agricultural use (tenanted) and the remainder providing the land for about a dozen holdings of 1-10 hectares each. Occupants are encouraged to run businesses from them but there are restrictions on the type of businesses e.g. no heavy goods vehicles are allowed. The tree planting, public access and other planning objectives are usually secured by Section 75 agreements. The Central Scotland Countryside Trust, the body responsible for promoting the Central Scotland Forest, in conjunction with other bodies, has completed a review of the lowland crofting initiative.”

3. Swordale is eminently suitable for such land use and should be included in the local plan BP1 zoning as it would meet a genuine local need and comply with national policy. Consequently Swordale should be removed from the list on pages 35 of the deposit draft.

4. The approved structure plan encourages and sanctions the reuse of traditional buildings in the countryside and the provision of new housing required for land management purposes. The council's draft policy guidelines unlawfully alter the structure plan to exclude new house provision if, among other things, other buildings are available for conversion to

housing. Farmers should properly expect to benefit from the conversion of redundant farm buildings and equally expect that the needs of the farm in respect of new housing provision required for land management is recognised and honoured within the terms of the approved structure plan. The draft policy guidelines wrongly deny the latter right.

5. The term ‘open countryside’ should not include all countryside. NPPG 3 Land for Housing clearly differentiates on page 14 between "countryside" and "open countryside". To define all countryside as "open countryside" is therefore contrary to the meaning and intention of NPPG 3, and the distinction should be maintained. Limited housing is possible where the aims of NPPG 3 as set out on pages 14, 15, and 16 can be achieved. This includes:

- appropriate siting and design of new housing;
- respect for the scale and character of traditional housing in the area;
- attention to the landscape character, local land form and the pattern of vegetation and the physical suitability of an area to accommodate development, with landscaping of sites being secondary;
- avoidance of conspicuous sites, especially where important public views are affected; and
- local community consultation and consideration of views.

6. NPPG 3 recommends a positive approach, but the council is principally negative. The blanket ban which the council seeks to impose is not in the public interest.

Summary of the council’s response to the objections

7. The development plan policy guidelines provide supplementary policy guidance and are consistent with advice from Scottish Planning Policy 1: The Planning System, which indicates that they may be useful “where the level of detail is inappropriate for a development plan”. In respect of consultation the guidance has formed part of the consultation process throughout the various stages of the plan review.

8. Settlements have only been defined where there are opportunities to make use of spare capacity both in terms of infrastructure and where there are opportunities to infill or round off existing development. Swordale has not been identified as having suitable potential for further development.

9. The council’s roads services (THC 29/2) has concerns over the current capacity of the road serving Swordale, as this is single track with passing places, and nearing capacity. No further development can safely be attained without further improvement to the Ashill/Knock Rash section. Beyond this critical section the problem is not directly a capacity one, but more a need to improve forward visibility and passing places. It should be a requirement for further development on Swordale Road that an alternative is provided, to be considered in relation to the proposed development of east and west Teandallon. Further development at Swordale is therefore constrained by infrastructure deficiency, and there should be no further consideration of development until such time that the infrastructure provision at Teandallon provides an alternative to the existing road access.

10. The reference to lowland crofting is inappropriate in the context of Swordale. The reference is now in paragraph 52 of Scottish Planning Policy 3: Planning for Housing. The lowland crofting policy initiative refers to the rehabilitation and renewal of environmental damage from past industries, which is not the case with Swordale.

11. National policy on development in the countryside, set out in SPP 3 and National Planning Policy Guideline 15, continues to be founded on the propositions that: existing settlements are more likely to be able to accommodate additional development with least servicing costs and minimum impact on agriculture and amenity generally; urban sprawl and, the coalescence of settlements, and ribbon development should be avoided; and isolated development should be discouraged in the open countryside, except where circumstances are clearly identified in development plans, including where a dispersed pattern of housing might be appropriate in more remote areas, or there are special needs such as employment.

12. Supportive policies for top of the range housing and plots to assist entrepreneurs and investors to live in the countryside of commuter areas around the main towns and cities and start new businesses is not social justice. This suggests one policy for the better off and another for the rest. A policy that allows housing to provide early funding to support a yet untested business is open to abuse, and many spurious ill-considered business propositions are put to Councils as a means of justifying houses.

13. There is no major concern if this is an operational requirement of an established business, which should be the main driver. The council supports the establishment of rural businesses and following the publication of the new SPP 15, the council will revise DPPG1 to allow for houses required in connection with other rural businesses that have been established for at least two years. At present this provision only extends to agricultural activities. The consensus amongst planning authorities is that where housing is not acceptable on its own merits, it should not be allowed purely to fund a business venture.

14. The reference within NPPG 3 refers to where development plans may provide for housing in the countryside where they might safeguard or contribute to economic activity. This accords with the council's policy regarding Housing in the Countryside. NPPG 3 further states that "isolated development should be discouraged in the open countryside unless particular circumstances are clearly identified in development plans or there are special needs". The council's use of the term "open countryside" concurs with that of NPPG 3, existing settlements and groups that have development potential are identified within the plan, and those assessed as having no development potential have been omitted.

15. SPP 3 states at paragraph 56 that "some limited new housing along with converted or rehabilitated buildings may be acceptable where it result in a cohesive grouping well related to its landscape setting". At Swordale existing buildings have been converted and the potential for development within the clear visual envelope and for further development is now exhausted. Any more would not be adding to the cohesiveness of the existing settlement and would appear outwith the existing visual envelope

16. The council therefore asks that no changes be made to the deposit draft as a result of this objection.

Conclusions

17. There are a number of misconceptions set out in relation to this objection. The development plan policy guidelines do not have any legal authority to change the structure plan, and the comment regarding this is not relevant to this appeal. Equally, whilst it is the task of the guidelines to provide further detailed interpretation of the development plan, which comprises both the relevant structure and local plans, they are not a formal part of the

development plan itself. This inquiry is about the local plan, and any points that suggest or imply changes to the guidelines are also not directly relevant.

18. The relevant deposit draft policy is 36 (35) of chapter 6, which makes clear that in areas of countryside other than open countryside, that is within the hinterland area, which includes Swordale, there will be a presumption against housing development, unless required for land management, social reasons, or is the conversion of a traditional building or existing ruined dwelling. The policy applies to specific named settlements, including Swordale, for which the plan considers there is no further capacity for expansion.

19. This policy is in line with structure plan policy H3 regarding houses in the countryside. I was aware from my unaccompanied site inspection of Swordale that the recent development dominates the settlement in a way that was somewhat surprising in a relatively remote community. To expand this further along the lines proposed by the objector (29/140/1) at the present time would only emphasise the feeling of a new community in the countryside, contrary to the general thrust of the deposit draft's housing policy.

20. The area for expansion proposed by the objector is substantial relative to the size of the existing settlement, and goes well beyond what would normally be accepted as infill. References to NPPG 3 and NPPG 15 are no longer relevant, as these have been superseded by SPP3 and SPP 15 respectively, (CD 15 and 17). The principles in SPP 3 are however similar to those in NPPG 3, and paragraph 49 of the former refers to the importance of meeting housing requirements within or adjacent to existing settlements, making use of existing infrastructure and public services. Swordale is simply a collection of houses, made possible by virtue of redundant farm buildings. It does not have any of the traditional services associated with an established community, such as a school, shops, public transport or mains water supply. Further development there would therefore be contrary to the policy.

21. The guidance on rural crofting referred to by the objector is not carried over to SPP 15, but, as the council has pointed out, there is a much reduced reference to it in paragraph 52 of SPP 3. This confirms that the policy was intended to assist run down rural areas of the central lowlands and Ayrshire, where it was a method of reviving degraded environments. These circumstances do not apply at Swordale.

22. I note that the council does not rule out limited development at Swordale at some point in the future, tied to road improvements within Evanton. As this is likely to be some time in the future, if at all, there would be time for the newly formed community to settle, and for due consideration to be given as part of a future local plan as to whether further development would be justified. In the meantime no evidence has been provided that persuades me that any further housing would be appropriate at Swordale at the present time.

Recommendation

23. Accordingly I recommend that no changes be made to the deposit draft local plan as a result of this objection.

49 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD PARA 37 (36) – HIGHLAND DEEPHAVEN MAJOR INDUSTRIAL SITE ALLOCATION (Issue 16)

Objectors: Highland Deephaven Ltd (62)*; A MacDonald (140)

Procedures: Hearing* and written submissions

Background

1. Highland Deephaven is an industrial estate located on level low lying ground to the east of Evanton, between the A9 and the Cromarty Firth that was formerly the Evanton wartime airfield. The Allt Graad flows a short distance across the southern part of the site before entering the Firth. Former airfield and other buildings are located towards the northern part of the site, near the road. On the southern part of the site a pipe coating plant stands partly on one of the old runways, where special equipment allows treated pipes to be run out in long lengths, aligned with a recently extended jetty that allows vessels to moor in deep water for the loading of pipes.

2. Structure plan policy B1 industrial and business sites states that local plans will safeguard and support a portfolio of industrial and business sites of the following types and locations: “.... strategic industrial and business development sites - Highland Deep Haven, Evanton...” Planning permission for the layout and development programme for industrial development, involving construction of factories, a fabrication area and marine area with wharfage on the Cromarty Firth was originally approved in July 1976.

3. The adopted local plan designates an area larger than the approved master plan incorporating an additional foreshore area and increased allocation in relation to land to the west of the Allt Graad (at the south end of the site). An indicative line for a potential rail link is also indicated within the text and mapping. Policy 3.29 states that in respect of the land between the Deephaven site and Evanton: “The Council will safeguard land between the new A9 and north railway line for amenity purposes. A presumption will be maintained against development within this area unless related to the agricultural working of the land.”

4. The Council’s policy for the protection of nature conservation interests follows the hierarchical approach as set out in NPPG 14 Natural Heritage. Internationally important areas are Natura 2000 sites including the Cromarty Firth SPA. Policy N1 nature conservation states that new developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Council will seek to conserve and promote all sites according to a hierarchy, the uppermost class being sites and species of international importance, which includes the SPA.

5. Developments on these sites which would have an adverse effect on the conservation interests for which a site has been designated will only be permitted where there is no alternative solution and there are imperative reasons of over-riding public interest, including those of a social and economic nature. Where a priority habitat or species (as defined in Article 1 of the Habitats Directive) would be affected, prior consultation with the European Commission is required unless the development is necessary for public health or safety reasons.

Summary of main points raised by objectors

6. The first objector states that chapter 6 paragraph 37 allocates 106 ha at Highland Deephaven for a mix of business and industrial uses in accordance with the original master plan. The table identifies areas (a) - (e) and inset Map 16 (Evanton) appears to show these areas as if they comprise the whole of the Highland Deephaven Industrial Estate. However the extant planning permission, to which the master plan relates, allocates 175 ha for business and industrial use. The difference of 69 ha is substantial and the wording of paragraph 37 and drawing of boundaries on inset map 16 are misleading. The deposit draft local plan could therefore be interpreted as an attempt to constrain the developable land within the Highland Deephaven Industrial Estate.

7. The objector accepts previous representations made by RSPB and the redrawing of the boundary of the main road in the current local plan to avoid the SPA/SAC within the Cromarty Firth. It also recognises that development proposals within the site (particularly those involving marine access) require to be assessed in light of their proximity to the SPA/SAC. However, with the exception of the SPA/SAC area in the Cromarty Firth, the Highland Deephaven Industrial Estate as described in paragraph 37 and shown on inset map 16 should remain the whole area which has planning permission.

8. The boundaries of each of the areas (a) - (e) on the inset map 16 should be marked more clearly and to aid identification, the whole of the Highland Deephaven Industrial Estate should be outlined and shaded or hatched. This would also help to clarify that the areas around and between areas (a) - (e) still form part of the consented, developable area within the Estate. The boundary of the site should follow the high water mark along its whole length as shown on the approved plan. As currently drawn, the boundary line has arbitrarily been moved away from the high water mark. The exclusion of these areas is unwarranted and indicates the removal of the existing planning permission from large tracts of developable land on which small stand-alone business or industrial developments could be located or which could form an integral part of a larger development or over which essential marine access could be gained from within the site. For example, the need for marine access is noted as a requirement for areas (d) and (e), yet in both cases such access has effectively been cut off by the drawing of the outer boundary line on the inset map.

9. Paragraph A17 repeats the wording of the currently adopted Local Plan and states that the Council will safeguard land between the A9(T) road and the railway line for amenity purposes, with a presumption against development unless related to the agricultural working of the land. The inset plan omits however the dotted line representing the rail siding and link to the site referred to in chapter 6, paragraph 37. This rail link to the site has been safeguarded in successive local plans and, in 2003, detailed planning permission was granted over this northern field subject to a Section 75 legal agreement, currently being finalised.

10. Paragraph A17 of chapter 16 (Evanton) and inset map 16 are inconsistent with other parts of the written statement and do not reflect the current planning status of the land in question. Paragraph A17 should relate only to the field between the A9 and the railway line to the south west of the Allt Graad river. The A17 label on the inset map should be removed from the northern field, the boundary of the Highland Deephaven Industrial Estate site should be extended to include this field and it should be labelled 37 to make specific reference to the relevant paragraph.

11. The second objector states that there is no justification for the inclusion of areas (d) & (e) of paragraph 17 in the industrial allocation. The areas have been included in the 5 year plan for 30 years and have come to nothing. Reality should be acknowledged and the area dezoned. It is shameful that the prime industrial land owned by Deephaven Ltd has produced so little development. Ross & Cromarty Enterprise should be encouraged to acquire a significant proportion of the land, provide the necessary infrastructure and promote it for employment generating development.

Summary of the council's response to the objections

12. The council agrees that the overall area granted planning permission was some 175 ha. The land area referred to in the deposit draft local plan carries through the interpretation of the main developable areas used in the adopted Easter Ross local plan. The developable areas were confirmed by the reporter in findings of the Easter Ross Local Plan inquiry in 1991, (THC16/2) and these have been adjusted to take account of the presence of the Cromarty Firth SPA.

13. The boundary of the site that has planning permission should be reflected in both the text and the relevant mapping. However the extent of the approved master plan has been overtaken by events and it is not realistic to seek reference to the whole approved master plan area of 175 ha. In particular the presence of the A9 within the overall area removes any development potential for part of the site and the presumption against development in the area covered by the BP4 policy area, the SPA, requires an over-riding economic interest for development to take place. The site should therefore be restricted to the boundary of the Cromarty Firth Special Protection Area (SPA) which extends inland beyond the high water mark, and also the edge of the A9 trunk road. The extent of the site following these considerations extends to some 152 ha. It is also the Council's intention to produce the final adopted version of the plan in colour, removing the confusion in regard to the extent of allocated sites.

14. The existence of the SPA is now a material consideration that over rides the principle of development conveyed in the master plan approval, and reflects the approach inherent in the precautionary principle, referred to in NPPG 14 paragraph 81. Development proposals within the SPA will require consideration of the effect of development on the natural heritage designation. Development can still be secured within the BP4 policy area as was the case with jetty extension and quay. Some of this development took place outwith the extent of the master plan boundary indicating that the extent of the master plan boundary was not a deciding factor in the success of the development application. The presence of the BP4 policy area takes precedence over rights for development and was not in place at the time of the approval of the master plan.

15. Condition 13 of the planning permission for the railway (subject to the section 75 agreement) is the safeguarding, for agricultural use, of the area of land not utilised by the rail line. This condition removes the residual land from industrial use which is reflected in the A17 annotation and relevant policy text contained within the Evanton settlement chapter 16. The retention of this area is important to maintain a buffer between the village of Evanton and industrial uses as well as between Evanton and the A9. The removal of the route indicating the rail link to serve the Highland Deephaven site was the result of a cartographic error and the council will therefore amend the plan to reinstate the rail route.

16. Modifications to policy (paragraph) 37 are proposed to the deposit draft in response to the objections as follows:

DELETE the first sentence;

replace with: *"At Highland Deephaven land is allocated for a mix of business and industrial uses [B/I] in accordance with the original master plan. Main areas of development include:-;*

Immediately below table insert: "Other opportunities exist for smaller stand alone uses on residual areas of the site. Development of part of the site has taken place accommodating the pipe spooling facility. The overall developable areas have been reduced through the development of the A9(T) and also by the presence of the Cromarty Firth Special Protection Area (SPA).";

MODIFY inset map 16 to include extent of the original master plan, but taking into account the existence of the A9(T) and the Cromarty Firth SPA; and

MODIFY inset map 16 to reinstate the line of the proposed rail link.

17. In response to the second objector the council notes that the allocations as they stand reflect the extant planning permission in respect of a master plan for the overall development of the site. This permission forms the basis for potential future development and is required to be taken account of. The approval of planning permission, subject to section 75 agreement in relation to the provision of a rail link to the Highland Deephaven site may through its implementation attract further investment to the site.

18. The Council asks that no change is recommended to the content of the deposit draft, in respect of these matters, excepting for the modifications set out in paragraph 16 above.

Conclusions

19. The first objection seeks primarily to safeguard land granted planning permission for development in 1976. The extent of the land is shown by a red line on the original outline application stamped by the council on 17 October 1974 and confirmed in the outline permission dated 15 July 1976 (THC16/1 – the approved master plan) for ‘approval in principal in respect of the layout and development programme for industrial development involving construction of factories and fabrication area, the marine area with wharf frontage on the Cromarty Firth at Evanton airfield and adjoining land to the west.’

20. Since then two key events have taken place. First the construction of the new A9 trunk road which bypasses Evanton and passes through the northern part of the approved site, splitting it into two. Secondly, as a result of the European ‘Natura 2000’ legislation the Cromarty Firth Special Protection Area has been designated, which includes the coastal part of the site a few metres inland from high water mark.

21. The adopted local plan designates five areas (a) to (e) that include most of the land within the master plan area, and also extensive areas outwith it to the south and east, taking in foreshore between the high and low water marks, within designations (d) and (e). This total area covers 217 ha. A further 402 ha of land and (mainly) foreshore is designated under the general section of the plan for large scale industry with a requirement for marine access.

22. The deposit draft designated area, on inset map 16, excludes all the foreshore areas and part of the shore just above high water that are included in the adopted local plan, to take

into account the SPA. Other land to the south of the Allt Graad that was included in the adopted local plan but not the master plan is also excluded. This leaves areas:

- (a) 7 ha from Newton Road to the north (i.e. north of the A9);
- (b) 27 ha adjoining the A9 (i.e. south of the A9); and
- (c) 28 ha south of the above (i.e. between area (b), the shore, and the pipe coating facility;

that are designated in the deposit draft as they were in the adopted local plan.

23. Two other areas:

- (d) 21 ha south west flank (i.e.) between the pipe coating facility and the Allt Graad; and
- (e) 23 ha west of Allt Graad

are reduced in size from those designated in the adopted local plan to take into account the excluded areas just referred to.

24. These areas total the 106 ha referred to at the start of paragraph 37. Other areas that lie within the master plan area but outwith the five designated sites are also within the site outline on the inset map, and include the pipe coating facility, roadways and small areas along the shore.

25. From a purely visual observation it is difficult to see how these could make up the difference between the designated 106 ha and the claimed 175 ha of the master plan, unless the latter includes some of the foreshore that would be excluded from the 'red line site' of the planning application. Whatever the explanation for this I find that the most significant area of ground excluded from the master plan site is that within the SPA, and it is not therefore open to the council to put forward a designation other than the BP4 classification proposed.

26. Whilst I can understand the objector's concern that this could potentially restrict the marine aspect of any development proposal, the council has pointed out that it does not necessarily preclude such development. Simply that it must meet more stringent requirements, albeit that there is now a presumption in favour of nature conservation interests in accordance with structure plan policy N1 and national guidance in NPPG 14. Other than this, as the excluded areas are relatively small in relation to the overall area, and I find no evidence that the council is deliberately trying to reduce the effectiveness of an extant planning permission through the local plan. I cannot therefore see that the objector would be inconvenienced to a significant extent by the changes, other than to the extent dictated by European site designations beyond the council's control.

27. Taking all these points into account I find that the modification proposed by the council set out in paragraph 16 above covers these concerns as far as reasonably possible, within the constraints set out.

28. Regarding the second objector's reference to sites (d) and (e) I accept the council's explanation that they are covered by a valid planning permission. Therefore there are no grounds for de-zoning the sites. Matters relating to site ownership and whether or not development has taken place are not matters for this inquiry.

29. Regarding site A17 north of the railway the council has acknowledged the omission of the railway and said that it will be reinstated on the inset plan. I note from Halcrow plan HDHT/920 produced by the objector, showing the proposed alignment, that this differs from

that in the adopted local plan. It was agreed at the hearing that the principal parties would confer and agree a policy description for site of the railway, within the overall site A17, for my consideration. This was on the basis that subject to the areas required for the railway being excluded the remaining part of the site should retain its agricultural designation in accordance with condition 13 of the agreed planning permission, subject to the section 75 agreement.

30. I subsequently received a recommended statement for the railway land, A18, as follows:

“A18. The council will continue to safeguard a rail link to Highland Deephaven on agricultural land to the north of the A9(T). Outwith the immediate route of the rail link and associated sidings the remaining land shall be retained in agricultural or amenity use.”

I consider that this is a satisfactory policy statement, reflecting accurately the terms of the discussion at the hearing.

31. I also note the council’s intention to print the plan in colour. This will make it easier to clarify the specific areas of ground, helping to remove areas of potential doubt.

Recommendation

32. I therefore recommend that:

- (i) the changes proposed by the council to the deposit draft set out in paragraph 16 above be approved;
- (ii) the railway sidings and spur to the Deephaven site be included on the inset map as site A18 and that the policy text set out in paragraph 30 above be inserted into the deposit draft; and
- (iii) that no other changes are made as a result of these objections.

50 OBJECTIONS RELATING TO NIGG AREA CHAPTER 6:- LANDWARD – PARAGRAPH 41 (40) NIGG POINT PETROCHEMICALS SITE (Issue 17)

Objector: J Jenkins (10)
Procedures: Round table discussion

Background

1. The Nigg Point industrial site is located at the south-east corner of Nigg Bay, at the inner end of the north side of the narrow entrance to the Cromarty Firth. Major development, including an oil rig fabrication yard and an oil terminal, took place in response to the growth of the North Sea oil industry. Following changes in the industry's requirements the fabrication yard is on a care and maintenance basis. The land covered by the original planning permissions extends beyond the areas actually developed, which are primarily on the west side of the B9175 access road.

2. The deposit draft analysis map B shows the Nigg industrial site. It is also shown on the inset map for Nigg Point as four separate numbered areas, corresponding to the paragraph numbers in chapter 6. Site 40 (39) is the existing fabrication/oil terminal to the west of the B9175. Site 41 (40) covers 312 ha to the east of the B9175 and extends up the slope towards Nigg Hill, in an approximate 'L' shape with stumpy arms. The area includes a designated TPO at Pitcalzean House, the boundaries of which follow 100m grid squares on the map rather than the boundary of the Pitcalzean driveway and adjoining policies. The text says that the site will be safeguarded for major petrochemical development, with access taken from the B9175, and the TPO area safeguarded.

3. Site 42 (41) is the ground around the Nigg Ferry Hotel, which is retained for the commercial development of the hotel. There is a presumption against housing or other development incompatible with the major industrial site. Site 46 (45) is the former engineering works between the hotel and the fabrication yard, on the west side of the B9175. This is allocated for business/general industrial or office use, with alternatives subject to the remediation of the site. There are a number of small areas of land between the designated areas that do not form part of any use allocation.

Summary of main points raised by the objector

4. Plans produced in evidence show the areas referred to. Analysis map B shows a remote area designation adjacent to the Nigg industrial site. There is a good road through the middle, and most of the land is ex arable. This description should be removed, especially as the eastern boundary does not coincide with any fence, land mark or change of use on the site.

5. The description of part of the area as prime agricultural land is a misnomer. It has been under set-aside for 14 years and is in a very poor state. This area was graded as class 3 and has not been considered worthy of recent arable use. It was used in the 1960s for barley but yields were not economic and the lease was abandoned. The map should be amended to reflect this.

6. The area marked as the industrial site has on the inset map has been reduced from that originally designated. This ground, on the north-east side of the marked industrial area, was part of the area bought specifically by Dow for a petrochemical plant as the most suitable site and it should remain as part of the national site. Without it, it leaves one area too small for a major industry and without direct access to the sea, and the logistics of the whole site are adversely affected without it. The area is currently being investigated for a major project, and urgent resolution is needed. The fire authority requires two access points to the site in an emergency, and a gate giving access to the land was installed, and the internal road layout agreed. Its current use is set-aside and rough grazing and whilst the steepest land next to the road will not be used for industry, and will probably be planted, the rest is prime industrial land. Previous maps all show this area as an integral part for development. Permission for underground storage is presumably extant. The objector hopes this is a drafting error.

7. The area at Mount Canisp at the northern end of the industrial site has also been deleted from the inset map. It was considered as a storage area for the downstream products from the refinery. Although this is now unlikely to be built the land is very important as an expansion area for the existing oil terminal, which does not have any significant free land. Use by the oil terminal of the KBR fabrication yard is very limited and downgrades the opportunities for manufacturing. New business for the terminal would need the omitted land and a major project is being developed that would also need this land, as well as the use of the terminal. The land south east of Mulloine (adjacent to Mount Canisp), within the designated area, is allocated to another project. A certain critical mass of site is necessary to minimise offsite/services costs and as with the higher ground, referred to in paragraph 6 above, without this area the whole site logistics are destroyed.

8. The proposed TPO boundary at Pitcalzean House encroaches onto the industrial site to the extent that it is larger than the property boundary on the ground. This was not previously disclosed, and in several places it covers part of the land proposed for direct use by future projects. A right of way exists at the Pitcalzean property entrance, crossing part of its land, which is required to develop the area south of Pitcalzean wood. This has been used for over 20 years and there is a further way leave for the passage of pipes and cables through the wood.

9. A number of small pieces of land have also been excluded near the hotel and fabrication yard. The possible rail corridor (see issue 17 – chapter 6 paragraph 54) is an important piece of infrastructure and whilst the line of the rails has not been finalised flexibility would be given by redrawing the industrial border. The very small piece of land at the south end may be important to include in the industrial area and to permit the line to go to Nigg beach. The two parallel boundaries at the south end of the dry dock should be merged to permit a through connection between the dock wharfage and users in block 46 and 41. The wharf south of the dry dock, next to Dunskeath House should be included in area 46. Although not designed for heavy traffic it could easily be upgraded for smaller vessels. It will be particularly important for smaller enterprises to get underway without the expense of new marine facilities or avoiding demurrage on the main dock wharf which has limited capacity. The foreshore opposite Dunskeath and the KBR training yard was planned for use by the refinery as a small boat area including a jetty, and this should be included in the industrial area as before. The rest of the Nigg beach has been so designated.

10. Omitted land 1 (on the objector's plan) is a result of the road realignment and belongs to the respective land owners. It is not maintained by the Council and should be included in

area 46. The existing line follows an old internal fence line. Omitted land 2 is part of the Cromarty Petroleum land and its omission was in part incurred by the contractor who erected the security fence in the wrong place. The correct line is the north boundary of Nigg Hotel, and this area was always included in area 41.

11. Analysis map B shows that the sea off the Nigg beach has a BP4 designation. There is an extant planning permission for a refinery including marine facilities. The preliminary drawings of the marine facilities were agreed in principle with the Port Authority and include 5 major berths. Any development of the Nigg industrial site would require marine facilities. Since the BP4 northern boundary does not include the Nigg old jetty and crosses the 30m submarine contour 200m from the end of, and on the line of, the Talisman oil jetty. The northern boundary of the designated area should be drawn as a straight line from that point eastward along the channel alignment until it cuts the 12m depth mark, and thence north to the coast, (as marked on the objector's plan). The policies for the area would then be consistent.

12. Other objections relating to the potential rail link and the area of great landscape value/local recreational management area are dealt with under issue 17 matters relating to chapter 6 paragraphs 54 and 72/73 respectively.

Summary of the council's response to the objections

13. Remote land is classified as land that is located more than 1 km from an "A" class road and 0.5 km from other public roads. Under this classification the objection area falls within the area identified as remote.

14. Prime agricultural land is described as that best available land capable of producing acceptable yields with acceptable inputs and minimal environmental damage. National policy indicates that planning policy should ensure that additional weight is attached to protection of prime land, which comprises grades 1, 2, and 3.1 of the Macaulay Agricultural Land Classification Scheme (THC17/1). This definition is applied on a national basis of the classification. The Council therefore, has no remit to alter this classification as it describes the agricultural capability of the land and not any present use.

15. Regarding the petrochemicals site, the area outlined in the objection was not included in the extent of land granted planning consent in 1976 by the then Secretary of State, and subsequently included in the adopted Easter Ross local plan and referred to in the current Scottish Planning Policy 2: Economic Development. The location of the fully equipped integral fire station was to the south of the site within the main administration area, close to the main entrance to the site. Additional access was located south of the Pitcalzean Mains tree preservation order area and offered access to the north and east of the site.

16. The area with planning permission for processing and storage lies to the north of the Pitcalzean Mains TPO area. The extent of this site was approximately 86 ha and is accurately reflected within the boundary contained within the deposit draft plan. The boundary referred to is that of the Pitcalzean Mains TPO, the boundary contained within the adopted local plan, and reflects the extent of the wooded area. The boundary contained in the deposit draft local plan shows the true extent of the TPO as placed. Review of TPO boundaries is likely to remove the artificial nature of the current boundary.

17. The areas indicated for inclusion adjacent the oil terminal should be included within the boundaries of the relevant operators. The area of land referred to in Policy 47 (46) is allocated for business/general industrial or office use. No frontage to the wharf is required and the inclusion of the area fronting to the wharf may prejudice the use of the access for other uses. The foreshore area is not incorporated as it falls outwith the planning permission for the petrochemical plant, and its inclusion may prejudice the use of the foreshore for other business uses. Adequate frontage to the sea is afforded through the area already allocated.

18. The areas of land omitted from the allocation numbered 42 (41) & 47 (46) should be incorporated within their boundaries to reflect the entire extent of the sites mentioned. Modifications to the mapping in this respect were made to the deposit draft with modifications.

19. The area referred to in the analysis and background mapping reflects the existence of the Moray Firth SAC as an international natural heritage designation. Such a major project would require to be the subject of an appropriate environmental assessment, accounting for the Special Area of Conservation. NPPG 14 Natural Heritage states in paragraph 81 that, “the precautionary principle should be reflected in development plan policies”. It is therefore appropriate to take account of the Moray Firth SAC natural heritage consideration in defining the boundary on the analysis and other maps.

Conclusions

20. Taking first the area of remote land, the council has explained the rationale behind this designation, which is used across the whole plan area. In this case the designated area sits within the inset of the ‘L’ shaped industrial site, on the side of the hill above Pitcalzean Mains. It is relatively small, approximately in the form of a triangle measuring some 250m along its base and 750m along its upright. I am not aware of any public road running through it, and the distance to the nearest public roads, from Nigg to the oil terminal and Castlecraig respectively is the 0.5 km set down as the criterion. If it were not for the intervening boundary of the industrial site the area would extend farther to the south. As this designation is clearly set out and used throughout the plan area I see no justification for the removal of this piece of ground from the map,

21. Similarly the designated area of prime agricultural land follows the well known and widely accepted Macaulay land use classification, and in this regard it is not open to the council to change this. The fact that the land has been in set-aside or otherwise unused does not change the classification of the land. The designation should not therefore be changed.

22. Regarding the main industrial areas 40 (41) and 41 (40) I note that the boundaries of these are effectively the same as in the adopted local plan, and follow the guidance set out in the earlier national Planning Policy Guideline 14 Economic Development, and its successor Scottish Planning Policy 2, which says at paragraph 21 that the site at Nigg should continue to be safeguarded for petrochemical development through the development plan. The objector said at the discussion that plans are in hand for the development of a green energy park and that there should not be any further delay with this. I have not, however, been provided with any specific plans or information that indicate the requirement for any land outwith the zoned industrial area for that or any other industrial development, or of any existing or previous planning permission that might have provide some grounds for the extension of the boundaries. Under these circumstances there is no justification for the extension of land

beyond the boundaries that have been established in the adopted local plan, and confirmed in the deposit draft.

23. Looking at the TPO boundary it follows a stepped boundary along the edges of 100m grid squares, which the council says follows the edge of the order itself, although I have not seen this. The boundary of the same protection order shown in the adopted local plan appears to follow the boundary of the trees themselves, based on the evidence of the various maps and the aerial photograph provided by the objector. As no circumstances have been explained that justifies this change, it would be more logical for the boundary to follow that of the Pitcalzean policies, as in the adopted local plan.

24. With regard to sites 42 (41) and 47 (46) the council has accepted that the areas of ground covered by the objection should have been included within the respective adjacent sites and says that the inset map for Nigg Point in the deposit draft with modifications shows these changes. There is some confusion as to the exact location of site 47 (46) as it is not shown on either the deposit draft inset map or the modified version. On the latter the numeral for site 42 (41) is changed from the hotel to the adjacent Craig Lodge, and the boundary between the two is emphasised. There may be a drafting error, and if so this should be corrected.

25. Finally the council has explained that the boundary of the SAC was decided before the review of the development plan, and that it follows that of the international European natural heritage designation. The objector's concerns that this could potentially impact on any proposed development are understandable, but the council pointed out in the discussion that this does not necessarily preclude development. As the boundary is effectively fixed by the international designation the line set down in the deposit draft should be maintained, and in the event of any development proposals coming forward, these should be dealt with by the appropriate assessments. I find that no change is necessary to the deposit draft as a result of this.

Recommendation

26. I therefore recommend that the following changes be made to the deposit draft local plan:

- (i) the boundary of the protected area of trees at Pitcalzean House should be maintained as in the adopted local plan;
- (ii) the small areas of land omitted from sites 40 (39), 41 (40), and 46 (45) be included in the respective sites;
- (iii) site 47 (46) be marked on the inset map for Nigg Point, and any potential drafting errors corrected; and
- (iv) no further changes be made as a result of these objections.

51 OBJECTIONS RELATING TO CHAPTER 6: PARAGRAPH 50 (49) – GATESIDE, MUNLOCHY, ALLOCATION FOR BUSINESS/LIGHT INDUSTRY OR HOUSING (Issue 18)

Objectors: Mackay Family (36); D J Galloway (55); T M & A P Ross (64); P Hamilton- Grierson (72); P E Smith (75); S Spence (94); J M Bevan Baker (115); P Tilbrook (130); F Tilbrook (131); Knockbain Community Council (123)*; C B MacDonald (149); E Marshall (152); M Paul (161); J V Cornwell (172); Cromarty Arts Trust (185); Mr & Mrs J Carruthers (193); L MacDonell (195); C S Fenelon (200); H Gatt (201); C & K Martin-Smith (205); Rev R Burkitt (209); J Monckton (225);

Procedures: Hearing* and written submissions

Background

1. Gateside is located on the south side of the A832 about 1.2 km east of Munloch. On leaving Munloch the land falls away to Munloch Bay, the shore of which is about 300m from the road. This provides views over the bay towards the Moray Firth which are framed by wooded hills on either side of the bay and virtually devoid of development other than the odd isolated farm. The bay is some 3.5 km in length and averages around 6-700m wide. It drains almost entirely at low tide, leaving exposed mud flats much frequented by birds.

2. Along the stretch of the A832 east of Munloch the route of the old Fortrose railway runs close to the south side of the road. It was formerly a mixture of embankment and cutting, but much of the latter has been infilled with farm waste and is indistinct. At Gateside itself there is an area of unsurfaced ground adjacent to the south side of the old railway that is used for informal car parking. Farther away from the road, a little way down the slope, is an area of stunted woodland that partially encloses an old ruined steading. There is no roof and the remains of the walls are showing relatively advanced decay, although vegetation prevents close access for a detailed examination. Lower down the slope, nearer the shore are the remains of an old cottage type building in poor condition.

3. Paragraph 50 of chapter 6 of the deposit draft states that the derelict steading has potential for redevelopment for business/tourism use (with a possible interpretation link to Munloch Bay), subject to servicing [B7]. The council will seek high quality building designs and significant landscaping. Alternatively, development potential exists for a maximum of two houses on the site of the steading and a single house on the site of the existing structure farther down the slope.

Summary of main points raised by objectors

4. This issue attracted a large number of objectors. The majority of the objections are on similar grounds and it is convenient to set these out in bullet form. The most relevant points are, in no particular order:

- site lies in or immediately adjacent to an SSSI, with increased disturbance of wildlife;
- council should adhere to its own policy and effect a strong presumption against development of any type on this site;

- page 34 of the deposit draft local plan presumes against housing development that would create new ad hoc clusters of housing;
- site comprises one of the few remaining undeveloped areas of the Black Isle and other adequate sites available within or immediately adjacent to existing settlements;
- development would be injurious to the amenity and the environment of the Gateside area;
- lack of mains services;
- detrimental effect on the renowned and varied fauna and flora known to exist on and immediately adjacent to the site;
- road traffic safety close to recent fatal accident location;
- previous housing inquiry recommended firmly against any such development;
- the fine view of Munloch Bay would be compromised;
- no substantial justification for encouraging any form of new development at Gateside as a means of dealing with nominally derelict land;
- previous occupation of Gateside is of little or no planning relevance;
- council has obligation to safeguard scenic views;
- remaining areas like Munloch Bay should be permanently safeguarded against any future development;
- although the site contains a ruin of a house and steadings, both of are now in a severely dilapidated condition and are not structurally in tact to wall head level;
- first real sight of Black Isle for returning travellers;
- any building should be restricted to derelict steading, excluding lower cottage, because of sensitive and outstandingly beautiful area;
- site inappropriate and unrealistic for business purposes;
- housing development likely unless site removed completely from local plan;
- site for business use already identified at Fraser's Garage in Munloch;
- the ruins are a piece of cultural history adding interest to area;
- local plan does not indicate setting close to bay or value of landscape;
- Gateside seems to escape care and attention policies of other parts of plan;
- increased disturbance to and pollution of the bay;
- precedent for further intrusive development;
- Black Isle's rural character slowly disappearing and site should be designated for amenity;
- only undeveloped stretch of coast east of Munloch; and
- possible grounds for tourist use but no justification for business or housing.

Brief summary of the council's response to the objections

5. The council notes that the 1993 local plan alteration inquiry was only concerned with the housing policies and allocations to the Black Isle Local Plan. The Reporter had no remit to make recommendations on non-residential land use matters. It is, however, agreed that the housing element should be excluded from the draft plan policy, particularly as it is in a section of this chapter of the plan that only deals with economic development issues.

6. Prior to publishing the consultative draft plan, both Knockbain Community Council and the land owner requested that Gateside be included as a one off opportunity for a tourism related rural business development, perhaps with a link to the interpretation of Munloch Bay, and it was therefore included in the consultative draft. The 1985 adopted local plan suggested

this location as being suitable for high amenity industry, which is no longer appropriate for the land, but better suited to the Munlochay allocation. The potential for business/craft workshop use, in a well designed building would be more in keeping with this rural location and setting. Such uses are not normally found in industrial estates. The proposed allocation complies with Scottish Planning Policies 2 and 15, Economic Development and Rural development respectively. The Highland Structure Plan encourages rural businesses, farm diversification and tourism.

7. SNH (CD30/197) has no objection in principle to the allocation of the existing derelict steading for business/tourism use or housing. However, it requested the policy to refer to the site's proximity to Munlochay Bay, to recognise the requirement for any development not to adversely affect the interests of the European site and to take account of its prominent position in the landscape. It also had concerns about the inclusion of reference to the redevelopment of the derelict house lower down the slope and requested that this be deleted from the policy. SNH (THC18/1) and RSPB have since conditionally withdrawn their objections in relation to the environmental designations on the basis of proposed modifications as follows:

- after the first sentence ADD "*Effluent should be discharged to a public sewer, if practicable, otherwise it should be discharged to land (GSP2).*";
- DELETE the last sentence referring to residential development; and
- INSERT "*Development should avoid adversely affecting the natural heritage interests of Munlochay Bay, important in a European context, and take account of the prominent position of the site in the landscape. Retention of the existing wooded setting is essential to help integrate buildings into the landscape.*"

Conclusions

8. The term 'bay' is something of a misnomer, as Munlochay Bay is more characteristic of a sea loch in its form, albeit that it is relatively short, narrow, and very shallow, even at high tide. It is classified in the East Ross Settlement Landscape Study (C32) as a 'narrow firth corridor'. It is possibly unique in this part of the Highlands in having a fine sea view, framed by wooded hills and farmland, that is unencumbered by any significant development, and the study description about the forested hillsides reflected in the waters at high tide can be considered (no doubt unintentionally) an emotional piece of writing. Taken with the nature conservation interests it is, in my opinion, an outstanding piece of landscape within the confines of the Black Isle, although it does not carry any national protective designation other than for the nature conservation interests.

9. The council rightly points out the encouragement for economic development given in national guidance, but this must be within the framework of the development plan, unless there are overriding material considerations that suggest otherwise. The structure plan includes as one of its sustainability objectives the maintenance and enhancement of the cultural heritage, including landscape, and biodiversity. The structure plan's general policies express the expectations of the council regarding planning for development in its area. Policy G2 Design for Sustainability sets out the broad areas against which developments will be assessed, including the impact on, among other things, habitats, landscape and scenery.

10. Many of the objectors refer to the report of the previous inquiry into the housing alteration of the extant local plan. At that time significant housing development was proposed

at Gateside, and this is reflected in the number of objectors, and the time taken up, at the inquiry. This is shown in the report, CD7, which describes the site, the site inspection, and the evidence, in comprehensive terms that need no repetition here. Suffice it to say that the reporter concluded that there should not be any development at Gateside because of the impact on an area of outstanding, albeit not designated, local landscape of significant value to the Black Isle. Other considerations such as wildlife impact give support in discouraging development.

11. The council has noted, correctly, that the previous reporter did not have a remit to consider matters other than housing. His views are, however, obviously shared by most of the objectors. It is the strength of the planning arguments rather than the number of objections that is important, and in this case I find that the redevelopment of the old steading would be so damaging to one of the few remaining truly unspoilt pieces of landscape on the Black Isle that it would be contrary to structure plan policy G2.

12. Although not specifically mentioned in evidence I note that proposals map B designates the water area of the bay, and a small area of land at the head of the bay, as subject to local plan policy BP4, and most of the surrounding land to the north to BP3. I consider that such is the importance of the immediate landscape surrounding the bay that any development at Gateside would be damaging to the local landscape, and therefore contrary to policy BP3. The conditional withdrawal of objections by SNH and RSPB suggest that issues relating to the nature conservation interests of the bay could be overcome.

13. At the hearing there was a discussion about the relatively small scale of the development now envisaged, that it could be contained within the footprint of the existing buildings, and that it would be an appropriate site for a modern business that may otherwise choose to locate in Inverness. It was clear however at my unaccompanied site inspection that the site is considerably overgrown compared with the time of the last inquiry, when a substantial party of varying ability was able to reach the ruins with comparative ease. Although I was unable to reach the old steading it is now being subsumed by the surrounding vegetation, and has decayed to the extent that it is doubtful whether it should be described as a building suitable for renovation in terms of other local plan policies. It would not, for example, meet the normal test for a traditional building as being suitable for conversion by being substantially complete up to the wall heads, as set out, for example, in chapter 4 paragraph 4.21 (4.20) and in the development plan policy guidelines. The decaying old structure nearer the loch would arguably be an even greater intrusion.

14. After very careful reflection, I have therefore concluded that development at Gateside would be inappropriate, because of its adverse impact on a very high quality landscape, and that in consequence any reference to it should be removed from the deposit draft local plan.

Recommendation

15. Accordingly I recommend that paragraph 50 (49) be DELETED from the deposit draft local plan.

**52 OBJECTIONS RELATING TO NIGG AREA CHAPTER 6:- LANDWARD –
PARAGRAPH 54 NIGG RAILWAY LINK (Issue 17)**

Objector: J Jenkins (10)
Procedures: Round table discussion

Background

1. The Nigg Point industrial site is located at the south-east corner of Nigg Bay, at the inner end of the north side of the narrow entrance to the Cromarty Firth. Major development, including an oil rig fabrication yard and an oil terminal, took place in response to the growth of the North Sea oil industry. Following changes in the industry's requirements the fabrication yard is on a care and maintenance basis. The land covered by the original planning permissions extends beyond the areas actually developed, which are primarily on the west side of the B9175 access road.

2. Paragraph 54 of the deposit draft states that: "The council will safeguard a route for a rail link connecting Nigg to the Far North rail line [TC1]. This will require a full Environmental Impact assessment." The modified draft removes the safeguarded line from the proposals map and a revised text says: "The potential to attract certain uses to the Nigg yard and nearby industrial land may be enhanced by the provision of a rail link from the far North rail line [TC1]. Such a major infrastructural project would require to be the subject of an appropriate environmental assessment, accounting for the Cromarty Firth Special Protection Area."

Summary of main points raised by the objector

3. The objector is concerned at the change to the deposit draft proposed by the council, which does not continue full support for a rail link to the Nigg Industrial Area. The need for a rail connection to Nigg has been supported by the council for some years, after much discussion about the economic and environmental benefits. The case for a railway today is even stronger, and all the relevant authorities such as the enterprise companies and the port authority, and business associations, believe it is vital for the long term prospects of industry at Nigg, particularly those that need deep water access.

4. It is not known why the change was made or why so late in the preparation of the local plan. The council is aware that there is an interest in a railway. A private-public partnership was formed in 2004 to evaluate all the problems associated with a rail link to Nigg. The partners are RACE, CFPA, Highland Rail Group, Jonathan Jenkins Associates and Scott Wilson Railways Ltd. A preliminary report shows the concept is both technically feasible and operationally sound. The report shows a route from Fearn station to the Talisman oil tanks at Nigg. These tanks represent the boundary of the industrial area, where the railway leaves the private agricultural land and planning circumstances change. An outline route has been defined, and land owners and other interested parties will be consulted to refine the route and allow detailed engineering studies.

5. Another report on the route south from the oil tanks to a terminal at Dunskeath House is on industrial land and is in preparation. An approximate route largely follows the west side

of the B9175 road. Designs for additional terminals in the KBR yard and on the Cromarty Petroleum Ltd Land await commercial information from the interested parties but can be accommodated. The indicative maps should show the protected rail routes, particularly as they do not impinge on nature conservation interests.

6. At the discussion the objector accepted that the potential line of the link could change, and that the council was working with supporters of the line.

Summary of the council's response to the objection

7. The indicative line was removed in response to the potential impact of the line on natural heritage interests. Policy wording was retained to indicate continued support for the development of the link. The objector makes it clear that the route is preliminary and could be subject to change. In this respect it would not be in the best interests of any potential rail link development to indicate a route that may differ from a final proposal. The inclusion of appropriate policy wording should ensure policy support for a future rail link development. The current wording can be made more positive through the replacement of the word "may" with "would" in the first sentence, and the replacement of "would" with "may" in the second sentence to read: *"The potential to attract certain uses to the Nigg yard and nearby industrial land **would** be enhanced by the provision of a rail link from the Far North rail line [TC1]. Such a major infrastructure project **may** require to be the subject of an appropriate environmental assessment, accounting for the Cromarty Firth Special Protection Area."*

Conclusions

8. At the discussion the need for the rail link was accepted by all parties, and this does not appear to be in dispute. The council has made clear that a line that is not finalised will not serve anyone's purpose. I accept this view, as it could sterilise land unnecessarily and act against flexibility in refining the route.

9. I also consider that the council's revised paragraph in the modified draft, as further proposed for modification in paragraph 7 above, gives stronger support for the line than that in the deposit draft. I therefore find that this gives adequate support for the line, and that a safeguarded route should not be included in the plan. If circumstances should change before the adoption of the plan it may be possible for the council to include this as a post inquiry modification.

Recommendation

10. I therefore recommend that:

- (i) paragraph 54 of the deposit draft be DELETED;
- (ii) the following paragraph be SUBSTITUTED: *"The potential to attract certain uses to the Nigg yard and nearby industrial land would be enhanced by the provision of a rail link from the Far North rail line [TC1]. Such a major infrastructure project may require to be the subject of an appropriate environmental assessment, accounting for the Cromarty Firth Special Protection Area."*

54 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD PARAGRAPH 60 ALNESS CYCLE/WALKWAYS

Objectors: Rev Canon & Mrs C M Broun (127); J D S Campbell (159)
Procedure: Written submissions

Background

1. Chapter 6 paragraph 60 of the deposit draft safeguards and promotes public access to the countryside throughout the local plan area. This is also a statutory duty from 2004. The council will lead an agency partnership to take forward a prioritised countryside path and cycle network around communities where need and opportunity are identified. Current investigations include Alness, Evanton, and Invergordon. £170,000 is allocated in 2004-2006 budgets as a contribution towards providing a foot/cycle path network between Evanton and Alness.

Summary of main points raised by objectors

2. There is a lack of urgency in constructing and completing the Novar to Invergordon cycle/walkway. There is an urgent need for it along the dangerous Ballycraggan approach to Alness and between Dalmore distillery and Rosskeen Old Church, near where a local resident was recently killed in a road accident whilst cycling to work. Increased housing in Alness will increase the volume of traffic and the need for safe pedestrian and cycle routes is now urgent.

3. There is a presumed right of way between high and low water, and this should be emphasised, with statement in the plan that future development should maintain and enhance this, unless there are overwhelming objections such as national security. Otherwise there is likely to be an erosion of responsible access to the foreshore and future use for recreation and tourism, in the form of public paths, will be compromised.

Summary of the council's response to the objection

4. In response to the first objection, funds are allocated for this project, although some match funding is still to be put in place. Land negotiations and purchase are under way, with the work programmed to take place within the next two years.

5. Regarding the second objection, there will be a right of responsible access under the new Land Reform (Scotland) Act 2003. If land with access rights over it was to become excluded as a result of new development the local authority should seek to have some level of access included within that development, especially if it includes land currently open to public access. No change is required to the plan as a result of either of these objections.

Conclusions

6. Regarding the first objection, from both objectors, the council has given a perfectly good explanation of how the draft deposit policy regarding this objection is being implemented. This does not appear to be an objection as such, rather a commentary on

timing, so it is difficult to see why it has not been withdrawn. There is nothing in the objection to justify any change to the deposit draft.

7. Looking at the second objection, from the second objector, the council's statement covers the factual situation relating to access. I note also that this issue is covered by structure plan policies SR 5 Access, supporting the new legislation, and SR 6 Access and paths, regarding an integrated system and upgrading of paths. The preamble to these policies emphasises the council's commitment to the improvement and maintenance of rights of way. I consider that this gives adequate recognition to the need specific action to promote and retain rights of way and other access, and in consequence there is no need to change the deposit draft.

Recommendation

8. I therefore recommend that no change be made to the deposit draft as a result of these objections.

**55 OBJECTIONS RELATING TO CHAPTER 6: PARAGRAPH 64
JAMESTOWN - FOOTPATH LINK FROM STRATHPEFFER (Issue 12)**

Objector: R G J Whitelaw (102)
Procedure: Hearing

Background

1. Jamestown is a small settlement on the east side of the A834 about 1 km south of Strathpeffer. It is virtually entirely residential, with a large proportion of modern housing around the old traditional core. It sits on high ground overlooking the Conon valley and is set against the backcloth of Forestry Commission's Blackmuir Wood, which extends north from the boundary of Jamestown to the southern edge of Strathpeffer, and then east for some distance. An unsurfaced 'informal' path runs through the western end of the wood before turning east along the boundary of Jamestown, adjacent to the property boundary of the Old Manse. This property extends to the centre of the settlement and includes the old Kirk, now a stabilised ruin. The path is marked by finger posts and appears to be used by mountain type bikes as well as walkers.

2. The path is shown on analysis map A as a designated right of way, which also indicates it extending south from Jamestown to join the A835 via Wester Moy. This latter footpath is also shown on the Ordnance Survey Landranger Map, although there is little evidence of it at the northern, Jamestown, end on the ground.

Summary of main points raised by the objector

3. The objector, who owns the Old Manse and associated ground, is concerned that the analysis map A shows a right of way leading from Strathpeffer, along the edge of Blackmuir Wood, across his property in the vicinity of the old Kirk, and out of the village to the south, eventually joining the A835 south of Wester Moy. There is no access through the property on the ground, although a path leads up to the boundary fence before turning east to follow the property's northern boundary, marked partly by fencing and partly by a stone dyke.

4. The alleged right of way is already used by walkers and cyclists, who pass the back of the property, but the map will encourage the crossing of the property into the centre of the community by the old Kirk, where the objector's land is at its narrowest point. Apart from the fact that no right of way exists here, or any other access, there is no suitable route that could be made without crossing either the objector's or a neighbour's curtilage, thus affecting their privacy. It would also be inappropriate for a path to enter the village here, as there would be disturbance and litter, and it would be unsuitable for bikes that would use the path. The alleged right of way should therefore be deleted from the map as it gives a false impression.

5. On several previous occasions in the past few years the objector has held discussions with representatives of the Footpath Trust in an attempt to identify an acceptable route for a path to Strathpeffer, but despite an offer in writing of potential help over land, the matter has never progressed to implementation, the reasons for which the objector has never been made aware. This was in an attempt to resolve matters relating to the right of way, which is

disputed, but correspondence has gone unanswered over a significant period of time. It was therefore entirely inappropriate of the council to have identified a right of way on the analysis map before a response to the points previously raised by the objector.

Brief summary of the council's response to the objections

6. The suggested right of way indicated on the analysis map was included at the request of the Scottish Rights of Way and Access Society (Scotways). This followed its response to the initial consultation in advance of publishing the consultative draft local plan. Local residents and the Footpath Trust had brought this to the society's attention in the past. Some residents also made representations on the consultative draft both at the public meeting in Strathpeffer and in writing. They seek access to the path that runs along the western edge of the Blackmuir Wood and stops before the 'curtilage' of the Old Kirk. As a result, changes were made to the text of the plan at paragraphs 18 and 64 of Chapter 6.

7. There is no current proposal to pursue any other access over the objector's property, but the Council does not exclude the possibility of pursuing the linking of Strathpeffer and Jamestown generally as part of the Core Path planning process, away from the hazardous A834 road, in keeping with the rural character of the area. It was therefore considered appropriate to maintain a reference to this in the local plan and requires modifications to be made to mapping and paragraph 64. It had earlier been agreed that paragraph 18 should also be modified but it was decided later that this paragraph should be removed because of matters relating to housing (see inquiry chapter XXX). The current proposed modifications, removing all references to paragraph 18 are as follows:

In the Analysis and Proposals Maps, DELETE only the section of path passing through the objector's property; and

In paragraph 64 of Chapter 6, in the last sentence, DELETE the contentious words "re-activating an existing" to allow all footpath options to be examined and MODIFY to read "*As part of the Core Path Planning process consideration should be given to a remote footpath link between Jamestown and Strathpeffer in consultation with land owners and the local communities.*"

8. The scale of analysis map A is so small that it is not clear whether the potential right of way passes through the curtilage of the objector's property. As an Analysis Map it does not carry the same weight in the local plan as the proposals map or written statement. Analysis maps are essentially for background information purposes and with the high cost of making changes and reprinting in colour at each and every stage the Council will not make any other changes to them until prior to the publication of the adopted or final version of the Plan.

9. The council acknowledged at the hearing a breakdown in communication with the objector over the footpath issues. This was partly because of the break-up of the local Footpath Trust, and staff shortages during the take over of the Trust's activities by the council, and the objector was assured that these would now be followed up.

Conclusions

10. The principal issue here is the designation on the analysis and proposals maps of an alleged right of way that may cross private curtilage ground where no such right of way

appears to exist, to the detriment of the occupier of the ground and that of a neighbouring occupier, because of a loss of residential amenity. This was discussed at some length at the hearing, within the framework of the evidence set out above from both parties, and examined in detail at my accompanied site inspection.

11. It is clear on the ground that a path exists within the western boundary of Blackmuir Wood, although it is not formally made up, at least not on the sections inspected, close to Jamestown. At the south-east corner of this part of the wood, adjacent to the objector's property at the old Kirk and a neighbouring property 'The Bungalow', the path turns sharply to the east, along the edge of the wood, and this turn is marked by a formal timber post that is also marked with a burnt in stag's head, as though part of a recognised local path network. The boundary between the Bungalow and the Kirk is marked by a burn, and there was evidence of a rudimentary path alongside it, as though some walkers had climbed the fence to gain access to the centre of Jamestown, a distance of around 10m.

12. I accept the council's view that the scale of the analysis and proposals maps means that the exact line of the path is difficult to make out on the map. I also consider it unlikely that people would use the paths on the basis of such an unclear (in detail) and relatively obscure piece of mapping, at least in numbers that are likely to be significant. Nevertheless, the council has conceded to the objector in terms of the proposed amendment to the maps, set out in paragraph 7 above, to delete the path in the vicinity of the objector's property, and I consider that this is a sensible solution to the issue.

13. It was also clear at my site inspection that the continuation of the alleged right of way through the village was by no means clear, and it may well be that such a path that did exist has been obliterated by recent buildings. In these circumstances, although it is not a formal recommendation, it would be prudent of the council to examine this situation, in the event that other changes may be required.

14. I also noted the council's commitment at the hearing to resolving the footpath issues with the objector, and this is now effectively a commitment in paragraph 64 of chapter 6. Although the handling of this is not a matter for the inquiry, and I can well understand the council's difficulties following the demise of the Footpath Trust, it was clear at the hearing that lack of action, at least in following up correspondence, could have led to a loss of trust between parties, hindering the resolution of this issue. The local plan now presents an opportunity for this to be resolved.

Recommendation

15. Accordingly I recommend that the changes to the deposit draft local plan proposed by the council as set out in paragraph 7 above be approved.

56 OBJECTIONS RELATING TO CHAPTER 6 PARAGRAPH 66: NIGG OLD CHURCH AND PICTISH CROSS-SLAB (Issue 60)

Objector: Dr I Henderson (58)
Procedures: Written submissions

Background

1. Nigg Old Church, a category A listed building, contains a Pictish cross-slab of national importance. The deposit draft says at paragraph 66 that the council will support opportunities for better interpretation and conservation. At the time of my site inspection repair and conservation work was being carried out on the exterior of the church.

Summary of main points raised by the objector

2. Although the council's commitment to support opportunities for better interpretation and conservation of the old church and cross-slab are welcome, the deposit draft does not fully recognise the importance of these monuments. Work is taking place between the Nigg Old Church Trust and Historic Scotland to secure the internal refurbishment of the church and a lottery application is being prepared to secure funding for external work. The church and slab are of national importance, attracting visitors from all over the world, and the local plan should refer explicitly to these initiatives and consequent need for planning to preserve the character of both its landscape and built setting.

Summary of the council's response to the objections

3. The Council recognises the importance of the church and the slab and their importance in the national context. It therefore proposes to vary the wording slightly and submitted this for approval of the objector:-

“Major conservation work, by Historic Scotland, has been undertaken on the Nigg cross-slab. This is the single most important early medieval art object to survive in Scotland and the council will support the continued refurbishment of the Nigg Church Grade A listed building and enhancement of the presentation of the Nigg cross-slab, recognising their value for the local community as an educational resource and for the local economy as a tourist resource [N2]. The Council will presume against development which would adversely affect the character or setting of the Listed Building.”

This wording was agreed verbally by telephone with the objector, and the council recommends the inclusion of the modification in the finalised draft of the Plan.

Conclusions

4. This issue appears to have been resolved between the council and the objector. There is no doubting the national importance of Nigg Old Church, and of the Pictish cross-slab. The proposed amendment is sensible, taking into account the concerns of the objector, and will strengthen the council's case in the event of inappropriate development proposals. However,

for the sake of accuracy the words 'Grade A' should be replaced with 'Category A' to reflect the exact wording of the relevant legislation and guidance.

Recommendation

5. I therefore recommend that the council's proposed amendment, as set out in paragraph 3, be incorporated in the deposit draft, subject to my proposed amendment in paragraph 4.

**57 OBJECTIONS RELATING TO CHAPTER 6: LANDWARD, PARAGRAPH 68
– REDCASTLE ESTATE AS POTENTIAL COUNTRY PARK (Issue 21)**

Objector: O P Smith (124)
Procedures: Hearing

Background

1. Paragraph 68 states that the council will explore the scope for the development of a country park in the local plan area with land owners and SNH, and that potential locations to be considered should be readily accessible from the major road network. In the consultation draft, reference was made to two potential specific locations at Mount Eagle Forest and Redcastle Estate. These specific references were dropped from the deposit draft following objections from SNH that these two areas were not necessarily the most appropriate.

Summary of main points raised by the objector

2. The objector fails to see why Redcastle Estate has been omitted from the deposit draft as it fulfils a requirement that potential country parks should be readily accessible from the major road network. The estate had direct access from the A9 and the added bonus of being accessible by footpaths and cycle routes which are segregated from major roads. If Redcastle is not identified there are concerns that the Black Isle could be omitted from any future country park development. It would be helpful if the criteria for designating country parks could be set out in the local plan.

Summary of the council's response to the objections

3. There is only a broad locational requirement in the local plan that any proposed site should be readily accessible from the major A class road network. Redcastle Estate meets this requirement and is not therefore ruled out as a potential location. As the council is not yet in a position to take forward any assessment, and no other consultations have taken place there is no point in identifying potential locations. The council questions why this objection has been sustained.

Conclusions

4. Local planning authorities have a statutory obligation to keep under review the desirability of establishing country parks in their area, and to that extent paragraph 68 simply confirms the intention to 'explore the scope for development'. With such a broad remit it is likely that a detailed study would consider a number of potential sites within the local plan area. This would potentially include sites not on the Black Isle, but the council would be neglecting its statutory duties if it did not do this. In these circumstances the inclusion of, say, one or two named potential sites would be unhelpful, possibly giving the impression of some prejudgement on the part of the council.

5. The criteria for the designation of country parks are well established in long standing SNH policy documents, readily available to the public, and I do not consider that there is any need for these to be repeated in the local plan.

Recommendation

6. I therefore recommend that no alteration be made to the deposit draft local plan as a result of this objection.

58 OBJECTIONS RELATING TO CHAPTER 6 PARA 70: SITES OF LOCAL CONSERVATION INTEREST (Issue 61)

Objector: Scottish Natural Heritage (197)
Procedures: Written submissions

Background

1. Chapter 6 policy 70 states: “The following sites are identified for their Local Conservation Interest.” There are 15 sites listed followed by: “Additional sites may be identified in the future from Local Biodiversity Action Plans. The council will consider the opportunity to provide appropriate access and interpretation and the potential for designation of Local Nature Reserves with SNH, landowners, tenants and local interests (BP2).”

Summary of main points raised by the objector

2. The objector is concerned that the sites of local nature conservation interest listed under this policy have not undergone a formal evaluation process. The objector does not wish to be made responsible for justifying the present list of sites. It has been made up from earlier local plans and is based on a number of different surveys and site assessments over a number of years, and although some were suggested by the objector as being of local importance no specific boundaries were proposed. To be effective, the criteria should also be available to the public and the boundaries set out in the analysis map.

3. It would be better to remove the list of sites from the policy and reword it in light of policy GSP15 – Biodiversity Initiatives which states ‘The Council together with other agencies and the local community will work towards the identification of wildlife sites of value to the community including measures to safeguard and enhance these sites’. The objector proposes that policy 70 be reworded: “The council will seek to identify and designate sites of Local Conservation Interest (BP2). The following areas are likely to contain sites suitable for designation as SLNCI: - Gallowhill wood etc. Additional sites may be identified in the future from Local Biodiversity Action Plans. The council will work with SNH and SWT to draw up selection criteria for SLNCI. The council will also consider the opportunity to provide appropriate access and the potential for the designation of Local Nature Reserves with SNH, land owners, tenants and local interests.”

4. The objector would be happy to discuss how it could support the council in the implementation of such a policy. This could be with advice and/or financial support from non-Government organisations or communities involved with identifying sites. The Scottish Wildlife Trust should be consulted on how it has undertaken similar exercises in other parts of Scotland.

5. The terminology for these local sites should also be clarified. The term ‘Sites of Local Nature Conservation Importance’ does not appear in the list of interests under BP2 in Appendix 1, but the term ‘Local Natural Heritage Area’ does appear.

Summary of the council's response to the objection

6. The council says that Scottish Natural Heritage (the objector) and the Scottish Wildlife Trust (SWT) first requested in the late 1980's that Sites of Local Nature Conservation Interest be recognised in local plans. After negotiation it was agreed that the boundaries of the sites be provided by either SNH or SWT at an early stage in the draft plan process. The criteria used to define these have never been made known to the planning authority by either body.

7. Successive councils in Highland have never had the necessary resources to identify and consult with land owners in advance of the inclusion of these sites. The council believes that this should be the duty of the nature conservation bodies promoting them, as should the drafting of criteria used to select them. The Local Biodiversity Action Plan process should also be accounted for and priorities for appropriate access and/or interpretation should relate to this. The inclusion of such references in local plans has previously been at the request of SNH.

8. There have been no other representations regarding the inclusion of the areas listed in this Local Plan. As such, the wording suggested by SNH may not be appropriate. The areas are already identified with boundaries on the Analysis Maps. It would be better to say: 'The Council has been asked by nature conservation agencies to identify the following potential sites of local nature conservation interest prior to their designation'. Similarly the inclusion of reference to working with SNH and the SWT to draw up selection criteria may not be appropriate after the event or on the basis that this is not the responsibility of the planning authority. It would be appropriate to change the term Local Natural Heritage Areas to SLNCI in Appendix 1 under BP2.

9. The following modifications are therefore proposed to the deposit draft local plan:
Paragraph 70 DELETE the first sentence and INSERT: "*The council has been asked by nature conservation agencies to identify the following potential sites of Local Nature Conservation Interest prior to their designation.*";
In Appendix 1, under the policy definition for BP2, DELETE in the Heritage section 'Local Natural Heritage Areas' and INSERT: "*Sites of Local Nature Conservation Interest*"; and after 'Scottish Natural Heritage' in the source column ADD: "*The Scottish Wildlife Trust.*"

Conclusions

10. The issue here is one of the detailed process of how sites of local conservation interest should be referred to in the plan. It is common knowledge among nature conservation interests that such sites are now commonly recorded in local plans nationwide, as a means of recording locally important sites that may not necessarily qualify for statutory recognition. As these were first requested by nature conservation interests, with the Scottish Wildlife Trust playing an important role, it is reasonable that it and SNH, and possibly other interested parties, should decide on the specific criteria rather than the council. These are also likely to be common to other areas outwith the Highlands.

11. Apart from this there is little actual difference between the wording put forward by SNH and the modifications now proposed by the council. The council's are however technically the more accurate and I am not persuaded that there is any need to alter this.

12. The council's written statement also notes that Loch Kinellan has been identified an additional site, and this should be added to the list in the deposit draft.

Recommendation

13. Accordingly I recommend that:

- (i) the modifications to policy 70 of the deposit draft local plan proposed by the council as set out in paragraph 9 above be approved;
- (ii) Loch Kinellan be added to the list of sites in policy 70; and
- (iii) that no further changes be made as a result of this objection.

59 OBJECTIONS RELATING TO CHAPTER 6 PARAGRAPH 71 INVENTORY OF GARDENS AND DESIGNED LANDSCAPES (Issue 62)

Objector: A Chamier (120); Scottish Natural Heritage (197)
Procedures: Written submissions

Background

1. Chapter 6 paragraph 71 states that the council will have regard to the landscape impact of development in the following Inventory of Gardens and Designed Landscapes and will encourage appropriate management measures in association with land owners, tenants, and local interests (BP2). Eleven gardens and/or landscapes are listed.

Summary of main points raised by the objectors

2. The first objector states that the council seems to have narrowed down the area covered by the Ardross designed landscape, compared to the area in the adopted local plan. This is disappointing and not in keeping with the spirit of Historic Scotland's recommendations that form the basis of the council's inventory of designed landscapes. Nothing has changed to make the adopted local plan boundary less appropriate, and development pressure means that the modest protection afforded by the designation is all the more important.

3. The second objector states that listed sites should be covered by policy BP3, not BP2. Fairburn and the Spa Gardens, Strathpeffer, are on the inventory, but are not included in the list at paragraph 71, whereas they should be.

Summary of the council's response to the objections

4. With regard to Ardross, the council says the adopted local plan includes a policy reference to the broadleaved avenues and woodland areas in the vicinity of Ardross. The Inventory of Gardens and Designed Landscapes defines the extent of this for Ardross Castle, and as such they are incorporated in the mapping. Areas of ground outwith the established boundary do form part of the essential setting but have no specific boundary. These factors will form part of the consideration for any development proposals.

5. The issue related to policy BP2 is dealt with under issue 85.

6. Fairburn is omitted from the written statement in error, despite being indicated on the analysis map. It should be added to the list. The Spa Gardens are mentioned in the Strathpeffer statement, and do not therefore merit a mention in the landward chapter.

Conclusions

7. Looking first at the Ardross Castle designed landscape, the council has stated that the boundary shown on the deposit draft analysis map is that of the designated area as set out in the inventory. This is a substantial area that extends from Ardross Mains to the B9176, as well as including extensive areas around the castle. I have examined the area shown in the

adopted local plan, which does include a greater area of ground that relates to policy CV 2.50 of that plan. This seeks to conserve the informal parkland landscape of the castle. There is no reference to the inventory, even though this was published some three years before the plan's adoption.

8. I accept the council's explanation that the boundary in the deposit draft is accurate as it is taken from the inventory, and in that sense it is arguably more relevant than the somewhat arbitrary boundary in the adopted plan. Whilst the objector's disappointment is understandable, I consider that the specific reference to the designed landscape in paragraph 71 is an adequate indication of the council's good intention. As far as development protection is concerned, the deposit draft contains background policies that were not in the adopted plan, and this should increase the protection available. I do not therefore see any justification for including the wider area in some form of special designation.

9. I also accept the council's acknowledgement that Fairburn should be added to the list in paragraph 71. The council says that the Spa Gardens should not be on the list, as they are referred to in chapter 32, Strathpeffer. I do not understand the logic of this argument, as Castle Leod is also mentioned in chapter 32, as well as being included in the paragraph 71 list. The latter implies that it is inclusive, so if the garden or designed landscape is listed in the inventory it should be included under paragraph 71 even if it is mentioned elsewhere. This should therefore apply to the Spa Gardens.

Recommendation

10. I therefore recommend that Fairburn and the Spa Gardens should be added to the list of properties in the Inventory of Gardens and Designed Landscapes, as set out in paragraph 71 of the deposit draft local plan, and that the council should review the list for any further omissions.

60 OBJECTIONS RELATING TO CHAPTER 6 PARAGRAPH 72 AREAS OF GREAT LANDSCAPE VALUE AND PARAGRAPH 73: LOCAL RECREATION MANAGEMENT AREAS (Issues 17 and 63)

Objectors: J Jenkins (10 & 428)*; Cromarty Arts Trust (185)*; Scottish Natural Heritage (197); H Barker (404)*; Pure Energy (414); A Whiteford (452)
Procedures: Round table discussion* and written submissions

Background

1. The Sutors of Cromarty are high cliffs that stand on either side of the mouth of the Cromarty Firth. They are included in a coastal Area of Great Landscape Value (AGLV), identified under structure plan policy L3, which extends along the coast from Chanonry to Balintore. The extent of this is shown on analysis map B, including the whole of Nigg Hill.

2. Chapter 6 paragraph 72 of the deposit draft says that: “The council will seek formally designate and confirm boundaries of the following proposed regional Areas of Great Landscape Value [L2] (BP2).” The list includes the coastal area referred to in paragraph 1. The paragraph concludes: “Regard should be had to the potential impact of development upon important features (BP2).”

3. Policy 73 says that: “The council will safeguard the following Local Recreation Management Areas from unsympathetic development and will consider the scope for improved interpretation and small scale visitor facilities [L2] [N2] (BP2). A list of three bullet point sites is then followed by: “The council will also safeguard the following locally important areas or features from unsympathetic development (BP3) and will encourage appropriate management measures in association with landowners, tenants, community groups and other interested parties.” A further bullet point list of seven sites follows this.

4. The council proposes the following modifications to paragraph 73:
(a) in the first sentence after the word ‘development’ DELETE the words ‘and . . . , facilities’ and change ‘L2’ to ‘L3’ and ‘BP2’ to ‘BP3’.
(b) DELETE the sentence between the two sets of bullet points
(c) after the second set of bullet points, ADD *‘The Council will also encourage appropriate management measures and consider the scope for improved interpretations and small scale visitor facilities, in association with land owners, tenants, community groups and other interested parties’*.
ADD TO THE BULLET LIST *‘The Cromarty and Nigg Sutors’*.

5. Areas of Great landscape Value are added to the criteria for BP2 in modified appendix 1, and regional/Scenic Areas/Coasts are deleted from the BP3 criteria. The analysis map is modified to reflect these changes.

Summary of main points raised by the objectors

6. These objections are in two parts, objector 197’s relating to the principles of designation, and the remainder to the specific issue of the Nigg and Cromarty Sutors in the modified paragraph 73 list. The objector considers that the council should clarify its position

on Areas of Great Landscape Value (AGLV) by either removing its symbol from the analysis map or including a specific policy on the identification and designation of non-regional AGLV. The boundaries of AGLV shown on the analysis map affecting Cromarty, Rosemarkie, Fortrose, and Nigg should be shown on the relevant inset maps. The criteria for selecting 'Locally important areas and features' should be provided, and policy protection given to each site that is reviewed.

7. The policy on Local Recreation Management Areas (LRMA) still lacks clarity, and there do not appear to be any criteria set down for selection. The Council has clarified why some of the sites are listed as LRMAs but there still appear to be a number of sites that may fit into other categories identified in the Plan such as SLNCI or Cultural Sites. Having looked at the earlier local plans, that identified most of these sites, it would appear the Craigdarroch Wood should be a SLNCI. Equally, if the purpose of this policy is to protect 'relatively small areas where visitor management is as much an issue as natural beauty', the council may also consider including the Kiltearn/Balconie Point area in Evanton and the Averon River/Alness Point area of Alness as LRMAs. The policy protection for these locally important features as BP3 is also inconsistent with other features protected in the plan, which come under the BP2 policy protection.

8. The other objections relate specifically to the designation of Nigg Hill and North Sutor as AGLV and LRMA. The principal points raised are:

- the line defining the edge of the AGLV is at too low an altitude. To be consistent with the point where the line meets the cliff opposite Cromarty it ought to follow roughly the road to Castlecraig, which is a natural eye line;
- the designation of Nigg Hill is inappropriate, as it would prevent the development of, for example, a wind farm such as at Novar. This could be developed here;
- Nigg Hill should be removed from the designation, leaving the Sutors;
- inconsistency in the criteria as the AGLV cuts off above Bayfield, and land above this is the same as Castlecraig. The original BP2 designation for the whole area is reasonable;
- industrial area extends to the same altitude as the AGLV, so this is inconsistent;
- much of the AGLV is invisible except from an aircraft. It comes too far down the hill where lower land has no visual value from anywhere;
- the top of the Nigg Sutor should be re-categorised as BP3 or BP4, not BP2, on the grounds of its importance to the wider landscape. The Cromarty and Nigg Sutors provide a striking and prominent feature in the landscape which provide a backdrop for Cromarty and a key view from many sites around the Cromarty Firth;
- the boundary of the proposed LRMA is inappropriate and should be well to the south and east of the Castlecraig Road. The land between the industrial site and the new boundary should revert to BP2;
- Nigg Hill is not an established amenity area;
- pulp mill interest in Nigg oil yard, could affect these recent exclusion areas;
- the designation could prevent green energy developments such as pump storage;
- HIDB made the Cromarty Firth an industrial priority, leaving the Black Isle for amenity;
- redesignation of Nigg Hill to BP3 arbitrary and unjustified, with no supporting evidence taken into account;
- BP4 category would be appropriate for North Sutor, given the importance in the landscape;

- the Sutors are enshrined in literature as outstanding landscape features;
- the industrial features of Nigg are subservient to the Sutors in the wider landscape;
- scoping surveys for a potential windfarm not considered;
- huge amount of preliminary work for wind farms done on the hill by several groups with no in principle objection from the council. The BP3 designation is more restrictive and presents a disincentive to development for no measurable benefit;
- longer views have less definition visually. The view from Cromarty takes in the industrial area and very little of the designated area;
- the council encourages industry at Nigg, and environmental considerations are designed to help good development not thwart it;
- status of the policy 72 AGLV and its relationship to Policy 73 should be qualified;
- LRMA designation inappropriate for this area, as managed recreation on one of the bleakest sites in Easter Ross is irrational;
- no one roams freely, with few visitors on designated footpath along the cliffs by Castlecraig. The path is overgrown and virtually impassable;
- the name Local Recreation Management Area is confusing and should be changed;
- nonsense to talk of recreational management especially with a BP3 designation. The original BP2 designation was more than sufficient for the protection of the whole of Nigg Hill; and
- area designated late with no consultation with the landowners, and no evidence to support the change has been available.

Summary of the council's response to the objections

9. Regarding the objection to the principles, the former small scale AGLV are now indicated as LRMAs. The three LRMAs are the remaining formerly proposed AGLV from the Mid and Easter Ross local plans. The structure plan says at paragraph 2.14.6 that these are relatively small areas where visitor management is as much an issue as natural beauty. The same can be said for the seven locally important features. Existing local plans identify most of these in some way, whether as a local landmark requiring appropriate countryside management and/or visitor facilities, or there is a need to safeguard an additional area adjacent to a formal designation. In many respects these should be called Local Recreation Management Areas. The policy presumption for all is to safeguard them from unsympathetic development, suggesting BP3. The local, regional, or national importance of these areas is not linked to the policy presumption attaching to BP2 to 4. It is about the scale of the area covered and the relative sensitivity or constraint to development.

10. The AGLV boundary as shown was drawn to best reflect the characteristics of the Sutors of Cromarty. Previous AGLV were generally small scale and areas where visitor management is as much an issue as scenic or natural beauty. These are not strictly comparable with AGLV and similar designations elsewhere in Scotland, which tend to be much larger in scale. The structure plan therefore identified larger scale areas, which the council considers are at least regionally important for scenic quality and may even be nationally important, subject to the National Scenic Area review. Their quality is valued beyond their immediate locale.

11. The criteria for identifying these AGLV is set out on page 95 of the structure plan and the Sutors were adjudged to have a significant level of importance in relation to the combinations of land character types providing attractive or unusual scenery; land forms and

scenery that are unusual or rare in the Highland context; and dramatic and striking landscapes and coastlines.

12. Structure plan paragraph 2.14.7 refers to existing AGLV together with other designations being reviewed for re-inclusion or omission.

13. To be consistent with the structure plan the AGLV referred to in this local plan are those of regional significance. The former small scale AGLV are now indicated as LRMAs in terms of chapter 6 paragraph 73, and to accord with this the areas of most value in scenic terms are to be redefined as LRMAs.

14. The Sutors form part of a larger AGLV which is significant in a Highland context. However, under General Policy BP2 the policy presumption for areas of this scale does not preclude development. Despite this, it is agreed that the Sutors are a striking and prominent feature worthy of greater protection from unsympathetic development. In this respect they would merit an additional designation as LRMAs under BP3, placing them in the same category as Balintore to Shandwick beach, the Fyrish Hill and Monument, or Tarbat Ness. It also suggests potential improvements to interpretation and small scale visitor facilities in the future.

15. The extent of the LRMA has been constrained to the steeply rising land and associated plateau. The North Sutor forms a key view from many sites, not least the South Sutor, around the Cromarty Firth, and further afield, such as along the Moray coast. The Sutors are a striking and prominent feature worthy of greater protection from unsympathetic development. The change of policy to the Sutors does not preclude the potential for development within the area but raises the emphasis on the importance of natural landscape features in consideration of any development proposals. The allocation is not a consideration of potential renewables development but of an important landscape feature. The granting of permission for meteorological measuring masts at Nigg Hill does not constitute a consideration of a wind farm merely that of the two masts and should not be a consideration when protecting important landscape features. Land with the AGLV designation is removed from the Sutor headlands and that respect affords a lesser degree of constraint. The visual impact of wind farms to the landscape is to a certain degree subjective, but demands full consideration through the planning application process.

16. The council asks that only the changes to the deposit draft set out in paragraphs 4 and 5 above be recommended for approval, other than a possible change of name for the LRMA.

Conclusions

17. Although comprising parts of issue 17 and 63, this chapter of the report deals with matters relating to the designation of land at Nigg Hill and North Sutor as either AGLV or LRMA. Other matters relating to the Nigg area are dealt with separately under issue 17. Some matters were raised relating to procedures and consultations, but these are not relevant to this inquiry.

18. This somewhat confusing issue has its foundations in National Planning Policy Guideline 14 Natural Heritage, which I note is not a core document, and the structure plan. The council's further written submission says that NPPG 14 requires planning authorities to ensure that local plan policies sufficiently provide for the protection and enhancement of the

natural heritage. It requires the criteria for assessing a natural heritage designation to be indicated within local plans.

19. The structure plan notes at paragraph 2.14.6 that the council's previous AGLV designations related generally to small local areas, often where visitor management was as much an issue as natural beauty. This contrasts with other parts of the country where they generally cover relatively large areas of regional importance for their landscape. Paragraph 2.14.6 says that the council will now identify larger scale areas for designation as AGLV and they are shown indicatively in figure 12. This is formalised in proposal L3, which says that local plans will identify AGLV in general accordance with those shown in figure 12.

20. This effectively provides for a two tier system of non-statutory landscape protection below local level. I share however objector 197's view that the designations lack clarity, and believe that this could lead to confusion, which was certainly evident during the discussion. This is not helped by the two AGLV designations on the analysis map B, as it is by no means clear what they mean, unless the structure plan is at hand and the cross referencing can be referred to. The issue is perhaps made worse by the introduction of the new term LRMA, which has no statutory reference or any indication in the deposit draft as to its origin or meaning, or criteria for its designation. Although I understand its origin in the former local, and Highland specific AGLV, these do not translate easily to the new designation, which implies a recreation rather than a landscape base.

21. This was effectively admitted by the council at the hearing, when it was suggested that an alternative name may be appropriate. It also lead to some confusion among the objectors, who questioned the reason for designating a recreation area where there did not appear to be any recreation history, and where recent observations suggested little public use. I therefore accept objector 197's view that the plan lacks clarity in this respect, and consider that it could be addressed by adding some background description to both paragraphs 72 and 73, avoiding the need to always having to refer back to the structure plan for guidance, especially as this is limited by not mentioning LRMA's.

22. Looking at the other objections, deposit draft paragraph 72 lists four AGLV, which are taken from figure 12 of the structure plan, one being the coastal strip referred to in paragraphs 1 and 2 above, which, in the Nigg area, is the subject of the objection. The council has referred to the structure plan criteria set out in paragraph 2.14.7, the relevant ones in this case, as mentioned in paragraph 10 above, being the quality and rarity of the scenery and the striking and dramatic coast line.

23. The objectors criticise the designated area, in effect, as being of little landscape quality, other than perhaps the immediate coastal strip; too extensive; and interfering with potential development of Nigg Hill. Regarding the latter specific reference was made either in writing or at the discussion to wind farms and pump storage energy generation. I am in no doubt as to the quality of the Sutors themselves. Hugh Miller's 'Scenes and Legends of the North of Scotland' was referred to at the discussion for its dramatic description of the landscape, itself quoting earlier writing on the entrance to the Cromarty firth as 'opening a way through stupendous cliffs at the most lofty precipices'.

24. Whilst this is not in itself a planning argument it emphasises the importance of the Sutors in the wider landscape, and in this regard it is logical that any safeguarding designation should seek the protection not just of the cliffs themselves, but of the immediate surrounding

area. Whilst this could have been done by drawing a line across the crest of Nigg Hill, this could also be seen as arbitrary when looking at the area in more distant views. During my unaccompanied site inspection following the inquiry discussion, I paid particular attention to the views from the B9163 west of Cromarty, and the viewpoint above South Sutor, having looked at the landscape from Cromarty during an earlier site inspection to the town.

25. The boundary approximates to the 60m or so contour, and I find that this is as logical as any providing a reasonable degree of protection as a backcloth to the North Sutor cliffs. I am not convinced by arguments that part of the area cannot readily be seen, but in any case the AGLV's inclusion within the BP2 policy area also does not preclude development. I do not consider the fact that land may appear to be similar on either side of a boundary line to be sufficient reason for it not to be placed there. Matters such as potential wind farms or pump storage schemes are not matters that are before the inquiry, and would be for future discussion with the council.

26. The issue of the LRMA is perhaps less straightforward. The objectors' evidence about the present level of recreational activity in the area does not suggest any great need for recreation management, and whilst this may be the case with other former local AGLV it does not appear to be so here. As the focus appears to be on landscape protection I am also unconvinced of the need for a separate designation for this within the AGLV, other than that the Sutors themselves are arguably of a quality demanding a higher level of protection than BP2.

27. Under these circumstances a simple change of name for the designation may not be the answer, but the potential changes that I have raised with regard to the deposit draft in paragraph 21 above, adding some descriptive background references about the designation, may themselves help resolve the problem by clarifying its purpose. Despite this, other than bringing in the BP3 policy protection to the Sutors I am not convinced that such an additional designation is necessary for this particular area of ground.

28. Drawing all these points together, I find the AGLV as proposed by the council to be appropriate and to cover a realistic and justified area. I find the LRMA designation to be confusing and potentially unnecessary in overlaying or being within the AGLV. If it is to be maintained clear criteria should be set out for its designation, and a different, more relevant name, would be helpful.

Recommendation

29. I therefore recommend that:

- (i) the changes proposed by the council to the deposit draft set out in paragraphs four and five above be approved;
- (ii) the council reviews the LRMA designation with a view to providing criteria for its designation and changing its title, and, depending on the outcome of the review, possibly deleting it from the Nigg Hill/North Sutor area; and
- (iii) paragraphs 72 and 73 of chapter 6 be modified as proposed in paragraph 21 above.

Reporter:

**TREVOR A CROFT BSc DipTRP
ARSGS FRSA MRTPI**

Date of Inquiry:

7 June -7 July 2005

File Reference:

IQD/2/H/26

61 OBJECTIONS RELATING TO CHAPTER 8: ALNESS HOUSING GENERAL SITES AT OBSDALE, DALMORE, MILNAFUA AND ACHNAGARRON (Issue 22)

Objectors: Pat Munro (Alness) Ltd (46); Alness Initiative (48); Alness Community Council (93); H W Gill (187)*; J R Bremner (221 & 403); L & A Innes (401); L & K Lennie (402)

Procedures: Hearing* and written submissions

Background

1. Alness, with a population of nearly 5,200, is the largest town in Ross and Cromarty. It is located to the north of the Cromarty Firth, about 15 km north-east of Dingwall. The town expanded greatly in the 1970's following the establishment of the now closed Invergordon aluminium smelter and the much depleted oil related industry. Recent growth has been in technology based industry and the council hopes that this will continue.

2. Revised housing figures in the light of the 2001 census show a reduction in projected household growth rates. A need is forecast for between 420 houses based on past completion trends, and 630 using stock proportion figures. Remaining land stocks have a capacity for between 300 and 400 houses, but much of this is in single ownership, and further allocations are said to be required to give flexibility.

3. The deposit draft designates land for between 293 and 298 houses on 11 sites spread across the town, and without allowing for infill. Three expansion sites at Whitehills E23 (E30), Crosshills E24 (E31), and Milnafua E25 (E32) provide land for a further 500 to 565 houses. Extensive areas of land are designated for amenity under policy 26 (35), which includes Achnagarron farm at the east end of the settlement boundary.

Summary of main points raised by objectors

4. The first objector states that land between the Obsdale distributor road and the Milnafua housing scheme is proposed for open space, whereas in the adopted local plan it is designated for housing. There is no change of circumstances, so the housing designation should remain.

5. The second objector proposes that amenity ground to the south-east of Dalmore House should be designated for housing. The third objector expresses concern at the loss of amenity land that would be caused by this.

6. The fourth objector notes that 12.5 ha of Milnafua Farm have been designated within the 'expansion' category of the Plan as being suited for the development of 180 to 200 houses subject to the "Master Plan" and upgrading of the Mossfield road. The recognition of the area's suitability for residential development is welcomed, but it should be categorised in the housing allocation as being suited for residential development.

7. There is a history in the area of landowners refusing and/or failing to release land designated within the local plan for housing purpose. If this continues designated housing

land may not be developed within the period of plan, and land within the expansion category would not therefore be developed.

8. The boundary of area E25 (E32) (but redesignated 'H') should also be moved further eastwards to meet the existing development at Mossfield. This would allow the two settlements to integrate and provide the opportunity to substantially improve the access to the entire area by linking this to the existing roadway running through the Mossfield development to the main A9. This would have the benefit of removing the need for traffic to pass through the main Alness settlement, reducing existing congestion.

9. Expansion of the zoned area for housing would provide further benefits by reducing the required density of housing within the land allocation, allowing additional opportunities for the incorporation of green space, landscaping, and play areas, creating a more attractive development.

10. With regard to area A26 (A35), adjacent to the south of E25 (E32), the land lying adjacent to Achnagarron Farm and, in particular, that to the north and east of this, should be designated for housing in keeping with the surrounding pattern of development. This would also allow a reduction in density of housing in the area and provide sufficient area to include flexibility in the development pattern, providing wider landscaping benefits, incorporation of green space, circulation areas, play areas and other development. Similarly direct access to the A9 can be provided. The more southerly section of Achnagarron Farm which lies adjacent to the A9 trunk road. Would be retained in agricultural and equestrian use in compliance with the requirements of the deposit draft local plan.

11. The fifth objector supports the existing designation of the land adjacent to Dalmore House and the school as a green protected area, and objects to the proposed housing designation. As well as providing housing it is also important to protect the green arboreal areas. The importance of this is shown by the numbers of people walking on the paths around Alness, with more than 100 each day in the summer using the circular path past Dalmore and the school.

12. Commenting on the modified draft the fifth objector emphasised his support for the open space adjacent to Dalmore House, which is subject to a planning application for housing. This area of land must be considered within the context of current community usage and the council's strategy in the draft plan, which highlights the commitment to protecting green open spaces, agricultural landscape and the improvement of the footpath network. This area of land represents the nearest open area to the town and offers a combination of tree landscape, unspoilt agricultural land and splendid views over the firth. The landscape and gardens around Dalmore are proximate to the town and enjoyed by many people as they walk. Equally important, they surround the school. The current planning permission provides for a small number of houses within an essentially unchanged landscape, but the proposed modification would transform this area into a large housing estate.

13. The sixth and seventh objectors state that a wrong area of ground has been designated within the existing housing area at Achnagarron. The correct area should be immediately south of that indicated, on which a property has already been built. The designation of the area shown on the proposed modification would erode amenity land and set an undesirable precedence for the adjacent fields.

Summary of the council's response to the objections

14. Regarding the land east of Obsdale Park, the council accepts that this was previously designated for housing, and that there has been no change of circumstances. A modification is therefore proposed as follows:

Housing - ADD POLICY "19., 0.7 ha, East of Obsdale Park, 6, single access from Obsdale Road, planting to southern and western boundary".

15. Regarding the ground east of Dalmore House, given the granting of planning permission for 45 houses (THC22/2), the council considers that further land should be allocated to utilise the infrastructure provision associated with this development. This gives the council the opportunity to influence its development through a framework layout plan incorporated within the deposit draft with modifications. Requirements for landscaping and planting will reduce the visual impact of the development, and footpath linkages to the town centre and existing footpath network will be incorporated, as well as land for a community use.

16. The site is separated from the main access road by a significant area of land used for rough grazing, and the access should also service the intervening land. The exact route is to be finalised, and the opportunity exists for provision of a road to adequately serve all the land along the length of its route.

17. Current housing allocations have capacity for between 500 and 850 houses, whilst the projected housing requirement ranges between 420 and 630 houses. Although it appears that the supply of housing land identified within the plan is adequate, there is a need to ensure that growing demand for housing in Alness can be readily met. Development of the current allocations at lower density levels may result in a shortage of housing land in the medium to longer term, and the effectiveness of some sites is questionable as there has been a significant delay in the delivery of housing on many of the allocations. As such there appears to be a need to allocate further land to ensure housing needs can be met through an available and effective supply.

18. The council therefore proposes the following modifications at Dalmore:

Housing section and mapping

ADD POLICY "14., 4.2 ha, Dalmore West, 45, existing planning permission, provision of access from mini-roundabout from Invergordon Road, screen planting."

ADD POLICY "27., 7 ha, Dalmore East, 70, access off mini-roundabout from Invergordon Road, landscaping and screen planting, integrated footpath network, provision of area for community use."

19. The following changes are also proposed to address a potential housing land shortage:

Housing section and mapping

ADD POLICY "16., Coulhill Forest, 4.3 ha, 30, low density housing, significant tree planting, integration of recreational paths, provision of roundabout Coulhill Road."

ADD POLICY "17., Coulhill, 0.6 ha, 10, affordable housing".

ADD POLICY "18., Blackmuir, 3.2 ha, 25, consultation with local community, affordable housing, recreational space, access from old A9, screen planting to south of access road".

20. The expansion site at Milnafua Farm is designated on the basis that the development of large sites requires the preparation of a comprehensive master plan. They do not necessarily refer to longer term development, unless stated in the plan. The council is aware of the slow progress of development of allocated sites and has taken steps to address the need for effective land through the release of further sites in a number of ownerships. Development has commenced at Crosshills E24 (E31), 11 houses, Obsdale East (H9) (H10), 67 houses, and Willowbank Road H3 (H4), four houses. Planning permission has also been granted at Braeface Park H4 (H5) for 21 houses, Dalmore (H15) 45 houses, and Cadboll Wood H10 (H11) for 26 houses. Also pending is an application at Coulhill for 13 affordable houses.

21. The housing capacity figure for the site is indicative, and takes account of a wide range of development types of varying densities. Developers have to take into account the provision of all requirements for a development of this size, as outlined in the accompanying text to the policy allocation. Guidance on play space/open space provisions as well as other standards for residential layout including landscaping, residential mix and plot ratios is available within the Development Plan Policy Guidance.

22. The council says there is a requirement for a greater availability of land in different locations and ownerships to ensure that there is an adequate effective supply of housing land, and various new allocations have been brought forward to meet this requirement, and the allocation at Milnafua Farm provides a significant element of the requirement for Alness. At the hearing the council stated that present planning permissions effectively gave a five year land supply, and that the Milnafua designation could provide a further five years. It accepted that the designation of the site for housing would remove potential ambiguities, and that the rate of development could be controlled under policy GSP7 restricting settlement expansion.

23. The commencement of development at Obsdale East site includes extending the access road beyond Obsdale Primary School, facilitating adequate access for the development of land at Whitehills (E23), Milnafua (H7) and substantially towards Milnafua Farm (E25) where a requirement for development is the improvement to the residual length of road. Traffic flows can access the site most readily from the junction to the A9 to the east end of Alness at Obsdale, and would not increase flows through the High Street.

24. Regarding the formation of an improved separate access to the A9 at Rosskeen, the Scottish Executive has programmed the provision of a north bound right turn lane serving traffic to Alness Parish Church. The Executive wishes to discourage the further increase of access to the A9, this also applies to the provision of a secondary access to serve the site at Milnafua.

25. In regard to the extension of the site E25 (E32) eastwards towards Mossend/Achnagarron, the amenity buffer between the two should be maintained to avoid coalescence of the settlements. Extending the eastern boundary to Achnagarron would only serve to encourage further development proposals that would utilise the direct access to the A9. This would effectively create a satellite development where the preferred road access would engender no relationship with the rest of the community, and promote the use of the trunk road to access the central area of the town.

26. The area of land submitted for inclusion within the Achnagarron housing group has varied from that of the finally approved sites. The site shown on the deposit draft relates to the original submitted objection in relation to the local plan and not that given approval. The basis for the objection is that the approved boundary is that which should be included within the plan. The Council accept that this is the case and that a modification to the boundary should be made in line with the objection and reflect the approved boundary. It is understood that this is accepted by the objectors.

27. The Council asks for the amendments to the deposit draft set out in paragraphs 14, 18 and 19 above to be recommended for approval, together with the site boundary change referred to in paragraph 26 above and the designation of site E25 (E32) for housing, subject to the constraints of policy GSP7.

Conclusions

28. The first objection has been resolved by the council through reinstating a housing allocation in the adopted local plan. The modification proposed as set out in paragraph 14 above achieves this. There have not been any further objections, and I see no reason where the adopted local plan zoning should not continue to the new plan.

29. The second, third and fifth objections relate to modified site (H15), although the second supports this designation. The council has explained that the modification has been put forward following the granting of planning permission for 45 houses on the land in April 2004 (THC22/1 &2). This was contrary to the advice of officials, who recommended that the application be refused as premature pending the outcome of the local plan review, but also because of the site's location on an area of protected amenity land within the local plan.

30. The council's area planning committee granted permission on the basis that there was a lack of sites for up market housing, which is in demand in the area, and that little housing development other than self build has taken place since the 1970's. Given the existence of the planning permission, there is no valid reason for the exclusion of the land from the new local plan.

31. The adjoining expansion site, (E33) for 70 houses, is also now proposed as a modification to take advantage of the servicing infrastructure to be installed as part of the housing development. Whilst these developments would occupy land that would otherwise have been protected as amenity land in the deposit draft, in the changed circumstances, the council's arguments are logical, and site (H15) would otherwise sit as an isolated development unrelated to any around it.

32. I am concerned however, whilst acknowledging there appear to have been problems with land coming forward for development in recent years, that the council's proposed solutions, including those put forward as modifications set out in paragraphs 18 and 19 above, effectively create a substantial oversupply that could be difficult to control by reliance purely on policy GSP7, which the council has stated in response to the fourth objection.

33. The maximum need during the plan period, as set out in both the deposit and modified plans, is 630 houses. The allocations in the modified draft make provision for 409 to 414 units on designated housing sites, and a further 570 to 635 units on designated expansion areas. This means potentially up to 1,049 new housing units, not allowing for infill units, or

permissions granted in excess of the guidance, as at Obsdale East where the permission is for 67 houses compared with a capacity of 50 in the deposit and modified drafts.

34. In reality, based on recent completion rates, I cannot see circumstances within the life of the plan where housing construction anywhere near this number is likely to be achieved. The council also stated at the hearing, and in its written statement, that one of the reasons for providing the apparent oversupply is because of the problems of land release. This is made worse by much of the land designated for housing in the adopted local plan being in the hands of one family owner. It is questionable however whether the correct solution to this problem is to designate an oversupply of land in the knowledge that much of it would be developed.

35. This is relevant to the objection sites at Dalmore, and Milnafua. The council's position on the latter at the hearing was effectively that the designation of the land for housing, as opposed to expansion, made little difference within the context of recent land release history in Alness as a whole, and that the main difference between the designations is the need for a framework master plan for expansion areas. Circumstances do appear to be changing however, with existing planning permissions effectively providing a five year land supply, and it is presumably the intention of land owners and developers that these should be implemented.

36. The objector's argument regarding Milnafua is effectively that designation of the ground for housing would make it easier to obtain planning permission in the shorter term, although the council emphasised that such land release would be subject to policy GSP7, and that in reality the change of designation would make little difference. In terms of long term planning, the designation of the Milnafua site as housing land would take the total designated supply to 614 units, close to the projected maximum demand, even making some allowance for reduced densities as put forward by the fourth objector.

37. It is still logical for Dalmore East to be designated as an expansion site for the longer term, as the amenity value of this land will be compromised by the houses to be developed. The development framework in the modified draft also makes proper provision for landscaping and amenity ground, and it would be difficult to refuse planning permission for such land given the adjacent development and good infrastructure provision.

38. Taking the council's comments at face value, there is no real objection to the redesignation of the Milnafua expansion site for housing. In considering agreeing to this, I am still concerned at the potential over allocation of housing land. I therefore find that before approving either the Dalmore or Milnafua housing designations the council should review the overall housing allocations with a view from removing from the plan those that are unlikely to come forward, or which will not be required during the plan period, so as to give a land allocation figure more closely aligned to requirements. As well as giving more certainty to the overall position within Alness it would be consistent with the council's arguments elsewhere in the plan area that overall land allocation should be restricted to that necessary to meet the projected housing requirement figures. If, following the assessment, it is decided to designate Milnafua for housing, it should still be conditional on the preparation of a framework plan, and a rider should be added about phasing, with a reminder about policy GSP7 on settlement growth rates.

39. With these conclusions in mind I have considered carefully the objector's proposals for the extension of area E25 (E32) to the Achnagarron boundary, on what is now designated

as amenity land, and the designation also of amenity ground at Achnagarron Farm as housing land. Taking both areas together, I can find no logical arguments for the redesignation of the amenity land for housing when it has been clearly established that there is no requirement for this, even with the most optimistic, for the objector, of projection requirements and land supply. I also consider that the joining of Alness with the existing group of houses at Achnagarron would be undesirable as causing the unnecessary spread of the urban area, and removing the character of the present smaller community. It would also place undue pressure on the A9 junction at Rosskeen, as traffic from areas at the eastern end of Alness would otherwise be likely to access the A9 via junctions farther to the west.

40. With regard to the sixth and seventh objections, these relate to the same drafting error, which the council has acknowledged and can easily be resolved.

41. Drawing all these points together, I accept the council's responses to the first, sixth, and seventh objectors, and its modifications proposed in paragraphs 14, 18 and 19 above. I have reservations about the designation of further housing land, but accept this if other land is removed to present a realistic supply amount. I find no justification for the extension of site E25 (E32) or the zoning of agricultural land at Achnagarron.

Recommendation

42. I therefore recommend that:

- (i) the modifications proposed by the council to the deposit draft local plan, as set out in paragraphs 14, 18 and 19 above be approved;
- (ii) the council review the amount of land designated for housing, and only if it is satisfied that it will not lead to over allocation should site E25 (E32) be designated housing rather than expansion;
- (iii) no modification should be made to the eastward extent of site E25 (E32);
- (iv) no modification should be made to the status of amenity land A26 (A35) at Achnagarron;
- (v) the drafting error regarding the amenity/housing land at Achnagarron, referred to in paragraph 26 above should be corrected; and
- (v) no other modifications should be made to the deposit draft as a result of these objections unless arising from the review of housing land or as consequential renumbering and mapping changes.

62 OBJECTIONS RELATING TO CHAPTER 8 ALNESS: BUSINESS ALLOCATION B15 (B21) WEST OF TEANINICH WOOD (Issue 65)

Objectors: C Grant (19); I Bannerman (20); Mr & Mrs J McClorey (20)
Procedures: Written submissions

Background

1. Teaninich Triangle is a small group of three houses to the south of, and with its own access from, the B817 just west of the roundabout at the western entrance to Alness. The group is screened from view by a dense tree belt along the main road, and the adjacent railway also helps provide a sense of detachment. In front, that is to the south-west of the houses, is a large arable field and to the east of this are buildings on the Fyrish Way industrial estate, the closest to the houses being a fish factory.

2. In the deposit draft local plan the field in front of the houses is designated for amenity, except for a wedge shaped piece of ground at the southern end that, together with the adjoining field to the south, are designated B15 for business use as 7.7 ha West of Teaninich Wood, with a requirement for boundary planting.

Summary of main points raised by objectors

3. The designated site is a heaven for wildlife, including bats, herons, buzzards, and other birds and there are fine views over the Cromarty Firth. The existing houses already suffer from noise and smells from the adjacent fish factory and development would mean looking out over a building site. For the same reasons the development on the site for houses would be objected to. The field is high quality agricultural land and there are ample industrial sites elsewhere, such as south of Dal Nan Rocas. Residents do not want to be dwarfed by any future buildings or to look out on industrial buildings and trees in the future.

Summary of the council's response to the objections

4. The site is allocated for development in the adopted local plan and was the subject of a simplified planning zone scheme that ended in December 2004. The conditions of this limited development to Class 4 uses of the Town and Country Planning (Use Classes) (Scotland) Order 1989 (and successive legislation), being office, research and development or industrial use that can be carried out without detriment to the amenity of the area.

5. Loss of view is not a planning issue, although loss of amenity should be considered. There would be a requirement for planting and landscaping, and the proposed amenity area between the site and the houses would provide a buffer. There are alternative sites providing a variety of options for development within the Alness Industrial Estate. The structure plan seeks a distribution of resources focussed on settlements for the provision of land for business and industry to take account of anticipated employment growth, and the site helps to provide a choice of sites suitable for various uses. A significant amount of open space would still be provided between the houses and the business development, and open ground retained to the south-west.

Conclusions

6. SPP 2 states at paragraph 11 that planning can contribute to economic development by providing a range of development opportunities, to ensure that there is a range and choice of sites for new employment opportunities throughout Scotland. In the case of the objection site this was designated in the adopted local plan policy 4.13 (a) of chapter 4, Alness, with the commentary: 'the council will allocate 10 ha of land west of Teaninich House as suitable for general industrial development'. The designated area is the same as that proposed in the deposit draft. Paragraph 2.19 of the adopted plan also states that the council will 'investigate establishment of a further simplified planning zone' (to Invergordon).

7. The council subsequently published in December 1994 a simplified planning zone scheme for Alness and Invergordon, with a ten year life (THC65/1), as referred to in paragraph 4 above, for level 1 uses, which means that no further planning permission would have been needed for the class 4 use referred to. The site includes several landscape zones allocated for tree planting, one of which approximates to the wedge shaped area of the field referred to in paragraph 2 above. I am therefore satisfied that the proposed designation of site B15 (B21) simply maintains the previous situation and is not a new proposal.

8. At the time of my site inspection the field had recently been cut with a barley crop. I did not see anything to suggest that it was any more, or less, valuable for nature conservation than any other such field in the locality, and it seems likely that any such value would come at least in part from nearby hedgerows, woodland, or wetland, for example. No evidence has been provided that suggests otherwise.

9. The direct outlook from Teaninich triangle is south-west, across fields to the Cromarty Firth. Under the terms of the deposit draft requirements tree planting would be required along the northern boundary of the site. This would frame the left side of the view looking south-west from the houses, and would restrict southerly views of the Cromarty Firth. South-westerly views would be maintained. Whilst such planting would undoubtedly take time to mature it would break up the view of any development to the south, and any building site that could be said to impinge on the direct line of site would be at least 250m from the nearest of the houses. The council has noted that the protection of a view is not a planning matter, and in these circumstances I do not consider that residential amenity would be impaired to an extent that justified the reversal of a long standing local plan proposal.

Recommendation

10. I therefore recommend that no change be made to the deposit draft local plan or the deposit draft local plan with modifications as a result of these objections, other than the renumbering of the site shown in the latter version.

63 OBJECTIONS RELATING TO CHAPTER 8 ALNESS: POLICY 8 - BUSINESS ALLOCATION B16 (B22) SOUTH OF TEANINICH WOOD

Objectors: Rev Canon & Mrs C M Broun (127)
Procedure: Written submissions

Background

1. Teaninich House is a late 18th century mansion house, listed in category B, located on the eastern side of the unclassified road that leads from the roundabout on the western edge of Alness through the industrial and business area to the A9. It is now used as a hotel and conference centre. It is surrounded by policies including open parkland and woodland. Land to the north and south of the policies was designated for industrial use in the simplified planning zone scheme for Alness and Invergordon. Land to the west of the road is under business use as offices and call centres.

2. The draft deposit local plan designates open farmland to the south of the house as site B16, with the commentary, chapter 8 paragraph 2 reference 16 - 3.4 ha south of Teaninich Wood, business or hi-tech industry, requirement for substantial screen planting on boundaries.

Summary of main points raised by objectors

3. The road past Teaninich House provides a pleasing entrance to Alness that would be lost if the proposal goes ahead. There is no need for more industrial building as there are unlet premises and the call centres (west of the road) could be closed and business transferred elsewhere. There is also room for other existing sites to be expanded. The amenity of the nearby Alness-Alness Point cycle/walkway could also be affected.

Summary of the council's response to the objections

4. The allocated site is part of the Alness-Invergordon simplified planning zone, and as such business development could take place there without the benefit of planning permission, subject to the design and use criteria set out in the zone's documentation. The site offers the opportunity for a high profile user that would also benefit from the excellent location and good transport links. Any development would be subject to the landscaping and planting requirements set out under the conditions of the simplified planning zone.

Conclusions

5. SPP 2 states at paragraph 11 that planning can contribute to economic development by providing a range of development opportunities, to ensure that there is a range and choice of sites for new employment opportunities throughout Scotland. In the case of the objection site this was designated in the adopted local plan policy 4.13 (b) of chapter 4, Alness, with the commentary: 'the council will allocate 3 ha of land south of Teaninich House for high technology industry'. This is supported by policy 2.20 (a). The designated area is slightly smaller than that proposed in the deposit draft, as some land adjacent to the road was designated as open landscape under policy 4.35 (d). Paragraph 2.19 of the adopted plan also states that the council will 'investigate establishment of a further simplified planning zone'.

6. The council subsequently published in December 1994 a simplified planning zone scheme for Alness and Invergordon, with a ten year life (THC65/1), as referred to in paragraph 4 above. This means that no further planning permission would have been needed for the uses referred to, as that was granted by the designation of the zone. Although the zone designation ended in December 2004 the designation of the land in the adopted local plan is extant until the approval by the council of the deposit draft, so the proposed designation in the latter effectively maintains the status quo as far as the business or high-tech industry is concerned.

7. Having said this, the objectors have a valid point about the approach to Invergordon, and both the zone's Alness plan and the adopted local plan contained a designated area along the road side for landscape protection. Although the draft deposit contains a qualification regarding the need for substantial screen planting on the boundaries this is arguably slightly weaker than the adopted local plan. This could easily be resolved by making the site subject to a development brief setting out more specifically the requirement to protect the road side approach, and the setting of the setting of Teaninich House. The amenity of the Alness-Alness Point cycle/walkway should be protected by the designation of amenity ground A26 (A35) to the east of the objection site.

8. Subject to this I am satisfied that the proposed designation of site B16 (B22) simply maintains the previous situation and is not a new proposal, and should not be deleted from the deposit draft.

Recommendation

9. I therefore recommend that the deposit draft local plan, in addition to any necessary renumbering, be amended as follows:

- (i) in chapter 8 paragraph 2 reference 16, DELETE “requirement for substantial screen planting on boundaries” and INSERT:

“subject to design brief specifying areas for substantial screen planting on the site boundaries to protect the approach to Alness, the setting of Teaninich House as a listed building.”; and

- (ii) that no further amendments be made as a result of these objections.

64 OBJECTIONS RELATING TO CHAPTER 8 ALNESS: PARAGRAPH 26 – OPEN SPACE/AMENITY/BUSINESS AREAS (E34)

Objector: D Oag (110)
Procedure: Written submissions

Background

1. Chapter 8 of the deposit draft allocates land at Dalmore, for amenity, A26. This ground consists of a large open triangular shaped field bounded on the north by the railway, the south-east by the A9, and the west by a superstore.

Summary of main points raised by objectors

2. The area south-east of the Safeway store at Dalmore should include provision for retail development.

Summary of the council's response to the objection

3. The council states that the remainder of the objection site (after the excision of the superstore part) offers a potential development opportunity for a retail park type development. The superstore development isolates the field from other agricultural developments because of the surrounding barriers (described in paragraph 1 above). 4.2 ha (not 0.7 ha as stated) of land is available for expansion for retail park type use, with requirements including significant structural planting along the railway and A9 sides of the site.

4. The council therefore proposes a modification as follows:
ADD further Expansion policy to the Alness section of the plan after final paragraph of section form new table: “32,. 4.2 ha, Invergordon Road East, access provided through retail site to west, early structural planting to northern and south-eastern boundary”;
RENUMBER following policies accordingly;
ADD new boundary to map to include retail park site, indicate access from Lidl site to east; and
ANNOTATE with policy references accordingly.

Conclusions

5. This objection seems to have been resolved by the council's proposed amendments to the deposit draft, so it is difficult to see why it has not been conditionally withdrawn. The proposals represent a pragmatic extension of the existing retail development into a site that is now cut off from agricultural use and has good access, both from the town and from the A9 via the adjacent junction. The need for early structural planting is established in the proposed commentary, and the designation of the ground as expansion indicates a longer term timing for the development. There are no counter objections and no reasons have been provided as to why the council's proposed modification should not be accepted.

6. On a point of strict accuracy, the 0.7 ha figure referred to in paragraph 3 above as being incorrect in fact refers to the LIDL site, adjacent to the superstore on the south side, and developed after the preparation of the original plans. The council's proposed modification should therefore have an additional phrase along the lines:

After accordingly in the council's proposed modifications insert "EXTEND boundary of business designation covering the superstore to reflect the development of the 0.7 ha LIDL site to the south;".

Recommendation

7. I therefore recommend that:

- (i) the changes to the deposit draft proposed by the council as set out in paragraph 4 above, and included in the deposit draft with modifications be approved;
- (ii) the further modification to the council's text set out in paragraph 6 above be approved; and
- (iii) no other changes be made to the deposit draft as a result of this objection.

**65 OBJECTIONS RELATING TO CHAPTER 9: PARAGRAPHS 4, 9, 10 & 18:
HOUSING & AMENITY, KNOCKMUIR SOUTH & EAST AVOCH (Issue 66)**

Objectors: Broadland Properties Ltd (180); Scottish Natural Heritage (197); R A Macpherson (204); M & V Noble (208); M & F Armitage (210)

Procedures: Written submissions

Background

1. Avoch is a relatively large village, with a population of around 900, located on the north shore of the Moray Firth about 5 km east of Munlochy. It has a closely knit village core and harbour, which are designated as a conservation area. From this the older part of the village extends along the shore to the south-west, or rises on partially wooded slopes. More modern development has taken place mainly to the west or on the slopes behind the village. There is a primary school and shop, but no doctor/surgery, chemist or police station.

2. The deposit draft expects the village's role as a commuter base for Inverness to consolidate. The average building rate over the last five years is more than seven houses per annum. This is expected to slow as constraints limit land supply, and more development takes place in nearby villages. The plan projects a requirement for 65 houses between 2003 and 2011, and a further 45 to 2017, and assumes 25% affordable housing.

3. Land is allocated on 8 sites, H2 – H9, for up to 77 houses. Site E10, Knockmuir East, is located on the slopes above the older part of the village and is designated as an expansion area for the medium to long term, with a capacity for 25 to 30 houses. The site is prominent in the landscape, and the requirements include the preparation of an overall master plan and design. Specific requirements include minimising underbuilding and tree loss, significant structural planting, legal agreements regarding access, footpaths, open space and affordable housing, and avoidance of ransom strips.

Summary of main points raised by objectors

4. The first objector says that site E10 is steep, and obvious when approaching the village from the west. Building on the site would be detrimental to the landscape seen from the south side of the Moray Firth, or from shipping in the Firth. It would dominate the character of the fisher town and have an undesirable aesthetic appearance. There are also physical constraints in relation to road and pedestrian access.

5. The second objector says that housing development on sites H9, east of Ormonde terrace, and E10 would have a particular landscape impact in parts of Avoch.

6. The third objector says that the site forms part of an open south-facing hillside, above and immediately north of the pedestrian/cycle route along the dismantled railway line to Fortrose, and adjoins the current housing development at Knockmuir South (H4). Trees between the railway path and the fence on the southern boundary of the site provide some screening to the lower western margins of the site, but the bulk of the western part of the site, which has a steep and convex slope, is prominent and exposed. Housing allocations to the north of Avoch made in the 1996 local plan housing alteration were recognised by the council

as having “relative prominence and access difficulties”, which “can be overcome”. Following the inquiry the reporter found that "Avoch cannot extend northward beyond the other allocations in the local plan without meeting difficulties of access and causing harm to the village’s landscape setting".

7. The proposed designation is neither a natural nor an acceptable extension of the built area of Avoch as it would extend the built up area some 350m along the north side of the footpath and appears to include a section comprising a new road with no frontage development. Road access from Braehead is inappropriate as the current blind approach at the church car park is already problematic. Drainage and erosion are of considerable concern and infrastructure, including roads, school and water supply are unsupporting. Although tree planting may help to soften the appearance of new housing from some views, it would not overcome the inherent unacceptability of developing this prominent hillside. Occupiers of houses built on this land are likely to seek to maximise their views and the long term future of the existing screening offered by trees along part of the southern border of the site next to the railway footpath could be at risk. It is not obvious looking at the scale and shape of the allocation that its practicable capacity is 20-30 houses.

8. Allocation of this site could represent the thin edge of a dangerous wedge, whereby, once adopted, the landowner/developer could well seek to increase density and/or the developable area in order to justify the costs of servicing the site. The council should use its best endeavours to minimise the adverse impact of the Knockmuir South development, rather than seek to extend development further along this hillside. It does not follow, because Braehead is mostly a single frontage development, that a similar format north of the railway line path would be a natural extension of the village. The long-term viability of trees along the southern border of e10 must be in question as many are not within the proposed allocation area, or in the same ownership.

9. The plan should clarify what density range and development forms are acceptable. It refers to street pattern, traditional spacing and house designs of historic parts of Avoch, not simply Braehead. Houses in these parts of the village rarely have garages, or even parking space, in their curtilages. Affordable housing could be sought elsewhere in the village, such as the Memorial Field, H7, which is as well if not better located for access to village services. The plan fails to give a concise description of the nature of housing development proposed by this allocation, and it is unclear if this the form of development is envisaged by the council for allocation E10. Without prejudice to the objector’s views that this site should not be allocated, some comment is made about the lack of adequate guidance being established by the council, and it is fair to seek much more demanding and explicit criteria in the local plan, if this allocation is retained.

10. Once allocated, there would be considerable pressure put by prospective developers to loosen further the vague guidelines being put forward by the council and to extend the allocation further along, and/or up the slope, because of the high cost of the development, need for affordable housing, and single frontage road.

11. The fourth objectors are concerned about the prominence of the site, and the adjoining Knockmuir South, H4. Although substantial planting is proposed there are doubts about the ability of planning controls to produce a sufficiently visually disciplined development of the site. Adequate provision should be made to prevent the future erosion of planted areas. Site H8, Rosehaugh East Drive is also a problem area, where the surrounding belt of amenity

planting, A18, is weak, and protection is needed against ribbon development into Rosehaugh Estate. Strong protection is also needed to the south-west of site H9, against ribbon development building up “The den”.

12. The fifth objectors say that road access from Braehead is totally inappropriate as the current blind approach to the church car park is already problematical and the increase in traffic would make the danger worse. The access from Braehead to School Brae is risky, due to the expansion of houses at Knockmuir. The plan’s reference (in the Avoch background section) to the upgrading of School Brae is perplexing as there is no evidence of this. The development would also be intrusive and act as a precedent for further sprawling, possibly sky lined, development. Other concerns are compromising the Fortrose footpath, drainage and soil erosion problems, and infrastructure capacity.

Summary of the council’s response to the objections

13. The council says its previous concern about landscape impact in this area has been about expansion to the north and further up the Knockmuir Brae, and this remains its view. The proposed Knockmuir East allocation lies to the east and south-east of the allocations referred to in the local plan housing alteration. The Braehead mainly consists of houses built only on one side of the access road. Development of the eastern end of the proposed allocation would be consistent with this layout and like the Braehead area would in time have a belt of trees as a backdrop. Houses carefully sited on the slope may be able to gain sufficient views avoiding the tree belt below. However, the wooded footpath along the former railway line is a feature that should be retained. The construction of the access road, if carefully designed, should avoid the use of retaining walls and steep embankments to fit with the contours of the slope. Keeping the road as low down the slope as possible will also minimise such works and its impact.

14. The density of the housing has been increased to help reflect the more compact traditional development pattern of the historic core of Avoch, not just the High Street or the Braehead. In terms of the scale of buildings, the use of one and a half storey designs would be consistent with the Braehead. A departure from this would have to be justified on the basis of the ground/lower floor of the house being sited lower down the slope. The requirement for a Design Statement and sketch elevations will allow a more detailed assessment to be undertaken before any formal consents are granted.

15. Development beyond the boundaries of the allocations will not be encouraged nor will an increase in density, and policy GSP9 applies to all housing allocations throughout the local plan area in this regard. The reference to affordable housing is consistent with similar town or village expansion area statements. As with all general supporting policies, GSP8 applies across the local plan area to all sites of 10 or more houses. A mix of tenures is also encouraged across a settlement and concentrating social housing in one location is not always appropriate. The location of affordable housing in the south western area of the Knockmuir East land would be closer to the village centre and local amenities (than site H7).

16. The council has always accepted that development of this land is potentially very intrusive and the protrusion of buildings above the sky line when viewed from the west should be avoided. The steep slope and elevation also dictate the need for careful layout, grouping and design of houses, particularly above the Braehead. Significant advance structure planting will be required to integrate it into the landscape and these areas

safeguarded from intrusion by development. The steep narrow tree lined Knockmuir Brae restricts access to the south-west corner for the most part and development should minimise the loss of existing mature tree cover, intrusion upon the footpath along the former railway line and the church car park. If these principles are closely followed and no buildings are sited on the prominent 'shoulder' of the hillside, the impact will be significantly reduced.

17. The proposed allocation advocates development in keeping with the Braehead layout and the general character of the historic core of the village. Throughout the plan there are references to site capacities, not densities. Detailed matters of design matters are often better left for a design or development brief to address, rather than the local plan. The council will seek the preparation of sketch design elevation drawings and photographs with proposed house designs super-imposed to allow a detailed assessment of the visual impact. In line with national planning advice, a design statement should also accompany any planning applications.

18. To emphasise the need to consider visual impact and design related matters, modifications are proposed as follows:

- In the Requirements column for site 4, INSERT “*Design Statement and sketch proposals in advance (see 10).*”
- In paragraph 10, DELETE the second sentence and INSERT “*In advance of the submission of formal applications, developers are required to prepare a Design Statement, agree an overall master plan or layout and, with the aid of sketch elevations and photographs/montages of house types, illustrate how the proposed development is expected to look when viewed from various locations around the village.*”

In addition the council has authorised action to ensure that developers of the Knockmuir View site and/or the original owner of that land be required to complete the amenity planting above the development as early as possible.

19. Further to the council’s consideration of the objections and responses, the principal land owner of Knockmuir East, commissioned a draft development framework, master plan and design statement (THC66/4) to help clarify the design, appearance and the potential impact of development. While this was submitted to help address concerns raised in objections, it has been produced to the extent that it is capable of being used for the purpose of pre-application discussions. This includes plans and elevations of house types as well as detailed access arrangements. The sketch layout indicates most of the potential development being confined to the lower part of the site, avoiding the steeper slope and more prominent land towards the north-west and site 4. There is a marginal extension to the east, but the overall area of land for housing is the same as the 2.3 ha. allocation in the Deposit Draft Plan. Potential is indicated for 30 houses with a proportion of (at least 8) affordable dwellings.

20. An extract from the inset map is provided with the land owner’s proposals indicated in colour as an overlay for comparison (THC66/5). The area could be marginally reduced slightly (by 0.1 ha.) if set further back from the prominent shoulder. Accounting for this and the incorporation into the lower area of the two remaining dwellings potential from site H4 (these do not have planning permission), a revised allocation is now recommended (THC66/6). In addition to changes to the Inset Map, this suggests the following modifications to Chapter 9: Avoch: -

- DELETE site 4 and re-number subsequent paragraphs.

- At site 10 (which would change to 9) reduce area to 2.2 ha. and DELETE the fifth sentence, “A limited number of houses on the Brae.”

21. The council acknowledges the access problems at Braehead, and says that the developers are required to redesign the access, providing pedestrian priority and traffic calming, to address the problems raised. The reference to the upgrading of school Brae refers to previous work for housing developments that have already taken place. The Fortrose footpath would have only a minor breach, and be largely undisturbed. Drainage would be in accord with national guidance. Infrastructure capacity is not considered to be a problem. There may need to be some junction capacity increases on the A9. In the longer term a new primary school is likely to be built in Fortrose. There are not thought to be any water supply problems, but Scottish Water will monitor supply and consider whether any upgrading is necessary.

22. Regarding site H9 the council says that this site did not come forward until after the informal landscape capacity study was completed, so it was not assessed as part of this. The site is however secluded, and its development would have little impact on the landscape setting of the village, although careful design, siting and layout will be required because of the sloping site. There is no intention of allowing the development to encroach on the wooded den. The retention of the tree belt is important in this regard, as is the need to plant trees along the western boundary.

Conclusions

23. The issues raised by the objectors regarding site E10 can be dealt with collectively as they focus on similar areas of concern, with the prominence of the site and access being the two principal ones.

24. Taking first the prominence of the site, this is probably emphasised most clearly when seen from Ormonde Terrace, along the sea front at the south-west end of the village, and from the outer wall of the harbour, as the upward view from these two points would emphasise any relationship to the skyline. The prominence of the site is not, however, disputed by any of the parties, and the issue is whether it is so great that the impact of development would be unacceptable in visual terms.

25. When seen from Ormonde Terrace the relation between the site and the houses on Braehead is similar to that between Braehead and the housing along and to the west of the harbour. Had the site been developed at the same time as Braehead, and in similar style, it would no doubt be seen now as part of the traditional village scene. When seen from the harbour it is likely that some of the houses would break the skyline, as some already do on Braehead, although in time the trees to be planted behind would provide the backcloth. The skyline is not an issue in the view from Ormonde Terrace, and the new planting, combined with the trees along the old line of the railway, now the Fortrose footpath, would provide a good woodland setting. To that extent the impact of the houses would be mitigated in the longer term.

26. This assumption would only be correct if the existing trees are retained, and the new houses are designed in the style and character of the existing ones on Braehead, and the requirement to minimise or avoid underbuilding is strictly enforced. If this is done it is likely that some of the houses would not have a prominent view of the Firth, raising the fears

expressed by some objectors that the tree belt along the footpath could be put in jeopardy. This would seem more likely at the ends of the site, where the trees appear thicker and higher, at least in the view from Ormonde terrace. If the site is to be development it would therefore be sensible for the council to pursue formal protection for the trees if there is none already in place.

27. The council has proposed changes to the designated sites, the most up to date being set out as production THC 66/6. Together with the related text this deletes the undeveloped part of site H4, allowing for more open space, in return for a compensatory extension of site E10 at its eastern end. It also brings the settlement boundary further down the hill, potentially reducing pressure for further development in the future.

28. The drawing submitted by the developer 05/002/01, dated March 2005, shows a draft master plan and potential designs. I appreciate that these are only ideas at this stage, and at first sight the designs appear to be in keeping with the houses on Braehead. I am concerned at the depth of some of the properties, as when fitted into the slope they would need extensive excavation at the back or the substantial underbuilding at the front that the council, rightly, wants to avoid. These are however issues for consideration at the detailed development stage, although the council is wise to flag them up in the deposit draft.

29. Bringing these points together, I am satisfied that houses on the site could be fitted into the landscape without undue harm on the basis of proposed modification THC 66/6 for site E10 (modified as E9). There would also be benefits to the wider landscape view from not developing the remaining part of site H4. The structure planting referred to in the E10 requirements should be allowed time to become established before any development starts. I note that the requirements refer to a section 75 agreement regarding this, but it is not clear at what stage this would be put in place. The council's intention that the development take place in the medium to longer term would certainly be necessary to allow the landscape framework to take effect.

30. I have also looked carefully at the access. The difficult issue is that of a new junction giving access to the site at the western end of the church car park. The road is narrow here, on a potentially awkward corner where the road follows the line of the wall around the church yard. The council has set down priorities for the design of the new junction, including pedestrian priority and traffic calming. By moving the electricity pole on the north side of the road, I am satisfied that there is scope for such road improvements, and although perhaps not ideal, there should not be any decrease in road safety to an extent that would be significant, and this is a matter for detailed assessment. I am also satisfied that any impact on the Fortrose footpath would be minimal.

31. Looking at the issues raised about the other sites H8 and H9, relating to the strength of the amenity belt, the council has given reassuring answers in each case. Ultimately the test of any plan will lie in its implementation, but the council is aware of the potential problems and I do not see them as issues that should prevent the designation of the sites as proposed. Issues relating to infrastructure and the landscape setting of site H9 have also been dealt with satisfactorily by the council, and I am satisfied that they do not present long term problems that would prevent development.

32. In conclusion, provided the modifications put forward by the council referred to in paragraphs 18 and 20 above are approved, and the points of concern I have raised are addressed, I find that the designations proposed by the council should be approved.

Recommendation

33. I therefore recommend that:

- (i) the changes proposed to the deposit draft by the council as set out in paragraphs 18 and 20 above should be approved. For the benefit of doubt these are:
In the Requirements column for site 4, INSERT “*Design Statement and sketch proposals in advance (see 10).*”;
in paragraph 10, DELETE the second sentence and INSERT “*In advance of the submission of formal applications, developers are required to prepare a Design Statement, agree an overall master plan or layout and, with the aid of sketch elevations and photographs/montages of house types, illustrate how the proposed development is expected to look when viewed from various locations around the village.*”;
DELETE site 4 and re-number subsequent paragraphs; and
at site 10 (which would change to 9) reduce area to 2.2 ha. and DELETE the fifth sentence, “A limited number of houses on the Brae.”;
in accordance with production THC 66/6, on the inset map: DELETE the undeveloped part of site H4; AMEND the settlement boundary to follow that of amenity site A18; REDEFINE site E10 (E9) to follow the boundaries shown on the production; EXTEND the boundaries of site A18 to cover the areas occupied by H4 and E10, but now deleted, on the deposit draft;
- (ii) the council should consider giving formal protection to the trees along the Fortrose footpath, possible by means of a Tree Preservation Order, and whether this should be set out in chapter 9;
- (iii) the purpose and timing of the section 75 agreement referred to in paragraph 10 should be clarified in the text; and
- (iv) the council should consider whether a stronger indication should be given as to the timing of development on site E10, to allow the structure planting and consequent landscape framework to become established.

66 OBJECTIONS RELATING TO CHAPTER 9: AVOCH – HOUSING – EXCLUSION OF LAND AT MUIRALEHOUSE (Issue 23)

Objectors: Broadland Properties (180); W R Mann & Sons (207)
Procedures: Round table discussion

Background

1. Avoch is a relatively large village with a population of around 900 located on the north shore of the Moray Firth on the south side of the Black Isle. It sits astride the A832 road, which is the main route from the south and west onto the Black Isle. The historic core of the village is a conservation area, and development has extended onto the fairly steep slopes and along the shore to the south-west. There is a primary school, shops and hotel, but it lacks wider facilities.

2. The deposit draft local plan allocates land at Avoch for between 106 and 113 houses on nine different sites throughout the village. One of these is Knockmuir East, proposed for longer term expansion for 25 to 30 houses, but it is subject to an objection under issue 73. The consultation draft allocated land for development at Muiralehouse Farm, to the west of the village, but this was deleted at the deposit draft stage following objections. This land is located on the south side of the A832 from which it rises gently to the farm.

Summary of main points raised by objectors

3. The first objector says that the housing allocation in the deposit draft does not meet the demand for housing, as the removal of the Muiralehouse field means there is now a considerable shortfall of housing in Avoch and the surrounding areas. The original inclusion was sensible, because of the tightening of policy relating to housing in the countryside, and the resulting strengthening of demand for housing in the village to serve the whole of the Black Isle area.

4. The council's figures for the Avoch housing sites are disputed. Sites outlined in the adopted local plan housing alteration have not been developed with the numbers anticipated in the plan. Some of the sites in the deposit draft are similar in size and character. For example 3.8.1(c) of the alteration, indicated for up to 15 but developed for ten, is similar to E10 Knockmuir East of the deposit draft, indicated for up to 30 but 15 is likely to be more realistic. The memorial field H7, indicated for 30 but has a planning application outstanding for 26, including six affordable houses. Overall a shortfall of 18-25 units is predicted, that could be filled by developing the objection site.

5. The Muiralehouse field fits in well with the built up area of Avoch, being accessible and serviceable, and the ground would be made available for development in the short to medium term. Other allocations in the adopted local plan and subsequent housing alteration have been fulfilled with the exception of the adjoining Monument field. This field could be released in the short term giving instant access for much needed housing and social housing within the Black Isle area.

6. The development of Muiralehouse field would not have a detrimental effect on the adjoining farm as the owner, the objector, would make other ground available adjacent to the existing farm, as an excambion agreement, although the tenant has not yet agreed to this. Also there are no farming operations on the adjacent land that would affect development for housing. The applicability of structure plan sustainability policy G2 is disputed in relation to agricultural land as this no longer receives as much protection. Housing would still be a considerable distance from the slurry tank, and following SNH guidelines on tree planting would provide screening. The slurry tank is not a problem as smell arises only during movement such as spreading, which is a limited period. Existing stock are grazed in a field adjacent to one that would be exchanged, so this is not a problem either.

7. The second objector, the tenant farmer, says that the property owner has a new provision for the siting of the slurry tank at Muiralehouse Farm. This would not alter the situation as a holding tank would still have to be sited at the dairy unit. The only solution to this problem would be to re-site the whole unit well away from the houses. Milking is carried out at 3.0 am each day, causing potential noise problems for nearby houses, and it is not practicable to move this intensive dairy unit.

8. The broad band of trees shown to the west side of field E16 and marked 18 should be deleted. It would block the view of the firth from the two houses on the western side of the field and reduce their value. Although it is necessary to build houses on good agricultural land, this does not apply to trees. The U.K. only produces 70% of its dairy produce, 75% of its beef, 75% pig meat, and does not grow enough grain or potatoes. The only commodity in surplus is sheep meat. The Economic Community. intervention stores are all but empty and the world only has thirty days grain reserves. These statistics should be taken into account when planting trees in good agricultural land.

Summary of the council's response to the objections

9. The 2002 housing land requirement in Avoch was much greater, but not based on the 2001 census. The apportionment of revised population and household projections based on the census indicate an overall reduction in housing requirement for the village to 2017 by 30 dwellings. The consultative draft allocation for part of Muiralehouse Farm suggested a capacity of 30 to 40 dwellings. Representations against this referred to the impact upon the viability of the farm and the close proximity of the slurry tank to potential housing. The objectors have not clarified how there will be no detrimental effect upon the remainder of the farm by removing the land in question from agriculture and no agreement has been reached with the tenant farmer over the relocation of existing activities to an adjoining farm.

10. The previous housing alteration inquiry considered objections to the loss of the adjoining Memorial field from the same farm unit. Evidence was given on the operation and viability of the farm. The encroachment of development towards the dairy unit and the reduction in the amount of land were key concerns supported by the Department of Agriculture and are still of concern. Paragraph 6.4 of the report states that other than the loss of the Memorial field, the Department "would not be inclined to support any further encroachment onto this farm for irreversible development."

11. Reference was also made to the recognised limits of a 'cordon sanitaire' around the dairy unit and that "future development on this unit must take heed of this potential problem." Most of the objection field, to the west of the Memorial field, is within 400m of the farm

buildings complex. Informal advice to planning authorities is that the allocation of land for development within 400m of an intensive livestock unit, slurry or sewage sludge store should be avoided. This avoids potential complaints from future residents and gives the operators of intensive livestock units the opportunity to expand their operation in the future without being hemmed in by housing development. The Muiralehouse farm tenant is obviously concerned that further loss of land or encroachment by development will make the unit unviable, threatening its continued existence. An additional allocation of this farmland for irreversible development would also be contrary to the structure plan policy G2 on sustainability regarding the loss of agricultural land. The council is also concerned that this loss would lead to speculation about more significant development of the land for which the servicing capacity is unlikely to be available.

12. The deposit draft plan indicates that “65 more houses will be required in the period mid 2003 to 2011 and a further 45 by 2017”. From mid 2003 to the end of 2004 another 13 houses were completed, reducing the requirement by 2017 to 97 dwellings. The requirement includes an element of flexibility for choice of location and 25% for affordable/low cost home ownership. The requirement can be met through the deposit draft allocations as follows: -

Ref.	Area (ha.)	Location	Capacity
2.	0.6	West of Rosehaugh Crescent	8
3.	3.5	Knockmuir View	4
4.	0.5	Knockmuir South	2
5.	0.01	Former filling station,	3
6.	0.02	Station Hotel car park	6
7.	2.2	Memorial Field	30
8.	4.1	Rosehaugh East Drive	20
9.	0.7	South West of Ormonde Terrace	8 - 10
10.	2.3	Knockmuir East	25 - 30
totals	13.93		106 - 113

The additional land at Muiralehouse is therefore not essential to meet housing requirements in the plan period.

13. With careful design and siting land at Knockmuir East (issue 73) provides the alternative location for medium to longer term development that does not affect the viability of an important farm unit. It is also located in reasonable proximity to the village centre and is more readily available. However, beyond 2017 questions remain about how sustainable it is to continue to expand communities like Avoch, particularly once it has reached its physical limits and in the absence of opportunities to create employment to reduce the proportion of commuting. The Council asks for the support the provisions of the deposit draft local plan insofar as it relates to the omission of the objection site.

Conclusions

14. Looking first at the suitability of the objection site for housing development, the inclusion of the field in the consultation draft suggests that it was found to be acceptable to the council. Subsequent concerns are based on farming issues regarding the viability of the farm and the proximity of the slurry tank/intensive dairy unit to the potential new houses. In the detailed discussion at the round table session there was conflicting evidence about the

impact of removing the objection field from the farm and substituting land farther to the west. I am unable to reach a firm conclusion on this, but on the evidence available, suspect that the issues for the farmer relate to convenience rather more than an outright threat to the viability of the farm unit.

15. That said the proximity of the dairy unit and the slurry tank to potential new houses are real concerns for the tenant farmer, and, although not part of the evidence, I am aware of newcomers to rural areas elsewhere raising concerns over noise and smells that would normally be taken for granted in such places. Although tree planting may help it would take time to become established, but it would not alter the fact that the greater part of the field is within 400m of the slurry tank, contrary to established guidance figures. Although this could be relatively easily moved this is not the case with intensive dairy unit, although resolving this in the event of the loss of the objection field would be a matter between the land owner and the tenant. As far as structure plan policy G2 the plan refers to assessing the impact on prime quality or locally important agricultural land. The latter is probably more applicable in this case, but no evidence has been provided to show definitively that it should not be used.

16. Apart from these matters there do not seem to be any specific issues preventing development, with access, servicing and landscape impact being acceptable. Given the circumstances regarding the farm I am persuaded that the precautionary principle should apply and that the field should not be promoted for development until there is a clearer picture of how the farm issues would be resolved.

17. The second objector's comments regarding tree planting apply to the consultation draft and unless the field is reinstated in the plan are not relevant to this inquiry. Having said that the attitude towards the safeguarding of agricultural land has been relaxed in recent years, and there are no policy objections to prevent tree planting as an integrated part of a housing development.

18. With regard to housing numbers the preamble to chapter 9 in the deposit draft suggests that a further 40 houses are needed over and above the remaining capacity of sites identified in the extant local plan, which is put at around 70. This is provided in the identified sites of the deposit draft, as set out in paragraph 12 above. There is a question mark over the land at Knockmuir East, which is subject to objections under issue 73, which is being considered under written submissions, and is not part of this issue. Despite this, if land should not be available at Knockmuir East it may be that other allocations would have to be found elsewhere, giving some encouragement for resolving the Muiralehouse farm issues.

19. Matters of whether the 113 target will be reached or not are at present ones of opinion, and it is too early to determine what the final outcome will be, given that the projected land supply is to run for another 12 years. In the absence of a resolution of the agricultural issues acceptable to all parties I am not therefore persuaded that the potential shortfall at present is such as to necessitate the inclusion of the objection site in the local plan.

Recommendation

20. I therefore recommend that no change be made to the deposit draft local plan as a result of this objection.

67 OBJECTIONS RELATING TO CHAPTER 10: CONON BRIDGE – HOUSING AND OTHER ALLOCATIONS AT RIVERBANK NURSERY, FORMER FISH FACTORY AND LAND SOUTH-WEST OF HIGH STREET (Issue 47)

Objectors: N Fawcett (95); J A Mackenzie (188); HPG Inverness (196)*; J L Allan*, K & P Gillanders, P J Mackay*, R McLay, J & J Gourlay, J N* & E Sutherland, and I J & J Sutherland (all 417) Conon Bridge Community Council (450).

Procedures: Round table discussion* and written submissions

Background

1. Conon Bridge is a relatively large settlement of over 1,500 people, located on the east bank of the River Conon, astride the A862 Muir of Ord to Dingwall Road. The community supports a primary school, local shops, pub, hotel, filling station, hairdresser, and plant nursery. More than 100 houses have been built in the past ten years, and the council expects the growth trend to continue, with an estimated requirement in the deposit draft of 260 houses by 217.

2. The deposit draft local plan allocates land for between 62 and 77 houses on six designated sites in the village. Expansion areas for future development allocate land at Conon Braes, east of the village and Riverford Farm to the south, for between 140 and 1190, and 20 and 38 houses respectively.

3. Riverside (plant) Nursery, to the north-east of High Street, is designated for business, as an existing use. It backs onto properties on the south-east side of Garrie View, and includes a sales building, open propagation yard, glass houses, and open grass. The former fish factory and cold store, on the south-east bank of the Conon at the north end of the village, is designated site 7 for business and industrial use. The draft says the site is ideal for fish processing, but this has now ceased and the plant is being demolished. It states that further development depends on the nature of the use and compatibility with the surrounding area.

4. Site S8, south-west of the High Street, is allocated for special uses. The text states that: ‘The council, in association with other agencies and the community, will explore the possibility of allocating the playing field and adjoining farm land towards the railway for a mix of uses and facilities, possibly including football and kick pitches, a children’s play area, surgery, additional car parking, public toilets, housing or business development and rail halt with associated parking.’

5. The deposit draft with modifications removes site H6 for 20 houses at Braes of Conon as this development is effectively finished. In response to objections land is allocated for housing on 0.54 ha of land at Riverbank Road/Nursery, site (H6), as suitable for higher density, special needs and affordable housing; and 2.5 ha at the former fish factory, for a relatively high density quality development and potential site for a new primary school, site (S7 & H7). Numbers are not specified for either site. Adjacent to the former fish factory on its south-east side is site H4 0.4 ha designated for four houses with a requirement for access improvements. Present access is by a single track lane, Garrie View, leading from the north-east side of High Street that serves about nine existing properties.

6. The potential for a primary school site also includes S8 (S9), and the text for this is reworded to require a development brief or master plan, with consideration given to: potential flood risk and prevention measures; relocation of the playing field to the southern end of the site; provision for a village hall, public toilets, shop, parking and housing; and improved access/traffic calming on High Street.

Summary of main points raised by objectors

7. The first objector considers that the potential for Riverbank Nursery for residential development has been overlooked. Its location in the centre of the village is convenient to existing facilities with good access to roads and services, and suitable for flats and affordable housing. Although low lying, the area is on the same level as site H2 Garrie View. The Nursery is not sustainable in its existing form. It is too large to become a purely local retail plant nursery, and too small to be an effective wholesale nursery, and the present level of income precludes the capital investment required to replace and modernise the existing facilities.

8. The second objector says that site S8 lies within a largely residential area and is therefore well suited to residential use. The list of uses detailed is too general to be of any particular significance and that some of the proposals are unlikely to be viable and are unrealistic. The special use designation should therefore be amended to housing, and in conjunction with this provision should be made for access improvements, an amenity area, and additional parking for the adjacent playing field and church.

9. The objector welcomes the proposed modification relating to (renumbered) site (S9). Responding to objections, the objector says that the central location and existing uses on the site make the area suitable also for the provision of community facilities and outdoor recreational areas as well as housing. The proposed balance between these uses reflects the mix of uses in the village centre. A development brief would be prepared for consultation with the community as proposed in the modified policy. This would give opportunities for the community to comment on the provisions for parking, playing field, play areas, as well as sites for a village hall, public toilets, shop and the housing provision. All these uses could be provided together with well designed and located housing.

10. Housing in the village centre would contribute to the vitality and viability of the centre, increasing demand for the existing shops and safeguarding their prosperity. A village centre location for housing would create less car usage for journeys to community facilities and local shops, and local transport points would be easily accessible. Additional off-street parking would relieve congestion in the village centre.

11. The third objector says that the former Pescanova fish factory, site B/I7, is suitable for a residential development. It is no longer in use as a fish processing factory and is an eyesore, providing an opportunity for a sustainable and centrally located brownfield residential development, in line with national guidance on housing. This would relieve pressure on greenfield sites around Conon Bridge. The 2.5 ha site would be suitable for approximately 40 houses and 54 flats. The designation of the site should be changed from the Business/Industry policy to that for housing.

12. The fourth group of objectors respond to the changes proposed in the deposit draft, and note that in January 2004 an application for a house and garage on neighbouring Bank

Street was refused as being contrary to policy CV5.1.6 of the adopted local plan, which presumes against built development within the flood risk area of Conon Bridge, except where this is considered essential for agricultural purposes.

13. Regarding site (H6) this area is not suitable for high density properties. The proposed development of site H2 would be the equivalent of five properties on site (H6), rather than the 24 that are the subject of an outline planning application to the council. Plans and photographs are provided to show the impact on existing housing. The same objection applies to site (S/H7), as this should be developed in line with the current surrounding density. Even this density may be deemed too much because of its proximity to the Special Area of Conservation covering the River Conan.

14. The proposed densities of residential developments are grossly out of keeping with the existing character of this quiet part of the village. The density of residential properties encircled by River Bank Road, High Street, the River Conan and the flood embankment is 15 on 5.3 ha. If the proposed residential developments are successful this would increase to 149 on 5.3 ha, which would not be in keeping with the character of an area that has only seen two properties built in the past 20 years. Site H2 would be wedged between 118 properties, 94 on site (S/H7) and 24 on site (H6).

15. The proposed high-density residential developments would also have a significant detrimental effect on the environmental well-being of the area. The existing mixture of property intermingled with agricultural land use, the river, trees and scrub all contribute to and enhance the rich wildlife ecosystem of this area. The area is in the immediate vicinity of the Special Area of Conservation set up in 1995. The Partnership involved with this has received European funding for a wet woods restoration project and would have to be consulted about the effect of these developments.

16. The fifth objector also responds to the proposed modifications. Regarding site (S9) of the modified draft, as worded this would result in a significant decrease in size of the playing field and mean that both field and play area were closer to the burn and the car park, raising safety issues. Youths and younger children should have access to a good sized green area where they are safe and free to play. Recreation areas within the community are being decreased, but the space is needed and should be retained.

17. Site (S9) includes the village football pitch /playing fields, which were donated by various parties in the past, to the people of Conon Bridge, the loss or relocation of which would be totally unacceptable as it is such an important amenity. This area of land is a greenfield site protected by flood defences, and its development would be in direct conflict with SPP 7 Planning and Flooding, and should not be considered as a site for primary school. In the event of a flood a greenfield site would allow floodwater to dissipate naturally into the ground, but buildings and their hard standings would not only prevent this but also displace flood water into neighbouring properties. The 1990 Mott Macdonald Final Report on the Conon flood prevention measures recommended the provision of flood retention ponds at this location, but that was never implemented.

Summary of the council's response to the objections

18. In its statement of observations the council responds positively to the objections regarding the deposit draft sites B/I7 and S8, and Riverbank Nursery, and sets out reasons

why the sites should be redesignated. In the modified plan these are renumbered as sites (S/H7) and (S9). Similarly Riverbank Nursery, designated B in the deposit draft, becomes site (H6) in the modified version. The background and associated texts are referred to in paragraphs 3 to 6 above.

19. As part of this response modifications are proposed as follows:

In the Background section:

- After the third sentence of the second paragraph ADD *"The Council is also to review provision of primary school education in both Conon Bridge and Maryburgh. In addition to provision remaining on site, initial consideration has been given to a combined Conon Bridge and Maryburgh school. Potential options for such provision will be considered as part of the formal review."*
- In the third paragraph, with regard to the former fish factory, DELETE the third sentence and INSERT *"However, there have been difficulties attracting alternative business/industrial uses and it is becoming more of an eyesore. The property has attracted a strong interest for housing development. The outcome of the review of education provision is also likely to consider this as a potential site for a new primary school serving both Conon Bridge and Maryburgh."*

INSERT new site allocation for housing (para. 6) *"0.54 ha, Riverbank Road /Nursery. Flood risk assessment. Suitable for higher density, special needs and affordable housing. Contribute to traffic management, safer routes to school and new village hall."*

In respect of paragraph 7, the former fish factory:

- DELETE paragraph 7 from the Business/Industry part of the Written Statement
- Under the Housing heading, INSERT new paragraph 7 to read as: *"The former fish processing factory site offers potential for a high quality housing development of a higher density normally associated with a town or village centre location. Prospective developers will have to undertake a prior flood risk assessment and follow procedures under the contaminated land regime to determine the potential for building over this 2.5 ha site. Developers should also provide for surface water disposal under SUDS requirements, connect to a public sewer and provide Safer Routes to School measures and contributions towards a new village hall or possibly a community wing at a new school. Consideration should also be given to the compatibility with the adjacent Conon Islands SAC and neighbouring activities. Alternatively, the area may offer potential as a site for a combined primary school serving Conon Bridge and Maryburgh (see 8)."*
- On the Inset Map replace the 'B' and 'I' symbols with 'S' and 'H'.

Under the Special Uses heading, INSERT **new paragraph 8** to read: *"As part of the formal review of primary school accommodation in Conon Bridge and Maryburgh, the Council will examine a range of options in consultation with the communities. If the provision of a combined school serving both communities is preferred, the following potential options, all in Conon Bridge, merit further consideration: -*

(a) The former fish processing factory close to the river.

(b) Land to the south west of High Street and Conon Parish Church.

(c) Land west of Windsor Place.

All of these areas are also considered to have potential for alternative uses, mostly housing (see 7, 9 and 13). If appropriate and in the event that the existing school site becomes surplus to Education needs in the future, there is a need to consider alternative uses compatible with its surroundings, e.g. housing, community, open space."

On the Inset Map ADD reference number "8" to existing school site.

In respect of paragraph 8 (9):

- On the Inset Map DELETE the BP3 shading, ADD 'H' symbol to existing 'A' and 'S' symbols
- Revise the statement to read: *"9. The Council favours a mix of uses on the open land to the south west of High Street consistent with its location in the village centre. A development brief or master plan should be prepared for consultation with the community. Consideration should be given to:*
 - *the risk of flooding and provision of appropriate prevention measures to protect development land;*
 - *relocation of the playing field and play area to the southern end;*
 - *identification of sites for a village hall, public toilets and shop together with additional parking;*
 - *the inclusion of housing at the northern end; and*
 - *improved access to and traffic calming on High Street.**Bridge and Maryburgh (see 8), to include a playing field and community facilities."*
- ADD new statement/paragraph to cover the potential siting of a rail halt at the former station site: *"10. The potential to open a commuter rail halt at the former station is under investigation on behalf of the Highland Rail Partnership."*

20. The council then considers environmental issues, and points out that regarding the Conon islands SAC, of the partnership members consulted, only SNH referred to the need to consider the impact of development, and no party raised any objections.

21. The council considers the most significant environmental issue for the above sites is flood risk. SPP 3 advises at paragraph 43 of the need "to avoid unnecessarily increasing the number of areas that need artificial protection against flooding". Historical evidence, local knowledge and the implementation of flood prevention measures within the provisions of a Flood Prevention Order (CD3), all suggest an area of high risk in the context of SPP 7. This is where the likelihood of watercourses, tidal or coastal flooding in any one year is 1 in 200 or greater. There is a presumption against the development of "essential civil infrastructure", such as hospitals, fire stations, schools, ground based electrical and telecommunications equipment in these areas. It continues, "in built up areas protected by existing or proposed flood prevention works", such as at the area Conon Bridge in which the sites lie, "most other development should be acceptable". On a cautionary note, however, while flood prevention measures reduce the probability of flooding they do not eliminate it entirely. They are designed to protect against a specified height of floodwater and have a finite life.

22. SEPA and the Scottish Executive have confirmed (THC47/5), with regard to a planning application for the development of housing at the filling station in High Street, that

the Conon Bridge defences were originally designed so that the freeboard (difference between flood level and top of flood embankment) is sufficient to give a 1 in 100 year flood event protection as of today. The indication given is that these would be overtopped by a 1 in 200 year event by a small amount, 4 cm or thereby. Detailed indicative flood risk maps referred to in paragraph 35 of SPP 7 are not yet available to the council, and it is for prospective developers of potentially affected land to undertake flood risk assessments and demonstrate the ability of any existing or necessary additional flood prevention measures to protect their site and adjoining land. Paragraph 27 of SPP 7 indicates that “In areas protected by existing flood prevention measures, brownfield development should generally be acceptable provided the measures are properly maintained and achieve or exceed the minimum design standard...”

23. A joint flood risk assessment carried out for the Riverbank Nursery and filling station sites (THC47/6) indicates the potential risk of minor flooding of these sites, but that the proposed developments would not in themselves add to the risk of such flooding. The risk is mainly from potential overtopping of the defensive wall adjacent to the River Conon, remote from the sites, and problems with the local surface water drainage network. The latter includes the operation of a flap valve controlling the outlet from the Eilburn through the flood embankment north east of the nursery. While more regular maintenance of the surface water drainage network is suggested, measures to improve the flood defences would fall to be promoted by the Scottish Executive and the council under the Flood Prevention Order. The Riverbank Nursery flood risk assessment (THC47/6) concludes that potential damage to proposed housing could be addressed by raising the ground and floor levels for development and sustainable urban drainage systems, including drainage measures below parking areas.

24. The nursery report also refers to a study commissioned by the Scottish Executive Environment and Rural Affairs Department (SEERAD), to help improve flood risk mapping, but this was not completed by the time of the inquiry. This report will have an important bearing upon the potential for further development in the lower part of Conon Bridge.

25. The council says that it did not have the benefit of the information indicated in paragraphs 21 to 24 above prior to recommending the proposed modifications to allocate land at sites 7, 8 (9) and the Riverbank Nursery. The very minimum requirement of developers should therefore be to undertake a detailed flood risk assessment. This would be consistent with recent consideration of general policy on flood risk at the Inverness Local Plan Inquiry (THC47/9), which now endorses this requirement whereby the first part of the policy now proposed (GP11 Flood Risk) states: “*Development proposals in areas susceptible to flooding (defined using SPP 7’s Risk Framework) will require a developer funded Flood Risk Assessment.*”

26. The deposit draft local plan policy GSP 4: Flood Risk in chapter 5 should therefore be modified as with the Inverness Local Plan (see issue 52). The council says it would therefore be prudent to refrain from confirming the proposed Conon Bridge land allocations and potential uses, set out as modification in paragraph 19 above, until at least the condition of the existing flood defences is confirmed by the SEERAD commissioned study and it is known whether additional protection/prevention measures are recommended for promotion under the Flood Prevention Order. This would also be the time to reconsider the potential of the sites 7 and 8 (9) as locations for a new joint primary school, as there may also be more information on the progress of the schools review by then.

Conclusions

27. The council has presented reasoned arguments why the objections to the deposit draft regarding sites 7 and 8, and Riverbank Nursery, should be accepted in principle, and has proposed the modifications set out in paragraph 19 above in consequence. Site 7 and the nursery were also discussed in detail at the hearing, with particular concerns relating to flooding and housing density. Later an accompanied inspection was made of the nursery and Garrie View, including walking along part of the top of the flood embankment that runs along the northern edge of Conon Bridge from the nursery to the A862 bridge, around site 7.

28. The main arguments about sites (H6) and (S/H7) relate to their suitability for housing development, and to what may be an appropriate density. Although some of the objectors quote specific numbers these appear to have come from speculative planning applications that do not directly concern the inquiry. The deposit draft with modifications does not give numbers for either site, and both require flood risk assessments. Each refers to a potentially higher density of houses, appropriate to a village centre location. In principle I find both sites to be potentially suitable for housing in so far as they are located close to the centre of the village, within or adjacent to residential areas, and well served by the amenities available. The higher densities proposed would be in line with national guidance set out in Scottish Planning Policy 3 Planning for Housing, and not be inappropriate provided that due regard was taken in setting these for the impact on adjacent properties. In this respect some of the layouts provided in evidence for site H6 may not be appropriate, but this is a matter for detail rather than the local plan.

29. The same comments also apply to site S8 (S/H9), which in the modified draft places a greater emphasis on housing, and also makes provision for community facilities. This and site (S/H7) are also referred to as possible sites for the relocation of the primary school, and this is dependent on a review that involves also the community of Maryburgh. To a certain degree the text for both sites is therefore somewhat tentative. The objections to both these sites effectively relate to the scale rather than the principles of the site uses. Scale and layout, subject to guidance from the plan, are issues that can be determined through a development brief, and the objections do not contain grounds that justify rejection of the basic proposals put forward in their outline form.

30. Irrespective of this, however, these findings are effectively overridden by the council's subsequent views regarding flood risk, which, being founded on national guidance in SPP 3 and SPP 7, I accept. Strictly speaking the council has only asked that its proposed modifications regarding the three sites are not accepted, but any conclusions on this should also apply to the original deposit draft proposals regarding sites H2, B/I7, and S8.

31. SPP 7 states at paragraph 2 that planning authorities must take the probability of flooding from all sources into account during the preparation of development plans. The Riverbank Nursery Flood Prevention Assessment states that the present flood protection scheme provides for a 1 in 100 year flood protection, but that part of the defences, downstream from the railway bridge, would be overtopped by a 1 in 200 year flood, which is the standard applied to new measures. It follows that this situation would potentially also affect sites H2, B/I7, and S8, even though they are some distance from the flood bank in question.

32. Paragraph 43 of SPP 7 states requirements for local plans, including the identification of sites or areas constrained by flood risk, and selection of development sites on the basis of the Risk Framework. This is set out at paragraph 37 and states that medium to high risk areas are ones where the probability of flooding is greater than 1 in 200. According to the nursery assessment, a 1966 flood in Conon Bridge reached a figure of 5.05m AOD (above ordnance datum), which is higher than the level of the nursery, which varies from 3.943 to 4.158m AOD (THC47/6). The Risk Framework states that within already built up areas such sites may be appropriate for residential and other development providing flood prevention measures already exist to the appropriate standard, are under construction, or planned as part of a long term strategy in a structure plan. The structure plan effectively leaves it to policy G2, which refers to flooding as an issue to be assessed, and to local plans. Specific guidance on flood defences is not provided.

33. Under these circumstances the council's caution regarding the specific zoning of these sites is understandable. It is not saying that these sites should not be developed, but that the confirmation of their suitability should not be undertaken until such time as the appropriate studies have been completed, in this case the SEERAD commissioned one. As this is not complete it cannot be considered as part of the inquiry evidence, and I therefore accept the council's view that the confirmation of the sites should be deferred. This should also apply to the sites designated for development in the deposit draft, namely H2, B/I7 and S8.

34. Drawing these points together, I find that neither the deposit draft sites H2, B/I7, and S8, nor the alternatives proposed in modified sites (H6), (S/H7), and (S9), should be confirmed for their proposed uses at this stage, even though I have no difficulty with any of the modification proposals set out in paragraph 19 above, other than that related to potential flood risk, including whether open ground that could form part of flood a flood plain, should be developed. In the event that the matter cannot be resolved before the adoption of the plan the preamble to chapter 10 should be altered to reflect this situation.

35. Ideally the SEERAD report, and the school review, will be available before the adoption of the plan, allowing for such site uses that could be developed, subject to mitigation, to be firmly identified, probably along the lines set out in the modified proposals referred to in the preceding paragraph. Careful consideration will however be necessary regarding potential school sites, as the advice in section three of the Risk Framework in SPP 7 suggests that high risk sites are not suitable for such uses. If these issues cannot be resolved before adoption it would be open to the council to pursue an amendment at an early stage, to remove the uncertainty over future development in Conon Bridge.

36. There have been references from objectors to the development for housing of the filling station site in the High Street, referred to by the council in paragraph 22 above. Neither the deposit draft nor the modified plan propose any such development at this site, so it is not an issue for this inquiry, even though I understand that a planning application for the development is awaiting determination.

Recommendation

37. I therefore recommend that the actions proposed in paragraph 34 above be taken to resolve the local plan issues until such time as specific site designations can be confirmed or otherwise.

68 OBJECTIONS RELATING TO CHAPTER 10: CONON BRIDGE – VARIOUS PROPOSED NEW DESIGNATIONS H4, (S8), and S8 (S9) (Issue 47)

Objectors: Scottish Natural Heritage (197); L A Robb (432); Conon Bridge Community Council (450).

Procedures: Written submissions

Background

1. Conon Bridge is a relatively large settlement of over 1,500 people, located on the east bank of the River Conan, astride the A862 Muir of Ord to Dingwall Road. The community supports a primary school, local shops, pub, hotel, filling station, hairdresser, and plant nursery. More than 100 houses have been built in the past ten years, and the council expects the growth trend to continue, with an estimated requirement in the deposit draft of 260 houses by 217.

2. Three of the objectors raise matters under issue 47 that are unrelated to land potentially subject to flooding. These relate to:-

- Land at Conon Braes on the south-eastern edge of the town, which has been subject to recent development for housing. Part of this was designated as site H6 in the deposit draft, but is deleted in the modified plan as the development is effectively completed. Adjacent ground to the south-east of School Road is designated for long term expansion for up to 190 houses as site E9, (E11).
- Site (S8) is the existing primary school. The modified proposal introduces a review of primary school accommodation in Conon Bridge and Maryburgh. It states that in the event of the existing school site becoming surplus to educational needs there will be a need to consider other uses compatible with the surrounding area, for example housing, community or open space.
- Site H4 Schoolhouse Belt, on the eastern side of the A862 at the southern end of the village, has 2.5 ha designated for 15 to 25 houses. Requirements are for a low density woodland setting restricted to the 'at roadside area'. A proposed modification changes the restricted area to the 'south-western' area, and the inset map shows an enlarged site area and revised access.

Summary of main points raised by objectors

3. The points raised by the objectors are:-

- Housing development at Conon Braes would have a particular landscape impact that was the subject of comments at the consultation draft stage;
- The words 'at roadside' regarding site H4, proposed for deletion in the modified draft, should be retained so that development cannot be extended back into the woods. These are zoned for amenity in the deposit draft and are used by local people to walk through them from the outskirts of Conon through the Schoolhouse Belt, Conan Wood and Balavil Wood to Balvaird Wood. Restriction of development, by the retention of the words 'at roadside', would ensure that this amenity is retained for the community. The council was at some point in the past to seek a management agreement to control the future of the woodland, and more recently the community council was in discussion with its land managers to create a woodland path system as far as David's

Fort. This proposed modification appears to be in direct contradiction to the council's policy on amenity areas, which will be safeguarded from development not associated with their purpose or function.

- Regarding site (S8) of the modified draft, the development of the site would result in loss of amenity and open space, and if it becomes surplus to education needs, it should be considered for this use and not housing. The word "housing" should be deleted from the modified draft.

Summary of the council's response to the objections

4. Regarding Conon Braes, the council says that the landscape capacity study identified the lower part of this area as being suitable for development without any advance intervention, and recommended low density development with significant areas of structure planting. This is consistent with the development principles set out in the plan. The most visible part of the site is that parallel to the A835 road, and the requirements for the development include structure planting along the relevant boundaries.

5. Regarding site H4, School house Belt, the council notes that the adopted local plan and the consultation draft have consistently referred to approximately 2.5 ha of land for housing. The adopted plan indicates the need for the exact boundaries and area to be determined following the completion of an overall framework and layout plan for a wider area encompassing the woodland and the 4.5 ha Conon Brae Farm housing. Consideration has been given to various proposals for felling and replanting of the Schoolhouse Belt woodland. The need to safeguard the remaining woodland, for building development to be held back at least 20m from the adjoining woodland, and a woodland management agreement, are key requirements. The council is also aware of the consideration of a woodland path system as far as David's Fort in relation to future clear felling and restocking, as part of a wider forestry development.

6. The area shown as site H4 in the deposit draft only measured 1.5 ha. instead of the 2.5 ha. referred to in the written statement. A detailed examination of the condition of this important woodland and the location of the paths and the small streams by council forestry staff suggested a different configuration of the housing development potential to that in the development brief. This would safeguard the best of the woodland at the north end, avoiding its fragmentation and potential for wind-blow damage, and allow a considerable separation between the now completed Braes of Conon development and site H4. The council therefore proposed factual changes to the deposit draft, notably the inset map and the deletion of the words "*at roadside*" from the requirements column of the table in the written statement and their replacement with "*Restricted to south western area*". A planning application has been made for the site on this basis, but its determination has been delayed pending the outcome of the local plan inquiry. The council regards these changes as factual and non-material.

7. With regard to site (S8), as part of its efforts to deliver more affordable housing, the council says it is obliged to consider the re-use or redevelopment of its own surplus property for this purpose. It also recognises that the current open grounds around Conon Bridge Primary School provide a degree of amenity to surrounding residents as well as the school. If redevelopment for housing should ever be proposed the council would seek to ensure that a reasonable proportion of open space is maintained consistent with the proposed policy. The existence of extensive grounds means the site could accommodate a larger new joint school serving a bigger catchment, as well as providing open space in association with the Braes of

Conon development. A modification to the deposit draft is proposed, the section in bold referring specifically to this objection (my emphasis):

INSERT new paragraph 8 to read: *"As part of the formal review of primary school accommodation in Conon Bridge and Maryburgh, the Council will examine a range of options in consultation with the communities. If the provision of a combined school serving both communities is preferred, the following potential options, all in Conon Bridge, merit further consideration: -*

(a) The former fish processing factory close to the river.

(b) Land to the south west of High Street and Conon Parish Church.

(c) Land west of Windsor Place.

All of these areas are also considered to have potential for alternative uses, mostly housing (see 7, 9 and 13). If appropriate and in the event that the existing school site becomes surplus to Education needs in the future, there is a need to consider alternative uses compatible with its surroundings, e.g. housing, community, open space."

On the Inset Map ADD reference number '8' to existing school site.

8. The council's statement of observations also refers to housing site (E13), to the west of Windsor Place, allocated for 30 to 40 houses, and asks for this designation to be supported.

Conclusions

9. Regarding Conon Braes site E9 (E11) it is clear that the development of this wider area had started long before the objection was made, with an expectation of it continuing up the hill towards the A835. This latter point is recognised in the landscape capacity assessment. Although the upper parts of the site are prominent when seen from the A835, this is within the context of the development as a natural extension to Conon Bridge. The need for structure planting set out in the landscape capacity assessment is recognised in the deposit draft, which states that developers are expected to provide, among other things, 'a landscaped/treed shelter belt around the site perimeter creating a parkland environment with footways and cycleways'. In these circumstances I see no need to alter the deposit draft other than minor non-material changes made in the modified version.

10. The changes proposed to the deposit draft regarding site H4 are largely as a result of a drafting error that allocated too small an area for the site. The council's explanation of the background to the site provides credible evidence that it is aware of the importance and sensitivities of the woodland, although this would have to be tested by an actual planning application. The term 'south-western area' could be more restrictive than 'area at roadside', and from the council's explanation the latter could affect sensitive areas of ground. Taking these points together, I accept the council's view that the changes are factual and non-material, and therefore the proposed modifications should not be altered.

11. It is clear to me that the main purpose of modified paragraph (8), relating in part to site (S8), is to raise the issue of the review of primary school provision, and to indicate potential sites that would be considered as part of that review. The sentence in the modified proposal regarding site (S8) therefore follows logically in stating that in the event of the site becoming surplus, there will be a need to review its future use. In this respect the council has given a rational explanation as to why it should be considered a relatively broad range of uses, but this is

prefaced by the need for compatibility with those surrounding. It is not prescriptive, and gives only an example of potential uses without excluding other possible uses.

12. I accept this statement, and from the council's emphasis note the appreciation of the need for continuing open space. However, given the relatively large size of the site I consider that it would be premature to restrict unduly the choice of uses until such time as the review is completed. In any case the three uses quoted are given as examples and I do not see these as binding in any way, or that any change of the modified policy is therefore needed.

13. The council has also referred to proposed changes to the deposit draft regarding site (E13). I have not been made aware of any objections in relation to this site and proposal, and it is not therefore necessary for me to consider the proposed modification.

Recommendation

14. I therefore recommend that:

- (i) the proposed changes to the deposit draft relating to site H4, as set out in bullet point three of paragraph 2 above be approved;
- (ii) the proposed changes to the deposit draft regarding paragraph (8), site (S8) as set out in paragraph 7 above be approved; and
- (iii) the minor changes to paragraph E9 (E11) proposed in the deposit draft with modifications be approved; and
- (iv) no other changes are made as a result of these objections.

69 OBJECTIONS RELATING TO CHAPTER 11: CONTIN - HOUSING GENERAL

Objector: S J Fraser (217)
Procedure: Written submissions

Background

1. Contin is a relatively small village astride the A835 (T) Dingwall to Ullapool road, with the greater part of it on the east side of the River Black Water. To the north-east of the village, housing extends up Old Rogie Farm Road where there have been a number of relatively recent new houses. The road extends to Forestry Commission woodland that effectively forms the boundary to the settlement. The last plot within the village on the east side of the road is occupied by a house called Torridon. This stands on the south west corner of the 1.2 ha plot. The remaining part of the plot is garden ground and is covered by Tree Preservation Order No. 16, dated August 2000. The description includes all trees standing on the ground marked on the accompanying plan, of whatever species.

Brief summary of main points raised by the objector

2. The objector's house is Torridon, and the plot extends to the Forestry Commission boundary. The plot is currently all garden ground, but only the area immediately surrounding the house is included within the settlement boundary. The same situation applies to the garden ground of other houses just to the south. This land should be incorporated within the settlement boundary. A planning application for a house within the garden was turned down on a 5-4 vote. At the invitation of the council a subsequent application has been submitted as a result of local support. In the event of this being successful the road would be fully surfaced up to the house access.

Brief summary of the council's response to the objection

3. The council agrees that the garden ground should be incorporated with the settlement boundary. It should be designated as amenity ground to reflect the extent of background policy B3 –Semi-natural and Ancient Woodland and the existing Tree Preservation Order. This restricts development unless it can be demonstrated that there would be no significant adverse effects on the existing heritage and amenity interests.

4. The council proposes the following change to the deposit draft:
"MODIFY MAP to reflect change of boundary extent of Contin village, annotate area, with Amenity annotation and relevant shading to locally important areas of semi-natural woodland."

Conclusions

5. The Contin settlement boundary is drawn tightly around Torridon and probably follows the Ordnance Survey base, which does not fully reflect the extent of the property's boundary. As the property, and adjacent houses on the east side of the road, are within the settlement it is logical that their garden ground should be included within the boundary.

6. The designation of garden ground as amenity would conflict, however, with my recommendation regarding issue 64, where I judged that this would not be appropriate. My concern was partially that the amenity ground implied some form of wider public benefit, rather than private garden ground. In that case the amenity area coincided with an area under a Tree Protection Order, so there was no concern about a potential threat to trees on the site.

7. In this case an Order also applies to that part of the site covered by the objection, although the objector's future plans regarding this are not clear, at least as far as the trees are concerned. As the area also appears to be the subject of a planning application for a house, with some encouragement from the council, it would seem more logical for the garden ground to be designated within the housing area, as would normally be the case with garden ground, rather than marked as amenity land. The trees themselves should be given adequate protection by the Order, and there is no need for the secondary designation.

Recommendation

8. I therefore recommend that:

- (i) the part of the council's proposed modification, as set out in paragraph 3 above, relating to the change of the boundary extent of Contin village be approved;
- (ii) the annotation of the site for Amenity of the extended area, where it covers garden ground is not approved, and that those private gardens be annotated as housing; and
- (iii) no other changes are made as a result of this objection.

70 OBJECTIONS RELATING TO CHAPTER 11: CONTIN – EXCLUSION OF EXPANSION AREA (Issue 24)

Objectors: J P Clarke (142)*; Contin Community Council (222)
Procedures: Hearing* and written submissions

Background

1. Contin is a relatively small village astride the A835 trunk road to Ullapool, with the greater part of it on the east side of the River Black Water. It has a population of around 280, and includes a shop, filling station and repair garage, two hotels and a campsite. Proposals are in hand to convert the former primary school buildings into a village hall. The deposit draft local plan allocates land for 46 new houses on five different sites, one of which, Woodland Park for 21 houses, is fully serviced with four earlier houses occupied.

2. The A835 joins the village at its southern end. Immediately on entering the settlement there is a row of houses on its western side. Opposite these, on the north-eastern side of the road, is an open field that rises to the north-east. On the opposite, northern, side of the field the A834 from Strathpeffer runs down hill to a junction with the A835. Some 3 ha of the open field between the two roads comprises the site for this objection.

Summary of main points raised by objectors

3. The objector owns and controls a substantial area of land to the east of (the southern end of) Contin village. He is presently carrying out a wide-ranging review of land-use covering future options for agricultural and non-agricultural land. Principal considerations in this review include the continuation of agricultural production, improvements to environmental quality and access, and identifying areas for development.

4. The Contin inset plan identifies a number of areas for future housing, mainly on small-restricted sites within the village. The objector proposes an additional development area at the south end of Contin that would enlarge the village footprint in a natural manner, enhancing the gateway to the village. The objection site covers some 3.0 ha and its use need not be restricted to housing. To encourage rural development and avoid commuting a mixed development including commercial, craft workspace, and tourist related accommodation could be integrated along with a range of housing types. Vehicle servicing of the site would appear straight forward with vehicular access taken off the A834 avoiding interference with the A835 trunk road.

5. The site would require a comprehensive and sensitive design approach involving appropriate density, a high level of individual building design, and landscaping. The objector suggests that the way forward would be the production of a planning brief for the site, produced in co-operation with the council. This brief would emphasis structure plan policy G2, design for sustainability, and policy GSP1, design and sustainable construction.

6. The main design criteria would embrace the following principles:

- minimising energy in construction and use, including passive and active solar construction principles;

- ecological value of the site and the enhancement of amenity, conservation and biodiversity;
- the early implementation of a comprehensive and generous structural landscaping plan based predominantly on native trees, shrubs and plants;
- sustainably sourced low embodied energy natural materials from the region;
- construction approaches supportive of local businesses and adding value to appropriate local resources;
- minimise waste and pollution effects resulting from the construction of buildings and the overall development of the site;
- water conservation, recycling, and site specific treatment measures;
- health and well-being of all occupiers; addressing natural daylight levels, toxicity in materials, and private and public open space;
- car free and environmentally responsible transport options; and
- sustainable communities, influencing rural development in the local area.

7. An opportunity exists for an innovative sustainable development providing local housing, employment, and rural development opportunities. The development would:

- have a high standards of design, consolidating the eastern entrance to the village on the A835, and improving the townscape of the village and the surrounding natural environment;
- provide an opportunity for a development of sufficient scale to act as a significant sustainable design demonstration scheme relevant to other parts of the Highlands; and
- offer additional choice for housing development adjacent to the existing settlement, on an effective site compared with others indicated in the plan.

8. A feasibility study tests the viability of such a sustainable development on this site. It is supported by the Enterprise Network and is partly funded by the site owner. The study has a guiding green philosophy and comprises a comprehensive review that includes:

- the site's relationship to the rest of Contin;
- soil surveys;
- infrastructure;
- local materials sourcing options;
- consultation with the Community Council;
- potential housing and business use markets and marketing strategy;
- scope and scale of the project;
- planning considerations, including affordable housing;
- planning gains for the local community;
- traffic issues and road design;
- master plan and design strategy;
- structural landscaping and servicing strategy;
- energy;
- indicative costs and funding;
- development mechanisms and options;
- economic, environmental and social benefits; and
- programmes to review the performance of project.

9. The site could accommodate approximately 30 house units of varying size at a low density, together with additional commercial accommodation. The council has failed to

demonstrate why it should not be included in the deposit draft with modifications. Although it would increase the population beyond the 25% allowed under policy GSP7 the council has not demonstrated why other sites are adequate for the village, as these are generally small and restricted. The policy should be flexible for sustainable developments. The proposed site would uphold and enhance structure plan policy G2 and local plan policy GSP1. Scottish Planning Policy 15 Rural Development emphasises innovation and rural spirit in appropriate circumstances.

10. The second objector puts forward a counter objection to the development proposals. It says that they were submitted too late for appropriate local consultation, and that it would not be in the spirit of the local plan development process to incorporate them in the plan. There has been no demonstration of unfilled demand for new housing since the adoption of the existing local plan. Of 19 sites identified in the adopted plan, only 11 have been developed, along with 9 on sites not identified specifically. Planning permission was granted for 25 houses at Woodland Park (site H5 of the deposit draft) of which four have been built, a total of 24 in 15 years. Woodland Park is now fully serviced for the remaining 21 houses, but no development has taken place since December 2004.

11. The deposit draft identifies land for 51 new houses, including site (H6) of the modified plan, on the present caravan site, and the objection site would add a further 30 to this, in total adding over 50% to the existing housing stock. There is every likelihood that the objection site would become an unattractive building site for many years. Even if more demand is available there are better sites within the village, including ground between the Tor View housing and the A835 at the north end of the village. The objection site is also too prominent, with the proposed construction styles too much in contrast with the rest of the village, impairing the amenity of nearby houses. Commercial units, for which there is no local demand, would make this worse.

Summary of the council's response to the objections

12. The council notes that following the publication of the deposit draft a change was approved to include the caravan park for development of five housing units (H6). No further objections were lodged to this.

13. The objection site is located on a prominent area of land on the south-east approaches to the village, and is a greenfield site outwith the existing settlement envelope. The proposed level of development would have a significant impact in terms of pressure on the existing facilities available in the village. It would mean the overall housing land provision would exceed 50% of the existing housing stock and may bring it into conflict with policy GSP7 settlement expansion, which seeks to limit this, for the larger communities, to 25% within any 10 year period. Development at the existing Woodlands Park site has recently recommenced after a period of inactivity reflecting the slow demand for housing in the village, and no justification has been given for providing a large additional allocation.

14. The site is highly visible from all approaches, and although early implementation of structural landscaping is promised the visual impact of the development would still be significant, especially in terms of the outlook from the village itself. Although the proposed access would be to the A834 a development of this size would require an impact assessment on the junction with the A835 trunk road, with potential improvements being required to accommodate increased levels of traffic at this point.

15. The sustainable principles are well stated and meet with the objectives of the plan, but the impact of this scale of development would be better suited to a larger community. There is no supporting evidence to show demand for a development of this size, including the commercial accommodation and craft workspace as well as home working capability. SPP 15 also states that small settlements should not be over expanded and suburbanised. The scale and location of the development would be of detriment of the Contin community, and this local opposition has helped the council decide against including the proposal in the modified plan. The council therefore asks that the proposal is not recommended for inclusion in the deposit draft local plan.

Conclusions

16. Strictly speaking the second objection is not a formal objection to either the deposit draft local plan, or the modified version, as the development objected to is not contained in either. It is however helpful background as an expression of local feeling, referred to by the council in paragraph 15 above. Having said that, I have remarked elsewhere in this report that it is the strength of the planning arguments, rather than the number of objectors, that is important.

17. In addition to the formal evidence summarised above there was an extensive discussion at the hearing, which I have taken into account. This included, among other things: the basis of housing requirement figures; the appropriateness of the 25% allowable increase in policy GSP7; the suitability and desirability of allocated sites in Contin; and the sustainability and design principles of the proposal as set out in the feasibility study.

18. The council acknowledged that the proposal meets the general sustainability requirements of the plan in terms of its general design and use of materials. It does not have any difficulties with the principles of this, the issue being that it is too large a development for a community the size of Contin.

19. I have examined the feasibility study carefully, and it was considered at some length at the hearing. Setting aside the objection site, there is no doubt that the proposals are innovative and in themselves to be commended. They would undoubtedly provide a quality development, including the possibility of home working in a tranquil environment.

20. Having established the quality of the principles of the proposal, I am concerned that the objection site appears to have been selected as much to suit the objector than to provide a rational location for a development of this type, which is much more substantial than a simple housing proposal, albeit that the overall density would be relatively low. The site is a greenfield one that does not have a strong relationship with the rest of the Contin settlement. Although there are houses on the west side of the A835 these would be physically detached from the site and have no significant relationship to it. Much of the site is also elevated, so that any development would be prominent in the landscape, especially because of the relative height of the proposed designs. Although these are indicative, and show the benefits of the specific design approach, they are not particularly sympathetic in style to other buildings nearby. The proposed structural planting, although to be commended in its own right, would by its nature seek to screen the development rather than to integrate it with the village.

21. My greatest concern is however the size of the development relative to the existing community. The objector has stated that the 25% figure should be flexible, but there is a

considerable and significant difference between some flexibility around an expansion of 25% and the potential 50% or thereabouts that could result from adding the objection proposals to the already allocated sites. In particular no justification has been given for such an expansion in Contin specifically, other than that the scheme in itself is worthy of development.

22. There was some criticism of the alternative sites from the objector, and we examined the principal ones on my accompanied site inspection. The two largest, and most significant sites, are Smithy Croft and Woodland Park, allocated for 15 and 21 houses respectively. Smithy Croft is a 1.9 ha agricultural field that slopes down from the east towards the existing properties that line the eastern side of the main road in the southern part of the village. It has an open aspect to the west, and apart from some issues relating to the access, that appear resolvable, seems perfectly attractive in its own right. Woodland Park was criticised as being unattractive, but it too rises above the village and the upper part particularly has extensive views over the village to the countryside beyond. It does not appear unattractive and compares favourably with other sites across the plan area that I visited during my other site inspections.

23. I have noted the general slow rate of development in the village, and my impression from the inspections is that any lack of progress on specific sites, is more likely to be due to lack of demand rather than any inherent deficiencies in the sites themselves. Much of the development that has taken place, as referred to in paragraph 10 above, has been on individual sites not specifically identified in the adopted local plan. It seems more likely, therefore, that in Contin a number of small sites, giving an element of choice, would be a better solution than a new site outwith the village for which no evidence of demand has been provided. I did not consider other potential sites within the village because no evidence has been given to show any requirement for this.

24. Although national guidance has been referred to by the principal parties, and SPP 15 encourages a more innovative approach than previously, it also cautions, at paragraph 8 about increasing the size of settlements to the extent that they lose their identity, or suburbanising the countryside, and at paragraph 41 emphasises the importance of appropriate development in the right places. The location of the objection site is relatively detached from the village compared with the allocated sites, and I am not persuaded that the undoubtedly sound aspects of the concept justify a development in a location, and of a size, that would be contrary to other local plan policies. In this respect I share the council's view that such a development would be better located in association with a larger community, and I note that a very similar proposal has been put forward at Evanton, more than three times the size of Contin, that is considered under issue 28.

Recommendation

25. Accordingly I recommend that no change be made to the deposit draft local plan as a consequence of this objection. For the avoidance of doubt this does not affect the modification already put forward by the council regarding site (H6).

71 OBJECTIONS RELATING TO CHAPTER 12: CROMARTY – PARAGRAPH 4 WALLED GARDEN HOUSING (Issue 25)

Objector: K W Dupar (47)
Procedure: Written submissions

Background

1. The town of Cromarty is located on a small relatively flat peninsula close to the north-eastern end of the Black Isle, looking north over the mouth of the Cromarty Firth. The town, which has a population of around 720, has a historic core that dates back to a mediaeval trading burgh and is now designated as an outstanding conservation area. Modern housing and other development has taken place to the west of the core, taking up all the level ground at that end of the town. The peninsula is framed by sharply rising wooded slopes to the south that provide a setting for the buildings.

2. The deposit draft local plan identifies a need for 30 to 40 houses over the next 15 years. Land is designated on four housing sites with a capacity of 18 units subject to constraints regarding the conservation area and related matters. An expansion area between the High Street and the foot of the wooded slopes provides for a potential 20 to 30 further dwellings, giving a total of 48 for the settlement as a whole.

3. The former walled garden of Cromarty House is located at the east end of the village, within the corner formed by Miller Road and Causeway. It is now ‘L’ shaped, with the inset within the ‘L’ occupied by a house and substantial garden. There is a traditional house on the eastern edge, on Causeway. The stone perimeter wall survives and screens much of the remaining part of the garden from public view. The interior is unused and overgrown, and trees and shrubs around part of the inner perimeter screen the wall from view. The deposit draft designates the garden as site H4, 0.9 ha, with a capacity for seven houses, subject to an archaeological assessment and high standard of design in keeping with the outstanding conservation area.

4. The site is also subject to paragraph 16, which says that the council will have regard to the landscape impact of development on the designated garden and designed landscape of Cromarty House, and encourage appropriate management measures in association with landowners, tenants, community groups and other interested parties. It is to be considered under background policy BP2, which emphasises impact on important features of interest.

Summary of main points raised by the objector

5. The proposed development of the walled garden does not take into account the historical enclosure. The category A listed surrounding wall defines a historic orchard that predates the wall. The southern part of the old orchard was an ornamental Victorian garden, but a large part remained and has been partially restored in the objector’s garden at the Old Manse (formerly Gardner’s House). Modern homes within the walled enclosure are incongruous to the wall and detrimental to the site, which is listed in An Inventory of Gardens and Designed Landscapes.

6. An alternative use would be as an amenity area and productive orchard. This could bring employment in planting, maintenance and marketing of produce, and attract tourists. The sensitivity of the site requires that it be an amenity area, not housing. Previous considerations have not taken into account the classification in the inventory, and any construction of houses would deface the site as a historic garden capable of restoration. Although a modification proposed by the council, to take account of the Inventory, the proposal for seven houses remains and this fails to give the area its full potential as a garden.

7. An alternative site for housing is available on land at the glebe, south-west of the town. This land is bounded by the A832, which is of bus route standard. It is presently under agriculture, and has no historic connections. The land could be serviced easily and traffic would not affect the old town. Although first class agricultural land it is not subject to any of the constraints or clashes of interest of the walled garden, and any housing development there could easily be integrated into the community.

Summary of the council's response to the objections

8. The principle of developing the site was established in 1983 when outline permission was granted subject to rigorous design and other criteria. It was included in the 1985 local plan and confirmed by the inquiry into the housing alteration of 1993. If the restoration of the orchard and the rest of the site is feasible, finding an alternative site may not be easy, and in any case some development may be necessary to provide restoration funding. The location of the site within the inventory classification should be recognised, and the deposit draft should be modified as follows:

MODIFY the comments constraints column by ADDING (at site 4) *“have regard for the Inventory of Gardens and Designed Landscape designation relative to Cromarty House.”*

9. The designation of the Cromarty House designed landscape does not preclude well designed development that is sensitive to the designation and setting of the main features. There is a requirement in NPPG 18 paragraph 16 to consult with Historic Scotland and SNH regarding development in such areas, and the designation is a material consideration in the determination of any planning application.

10. The council notes the support of the community council and others for the designation of the site. If land behind the High Street is progressed in the short term there may not be a need for the walled garden to be developed. However the owner is the Cromarty Arts Trust, and the council is confident that when the time is right for development a well designed scheme would come forward, reflecting the sensitivities of the site.

11. The glebe area is outwith the settlement boundary, and had been proposed for development in the past, but withdrawn due to objections. Its development would stretch the settlement westward, within the hinterland, from the policy woodland that provides a natural south-western edge to the town. There are limited site opportunities in the Cromarty area, and as demonstrated at Cromarty Mains, can lead to unacceptable unsustainable development. The council asks for the amendment referred to in paragraph 8 above to be approved.

Conclusions

12. The walled garden site presents a dilemma for the council. In its present state, overgrown and with trees intruding around the perimeter so that the wall cannot fully be seen

and is potentially liable to structural damage, any historical value is diminished to the casual observer. The original proportions of the garden were lost with the decision to allow development within it, so any possibility of restoration to its original form has been removed. Whilst the replanting of the orchard is an attractive proposition, the financing of it and the practicality of sustaining it for the future are issues that would have to be addressed, and I am not convinced that the objector's optimism of employment provision, at least to a significant degree, is well founded, given the relatively small area that would be involved.

13. At the 1993 housing alteration inquiry the reporter found (CD7) that in the burgh's heyday the area at the eastern end of Cromarty may have been more intensely developed, given the street layout and fragmentary remains of buildings, and that the walled garden would now be a logical place for infill development. He noted the council's recognition of the sensitivity of the site and its willingness at the inquiry to take account of the views of local people.

14. Although this particular issue is being addressed through written representations, I am aware from the hearing regarding the land behind the High Street, which took place just before my site inspection of the walled garden, of the council's continuing recognition of the importance of Cromarty and of the need for exceptional standards of design, taking into account fully the style and character of the buildings within the outstanding conservation area.

15. Being satisfied of the potential standard of any development in the walled garden, the issue is one of principle as to whether the walled garden should be developed at all. Although the objector has proposed an alternative site at the glebe, this does not in itself address the central issue. I have already found that the garden is in poor state and that its integrity has been compromised. The likely hood of restoration to an orchard is poor, and the best opportunity of retaining the listed walls in the future almost certainly depends on the provision of some form of enabling funding.

16. In these circumstances I am satisfied that the development of the garden for housing presents the best option for the future of the listed walls, as well as continuing the established designation in successive local plans. The commentary in the deposit draft recognises the need for an archaeological assessment and the importance of a high standard of design in keeping with the outstanding conservation area. The council's proposed amendment would strengthen this recognition.

17. With regard to the proposed alternative at the glebe, this is outwith the established settlement boundary, and there would be a gap between it and the woodland that fringes the town around its southern edge. This would effectively make any development there isolated housing in the countryside. Whilst it is not inconceivable that in the very long term there may be a need for the expansion of Cromarty to the south, no case has been made for it at present. I do not find the proposal for development at the glebe as an expedient to prevent properly thought out development elsewhere as an adequate justification for its designation.

Recommendation

18. I therefore recommend that the council's proposed modification to the deposit draft, set out in paragraph 8 above, be approved.

**72 OBJECTIONS RELATING TO CHAPTER 12: CROMARTY PARAGRAPH 13
EXPANSION (Issue 25)**

**Objector: D J Mackenzie (25); W Taylor (26)*; Cromarty and District Community
Council (147)**

Procedures: Hearing* and written submissions

Background

1. The town of Cromarty is located on a small relatively flat peninsula close to the north-eastern end of the Black Isle, looking north over the mouth of the Cromarty Firth. The town, which has a population of around 720, has a historic core that dates back to a mediaeval trading burgh and is now designated as an outstanding conservation area. Modern housing and other development has taken place to the west of the core, taking up all the level ground at that end of the town. The peninsula is framed by sharply rising wooded slopes to the south that provide a setting for the buildings.

2. High Street runs south-west to north-east and links the newer development at the west end of the town with the older parts to the east. The north-west side of the street is generally built up, but at its south-west end, where it has a junction with the A832 which drops down the brae into the town from the south-east, there are fairly extensive playing fields in the corner between the two roads.

3. The Victoria Hall is inset into the north end of this ground and to the north-east of it is the Townlands Barn, a plain two-story harled stone under a corrugated iron roof category A listed building, one of the oldest in Cromarty, and said to be a former laird's house. Behind it is a now derelict farm dairy. The south-east side of the street is generally built up from here, and behind the frontage, occupying land between the playing fields and the back of the houses on Church Street is open ground, much overgrown with weeds. This is bounded on its south-east side by the wooded slopes of Chapel (or 'Kirkie') Brae.

4. The deposit draft local plan identifies a need for 30 to 40 houses over the next 15 years. Land is designated on four housing sites with a capacity of 18 units subject to constraints regarding the conservation area and related matters. An expansion area covering the ground to the south-east and rear of High Street, between it and the foot of the wooded slopes, as described above, provides for a potential 20 to 30 further dwellings, giving a total of 48 for the settlement as a whole.

5. Paragraph 13 states that this land is allocated for a planned expansion of the town, and is suitable for mixed uses comprising houses, community/health, small businesses, office, arts and crafts, workspace, public parking and open space. Development should be subject to the restoration of the adjoining Townlands Barn (in the same ownership) and to a design brief. A draft development framework in the plan sets out a possible overall layout.

6. The importance of Cromarty in conservation terms is recognised and the draft suggests that it would be desirable for the design brief/master plan to be the subject of an architectural competition. The draft sets down safeguards for existing buildings, the need to safeguard public amenity, include new footpaths and possible parking, and the undertaking of a prior archaeological assessment.

Summary of main points raised by objectors

7. The first objector states that the objection site is one of the few green ‘country’ areas close to the town, appreciated and admired by local people for generations. To fill it with buildings would be a retrograde step altering the old world and much admired appearance of Cromarty for ever.

8. The second objector considers that Cromarty needs as many open spaces within its boundaries as possible. The town does not suffer from through traffic and expansion beyond its boundaries is prevented by cliffs or agricultural fields so that it will remain forever a neat compact unit of streets, lanes and vennels, enhanced by the presence of 18th century houses of historic importance. The density of buildings in the conservation area means that only a limited number of sites remain, so the issue of new houses is a thorny one that has brought the community into conflict with over-ardent planners.

9. If the development proposals for existing open spaces, and particularly site 13 behind the High Street, go ahead, little open space will exist. A significant number of dwellings have been or are being constructed in Cromarty, in total about 24 if all new houses and conversion proposals are implemented. Objectors have complained previously about proposals for site 13 and the overdevelopment of the site, and that it would detract from the view to the closely packed and exciting townscape. Efforts to restore the outstanding view from the Kirkie Brae would be nullified if people were forced to look down on a sea of red roofs.

10. A small group of houses on the site of the old dairy may be acceptable, and possibly a medical centre, but no other uses have ever been proposed and the plethora of uses put forward in the deposit draft would be disastrous. A former regional council scheme destroyed the High Street, and Cromarty should not be nibbled to death by injudicious planning. A proposal for up to 40 houses on the site would be unacceptable and catastrophic for the character of Cromarty, producing a ghetto separate from the rest of the conservation area. Cromarty, the ‘jewel in the crown of Scottish vernacular architecture’ should be kept that way.

11. The third objector states that a more realistic requirement for Cromarty’s housing needs would be ten to fifteen. There is a need for affordable housing within the town for people setting up their first home, older folk downsizing from larger properties and provision for the chronically disabled. It would be more meaningful to residents and beneficial to the town’s appearance to fulfil the current housing needs by utilising existing gap sites and any empty or derelict properties, thereby protecting the very few and essential open spaces left, which are part of Cromarty’s unique character and charm.

12. The size and nature of the proposed development below Kirkie Brae could have a catastrophic effect on Cromarty’s appearance and appeal as an historic and architecturally very significant town. Any work on this site should be subject to the restoration of one of the most important buildings in Cromarty, Townlands Barn. It would have to be extremely sympathetic to Cromarty’s unique characteristics, with particular attention given to the type of materials used, scale of development and the existing townscape. Commercial units and a municipal car park are not required, although there may be a future need for a medical centre.

13. The land should be zoned for not more than 10 - 15 houses, of which at least 75% should be low cost/affordable/sheltered housing. Although the Local Housing Needs

Assessment gave rise to a figure of 27 persons in need of a house, this is no longer accurate. There have been other new houses made available which should have lowered the figure (for example the provision of eight new dwellings, in the old Ropeworks building at Marine Terrace), and there are planning applications pending which will also have an effect on local housing needs. The allocation of housing is done on a "points" system, and priority is not given to local residents. This would mean that the effect on local housing needs could be slight, no matter how many houses are built.

14. The Community Council would wish to be closely involved with the design and layout of any development, which should be sympathetic to the unique character of the built environment of the town. It is also hoped that some land could be retained for community use such as allotments. Access should be resolved in consultation with the Community Council. A car park would only be necessary if the proposed health centre were developed. It is assumed that an archaeological assessment of the site would be carried out before any building work commenced.

Summary of the council's response to the objections

15. The deposit draft housing requirement takes into account a range of factors, including needs arising from projected population and household change, the percentage of second/holiday/vacant properties, housing market information, historic building rates and the views of affordable housing providers. The figures include a 25% allowance for flexibility and choice of locations and a requirement for a minimum of 25% of dwellings for low cost/affordable needs. This approach follows Scottish Executive guidance (PA 38 – CD20) and relevant structure plan provisions.

16. A detailed local housing needs survey was undertaken in 2003 to clarify the aspirations of local residents in terms of rented, low cost home ownership and open market housing. This showed that a requirement largely based on trend building rates is not a true picture for Cromarty. Out of a total of 123 responses, 27 needed either to rent, build/buy with a Rural Home Ownership Grant or through shared ownership. 23 respondents would be interested in purchasing an existing or building a new house without grant assistance.

17. 57 respondents require new housing in Cromarty. This was a combination of all unmet needs and demand at 2003 so it does not take account of population change and projected household growth over the subsequent period to 2017. Nor did the survey account for potential needs or demand from persons living outwith the community council area. Given the high quality environment and the higher than Highland average level of holiday and second homes in the Cromarty area, it is anticipated that such demand will place significant additional pressure on the local housing market. All of these factors therefore suggest that the housing requirement for the period 2002 to 2017 is significantly higher than the 30 to 40 dwellings indicated in the deposit draft.

18. Sites allocated in the deposit draft could deliver 38 to 48 dwellings, but there are doubts about the immediate availability of sites at Barkly Street, the Daffodil Field, and the Walled Garden. Ross and Cromarty Local Housing Development Forum is clarifying priorities and preparing a 5 year investment programme for affordable housing. On the basis of the local housing needs survey, Forum partners have recently taken steps towards progressing proposals for the land to the rear of High Street (site 13). One partner intends to purchase the land and develop a two-thirds proportion of affordable housing with a mix of

special needs, rented, shared ownership and grant assisted private building. The unresolved objections to the deposit draft preclude the Forum from proceeding with the purchase or commissioning a feasibility study and design brief. The latter will be prepared in consultation with the local community.

19. The various small gap sites and the larger area at High Street were the subject of rigorous examination through the previous local plan exercise. The community council also supports the inclusion of the small sites in principle. The area behind High Street is generally open but it still contains the former dairy buildings linked to its previous use as farm land. It has never been a public open space and has for more than 30 years been earmarked for development, initially for a new primary school. It is not public open space. This was clarified by the Reporter following the 1993 inquiry (CD7), who also established the principle of building on the site.

20. The land is now very overgrown and this, together with the erection of boundary enclosures not in keeping with the outstanding conservation area, detract from the brief view across the playing field from passing vehicles on the A832. The East Ross Landscape Capacity Study (CD32) advises that the development of this site would not have a significant impact upon the wider setting of Cromarty and would not require advance intervention planting. It states that the site would be suitable for a courtyard arrangement of mixed types of dwellings and accommodating high density flatted development. The study also points to the potential to reinforce and extend the woodland of the 'Kirkie Brae' to bring vegetation further into town, although the council would prefer to see an open gap to remain between development and the woodland to help safeguard the trees and avoid shading problems for dwellings.

21. There is potential for a courtyard and/or 'mews' style of development reflecting the established pattern of buildings in High Street and Church Street. Confining this to the area of the former dairy buildings would prove too restrictive and not come close to meeting the need for housing. There is also now a strong interest in the development of a new medical centre, but for the present the detailed arrangements for delivery of this remain confidential. The "plethora of uses envisaged" would only be considered if there was no interest in the housing and medical centre development. These had been considered to complement the upgrading proposals for the adjacent Victoria Hall.

22. The Council's design objectives for this area are largely unchanged and the plan continues to support a carefully crafted mixed use development. A low key 'home zone' type of access to the site would be consistent with achieving a layout for a compact housing and community use development in the heart of the town. It is also intended to reduce the impact upon but complement the development of the adjacent Townlands Barn and Victoria Hall. The future intended uses for these buildings may require a degree of public car parking. As such, this use should not be ruled out until a full detailed assessment of parking needs is carried out in the course of preparing the overall design proposals. It is also important that the community is closely involved in the design process and an architectural design competition may be an appropriate way of achieving this. The council proposes modifications to the deposit draft to clarify its intentions as follows:

IN THE TEXT

at the end of the main paragraph ADD "*Provision should be made to involve the community in the design process*";

after the fifth bulleted point ADD "*and including clarification of the need for a public car park*";

ON THE DEVELOPMENT FRAMEWORK PLAN:

DELETE the label 'public car park area';

INSERT new label "*potential public car parking area – clarify requirement*"; and

ADD new label to access road "*Calmed 'Home Zone' access*".

23. Recognising concerns about the access, council officials met community council representatives and agreed that the potential main access from Denny Road, to the south of the playing field should be re-introduced to the local plan. However, the council feels that the access from High Street should still be considered as a pedestrian priority low key access perhaps for emergency vehicles or one way entry only to the land. In any case a calmed or low speed 'Home Zone' design should prevail. Proposed modifications to the Cromarty inset map (THC/25/3) and framework plan (THC/25/4) reflect the revised proposed access arrangements and land uses related to the access from Denny Road.

Conclusions

24. The site behind the High Street, E13, is well established in planning terms in that it is a site designated for development in the extant local plan. The issue is therefore not whether a new site should be included for development, but whether the existing designation should be continued, possibly in amended form.

25. Following the 1993 inquiry the reporter found (CD7) that the site is not public open space, and that because of its relatively concealed location and the presence of undistinguished farm dairy buildings makes only a limited contribution to the setting and public amenity of the historic High Street and Church Street. He acknowledged that it would doubtless be part of a pleasing outlook from adjacent properties, but added that the preservation of views from individual houses is not a proper function of the planning system. No evidence has been provided that leads me to differ from this view.

26. Much has been made in evidence that the development of the site would have an adverse impact on the setting of the town, and especially when seen by visitors descending the brae on the A832. In reality this is not the case. The road drops down from the open fields to the south of the town and passes between trees as it descends to the level of the peninsula. As the heavily wooded Chapel (or Kirkie) Brae obscures views to the north-east during the descent itself it is only when the relatively low lying ground adjacent to the playing fields is reached that the site can be seen at all, and then only at a sharp angle over the fields, at a point where travellers' attention is most likely to be focussed on the road ahead and the approaching junction with High Street. Additionally much of the view of the site itself is obscured by the now derelict dairy buildings and associated fencing.

27. The site itself is also overgrown and relatively inaccessible, and whilst it would no doubt have been attractive in the past when grazed by animals its main contribution to the outlook from surrounding properties, or the footpaths along the base of Kirkie Brae, is that it is not built on. I can readily understand the feelings of neighbouring occupiers, who do not want their viewpoint to be obscured, but provided proper safeguards were taken to protect residential amenity, this is not an issue to prevent the allocation of much needed development ground.

28. In my view the council's estimates of the number of houses required is well founded, and given the housing situation in Cromarty, with a substantial number of holiday homes, it is entirely understandable that there significant demand, especially for affordable houses. The community council has acknowledged that the site should be zoned for some housing, suggesting 10 – 15, and I am not convinced by other arguments that the ground is not required for housing.

29. Having established that the site is suitable for development the issue is the form that it should take. All parties have emphasised the need for sensitivity and the evidence from the plan statements, and particularly that given at the hearing, is that the council is very much aware of the need for this, acknowledging the possibility of an architectural competition and the need for full involvement of the local community. The importance of Cromarty's built heritage and character is not in question, and is shown by the designation of the conservation area and a high proportion of listed buildings for a town of this size. Any development on the site must therefore be to designs of the highest standards, and for uses that are appropriate for such a sensitive location.

30. The statement in the deposit draft, read with the council's proposed modifications set out in paragraph 22 above, and revisions to the development framework in THC/25/4, sets out broad parameters for development and potential uses. Although these include some commercial elements, none of these is enshrined in the bullet points, which provide flexibility and incorporate the need for the vital restoration of the Townlands Barn and Victoria Hall.

31. Regarding specific numbers of houses, the success or otherwise of any development will depend on the way in which it is able to reflect the existing character of the town. In the immediate surrounding area the existing houses have a relatively high density and this is likely to be a feature of development of the site. Given the generous amount of space available it would be unwise to set numbers to too low a level, possibly restricting the scope of designers for a good high density layout. The figure of 20 to 30 put forward by the council is not excessive, and given the commitment put forward in the modification to involve the community I am satisfied that the fears expressed by objectors would not come to fruition.

32. I have also considered carefully the potential points of access, now proposed by the council for Denny Road, along the south-east end of the playing fields. Although near the foot of the brae it has distinct advantages in keeping traffic to the site away from High Street and with appropriate signage is unlikely to cause problems to road safety to an extent that would be significant. An alternative via the High Street could then be restricted to emergency vehicles and pedestrians, but these are really points of detail to be considered further when a development brief is prepared.

33. Taking all these points into account I am not persuaded that the council's proposals should be modified, subject to the amendment of the inset map and clarification as to the exact terminology of the development framework, as proposed in productions THC/25/3 & 4.

Recommendation

34. I therefore recommend that the modifications proposed by the council to the deposit draft in paragraph 22 above be approved insofar as they relate to the text of paragraph 13 of the deposit draft chapter 12, and that the inset map and development framework plan be modified in accordance with council production THC/25/3 and THC/25/4 respectively.

234 OBJECTIONS RELATING TO CHAPTER 12: CROMARTY – PARAGRAPH 14 OPEN SPACE AND WOODLAND (Issue 25)

Objectors: W G Campbell & Sons (67)
Procedure: Written submissions

Background

1. The town of Cromarty is located on a small relatively flat peninsula close to the north-eastern end of the Black Isle, looking north over the mouth of the Cromarty Firth. The town, which has a population of around 720, has a historic core that dates back to a mediaeval trading burgh and is now designated as an outstanding conservation area. Modern housing and other development has taken place to the west of the core, taking up all the level ground at that end of the town. The peninsula is framed by sharply rising wooded slopes to the south that provide a setting for the buildings.

2. The deposit draft local plan identifies a need for 30 to 40 houses over the next 15 years. Land is designated on four housing sites with a capacity of 18 units subject to constraints regarding the conservation area and related matters. An expansion area between the High Street and the foot of the wooded slopes provides for a potential 20 to 30 further dwellings, giving a total of 48 for the settlement as a whole.

3. At the western entrance to the town, along the south shore of the Cromarty Firth, is a small industrial estate with three units. This is backed by the tree covered slopes, which are designated for amenity, and to the north-east are modern housing developments. The settlement boundary follows the edge of the wooded slopes and to the west and south is open country.

Summary of main points raised by objectors

4. Land on the western boundary of Cromarty, marked on a plan produced with the objection, should be allocated for residential use rather than amenity. The site is ideal for high quality traditional housing to help meet the future needs of the settlement. The site would form a natural enhancement of the western boundary, by providing for up to eight traditionally designed high quality detached houses, in keeping with the character of the village and council guidelines. The demand for this type of house would be difficult to supply from other sites identified in the local plan. The site is well located, with good drainage, overlooking the Firth of Cromarty. There is spare capacity in public services, and access could be directly from the B9163 or through the existing industrial estate. It is requested that the amenity classification be dropped and the land zoned for residential use.

Summary of the council's response to the objections

5. The site is mainly unspoiled natural raised beach that is steep and wooded. Development would severely impact on the natural character and amenity of the area. It would also be ribbon development beyond the obvious existing boundary of the town, at odds with the settlement pattern. Access would not be permitted to the main road, and the existing

access through the White Dykes Industrial Estate is not capable serving any more development. No change is proposed to the deposit draft local plan.

Conclusions

6. The objection site is marked on a plan that accompanied the objection and comprises a field that is to the south-west of the White Dykes industrial estate and entirely outwith the settlement boundary. Therefore the question of it being under an amenity designation does not arise, and this part of the objection is not valid.

7. On approaching Cromarty from the west along the B9163 the edge of the settlement is well defined by the houses adjacent to the industrial estate. The estate buildings themselves are screened by the trees that cloak the slopes below the raised beach, and provide a fine landscape framework for the houses beyond, and a natural edge to the settlement. To the north-east of this is extensive lower ground of the peninsula on which the settlement is built. This contrasts with the slope to the south-west, outwith the settlement boundary, which rises from the road, with open ground near the bottom and the woodland above, which gives way to a sporadic pattern of gorse and whin bushes farther along the slope.

8. The objection field forms the lower part of this slope. Any development here would be extremely prominent and of a different form to that in the settlement beyond, with its compact streets and ‘huddled’ effect of the houses. The substantial houses envisaged would stand out in the landscape, and it is difficult to see how this could enhance the edge of the town.

9. The deposit draft anticipates a requirement for 30 to 40 new dwellings over the next 15 years. Land allocated within the settlement boundary provides for up to 48 houses, albeit that some sites are under objection. On this basis however, there is no indication of a requirement to extend the settlement boundary. Additionally, as land outwith the settlement boundary and within the hinterland area, the objection site is subject to structure plan policy H3 regarding housing in the countryside. This presumes against new housing in open countryside and requires a justification that they are needed for land management and related family purposes, and no evidence has been put forward to show that this would be the case.

10. Taking these points together, I am not satisfied that no evidence has been put forward to justify the development of a site that would have a damaging impact on the landscape and the setting of Cromarty, and has not been shown to be necessary to meet the housing requirements of the settlement.

Recommendation

11. Accordingly I recommend that no change be made to the deposit draft local plan as a result of this objection.

74 OBJECTIONS RELATING TO CHAPTER 13: HOUSING DEVELOPMENT IN CULBOKIE (Issue 26)

Objectors: Ferintosh Community Council (78)*; William Gray Construction Ltd (103)*; Scottish Natural Heritage (197)

Procedures: Inquiry* and written submissions

Background

1. Culbokie is a relatively small, but elongated village, that sits on a shallow ridge above the Cromarty Firth, astride the B9169 some 2 km north-east of its junction with the A9. The deposit draft anticipates recent development pressures continuing, developing its role as a commuter settlement.

2. The deposit draft says there is substantial capacity to absorb the projected requirement of 85 houses in the next 10 years, or 135 up to 2017, but some additional land is allocated above that in the adopted local plan, to cater for small scale infill and allow better access. The primary school, sewage works, and water supply, need some upgrading.

3. The draft allocates six sites, H1 – H6, with a capacity of between 86 and 94 houses, for short to medium term development. A further five sites, H7 – H 11, with a capacity of between 75 and 100 houses, are allocated for development not before 2011 because the first six sites “are substantially developed and capacity exists in the public drainage system”. The modified draft deletes this commentary and substitutes, omitting a reference to the original site H5 as it is close to completion:

“6. The rate of development on sites 1 to 5 will be closely monitored in relation to General Supporting Policy (GSP) 7 on Settlement Expansion. This will help determine the timescale for developing other land and allow the village time to adjust to the recent high growth rate. In the meantime sites 7 to 11 below are allocated for longer term development, i.e. post 2010 and thereafter house building should be carefully phased up to 2017. The Council will review this restriction again on completion of the new primary school (2006 at the earliest), having regard to the remaining potential on sites 1 to 6 and the capacity in the public drainage system. Over and above the specific requirements indicated, the Council will seek from developers:

- the provision of affordable housing in accordance with the Council’s Development Plan Policy Guideline No. 2 and General Supporting Policy 8; and*
- contributions to off site improvement of existing or provision of new recreation/ community facilities and public transport serving the village.”*

4. Site H8 lies towards the south end of the village, on the south-east side of the road. It is 2.5 ha of rough grazing that slopes down towards the road and is allocated for between 20 and 30 houses. Site S13 is 0.5 ha and sits within the northern corner of site H8 and is allocated for special uses. The text says that scope exists for a church and surgery, possibly with specialist housing for the elderly on adjacent land. Access should be by the widening of Glascairn Road, which runs down the north-east side of site H8, possibly in association with the development of that site.

Summary of main points raised by objectors

5. This summary is a very much simplified note of the main relevant points that came out of extensive discussions and examinations at the inquiry, much of which was repetitive and did not add greatly to the arguments before me.

6. The first objector says that the village is elongated enough north-east to south-west, and that the approaches should be softened significantly by planting, ending in curved tree belts rather than the stark straight lines proposed.

7. Land should not be developed until the infrastructure, such as the Waste Water Treatment Works, the water supply, or the school, has the capacity. The latter should be addressed according to the plan by 2006, but planning permission has not yet, been granted.

8. The allocated areas for up to 179 new houses and non specific infill mean up to a 50% increase in the resident population for the village, and the council is correct in delaying development on sites 7, 8, 9, 10 and 11 until after 2011, as this will allow the village time to adjust to the increasing expansion. Such expansion will impact on the natural amenities within the village and put pressure on the limited facilities currently provided such as play areas. Developers “should” rather than “may be required to” contribute to off site improvement of existing or provision of new recreational/community facilities, and the wording should be changed to reflect this. Affordable housing is also necessary.

9. At the A9/B9169 junction it is becoming increasingly difficult to carry out a right turn manoeuvre onto the A9 or crossing it, especially at rush hour, due to the sheer volume of traffic. The increase in housing in the village will put further pressure on the junction and increase the risk of accidents.

10. The second objector produced an indicative layout drawing (GRAY 2) showing how site H8 could be potentially be developed. This shows 18 affordable houses on the southern corner of the site, and 25 other houses on the remainder, including four plots for self build. The area for special uses at the northern corner of the site is reduced in size from that shown on the inset map, and shows a landscaped, park like area including a SUDS detention pond. The housing mix is said to have been developed in association with the Cairn Housing Association.

11. The objector says that site H8/S13 was previously identified for residential and associated ancillary “special uses” in the consultative draft, but in the deposit draft delays development until 2011, because other allocated sites 6 are substantially developed and capacity exists in the public drainage system. These reasons are unsubstantiated and unsustainable, and the reference to drainage does not make sense as currently written.

12. The deposit draft says that “increased development activity, community concerns about potentially excessive growth over a short period of time and the current capacity of the sewage works all suggest the need to try and control the rate of development”, and this is Highland Council's basis for restricting development of the site prior to 2011. This approach is wholly inappropriate given the significant elements of community planning gain associated with the development of the land for residential purposes, which would include: affordable housing to meet local needs, meeting policy GSP8; a church, surgery, or other community facility; and off-site road improvements. Restricting development effectively means that the

local community will be unreasonably denied access to quality affordable housing and a much needed new community facility for at least a further seven years.

13. The deposit draft states that “the community would like to see other facilities provided such as a bank, church, and surgery, but these may require many more residents to sustain them” (page 55). This suggests there is an acceptance within the local community that further residential development is required in the short to medium term to help introduce and support essential community services and facilities.

14. The deposit draft anticipates that the new primary school will be completed by the summer of 2006. The objector would be agreeable to the phased development of the site in accordance with the construction of the new primary school if deemed necessary by the council. This phased approach to development broadly complies with the ‘spirit’ of policy GSP7 with regard to settlement expansion. The council has stated that an exception to the policy might be “overriding local housing priorities established by a need assessment undertaken as part of the local housing strategy”.

15. Among a number of other productions were a letter of 7 June 2005 from the council’s Head of Housing Development (GRAY 16) that says his service is particularly keen to become involved with the proposed development as there is a significant shortage of housing in the Black Isle South Area overall. Community Ownership funding is available to finance the affordable housing element, and the four self build plots would be available to first time buyers. A letter of 13 June 2005 from the Cairn Housing Association (GRAY 17) confirms the associations support for the project and that it would wish to partner the objector to develop the project.

16. The objector says it is in discussion with the statutory authorities, and it seems likely that a solution can be found to the capacity problems at the sewage works. Potential water supply problems are understood to have been addressed by recent capital improvements carried out by Scottish Water. Surface water would be dealt with by a SUDS scheme, with a detention pond near the road, and then piped to an existing watercourse farther north. There is no flood risk, and adjacent sites would not be put at risk by the development.

17. The site conforms to Executive guidelines aimed at meeting housing demand and providing consumer choice in sustainable locations. It meets all the effectiveness criteria defined in PAN 38, and is under the control of a reputable developer, the objector, and can be brought forward in the short to medium term to provide housing for varying needs. It is extremely well located with respect to local facilities in Culbokie and within easy walking distance of local services including the post office and grocers shop. Subject to detail, the site can be adequately serviced in terms of water, drainage and access infrastructure, and discussions are currently ongoing with representatives of the Council, Scottish Water and SEPA.

18. There should be no restriction as to when it can come forward for development.

19. The third objector says that sites H9, H10, and H11 would have a particular landscape impact at the sites. It notes that an amenity area to the north-east of site H11, which was included in the inset map of the consultation draft, is replaced in the deposit draft by a narrow band within the site. The landscape capacity study recommended a large area of ground to the south-east for development, but this has not been allocated.

Summary of the council's response to the objections

20. Responding to the first objector the council says that the allocations made for the extreme north-east and south-west edges are aimed at providing a defined limit to the village, and concentrate development more towards the centre. Associated tree planting will be encouraged within the curtilage of the house plots along these boundaries. These are denoted as 'amenity' areas as part of the particular allocations for housing. It is not necessarily the purpose of the local plan to show how a less regimented edge should look without a detailed landscape assessment of the area, and this should be the responsibility of a developer in negotiation with the land owners.

21. The introduction of significant curves at the south-west could create practical difficulties for the use of farm machinery. To the north-east the land form is different and a large clump of woodland exists close to the housing site boundary. In this situation it might be better for farming purposes to plant the intervening area, particularly as reference is made to significant planting beyond the boundary

22. A discharge consent has been granted for a 670 population equivalent and it is understood that the treatment works were built with a larger capacity for 800. The intention to defer some of the allocated land for longer term development is aimed at addressing concerns and allowing the situation to be monitored by Scottish Water and SEPA. Longer term development could be allowed through developer contributions towards expansion of the sewage works.

23. Provision had been made for the new school to be completed in the 2005/6 financial year as part of the PPP2 contract under which it will be built, but summer 2006 is now the earliest expected completion date, and may still be optimistic, as contractual and building details have not yet been finalised. Outline planning permission was granted in February 2004 and details are due to be submitted in the near future. In the interim the council as education authority will assess the availability of accommodation for future pupils arising from new development on the merits of each enrolment application.

24. Land availability is not the issue, as it is a question of controlling the rate of housing development or growth of the village. This is partly why development on site H8 is restricted, under policy GSP7, although an exception to the 25% figure might be "any overriding local housing priorities as identified in the needs assessment undertaken as part of the local Housing Strategy", as stated in the policy. The development of sites requires to be closely monitored to clarify the timescale for release of additional land, and the restriction should be reviewed only after completion of the new primary school at the earliest.

25. The council proposes a modification to the background section, revising the third, fourth and fifth sentences to read:

"The rapid increase in development activity since 2002 raises concerns about the impact of significant growth over a short period of time. The village needs time to adjust and to allow the provision of community facilities and affordable housing to catch up. These concerns and the limited capacity of the sewage works all suggest the need to try and control the rate of future development."

Site H5 should be deleted as it is virtually complete, and the subsequent paragraph number amended. The area north east of sites 10 and 11 should be MODIFIED on the inset map to show more significant landscaping along the edge to add to the existing woodland clump.

26. The delay in making a right turn manoeuvre at the A9/B9169 junction is not thought to be significant and affects a very small proportion of traffic generated by development in Culbokie. Some traffic also comes from the west. The delay is largely caused by the volume of traffic on the A9, which tends to originate from the Inverness and Easter Ross areas. The potential requirement for developers to contribute towards improved public transport could also help reduce the proportion of commuting by private car. While no changes were recommended, the Scottish Executive has agreed to monitor the junction and keep under review the need for further action.

27. The council considers the second objector has failed to appreciate the circumstances for restricting further development in Culbokie and the local plan history. The adopted local plan housing alteration No. 2 clearly allocates the land for longer term development and this is still the council's view. It is well founded on community concerns about the rapid rate of growth that will grossly exceed 25% in less than 10 years, contrary to policy GSP7. The 85 houses approved from July 2002 to June 2004 represent a potential increase of 50% on the number of houses that existed before then. More than 50 of the new houses were completed prior to the end of 2004 and represent a growth rate of 30% in two years. A restriction upon further development would allow the village time to adjust to the rapid increase in population, and facilities (e.g. a new school) to catch up with the demand generated by the approved level of additional development.

28. The reference to planning gain is misleading. Affordable housing provision is a developer requirement or obligation for all sites of 10 or more houses across the Highlands, and the site identified for community uses could be released separately for early development, as it is not solely linked to the development of the subject land for housing. The 85 houses with approval will help generate support for the provision of additional facilities. There is no planning reason why a community organisation, church or medical practitioner could not develop the area designated in advance of further housing not yet approved. It is also suggested that the area of land for community uses may not be large enough for a church. Recent consideration has also been given to the establishment of a central 'village green' open space in this vicinity, perhaps as a set back amenity area from the main road and the Glascairn Road junction. The road improvements along the frontage of the Glascairn road are also required to facilitate the development and are not 'off site'. Further improvements beyond the site boundary along this road will be the responsibility of developers of other sites to the south east.

29. The potential exception to policy GSP7, referred to in paragraphs 14 and 24 above, has been discussed between the objector and the council's housing development officials. The council is jointly drafting an investment programme with its housing development partners, accounting for the findings of the local housing strategy. A local housing needs survey is in the process of being conducted, which will help to clarify the detailed level of investment to be allocated for Culbokie. Only then can the council consider detailed proposals for affordable housing as a potential exception to GSP7 and the policy at paragraph 6 of the Culbokie statement, as proposed for modification.

30. Similar issues were addressed at the Inverness local plan inquiry, where the reporter concluded that the council's approach relating to policy GSP7 is consistent with Scottish Planning Policy 3: Planning for Housing. She added at paragraph 3.90 of her report (THC 26/3) that: "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.”

31. At paragraph 30.11 she says: “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” for the listed settlements, which was recommended as the date the deposit draft local plan was placed on public deposit. This was 7 November 2003 in the case of Ross and Cromarty East. She also recommended that reference to a five year pro rata figure should also be more clearly expressed for Expansion areas.

32. For consistency with the Inverness inquiry’s recommendations, the following modifications should also be made to General Supporting Policy GSP7 of the Deposit Draft Ross and Cromarty East Local Plan: -

- Reword the third sentence to read: “*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.*”
- ADD new sentence at the end: “*The base date from which the 10 year period in the policy will apply is 7 November 2003.*”

33. Using the base date of 7 November 2003 a revised assessment has been made relative to house completions before and after that date taken from the council’s uniform database. At the end of June 2002 the housing stock figure within the local plan village boundary was 161 dwellings. Between then and 7 November 2003 an additional 13 dwellings were completed. The base figure is therefore 174 dwellings and 25% growth from that date is 44 dwellings. From 7 November 2003 to 1 May 2005, 41 dwellings were completed within the village, representing almost 24% growth in 18 months. The council expects the 25% growth rate to be exceeded at the time of the inquiry. The remaining development potential from sites 1 to 6 is 46 dwellings, or an additional 26% based on the 7 November 2003 housing stock.

34. In response to the third objector the council says that the sites mentioned did not come forward until after the informal landscape capacity study was completed. Site H9 is arguably a gap site between houses, and only the northern edge will be visible from the A9. Adjacent development at School Croft dominates this part of the village, and the impact will be minimal.

35. The first part of the development at the north end of the village, on site H3 is quite visible on the approach to the village from the north-east, and the impact of the adjacent H9 will make little difference. The edge landscaping could be strengthened however, and the amenity belt referred to in paragraph 19 above is reinstated in the deposit draft, with a slightly different boundary. The same comments apply to site H11.

36. The Council asks for support for the modifications proposed in paragraphs 3, 25, and 32 above.

Conclusions

37. There was an extensive discussion at the inquiry that extended beyond the points set out above, but not all was directly relevant, and other parts related to issues such as the capacity and timing of public provision of facilities that are important in principle but do not need to be considered in the finest detail. Apart from issues raised by the first and third objectors, these conclusions deal primarily with the key issue, which is the timing of development, as there is no dispute over site H8 being developed at some time.

38. It is not clear whether the first objector is saying that sites at the extreme ends of the village, such as H6 (H5), H10 and H11 should not be developed, or that there should be no farther extension, and the council appears to have treated it as the latter. As reference is made by the objector to planting at the north end of the village, outwith the developed area, I assume that this is the case. The issues of screen planting is answered by the reinstatement on the modified inset map of the amenity area adjacent to sites H10 and H11, albeit slightly smaller than in the consultation draft. Despite this I am happy that this solves the objection here, and I am content with the council's comments, at paragraph 21 above, regarding land at the south end of the village.

39. The A9/B9169 junction is dealt with under issue 1 on page 1 of this report, and need not be repeated here. I do not make any recommendation for a modification regarding this.

40. There are some discrepancies concerning the proposed housing figures, and the modified draft gives a maximum figure for 10 sites of 147 houses, taking account of the withdrawal of site H5 and construction of houses on others after the publication of the deposit draft. The question of expansion rates is central to the whole argument regarding this issue, as the only effective difference between the council and the second objector is the timing of development.

41. I have no reason to question the council's figures as set out in paragraph 33 above, and they reveal a dramatic rate of growth in recent years. The council's stance is backed up by the findings of the Inverness local plan inquiry report on similar issues, and there is no doubt that in the interests of consistency it is sensible for this plan to mirror the equivalent policy in Inverness.

42. To be pedantic it can be argued that the modified part of policy GSP7 does not apply in this case, as it refers specifically to expansion areas, and these do not occur in the Culbokie proposals. It is also unclear whether the planning permissions referred to are those that are extant at the base date or those that are granted after it, and this could make a significant difference. I am satisfied however that the spirit, if not the letter of the policy, is relevant, and is very much in line with SPP 3 guidance. The question therefore is whether the exception allowed within the policy, regarding the provision of affordable housing, applies here.

43. The indicative layout is generous in that it allocates 23 affordable units, including the self-build, out of the total of 43 in total. This latter figure however takes some liberties with the deposit draft as it is significantly above the maximum set out for the site, and over the notional 10% excess for which a special case should be made for the proposed numbers. The

eventual total for the site is not a matter for me, and would have to be considered during detailed negotiations, but nothing came out of the inquiry to justify so high a figure, and to pursue this would then make any relaxation of the policy very difficult.

44. Also the special use area, S13 is significantly smaller on the drawing than it is in the plan, and although going some way towards the council's reference to a potential 'village green' this may fall short of what is expected.

45. The site as it stands is a proposed allocation in the adopted local plan housing alteration No. 2. This states long term development, subject to policy RS3. I have been unable to find this in the alteration, but there is a policy RS4, which I suspect is a typographical error, which refers simply to a list of main centres that are identified as suitable for further expansion, including Culbokie. Any reasonable interpretation may consider 'long term' to be in excess of 10 years from adoption, in which case development now would be appropriate.

46. Having said all this, the proposal as it stands is contrary to policy GSP7. There was considerable discussion at the inquiry about affordable housing, the way this could or should be assessed and the validity or otherwise of such figures as may be available. There is no doubt as to the council's support, at least through the housing department, for this project, and there may be some tension between departments. The support of the housing association is also apparent, and a means for providing funding seems to be in place. In the light of the wider arguments that have been made for more affordable housing throughout the inquiry this is strong support for invoking the policy GSP7 exception clause.

47. There is also the question of capacity in the public services, and there was much discussion about the technicalities of expanding the capacity of the sewage plant, and exactly what is needed, and about the timing of the development of the primary school. To some extent these are matters of detail, as any relaxation of the time limit can still be conditional on the necessary facilities being available, and if this meant waiting until 2010 or 2011 other considerations would fall away. This does not however seem likely, although it could still be a couple of years away, judging from evidence at the inquiry.

48. There was also a discussion about the likely timing of development irrespective of this. Given that the adoption of the local plan could still be a further year away, depending on the extent of any further modifications and objections, and planning permission could take additional time, depending on the extent of necessary discussion and negotiation with the planning authority, it could easily be 2008 before anything could happen on site, compared with the 2010 in the modified draft. By 2008 some of the impact of the recently developed housing should have been absorbed in the village, noting that other houses will also have been built in the meantime.

49. On balance however, I consider that benefits of the affordable housing provision, clearly sought by at least one part of the council, justifies a compromise on the timing, and that the date for site H8 could be brought forward to post 2008, with relatively additional impact to 2010. This would of course be subject to the necessary improvements to public services having been carried out.

50. Drawing all these point together, I am satisfied that there is a case for bringing forward the date for implementing site H8 to 'post 2010', on the basis of the affordable

housing provision. This should be conditional on the completion of the new primary school and the upgrading of the sewage works. Careful consideration should also be given to the departures from the deposit draft that are made by the admittedly indicative layout, and the extent to which these are acceptable. In particular I am concerned that the total number of houses proposed is so far in excess of the 20 – 30 proposed in the draft plan, and that more consideration needs to be given to the scale and use of site S13. I am also satisfied as to the justification for the other proposed modifications.

51. There remain the issues of landscape impact raised by the third objector. In many ways the sites referred to represent a sensible rounding off of the village form, and although some sites, particularly those at the north end of the village are relatively exposed. They are likely to be little more prominent than some of the other recent development and the reinstatement in the modified draft of the amenity belt adjacent to sites H10 and H11 will help address the objector's concerns here. There is thus no need for any further modifications.

52. I have also considered the other modifications proposed in paragraph 3 and 25 above, and consider these to be justified.

Recommendation

53. I therefore recommend that the following modifications are made to the deposit draft local plan:

- (i) policy GSP7 should be amended to incorporate the changes proposed at the Inverness inquiry as set out in paragraph 32 above. For the avoidance of doubt policy GSP7 now reads:

“The Council will seek to ensure that house-building in the settlements within the Hinterland area (as defined in Chapters 7 to 34) does not exceed 25% of the number of existing dwellings in such settlements in any 10 year period. The Council will endeavour to ensure that further housing on land allocated for such development is distributed as evenly as possible and provides choice within each settlement, and phased to enable development to proceed incrementally over the plan period. Accordingly, for development proposals relating to 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. In so doing, the Council will seek Section 75 Agreement if necessary and will have regard to

- the availability for development of other land allocated within 5 years, including any infrastructure or other constraints likely to delay building
- the average rate of completion of new homes (within the settlement zone) during the previous 10 years
- any overriding local housing priorities as identified in the needs assessment undertaken as part of the Local Housing Strategy; the extent of possible developer contributions
- extant planning permission.

The base date from which the 10 year period in the policy will apply is 7 November 2003.”

NOTE THAT I HAVE CONSIDERED THIS POLICY ALSO IN RELATION TO ANOTHER OBJECTION, WITHOUT REFERRING THIS ISSUE - SEE PAGE 49

- (ii) in the background section MODIFY the third, fourth, and fifth sentences to read:
“The rapid increase in development activity since 2002 raises concerns about the impact of significant growth of over a short period of time. The village needs time to adjust and to allow the provision of community facilities and affordable housing to catch up. These concerns and the limited capacity of the sewage works all suggest the need try and control the rate of future development.”;
- (iii) INSERT a new paragraph (6) between modified sites (H5) and (H7):
“6. The rate of development on sites 1 to 5 will be closely monitored in relation to General Supporting Policy (GSP) 7 on Settlement Expansion. This will help determine the timescale for developing other land and allow the village time to adjust to the recent high growth rate. In the meantime sites 7 to 11 below are allocated for longer term development, i.e. post 2010 (2008 in the case of site 8) and thereafter house building should be carefully phased up to 2017. The Council will review this restriction again on completion of the new primary school (2006 at the earliest), having regard to the remaining potential on sites 1 to 6 and the capacity in the public drainage system. No development will be allowed on sites 7 to 11 until the new primary school is open and the waste water treatment plant has been upgraded to the necessary capacity. Over and above the specific requirements indicated, the Council will seek from developers:
- the provision of affordable housing in accordance with the Council’s Development Plan Policy Guideline No. 2 and General Supporting Policy 8; and*
 - contributions to off site improvement of existing or provision of new recreation/ community facilities and public transport serving the village.”*
- (iv) DELETE site H5, and renumber the subsequent paragraph; and
- (v) The area north east of sites 10 and 11 should be MODIFIED on the inset map to show more significant landscaping along the edge to add to the existing woodland clump.

**75 OBJECTIONS RELATING TO CHAPTER 14: DINGWALL PARAGRAPHS
15 (12) & 20 (17) – SPECIAL USES AND AMENITY**

Objector: Ross County (1998) Ltd
Procedure: Written submissions

Background

1. Victoria Park is the football stadium for Ross County Football Club. It is located on the east side of the railway, with access from the eastern end of High street via Ferry Road. Jubilee Park is formal open space to the north of the stadium.

Brief summary of main points raised by the objector

2. The land allocation ‘special uses’ S15, should be amended so that it does not presume against the establishment of community or business related activities, and reflects the future direction of the football club. Adjacent ground owned by Dingwall and Highland Marts Ltd, A20, should also be rezoned as it is an area where the club would wish to expand to increase seating and provide office development.

Brief summary of the council’s response to the objections

3. These objections relate to proposals for expanding the stadium and providing associated community based office space. Although there were some concerns about parking, planning permission has been granted for the development. The statement under special uses 15 (12) should be modified as follows:

DELETE the first four sentences of the statement to reflect completion of works at the Football Academy and Jubilee Park;

INSERT “*Following its involvement in the joint venture development of the Highland Football Academy, Ross County Football Club seeks to expand the Victoria Park Stadium to provide additional spectator seating supported by community or business related activities and parking. Outline consent was granted in 2004.*”; and

retain the last sentence.

Conclusions

4. This objection has been resolved and should have been withdrawn. The council’s amendment reflects the status quo of the planning permission and should therefore be approved. However the text omits reference to the change of zoning on the inset map of the amenity ground to special uses, even though it is changed on the map in the deposit draft with modifications. This should be reflected in the text.

Recommendation

5. I therefore recommend that:

(i) the changes proposed by the council set out in paragraph 3 above be approved;

- (ii) on the inset map that part of the amenity designation A20 (17) located on Jubilee Park Drive be ALTERED to 'special uses'; and
- (iii) no other changes be made in response to these objections.

**76 OBJECTIONS RELATING TO CHAPTER 15: EDDERTON – BUSINESS SITE
2 (SINGLE HOUSE) (Issue 27)**

Objector: A I Sutherland (56)
Procedures: Hearing

Background

1. The draft settlement plan for Edderton zones a relatively extensive area of land at the east end of the village, on the north side of the A836, for business use. About 70% of this is taken up by a caravan sales and servicing business with the remainder occupied by the objector and partially used as a blacksmith's workshop and fabrication yard. Part of this latter area is elongated approximately north south, measuring some 30m by 120m and this is designated as site 2 for business use with the description: *"0.3 ha. of land adjacent to the caravan sales outlet is allocated for business use."*

2. The ground is flat, with the most southerly part of the designated site being used to store machinery and other equipment, and materials for the blacksmiths/fabrication yard, which adjoins to the south. The northerly part contains an old shed but is primarily open ground, part of which has been scraped back to clear earth. Access is from the A836 by a single track road along the eastern edge of the site. The site is screened from the caravan business by trees and is surrounded on three sides by open ground, that to the north-east, north, and west being zoned for amenity in the plan. There is also a cottage within the amenity area close to the northern end of the site, and to the north of this the extensive generally wooded policies of Woodlands House, which also has a former steading or stable block designated for housing. The eastern boundary is also the settlement boundary, with land outside in agricultural use. The principal housing areas in the village are to the west of the business areas and amenity ground and are accessed from farther west along the A836.

Summary of main points raised by the objector

3. The objector has lived in the village since 1953 and has developed the business as successor to his father, and owns the whole of the designated site. The adjoining caravan business is owned and operated by his brother, and includes a house permitted by the council. He wishes to build a house at the northern end of the site for his son, who will eventually take over the business. The Trustees of the General Assembly of the Church of Scotland, who sold the site, are agreeable to a house being built.

4. Houses and development sites for sale in the village are prohibitively expensive for local people, and it would be helpful to the business to have someone living on the site. This would also encourage continuity of employment and a young person to stay in the area. Since the area has been bypassed by the A9 there is no demand for land for industrial type buildings, and as it is owned by the objector it would not be sold to another developer. There are other industrial units in areas such as Bonar Bridge, Lairg, and Tain, developed with financial input from public bodies such as Ross and Cromarty Enterprise.

5. It is understood that a temporary septic tank would be acceptable pending the upgrading of the local sewage treatment works. There is no contamination, and in any event

this would be an issue for industrial use also. Local officials had advised that the site is appropriate for a house, the issue being the local plan designation for business. There is a cottage only 40m away and there does not seem to be any logical reason for not allowing a house on the site

Summary of the council's response to the objections

6. The council notes the support in SPP 2 for allocating sites for rural businesses, and the emphasis on this in paragraph 2.6.3 of the structure plan, which encourages the supply of land for business and industry focussed on settlements and consistent with the proposed settlement strategy.

7. The objection site offers the potential for one or two small business units and is the only such site within Edderton. Infill opportunities exist elsewhere in the village, although at present these are constrained by the need to upgrade the public septic tank, although interim arrangements or a contribution towards upgrading could overcome this. There are also potential issues relating to contamination arising from the storage of materials. It is accepted that the site is appropriate for a house but, as opportunities for housing development are available in the village, it would seem inappropriate to allow a house on land more suited to business when this is the only allocation in the village, in accordance with SPP 2.

Conclusions

8. Although SPP 2 does recommend the allocation of land for businesses or small scale industrial use within rural communities, apart from one small business on the west side of the village all the allocated land is taken up by the two firms referred to, for caravan sales and blacksmiths/metal fabrication. The objection site forms part of land under the control of the latter firm and it is stated that it would not be made available to other users. Whilst there are no doubt means of overcoming this in practical terms it is unlikely in a relatively remote rural community.

9. On the basis of the discussion at the hearing it seems more likely in these circumstances that the best interests of the business, and therefore potential expansion and increase in local employment, or at least the safeguarding of existing employment, would be served by encouraging further family commitment through the development of a residential presence on the site. Whilst in most situations this would not be appropriate in an area zoned for industry, in the case of the objection site the immediate surrounding area on three sides is largely open ground, and there is another cottage only 40m away. Much of the housing within the village has a relatively low density irregular layout so the proposed site would not be inappropriate in this regard, and residential amenity would not be an issue. The remaining business area could be screened, and given that the allocated area is 0.3 ha there is likely to be adequate space remaining for an additional small unit should there ever be a demand for this, without prejudicing either a house or the remaining business. I note also the ready availability of industrial units in settlements only a short distance away.

10. I take into account also that the council does not see any physical circumstances preventing the designation of a site for a house, and that issues of drainage and potential contamination could be dealt with by a specific reference in the plan or condition in the event of any planning permission being granted, and the occupation could be tied to someone employed in the fabrication business. Given the encouragement to the continuation of the

existing business within a small rural community I do not consider that there is a significant conflict with the terms of either SPP 2 or the structure plan.

Recommendation

11. I therefore recommend that an appropriate area at the northern end of site 2, say around 0.1 ha, leaving 0.2 ha allocated for business use, be designated for housing, with the supporting qualification:

“1 house, with occupation tied to the metal fabrication business, and subject to satisfactory prior agreement over the provision of foul water drainage.”

77 OBJECTIONS RELATING TO CHAPTER 15 EDDERTON: PARAGRAPH 5 - AMENITY

Objector: British Telecom plc (166)
Procedure: Written submissions

Background

1. Paragraph 5 of chapter 15 refers to the protection of important open spaces and amenity, particularly (third bullet point) ‘trees at the parish church, Woodlands House and the telephone exchange’.

Summary of main points raised by the objector

2. This policy relates to important open spaces and amenity areas to which the telephone exchange is neither. Any reference to this should be removed and the policy read: The council will protect important open spaces and amenity areas, particularly the fields off Carriclair Crescent. The play area and trees at the parish church and Woodlands House.'

Summary of the council’s response to the objections

3. The policy refers to the protection of amenity trees. The third bullet point refers to trees in the area surrounding the telephone exchange, which is designated for business use. The council proposes to:

MODIFY bullet point to read “*trees at the parish church, Woodlands House and on ground adjacent to the telephone exchange.*”

Conclusions

4. This is effectively a factual correction which the council’s proposed modification has resolved. The objection should therefore have been withdrawn.

Recommendation

5. Accordingly, I recommend that:

- (i) the modification proposed by the council set out in paragraph 3 above be approved; and
- (ii) no other changes be made to the deposit draft as a result of this objection.

78 OBJECTIONS RELATING TO CHAPTER 16: EVANTON - LAND NORTH-WEST OF KNOCK RASH (Issue 71)

Objector: J Fraser (85)
Procedure: Written submissions

Background

1. Evanton is medium sized village of some 1,100 people, lying astride the old main road, now the B817, some 10 km north-east of Dingwall. The original planned settlement that forms the heart of the village has since expanded in a number of directions. Considerable expansion took place in response to the oil developments, and larger, modern houses have been built away from the village centre. It has a post office, convenience store, hairdressers, village hall, sports hall, small branch library, primary school and two hotels.

2. The deposit draft local plan projects a need for between 230 and 270 houses over the next 15 years, and this is dealt with under issue 28. Paragraph 8 allows for infill development at Knock Rash, to the west of the village centre, with unspecified numbers, subject to adequate access arrangements. Lower Park Farm is located adjacent to this area, on the Swordale Road at the western edge of the village.

Summary of main points raised by the objector

3. The objector would like an area of ground at Lower Park Farm, north-west of Knock Rash to include provision for a small housing development. This would require a small extension to the boundary, allowing also for access via an existing track on the western edge of the settlement. This is owned by the objector and could be upgraded to adoptable standards, but would require to be within the settlement boundary.

Summary of the council's response to the objection

4. The site proposed sits at the north-western edge of the Evanton settlement but would not extend the western limits of the boundary. It would be acceptable to redraw the boundary to incorporate part of the site proposed without extending the settlement boundary further westwards. This would offer further development potential for further infill development. A modification was approved to adjust the Evanton settlement boundary to incorporate the eastern section of proposed site within settlement. The allocation is covered by Policy H8 and annotated accordingly.

5. Regarding the further proposed amendment to the boundary to the include a strip of land to the west of the access track to the site, to facilitate the improvement of the access to serve the potential housing development, this is not necessary within the context of the allocation. The inclusion of the access road would not materially change the content of the plan but may assist in the requirement for providing necessary improvements to the access road, and any further requirements for the improvement of Swordale Road to facilitate the development. The council therefore proposes the amendment of the deposit draft plan as indicated on production (THC71/1), by adjusting the western boundary of Evanton to incorporate the access track.

Conclusions

6. This objection proposes the non-controversial extension of the settlement boundary at Knock Rash, which would incorporate about 2 ha of land presently part of Lower Park Farm. It would form an addition to the area of existing housing at H8 on the north side of Swordale Road that is allocated for infill housing. Whilst no objections have been made to the modified proposal, it would seem sensible for the council to set down requirements for the site. This is important as it would be a new housing development and not simply infill. Also it would increase the housing allocation, albeit by a relatively small amount, but this is already considered to be too high, and I recommend in issue 28 a reduction of some 90 or so houses from the overall allocation. It would therefore be sensible to set out a specific number of houses that the site should accommodate.

7. I find that the land should therefore be designated as a discrete site in its own right, rather than as part of H8, with appropriate requirements regarding access and road improvements to Swordale Road, together with a fixed limit to the number of houses allowed.

Recommendation

8. Accordingly I recommend that:

- (i) the proposed housing development site shown on production THC71/1 be given a separate site number and designation, rather than being incorporated in site H8;
- (ii) requirements be set out for the site, including a maximum number of houses and the improvement, or contribution towards, of relevant sections of Swordale Road, in line with the requirements for H8; and
- (ii) no other amendments are made in relation to this objection other than any consequential renumbering.

79 OBJECTIONS RELATING TO CHAPTER 16: EVANTON – EXPANSION AREAS (Issue 28)

Objectors: G Macdonald (4); R & A Forrest (24 & 453); S & F Munro (27); A MacDonald (140)*, G Mackenzie (143 & 456); E Craik (144 & 457); G Mackenzie (145 & 458); A Craik (146 & 459)*; R Munro Ferguson (158)*; R Gibson (301)

Procedures: Round table discussion* and written submissions

Background

1. Evanton is medium sized village of some 1,100 people, lying astride the old main road, now the B817, some 10 km north-east of Dingwall. The original planned settlement that forms the heart of the village has since expanded in a number of directions. Considerable expansion took place in response to the oil developments, and larger, modern houses have been built away from the village centre. It has a post office, convenience store, hairdressers, village hall, sports hall, small branch library, primary school and two hotels.

2. The deposit draft local plan projects a need for between 230 and 270 houses over the next 15 years. Five sites, H3 – H7 are allocated for housing with a total capacity of 47 houses, including 12 on H7, west of the primary school. Paragraphs 8 and 9 allow for infill development in the centre of the village, and at Knock Rash to the west, with unspecified numbers. Three expansion areas are designated for housing over the next ten years and beyond. Sites E13 Teandallon East (80 houses) and E14 Teandallon West (90 houses) are adjacent to the west of the village. These are open fields that gently undulate and rise to the north and west between the River Sgitheach and the Swordale Road. Site E15, rear of Novar Crescent (85 houses) is at the north-east end of the village and is a relatively flat field that backs onto existing houses on its south-eastern and south-western sides.

3. A draft development framework for Teandallon East shows five phases of development in the short to medium term, with access from the Swordale Road and, potentially from a new bridge across the Sgitheach, close to the primary school. The requirements include the resolution of traffic issues, appropriate landscaping and open space and a range of housing types. Teandalloch West is marked for much longer term development, with access primarily through Teandallon East and a diversion of the Swordale Road through the development.

4. A draft development framework for Novar Crescent shows four phases of development in the short to medium term, with access from the B817 on the north-east edge of the village. Requirements include structural planting, footway/cycle path provision and a range of housing types. All three areas require a development brief or overall master plan, affordable housing, legal agreements with the council regarding access and open space, contributions to public transport improvements and drainage assessments and upgrading.

Summary of main points raised by objectors

5. The objections fall into a general category about the village as a whole, specific housing area H7, to the west of the primary school, and the housing expansion area E15 at the

back of Novar Crescent. Comments are also made about expansion sites E13 and E14, Teandallon, on points of detail. Although from different objectors the main principles of the objections and comments are similar. The issues covered, which were expanded on at the discussion are:

General

- 230-270 houses excessive for village;
- 2001 census shows 439 households in village – figures would provide between 52 and 62% expansion, against 23-28% in other main towns, contrary to GSP7;
- growth should be encouraged in declining settlements of Alness and Invergordon;
- community opposition to proposed scale of expansion;
- limited availability of services in village;
- poor public transport provision and heavy local car usage;
- development contrary to overall transport strategy;
- failure to adopt views of local community, contrary to structure plan sustainability on community empowerment (paragraph 1.4.4);
- proposed changes to deposit draft not notified to individuals;
- overcrowding and lack of resources at primary school (Kiltearn);
- commercial land nearby at Highland Deephaven – no need for more to be zoned;
- need for improved local services such as police, fire, health care and social work;

Site H4

- poor site until traffic issues resolved at school, possibly using diversion to south;

Rear of Novar Crescent

- isolated site relative to services – up to 1 km from village centre, and 1.5 km to the primary school;
- prime quality agricultural land in regular cultivation that should be protected;
- site part of open attractive setting of Evanton seen from the north, in diverse rural environment;
- development would breach natural limits of village, encouraging further expansion;
- sites E13 and E14 enclosed on three sides and less landscape impact, and reduced expansion could be accommodated here;
- development unnecessary;
- council owned land at Teandallon should be exploited first, as it has been set aside for this purpose for 30 years, and has potentially good access;
- if this is permitted there will be no incentive to develop Teandallon;
- there should be an element of commercial development here, as well as housing, allowing for on site working for occupiers and others, reducing commuting;
- business zone introduced as modification at eastern end of site;
- misleading use of terms ‘sustainable’ and ‘local’ in modified draft;
- phasing starts with area furthest from school;
- business use would encourage more traffic through the village;
- adjacent residents would be sandwiched between two industrial sites, contrary to good planning practice;

- site should be low density with variety of plot sizes;
- develop at Drummond close to school and sports centre;

Teandallon East and West

- possible access via Drummond Road west of police station;
- river crossing east of school would jeopardise play/waiting area and affect road safety; and
- river crossing should be built now to encourage development of area.

Summary of the council's response to the objections

6. Following objections to the deposit draft, the council proposes the following changes:
 ADD new sentence after first sentence of policy E15 Rear of Novar Crescent: "*E15, Rear of Novar Crescent*" "*The use of sustainable design and local materials will be encouraged in the development of the site.*"
 ADD to existing policy 15, after last sentence: "*Allocation to provide mix of uses, housing affordable and private, home working units, commercial units/ craft workshops. Layout of roads serving commercial units/craft workshops. If after a period the commercial units/craft workshops fail to be developed the area for this use could also be developed for housing.*"
 ADD in the section Development Factors, in the last sentence, after 'within the': "*essential setting within the*"; and after the last sentence: "*Where development proposals will impact on facilities or require the upgrading of services or infrastructure the Council shall seek provision of necessary works or contribution towards the upgrading of facilities and infrastructure*"; and
 ADD in paragraph 8 after 'subject to': "*the provision of adequate access and required road improvements*".
7. The structure plan's objectives and strategic themes require housing allocations in appropriate locations within existing settlements. To support the settlement hierarchy and relate housing provision to employment opportunities, the availability of services and transport networks, housing allocations have been decentralised. To take development pressure away from Inverness and support the sub-regional functions of the Evanton, Alness and Invergordon corridor, allocations have been increased above anticipated needs in Ross & Cromarty.
8. The revised figure in the deposit draft reflects the latest projection information for population and household formation. The expected slow down in household formation is accounted for in the allocations for the area, and those for Evanton, Alness and Invergordon have been reduced in line with the latest forecasts. The need element of the allocation for Evanton ranges from 130 to 170, with the lower range reflecting historic completion rates and the upper figure taking account of projected increases in household formation, plus a flexibility allowance for choice within the market place. The strategy element from the structure plan requires the allocation for a further 100 houses, and several small established allocations account for the remainder of the overall allocation of 302.
9. Development policies and allocations relating to Highland Deephaven, Alness, and Invergordon allow for locally based employment opportunities within Evanton. Housing allocations there have been reduced from 450 to 270 between the consultative and deposit

draft plans. Although the obligation to allocate land as part of the structure plan strategy to deflect development away from Inverness has not delivered significant employment growth to date, potential for this exists with proposals for a major wood processing plant at Invergordon and also speculation of development at Nigg that may see the need for the strategic housing requirement.

10. As a small community it is to be expected that car ownership would be more prevalent than in larger ones that support a greater range in facilities and therefore reduce the need for car usage. There is an hourly bus service to Dingwall from before 7 am until after 10 pm. In association with further development, the Council will consider the need for contributions from developers towards public transport improvements. Investment is being made available through the Scottish Executive to assist in the provision of rail halts throughout Scotland, and this could benefit Evanton.

11. The Council is assessing the suitability and viability of potential options for access to the Teandallon site, including ones shown in the plan and others to the west of the school, as well as a more limited development at Teandallon and a new river crossing. Access south and west of the school may not be viable. If a new river crossing does not prove economically viable the development would be substantially less than that proposed, requiring the designation of an alternative site to provide for the medium to longer term development of the village, which is designated at Novar. Contributions may also be required to upgrade the waste treatment works serving the village.

12. The development of site H7 will require the provision of traffic calming measures and road widening to address any concerns.

13. The site at Novar Crescent is no further from the school than existing housing at Novar and Fyrish Crescents. Any development will be required to provide a plan to accord with Safer Routes to School, with the safety of school pupils paramount. The distances involved are not excessive and guidance suggests that if a child walks for 30 minutes to get to school, that is half of the recommended daily exercise allowance.

14. The extension of the village would not be of such a scale or density as to fundamentally affect the landscape setting of the village. Requirements contained within the policy seek structural planting to provide an attractive environment for the development and the setting of the village. The Scottish Executive has indicated a desire to be consulted on the take up of prime agricultural land, but has not indicated opposition to the inclusion of the allocation for housing land.

15. The allocation at Novar Crescent would not expand the village towards the rail siding proposal. The final approval of the latter requires the signing of a section 75 legal agreement in respect of the works to be carried out on the A9(T) and the provision of traffic calming measures for Evanton. The area of land on which the proposal is to take place is allocated to remain in agricultural use within the local plan, except for the siding area. The approval of the development, when finalised, is also subject to a condition and section 75 legal agreement retaining the agricultural use of the land surrounding the sidings.

16. The potential to develop businesses and truly local employment opportunities exists at Novar for the provision of integrated employment workspace within the curtilage of housing units to encourage home working in addition to the provision of commercial units/craft

workshops accommodating uses that can operate in a residential setting. The proposed additions to existing policy 15 referred to in paragraph 6 above reflect this additional use.

17. Regarding objections to the proposed modifications, the council says that these were placed on deposit, with objectors being notified of locations where the documents could be examined for a six week period ending 18 March 2005. This allowed scrutiny of all proposed changes, which were highlighted in the document, "Proposed Changes to Written Statement".

18. The Novar developer intends to utilise locally sourced materials wherever feasible and practical. Timber extracted from Novar Estate may require to be sent outwith the immediate locale for processing but the distances involved are significantly less than using Scandinavian timber. The reference to sustainable refers also to construction methods used, high levels of insulation, use of solar gain and other forms of energy reduction complying with national policy in relation to energy efficient housing and also to GSP1 – Design and Sustainable Construction of the Deposit Draft Local Plan. The local employment provision would be within the context of the village and of a nature that can be carried in a residential area.

19. The access point to the site means that construction at least of the access would require to be started at the point referred to as phase 1. The provision of an overall master plan should guide comprehensive development, including basic requirements for servicing. Early development of a path network to cement links with the community would form part of a landscaping design to allow further integration with existing and proposed housing use.

20. The capacity of Kiltarn primary school has been reduced from 198 to 171 as one classroom is being used as the nursery. The school roll currently stands at 158, and projections indicate that the roll is likely to increase to 160 in 2006/07 and decline to 148 in the years 2009/10, in line with national trends. The Council's Education Service has made projections on the basis of increased levels of house building providing additional schoolchildren numbers of between three and five (THC28/1), equating to 12 to 20 additional houses per annum. This indicates that the school can accept an increase of an additional 12 houses per annum without exceeding the capacity of the school.

21. The relocation of the nursery to a free standing nursery building to care commission standards would return the capacity of the school to 198, although the cost of this may be prohibitive, at approximately £350,000. The education service currently views the school accommodation as adequate and does not consider there is a requirement for a potential replacement school at this time.

22. Current house construction within Evanton has averaged eight per annum over the past five years, and an additional 12 to 20 houses per annum would mean a considerable increase in demand for housing in the area. The higher level of development is unlikely to occur even if the Structure Plan strategic element were implemented. General Supporting Policy GSP7 – Settlement Expansion seeks to ensure that development does not exceed 25% of existing dwellings within a settlement and as such would seek to control phasing of development. Levels of development within the village would be subject to annual monitoring to ensure that the rate of development within the settlement does not breach General Supporting Policy GSP7 – Settlement Expansion.

23. Highland Deephaven is generally for a larger scale of industrial uses although potential exists for smaller business type uses, unlike the proposed home working units

related to the residential development, commercial units and craft workshops. The integration of small scale business opportunities and housing is in keeping with national policy guidance. These businesses are unlikely to generate excessively high volumes of traffic, and this may be countered by a reduction in commuting to other employment locations.

24. The Council asks that no change is recommended to the content of the deposit draft with modifications, in respect of these matters.

Conclusions

25. Looking first at general issues, a number of comments have been made about the preparation of the plan and the extent to which procedures have been properly followed. These are not matters that are relevant to the inquiry, which is concerned with the planning arguments put forward in the objections.

26. The council has already reduced significantly the number of houses originally proposed in the deposit draft, following objections from the local community. Apart from objections to site H7, relating to traffic and the school, the remaining ones concern the expansion area E15 behind Novar Crescent. There are no objections to the principle of developing at Teandalloch, although significant questions have been raised about its effectiveness and access.

27. Based on recent housing completions of eight per year this would give a demand figure for Evanton of around 90 houses up to 2017. The council accepted at the discussion that the school could accommodate a housing expansion of around twelve houses per year, and that a total for the plan period of around 120 would probably be satisfactory. The deposit draft allocation is for 302 houses on the designated housing and expansion sites, not including potential infill development in the village centre and at Knock Rash. Making predictions in an area where employment opportunities have declined, albeit with some new potential for future growth, is difficult, but all the evidence, and the council's own admission, suggests that 300 or so is excessive and that the area of designated land should be reduced.

28. Looking first at site H7, the objection to its development is not to the site itself, which is an open agricultural field that slopes down to existing houses on the north side of Drummond Road at Kiltarn, close to the primary school. It relates to the need to resolve traffic measures at the village school, which, according to evidence, becomes congested at times when parents are dropping or collecting children. I looked at this during an accompanied site inspection, which also examined possible new lines of access to Teandallon, all of which would require a new bridge across the River Sgitheach. Leaving the latter issue for now, the council recognises that traffic calming measures would be required, and this could be added to the text in the plan. The road past the school appeared to serve primarily local traffic along it, and as long as traffic calming is provided, I am not convinced that the potential increase in traffic would be such as to jeopardise road safety at the school, and that site H7 should remain as proposed, subject to my recommendation on the traffic calming requirement.

29. Sites H3 to H7 provide for 47 houses between them. I note from the deposit draft that site H6 for 24 houses south-east of Evanton bridge already has planning permission, and assuming that all the sites are developed the demand for the next three to five years is likely to be satisfied, with the three expansion areas providing development land after that.

30. Looking first at E15, Novar Crescent, the land owner's objection relates to the inclusion of the element of home working and other commercial development. This has been dealt with by the council's proposed modification, and at the discussion it was stated that the objection was conditionally withdrawn on this basis. The land owner's representatives also stated that the advice in Planning Advice Note 74 Affordable Housing, and the council's figure of 25%, is acceptable to the estate. Arguments have been put forward by other objectors that adjacent existing houses would be sandwiched between two industrial areas. One of these would be the new railway sidings to serve Highland Deephaven, but the adjoining land will remain in agricultural use and is zoned for amenity in the deposit draft. It is also separated from existing houses by the road and railway, and is unlikely to be obtrusive.

31. The proposed commercial uses would almost certainly be small workshop or office based, and industrial uses would be unlikely to receive planning permission. I note that the draft development framework in the modified plan shows a business area at the far north-eastern end of the proposed site area, with open space between it and the nearest housing. Traffic is unlikely to be at levels that would be significant, and certainly during my time in the village there was no evidence of excessive traffic. I do not therefore see any grounds in this objection for removing the proposed designation.

32. It is claimed that developing the site would have an adverse impact on the setting of the village. When viewed from the north-east boundary of the site during my site inspection the most prominent features in the landscape were the housing area of Novar Crescent and the extended line of houses to the south-west of this. The requirements for the site include significant structural planting, which would not only help screen the site, but also improve the setting of the existing exposed houses. These form an extended finger of development along the old main road, and I am unable to accept the arguments that these provide a natural limit to the village.

33. There is no doubt that if developed some of the houses would be nearly 1.5 km from the primary school, but this is not an unreasonable distance, and within a rural area would normally be termed convenient. The provision of the required footpath/cycleway network would encourage walking.

34. It has been suggested that the use of local materials is not effectively sustainable due to non-local processing, but such arguments would apply to any site, and the intention is to be welcomed, although it is matter for encouragement rather than the control of a local plan. The field appeared to have been under a silage crop at the time of my site inspection, but whether correct or not it was obviously in active agricultural use. However no evidence has been provided to show that its retention in agriculture is essential, and I note that the Scottish Executive has not objected to the site's designation.

35. The only adverse comments about the principle of developing Teandallon relate to problems of access, especially on the Swordale Road along the northern edge of the site. The draft development framework proposes an access into the site at the eastern end of Swordale Road, with the latter eventually being diverted through the site. This would avoid the main problems of the road that lie farther to the west, which would be dealt with by this diversion. The draft also indicates a potential long term crossing of the river east of the school, which would allow a new access through the area to the Swordale Road, avoiding the village. A counter objection states that this could affect road safety and the play/waiting area, and the council raises issues regarding cost and viability. An alternative suggestion has been

provided by building a new link road from the B817 running south of the school and accessing the river to the west of the police station or Church Cottage, on Drummond Road.

36. Whilst a river crossing at any of the points referred to, and looked at during my site inspection, would be feasible in physical terms, there would undoubtedly be a substantial cost, potentially affecting the viability of any building project. These issues may be resolved by the council's recently commissioned study of possible alternative accesses. The possibility of a crossing is referred to in the deposit draft in association with a longer term relocation of the school, and this seems to suggest that it would only be required in the event of site E14 being developed. The issues relating to the school are obviously not going to be decided in the short term, and even then the access problems would still have to be resolved. Given also the complete lack of progress in developing any part of the Teandallon sites previously designated it is questionable whether E14 should remain as a local plan site.

37. If this site is removed, it would bring the housing allocation down to around 210, which may still be at the upper end of the requirement, but is not excessive. It would leave the designated expansion sites as E13 and E15, although removing the latter site instead would have a similar effect. Although E15 is subject to local objection, I have not found any of the arguments put before me to present sound planning reasons why it should not be developed. Its inclusion in the plan would also present an element of choice, and it is likely that it could be effective at an early date. Issues relating to the site, including archaeology, drainage and landscape could be dealt with through the requirements already indicated in the plan, or at the stage of any planning application.

38. Drawing all these points together, I find that the present housing allocation is excessive, and that it should be reduced. This could be done by deleting expansion area E14 or E15 from the plan. Given the inherent problems over the development of site E14, the absence of any significant planning reasons why E15 should not be developed, and the desirability of some choice of sites, the retention of the latter is a more logical choice. This is said however without any further information about the viability or otherwise of the potential river crossing, and when the council has this it could influence the final decision.

Recommendation

39. Accordingly I recommend that:

- (i) the housing allocation is reduced by approximately 90 houses, by the removal of either site E14 or E15 from the deposit draft;
- (ii) the changes proposed by the council regarding site E15, set out in paragraph 6 above, should be approved in the event that the site is retained in the adopted plan;
- (iii) the other changes set out in paragraph 6 above should be approved;
- (iv) ADD in paragraph 7 at the end of requirements: "*and traffic calming on Drummond Road.*"
- (v) no other changes other than consequential renumbering should be made as a result of these objections.

80 OBJECTIONS RELATING TO CHAPTER 16: EVANTON – VARIOUS ISSUES OTHER THAN HOUSING IN EVANTON (Issue 29)

Objector: A MacDonald (140)
Procedures: Written submissions

Background

1. Evanton is medium sized village of some 1,100 people, lying astride the old main road, now the B817, some 10 km north-east of Dingwall. The original planned settlement that forms the heart of the village has since expanded in a number of directions. Considerable expansion took place in response to the oil developments, and larger, modern houses have been built away from the village centre. It has a post office, convenience store, hairdressers, village hall, sports hall, small branch library, primary school and two hotels.

Summary of main points raised by the objector

2. The land at Novar Crescent is not located within the Historic Garden and Designed Landscape of Novar House. The area is wrongly named Novar on the draft development framework plan, as it is part of Culcairn Farm, which is its historic & present name. Culcairn Estate is that area of Kiltearn Parish lying to the east of the Allt Graad. It is important that historic names are retained.

3. The area purchased and cleared by Ross and Cromarty Enterprise, designated in paragraph 2 as the garage and “hanger”, could be developed principally as public open space and incorporate the wooded strip to the east and the area adjacent to the River Sgitheach. The original timber framed & slate roofed garage building could be retained to give a degree of continuity to any built development.

4. Regarding housing paragraph 8 Knock Rash infill, the deposit draft should indicate by means of a draft plan how shared access to Swordale Road could be achieved. Consideration should be given to improving Swordale Road by constructing a second single track carriage way to the south of the existing so as to save and incorporate the mature oak & beech trees. The Swordale Road footpath should also be extended to the limit of the Evanton Settlement Boundary.

5. Regarding paragraph 16, Protect Open Spaces, the plan does not indicate the location of the archaeological site “The Priest’s Sepulchre” – probably an early Christian chapel and burial ground, possible on a pre-Christian site. The site should be protected.

6. The caravan site is zoned for business. The area has previously been zoned for leisure and recreation use and its potential as parkland recognised. ‘Business’ leaves the land use too open to undesirable development, and the leisure and recreation zoning should remain.

Summary of the council’s response to the objections

7. The site at Novar Crescent forms part of the essential setting of the garden and designed landscape of Novar House and, as stated by the objector, falls outwith the landscape

boundary (THC29/4). A modification is proposed to the text in the final sentence of Development Factors to read: *“Account should be taken of its location within the essential setting of the Garden and Designed Landscape of Novar House.”* The name used for the allocation refers to the area sited behind Novar Crescent which forms part of Novar Estate land. The paragraph should also conclude: *“Where development proposals will impact on facilities or require the upgrade of services or infrastructure the council shall seek provision of necessary works or contribution towards the provision or upgrading of services and infrastructure.”*

8. Regarding the village centre paragraph 2, garage and “hanger”, the site owned by Ross and Cromarty Enterprise is allocated for community use. The final purpose for the site, to be established through consultation with the public, has not yet been finalised. The adjacent site has been the subject of a planning application and both sites cleared for development.

9. The further development at Knock Rash would be best served by a shared access. It is acknowledged that there is some capacity for further new accesses to serve new infill development, subject to the provision of adequate visibility and any required road improvements. A modification is therefore proposed to the deposit draft to read at paragraph 8: *“The Council will favour further infill development at Knock Rash subject to the provision of adequate access and required road improvements.”* Infill potential at Knock Rash is subject to the provision of adequate access and required road improvements. These will require to be carried out within the curtilage of the properties to the north of the road. The wording in this respect has not been correctly transferred to the deposit draft with modifications version of the plan and the wording: *“no direct access to Swordale Road”*, should be deleted from the text.

10. Regarding amenity paragraph 16 Protect Open Spaces, Novar Estate has a management agreement with the Forestry Commission for the afforested area in question. This accords with the policy protection afforded by its amenity status.

11. Regarding the business use at the caravan site, the adopted local plan contained a policy reference to consider the development of a village park at the site, on an area of land to the north-east of the caravan park on the opposite side of the river. This area of land is covered by an amenity policy which seeks to protect areas of open space and amenity value. The annotation on the deposit draft mapping reflects the current use, which is currently that of a caravan park. Any development proposals for the site would take into consideration the merit held in the site’s amenity value.

Conclusions

12. Regarding the land to the rear of Novar Crescent, the issue of the designed landscape has been adequately dealt with by the council’s proposed modification to the deposit draft, set out in paragraph 7 above, and I do not consider that this requires any further alteration. On the question of the name of the site, this is accurately described in paragraph 15 as ‘rear of Novar Crescent’.

13. However the development framework plan describes it simply as Novar, and it would be helpful if this was amended. Having said this, if Culcairn would be a more specific and accurate name for the site, and recognised by people in the village, it may be helpful for this to be used. A parallel arises with land at Teandallon on the west side of the village. I do not

have enough information to make a firm recommendation, but consider it sensible for this to be examined further.

14. The objector's comments regarding the site C2 read more as a helpful observation than an objection. Paragraph 2 allows for a wide range of uses, including the open space referred to in the objection. The council has stated that the final use is still to be determined, in consultation with the local community. In these circumstances I do not see any justification for the alteration of the deposit draft wording of paragraph 2.

15. The problems of the Swordale Road are recognised in the deposit draft, both in terms of paragraph 8, regarding which the council proposes the changes set out in paragraph 9 above, and the draft framework for Teandallon, which is dealt with under issue 28. This considers the potential realignment of part of the road, dependent on whether the development of land at Teandallon goes ahead. With this in mind the council's amendments allow for necessary road improvements in the event of any new access being formed. This area is subject to infill proposals, and without a comprehensive survey and identification of specific sites, undoubtedly taking into account the views of many different land owners, it would be impracticable to identify specific access points at this time, and I do not consider it the task of the local plan to do this. The question of an alternative carriageway would no doubt be considered in the light of any proposals put forward for the Teandallon ground. Drawing these points together, I do not see any need to amend the council's proposed alterations.

16. Regarding the Priest's Sepulchre, the exact location of this is unclear from the objection, without local knowledge, although the council's response suggests that it is well known, and protected. I would not expect the local plan to map every single monument or archaeological site, and given the agreement with Novar Estate, I see no reason why an exception should be made in this particular case, when no specific proposals are being made regarding the site.

17. Looking finally at the caravan site, I note that Appendix 1 sets down at page 106 of the deposit draft the criteria for specific uses. The heading for business (B) states that the council will promote business/tourism, but then refers to the criteria for the classification as being Class 4 of the Use Classes (Scotland) Order 1977. Although my attention has not been drawn to it as a specific inquiry document, as it is referred to in the deposit draft I have referred to it for possible guidance in this case.

18. Use Class 4 refers to offices, other than financial, professional or other services, research and development, or for any industrial process of a nature that could be carried out in a residential area without detriment to its amenity. I do not consider that any of these descriptions is appropriate to a caravan site. The point made by the objector is therefore a valid one.

19. None of the use classes includes a touring caravan site, but the definition of special (S) uses on page 107 of the deposit draft says that the council will expect other uses mainly of a community, service or tourist related nature to be maintained or developed where stated. As there is no specific leisure and recreation zoning as suggested by the objector, I considered it would be appropriate to designate the caravan site as a special use. In the event of an application for change of use being made it could be judged in accordance with this local plan designation, as well as the adjacent amenity one.

Recommendation

20. I therefore recommend that:

- (i) the changes to the deposit draft proposed by the council, as set out in paragraphs 7 and 9 above be approved;
- (ii) the caravan site zoning be changed from Business (B) to Special (S);
- (iii) the heading of the draft development framework for site E15 be amended, and the council consider whether 'rear of Novar Crescent is the most appropriate name for this site E15; and
- (iv) no other changes are made as a result of these objections.

81 OBJECTIONS RELATING TO CHAPTERS 17 & 18: FORTROSE AND ROSEMARKIE – VARIOUS ISSUES RELATIVE TO FURTHER HOUSING DEVELOPMENT, IMPACT ON HISTORIC AREAS, HOUSING REQUIREMENTS, INFRASTRUCTURE CAPACITY AND COMMUNITY FACILITIES INCLUDING AVOCH TO FORTROSE ROAD IMPROVEMENT (Issue 30)

Objectors: A B Bryant (29); J W D & P M Hossack (82); J A Hossack (106); D G Pocock (113); S Blease and K Tudhope (148)*; D G & B Jones & I Cathie (156); Fortrose and Rosemarkie Community Council (164)*; J V Cornwell (172)*

Procedures: Round table discussion* and written submissions

Background

1. Issue 30 deals with matters of principle concerning the ability of otherwise of Fortrose and Rosemarkie to accommodate further development. Matters relating to roads and traffic in the wider area are dealt with under issue 1. Issue 31 looks at specific housing sites in Fortrose, issue 32 at sites for other development, and issue 33 with housing in Rosemarkie. These issues are related and recommendations regarding changes to the plan made under one issue may be relevant to the others, so they should be read together.

2. Fortrose and Rosemarkie are historic settlements on the southern coast of the Black Isle, with quoted populations in the deposit draft of 1,174 and 650 respectively. Both have conservation areas at their cores, and are characterised by traditional centres of relatively narrow streets, with more modern development in the outer areas. Both are constrained by land form, but in Fortrose this has not prevented development on steep hillsides on the north side of the settlement. The area is popular for both commuting and retirement.

3. The deposit draft says that housing projections suggest a combined requirement for up to 144 more houses within the two settlements by 2011, and a further 96 from 2011 to 2017. This includes an expectation that up to 25% will be for affordable housing and an element for choice and location. Land for around 200 houses is identified in Fortrose and up to about 35 in Rosemarkie.

Brief summary of main points raised by objectors

4. This issue attracted a large number of objectors. The majority of the objections are on similar grounds and it is convenient to set these out collectively in bullet form. The points relevant to this issue are, in no particular order:

- very few local residents in favour of plan;
- the unique and essential rural nature of the community would be destroyed if this plan was implemented;
- plan would make the historic centres of Fortrose and Rosemarkie, suburban sprawls;
- expansion would amount to 33% increase in the population, which the present infrastructure could not support;
- present problems of sewage, narrow roads, parking, electric, etc, would become intolerable with such a population increase;

- infrastructure under serious stress from the 18% rise in the population since the 1991 census;
- deferment of funding for the reconstruction of the Avoch-Fortrose road;
- expansion should be as close to the A9 as possible, saving funds, preserving conservation areas and keeping other villages attractive;
- roads in the villages are barely broad enough to cope with the current traffic;
- problems of capacity of medical practice and need for new building;
- increased pressure on the Fortrose Academy;
- King George V playing field is inadequate for the present population;
- pedestrian/cycle path required between Avoch and Fortrose for the safety of school children travelling both ways;
- no desire for any sort of ‘ribbon development’ between the two villages - a distinct gap should be maintained at all levels;
- demand for additional 240 houses in Fortrose and Rosemarkie by 2017 not accepted as these would not be for locals;
- local survey shows 60 applicants for affordable housing showed a preference for Fortrose and Rosemarkie;
- problem of elderly residents requiring care will get worse with average age always increasing;
- Fortrose population in the Draft Plan 2002 was 1350, in the Deposit Plan 1174;
- no practical way to bypass these villages even were there the money to do it;
- essential that a proper assessment is made of the capacity of the high streets before any large development of new housing, allowing for traffic from extra housing in Cromarty;
- Fortrose High Street, a conservation area must carry all new traffic for Fortrose, Rosemarkie and Cromarty - street is already at or beyond its safe capacity;
- if a bus stops traffic in both directions is brought to a halt; pavements narrow so pram or disabled scooter take up their full width;
- extra traffic from 300 new houses might generate 300 more vehicles per hour at peak times;
- naive to expect a proper balanced assessment from developers;
- assessment as “individual sites are brought forward for consideration” would not answer the need - cumulative traffic generated by all proposed new housing is important;
- new housing land provision is not accompanied by any commitment to road improvements along the dangerous A832 Avoch-Fortrose road;
- council has a responsibility to maintain and enhance the character and preserve areas designated for development, and required to demonstrate a commitment to continued enhancement and preservation as legal requirements;
- commitment to up to 25% of new build being low cost/affordable is welcome, but needs tighter definition;
- council acknowledges that a severe traffic problem exists on the Black Isle, but difficult to see how this will be addressed by further new build in Rosemarkie and Fortrose;
- social impact and damage to the rural character of the two communities are not ameliorated to any noticeable extent;

- priority need is for low cost or rentable housing for young family groups and key workers, including specialist housing and day care facilities for the increased proportion of elderly residents;
- recent survey shows that a maximum of 100 properties, shared between the two villages, would be needed;
- 1994 inquiry report states, in paragraphs 10.4.2 and 10.4.3 page 109, that in a decade Fortrose/Rosemarkie will be in a situation whereby further expansion will not be possible without unacceptable harm to their landscape setting; and
- development would be dormitory housing distant from employment.

Summary of the council's response to the objections

5. Although past expansion outwith the historic core of the communities has changed their rural character, the council disputes the assertion that further development would destroy the historic centres through urban sprawl. The main land allocations are largely contained within the settlement boundary of Fortrose and the Ness. The largest area for development in the gap between these two parts of the settlement seeks better integration of the previous 'sprawl' at the Ness with the original part of the town.

6. The population figure of 1,350 was an estimate derived from the 1991 census and household growth up until 2002. The 2001 census results were available only after the publication of the consultative draft. These indicated a population of 1,174 in the settlement, confirming a reduction in the average size of households and the fact that the house building growth was greater than the rate of population growth. The population change from the 1991 to 2001 Censuses showed an increase in the Fortrose and Rosemarkie Community Council area of 343. This corresponded with a building rate of 160 dwellings, an average of 2.14 persons per dwelling. Average household sizes are projected to decrease further by the end of the plan period, suggesting a potential population increase of just under 500 persons over 15 years.

7. The council also seeks to control the rate of house building to no more than 25% of existing stock in any 10 year period under policy GSP7. On the basis of the 2001 stock (935), this would be around 234 houses. However, in the period 2002 to 2011 the requirement is for much less, 144 houses. An assessment made on the basis of the date of publication of the deposit draft, 7 November 2003, and accounting for new house completions (45 added to households) from the date of the 2001 Census, indicates that the 25% growth limit would be 245 houses by late 2013. This method of assessment was endorsed in the recently published Inverness Local Plan Inquiry Report (THC30-33/3). Elements of housing need and demand are included in the projections.

8. In the absence of detailed local needs surveys the council would negotiate with developers to provide affordable housing on the basis of a minimum requirement of 25% of houses in all sites with a capacity for 10 or more houses. Where a local needs survey demonstrates a higher level of need this might justify a higher level of subsidy from the public sector. This can be met from a combination of funding from the Executive housing agency, Communities Scotland, additional Council Tax levies from second or holiday homes (now 90%) and possibly from the future council house stock transfer Community Regeneration Fund. This and a significant basic need of 141 might suggest the council and housing partners are more pro-active and seek to acquire land to meet needs rather than rely solely upon developer contributions. The Fortrose background should be modified by DELETING in the second sentence of the fourth paragraph 'up to' and INSERTING "*a minimum of*".

9. The council says it has no wish or policy approach to create dormitory housing in the local plan area. The opening of the Kessock Bridge brought new life to communities that otherwise could have declined and been unable to support the present level of services. There is no control over open market house purchases. A significant amount of local purchases are for retirement, and these do not place the same demands on the road network as commuters.

10. Infrastructure and community facilities can either cope with the additional development or are capable of improvement to provide the necessary capacity for further development, including funding by developers, as appropriate. While any delay in the construction of the Avoch-Fortrose road improvement is of concern, this is not a pre-requisite of further development in Fortrose and Rosemarkie. It is not the capacity of the road that is the issue, rather the need for safety improvements both on the road and in relation to the stability of the adjacent land. The improvements still remain a priority for this local plan area. The design includes a pedestrian/cycle path.

11. The concept of developing new communities as opposed to expanding existing has been examined, but advice in Scottish Planning Policy 3 Planning for Housing and the structure plan is that these should not merely be residential dormitories but balanced communities served by public transport. Such settlements should generally be far enough away from Inverness and large enough to sustain their own services and facilities, such as a primary school, shops, medical practice etc. and require to be in the order of 500 to 1000 houses. Past experience suggests that this level of development would attract widespread opposition from across the Black Isle.

12. Traffic counts have been updated. These still indicate an average of 4,300 vehicles per day and 5,000 to 6,000 vehicles a day in the summer months. The road capacity of the A832 is indicated at 15,000 to 20,000 vehicles a day for the whole road, not just open sections. Parking congestion in the narrow section of Fortrose High Street can result in the capacity level dropping to 1,000 to 2,000. The Area Roads Engineer advises that Fortrose High Street is narrow and illegal parking in the wrong locations creates congestion problems. Police enforcement action would allow traffic to be freer flowing and reduce the impact of congestion.

13. Certain forms of on-street parking can effectively help to calm/slow traffic, but are not thought to be appropriate in Fortrose High Street. The Council has suggested improvements (CD2 – paragraph 6.28) but residents have largely rejected these. Car parks do exist to help reduce off street parking but are often ignored. Developers of future housing land are expected to contribute towards measures aimed at reducing the impact of traffic from their sites including traffic management and public transport provision. A suitable traffic management scheme needs to be designed and implemented prior to any significant additional development taking place.

14. If the current medical practice accommodation is insufficient to cater for potential additional patients it would be up to the practice to seek expansion or relocation. Land is identified for additional community facilities below the Leisure Centre. The council is unaware any local plan ‘policy’ restricting the height of the building and no policy change has occurred. Any application for development in the area would be dealt with on its merits under development control procedures.

15. There are proposals by Scottish Water to provide a new wastewater treatment works to meet with European Legislation (THC30-33/5, 6, & 7). The council understands that the proposals for the site originally applied for in 2004, close to the macerator, would also allow for future expansion of both communities. Following opposition, in April 2005 an application was made for another site between the two communities, north-west of the A832 road. This has also been opposed, and the council believes that local opinion may now favour the original site with a higher level of treatment required by SEPA.

16. Developers will be responsible for the disposal of surface water within sites in accordance with sustainable urban drainage systems guidelines. Scottish Water has not advised of the need for augmentation of the water supply in relation to specific development land allocations in Fortrose and Rosemarkie, but the ability of the spring water supply to continue to supply Rosemarkie is to be kept under review. Scottish and Southern Energy have not advised of any electricity supply problems in the course of consultations.

17. The council's education service says that Fortrose Academy is capable of accommodating the projected number of pupils from additional housing development across the whole of the school catchment area. The plan recognises that additional outdoor recreation facilities will be required in the future, as has been the case since 1985. In addition to provision of open space in association with the larger development areas, reference is made in paragraph 12 of the statement to the prospect of the flat open land south east of the A832 being suitable for this purpose. The development of such facilities should be the subject of further consideration by the council, developers, land owners and the wider community.

18. The Plan does not promote ribbon development between the two communities. The potential encroachment from the Upper Wards area towards Rosemarkie features in the 1985 Black Isle Local Plan and 1996 Housing Alteration, but the deposit draft draws the original potential allocations significantly in towards Fortrose. The "Plan Your Community" workshop results indicate suggestions of affordable/rented and sheltered housing on the lower area of land north east of the cemetery, along the road towards Rosemarkie (THC30-33/9).

19. The ongoing development of an integrated transport strategy for the Inner Moray Firth will aid the delivery of priority transport improvements. The document "Developing a Transport Vision for Inverness 2004 – 2031" (THC30-33/4), proposals for more sustainable transport seek to address current problems and facilitate growth in the Inner Moray Firth area. In addition to developer contributions, the council's ability to deliver the whole package of measures will also depend upon funding support from the Government, in line with its sustainable transport objectives. The need to deliver measures is also emphasised in the proposed General Supporting Policy 16: Transport (issue 1).

20. The council and partners believe that a positive approach to economic development will create more employment opportunities. This approach aims to halt out-migration of young adults in the early years of the local plan with modest or more sustained population growth in the longer term. A whole range of factors, including infrastructure investment, better community facilities and adequate land for housing, are required to support economic growth. If the right conditions are created for economic growth then the population should increase as well, albeit largely as a result of in-migration.

21. In terms of future housing requirements the 25% flexibility element and the additional structure plan allocation from Inverness to Evanton, Alness and Invergordon represents an

allowance for growth - 1,217 out of 4,156 houses across the plan area. In addition, the potentially serviceable land allocations in Easter Ross have historically exceeded the requirement for that part of the local plan area, giving more than a 15 year supply of land. However, if the economic initiatives targeted can be realised, this land might be taken up in 15 years or less.

22. The vision for growth is also based on the need to maintain and enhance the natural and built heritage. Otherwise the area will not be attractive to incoming businesses or existing and future residents. There may be situations where additional development can be accommodated with minimal impact upon the environment. While planning authorities are required to preserve and enhance conservation areas, there is no requirement upon them to presume against development in or adjacent to them or designed landscapes

23. The council proposes that an amendment be made to the deposit draft as follows:
In Chapter 17: Fortrose, at paragraph 1, after the third sentence ADD *“The roads authority will examine a suitable traffic management scheme with the local community and developers for implementation prior to any significant additional development taking place.”*

Conclusions

24. A number of comments made in objections are not planning arguments that affect my deliberations on the issues before me. For example the adequacy and balance, or otherwise, of a traffic or other assessment from a developer would be a matter for the council to consider when it had such a document to hand, and does not affect whether or not a land allocation should be included in the local plan.

25. The objections can be consolidated into questions of: overall growth; the general impact of development on the settlements; road, waste water treatment, and electricity supply capacity; education; and diverse miscellaneous issues such as medical facilities and open space.

26. Looking at overall growth, there is a dispute between objectors and the council as to the need for this. Overall figures for the plan area are based on structure plan proposals, but it is for the local plans to allocate these to individual settlements. Some local opinion appears to be based on the premise that new development in the settlements should be restricted to that required to satisfy purely local demand, avoiding becoming a dormitory for Inverness, which I accept is not part of policy. The housing market does not allow restrictions in this way, and although this may be possible for some housing associations, if people want to come and live in Rosemarkie or Fortrose, whether to commute or retire, they will buy houses there, subject to availability, which can of course be restricted by the amount of land made available.

27. The council has explained its system for assessing growth, which was examined at the Inverness local plan inquiry, with the reporter concluding that a degree of flexibility is desirable, taking into account the likelihood that some settlements will be better able to accommodate growth than others, and allowing for unforeseen circumstances. No case has been made for my not accepting this view. Overall growth is controlled under general supporting policy GSP7, which restricts growth to 25% of the number of dwellings within a 10 year period. This is intended to be a ceiling, and not necessarily the amount of growth that could take place everywhere.

28. I therefore consider that the council's overall figures for the number of houses to be provided are acceptable, and, on the evidence of the Inverness local plan, in line with practice throughout the Highland area. This does not mean that provision should be made for that number of houses if there are other factors and constraints that dictate otherwise.

29. Whether or not the expansion of the settlements would result in urban sprawl depends in part on the quality of the development, largely its design and layout. Reference has been made in relation to issue 33 that recent development in Rosemarkie is uncharacteristic of the village, and would not be appropriate elsewhere. I am satisfied that there are adequate safeguards built into the plan to deal with this, particularly under policy GSP1, design and construction, which is supplemented by the development plan policy guidelines. Ultimately it will be for the council to demonstrate that these are being adhered to.

30. I am sure that the council is correct to say that the character of the communities has changed, and one objection states that services are struggling to cope because of this. It seems likely that some of the rural nature will already have been altered, but whether further expansion would destroy this, is largely a matter of opinion. The expansion proposed for Rosemarkie is relatively small in scale, and located on one side of the village where its impact is likely to be low. The expansion proposed for Fortrose is much larger, but proportionally would come within the council's 25% limit over 10 years, and there has already been substantial growth in recent years, in varying locations and styles. The idea that the historic centres would become urban sprawls seems exaggerated, as apart from increased traffic the centres are given partial protection by the conservation area designation. Arguably a greater number of residents would support local businesses, strengthening the economy.

31. Regarding the infrastructure, the weight of objections suggests that the biggest issue is the road capacity. It is unfortunate that there is no timetable for the improvement of the Avoch to Fortrose section of the A832, but the council says that it is committed to this. And I note that designs have been prepared including the provision of cycle lanes.

32. Even so this stretch of road is not the limiting factor, as the capacity of the respective high streets is the main issue. The council has said that the capacity for the whole road is around 15-20,000 vehicles a day, against a present peak summer use of around 6,000 vehicles per day, so the capacity of the road outwith the settlements is not an issue. It acknowledges however that the capacity of Fortrose High Street can drop to as low as 1-2,000 vehicles when illegal parking takes place. This is presumably during certain times of the day, with the capacity being higher at some than at others, but it is a problem that is likely to increase if measures are not taken to address this. In this respect it is unclear as to the extent to which an analysis of junctions would help, for if the road in between cannot accommodate traffic levels, the capacity of the junctions is not necessarily the primary issue.

33. I can understand the views of objectors seeking an assessment of the capacity of the high streets before any major development is allowed. This should be a relatively straight forward exercise, and different from forecasting the number of vehicles likely to use the same streets after development. With advanced modelling techniques, and the relatively simple nature, I assume, of Black Isle traffic movements, this is presumably possible without too much time or financial commitment, building on the work the council has already done in assessing the present High Street problems. It would also provide some reassurance if the third paragraph of the background section of chapter 17 was strengthened, giving greater prominence to solving the traffic issues, rather than keeping them under review.

34. The council accepts that traffic management measures are required, and the proposed amendment to chapter 17 paragraph 1, referred to in paragraph 23 above, emphasises this by making further significant development conditional on the implementation of a scheme. I note that this is to be done in discussion with local residents, and I assume would address the problems of the narrow streets and lack of parking areas. The community may be more supportive if they were reassured about implementation, and this could be done through strengthened the wording along the lines: *“The roads authority will examine a suitable traffic management scheme with the local community and developers. There will be a presumption against significant additional development taking place until the scheme has been implemented.”* The impact of any scheme would depend partly on appropriate enforcement, which is not a remit of the local plan.

35. Paragraph 14 of chapter 17, and the council’s evidence, refer to the construction of a new waste water treatment works. Although this appears to have been held up by disagreements over the site there is no evidence to say that the sewage disposal difficulties will not be resolved, or that spare capacity would not be available for future development.

36. Regarding electricity, the supply company considers that this is adequate. No specific information has been given to me showing that the supply would be inadequate to cope with the proposed development, and I must conclude that this would not be a problem.

37. The council considers that the capacity of the academy is adequate, and I note that a site is reserved in the expansion area for a new primary school. Open space is to be a requirement for any substantial new housing, and the deposit draft refers to land for potential new playing fields south-east of the A832, although this area is currently outwith the settlement boundary. Land is also allocated, in the Ness Gap draft development framework, for community use, and could provide a potential site for new medical facilities, if agreement cannot be reached on the expansion of the existing building.

38. With regard to the possibility of a new settlement being created nearer the A9, the council has explained that this could be contrary to the advice in Scottish Planning Policy 3: Planning for Housing. Paragraph 47 sets out the general criteria for such settlements, including where there are substantial physical, environmental or infrastructural constraints to growth in existing settlements, or forms part of a strategy for promoting rural development and renewal.

39. Such a new settlement would form part of a structure plan strategy. In this case the overall growth strategy has been considered in the structure plan, with emphasis on the growth corridor from Muir of Ord to Tain, with other growth in settlements according to projected need and demand. The infrastructure problems facing the Black Isle villages do not in themselves justify the construction of a new settlement. It is also unlikely that such a settlement could be viable without affecting existing communities, so there would not necessarily be any cost savings.

40. Specific sites are covered in issue 31, but the objection regarding ribbon development between Rosemarkie and Fortrose is a valid one. The council has recognised this and the deposit draft excludes a significant area of land north-east of The Wards that is designated for housing in the adopted local plan. This will in part address the concerns raised in the 1994 inquiry about the wider landscape setting of Fortrose. I do not consider that this would apply to the sites along Ness Road, but these are considered in issue 31.

41. Paragraph 12 also indicates the reservation of land to the east of the A832, between the two settlements, for outdoor recreation, particularly an extension to the golf course. This would preclude significant built development. I am also satisfied that the council is aware of the importance of the conservation areas. These would not be directly affected by the proposed residential development, but I have already remarked, in paragraph 30 above, that new development could strengthen the local economy. This would make it more likely that local businesses survive, and that the historic centres are cared for. The council has noted that the designated areas do not prevent development, but there is nothing in the local plan that relates directly to this.

42. Considerable concern has been expressed about the need locally for affordable housing, and the needs of the elderly. An objector has stated that the 25% affordable housing policy needs tightening. This has already been done in the modified draft version of the plan, with policy GSP8 stating that the intention is to secure, on sites of 10 or more houses in the main settlements, a minimum proportion of 25% affordable housing.

43. Under present Scottish Executive policy expenditure for public sector housing is restricted, so developer assisted provision is a primary way forward, and a valid aim of the local plan. The council's evidence recorded in paragraph 8 above suggests that the council recognises the importance of this issue, and that it is active in pursuing the supply over and above that which can be met through developer provision or contribution. Specialist housing could also be considered in this regard. Care for the elderly is a matter for the council's social work department, and a specific land allocation would have to be raised by it. Affordable housing is also dealt with under issue 5. I recognise the demand for such housing in the two settlements, but consider that this is covered in the local plan and I do not see any need to add to the existing proposed policies in chapters 17 or 18.

44. Drawing all the objections together, there are real concerns about the capacity of the two settlements to accommodate the proposed housing developments. In examining the infrastructure issues I have found that the only one that is effectively sustained concerns the capacity of the main roads through the villages, especially Fortrose. I have suggested the strengthening of the plan to accommodate this, and consider that the council should do more to assess the road capacity to provide further reassurance that potential increases in traffic can be accommodated.

Recommendation

45. I therefore recommend that:

- (i) in chapter 17 Fortrose in the third paragraph of the background section, in the final sentence DELETE after 'measures' and ADD "*is recognised by the council for implementation before any major development takes place.*"
- (ii) in the Fortrose background in the second sentence of the fourth paragraph DELETE 'up to' and INSERT "*a minimum of*".

- (iii) the amendment to the deposit draft proposed by the council as set out in paragraph 23 above, but as amended by me in paragraph 34 above, be approved, as follows: In Chapter 17: Fortrose, at paragraph 1, after the third sentence ADD *“The roads authority will examine a suitable traffic management scheme with the local community and developers. There will be a presumption against significant additional development taking place until the scheme has been implemented.”*
- (iv) the council consider as a matter of urgency the assessment of the capacity of the main roads through Fortrose and Rosemarkie to ensure that they are able to accommodate the anticipated increase in traffic from the proposed developments.

82 OBJECTIONS RELATING TO CHAPTER 17: FORTROSE HOUSING SITES Issue 31

Objectors: G Keith (site 9) (49)*; D G & B Jones & I Cathie (156); Fortrose and Rosemarkie Community Council (sites 6, 7, 8, 9 & para 18) (164)*; J V Cornwell (sites 3, 7, 8, 9, and para 18) (172)*; F Hutcheson (Ness Road) (181); Cromarty Arts Trust (185); I Stewart (site 9) (433); J A F Stuart (site 9) (445)*

Procedures: Round table discussion* and written submissions

Background

1. This issue concerns a number of individual sites and areas where the provision of housing or the scale proposed is opposed. It is related to issues 30 and 32 concerning the overall levels of development for housing, and the development of other facilities respectively. In many cases there is a significant history to the site consideration relating to previous local plans or housing alterations.

2. The deposit draft makes provision for eight specific housing sites with a total capacity of around 70 houses. The objections relate to: sites H3 (West of Platcock House– 7 houses); H6 (Seafield Cottage – 4-6); H7 (The Wards – 16); H8 (Upper Wards – unspecified); and H9 (Ness Way – 2). A counter objection relates to land adjacent to site H9.

3. Site E18 is designated as an expansion area for more significant housing development over the next 10 years. Up to 13.3 ha are allocated for between 100 and 120 houses. Development is subject to a master plan and strong list of requirements. The overall area includes provision for a primary school, extension to the leisure centre, playing field, open space and play areas. Infrastructure upgrading and affordable housing would also be key elements.

4. Site H4 is a steep site on the hillside on the north-west of Fortrose, with access from the north end of church Street. Most of the site is developed, but there remains capacity for four houses on the upper, exposed part of the site. This has a very steep access from the top of the developed part of the site.

5. Site H6 is located on the south side of Wester Greengates, adjacent to existing houses. It is relatively level ground, close to the shore and partly enclosed by a high stone wall. There is a small car park and picnic area at the western edge of the site, and amenity strip A19 runs between the site and the shore, with a coastal path. The requirements state that the houses should be set back at least 10m from the path.

6. Site H7 is located on the steep hillside on the northern edge of Fortrose, with access from East Watergate leading to the Hill of Fortrose road. This runs along the west side of the site, and land its west side is already developed. The site extends onto open farm land that is prominent in the gap between Fortrose and Rosemarkie. The deposit draft provides an extensive amenity area around the north, east and south-east parts of the site, the remaining edges bounding existing development. There is a requirement for advanced shelter planting, and modified boundaries for this are shown on the modified draft settlement map.

7. Site H8 is higher up the Hill of Fortrose road, and separated from site H7 by the amenity belt referred to in the preceding paragraph. It consists of a small shelf that appears artificially formed, and is the site of a former farm steading. Development is to be in a courtyard style, and is subject to road improvements.

8. Site H9 is a small area of level ground adjacent to Ness Way, off Ness Road, that serves modern houses adjacent to the site. It is located on land formerly part of an amenity belt A19 and is close to the golf course. The adjacent ground to the south, within belt A19, is the subject of the counter objection. A production on behalf of the objector shows a development of four houses within an access taken from Wester Greengates, alongside the golf course.

9. Sites S10 and E11 are effectively part of the overall site E18, and within the area covered by the draft development framework in the deposit draft. The land is open ground between the main built up area of Fortrose and relatively modern housing on the Ness. Details are referred to in paragraph 3 above.

10. The site north of Ness Road is adjacent to the road, separated from the A832 by an existing house. It is slightly rising open ground. A proposed settlement plan produced on behalf of the objector show a development of 14 houses. Two houses would have an access from the A832, north-east of its junction with Ness Road, and the others would share two accesses from Ness Road. There would be a feature stone wall bounding the north-east side of the site close to the A832, and substantial landscaping along the whole length of that side of the site.

Summary of main points raised by objectors

11. As there are a number of objectors, and many of the points raised are similar, it is convenient to summarise the objections site by site as bullet points.

Site H3 - Platcock

- late insertion by the planning authority pre-empting the normal planning application process.

Site H6 - Seafield Cottage

- overdevelopment;
- 6 houses would erode the green nature of the landscape - only 4 should be permitted;
- part of this site was marked for restraint;
- vehicular access to the six house plot is not shown, and could be road safety problem;
- picnic area and view point must be protected - 4 properties may be too many.

Site H7 - The Wards

- examination in detail in local plan alteration No 2 by-passed;
- 16 dwellings still encroach onto the open farm slope separating Fortrose and Rosemarkie;
- need guarantee, other than a Section 75 agreement, that the village envelope will not be further extended;
- visual consequences of the uncontrolled development of the Platcock site should be a lesson for the Wards.

Site H8 – Upper Wards

- site not included in the draft plan – another flawed procedure.

Site H9 - Ness Way

- site not included in the draft plan;
- the 2 houses proposed would break the green belt between housing in the Ness and the Golf Course;
- allocation contradicts earlier assurances;
- deposit draft shows a 30m restriction zone along the north-east and south-east sides of the site for safety and amenity purposes, protecting residents from golf balls and conserving views;
- more effective restriction zone could be used for safety and amenity, without adversely affecting the development;
- need for the restriction along the north-east side of the site is unclear - golf balls would never stray that far and unhelpful from an amenity standpoint;
- consider moving the north-east restriction zone to the south-west side where advantages all round;
- land owner prepared to make available to the council a strip of land along the south-east boundary of the site, to improve road safety on the 9th hole road over the blind summit and its junction with Ness Road;
- site previously excluded from any development proposals;
- as precedent established for development within this area of land, logical that this be allowed to extend south-west into field A19 on the inset map - scope within this area of land to develop 4 house plots;
- this could still retaining the 30m buffer strip adjacent to the roadway;
- golf course high quality amenity area cannot be encroached upon;
- careful siting of new dwellings would minimise any impact on amenity of adjacent houses;
- local plan should be modified to include an allocation at this site.

Site S10 – Community Uses

- land between the leisure centre and the Ness guaranteed for community use under phase 3, but this no longer seems the case.

Site E11 – Primary School land allocation

- lack of parking provision increasing general problem of parking space.

Site E18 – Expansion in the Ness-Fortrose Gap

- land allocation confirmed in local plan alteration No 2 by-passed;
- reluctantly accepted previously that prime farmland, now marked as Phase 1, could be used to meet a perceived housing need - not a housing demand;
- land should not be released on a piecemeal basis to meet a developer-led market assessment;
- cost of servicing this area in isolation admitted to be very expensive;
- phases of the development framework, with higher 30% level of affordable housing must be reviewed as a matter of urgency, minimising the suburban sprawl the deposit draft envisages and relocating the buffer zone between the Ness and any agreed housing sites;
- phase 3 area should be retained for amenity and policy of restraint maintained;

- paragraph 96 of NPPG 11 says that a leisure centre with swimming pool and associated car parks could be classed as a bad neighbour development adversely affecting a residential site.

Land on north-east of Ness Road

- this land would be suitable for future housing development;
- benefits to the community by providing a smaller scale of plot development;
- featured gateway could be incorporated at the entrance to the village, with a substantial natural stone wall and landscaping, giving a defined edge to the eastern approach to the village;
- development could be serviced adequately from Ness Road without substantial improvements;
- with a very detailed and substantial edge on the east side, development would not be detrimental to the loss of the gap between Rosemarkie and Fortrose;
- development would help to break up the dull appearance of Ness Road;
- this area partially eroded as open ground with the replacement house built on the west corner of the property, replacing large shed/workshop but lost opportunity to create a more attractive entrance into the village;
- gently sloping would facilitate landscaping;
- paragraph 17 H. Housing, should be amended to include the following: Ref: 10, Area: 1.5, Location: Ness Road, Capacity: 15. Requirements: Landscape edge to North East boundary gateway feature, drainage.

Summary of the council's response to the objections

Site H3 - Platcock

12. Many changes were made following representations on the consultative draft, as allowed for in the Regulations. The additional land is allocated with several conditions or developer requirements.

Site H6 - Seafield Cottage

13. The suggested capacity of the site is consistent with the density of nearby development. The Black Isle Housing Alteration only allocated part of the site on the basis of its availability at the time. The whole site is now available and the position updated. The precise point of access is not necessarily for a local plan but would be defined when detailed proposals are drafted for the site, and agreed with the council's road engineer in relation to visibility and detailed proposals to re-align the Wester Greengates approach

Site H7 - The Wards

14. The informal Landscape Capacity Study does refer to discouraging development, despite the land being allocated in successive local plans. A much larger area of land had been identified for longer term development in the 1985 Black Isle Plan and 1996 housing alteration. In 1994 the PLI reporter recommended "that consideration be given to its deletion" but it was identified in the alteration for potential longer term development on the basis that it would "be the subject of a separate public consultation before a selection is made in the course of the next local plan review". The allocation at the Upper Wards was reduced.

The concerns about the long straight edge are appreciated, and planting to the natural land form and along the bottom of the slope may more appropriate. This is proposed as a modification to the settlement map.

Site H8 – Upper Wards

15. This formed part of the larger allocation of land in the consultative draft. The development potential of a much larger area is also suggested in the adopted local plan and housing alteration. A farm steading/court yard style, designed to a high standard, is envisaged for the flat ledge on the hillside. Integration into the landscape with suitable planting is also essential.

Site H9 - Ness Way

16. Changes following representations on the consultative draft are allowed for in the Regulations and the council has followed procedures for inviting comments on all provisions of the deposit draft. The proposed allocation is a change to the long-established restraint/amenity/ buffer between the built up area of the Ness and the golf course, but the council agreed to retain the allocation for two houses to offer a choice of locations. The site is relocated slightly to the north-east, adjacent to road to Chanonry Ness, further away from the 9th green of the golf course, allowing the two houses to be sited in such a way that they would be less intrusive on the outlook or views from existing nearby houses, as requested in representations from the land owner. Modifications are proposed to the deposit draft.

17. The counter objection regarding adjacent land has arisen in relation to site H9 proposals. The objector promoted development of nine houses on a larger site in this amenity buffer area at the time the adopted local plan housing alteration. The development was refused planning permission and dismissed after an appeal. The council was concerned not only about the loss of the buffer but about the considerable visual impact of very high screen fencing that would be required to protect the new houses from stray golf balls. There were also concerns from the community over the potential loss of the long-established restraint/amenity/ buffer between the built up area of the Ness and the golf course. This position was maintained in the deposit draft, albeit that the two houses on site H9 are retained. The council acknowledges that this does set a precedent for development on the amenity ground.

Site S10 – Community Uses

18. The consultative draft indicated an area for special or community uses on part of the field below the leisure centre. This area was expanded following representations. The adopted local plan allocations include the land now developed as the leisure centre plus a primary school site. Approximately 0.6 ha. remains allocated below the leisure centre for its expansion and other community facilities.

Site E11 – Primary School land allocation

19. Parking is a detailed matter to be addressed at design stage. The plan shows a potential access/drop off/pick up area along the south-western boundary and would be a necessary part of the development. Encouragement will be given to walking to and from school to reduce the proportion of vehicular traffic.

Site E18 – Expansion in the Ness-Fortrose Gap

20. The term ‘sprawl’ is more generally used to describe the spread of unplanned development into open countryside without any real control over its boundaries or thought for ‘infrastructure’ provision. This was happening at the Ness until previous local plans brought development under control. The planned expansion area has been carefully thought out as a comprehensive development providing for future education, community, open space and affordable housing needs, as well as offering opportunities to meet the demands of the local housing market in line with national planning guidance. The provisions follow closely the findings, conclusions and recommendations contained in the 1994 public local inquiry report, which noted that The Ness is mostly a modern housing aggregation of no aesthetic or historic value, appearing in the foreshortened view from Feddon Hill as a continuation of the town.

21. The deposit draft aims at providing a better physical relationship between the Ness area and Fortrose, but retaining some separation through planned provision for intervening open space, community and education facilities in the future. The development of this ‘gap’ area has defined physical edges and guidance is provided on its detailed development. It is a consolidation of the wider Fortrose/Ness settlement area.

22. The inclusion of a draft development framework is a means of providing a level of detail for further consideration prior to preparation of a master plan, to be prepared by a developer or consortium of developers and subject to detailed public consultation. This should be clarified and highlighted in the relevant policy. In addition to public scrutiny, the master plan will be judged on the extent to which it meets the requirements set out in the policy. If the allocation is deleted there will be no master plan for the community and other interested parties to consider and consequently no affordable housing or community facilities.

23. The suggested phasing corresponds largely with the likely phasing of drainage works across the land. The later phases (4/5) would also tie in with the future building of a primary school. It is not for the local plan to specify at this stage exactly where the affordable housing should be located. To achieve a good social mix there is a preference to see affordable housing in each phase, but this is a matter for the master plan to consider in detail, with the benefit of the results of the local housing needs assessment. A modification to the plan is proposed.

Land on north-east of Ness Road

24. This proposal was rejected by the reporter after the 1994 inquiry, and again by the Council in response to the consultative draft in September 2003. The reporter made it clear that this site “is on the wrong side of the clear physical boundary of Fortrose at Ness Road, and would reduce the essential separation of Fortrose and Rosemarkie. The effect on separation would be greater than just the loss of the depth of the site itself, for the recreation ground south-west of Ness Road, which acts to a degree as a green wedge towards the oldest part of the town, would become enclosed by buildings.” For these reasons the Reporter recommended against inclusion of the land in the local plan. This recommendation was accepted by the council in adopting the land in 1996.

25. The single house at the junction of Ness Road and the A832 was a one off as a redevelopment of the former depot building. This does not change the situation described by the reporter in 1994, as there was no loss of land to development. Development of the site

would set a precedent for further development on the north side of the road that would be very difficult to resist. The council considers there is no justification for modifying the plan.

26. The council asks for support for the provisions of the deposit draft local plan with the proposed modifications referred to above as follows:

Fortrose Housing, Paragraphs 7 & 8 – The Wards: Modify Inset Map to indicate less rigid planting on the north eastern boundaries.

Fortrose Housing, Paragraph 9 - Ness Way:

- On the Fortrose Inset Map, relocate the site to the north east, adjacent to Ness Way and the Ness Road.
- In the table entry for the site (para. 9), change the site area to “0.35” ha.
- In the requirements column of the table, in the second sentence, after the word “back” DELETE “at least 30 metres” and then change “north east” to “*south west*”.

Fortrose Expansion paragraph 18: Revise the fourth sentence to read: “*a developer or consortium of developers shall prepare an overall master plan or layout in consultation with the community.*”

Conclusions

27. A number of the objections refer to the procedures involved as part of the plan preparation. These are not part of my remit for the inquiry, which is concerned with the planning arguments for or against the developments proposed. I am unaware of any matters in the preparation that would prejudice my recommendations following the inquiry.

28. The objections are dealt with by specific site, taking objections collectively. My conclusions regarding issues 30 and 32 are also relevant to these issues. In particular concerns were expressed about the levels of traffic that developments would generate, and this is dealt with under issue 30. I have therefore dealt with the individual sites without considering their overall impact on traffic levels.

Site H3 - Platcock

29. The objection to this is about procedure, which I have already referred to. The site is largely developed, and although the council expressed some doubts at the discussion about the final phase of four houses on the uppermost part of the site, no case has been presented for any change to the plan.

Site H6 - Seafield Cottage

30. The objections relate to the scale rather than principle of development, and these relate to the number of houses rather than the extent of the site. The council suggests that the capacity of the site relates to nearby development, but it is constrained by having to set the houses back at least 20m from the footpath, and provide an access road within the site confines. A slight tapering of the site at its western end also restricts the scope on that part of the site. I am satisfied that the maximum number of houses that could reasonably be accommodated on the site without being unduly cramped, and therefore out of character with the surrounding area, is four. The plan should therefore be modified to this figure.

31. Comments have been made about the access. The draft development framework for site E18 shows a realignment of Wester Greengates to remove a sharp bend where it passes the west side Seafield Cottage. This may help provide a suitable access, although the development of site H6 may be some time before that of E18. I accept the council's view that this is a point of detail that can be left until the planning application stage, and I find no reason to amend the plan on this matter.

Site H7 - The Wards

32. Reference has been made to the earlier local plans, but I note that the area of this site, and that of the nearby H7, are much reduced from the adopted local plan and its housing alteration. Fears had been expressed about the closing of the gap between Fortrose and Rosemarkie, and under the old plan the remaining gap between the two would have been dangerously small. The deposit draft proposals draw back the eastern boundary of Fortrose at this point by some 75m. Although this does not sound much it is a significant difference in the view from the A832, and I am satisfied that with the proposed structure planting it would provide a defensible edge to Fortrose. There can be no ultimate guarantee of the village not being extended at some point in the future, but the proposed section 75 agreement, and the dramatic impact that further development would have on the landscape give as much protection as is reasonably possible.

33. The revised planting proposals put forward by the council, as shown in the modified settlement map, should provide a satisfactory landscape framework for the site in the long term. I note that the development would be no higher up the contour than that adjacent, although care will be needed in the design of the houses, and it would be preferable to adopt a height limit. It would therefore be a sensible precaution to include a design statement as part of the requirements column.

Site H8 - The Upper Wards

34. The objection again refers to procedure, which I have dealt with. Although this site is prominent I note that it is that of a previous steading and was included in the adopted local plan and housing alteration, on a larger scale than that now proposed. I see no need to modify the deposit draft.

Site H9 - Ness Way

35. The council's proposed amendment, with the support of the land owner, simply moves the site adjacent to Ness Road, avoiding a small area of open ground that could have become unkempt, or a potential further house site that would be difficult to refuse. This proposal is also related, through its position, to that put forward by the other objector, who seeks to have the adjacent land designated for four houses.

36. In the adopted local plan, and the housing alteration, the strip of ground between the existing housing and Wester Greengates, which bounds the golf course, is designated for safety and amenity, the safety being from potential flying golf balls, although this does not seem now to be as much of an issue because of the layout of the adjacent fairways. The housing alteration inset map zones the land as a 'sensitive area – restraint'.

37. Site H9 was defended at the discussion by the council, but it was also acknowledged that it set a precedent for development on the adjacent land. In principle I see little difference between the development of site H9 and the proposal put forward by the objector for the four houses to the south. Both would be as prominent and would have some impact on the views from adjacent houses, although this is not a planning issue and the impact could be minimised by careful siting of the new houses. Seen against the existing housing they would not be unduly prominent, and the remaining open space of the golf course is arguably a more defensible boundary. The open ground of the amenity belt on the west side of Wester Greengates would be reduced to 30m, a reduction effectively of one garden's depth, which would not be significant in the wider views of the site.

38. Concern has also been expressed about the look of a safety fence to prevent golf balls entering the gardens of the proposed properties. It is argued that this should not be an issue because of the layout of the course, and although it seems relatively unlikely I do not have sufficient information about the chances of stray balls striking the properties, or perhaps landing in the gardens, to make a judgement.

39. Drawing all these points together, I find that the addition of a single line of houses would not have a significant visual impact on the open ground between the existing houses and Chanonry Point. I accept therefore the council's proposals regarding site H9, and find that the adjacent ground to the south be similarly designated, for a maximum of four houses, with the site boundaries as shown on the objector's production from Stirrat planning consultancy. It would also be beneficial if negotiations could take place between land owners to facilitate access to the southerly site from Ness Way, so that the remaining 30m strip of open ground remains unbroken.

Site S10 – Community Uses

40. Both the deposit draft and the modified plan show land adjacent to the leisure centre, site S10, for expansion of its activities. Paragraph 10 reads: "Land is reserved for expansion of Black Isle Leisure Centre...". I therefore see no need to modify the plan on this matter.

Site E11 – Primary School land allocation

41. A primary school site is shown on the draft development framework, with an indicated school building location. Paragraph 11 refers to the safeguarding of the site. Whether or not a car park is included within the site is a matter of detail, as stated by the council, although it would be unusual for one to be excluded. I do not however see any need to modify the plan in this respect.

Site E18 – Expansion in the Ness-Fortrose Gap

42. Site E18 is a long established designation for housing development, being in the adopted local plan and the subsequent housing alteration. The development of the site is taken further in the deposit draft, which sets out the draft development guidelines, and lays down significant requirements. These include infrastructure provision, landscaping and design, affordable housing and elderly care facilities, and safety initiatives. I am satisfied that, if properly taken forward, these would provide the basis for a quality development.

43. Some of the objections relate to the need for the houses, and this is dealt with under issue 30. Issues relating to the cost of the development are ones for potential developers to address, in association with the council. One objection relates to development being piecemeal, but I do not regard a phased release of land as being so.

44. I am also concerned at the use of the term ‘urban sprawl’ by an objector, and accept the council’s view that this would normally apply to apparently unplanned development into open countryside. In this case site E18 is an area of open ground that is effectively a large gap site between the older part of Fortrose and the modern developments of the Ness. It does not appear to have a particularly useful function as open space, other than perhaps as a visual amenity, but being within the overall built up area of Fortrose it is a more sensible choice for development than encroaching on land outside the settlement envelope, such as to the north of Ness Road. It has relatively good accessibility and good proximity to schools and other services. Any infrastructure deficiencies can be addressed without undue difficulty, and given its location and planning history it is a logical site for the expansion of Fortrose.

45. Its development offers a challenge in bridging the gap between the older development within the conservation area and the modern housing of the Ness, described by a previous reporter as having no historic or aesthetic value. Much can however be achieved by landscaping, and I note that the draft development framework sets out extensive areas of screen and amenity planting. This would also screen the leisure centre and I do not anticipate a ‘bad neighbour’ problem. Having said that the area close to the centre, marked as phase 3, is probably also the area of highest amenity, and had been protected in earlier plans. There would be merit in assessing the phasing with a view to making this area phase 5, giving an option to retain this as open space in the long term. Other than this, taking all these points into account, I see no need to modify the deposit draft regarding this site, other than as proposed by the council in paragraph 26 above.

Land on north-east of Ness Road

46. Apart from the house on the corner of Ness Road and the A832, that apparently replaced the old depot, there is no development on the north side of Ness Road until the housing near the golf course at Ness Road East. Apart from this the land is almost entirely open between Ness Road and the southern edge of Rosemarkie.

47. Great importance has been placed by both objectors and the council on the maintenance of this gap as open ground, both for its landscape setting for Fortrose, and in maintaining the separation between the two communities, and I accept fully the importance of this. Measured against the value of the open ground, I do not see the benefits of easy access and development, the option of a relatively small development offering choice, and the offer of a feature gateway and stonewall as in any way offering compensation for the breach of the open ground. Nor do I consider the open vista from Ness Road to be dull, and certainly not when compared to the somewhat mundane layout and functional house design, as far as can be judged from the settlement plan production.

48. I therefore see no justification for allocating a site for development that has clearly been rejected on a number of occasions, and would set a very dangerous precedent for further development in the Fortrose – Rosemarkie gap.

Recommendation

49. I therefore recommend that:

- (i) the modifications proposed by the council to the deposit draft as set out in paragraph 26 above, regarding paragraphs 7, 8, and 19 be approved;
- (ii) the modifications proposed by the council to paragraph 9 be approved subject also to the incorporation either within the same site or as a separate site, of the ground to the south for a maximum of four houses in accordance with the drawing referred to in paragraph 39 above, from the Stirrat planning consultancy;
- (iii) if the site just referred to (ii) above is approved, the council give consideration to the access to the site being taken from Ness Way;
- (iv) the council give consideration to the designation of the area of ground marked phase 3 in the E18 expansion area being phase 5, with consequential changes;
- (v) for site H6 Seafield Cottage, DELETE 4-6 as the capacity, and INSERT “4”;
and
- (vi) for site H7 The Wards, in the requirements column, INSERT before “Links”
“*Design statement*”.
- (vii) that no other changes be made as a result of these objections.

83 OBJECTIONS RELATING TO CHAPTER 17: FORTROSE OTHER ALLOCATIONS – SITE 12 FOR HOTEL AT GOLF COURSE; SITE 16 CEMETERY EXPANSION AND OTHER USES (Issue 32)

**Objectors: Fortrose and Rosemarkie Community Council (site 16) (164);
J V Cornwell (both sites) (172)**
Procedures: Round table discussion

Background

1. At the discussion for issue 30 the council agreed to withdraw the designation in the deposit draft local plan for site S16 on inset map 17 relating to the possible siting of waste management/ recycling facilities. This was because of objections relating to the location next to the cemetery. Following this the objections to that proposal were conditionally withdrawn.

2. Issue 32 thus relates only that part of the area marked 12 on inset map 17 that relates to a potential hotel. This covers all the ground north of Ness Road, between it and Rosemarkie. It is largely under agriculture but at its eastern end is an area of housing through which Ness Road East leads to the golf club and a caravan site that extends along the shore. Part of paragraph 12 reads: “.....The area would particularly lend itself to a 9 hole extension of the existing golf course, increasing its capacity and variety. Land in the vicinity of the existing clubhouse could cater for additional parking and practice areas, shared with a hotel, all subject to the upgrading of Ness Road East.”

Summary of main points raised by the objector

3. The first remaining objector notes that the idea of a hotel on land adjacent to the golf clubhouse was put forward in the adopted local plan. Three hotels have closed in the past few years because of changes to holiday patterns. It is difficult to envisage how Ness Road East’s narrow and quite hazardous junction with Ness Road can be upgraded to take extra traffic in safety and there could be a problem of damage for the property on the corner. The site would be better for an extension of the golf club house, and the hotel proposal should be deleted from the deposit draft local plan.

Summary of the council’s response to the objection

4. The council says that the development potential, rather than a 'proposal', was put forward in the 1996 alteration as part of a recreational buffer to maintain separation between the Ness and Rosemarkie. It is associated with the potential expansion and further development of the golf club. It received the support of the community at the time. The matter of road access, either from Ness Road East or from Rosemarkie would require to be considered in more detail by developers. The development potential therefore remains subject to upgrading of the road.

5. At the discussion it was said that the golf club has been looking for an expansion area for some time, partly to give the present course a ‘rest’, and there is the opportunity for a 27 hole development. A similar proposal is put forward at North Kessock.

Conclusions

6. The main concern here seems to be the problems of access rather than the principle of a hotel development. Looking first at this, there is already a substantial amount of development in the area, including housing, the golf club house and the caravan site. The addition of a well designed and suitably scaled hotel would not be inappropriate in these circumstances, and could help to attract people to the area, with wider benefits to the local economy. Whether such a project would be viable or not would be a matter for a prospective developer rather than the local plan.

7. The council has emphasised that paragraph 12 refers to potential rather than a specific proposal. Although that word is not used, it does talk about a concept rather than a specific proposal, and is in any case subject to the access being solved. There could be options for this other than by using Ness Road East, which has a particularly abrupt junction with Ness Road, and is then relatively narrow. I do not, however, see this as precluding development until a proper assessment has been carried out, examining all possible options, which then rules this out on access grounds. I am not therefore persuaded that any change should be made to the deposit draft.

Recommendation

8. Accordingly I recommend that no change is made to the deposit draft local plan as a result of this objection.

84 OBJECTIONS RELATING TO CHAPTER 18: ROSEMARKIE – EXPANSION NORTH OF COURTHILL ROAD AT GREENSIDE FARM (Issue 33)

Objectors: Mr J D W & Mrs P M Hossack (82); Mr R G & Mrs H Blair (83); T G Lloyd (89); J A Hossack (106); S Blease and K Tudhope (148)*; Dr J & Mrs H C Pendlebury (155)*; Fortrose and Rosemarkie Community Council (164)*; J V Cornwell (172); Cromarty Arts Trust (185); Scottish Natural Heritage (197); A MacIver (435)

Procedures: Round table discussion* and written submissions

Background

1. Rosemarkie is a medium sized village of some 650 people located on the eastern shore of the Black Isle, about 1 km north-east of Fortrose. The village is divided by the A832 Tore to Cromarty road. This carries a fairly heavy traffic load, but is narrow and poorly aligned when passing through the old core of the village, which is designated as an outstanding conservation area. Greenside Farm is located on the western edge of the village, with its few relatively level fields hemmed in by the sharply rising ground that encloses Rosemarkie. The narrow Courthill Road runs generally down hill and passes behind the properties that line the western side of the main road. It serves mainly older housing in the north-west of the village

2. The deposit draft says that housing projections suggest a combined requirement of up to 144 houses in Fortrose and Rosemarkie by 2011, and a further 96 between 2011 and 2017. It is expected that a minimum of 25% will be for affordable housing. Land stocks in Rosemarkie are said to be limited to a few gap sites in the village and at Kincurdie House to the north. The northern part of Greenside Farm, north-west of Courthill Road has potential for 30 to 35 houses. This is designated as site E2. The text defers development for at least five years, and after the completion of at least one third of the houses in the Ness-Fortrose gap (see issue 31). Greenfield development is linked to the redevelopment of the steading buildings and a draft development framework includes revised access, traffic management measures in Courthill Road and phased development. A number of developer requirements are set out including issues relating to drainage, access, traffic management, affordable housing, design, safety, amenity, conservation and archaeology.

3. The northern part of the site impinges potentially on the landscape setting of Fairy Glen, which is included in the SNH Inventory of Gardens and Designed Landscapes.

Summary of main points raised by objectors

4. Many of the points raised by the objectors were similar, and in the interests of brevity it is helpful to set out the main areas of concern as bullet points. The principal issues objected to concern, in no particular order:

- housing density;
- style of development;
- access, and traffic issues generally, including condition of roads in wider area;
- encroachment on area of designed landscape;
- extension of site onto elevated ground bordering conservation area;
- adverse impact on designed landscape and conservation area;

- impact on character and heritage of community;
- proposals do not match declining population forecast;
- tighter definition needed for affordable housing;
- national conservation agency advice ignored;
- waste water treatment and state of Rosemarkie sea outfall;
- general landscape impact;
- design and size of houses;
- potential bypass through new development contrary to national guidance;
- comparison with development at Greenside Avenue;
- demand for affordable housing not met;
- population increase too high;
- drainage and flooding;
- size and social impact of development;
- lack of precision in defining criteria for development
- uneven spread of development across Black Isle;
- linking development to Fortrose will place control with third parties; and
- contradiction of competition law and impedance of public choice.

Summary of the council's response to the objections

5. The council says that the density of 15/17 dwellings per hectare is consistent with other previous housing developments at Greenside Place, Mackeddie Drive, and Feddon Hill, particularly where an element of affordable housing is to be accommodated, and is lower than densities elsewhere. The council's emerging guidance favours a balance of housing tenures and encourages residential areas with small groups of various house types and densities.

6. The 1996 housing alteration applied largely to the farm, particularly around the steading, and contained a notional line for a by-pass. The subsequent retirement of the farmer and changes to the way the farm is now operated prompted a review of the provisions. The council was also approached by developers interested particularly in the area around the underused and soon to be redundant steading. The access road would have to be realigned and formed to an appropriate width to serve the site. The provision of footpaths and/or a calmed shared surfaced access would be a requirement. Traffic calming on Courthill Road would improve safety and reduce/discourage through traffic movements. The requirement upon developers is to provide a new access diverting traffic away from Courthill Road.

7. The deferral of development would allow the community to adjust to the effects of the development at Greenside Avenue and the more specific housing needs for Fortrose should be met within that community rather than in Rosemarkie. Controlling the commencement until after completion of one third of the houses in the Ness-Fortrose Gap area should be retained to ease the pressure on Rosemarkie, except perhaps for affordable housing, if required earlier. A modification is proposed below to address this. There is no question of there being an "open market" situation in housing land under current national planning policy and the council is attempting to provide a balance between providing a choice of sites for developers and not allowing an oversupply. It is accepted practice to allow phased development and this is the council's approach here. The council would also prefer that more than one developer provides housing in the Ness-Fortrose Gap area. If developers were seeking to restrict development to the extent that there was unlikely to be development up to the one third cut off point, then this restriction could be re-assessed, particularly if need increases .

8. The boundary of the designed landscape has not been seriously encroached. The Background Policy BP2, which covers this, requires regard to be had 'to the likely impact upon important features of interest'. The more rigorous policy BP3 does not necessarily presume against development, and there would have to be significant adverse effects on heritage, amenity, public health and safety interests to make such a presumption.

9. The greater part of the designated area is the wooded glen itself, which is 150 to 250m from the allocated land. Some of the existing houses at the north end of the Courthill Road are situated closer to the glen than the objection site. The main features from the inventory description are the gorges of the den's SSSI displaying "a spectacular example of gullying and earth pillar formation" cut through glacial materials, together with sandstone outcrops, waterfalls and picturesque walks, and archaeological interest associated with the old mill lade and pond. There should be an area of open space and significant structure planting around the development, across intervening land, to reduce the perceived impact upon the designated area. SNH and Historic Scotland did not object in respect of the impact upon the designed landscape.

10. The allocation is contained within an area that extends no further than 70 metres from Courthill Road. This encroaches slightly on to the lower part of the slope where there is a modest or gradual rise in level, towards the western perimeter. Development would still be unobtrusive in the broader landscape setting of Rosemarkie when viewed from a distance, particularly as most of the land is virtually on the same level as the existing properties on Courthill Road. Land identified for amenity/open space is slightly more elevated.

11. The scale of the allocation was reduced from the consultation draft, bringing it down to the lowest part of the slope and concentrating on the farm steading area and adjoining land to the north. The visual impact will be less as will the traffic impact, as the road indicated in the consultative draft would have been to a major distributor road standard, but this is no longer relevant as it does not feature in deposit draft.

12. This area is located some distance from the site of special scientific interest and lies outside the outstanding conservation area. Re-development of the farm buildings represents brownfield development. Conservation area and designed landscape designations do not prevent development, or other newer housing in parts of the village would not have been built. National Planning Policy Guideline 18, Planning and the Historic Environment encourages good planning practice and does not presume against development in conservation or other historic areas.

13. The landscape capacity study, conducted as part of the preliminary survey work on behalf of SNH and the council did not, due to cost limitations look at all potential development options for settlements, in so far as it tended in many cases to examine the existing built up areas. It was unable to examine additional sites that came forward for consideration close to the council agreeing the consultation draft. These sites were considered on the basis of the principal findings from the study. Initially it was thought that mitigation of impact through significant landscaping and high quality building design could be achieved. In light of the previous representations and reduced housing requirement it seemed appropriate to reduce the scale of development and confine it to the flatter area of less prominent land.

14. While Government projections continue to suggest an overall fall in population, these are projections not forecasts as they simply indicate what would happen if past trends continue unchanged. The movement of people in and out of an area can affect its future population level, and both the need and demand for housing, as significantly as birth and death rates. The Fortrose and Rosemarkie settlement zone continues to be one of the fastest growing areas in Highlands, with an actual population increase from 1991 to 2001 of 18%, compared with 1% for Ross and Cromarty East as a whole in the same period. The increase in the number of households in the settlement zone was also the highest in the plan area at almost 30%, against 12.7% for the whole area.

15. Restricting settlement growth in pressurised areas such as the Black Isle will only serve to increase pressure on the open countryside and the level of unmet local social housing needs. This will further exacerbate the effects of the Government restrictions on public sector building. In recent times this has forced planning and housing authorities to seek contributions to the provision of social/affordable housing from private development. National guidance in SPP 3 and PAN 38 reminds local authorities of their statutory requirement to undertake an assessment of housing needs and conditions in their areas and produce a local housing strategy covering 5 years. Development plans are required to allocate sufficient land overall to ensure land is available to meet requirements including affordable housing needs. In the majority of cases the latter will not be met due to the severe shortage of such properties. Policy GSP8 provides for a minimum requirement of 25% of houses in all sites with a capacity for 10 or more houses, which is considered in association with other housing inputs, including funding.

16. The council proposes the following changes to the deposit draft, and asks for them to be recommended for approval:

- Rosemarkie Background: In the third sentence of the third paragraph DELETE 'up to' and INSERT "*a minimum of*"; and
- Rosemarkie Expansion para. 2 - Greenside Farm: MODIFY the first part of the statement to read: "*Land is reserved north-west of Courthill Road at Greenside Farm for planned expansion of the village to meet future housing requirements over the next 10 years and beyond. Development shall be deferred until after the completion of one third of the houses in the Ness-Fortrose Gap area.*"

Conclusions

17. Some of the issues raised in objections relate to the wider development of Fortrose and Rosemarkie, such as overall housing requirements, traffic impacts, and waste water treatment. These are dealt with under issue 30 – the level and impact of further housing development in Fortrose and Rosemarkie. This issue deals specifically with the proposed expansion north of Greenside Farm.

18. The round table discussion concentrated on the issues relating specifically to the development of Greenside Farm as they affected the site itself, designated as site E2 on the inset map 18 for Rosemarkie. These concentrated primarily on the potential impact of the proposed development on the surrounding landscape, and especially the designed landscape of the Fairy Glen. The northern part of site E2, which overlaps the designed landscape, is subject to background policy BP2, which also applies to the conservation area. This does not preclude or presume against development but emphasises the importance of features of interest.

19. This area does not include the heart of the designed landscape, which is contained within the glen itself, but is important as a setting for the glen, and presumably this is why it is included within the landscape boundary as shown on page 47 of supplementary volume 2 of the inventory (THC30-33/11). It is arguable that the development of this part of the site would be contrary to structure plan policy G2 in terms of the impact on the landscape within a designated area. It also became clear in the discussion that the objectors were not against the principle of development at Greenside Farm, and it was acknowledged that the redevelopment of the steading would be a positive benefit.

20. As the number of houses that could be built within the northern part of site E2, taking into account the landscape constraints, would be relatively small, a consensus was reached that the removal of that part of area E2 that lies within the designated landscape of the Fairy Glen, and its inclusion within area A5, which primarily protects the landscape setting of the glen, would not be prejudicial to the housing provision in Rosemarkie. Other potential constraints, such as access, could be dealt with under the requirements set out as part of the draft development framework in the deposit draft.

21. I have considered the points put forward by other objectors in written submissions, other than those dealt with under issue 30. Many of these relate to points of detail, such as drainage, which can be dealt with adequately under the developer requirements, and do not prevent the designation of the site. The greatest concerns relate to design and the potential impact on the conservation area. On my site inspection I visited Greenside Avenue and Rye Bank, referred to at the discussion and in written submissions. These recent developments are uncharacteristic of Rosemarkie and would be inappropriate at Greenside Farm. The council acknowledges this, and design is referred to in the developer requirements, pointing out that it must take account of the surroundings. Ultimately this is a matter for the council and should not prevent the designation of the site.

22. I am satisfied that the compromise reached resolves the issues that relate directly to Greenside Farm, bearing in mind that other aspects of the objections are dealt with under other issues, as referred to in paragraph 17 above. I also note the council's proposed modifications set out in paragraph 16 above, which emphasise the minimum requirement for affordable housing and clarify the timing of the development.

Recommendation

23. I therefore recommend that:

- (i) the council's proposed amendments to the deposit draft local plan set out in paragraph 16 above be approved;
- (ii) the northern part of site E2 shown on inset map 18 Rosemarkie as being subject to policy BP2 be REMOVED from E2 and INCLUDED within the amenity area A5;
- (iii) the text and draft development framework plan in chapter 18 Rosemarkie Expansion 2 should be MODIFIED to take account of this change; and
- (iv) that no further changes are made to the deposit draft local plan as a result of these objections.

Objector: **British Telecom plc (166)**
Procedure: **Written submissions**

Background

1. Garve is a small village on the A835 Ullapool road, and is also served by the Kyle railway. For its size it has a good range of facilities including a hotel, primary school, post office, and caravan site. There is a telephone exchange at the south end of the village, adjacent to the railway.

Summary of main points raised by the objector

2. The objector asks that a ‘special use’ section be added to the Garve text reading: ‘In circumstances where established utilities and their associated land holdings are no longer required for their original purpose, the council will positively consider change of use or new development proposals in light of other development plan policies and the surrounding land uses.’

Summary of the council’s response to the objections

3. The plan contains a set of generic policies BP 1-4 across the whole plan area and S1-7 within the main settlements. These seek in principle to promote development consistent with the existing pattern of uses and activities. They show where the council will broadly support or oppose development. Utility sites can therefore be considered for different uses if declared surplus. Such consideration is not specific to utilities and it would not serve the general purposes of the plan to accept this proposal.

Conclusions

4. The general background and settlement policies, and the general supporting policies, set out in chapter 5, general policies, provide a policy framework within which development proposals can be judged. Under these any proposals to change the use of or develop land that is no longer required for its original purpose could be assessed on an equal basis. This could apply to any land, and not just that occupied or owned by utilities, and I do not consider that any one specific use group should be singled out in this way. I therefore accept the council’s view. On a point of detail the reference to settlement policies 1-7 does not accord with the text in chapter 5 and a suitable adjustment should be made to the reference.

Recommendation

5. Accordingly, I recommend that no change be made to the deposit draft as a result of this objection.

Objectors: Mounteagle Farm Partnership (33); Mrs D Cowper (409); Mr & Mrs R Hudson (413); Mr & Mrs Munro (416); J R Gordon (423); I Blackhall (424); James Scott & Partners (426); Mr T D & Mrs J D Bowen (436); J D Ross (437); C Blackhall (438); J Fraser (439); Mr & Mrs R Fry (443)

Procedure: Written submissions

Background

1. Hill of Fearn is a relatively small village of around 310 people, located adjacent to but almost entirely on the north-east side of the B9165, which links the Tarbat peninsula and seaboard villages to the A9. It provides local services to the surrounding, predominantly agricultural, community, and has a primary school, hall, hotel, shop, post office and garage. One shop has recently closed. Fearn station, on the north line, is 2 km to the north-west. The area surrounding is generally open agricultural fields. To the south-west of the B9165 there are a small number of houses and some commercial buildings, partially vacant. Otherwise the land, recently under cereals at my site inspection, slopes very gently away from the village.

Summary of main points raised by objectors

2. The objector to the deposit draft states that no land is zoned for either expansion or housing to the west of the B9165 road which virtually bypasses the village on its west side. Although an area of expansion is shown to the north-east corner of the village, it would be advisable to broaden the feel of the village by providing an area of land at the southern end of this field for housing and amenity purposes. This would provide an area of nearly 7 ha for two purposes: private (and affordable) housing; and general amenity use which could take in a football pitch (with suitable facilities), possible bowling green and play area and general amenity area providing access for those in the village for walking and general relaxation.

3. The siting of the 'green' areas between the existing shop, houses and garage would provide a buffer zone between existing housing and the proposed new housing development, and because of the natural slope of the field should mean no disruption to the view for the residents on the other side of the road through the village. The existing village hall is sadly under used and is not well sited, with poor facilities in comparison to other local village halls. With the zoning for amenity or expansion, an area could be set aside for the possibility of a new community hall with good parking and various other facilities being located in that area.

4. Provision of this area to the west of the village would mean the B9165 road no longer bypassing the village. Access would be via an existing field gate with suitable visibility displays. There is support from the community council and local Highland councillor, encouraged that this development may mean a resurgence of community spirit within the village, which is sadly lacking at the present time. The proposed amenity and housing areas would be extremely close to the school, village shop, garage, hotel, post office and church, which are all within easy walking distance. The proposals would provide the village with a much better and more accessible site for the recently discussed recreational facilities which were proposed for the old football pitch, which was the only site available at that time.

5. Land would be gifted to the community to provide for a community centre with associated parking, shop(s), football pitch, children's play area, bowling green, and open amenity space for dog walking, relaxation and general recreation. The private housing would be phased to accord with "GSP7 - settlement expansion". Affordable housing provision would be agreed with the council and integrated with the development. Wastewater, access from the B9165, traffic calming and landscaping /tree planting, would be discussed with the council for incorporating into the overall plan. Integrated employment workspace within the curtilage of housing units would encourage home working, and individual workshops could encourage locally based employment opportunities. The recent announcements concerning the large Timber Products venture in Easter Ross could be a real boost for Fearn, being only minutes away from the proposed site(s), and the proposed mixed development put forward for this land could only improve the facilities and provide the village with a heart and the excellent chance of improving population numbers both young and old.

6. Counter objectors to this proposed change to the deposit draft local plan raised concerns about, in summary:

- the village is big enough and that the housing being built at the moment at the back of the village is a better place for any future housing projects;
- football field across the road from houses disrupting peace and quiet;
- no need for new village hall as present one not used;
- village shop and post office is going to close leaving the garage only outlet with limited range of goods;
- people will not be encouraged to move to village with poor facilities and bus service;
- demand for new houses has been low in recent years, reflected by the low market value of properties, so it would be wiser to fully develop sites E4 and E5 and assess what impact there is on the village, its services, amenities and infrastructure, before planning to double its size;
- development would completely destroy the charming character of Hill of Fearn;
- site proposed is on first class agricultural land;
- proposed road access comes directly out in the middle of B9165, already a busy road, which serves the Seaboard Villages and Portmahomack traffic;
- water and sewage would be at their limits;
- safety problems of access to new facilities across busy main road;
- station 2km from village with no street lighting or footpath;
- no funding for proposed facilities;
- drainage problems with site prone to water logging and affecting adjacent land;
- present football pitch well used and maintained, with safe access;
- increased traffic and parking requirements;
- no local support for proposal;
- proposal not considered by community council
- local councillor does not live in village;
- lack of village infrastructure;
- objection not to houses but location; and
- lack of funding for current street lighting.

Summary of the council's response to the objections

7. The deposit draft identifies a need for some 50 houses required within the next 15 year period. Allocations within the plan identify land for between 45 and 65 houses for the period,

with potential for infill development in gap sites within the village. Other than infill development there has been little progress on the larger sites within the village. There is a need for the inclusion of an alternative site that offers to address much of the identified need over the plan period. In addition to providing housing land for the expansion of the village, there is a need for the allocation to afford opportunity for the adequate provision of facilities to complement the growth in population and housing. Potential exists within the proposed site for the provision of integration of employment workspace within the curtilage of housing units to encourage home working. In addition reservation should be made for individual workshops to provide locally based employment opportunities.

8. A modification is proposed to the deposit draft as follows:

“6.9 ha, Hill of Fearn West, 30 - 50, allocation to provide mix of uses, provision of leisure community facilities, uses to include amenity open space, football pitch and site for community hall and associated parking, provision of housing land, phasing of development to accord with "GSP7 - Settlement Expansion" or with the provision of adequate facilities and infrastructure. Affordable housing provision to be agreed with the Councils Housing Service and integrated with other development where possible. Wastewater provision to accord with "GSP2 - Wastewater treatment". All matters to be the subject of a master plan to guide comprehensive development. Access to be from the B9165 with the creation of suitable access. Traffic calming measures to be applied to the B9165 through the village. The Council will encourage substantial early structural tree planting to the southern and south western boundaries to help integrate development into the landscape.”

9. The allocation seeks to introduce a balanced form of development to the community to assist in the housing and economic growth of the community. The site offers potential for the creation a more balanced community encouraging people to stop in the village rather than by-passing it. Many communities by-passed by the A9, for example, have benefited from a lower volume of traffic passing through but have felt the economic disbenefit of passing trade. Although it can be said that Hill of Fearn does not offer the facilities or services required to encourage this type of trade, the loss of the local shop identifies the need to attract expenditure to support, and to prevent the failure of, local services.

10. A requirement for development at Hill of Fearn West is for the provision of traffic calming measures to be applied to the B9165; this would address the current situation of vehicles passing through the village at speed, in addition to addressing the increased traffic movements created by the development itself. These measures would aim to reduce the speed of traffic and provide safe crossing of the B9165 to new facilities on the west side of the road.

11. Historically development has not attained the level indicated by projections and though this may indicate a low level of demand it also points to a lack of development ready housing land being available. Recent infill developments have been taken up quickly and suggest an unmet demand within the immediate area. The housing waiting lists identify the requirement for 19 houses predominately for single bedroomed properties, showing unmet need for housing for either the younger single adult population or elderly single households. Whilst, housing waiting lists can give an indication of the requirement for social rented housing they are not necessarily true indicators of overall need. Where social rented stock is limited, applications can also recognise that there is little likelihood of need being met. Waiting lists do not address the requirement for low cost home ownership, and this can only

be assessed by specific needs surveys. The waiting lists do show an unmet demand for rented accommodation for single person accommodation, which together with low levels of development indicates that the operation of the housing market is not meeting the current demands in relation to rented accommodation.

12. To retain and bolster the population and services within any community there is a need to provide housing and employment opportunities within or close to the settlement. The allocation E6, Hill of Fearn West seeks to provide a mix of uses on the site from housing to general amenity and business type uses. These would be of a type and nature that can co-exist in a residential environment such as home working units related to the residential development, commercial units and craft workshops, in keeping with national policy guidance. Such businesses are unlikely to generate excessively high volumes of traffic, and may be countered by a reduction in the number of commuting journeys elsewhere.

13. Loss of facilities in small rural settlements reflects national trends but also relates to a general decline in population and local opportunities for employment. Whilst land may be made available for the development of further facilities the provision of these may be provided as part of planning gain or may require fund raising or applications for lottery funding or other methods to seek funding for certain facilities. In respect of affordable housing there is a requirement for developers to provide a minimum 25% proportion of such within their proposals. Hill of Fearn primary school roll has shown significant decline in recent years, falling from 90 pupils in 1999-2000 to 45 in 2004-05, representing 47% of the schools permanent capacity. The development of additional housing within the settlement would serve to make better use of an underused existing school facility.

14. In relation to the proximity of the railway station the council seeks through GSP16 – Transport, to promote a modal shift in transport. The distance of the rail halt, 2 km, is short compared to the distance travelled to employment centres of Dingwall and Inverness.

15. In regards to concerns on the capacity of the waste water treatment works, these are sited at Balintore and comment received from SEPA at the consultative draft stage of the plan related to the capacity of the pumping station. GSP2 – Waste Water Treatment requires that connection to mains drainage is a prerequisite in main settlements and that developers are required to contribute to the provision of necessary capacity or improvements to facilitate development.

16. The Scottish Executive has not indicated any opposition to the inclusion of agricultural land for housing. In relation to the visual impact of development on the setting of the village the provisions required through policy E6 seek substantial early structural tree planting to the boundaries of the site on the approaches to the village, to integrate development into the landscape.

17. The relative benefit of the continued promotion of E6 Hill of Fearn West is the incorporation of a mix of uses on the site that can provide for the further development of the settlement in housing, community and economic terms. The site also offers an element of choice of housing sites within the village. The use of GSP7 – Settlement Expansion is in place to seek phasing of development to coincide with the availability of facilities within the village, although the decline in existing services and facilities may be better served by a higher level of development. The council therefore recommends no change to the content of the deposit draft with modifications, in respect of these matters.

Conclusions

18. The inclusion of the objection site, E6 on the modified inset plan, arises purely because of a proposal put forward by the landowner in response to the deposit draft, as no relevant comments appear to have been made at the consultative draft stage. The forecast demand in the deposit draft, for some 50 houses over the next 15 years, can be met more than adequately by the two sites designated in the draft, H4 and H5, with a capacity of 30-50 and 15 respectively. There is no justification therefore for any further land designation for housing on the basis of the plan's projected figures.

19. The council's argument for the designation of the land follows largely that of the first objector, that is it would provide for the rejuvenation of the village and bring much needed investment in support of local services. Such arguments would be logical if there were some certainty that investment would follow, but the trend recently in this part of the plan area has been for relatively low, or even a fall in, growth following the decline in the local oil related engineering businesses.

20. Whether or not this could be reversed by other potential businesses, such as timber related products or power production, raised as possibilities either above or in evidence regarding other local plan issues, is not a matter on which evidence has been provided to enable me to make a judgement. Even if it could be there is no guarantee that the investment required to provide the public facilities, such as halls or playing fields, would be forthcoming in the face of similar demands from other communities, and the end result could well be a cluster of new houses detached from the village without any real purpose.

21. Looking at the issues raised by the other objectors, regarding the size of the village, the council has made it clear that any new development would be subject to the restrictions in policy GSP7, to ensure that expansion was at a rate that could be accommodated within the existing community. There would undoubtedly be some noise generated from a football ground, but this could be reduced by appropriate screen planting, although objectors may see this as reducing the otherwise open views from their houses. Much has been made of the poor, and reducing, level of services in the village, but the council has expressed the counter argument that more residents could help improve and sustain a higher level of services.

22. Although the council sets out arguments suggesting, for sound reasons, misleading projections for housing needs, particularly in the low cost and rented sector, there already exists sufficient designated land within the village to accommodate such needs. The council has suggested that the objection site could provide an element of choice, although there is a danger that development could take place at a low level on two or more sites, with none moving forward quickly towards completion.

23. I am not convinced that the proposal would destroy the character of Hill of Fearn, which is largely residential, and does not appear to have a particularly strong central core, at least on the basis of my site inspection. Although the site is high class agricultural land, I note that the Scottish Executive has not objected to its loss, although I appreciate the potential drainage problems that could potentially be caused to adjoining land, and which would have to be resolved in any development proposals.

24. I am satisfied that any issues relating to road safety and the flow of traffic could be resolved by appropriate measures, and it seems unlikely that traffic levels would be so high as

to cause unacceptable problems for road safety. Waste water treatment problems could be resolved, no doubt with an appropriate level of developer contributions. The fact that the station is 2 km away with no street lighting is a matter that affects the present community and is not an issue that should prevent properly justified development taking place. Objectors question a lack of local support, but this is difficult to gauge, and I note that the objectors are primarily from that part of the village closest to the objection site. There is contradictory and inconclusive evidence as to the position of the community council, or even whether it has considered the proposals.

25. Balancing all these points I find strong arguments on both sides but find none of them to be sufficiently overriding as to enable me to come down firmly on one side or another. Scottish Planning Policy 3 states three important basic principles that the planning system should seek: to create quality residential environments; to guide developments to the right places; and to deliver an adequate supply of housing land. I am satisfied that the site could provide a quality residential development. It is in the right place insofar as development at Hill of Fearn is justified, and the settlement is close to a station and has underused public service facilities. The site could make a contribution to the housing land supply, but no evidence has been provided to show that it is actually required for this, given the other allocations in the village.

26. Whilst I am satisfied that the land is suitable for housing, and that any servicing and other difficulties can be overcome, I am unable to recommend its designation unreservedly unless the council can demonstrate that it would be a viable and effective site. In doing so more consideration needs to be given to site priorities and a clearer timetable set out for phasing, along with some certainty that the publicly funded elements of the development could and would be provided and sustained.

Recommendation

27. I therefore recommend that expansion site E6 in the deposit draft with modifications be approved only if the council is satisfied that the site can be viable and effective, and that phasing priorities are set out more clearly relative to the other designated housing sites in the village, in addition to the amendments proposed by the council as set out in paragraph 8 above.

87 OBJECTIONS RELATING TO CHAPTER 22: INVERGORDON – HOUSING GENERAL

Objector: P & C Properties (116)
Procedure: Written submissions

Background

1. Planning permission had been granted for a housing development at Castle Avenue, Invergordon.

Summary of main points raised by objectors

2. Land owned by the objector in Invergordon next to the old peoples' home on Castle avenue has had its designation changed from residential to an alternative use. A planning application has been submitted for a small housing development on the site and this designations should not be changed.

Summary of the council's response to the objections

3. The council confirms that planning permission has been granted for housing on the site and proposes the following modification:

“MODIFY Invergordon inset map to reflect the current situation removing reference to amenity and merge boundary with adjacent housing area.”

Conclusions

4. The council's proposed amendment resolves this objection and it should have been withdrawn.

Recommendation

5. I therefore recommend that the amendment to the deposit draft proposed by the council set out in paragraph 3 above be approved.

88 OBJECTIONS RELATING TO CHAPTER 22: INVERGORDON – MISCELLANEOUS ISSUES

Objector: Invergordon Community Council (165)
Procedure: Written submissions

Background

1. These objections relate to a number of sites and issues within the Invergordon settlement boundary:
 - paragraph 15 – site B15 Cromlet, north of town centre, outline planning permission for supermarket;
 - paragraph 16 – site B16 Cromlet, adjacent to B15 on north side, outline planning permission for tourism/business use;
 - paragraph 17 – site S17, Cromlet adjacent to B15 on west side, outline planning permission for church/recreational use;
 - paragraph 20 – site I20, harbour area;
 - paragraph 21 – site E21, rear of Saltburn, at east end of town, housing after ten years;
 - paragraph 22 – site E22, Invergordon Mains, housing after ten years; and
 - paragraph 27 – site S27 former coal yard west of town centre.

Summary of main points raised by the objector

2. Sites B15 and 16, and S17. In each case a clause should be added to the policy ‘other uses for the site may be considered’.
3. Site I20 should be S20 and is on the wrong place – it should be at the foot of the Admiralty Pier.
4. Sites E21 and 22 would add to the fragmented structure of Invergordon and not remove it. The Seabank tank farm should be removed first and redeveloped, with the other sites coming later.
5. Site S27 should be considered for housing/sheltered accommodation.

Summary of the council’s response to the objections

6. Sites B15 and 16, and S17 are all subject to extant planning permissions and this is reflected in the plan designation. Other development applications could be considered and their merits would be considered in relation to the development brief for the sites.
7. Regarding site 20, potential does lie at the service base, but the policy refers to land at the foot of the Admiralty Pier, and the designation ‘21’ should be added to that.
8. Sites E21 and 22 are for longer term development and do not have significant constraints. The tank farm site requires significant investment to prepare the site for development and it is designated for a mix of potential uses, including housing. A diverse range of uses may be incorporated, to benefit the town as a whole.

9. Site S27 should be designated for housing, and its location giving easy access to the town centre makes it suitable for sheltered housing, although it would also suit single person housing. The plan should be modified as follows:

DELETE bullet 5 in action policy 27; and

ADD new housing policy “*H11: 0.7 ha, former coal yard, 6-8, suitable for sheltered housing or flatted accommodation.*”

Conclusions

10. All these objections appear to have been resolved, and should have been withdrawn. The council has offered satisfactory explanations or proposals in each case and I see no reasons to disagree with these.

11. I note that site E21 of the deposit draft has in fact been removed from the modified version despite the council originally recommending no change. This follows an objection from the local councillor and the proposed change satisfies the community council’s objection regarding this site.

12. I also note that the modified designation at the Admiralty Pier is 22, rather than 21, as a result of other renumbering, but the council may wish to consider adding ‘S’ to the ‘I’ already shown on the inset map, to reflect the special use in the text.

Recommendation

13. I therefore recommend that:

- (i) the modification proposed by the council set out in paragraph 9 above be approved;
- (ii) the modification to the inset map proposed by the council in paragraph 7 above be approved, subject to adjustment resulting from other modifications;
- (iii) the deletion of site E21 proposed by the council in the deposit draft with modifications be approved; and
- (iv) no other modifications be made in relation to these objections.

89 OBJECTIONS RELATING TO CHAPTER 22 INVERGORDON: HOUSING LAND AT THE HOUSE OF ROSSKEEN (Issue 73)

Objector: H A C Mackenzie (132)
Procedure: Written submissions

Background

1. The House of Rosskeen is a relatively small country house situated in heavily wooded policies on the north-western edge of Invergordon. Access is via a driveway through the policies that runs west from the Polish War Memorial at the north end of Castle Avenue. The drive opens onto an area of open grass, somewhat weed infested, with heavy tree cover on its south side, and the house is located to the west of the open ground, within trees. The area of trees to the south, which is some 350m long and averages some 80m deep, has an irregular southern boundary that coincides with the settlement boundary of Invergordon. The land adjacent to and within the boundary is under amenity and housing use. To the north of the open ground are cottages and outbuildings, also located within trees.

Summary of main points raised by objector

2. The area adjacent to the established settlement boundary is suitable for four large executive houses. All the necessary services are available, including a gas main. The houses would be situated within existing clearings in the woodland area. Contrary to the statement on amenity and recreation, the land is presently private land and access to the public can be denied, although the objector would be prepared to discuss offsetting other areas of the land for recreational purposes if planning for a limited number of high value houses were included in the local plan, as a contribution to planning gain.

3. As the area is adjacent to the settlement boundary, it should not be considered as housing in the countryside because of the servicing provision and screening by large trees. There is no comparable provision for such secluded and high amenity sites within the present Invergordon boundary. Some expansion within the area of Castle Cottages and Rosskeen Cottage should also be considered. Any development would be carried out to complement the architectural style of the existing cottages, which could be restricted to holiday lets. The objector is an elderly widow looking for some income from the estate to help with its upkeep, and that of the House of Rosskeen and its policies.

Summary of the council's response to the objections

4. The areas outlined fall outwith the established settlement boundary and should be considered as housing in the countryside. The area has high value for amenity and recreation whilst providing a woodland setting and boundary to the settlement. The housing land requirement has been addressed within the settlement envelope and there is no requirement to include further allocations outwith.

5. The allocation of land for housing in such a location would set an unwelcome precedent for this form of development, and, together with potential similar development, would lead to the erosion of the landscape setting of the settlement, contrary to national

guidance. The area also falls under the policy area of background policy 3, and forms part of the semi-natural and ancient woodland, the afforestation in this respect referring to long-established woodland of plantation origin. The potential for tourist related development may well be able to fulfil part of the running of the estate but the council considers that the location identified is not appropriate for this form of development. The Council asks that no change is recommended to the content of the deposit draft with modifications, in respect of these matters.

Conclusions

6. As the objection site lies outwith the settlement boundary it falls to be considered as housing in the countryside, subject to structure plan policy H3, irrespective of whether it adjoins the settlement or not. This would preclude development as no locational justification for the houses has been provided, and the issue is therefore whether the boundary should be amended to incorporate the objection site within Invergordon.

7. The site lies within an area subject to background policy 3. In addition to any relevant housing policies, this presumes against any development where there are significant effects on heritage or amenity. The council has noted the presence of semi-natural woodland, although no information has been provided as to the importance of this. It was however clear at my site inspection that there are many substantial trees in the area, which form an important landscape feature, and although it is stated that development would be in clearings, it is likely that some trees would be affected by potential development.

8. Mention is also made of amenity and recreation value, although given the proximity of the site to the House of Rosskeen it is not easy to see how this might be developed. The objector has also referred to the possibility of the development of the existing cottages for tourism development. Although the council does not favour the location, and it is open to the same arguments as the principal objection site, there may be some scope for the conversion of existing buildings without any amendment to the plan.

9. Whilst the need for economic support for the estate is appreciated, I am not persuaded, on the basis of the evidence provided, that all potential avenues have been considered, and it may be that further discussion with the council would lead to proposals that could be supported by both parties. I am not however convinced that the arguments in favour of the objection proposal are strong enough to overcome the council's concerns and justify an adjustment to the settlement boundary and designation within it of the site for housing.

Recommendation

10. I therefore recommend that no change be made to the deposit draft with modifications as a result of this objection.

90 OBJECTIONS RELATING TO CHAPTER 23: KILDARY SITE H2 MODIFICATIONS (Issue 74)

Objectors: Bannerman Company Ltd (11)
Procedure: Written submissions

Background

1. Kildary is a small village with a population of around 120 lying on the north side of the A9, north of Nigg Bay. Most local services, other than a post office and large garage, are provided in Milton of Kildary, a kilometre to the south-west. The expansion of the settlement is constrained by the A9, the Balnagown River to the west and the Balchraggan woodland to the north. The deposit draft local plan proposes small scale infill for housing (H1), including an area on the edge of the wood on the north side of the village occupied by a large fenced compound that appears to have been used for the storage of vehicles by the garage, but is now overgrown and largely disused. Two expansion areas are proposed at the western end of the village, adjacent to the A9, accommodating 11 (E3) and 20 (E4) houses respectively. These are subject to significant structural planting along their southern and eastern boundaries. To the north of Balchraggan woods lies Logie Quarry, a largely worked out gravel pit that is subject to other housing proposals and is dealt with as issue 15.

Summary of main points raised by the objector

2. Following discussions with the council an agreed area of land to the north of Kildary should be included as a potential area for housing with the retention of appropriate timbered areas. Proposed modifications to the deposit draft reflect this, but consideration should also be given to alternative accesses, either via a 5 metre wide strip along the edge of the tree-line commencing at the boundary of the Red House at the north-west corner of the existing settlement boundary, or a 5 metre wide strip through the trees where they narrow, with a reverse S change of direction to prevent wind damage.

Brief summary of the council's response to the objections

3. The proposed site shown, in the deposit draft with modifications, lies within an area classified as ancient and semi-natural woodland, although this has been replaced by areas of coniferous planting and natural regeneration of broadleaf species. Despite this, the area of land proposed for development provides an important backdrop to the village, but there is some scope for development within the area of natural regeneration, where the density of trees is less and the tree line can be retained. Selective thinning of trees and removal of scrub would present adequate space for housing development whilst retaining the important broadleaves and the tree line to the rear of the development area.

4. A new policy is proposed in housing section of the deposit draft:

"2.2ha of land at North Kildary offers potential for the development of low density housing. Developers should prepare an overall layout showing the retention of trees and provision of pathways on site. A management plan will be required for the remaining afforested area and the retained trees on the skyline. The undertaking to

prepare a woodland management plan will dictate the level of development on the site; this in any case should not exceed 20 dwelling houses. The provision of adequate access to the site may require the provision of off-site road improvements."

5. The line shown in the deposit draft with modifications is an accurate reflection of the extent of the broadleaf area identified for potential development. The formation of an access point from the road to the west of Kildary on the Brenachie Road would require the removal of part of the coniferous plantation that forms the backdrop to the village setting. This would ultimately lead to the erosion of the area of denser trees and loss of part of the setting of the village.

6. Comments from the council's forestry officer (THC74/2) indicate the importance of the area as a backdrop to the village. The area of conifer and mixed broadleaf woodland to the north and west of the proposed housing allocation is important to the setting of the village and provides a valuable amenity to local residents. In order to safeguard these areas, the following wording should be applied to the current policy requirements:

"A strip of trees (mixed broadleaf with Scots Pine along outside edge) between 30-40 metres is to be retained along the northern edge to secure a long term, windfirm backdrop to the new development. The width of this will fluctuate according to the landform and must be agreed with the Highland Council Forestry Section. A robust management plan is to be produced identifying areas for long term retention (i.e. all Scots Pine and broadleaves) and addressing the area of mature spruce to the west of the proposed development. This area requires a programme of selective felling and restocking with Scots Pine/broadleaves to provide greater age diversity and long term cover which is more in keeping with the surrounding woodland. This plan is to be approved by the Highland Council Forestry Section."

7. The access indicated, at Eskhill Road, in the deposit draft with modifications has capacity to cope with further development subject to improvement such as the provision of a footpath and other such requirements to service the level of development identified. This would provide benefit to existing development as well as retaining the integrated nature of development at Kildary. Alternative access to the west, through the coniferous plantation would not provide any additional benefit to the development and may be difficult to provide. There would also be requirement for provision of a footpath and street lighting. The alternatives would also not be desirable in terms of creating an access outwith the recognised extent of the village and fragmenting the integrated nature of the existing road network.

8. The council asks that the no change is recommended to the content of the deposit draft, other than the proposed modifications set out in paragraphs 4 and 6 above.

Conclusions

9. The deposit draft does not give any indication of a housing requirement figure for Kildary, so the need or otherwise for the designation of this site cannot fully be assessed. That said, Kildary lies within the plan's development corridor and services are available close by in the much larger Milton of Kildary, including a halt on the north railway. Kildary lies within the designated hinterland, so the land outwith the settlement boundary would normally be subject to structure plan policy H3, which presumes against housing development unless related to land management purposes.

10. In this case the ground is covered by an area of naturally regenerating trees, whilst the wider area is denser plantation that provides a significant backdrop to the village. It also screens the area from view other than from within the village. The area adjacent to the site on the village side includes the old car storage compound, referred to in paragraph 1 above, which could be developed for housing under the infill policy H1 of the deposit draft. As such the objection site forms a natural extension to the village, arguably more so than the most easterly (E4) of the expansion areas designated in the deposit draft, which is somewhat detached from the main part of the village.

11. On this basis the proposal has a sound enough planning justification. I am less happy however with the alternative accesses put forward by the objector. The council has put forward sound reasons for rejecting these, relating to the protection of the surrounding woodland. The council has also expressed itself satisfied with the existing access through the village, subject to relatively minor improvements, and from what I saw at my site inspection there is no reason to doubt this. Also the alternative accesses proposed would effectively be outwith the village, possibly reducing the integration of potential occupiers into local life, as well as increasing pressure for other development in the woodland to the north, for which I see no present justification.

12. The council has rightly proposed measures to protect and enhance the woodland framework, and given the incursion into the woodland by the objection site these are fully justified. Whilst therefore recommending the designation of the site as proposed by the objector, I consider the constraints proposed by the council to be essential for the longer term protection of the woodland framework for the village.

Recommendation

13. I therefore recommend that:

- (i) the modifications to the deposit draft proposed by the council set out in paragraphs 4 and 6 above be adopted, together with consequential paragraph and site renumbering;
- (ii) the inset map be modified accordingly, including site access through the village; and
- (iii) that no further modifications are made as a result of this objection.

91 OBJECTIONS RELATING TO CHAPTER 24: MARYBANK – CAPACITY OF EASTER BALLOAN (Issue 36)

Objector: R Macleod (186)
Procedures: Hearing

Background

1. Marybank is a small village on the south side of the Conon valley, near the confluence with the River Black Water. It has a primary school, community hall, hotel and garage/workshop. The A832, formerly the main road to the north-west highlands, runs through the village, and new housing has recently been completed on the south side of this. The objection site is nearby at Easter Balloan, near the east end of the village on the north side of the road, adjacent to the hotel on the latter's eastern side. The 0.6ha site slopes down from the road and is tree covered, and contains a residential caravan, and an old agricultural building. An overhead power line crosses the middle of the site from north to south. It is designated in the deposit draft for two houses, with the proviso that the trees and the setting of the hotel should be safeguarded and a satisfactory access provided.

Summary of main points raised by the objector

2. The objector questions the restriction within allocation "H: 2" for use of the site for only two houses. The site extends to 0.7ha, not 0.6 as stated in the plan, and there is sufficient area therefore, subject to a removal and re-siting of the existing agricultural building and residential caravan, for the development of up to six houses with space for roads, access and landscaping to fill the requirements of the deposit draft. An indicative plan shows how this could be achieved.

3. Virtually all the other allocations for housing in the village are on the southern side of Marybank which, if left unaddressed, would lead to an unbalanced development pattern. Increasing the allocation at Easter Balloan to six houses would redress this balance and provide the opportunity for a properly planned development, enhancing the overall visual appearance of the area. This additional allocation would also be enhanced by the opportunity to remove the existing disused sheep pens, general purpose buildings, and residential caravan. The housing development proposed would reflect the existing village pattern and be in harmony with the neighbouring land use and there would be no loss of any agriculturally productive land or woodland.

4. A revised indicative plan produced at the hearing showed a layout amended to take into account points raised previously by the council. This showed the main access using existing tracks, the undergrounding of the power line, and the siting of the houses at the bottom of a slight bank, away from the road side trees. The plan deliberately avoids the ribbon development appearance of the new houses on the south side of the road.

Summary of the council's response to the objections

5. The indicated site capacity has been made after assessing the site factors. The presence of mature trees on the southern boundary requires that development should be kept

below the existing fence line. There is also a 6m building reservation from the overhead line which crosses the site. The land which remains would provide capacity to accommodate two sizeable house plots, and the density offered by this would reflect the existing pattern and density of surrounding existing development. The proposal for a six house development seems excessive, and does not pay due respect to the surrounding form of existing development which is of a lower density nature.

6. The council accepts that development of the site would benefit the general amenity of the area through the removal of agricultural and other dereliction. An improvement to the site would however be best served through the development of a low density residential development, although policy allows variation from the guide figure of two units provided the design and layout are satisfactory. In this regard the plan produced at the hearing addresses some of the council's concerns, although the layout is somewhat convoluted.

7. In response to comments on the deposit draft unrelated to the objection, the council approved changes in January 2005. In the case of Marybank these relate to a minor boundary adjustment and consequential land area change at the western end of the village:

- MODIFY Marybank inset map to reflect agreed western boundary; and
- MODIFY text to take account of extended boundary area, REPLACE "2.4 ha" with "2.7 ha".

8. Accordingly, the council asks that no change is recommended to the content of the deposit draft, except for the amendment referred to in the preceding paragraph.

Conclusions

9. There is no dispute about the principle of developing housing on the objection site, and the increase in the site capacity by four houses is unlikely to be significant against the overall allocation in the village of over 50 houses. My site inspection showed that the site itself is not easily seen from readily accessible public places, other than the adjacent ground on either side, and the main road, from which it appears untidy, as is readily acknowledged by the objector. The development of the site would therefore bring about an improvement in its appearance and benefit the amenity of the hotel and nearby houses.

10. The plan produced at the hearing addresses many of the points of concern made by the council, keeping the houses away from the road side trees, maintaining the existing access, and undergrounding the power line. Six houses on the site would represent a gross density of ten houses per hectare, based on the council's site size, which is not unreasonable in a rural village. Depending on design it would also have the potential to fit into its surroundings rather more sympathetically than the somewhat regimented appearance of other recent nearby development.

11. The layout provided is indicative, and there would be scope for adjustment, following discussion with the council, at planning application stage. I am satisfied, however, that it does demonstrate the capacity of the site to accommodate six houses whilst respecting the council's concerns as set out in the deposit draft requirements.

12. I also accept the recommendation of the council regarding the modification referred to in paragraph 7 above, against which there are no objections.

Recommendation

12. I therefore recommend that the deposit draft be modified:

- (i) as recommended by the council in paragraph 7 above; and
- (ii) the text for Marybank Housing 2. – DELETE ‘up to 2’ and substitute ‘*a maximum of 6*’.

92 OBJECTIONS RELATING TO CHAPTER 25: MARYBURGH - PARAGRAPH 5 (4) EXPANSION AREA TO SOUTH-WEST (Issue 37)

Objectors: Brahan Estate (40)*; Scottish Natural Heritage (197)
Procedures: Hearing* and written submissions

Background

1. Maryburgh is a fairly large village of some 1,100 people located on the north bank of the River Conon. It is well served with local facilities and has good access both to nearby Dingwall, to Inverness, and to the west and north. Development has taken place mainly to the west of the railway, which crosses the river at the south end of the town and then runs north on the west bank towards Dingwall. The A862 runs north through the eastern part of the village to join the A835 at a roundabout that forms a major junction at the north-east corner of Maryburgh. The A835 then skirts the village to the north-west, leaving open ground between the road and the built up area.

2. The deposit draft local plan designates the open ground between the village and the A835 as expansion area E5 (E4). This covers 10 ha for significant medium to long term housing requirements, and a framework plan is provided that proposals should comply with. A development brief or overall master plan is to be prepared and 12 bullet points set out developer requirements. These include matters relating to overall design, access and landscaping.

3. The outer, north-west, boundary of the expansion area is marked by the A835. At the western end there is a triangular spur of land that is sandwiched between the A835 and the old road, now a footpath, with a forested area on its inner edge, which is marked for phase three of the development, including an area for tree planting. It is separated from the main built up area by the forested land and an overhead power line, for which a reservation is cut through the forest, and is therefore relatively isolated from the main areas of Maryburgh.

4. The objection site is another triangular piece of land that is adjacent to the one marked for development, but much larger. It lies on the south side of the footpath along the line of the old road, between it and the power line. The framework plan shows access to this part of the expansion area being taken from the old road, which would be upgraded to accommodate increased traffic flows from these sites, and phase two developments to the east.

Main points raised by objectors

5. The first objector considers that the expansion area E5 at the western edge of Maryburgh should be extended to include the area south of the footpath. A plan is produced to show this. The land is set farther back from the existing A835 than the land scheduled in the plan for phase 3 development. It is flanked on the north by the old A835 and the proposed phase 3 housing, on the southeast by the power line and Birch Drive, and on the south-west by the footpath which has been upgraded to the standard suitable for all abilities, and the Tallysow Wood. This would form a natural boundary to the village. The topography is attractive, and access would be from the old A835 from which the established, mature trees would provide screening.

6. At the hearing it was pointed out that there is a public duty to improve road junctions. Parts of the area designated E5 (E4) could be difficult to develop because of the topography, and capacity could be limited even for low density housing. The development of the old road to provide access for parts of phase two and three could be quite expensive, and the inclusion of the objection site could help the viability. A smaller site than that proposed would be acceptable for the objector, and a letter was submitted after the hearing outlining such a reduced area of ground.

7. The second objector says that the development of sites H1, H2, west and south of the roundabout respectively, and E5 (E4) would have a particular landscape impact that was referred to at the deposit draft stage.

Summary of the council's response to the objections

8. The council's initial written response is that there is no justification for extending the level of housing allocation in Maryburgh, and the effectiveness of the objection site is questionable. The projected housing requirement for the period 2002 to 2017 is 75 to 100 houses or an average of 5 to 7 dwellings per annum, based on General Register Office figures. Existing land stocks have potential to accommodate more than 130 dwellings. The greatest proportion of this land would have to be developed in advance of the objection site, particularly in relation to vehicular access from the centre of the village. In addition, the former A835 road approach to the land can only serve a limited amount of development in the expansion area because of the likely traffic impact upon the road network in the centre of the village, which is why most of the expansion area would be served by an access at its northern end, towards the Maryburgh roundabout. Access from the A835 trunk road will not be permitted and would only serve to detach development from the village.

9. These problems are compounded by the difficulties of improving roads within the village, either because of physical constraints, land ownership, or both. The council did not dispute the other merits of the objection site but considered its inclusion in the deposit draft local plan would be premature and prejudicial in particular to the proper development of land that is already included in the adopted Mid Ross Local Plan. The land could be re-considered in the next review of the local plan when traffic considerations may have been resolved.

10. At the hearing it was acknowledged that there could be difficulties in developing parts of the expansion area E5 (E4), not just because of the topography, but potential difficulties with land ownership and creating the necessary road improvements and accesses. The inclusion of a smaller area of ground than the objection site could therefore be seen as a substitute for some of the designated land that may not be effective.

11. Regarding the objection regarding the landscape impact of site H1 the council notes that it is included in the adopted local plan, and was not therefore included in the landscape capacity study. Part of the site is now developed. Site H2 was put forward for development too late to be included in the study, but there was no indication that development within the 8b character area would have an impact on the landscape. Planning permission has been granted for the site.

12. Much of site E5 (E4) is identified in the adopted local plan for the long term development needs of Maryburgh, and it is a logical area to accommodate the community's anticipated growth, offering good access to the village, schools and transport. The land in the

adopted local plan was not assessed in the capacity study, but an additional area that was assessed is indicated for recreation/open space, and there was request for advance landscaping intervention.

Conclusions

13. The differences of opinion between the council and the objector regarding the objection site related to timing rather than its suitability for development. The site is presently under commercial woodland, but much of the eastern part is windblown and it was clear from my site inspection that felling and clearing will be necessary in the near future as part of good forestry practice. Although the land is separated from the village at present, the expansion area as proposed in the deposit draft includes the triangle of land at its western end that would provide a somewhat remote group of houses standing out as a ‘finger’ of development not well related to the other nearby housing to be developed, even taking into account the area for tree planting at its western end. The development of the eastern part of the objection site would complement the designated site and lead to a better overall fit in the landscape. Access would be provided via a route that would have to be upgraded to serve some of the more easterly parts of the expansion area, and it would largely be screened in time from the A865 by the proposed trees. I am therefore comfortable with the principle of developing at least part of the objection site.

14. It became clear at the discussion during the hearing that the development of the expansion site E5 (E4) would not be straightforward because of problems related to access, topography, and land ownership. This may mean that the development of parts of phase two, that would be accessed from the old A865, could be more logically developed as an earlier phase than had originally been anticipated. This being the case there is a logic for the inclusion of the eastern part of the objection site within the expansion area, as it is not only suitable for development, but would enhance the viability of the necessary road improvements. I am very much aware that this is dependent on the availability of land for and funding of off site road improvements, but this will be necessary anyway for other parts of the existing expansion site.

15. At my accompanied site inspection we examined the western end of the expansion site as proposed, and the adjacent woodland. There was common ground that the whole of the objection site would be inappropriate for development, at least in the foreseeable future, being exposed in the landscape and unnecessary for land supply requirements. A triangle of land was agreed as suitable for inclusion in the extension area, bounded on its north-west side by the old A865, on its south-east by the power line reservation, and the south-west by a line drawn approximately south-east from the western end of area E5 (E4) terminating at the power line. This is confirmed in a plan submitted after the hearing.

16. In the circumstances of this proposal being agreed by both the council and the objector, and my finding the site being suitable for development, it presents a pragmatic solution to the objection. The whole of the expansion area will still be subject to a development brief or overall master plan, and to the requirements set down in the bullet points, with the exact timing dependent on a number of factors, particularly when a new access or road improvements can be carried out.

17. Looking at the points raised by the second objector, the objections relating to sites H1 and H2 have effectively been overtaken by events, as both sites are under development. Even

so both sites appear against a backcloth of existing housing, and H2 in particular is effectively within the built up area of Maryburgh. I therefore see no great basis for the objection on landscape grounds, and certainly non for a change of the deposit draft local plan.

18. With regard to the expansion area, part of the land is designated in the adopted local plan. Although part of it is prominent when seen from the A865, this road is effectively a northern bypass for the village and forms a logical edge to the settlement. E5 is also a better area for expansion than other potential areas to the east or south, as it would produce a more compact and coherent form for the settlement as a whole. With a proper landscape framework, as provided for in the requirements set out in the deposit draft, I am satisfied that the designation of this land in the plan is an effective and sensible way of taking forward the future development of Maryburgh. There is no justification, therefore, for changing the plan as a result of this objection.

Recommendation

19. Accordingly I recommend that the following amendment is made to the deposit draft local plan:

- (i) ADD to inset map 25 Maryburgh: the triangle of land that is located on the southern side of the land marked E at the western end of site E5 (E4) of the deposit draft. The land is bounded on its north-west side by the old A865, on its south-east by the power line reservation, and the south-west by a line drawn approximately south-east from the western end of area E5 (E4) terminating at the power line.; and
- (ii) that no further amendments are made in response to these objections.

93 OBJECTIONS RELATING TO CHAPTER 27: MUIR OF ORD – HOUSING GENERAL HOUSING ISSUES AND LACK OF FACILITIES/SERVICES; BROOMHILL SITE 16; ARDNAGRASK SITE 17; AND CHAPELTON FARM (Issue 38)

Objectors: A MacLean (44); M S Ross (57)*; D M Edge (88); Muir of Ord Community Council (105); J P Johansen (119)*; J Prentice (138)*; T D & J F Martin (174)*; Scottish Natural Heritage (197)

Procedures: Round table discussion* and written submissions

Background

1. Muir of Ord is a large village, population over 1,800 that sits at the cross-roads of the A862, the former A9, and the A832. It is a popular commuter settlement and is served by a commuter service to Inverness, on the north railway. It has a good range of local services, and there are employment opportunities, particularly on the industrial estate at the southern end of the village.

2. Development was constrained until recently by waste water treatment capacity, but improvements have led to an increase in building activity. The plan forecasts a requirement of some 300-360 houses, including 20-25% affordable needs for the next 15 years. The plan designates 12 sites, H1 – H12, for between 217 and 238 houses. In addition five expansion areas E16 (E17) to E20 (E21) are designated for between 197 and 282 houses. These include E16 (E17), Broomhill, (8.5 ha - 85-120 houses), and E17 (E18) (5 ha - 22 houses) Arngask.

3. Traffic circulation in the village is constrained by a weak bridge over the railway, which is artificially restricted to one lane, with traffic light control. This carries both main roads, with junctions either side that can cause hold ups, and a potentially complex arrangement for the design of any traffic flow arrangements over the junctions.

Summary of main points raised by objectors

4. There is considerable overlap amongst the objectors, so it is convenient to deal with these by subject area, setting down the basis of the objections as bullet points:

Housing general

- housing should be mixed to attract and house all types of potential tenants, catering for the whole population structure in the village;
- Urray House old folk's home renovation/replacement consideration welcomed but concern for day care provision for the elderly – should be incorporated in new build;
- rate of development too fast, with potential land shortage and strain on facilities;

Infrastructure general

- general need for upgrading services in village, including roads, paving and street lighting;
- parks, open spaces, and play facilities should be considered and developed alongside the plans for housing;
- lack of cycle paths;

- lochans network should have “Site of Local Natural Conservation Interest” status;

Schools and community facilities

- Tarradale Primary School already close to capacity;
- new sports facility needed to replace one burnt down some years ago;
- existing halls and other facilities require upgrading - facilities for playgroup, day care for the young and elderly, suitable meeting rooms, sports hall and youth provision effectively non-existent;
- police station should remain in Muir of Ord;
- lack of facilities for youth of this area;

Transport general

- already serious congestion at cross roads in village centre and both approaches to the bridge due to the traffic lights there;
- need for properly integrated transport facility to support success of rail commuter services;
- urgent need for replacement of single track light controlled railway bridge;
- A832 Muir of Ord to Tore road needs upgrading;
- development and access of the station facility and rail yard should be considered with increased commuter usage and freight traffic, including parking and security;
- single track roads need upgrading because of increasing housing numbers;
- concern about zebra crossings;
- levels of traffic on B9169 and potential traffic increase at Ord Muir, including use of single track roads as main access to north-east part of the village;

Industry and employment

- existing industrial estates should be supported and improved;
- support primary sector employment;
- encourage tourism – golf course, distillery, and other areas to be developed;

Site E16 (E17) - Broomhill

- lower part of site floods frequently in winter;
- low ground provides an overspill area when rainstorms or snow melt swell the burn beyond the capacity of the culvert under Broomhill Road;
- development will remove overspill area causing damage through rising floodwater;
- area would better serve the community by including in the ponds in wetlands scheme;
- access to the site would be hazardous, due to junction near a curve in West Road, which has a speed problem, and carries extra traffic from development of site H11;
- unclear responsibility for flood alleviation scheme;
- proposal contradicts SPP 3 and SPP 7 because of flood risk;
- if development takes place need for compensatory flood storage;

Site E 18 (E19) Chapelton

- this site is not part of Chapelton Farm;
- objector inundated by inquiries for land he does not own;
- no of inquiries demonstrates housing demand;
- Chapelton Farm should be designated for housing;
- land is poor quality, and could substitute for better quality land being developed;

- houses in Balvaird area discharge effluent into water course passing farm;
- difficult to farm as accidents on road damage fencing, affecting stock protection;
- dangerous for walkers on the road – development would integrate land into footpath system;
- other sites prone to flooding, whereas Chapelton Farm is not;

Ardnagrask Mains Farm

- Ardnagrask Cottages should be removed from site E17, and zoned for housing, enabling much needed upgrading and development more immediately than if part of larger site;
- strip of rough ground to the west of Ardnagrask Mains farm road, between the Ardnagrask Cottages and the new house to the north, in the wood parallel to Corrie Road, should be zoned for housing, spreading out any development of the cottages;
- designation of site would give extra choice for those wanting country living; and
- Ardnagrask Mains farm road is currently being adopted by the council, having been brought up to standard recently.

Summary of the council's response to the objections

Housing general

5. Recent and current developments involve private and Housing Associations operating on separate sites. Land assembly by separate private and public sectors means that mixed developments rarely converge, except under the affordable housing policy. Policy GSP8: affordable housing and the development plan policy guidelines aim to secure affordable housing provision from private developers. The council encourages a mix of tenure and house types within developments. Where this is not achievable for land supply reasons developers can agree to make an equal and equivalent financial contribution to an affordable housing accumulator fund to promote the direct provision of affordable accommodation on other sites. Development proposals by housing associations will reflect the expressed need within applications for housing and meeting the needs of the community for housing.

6. Current rates of house building have increased from an average of 23 houses per annum over the five year period 1999-2003, to 42 for the year 2004 showing a significant increase. It is likely that house completions for 2005 will decrease to previous rates. Delivery in future years may increase again to a higher rate with the further details submitted at site E20, South of the Golf Course and potentially development at E20 Broomhill.

7. General Supporting Policy GSP7 – Settlement Expansion, seeks to ensure that house building in the settlements of the hinterlands around towns does not exceed 25% of the number of existing dwellings in any 10 year period. The housing stock figure for Muir of Ord stands at 886, as at November 2003; this gives a potential expansion figure of 222 for the 10 year period from the date of deposit of the deposit draft plan. Some 43 completions were recorded since then, included 11 affordable units which under the terms of GSP7 are deemed to be exempt from settlement expansion as they address accommodation issues for existing households within the community. The net figure then remaining available for expansion is 190 houses.

8. Planning applications are opportunities to seek the phased delivery of housing on these sites in order to accord with the requirements of GSP7. It is justifiable to offer some policy

restraint to the development of the remaining expansion allocations by reallocating sites at E19 Chapelton and E20 Tore Road for the longer term growth of the village. Development at E18 Ardnagrask is already allocated for longer term development. Development at H10 Strome is a phased development; further phasing of this site must conform to GSP7 in relation to the monitoring of levels of house construction. Other smaller allocations will also be assessed in regard to the individual and cumulative impact of their development.

9. The wording of E18 (E19), Chapelton and E19 (E20) Tore Road to identify their potential as longer term should be modified as follows:

Site E18 (E19) Chapelton at beginning of requirements INSERT “*Long term*”

Site E19 (E20) Tore Road at beginning of requirements INSERT “*Long term development.*”

10. The council’s social work service is undertaking an assessment of the final form of any redevelopment of Urray House, and also what form of provision will be available. A modification should be made as follows:

Page 86, Special Uses ADD new Policy to Special Uses section, “*16. 0.7ha of land at Tarradale Gardens is safeguarded for redevelopment of Urray House or the ancillary provision of very sheltered housing. This may provide opportunity for development in association with H1: Urray House.*” Renumber following policies accordingly.

Infrastructure general

11. Foul Drainage is the responsibility of the companies concerned, which liaise with the planning authority over the servicing of future development. The Muir of Ord sewage works has some spare capacity to accommodate development. When this capacity is reached, developers will have to meet the costs of further improvements, according to the current Scottish Executive funding rules for Scottish Water - see policy GSP2. Waste management improvements will be guided by the Area Waste Implementation Plan.

12. Natural heritage is discussed within Chapter 3 Key Issues. Policies for specific areas of interest are contained in the landward area section of the plan. Policies supporting these areas more generally are defined as being contained within the structure plan. The Lochans are given policy protection through the local plan under paragraph 21 (22), amenity, which refers to the possibility of designation as a site of local nature conservation interest.

Schools and community facilities

13. Tarradale primary school has spare capacity for 75 pupils. At current rates it has more than adequate capacity for beyond the plan period. Even at a significantly higher level of house building the school has capacity to cope over the next ten years. Any potential difficulties would require either the refusal of development or the need to seek financial contribution from developers to address the situation.

14. The council agrees that increased leisure, education, social and emergency services provision should keep pace with development. The organisations responsible for these advise the council of shortfalls or where there is spare capacity for further development. Where the provision of services is essential to accommodating further developer appropriate allocations should be made in the relevant investment programmes. The council can also seek developer contributions towards essential provision. There is a need to identify the need for

contribution from developers where the proposals will require the upgrading of services. A modification is proposed to the Development Factors section as follows:

after the final sentence INSERT *“Where development proposals will impact on facilities or require the upgrade of services or infrastructure the Council shall seek provision of necessary works or contribution towards the provision or upgrading of services and infrastructure.”*

15. The plan policies are aimed at protecting existing amenity and open space within the community. Development proposals must assess the need for open space and the provision of other amenity facilities. The development planning policy guidelines: residential guidelines set out standards of provision anticipated within new development. The provision of open space/amenity areas may vary depending on local circumstance, and contributions towards the upgrading of an existing facility may be preferred.

16. The Northern Constabulary is assessing the situation in regard to the police station. Although budget provision is available for some form of service no decisions have been made as to its final form.

Transport general

17. The development of the larger sites in the village and increases in traffic numbers will require a traffic impact assessment for the bridge crossing and the 4-way junction on the east side of the bridge. Contributions from developers will be required for any necessary improvements to the junction. The traffic lights at the bridge are likely to cause tail backs, but the Broomhill development should not adversely affect the surrounding road network, although it will add slightly to the increasing congestion that is likely to occur in the future at the railway bridge.

18. The road networks on both sides of the railway bridge are particularly difficult. The two junctions need enhancing, but it is unlikely that the bridge itself will be improved to a two track standard within the immediate future. There are long term upgrading proposals and an option appraisal assessment has been carried out. The bridge's condition will be monitored.

19. A small scale modelling exercise should be carried out to test options for the junctions, so that optimum solutions can be assessed. This should be carried out by a developer, and a scheme determined and implemented before any significant developments take place in the Muir of Ord area.

20. The zebra crossings are manned during school hours and function as normal zebra crossings outwith these. They are assessed on a regular basis as to their suitability.

21. Improvements to Balvaird Road are a requirement for sites H10 and E18 (E19). This may take the form of road widening and improved street lighting. Developers would have to address traffic safety concerns regarding creating a new access to Balvaird Road, and the subsequent increase in traffic movements. This could include traffic calming.

22. The council encourages the growth of travel by both bus and rail. The use of the rail service has grown in recent years and opportunities lie within new or reopened stations to improve and encourage use of the service. The Tain - Inverness commuter link is proving

relatively successful with potential to add a further halt at Conon Bridge. Paragraph 15 - Rail Yard, sets out a policy to safeguard the rail yard for expansion of freight uses.

Industry and employment

23. The plan supports local employment within Muir of Ord and surrounding areas. The allocation of land for business development and safeguarding existing opportunities helps maintain existing employment and encourage the establishment of new businesses. The golf course and distillery are likewise supported through the plan by the continued allocation of these uses. The support for the primary sector is discussed within chapter 3 key issues.

Site E16 (E17) - Broomhill

24. The Broomhill site states the requirement to address common/overall drainage. The area presents issues in relation to drainage with a portion of the site subject to wet conditions. The need to address this is stated within the plan and attention requires to be taken to address concerns with regard to the provision of Sustainable Urban Drainage Systems. The measures are aimed at managing the flow of water run-off from a site by treating it on site and so reducing the loading on conventional fixed drainage systems. In this instance this may include a detention pond to retain surface water on site.

25. SPP 3: Planning for Housing states that policy is to avoid unnecessarily increasing the number of areas that need artificial protection from flooding. SPP 7: Planning for Flooding further states that “new development should be in harmony with the water environment and not attempt to work against it”. The provision of a detention pond would have a positive effect on any proposed development and also on neighbouring properties that currently suffer from the threat of flood risk. An assessment of the likelihood of flooding will require the preparation of a flood risk assessment and/or a drainage assessment to establish and advise on prevention and alleviation measures. Land raising would probably increase the need for flood prevention measures elsewhere and may not be satisfactory for surrounding properties.

26. The planning application for site E16 (E17) has advanced the consideration of development at the site. The issues being addressed include a Flood Risk Assessment (THC38/4), submitted for appraisal of viable solutions to potential effects of 1 in 200 years flood inundation. The options include the enlargement of existing culverts and landraising of new development to address the flood risk issue. The raising of land would result in the loss of part of the existing floodplain. To address this compensatory storage is to be located within land under control of the developer to the west of the site.

27. SEPA (THC38/5) has expressed concern about the loss of the functional flood plain and says that landraising is not a flood prevention measure in line with guidance from SPP 7. Insufficient detail has been supplied and that on this basis SEPA objects to the planning application. If the council is minded to approve the application against SEPA’s advice it consider notifying Scottish Ministers in accordance with the ‘SEPA-Planning Authority Protocol, Development at Risk of Flooding: Advice and Consultation’. If satisfactory details of the compensatory storage scheme are provided, and other matters raised in SPP 7 in relation to landraising are properly addressed, the objection could be withdrawn.

28. Access is being addressed within the context of the development application. It would be located within an established 30mph limit area and have clear site lines. Speeding is a current problem. Potential development would need to provide measures to address safe

access to the site possibly through traffic calming. Broomhill would be served by a single access from West Road, incorporating a roundabout. This would calm traffic on West Road and allow safe access and egress from the development.

29. The single lane crossing of the railway bridge is working well with a minimum of congestion. Increased development levels within the village will increase pressure on the bridge and developers will need to assess the impact of further development on this.

Chapelton Farm

30. Chapelton Farm is thought to be of over 30 ha of land to the north of Muir of Ord. It lies outwith the settlement boundary, within the hinterland around towns area, where development is restricted to provision for land management reasons. Development potential for the plan period has been identified and is currently being met through various sites within the village. There is no need for the allocation of further sites due to the effectiveness of the current land supply. Future reviews of the plan would identify whether additional land outwith the existing settlement boundary would be required.

31. There are access problems. The eastern part of the farm would most probably require access from Balvaird Road or Ord Muir Road, and an assessment of the ability of the existing road network to accommodate further substantial development. The sites at Strome and Chapelton already have a requirement for off-site road improvements aimed at addressing issues regarding the need for traffic calming on the access road.

32. The land adjacent to the A862 Dingwall road, north of the established settlement boundary, has an existing access serving Chapelton Farm, within the 30mph limit. It is adequate for the existing farm but would require assessment of its potential to serve a large housing development. It would most likely require improving, with the loss or relocation of the existing horse riding centre. It may be feasible for a rail crossing, or improvement to that existing on the northern boundary, to serve the eastern part of the site, at a high cost.

33. Currently development pressure in Muir of Ord is intense, and objections are focussed of the potential impact of a high level of housing development on facilities and infrastructure of the village. Sites already designated would be capable of accepting upwards of 200 - 300 housing units overall, whilst the deposit draft allocated housing land to for to 520 houses.

Ardnagrask Mains Farm

34. The Council accepts that the Ardnagrask cottages should be removed from the expansion area E18 (E17) and the boundary modified to omit them. The cottages should be reclassified as housing. This was not reflected, in error, as a change to be incorporated in the proposed modifications to the deposit draft and should be changed in the next draft of the plan. A modification is also required to the inset map showing the access to site E18 (E17), moved further to the west, as the access shown is in a different ownership. A modification to the Muir of Ord inset map is required in this respect.

35. The area of land to the north-west of the Ardnagrask cottages lies outwith the established settlement boundary, and is subject to structure plan policy H3 on housing in the countryside. The existing cottages may be redeveloped or replaced if unable to meet modern living requirements and where the costs of renovation are not justified on economic and

environmental grounds, subject to the existing dwelling being demolished. The Council would not support an increase of the area for development on this site or an increase in level of housing for the immediate area. The extension of the settlement boundary and subsequent additional house building would increase usage of a single track road which is not suitable for supporting increased levels of development. The adjacent allocated longer term site, which is served by a twin track road, provides adequate opportunity for development at Ardnagrask.

Conclusions

36. These are dealt with following the subject areas set out in paragraph 4 above.

Housing general

37. I am satisfied that the council's policies for affordable housing will provide a choice of housing types and sizes for tenants, owners, or other occupiers. Larger houses will inevitably be in the private sector, and I accept that it will not be possible to ensure a full mix of properties on every site. Ultimately it is for the operation of policy GSP8 on affordable housing that will determine a successful or otherwise housing mix, but within the context of the plan, and bearing in mind that the same policies operate for the whole plan area, I do not consider that any changes are needed to address these concerns.

38. The new policy addition proposed by the council set out in paragraph 10 above, regarding Urray House, should meet the objector's concerns about the provision, and I accept the need for the change.

39. There is understandable concern about the rate of expansion in the light of the increase in house building since the upgrading of the sewage works, and the problems that are arising, or likely to arise, with traffic in the centre of the village. The increasing number of planning applications coming forward, such as at Broomhill, are evidence that Muir of Ord is seen by developers as a desirable settlement in which to live.

40. I am satisfied that policy GSP7 provides adequate authority for the council to control the rate of development. This will be necessary, as the deposit draft shows that there are outstanding planning permissions for over 112 houses, and more may have been granted since. With developments such as Broomhill, with up to 120 houses potentially being effective at an early date, it is essential that the council watches completions and permission carefully, and is willing to act firmly on controlling the timing of development, and therefore address the objectors' concerns. The proposed changes to the requirements for sites E18 (E19) and E19 (E20), as set out in paragraph 9 above, are welcome and should help address the concerns. I accept the necessity of these modifications.

Infrastructure general

41. Waste water treatment seems no longer to be a problem, with adequate capacity available at the present treatment works for the immediate future. The council has stated that in the event of capacity being reached it would be for developers to fund any additional increase.

42. Open space features, including the provision of footways and cycle paths are matters for consideration as part of individual developments, at the time of detailed planning

applications, and I note that some of the requirements refer to this provision. In general I would not expect this level of detail necessarily to be provided in, or in some case be a matter for, a local plan, for example issues relating to the upgrading or repair of paving. I am satisfied therefore with the general position adopted by the council in the deposit draft.

43. The council has noted the position regarding the future of the police station. This is the responsibility of the appropriate police authority. The further expansion of the village is more likely to increase the general demand for a manned police station, although the general retraction of manned facilities is not confined to this area.

44. The council has explained the situation regarding nature conservation. I note that paragraph 21 (22) refers to the possible designation of the lochans as a site of local nature conservation interest. This would be done under chapter 6 policy 70, by recommendation of the nature conservation agencies, either statutory or voluntary. I am satisfied therefore that the procedures are in place to make this designation, if justified. I do not however have sufficient information before me to say whether this would be justified, and thus to make a formal recommendation.

Schools and community facilities

45. The council has explained the situation regarding the school, as put forward by the education service. In the absence of any specific information to the contrary there are no grounds for me to dispute this.

46. It seems from the thrust of objections that there are shortcomings in the provision of other public facilities, although not necessarily to an extent particularly different from elsewhere in the plan area. The council has explained that it relies on service operators to come forward with an indication of proposals or requirements. It has put forward a modification, set out in paragraph 14 above, that recognises the need for contributions or provisions from developers towards the cost of the provision of facilities where demand is brought about from the new developments. I accept this and do not see a requirement for further modification on this issue.

Transport general

47. It was clear from my own observations during my unaccompanied site inspection that the bridge and adjacent junctions were problem areas, albeit that the situation was exaggerated at the time because of resurfacing works in Tore Road. I also note some traffic calming measures already in place on that road.

48. The council has acknowledged the potential problems of the two junctions and stated that they should be assessed as part of any major development, and any necessary improvements put in place. This is touched on by policy 22 (23), action, but this relates as much to the general improvement of Market Stance as to the need to improve the junctions. Given the acknowledged need for action, and the concerns of objectors, there is an opportunity to add a further sentence to policy 22 (23) to ensure the council's proposal is carried forward, by adding a new last sentence along the following lines:

“Developer contributions will be expected for junction improvement where a significant increase in traffic will result from the development. An improvement scheme should be determined and implemented before any significant development takes place.”

49. The replacement of the railway bridge appears not entirely in the hands of the council, although it says that an option appraisal has been carried out. As the bridge is to be monitored, and a scheme brought forward if it deteriorates, there is no need to modify the deposit draft.

50. The use of the railway yard is safeguarded through policy 15. The implementation of a suitable scheme for upgrading seems dependent on the success of the railway company in attracting further custom, especially freight, and the deposit draft does not seem particularly optimistic over the timetable. I do not have enough information to say whether this would be the right location for an integrated transport facility, the need for this, and exactly what objector's have in mind, but the safeguarding of the yard would make this possible.

51. A number of objections relate to the road system to the north-east of the village, including the A832, the Balvaird area and Ord Muir. The suggestion that the latter road could be blocked may serve an immediate local problem, but simply make things worse in nearby areas. There is an interconnecting set of narrow and poorly aligned roads in the general area of Balvaird leading north-east, with traffic loading not helped by a sporadic but relatively dense spread of housing, at least for a rural area. The encouragement to use some of these as 'rat runs' is no doubt caused by deficiencies elsewhere in the area, although it was clear from my inspections that for many houses Ord Muir is simply the most direct way out of the area.

52. Much of this road network is no better, or worse, than many local roads in the surrounding area. The plan makes provision for the improvement of Balvaird Road as a requirement for sites H19 and E18 (E19), possibly including road widening, street lighting and traffic calming. I recognise that this will not satisfy some of the objectors, but as these are the only sites that will have a major direct impact on these local roads the council is right to link these to their improvement.

53. No specific information has been provided about zebra crossings, and the council appears to be dealing with these under normal practice, with no specific action needing to be set down.

Industry and employment

54. In so far as the deposit draft is able to take forward these issues it appears to have done so in a satisfactory manner, safeguarding existing sites and allocating appropriate land. It is for the economic development agencies to take forward the opportunities that these designations provide.

Site E16 (E17) Broomhill

55. The Broomhill site covers some 8.5 ha of ground with lower partially level ground to the north, alongside the Broomhill road on its northern boundary, which then rises generally to the Ardnagrask road on its southern. A burn, probably diverted, runs alongside the Broomhill road, just inside the site boundary. Its eastern boundary is marked by a relatively modern housing development that stands on ground sloping down to the north, where the edge of the development is marked by the A832 as it runs west from its junction with the A862. At the north-east corner of this development the gardens of houses in Corrie Gardens adjoin the lowest part of the development site E16 (E17).

56. At the discussion objectors showed photographs of flooding of the lower part of the site, which spills over into Corrie Gardens, threatening properties there. According to the Flood Risk Assessment report, submitted as part of the planning application (THC 38/4) for the site and available at the discussion, there was local ponding of the ground adjacent to Corrie Gardens at the time of the engineers' visit in January 2005. The report acknowledges a history of flooding on the northern part of the site, and the analysis shows that under a 1 in 200 flood this part of the site would be under water.

57. The indicative layout plan submitted with the application shows housing development up to the northern edge of the site, and it was suggested at the discussion that at least 18 plots could be under water at the period of worst flooding. This was not disputed.

58. The report says that there are problems in improving drainage downstream because of constraints with culverts and drainage into the local lochan system that itself does not appear to have fully interlinked outfalls. It is acknowledged that houses on the northern part of the site, and a SUDS attenuation pond in the north-west corner would be inundated. A finished floor level of 37.49m AOD (above ordnance datum), including a 600mm freeboard allowance, is proposed to compensate for this, compared to ground levels in the area of around 35.6 to 37m AOD, according to the indicative plan, but only provided the downstream culverts can be widened, reducing the water level rises up stream.

59. The report proposes compensatory storage, for the ground raising, of 2,700m³, with additional compensation for any SUDS basin constructed, and recommends the relocation of the basin to from the north-east corner of the site, next to the Broomhill road, to a site near to existing houses in Corrie Terrace, south of Corrie Gardens. Compensatory storage would have to be off-site to the west, on land controlled by the developer, although part of this area is within the flood plain. Further storage may also be required, on account of the SUDS pond, possibly using land to the north of the road, but there could be problems through land ownership and the road itself.

60. SEPA has expressed concerns about the potential development's susceptibility to flooding, and is not satisfied about the level of detail so far provided. Equally it is not possible for me to make any final judgement on the proposals without further information. Looking at SPP 7 for guidance, the risk framework, at paragraph 37, places the area as medium to high risk, being within a 1:200 return period (0.5% probability). It says that these areas may be suitable for residential development provided flood prevention measures to the appropriate standard already exist or are planned as part of a long term development strategy in a structure plan context. It adds that in allocating sites, preference should be given to those areas already defended to that standard.

61. No evidence was given to suggest that the site is defended or that appropriate measures are planned. Under these circumstances it is clear that the residential development of the northern, lower part of the site would be contrary to SPP 7. In addition to this it was clear at the discussion of the very real fear of neighbouring or nearby occupiers, of inundation to their own properties.

62. I have some concerns as to the provision of the potential compensatory storage off-site, relating especially its long term maintenance and consequent reliability, unless there could be very firm guarantees regarding future control over the ground. Under these circumstances, and taking into account the potential contravention of the guidance in SPP 7, I

can see no justification for the development of the lower part of the site for housing, or for any development that would require the obvious significant ground raising required. Whether or not the further detail required by SEPA regarding these issues would eventually be sufficient to allay my concerns will not be for me to address.

63. My preference would therefore be to exclude the southern part of the site from the E16 (E17) site from the designation, and leave the ground as open flood plain. If this is not acceptable to the council the following sentence should be added to the site requirements:

“Lower part of the site, within the 0.5% probability area to remain free of houses, and given over to open ground and play space, possibly incorporating the SUDS retention pond, and allowing for road access to the remainder of the site.”

64. With regard to the objections relating to access, the council has commented on these in paragraph 28 above. Having inspected the area, and looked at traffic conditions there, I am satisfied that this solution would be satisfactory.

Chapelton Farm

65. Chapelton Farm is outwith the settlement boundary and therefore subject to structure plan policy H3. The only way at present that it could be developed in the way the objector wishes would be by incorporating it within the settlement boundary as a designated housing site. There is however no designated shortage of housing land, with a large proportion of the designated area appearing effective, and concerns expressed that restrictions may be needed to avoid breaking policy GSP7 on settlement expansion. No arguments have been produced that show a clear benefit from designating the site as opposed to any of the ones already designated. In addition there are potential access problems that need further assessment, although that in itself need not prevent designation if solutions appear likely. The council has also stated that designation may be possible at some future stage under a subsequent local plan review.

66. In the meantime designation would be premature at best, but would only serve to extend the settlement further at a time when this is unnecessary. I therefore find that no change is required to the deposit draft regarding this objection.

Ardnagrask Mains Farm

67. The farm cottages occupy a small area of ground at the western edge of site E17 (E18). They are separated from the main part of the site by the farm road, and the council has acknowledged that they should be separated from it and designated as an existing housing area. This is a common sense proposal, as they are existing traditional buildings and would be unrelated to the adjacent development.

68. Apart from this the farm road marks a clear edge to the potential development, and although there is a house along side it at its northern end this is simply a continuation of a line of development along the ‘main’ road, that has an unfortunate ribbon effect, although this will effectively be removed by the development behind on the main site. This leaves the objection strip in open country beyond the settlement boundary, and therefore subject to structure plan policy H3. No justification has been provided in terms of the policy for development on the site, and I am not persuaded by arguments that it provides an element of choice, as I consider there to be ample choice within the wider plan area.

69. I do not find any evidence to justify the designation of the strip of housing, and consider that no change should be made to the deposit draft in this respect.

Recommendation

70. I therefore recommend that the proposed modifications put forward to the deposit draft local plan either by the council or by me, as set out in paragraphs 9, 10, 14, 48, 63, and 67 above be approved. For the avoidance of doubt these are:

- (i) site E18 (E19) Chapelton at beginning of requirements INSERT “*Long term*” Site E19 (E20) Tore Road at beginning of requirements INSERT “*Long term development*.”;
- (ii) page 86, Special Uses ADD new Policy to Special Uses section, “*16. 0.7ha of land at Tarradale Gardens is safeguarded for redevelopment of Urray House or the ancillary provision of very sheltered housing. This may provide opportunity for development in association with H1: Urray House.*” Renumber following policies accordingly;
- (iii) in the Development Factors section after the final sentence INSERT “*Where development proposals will impact on facilities or require the upgrade of services or infrastructure the Council shall seek provision of necessary works or contribution towards the provision or upgrading of services and infrastructure.*”
- (iv) policy 22 (23) INSERT a new last sentence along the following lines: “*Developer contributions will be expected for junction improvement where a significant increase in traffic will result from the development. An improvement scheme should be determined and implemented before any significant development takes place.*”;
- (v) site E16 (E17) the following sentence should be added to the site requirements only in the event that the council decides not to redraw the northern boundary of the site: “*Lower part of the site, within the 0.5% probability area, to remain free of houses, and given over to open ground and play space, possibly incorporating the SUDS retention pond, and allowing for road access to the remainder of the site.*”; and
- (vi) site E17 (E18) – REMOVE Ardnagrask Farm cottages from the site and redraw the boundary of E17 (E18). DESIGNATE the cottages as housing ‘H’ with no site number, and redraw the boundary around them; and
- (vii) no other changes be made as a result of these objections.

94 OBJECTIONS RELATING TO CHAPTER 27: MUIR OF ORD, CHESTNUT GROVE, AMENITY POLICY (Issue 64)

Objectors: Mr I R & Mrs E M I Phillips (74)
Procedures: Written submissions

Background

1. Chestnut Grove is a recent development of six houses on the west side of the A862 in the mainly residential northern part of Muir of Ord. Entering the Grove, no. 2 is the first house on the left hand (south) side of the road, with an adjacent vacant plot on its west side and the other houses grouped around a hammerhead and on the north side of the road. Land is reserved for an access between no. 2 and the vacant plot to serve an additional plot for one house behind no. 2. This ground consists partly of a marshy area and there is relatively dense tree cover to the south of it, and along the road side. This whole area behind no. 2, together with land along a road side strip extending to Ord Road, north of the Chestnut Grove development, and a strip of ground along the rear gardens of the houses on the hammerhead, are covered by Tree Preservation Order 44, 1993 (the Order). The area covered by the Order is designated in the deposit draft as an amenity area.

Summary of main points raised by objectors

2. There is no need for the area to be designated as amenity ground as present planning controls are fully competent for this area. The water feature is a kettle hole, not a lochan and is dry for over seven months each year. The existing trees are fully and adequately protected by the Order and there are no changes of circumstance from the adopted local plan to warrant redesignation of the land.

3. The council has incorrectly assumed that trees protected by the Order would be affected by the construction of one further house, as sensitive design would obviate in-filling and additional planting would enhance the area, which has already been improved by the Chestnut Grove development. The habitat would be improved to encourage great crested newts, not currently present in the area, and land would be gifted for a footpath to access the improved area.

4. The designation of the area for amenity is an abuse of the process to prevent further development and would affect the value of local property, as the control of development should take place through the normal planning process. The Order has been effective, and it does not need strengthening. The Scottish Outdoor Access Code establishes that everyone is entitled to a reasonable measure of privacy in their own home and garden, but the amenity area would remove this. The area should be abandoned in its present form and redefined to exclude the domestic curtilage of all affected dwellings.

Summary of the council's response to the objections

5. The council confirms that the amenity area boundary is drawn to reflect that of the Order. The trees form the only remaining significant group of introduced and native trees in the village centre and the Order is intended to exercise control over the retention and

management, and any replanting. Planning permission was granted in the 1980's for six houses in accordance with the adopted Mid Ross Local Plan. Permission was later granted for a single house with removal of trees restricted to the footprint of the house. Further infill for two semi-detached houses was refused on grounds of overdevelopment, the impact on the Order and concern over the infill of the lochan.

6. The term kettle hole refers to a geological glacial feature formed by the deposit of glacial ice, subsequent melting leaves behind holes or depressions. These may fill or partially fill with water and form small lakes or lochans so the term is a legitimate description. Although the lochan is reported to be dry for a significant period of the year the area also holds water through the months October to January. Although an assessment of the area by consultants, on behalf of Mr Phillips, states that partial infilling will have little impact on the hydrology of the "kettle hole", there appears to have been no assessment on any implications for the hydrology of the surrounding area and associated lochans. The area acts as a sump for surface water drainage, especially during winter months, and the effects of infill to this area would in all likelihood be felt in surrounding areas should this ever be carried out.

7. The development of this backland site would significantly change the landscape character of the area when viewed from the main road, from having a natural appearance of woodland and lochan to that of housing. The proposed development would have an effect on the protected trees, with the removal of some of the existing birch, oak and rowan. The retention of some of the more mature species would lead to continued problems with overhanging branches, whereas development of the site to date has respected the Order. Infilling would be required for part of the lochan and further development would be to the detriment of the amenity of the immediate and surrounding area.

8. The amenity allocation does not preclude the enjoyment of garden ground, and does not, nor does it intend to, offer access rights to the general public. Inappropriate backland development would have a detrimental impact on property values. The objector has stated the satisfaction with the effectiveness of the Order and that is all that the current amenity background policy is representing. The council therefore recommends no change to the deposit draft with modifications, in respect of these matters.

Conclusions

9. This objection is concerned primarily with the principle of the designation of part of the Chestnut Grove development for amenity. The deposit draft states at chapter 5: General Policies, that with regard to amenity 'The council will safeguard these areas from development not associated with their purpose and function.' Whilst not specifically excluding development, this implies that amenity areas have a special public value that requires the additional local plan designation to give a level of protection that might not necessarily be forthcoming through the due planning process. It also implies some form of wider public and community benefit from the land, rather than simply that of the occupiers. Chapter 27 policy 21 (22), Muir of Ord amenity refers in general terms to the desirability of safeguarding the system of ponds and lochans throughout the village, and refers to the possibility of designation as a Site of Local Nature Conservation Interest.

10. In the circumstances of the objection site, the land mainly at issue is all within the curtilages of the houses in Chestnut Grove, or the proposed plot to the south of no. 2. The tree covered ground to the south of this does not appear to be disputed. The same ground is

also protected by the Order, and although this does not preclude development it is likely that any would be severely restricted because of the potential impact on the trees. Under these circumstances it is difficult to see what further protection is needed.

11. I also share the objectors' concerns that the amenity designation could be misinterpreted as implying some form of public access, especially at a time when the general rights of access are being extended by legislation, even though the council has stated that this is not the intention. I therefore see no grounds for the inclusion of the domestic curtilages within the amenity area, and that it should be removed from them.

12. This leaves the question of where the boundary should be drawn to the south of no. 2 and the adjacent vacant plot. The evidence about the value of the kettle hole, referred to by the council as a lochan, is contradictory, although there are clearly matters to be resolved about the impact of any infilling on local surface water drainage patterns. It also seems clear that further development could not take place without some impact on existing trees, although I note proposals for existing planting. Taking these points into account, it appears to me that Chestnut Grove, assuming the completion of a house on the vacant plot, is a rounded development within the concept of the original planning permission. The construction of a house behind no. 2 would be a backland development, changing this concept as well as being causing potential problems for surface water drainage in the area. It would also intrude into an area that has been identified as having a specific amenity and natural heritage benefit, albeit in a low key way, for which some form of added protection is envisaged by policy 21 (22), for Muir of Ord. I therefore find it justified that the area south of the houses should retain the amenity designation.

Recommendation

13. Accordingly I recommend that the area covered by the amenity designation in the deposit draft local plan at Chestnut Grove should be redrawn to exclude the curtilages of the houses.

Objector: **Innes & Mackay (for the owner of Ord Wood) (23)**
Procedure: **Written submissions**

Background

1. Muir of Ord has a population of some 1,800 and is located on the old great north road at the intersection with the north railway and the road to the west coast. Although predominantly residential there has been an expansion of business activity at the industrial estate, building on traditional activities of agriculture, distilling and quarrying. It is popular with commuters and the resolving of an inadequate drainage system and the increase in development has led to a suggested housing requirement in the deposit draft of 300 to 360 houses over a 15 year period, including 20 to 25% affordable units.

2. The settlement is on relatively flat land, but this rises gently to the north-east where there is good tree and woodland cover. This area, towards Balvaird, has been relatively heavily developed, according to the deposit draft in a piecemeal fashion that has generated servicing problems and jeopardised sustainability. This pattern is also repeated at Teandalloch to the south west of Muir of Ord. The plan therefore states that projected development needs should be within the settlement boundaries.

Summary of main points raised by the objector

3. The pressure for housing and possibly other forms of development at Muir of Ord is such that the settlement boundaries should be extended to include an area of ground at the north end of the settlement, extending from the A862 to Balvaird Road. Account would have to be taken of infrastructural implications, both in provision and funding. Piecemeal ribbon development has taken place along Balvaird Road over many years and effectively become part of Muir of Ord, similar to the settlement pattern within some parts of the settlement boundary. Although the housing quality is good the proposed zoning would facilitate a comprehensive upgrading of the drainage system tied in to a larger development including, say, 20% provision of low cost housing in line with planning policy.

4. Balvaird Road also suffers from traffic regulation problems, particularly that part of the road extending north-east from Muir of Ord that is used as a short cut to the A9. The potential development would enable the upgrading of the road and provision of necessary traffic calming measures. The local plan assumes a housing requirement in the town of up to 360 houses, which may be a modest estimate.

5. The settlement boundary should be drawn so as to allow relatively sparse housing as a buffer between the denser parts of the town and the more rural parts of Balvaird. The current zoned area is likely to be an under provision, and an area such as Ord Wood, covering about 3.7 ha could be used for four to six substantial high quality dwelling houses. Low density housing is contemplated in the Chapelton section and it would seem desirable at Strome. The council should therefore take the opportunity to facilitate a more coherent expansion of Muir of Ord as proposed.

Summary of the council's response to the objection

6. The ground proposed lies outwith the established settlement boundary as defined in the adopted local plan. Traffic problems on Balvaird Road stem from historic unplanned development in a sporadic pattern along the road. The introduction of structure plan policy H3 was aimed at addressing the cumulative impact of this form of development on the countryside, services and infrastructure. The focus of policy is now to concentrate development within existing and planned settlements. The allocations within the plan have sought to identify development potential that does not conflict with the provision of infrastructure and services.

Conclusions

7. The existing Muir of Ord settlement boundary extends for nearly 3 km north-south and 2 km east-west. Within it 12 sites are allocated for housing development for between 217 and 238 houses, some of which are already being developed, including sheltered and affordable housing. The designated sites include the Strome development of 38-45 houses, referred to by the objector. A further five sites are identified for future development with a capacity of between 197 and 282 units, including Chapelton, also referred to by the objector. Therefore land is potentially available for up to 520 housing units within the existing settlement boundary, compared with a stated plan requirement of up to 360 units.

8. Scottish Planning Policy 3 Planning for Housing, states at paragraph 64 that local plans must provide sufficient effective land to meet the housing land requirements for at least five years from the time of adoption. Extant planning permissions at the date of the deposit draft provided for over 100 housing units, and although some of the other sites will require infrastructure development before implementation, even the most optimistic forecasts would suggest that there is no shortage of housing land within the current settlement, and that the terms of Government policy are met. This means either that there is an ample reserve for the future, beyond the plan period, or that some sites could be developed at a much lower density, giving the type of development the objector believes is necessary.

9. Looking specifically at the objection site, this is within the area designated as hinterland in the deposit draft, and thus subject to structure plan policy H3 regarding housing in the countryside. This means that the granting of planning permission for more houses would be dependent on a land related occupational justification. The council has acknowledged in the deposit draft the piecemeal development that has taken place in the past, and that this has led to problems of service delivery and lack of sustainability. I am not however convinced that the solution to this problem is the construction of yet further housing in an area with a presumption against such development when there is adequate land already available within the settlement boundary. I find that there is no justification therefore for the extension of the boundary as proposed.

Recommendation

10. Accordingly I recommend that no change be made to the deposit draft local plan as a result of this objection.

Objectors: Knockbain Community Council (123)*; Broadland Properties (180); Scottish Natural Heritage (197); H Gatt (201)

Procedures: Hearing* and written submissions

Background

1. Munloch is a medium sized village with a population of nearly 400, located on mainly south facing slopes above the head of Munloch Bay. Most of the development has taken place to the south of the A832 Tore – Avoch road, which skirts Munloch to the north. The B9161, which carries traffic from the Inverness area to the Black Isle, runs through the lower part of the village and joins the A832 at a junction at the north-east corner of the built up area. An unclassified road serving the surrounding rural area to the north also joins the A832 at this point, with it and the B9161 forming a staggered junction. On the north side of the junction, and west of the unclassified road, stand a derelict building and ‘Fraser’s’ garage. The latter provides fuel sales and maintenance and is the base for a local bus hire business. Land adjoining the west side of the garage is somewhat overgrown ground used for vehicle storage, and to the north and west of this and the garage is open ground.

2. The deposit draft local plan designates this ground as site B6, and shows it almost completely surrounded by a strip of ground designated for amenity and woodland planting. The accompanying text for site B6 states:

“Land at and surrounding Fraser’s garage offers potential to create additional local employment opportunities, subject to suitable access, drainage and landscaping. The timescale for development is most likely to be in the medium to longer term. The possibility of developing up to 2.5 hectares for business/light industrial and tourist related uses needs to be explored with Ross and Cromarty Enterprise, land owners and the community before confirming a land allocation. Access should be taken via an improved A832/B9161 junction from the Culbokie leg. The belt of trees along this frontage should be retained as best as possible and substantial additional tree planting and landscaping will be required to a depth of at least 20 metres to enclose the land well in advance of development commencing, possibly as a grant assisted farm woodland scheme (S.75 Agreement). The derelict building in the south east corner may offer potential as the location for a tourist facility incorporating interpretation of Munloch Bay. In the absence of detailed Centre for Ecology and Hydrology maps on flooding, developers will have to undertake a flood risk assessment in advance of detailed proposals for the land.”

Summary of main points raised by objectors

3. The first objector considers that industrial development should be sited in the Muir of Ord/Invergordon corridor. It notes that there is a difference between employment opportunities and creating an industrial estate that would have a negative impact on the landscape. There is no need for a business use in the village, and there are a number of buildings in the area that could be used for small scale employment. The site has a dangerous access and development would result in the loss of an amenity area.

4. The second objector is the site owner, but does not own the garage or derelict building. It is concerned at the element of doubt about the site in the deposit draft, as there is sufficient business and enterprise potential to justify its inclusion for the development of business/light industry and related uses. The ground is available for the potential business and enterprise allocations proposed in the local plan, and will be made available at an early stage. Any suggestion that the business uses may be medium to long-term, should also be removed from the plan, so that the landowners could start the procedure of attracting business uses to this area, knowing that the local plan supports these uses. This would help attract much need business and employment opportunity to this area. A professional flood risk assessment is to be carried out so that this matter can be cleared prior to the final adoption of the Local Plan.

5. The third objector says that development would have a particular landscape impact at this site.

6. The fourth objector is concerned that the site would represent the loss of “green belt” facilities, and considers that it could better be used in providing a football pitch for the village. Such provision would help build a sense of community, as there is a football team in the village, but no pitch, and so no focus for newcomers to identify with. If a primary school is developed on the other side of the road there could be easy access through new community woodlands.

Summary of the council’s response to the objections

7. At a community workshop during the plan preparation, in February 2001, various suggestions were made for the area around the garage (THC39/1), including “tourism” and “small business units”. The site has been allocated to provide an opportunity for potential future business, light industrial and tourist related uses. These uses should be compatible with residential development, and not give rise to noise, dust, smell or the need for external storage. The allocation is also aimed at creating employment opportunities locally, rather than continuing to encourage all residents to commute to work in other larger settlements outwith the Black Isle. It is broadly consistent with national guidance in SPP 2 and SPP 15. The structure plan also encourages business development in rural areas in line with sustainability principles.

8. The council has no real dispute with this objector and the 'doubt' referred to is in relation to the implementation by a public development agency unless a private developer is prepared to service and develop the land. Similarly, in the absence of any current commitment by Ross and Cromarty Enterprise, the timescale for development is considered to be medium to long term. Otherwise, if a private developer has the necessary funding to progress its development, the timescale could be shorter, and the ready availability of the land is noted. The potential regarding the development is thought to lie in the hands of the owner, but should tie in with any overall servicing requirement, notably in terms of access and surface water drainage. The future availability of relevant flood risk information is also noted.

9. In preparing the local plan the community council was asked if there was a need to upgrade or replace the existing football pitch. Its preferred position is the provision of a new pitch for and in conjunction with the development of a new primary school. Concern was

expressed about the possible siting of a pitch on the north side of the A832 as would require users having to cross the road with obvious safety concerns.

10. The Council therefore asks for the content of the deposit draft local plan, in respect of these matters, to be supported.

Conclusions

11. Looking first at the objections to the designation of the site, there is no dispute about the support for business development given in paragraphs 2.6.1 and 2.6.2 of the structure plan. It is emphasised that this should be close to communities and provide for small businesses as well as larger ones. This is supported in SPP 2 Economic Development, which advises at paragraph 59 that development plans should maintain a supply of sites offering a choice of size, location and environmental amenity. This is echoed in SPP 15 Rural Development, which states at paragraph 13 that planning authorities should support a wide range of economic activity in rural areas.

12. Munloch is well located in this respect, being close to the A9 with good road connections, particularly the A832, as well as easily accessible to the rest of the Black Isle. I am therefore satisfied that the draft local plan is right to make such provision in Munloch. The objection site B6 is adjacent to the existing garage which displays many of the characteristics of such establishments, having obviously developed over a period of time, without any apparent plan for the provision of, for example, vehicle storage, either short or long term, away from the public view. As there has been no suggestion of this business moving, there is considerable sense in associating further commercial development with this existing activity, which is the case with site B6.

13. No evidence has been provided to show that the present junction is inherently dangerous, although I am aware that the relatively good alignment of the A832, particularly approaching from the east, may encourage rapid approach speeds. No doubt measures could be put in place to deal with this. Although the site is in a prominent higher part of the village, I am not convinced that any landscape impact would be unduly adverse, especially given the presence of the existing garage, and the proposed tree planting would mitigate this.

14. As far as the potential use of the site for football pitch is concerned, there is conflicting evidence of the immediate need for this, apart from which there are no grounds to believe that it would be made available for such use. The community council has also pointed out the hazard of having a site that would involve young children crossing a busy main road. I am not therefore persuaded that it is a suitable location for a football pitch.

15. Having decided that the site is suitable for the proposed use, the remaining objection is about the detailed wording of the deposit draft, and whether it leaves too much doubt over the commitment of the council to the site, and the timing of any development. From the evidence before me, and the views expressed at the hearing, I am sufficiently satisfied about the suitability of the site for it to be designated as a firm proposal in the local plan, especially as the council has proposed wording with a caveat regarding access, drainage and landscaping. As I have not seen a flood risk assessment this could be added. The timing issue could be resolved by stating that medium or long term development would apply to a public sector developer, but that if privately undertaken this could be done in the shorter term. Modifications could be made to the deposit draft without altering the council's intentions.

Recommendation

16. I therefore recommend that that:

- (i) paragraph 6 of chapter 28, Munloch, be amended as follows:

DELETE the first three sentences; and

INSERT “Land at and surrounding Fraser’s garage offers potential to create additional local employment opportunities, subject to suitable access, landscaping, drainage and flood risk assessment. The timescale for development is most likely to be in the medium to longer term for a public development, but could be short term for a private developer. The possibility of developing up to 2.5 hectares for business/light industrial and tourist related uses should therefore be explored with Ross and Cromarty Enterprise, the land owners and the community.”

- (ii) No further changes should be made in response to these objections.

97 OBJECTIONS RELATING TO CHAPTER 28: MUNLOCHY PARAGRAPH 7 - SITE FOR FUTURE PRIMARY SCHOOL (Issue 40)

Objectors: Knockbain Community Council (123)*; Broadland Properties (180)*; H Gatt (201)

Procedures: Round table discussion* and written submissions

Background

1. Munloch is a medium sized village with a population of nearly 400, located on mainly south facing slopes above the head of Munloch Bay. Most of the development has taken place to the south of the A832 Tore – Avoch road, which skirts Munloch to the north. The B9161, which carries traffic from the Inverness area to the Black Isle, runs through the lower part of the village and joins the A832 at the north-east corner of the built up area.

2. The present primary school is located at the southern end of the village on a narrow road leading uphill from the B9161. Its buildings are a mixture of permanent and temporary. The deposit draft local plan allocates undulating land on the north-east side of Brae Road, in the northern part of the village, for a new primary school on site S7 with the text: “The council will keep under review the need for improved primary school accommodation, including the prospects for building a new school, possibly in association with a playing field for wider community use. Land to the north of Brae Park has a measure of local support. In the absence of a detailed Centre for Ecology and Hydrology maps on flooding, a flood risk assessment will have to be undertaken in advance of detailed proposals for this land.”

3. Opposite the objection site building work is under way on a new housing development. This has the style of a courtyard development close to the road, with a more open layout within the site. Many of the latter houses are already occupied.

Summary of main points raised by objectors

4. The first objector says that the reference to the school site at Munloch should be at least as robust as it is in the adopted local plan. In the phrase "has a measure of local support", the words “a measure of” should be removed to read “has local support”. The objector says that the owner insists that the site has planning permission for two houses, but the council denies this, and such a permission does not exist. It is accepted that schools need to be built on well drained ground, but if there are problems they could be dealt with by modern technology and the site should be kept for a future school. The majority of the pupils are from within the village, and need a school with safe access. There is local support for the site, which is the last parcel of land within the village on which it could be built.

5. The second objector is the site owner, which maintains that the objection site allocation for a school on the north-east side of Brae Road be removed from the plan. This area was part of the original outline planning permission for housing dated 9 June 1997, and in the indicative plan submitted with the application, housing was shown on this area. Planning permission RC/1997/276 gives permission for 75 houses and drawing 1061/05 shows the ‘red line’ boundary of the site, including within it site S7 of the deposit draft local plan. Planning permission for reserved matters, including design and layout, was granted for

the first 17 houses, on the west side of the road, on 11 September 2000. This was effectively superseded by another reserved matters planning permission for 21 houses plus two show houses in April 2003, leaving 52 houses still to be developed from the original permission.

6. Although a condition in the original planning permission states that the indicative plan is not approved, there is a reasonable expectation from the objector that there will be housing in this area, albeit limited in number. The objector also states that due to land conditions, contouring, and subsoil problems, the site would not be economical to develop for large institutional buildings such as a school, and that an alternative should be found. Productions 1-5 show the relevant planning permissions and soil surveys of the objection site. The objector offers an alternative site on land at the western end of the village, adjacent to but outwith the settlement boundary.

7. The third objector's written submission includes objections to other sites in the village, but in the case of site S7 he welcomes the designation of the site.

Summary of the council's response to the objections

8. The present primary school is something of a 'hotchpotch' of accommodation, with places for 48 pupils in permanent buildings and 48 in temporary. It is on two sides of the road, which is inconvenient and potentially unsafe. Capacity is not an issue, but there is an accommodation problem. The school roll is set to fall, but the new housing at Brae Farm could attract families with young children, preventing this.

9. The words 'a measure of' support' arose from comments made in support of the allocation for a school by Munlochry School Board at the consultative draft stage of the plan and clearly helped to emphasise the level of support. It would be for the providers of a future school to undertake detailed site investigations and consider appropriate remedial measures at that time. The council has no immediate plans to replace Munlochry Primary School but is keeping the accommodation situation under review. The support of the wider community is the main basis of the proposed allocation safeguarding the land, and any subsequent modifications consistent with this. Although the site is suitable in locational terms it is questionable whether it would have been designated without the strong community council pressure. The council proposes therefore that the words "a measure of" should be DELETED from paragraph 7 of chapter 28 of the deposit draft local plan.

10. The council acknowledges the granting of the outline planning permission, but says that the sketch layout indicating two houses on the objection site was not approved.

11. The council notes the support of the third objector. It asks for the modification to the deposit draft put forward in paragraph 8 above to be recommended for approval.

Conclusions

12. The council has dealt with the first objector by agreeing to amend the wording of paragraph 8. I do not have any issue with this, although in practical terms it does not affect the proposed designation of the objection site in the deposit draft.

13. No one has questioned the suitability of the site in pure locational terms. It occupies a relatively central location within the village, and road access is reasonably good, and better

than that to the existing primary school. There are question marks however about the suitability of the site in terms of stability for building, and this is born out by the second objector's site surveys. This does not necessarily preclude the designation of the site for a school although the issues would obviously have to be addressed and the viability of any proposed scheme established.

14. The second objector has produced the outline planning permission for the site as issued by the council. I also have its production 3, drawing 1061/05 showing the 'red line' plan of the site, which is the boundary of the land that has planning permission. This includes the whole length of Brae Road, extensive areas to the west, including the ground now being developed, together with ground on the east side of the road that includes, but is more extensive than, the objection site. The plan I have is not stamped by the council, although I have no reason to doubt that it correctly denotes the boundary of the site. This being the case it is unlikely that the council would have grounds for refusing a reserved matters application for housing on the site under the terms of the original planning permission, which would have been activated by the development on the other side of the road.

15. There was reference at the hearing to a site for two houses on the east side of the road, located on the objection site. There were claims and counter claims as to whether or not they had planning permission. My understanding of the position, based on the evidence set out above, and the discussion, is that two house plots were shown on the east side of the road on an indicative layout of the site. This indicative layout, in accordance with normal practice, was not given planning permission, as this would be reserved for a later submission of details, which may or may not be in accord with the indicative plan. A copy of that indicative plan was not provided in pre-inquiry submissions or at the hearing.

16. Assuming my understanding is correct, the existence of this plan would show where the reported proposal for two plots on the east side of the road originated. This plan is not, however, relevant to this inquiry, as an indicative plan has no legal standing in terms of the outline planning permission granted. What is relevant is that the site has outline planning permission for housing development subject to any conditions on the outline permission, and the final approval of a reserved matters application.

17. If this situation is correct there are no grounds for the designation of the site for a school unless it has advantages so great as to justify the acquisition by the council, or other school developer, at a cost that would have to take into account the extant planning permission. Given the questions over the suitability of the site in stability terms this seems unlikely. In these circumstances the only realistic option open to the council would be to delete the housing proposal from the plan.

18. The objector has indicated the possibility of an alternative site, but as this is not a formal local plan proposal it is not within my remit to consider its suitability or otherwise.

19. The round table discussion included a lengthy debate on the wider issues surrounding the planning permission for housing. This included matters relating to road safety and access, and the potential realignment of Brae Road at a junction with the A832. It also included the context of the planning application and the meaning of the various types of application, such as outline and reserved matters, and the meaning of terms such as indicative plans. I hope that this was helpful to those attending in clarifying the position, but it does not affect my conclusions set out above.

Recommendation

20. Accordingly I recommend that the council confirms whether or not the objection site S7 is covered by a valid outline planning permission for housing. If so, I further recommend that paragraph 7 of chapter 28 of the deposit draft local plan be deleted, and that the site be designated for housing in accordance with the outline planning permission, together with an appropriate supporting paragraph setting out any relevant constraints to development.

98 OBJECTIONS RELATING TO CHAPTERS 29: NORTH KESSOCK – BELLFIELD FARM EXPANSION AREA (VARIOUS ISSUES) (Issue 41)

Objectors: G M Brown (39)*; Knockbain Community Council (123/175)*; O Smith (124)*; Broadland Properties (180)*; Scottish Natural Heritage (197); County Properties Ltd (451)*

Procedures: Round table discussion and written submissions

Background

1. North Kessock is a medium sized village of over 900 people located on the north shore of the Beaully Firth, adjacent on the west side to the Kessock Bridge. It extends west from the bridge some 2 km to Charlestown at the western edge of the settlement, and stands on rising ground between the shore and the A9 dual carriageway, which marks the northern boundary. The access junction from the A9 to North Kessock has been rebuilt as a grade separated junction, the work being completed as the formal part of the inquiry closed. The only other road access to the village is via a narrow and in places twisting road along the shore of the firth that joins the A832 Muir of Ord to Tore road some 7 km west of Charlestown.

2. At the western end of Charlestown a substantial tree belt runs north from the coast road to Bellfield Farm, which sits just below the A9. To the west of this gently undulating open fields rise gradually from the shore to the A9 and extend west for about 1.2 km where they are bounded by a narrow road leading from the shore to Lettoch Farm.

3. This issue relates to the continuing designation of land between Bellfield and Lettoch farms for the expansion of North Kessock, including housing, a golf course and holiday accommodation. Paragraph 7 (6) of the deposit draft local plan states that: “an extensive area of land to the north-west and west of the existing settlement at Bellfield Farm is allocated for an integrated mixed development of housing with open space, tourism, leisure and recreation facilities. Outline planning consent was first granted in December 1999 for comprehensive development. A sketch layout submitted with the application indicated”. The commentary then continues with bullet points that include: 126 houses with 36 for affordable needs; commercial developments; a community building; and golf course with associated buildings and other unspecified leisure uses. A brochure produced at the time gives conceptual layouts, building designs and details of the potential phasing.

4. The outline planning permission was renewed by the council for a further five years in February 2003.

Main points raised by objectors

5. The first objector says that there is no justification for departing so fundamentally from the Bellfield/Lettoch part of the adopted local plan, which was developed satisfactorily in consultation with the local community. The Bellfield Farm tree belt is still the natural feature containing westward expansion of the village, and there is no justification for new grouped housing at Lettoch without a golf course. Insufficient attention is paid in the draft to

the existing amenity, landscape and nature conservation value of the Shore Road and the Bellfield/Lettoch farmland, woodland and pond.

6. The proposed link road's alignment repeats the developer's proposals, rather than showing what is required and suitable, for the village, taking account of local people's views. If adopted, the local plan will confirm the developer's proposals in perpetuity rather than requiring new planning applications. The current proposals are not the considered view of the council for the village's expansion, but a political decision at one point in time on a major speculative planning application by one developer, which is not the way to prepare a local plan.

7. The second objector says that the local plan should point out that the outline planning permission for Bellfield is conditional on there being local involvement in the detailed planning of the housing layout before the full planning permission is applied for. The existing network of paths should be retained, including the walls, trees and vegetation alongside, as they are a part of the community. The words "other unspecified leisure uses", should be changed to "outdoor leisure uses", and there is a lack of clarity about the location, size and number of holiday cottages.

8. Although the proposed site for the waste water treatment works is now beside the A9, many local people believe that the sewage should be transported across the firth either by pipe across the bridge or underwater.

9. There should be improvements to the Charleston to Redcastle Road to make it safer for cycling. This road is now part of a National Cycle Route to Ullapool and beyond. Recent improvements to the cycle route on the southern side of the Beaully Firth will make the route more popular.

10. The third objector says that many people on the Black Isle agree with the Scottish Natural Heritage view that the Bellfield development should not be supported because of the impact on the landscape character of this area. The land to the west of Bellfield Farm should not be recommended for house building as it is outside the village envelope. There is no change of circumstances since the last public inquiry, and the current planning permission was granted in response to evidence from the developer about the case for allowing amenity housing on the edge of a golf course. There is a section 75 agreement on the land zoned for a golf course, but the removal of a proposal to build the golf course renders evidence submitted invalid. The draft local plan gives the council an opportunity to rectify the matter. The market for houses in the Black Isle is not related to demand but to supply, and the council should not approve extensions to planning applications beyond three years.

11. The fourth objector, the land owner, confirms that the ground allocated, as granted planning permission in December 1999, will be released for development in line with this permission. The grade separated junction at North Kessock is finished and open to traffic. The lack of proper drainage facilities in North Kessock is hindering the start of any housing development at Bellfield Farm, and elsewhere at North Kessock. The existing sewage treatment works for North Kessock, is not up to a suitable clean water standard, and the council should be using its influence to rectify this unsatisfactory situation. An addition should be made to paragraph 29 (7) that reads "*The Highland Council as planning authority will seek early discussions with Scottish Water to pursue the upgrading of the treatment works*

at North Kessock, so that the lack of sewage provision in this vicinity does not undermine the draft Local Plan.”

12. Regarding the final sentence of chapter 29 paragraph 7 (6) that ‘no built development will be permitted north of the A9 where the generally open character of the land will be maintained’, the objector says that this is inappropriate, and should be removed. The land should be considered as white land under the development plan, the same as any other white land within the Ross and Cromarty East Local Plan Consultative Draft.”

13. There should also be a paragraph stating that the council has advised the Scottish Executive of the need for a cycle lane adjacent to the A9 from the existing underpass towards the Kessock Bridge. This should emphasise that this is not the responsibility of the developers as the planning permission does not have a condition relating to a cycle lane, and it would be unreasonable to expect a contribution over and above that of providing the grade separated junction on the A9 trunk road.

14. The fifth objector says that the Bellfield development would have a particular landscape impact at this site, as noted at the consultation draft stage.

15. The sixth objector, the developer, says that it has the benefits of an outline planning permission and objects to the council’s proposed modifications which read “a golf course with associated club house, country club/hotel and other unspecified outdoor leisure uses”. The word outdoor should be deleted and the original statement reinstated.

Summary of the council’s response to the objections

16. Responding to the first objector, the council says that the local plan provides a review of land allocation and intervening events since the 1996 housing alteration to the adopted Black Isle local plan. It is not strictly the case that it had been “developed satisfactorily in consultation with the local community” as local objections had to be resolved at the 1993 inquiry before the land allocation *east* of the tree belt was confirmed.

17. In 1998 and 1999 the planning authority was persuaded by the proposals for the Bellfield area and it therefore became council policy to depart from the provisions of the local plan, taking into account the views of the community. The housing west of the tree belt was accepted in principle on the basis that the level of such development would be no greater than envisaged in the adopted local plan, as the original allocation would be partly displaced by the area required by the A9 junction improvement and the association with the golf course. The expansion west of the tree belt was permitted without a condition strictly requiring a prior commitment to construct the golf course. In its first consideration of the planning application in 1998, the council agreed “that the golf course element of the development be brought into a much earlier phase.....”. Subsequently, the applicants had difficulty in guaranteeing that this could be delivered in the early stages of development and were concerned that the overall feasibility of the other elements, particularly the construction of the A9 grade separated junction, would not be viable.

18. There has never been any suggestion that the golf course should be deleted from the proposals, the issue being timing. The hotel, leisure uses and new holiday units are linked to the construction of the golf course, as in the absence of the latter these cannot be constructed.

Otherwise the area should remain in agriculture and a Section 75 Agreement restricts development accordingly.

19. The council considers that sufficient attention is paid “to the value of existing amenity, landscape and nature conservation value of the Shore Road and the Bellfield/Lettoch farmland, woodland and pond”. These natural features are in the main safeguarded as part of the overall development, and the provisions of the deposit draft promote safeguarding and enhancement. The amenity policy for the shore road area between Charleston and Redcastle is similar to the coastal conservation policy indicated at paragraph 3.27 of the adopted local plan, and covers the scope for future management, enhancement and interpretation.

20. Regarding procedures, the council notes that Planning Advice Note 49 Local Planning says at paragraph 55 that local plans should include firm proposals which refer to the development or change of use of land and the implementing agency where there is an intention to develop within about five years of the plan's adoption, and involves the development or change of use of land significant to the plan area. Paragraph 56 says that the precise planning status of committed development proposals should be described in the written statement. It would therefore be remiss of the planning authority to fail to reflect the extent of any significant approved proposals.

21. Responding to the second objector the council notes the deposit draft states that the proposed development is conditional on local discussions before a detailed planning application is made. A modification is proposed to the requirements: “*a revised and updated master plan to guide comprehensive development, including phasing and basic requirements for servicing*”. The retention of the network of paths etc. is indicated on the inset map, but this will be strengthened by proposed additional text: “*The existing network of paths should be retained as far as possible, including adjacent walls, trees and vegetation.*”

22. At one stage consideration was given to an equestrian centre being developed within the area. While this would require some form of buildings, the siting of a large indoor arena would be very intrusive. The brochure accompanying the outline application showed the potential for a golf practice area and tennis courts, and it is therefore appropriate that the term ‘*outdoor*’ should be added to ‘leisure uses’.

23. The indicative layout accompanying the outline application showed the holiday accommodation located at the farm cottages/buildings complex, with the annotation of 12 holiday flats. The outline planning permission (THC41/4) does not specify the number of units, only that no new development could be constructed without the golf course and that buildings should not exceed two storeys in height.

24. Regarding waste water treatment, disposal is for the drainage authorities and Scottish Natural Heritage, rather than the local plan. The council’s concern as planning authority is the appropriateness of the location of the treatment works in environmental terms and the ability of the proposed system to facilitate development. The applicants had sought to pump sewage across the Kessock Bridge into the Inverness mains drainage system but with the additional development and the existing village load this would not be cost effective. An alternative proposal close to the existing settlement tank and south east of Craigton is being considered by Scottish Water. If necessary post inquiry modifications will be made to the deposit draft.

25. The council agrees about the Charleston to Redcastle Road but in the absence of specific proposals or funding a commitment cannot be given to improvements. An examination of appropriate improvement measures needs to be carried out, taking into account the traffic implications of the Bellfield development proposals. Modifications are proposed to take account of this.

26. Regarding the third objector, the Landscape Capacity Study did not recognise the planning permission for the contentious land or that the greater part of it was already allocated for development. The study was one of several technical assessments undertaken in advance of preparing the draft plan. The proposal to build the golf course was not removed from the overall approved proposals, but in the event of no formal detailed application coming forward the land should continue to be farmed, as per the Section 75 agreement.

27. The council accepted the improvement of the A9 junction as part of the justification for extending the housing allocations west of the tree belt. Planning authorities cannot specify the tenure of houses unless a council or other registered social landlord owns the land. Assessments of housing requirements accounts for both local needs and market demands, in accordance with national planning guidance.

28. Responding to the fourth objector, the council says that the responses made and changes agreed in respect of representations on the consultation draft still form the basis of the policy on this major land allocation. The council noted the position regarding the land ownership and proposed junction works. Difficulties relating to the timing and funding of road improvements and waste water treatment did not allow the developer to apply for reserved matters before the expiry of the outline planning permission in December 2002, so it was considered reasonable to extend the period of outline planning permission, allowing a further three years for the submission of an application for the approval of reserved matters.

29. The restriction on the development of land north of the A9 is an adopted local plan alteration policy in response to concerns about North Kessock potentially sprawling across the A9 in the future. The settlement boundary general policy seeks to maintain a strong presumption against sporadic development outwith the boundary, to protect the landscape setting, and the council's view about restricting development north of the A9 is quite specific. The term "white land" is not used in the approved structure plan and does not apply in more recent local plans. All land outwith settlements has some policy designation, usually BP1 to 4, which may combine with more detail in sensitive areas. The council considers that the relevant part of the policy should remain

30. Regarding the cycle lane there is no suggestion in the statement that the developer would have to provide this piece of 'infrastructure', and the trunk roads authority has constructed this as part of the national cycle network. The statement should therefore be deleted from the Plan. The developer will be asked to provide for cyclists and *Safer Routes to School* within the development, in accordance with the council's roads guidelines and construction consent procedures, and linked to any reserved matters planning permissions.

31. Concerning the fifth objector, the council says that the landscape capacity study does not override the need for development where this is consistent with the long term development of a community. The greater part of the Bellfield land is allocated for development in the adopted local plan alteration, and is a logical area to accommodate long

term growth, being contained on two sides by existing woodland belts. Further landscape planting is proposed, and none of these points are acknowledged by the study.

32. The sixth objection is to a proposed modification. The uses considered or indicated for this area have generally been of the outdoor variety, including a golf practice area and tennis courts, and the buildings associated with such uses, a driving range shelter or changing accommodation, would be appropriate. Any buildings should not exceed two storeys in height and any additional leisure uses are conditional upon the golf course being constructed.

33. The council proposes a number of minor modifications to paragraph 7 (6) of chapter 29 the deposit draft to take into account various points made by objectors as follows:

- In the main/introductory part of the statement at the fourth bullet, INSERT “*outdoor*” before “leisure uses”.
- In the second paragraph of the statement revise to read: “*In advance of the formal submission of detailed proposals developers should consult the community on a revised and updated master plan to guide comprehensive development including phasing and basic requirements for servicing, together with a building and landscape design brief.*”
- DELETE the fifth paragraph referring to the A9 cycle lane, but in its place INSERT “*The existing network of paths should be retained as far as possible, including adjacent walls, trees and vegetation. The overall layout should also account for local cycle provision and Safer Routes to School.*”
- DELETE the A9 cycle lane proposal and reference symbols from the Inset Map.

Conclusions

34. At the hearing there was an extended discussion to clarify the position regarding the various designations and permissions as they apply to the Bellfield area of North Kessock. These are effectively set out in the preceding paragraphs, and for the sake of brevity do not need repeating here. It is sufficient to say that I am satisfied there is an extant planning permission for the developments set out in paragraph 7 (6) of chapter 29 of the deposit draft, and shown on the inset map 29 for North Kessock. The question of whether or not planning permission should have been granted is not relevant to this inquiry. This applies also to planning issues such as whether the Bellfield tree belt should have formed the western edge of the settlement, and what the conditions of the planning permission should or should not have included. Any concerns about the procedures followed by the council should also be dealt with elsewhere.

35. Consequently, in response to the objections relating to the principle of the proposals, I find that the designation of the land at Bellfield is an accurate reflection of the proposed developments that have outline planning permission and have every likelihood of being implemented. Therefore no change should be made to the deposit draft in this regard.

36. Looking at the detailed objections, the council has answered these comprehensively, with emphasis on the conditions attached to the outline planning permission. There are obvious local concerns that the golf course will not be developed, and that the area to the west of the tree belt will be developed for housing to an extent greater than that already allowed for. There is no provision for that in the deposit draft, and the developer is constrained by the terms of the outline planning permission, which also does not make any provision for housing

development farther west than that allowed for by the permission. There is provision for a hotel and other holiday accommodation but, apart from the conversion of existing cottages at Lettoch the development of these must be in association with the construction of the golf course. I note that land for other commercial developments such as the filling station and travel lodge has been accounted for in the design of the now completed new A9 junction.

37. The council's proposed modifications take account of the objections relating to consultation and the retention of the local footpath network and other features.

38. The proposed modification to add "*outdoor*" to "leisure uses" drew a counter objection from the developer. This objection, on the grounds that neither the planning application nor the planning permission referred to outdoor leisure uses, was discussed at the hearing. Strictly speaking the reference to the planning permission misses the point, because what is important is the preliminary part of the sentence points in paragraph 7 (6), which refers to the list of bullet points and states: "A sketch layout submitted with the application indicated...other unspecified leisure uses". The uses are unspecified in that the document refers to a "leisure area" and "leisure activities", so to be completely accurate "activities" should be used rather than "uses", but this may be pedantic. The word "*outdoor*" is not included in the document and it would therefore be inaccurate and inappropriate to alter what is a description and not a policy, and I am therefore unable to accept the council's modification on this issue, irrespective of whether or not it may otherwise have been a sensible point to make.

39. Regarding the land north of the A9, the present settlement boundary is marked by the road, which is now an obvious feature in the landscape, and a sound demarcation line for the village. The land already allocated within the extended settlement boundary will cater for all the likely housing requirements within the foreseeable future. Whether or not this situation should be changed at the time of some future review will be for the council to determine in due course. In the meantime the basis of the objection seems to be related more to land ownership than to soundly thought out and presented planning arguments regarding the future form of the village's development. I accept therefore the council's view that a marker should be placed against the expansion of North Kessock beyond the A9. The relevant background policy in the local plan, and the wider development plan policies for dealing with development outwith settlement boundaries can be used as a basis for determining any development proposals that may come forward, taking into account the statement in chapter 7 (6).

40. Matters relating to the cycle path and to sewage and waste water disposal appear to have been resolved, in the latter case by the finding of a potential site for a treatment plant, and the council has noted that if so this can be incorporated as a post-inquiry modification. The landscape issues raised by the fifth objector have effectively been overtaken by the granting of the successive planning permissions, but the concerns expressed should be mitigated to some extent by the proposed landscaping scheme.

41. Drawing all these points together, I find that the principle issue of land uses has been determined by the granting of planning permission for the development designated in the deposit draft. Other matters can be resolved by relatively minor, but still important modifications as proposed by the council. Other issues have been resolved by events subsequent to the objections. Other than the deletion of the proposed use of the word "*outdoor*" the council's proposed modifications are a sensible response to the objections.

Recommendation

42. Accordingly I recommend that the modifications proposed by the council to the deposit draft local plan, with the exception of the first bullet point referring to the use of the word “outdoor”, be approved as follows:

- (i) In the second paragraph of the statement revise to read: *“In advance of the formal submission of detailed proposals developers should consult the community on a revised and updated master plan to guide comprehensive development including phasing and basic requirements for servicing, together with a building and landscape design brief.”*
DELETE the fifth paragraph referring to the A9 cycle lane, but in its place INSERT *“The existing network of paths should be retained as far as possible, including adjacent walls, trees and vegetation. The overall layout should also account for local cycle provision and Safer Routes to School.”*
DELETE the A9 cycle lane proposal and reference symbols from the Inset Map; and
- (ii) that no other modifications be made as a result of these objections.

99 OBJECTIONS RELATING TO CHAPTER 29: NORTH KESSOCK - HOUSE SITE AT LETTOCH FARM (Issue 76)

Objectors: R Glanville (211)
Procedure: Written submissions

Background

1. The objection site is located close to the south side of the A9, about 500m north-east of Lettoch Farm. It is slightly below and separated from the road by a planted embankment so that it cannot be seen by passing traffic. It has an outlook to the south over fields and the Beauty Firth. Adjacent on the west side is a detached bungalow, Highfield. Access to both properties is gained by the unclassified road to Lettoch Farm which then extends as a track to the bungalow, and passes between this and the main road to the site. An alternative access is by a lengthy farm track from Bellfield Farm to the east, on the western edge of North Kessock.

Summary of main points raised by objector

2. The objection site and the adjacent property known as Highfield, Lettoch, formed an area of land previously granted outline planning permission for two residential properties and Highfield was erected in the early 1990's. The objection site was not developed then and a new application for planning permission has been refused on grounds of access and drainage. Both can be resolved. There is an irrevocable right to use the access road serving only two other properties, via Bellfield Farm. The council did not know this and it was assumed that access would be via the road passing the Lettoch settlement. Using this route would have made the proposed property the fifth house, and would make the objector responsible for upgrading the entire road, in accordance with structure plan policy H8, but this cannot be sustained.

3. The other reason for refusal was given as being contrary to structure plan policy H3, but there is no sense in excluding the site from that shown for development, albeit a mixed type, over the land immediately to the south, as part of developments at Lettoch or Bellfield, or even that at Coldwells immediately across the A9. The site is not prime agricultural land, has no previous history or current use or value as agricultural use, and could only realistically be considered suitable for residential use, as was the case previously.

4. The proposed local plan isolates only the objection site from the adjacent development area, but the natural development boundary should run along the A9 behind the site. Reinstating the outline planning permission would not create any precedent for further planning applications and there would be no disadvantage to the local area.

Summary of the council's response to the objections

5. A specific proposal for a single house plot in open countryside should not be an issue for the local plan, so it is not mentioned specifically in the deposit draft, and was not the subject of a properly lodged representation on the consultative draft. In the absence of a valid planning permission place there is no obligation on the council to include it within the

boundary of the North Kessock settlement area, and there is no requirement upon the planning authority to follow up permissions that have not been implemented, long after they have expired.

6. In the period since the last outline planning permission in 1988 the council's Highland wide housing in the countryside policies have changed to the extent that speculative/sporadic houses are not favoured unless a land management reason can be justified, or the proposal involves redevelopment of an existing vacant/derelict house, or a social housing provider (Housing Association or Charitable Trust) is unable to obtain a site for affordable housing in a nearby community. None of these exceptions applied in this case and therefore the proposed house is contrary to structure plan policy H3 and DPPG 1. This is the main reason why permission was refused for a house on the site in October 2003. This approach is also in line with national planning guidelines on housing in the countryside and local plans should not encourage development that is contrary to national and structure planning policy.

7. The site is a one off, clearly detached from other existing houses and proposed housing allocations in the North Kessock/Charleston settlement area. The boundary of the settlement extends to the edge of the objector's land enclosing a potential area for a golf course as part of an extant permission for the Bellfield/Lettoch Farm Expansion area. In Issue 41, reference is made to the concern of other objectors that the golf course had been deleted from the proposals. This is not the case and the matter is one of timing. Otherwise the area should remain in agriculture and a Section 75 Agreement restricts development accordingly. The council therefore asks for support for the deposit draft proposals.

Conclusions

8. The requirements of structure plan policy H3 are set out by the council in paragraph 6 above, and are in line with national policy regarding housing in the countryside. The site is obviously in open countryside, overlooking fields in agricultural use. In my view non-compliance with policy H3 is the principal reason for refusal of the recent planning application, with access and drainage being secondary matters. Overcoming these two would not change the conflict with policy H3, which was not in force when the earlier planning permission for two houses was granted.

9. The recent history of the expansion of North Kessock to the west is examined under issue 41, and need not be repeated here. It is sufficient to say whilst the settlement boundary may appear to follow a somewhat irregular line deliberately excluding the objection site, I note that the proposed designation of the adjacent ground in front is for a golf course, so even including the site within the boundary would not support the principle of development. Housing at Coldwells, north of the A9, has no relationship with or bearing on the appeal site.

10. Although this situation is undoubtedly upsetting for the objector, no evidence has been provided that supports the inclusion of the site contrary to structure plan policy H3, and therefore there is no justification for an amendment to the deposit draft.

Recommendation

11. I therefore recommend that no change is made to the deposit draft as a result of this objection.

100 OBJECTIONS RELATING TO CHAPTER 30: PORTMAHOMACK EXPANSION – HOUSING (Issue 77)

Objectors: W Vass (176); Scottish Natural Heritage (197) (deposit draft); Mr & Mrs W McRae (406); P Austin (408); S Sparkes and D Morgan (419); Mr & Mrs Brady (421); A C McQuhae (422); E Williamson (425); Tarbat Community Council (431); M T Austin (444); G MacNab (446); G Tullis (447); P J Austin (462)(modifications)

Procedure: Written submissions

Background

1. In the deposit draft figures for some areas of development land were transposed in error. The corrected figures are given here.

2. Portmahomack is a small, former fishing village, located on the north side of the Tarbat Ness peninsula, about 16km east of Tain. From the harbour development has extended north and south along the shore, and to the south-west to Balnabruach, which is accessed by a single track road with a potentially hazardous junction at the eastern end where it joins the main road at the southern end of the village. The village also extends up the hillside to the east, opening up fine views across the Dornoch Firth. A Conservation Area is designated covering the older parts of the village, focussing on the harbour area.

3. The deposit draft allocates 4.2 ha of land for housing on high ground on the east side of the village at Chapel Hill (Knockshortie – H2), where a planning permission for 41 houses is approaching half completion with a wide variety of house designs. 0.2 ha at Chapel Place (H3), at the north end of the village is allocated for 4-6 amenity/elderly housing units. At Balnabruach, at the western end of the village 2.1 ha is allocated for expansion, with potential for 30-40 houses, subject to improved access from the B9165 and the undertaking of an archaeological investigation.

4. Following objections to the deposit draft the council proposed modifications as follows:

- **“E: Expansion**

The following sites are identified for the expansion of the village: -

<i>Ref.</i>	<i>Area (ha.)</i>	<i>Location</i>	<i>Capacity</i>	<i>Requirements</i>
7.	2.1	Balnabruach	30 - 40	Improved access to the B9165. Archaeological investigation.
8.	3.4	Lower Seafield	*	Improved access with requirement for off-site works. *Development capacity subject to adequacy of access provided. Affordable housing.

Built form, circulation, green space and landscaping require to be integrated with each other as part of an overall concept. Where appropriate, developers will be responsible for completing the public road, water distribution and sewerage systems

to the limits of their respective boundaries in the interests of the proper servicing of the area. Play space/open space should meet the standards set out in the Development Plan Policy Guideline. The Council will encourage substantial early structural tree planting to help integrate developments into the landscape.”

Summary of main points raised by objectors

5. SNH comments on the deposit draft that the development of the Knockshortie site would have a particular landscape impact, noted at the consultative draft stage.

6. The second objector to the deposit draft proposes the development of land at Lower Seafield, at the western end of Balnabruach, west of Portmahomack. Planning permission for a house on the land had earlier been refused, principally on the grounds of inadequate vehicular access. The objector owns land adjoining the road and is prepared to bring it up to a suitable standard. The site extends to some 3.2 ha situated on the raised beach with fine views to the north. Mains water, drainage and electricity connections are available at the northern corner of the site.

7. It is claimed that development here would fit with the essentially linear character of the settlement, and could complement the existing character or offer a more contemporary style of living away from the constraints of the conservation area. This would increase choice for prospective house buyers yet reinforce the base for maintaining local services. Development could be phased over the plan period. The site and individual sites for houses could be screened by planting indigenous shrubs and trees such as whin, gorse, birch, and alder, and road widening would benefit the Balnabruach part of the settlement.

8. The council's proposed modification to the deposit draft drew counter objections on grounds including:

- a similar proposal was refused previously on appeal;
- coastal defences in Balnabruach are in urgent need of repair and maintenance, and new defences would be required for the proposed site;
- the site is virtually at sea level at a time of rising sea levels;
- adequacy of present water, drainage and sewage system;
- flooding of access road;
- inadequacy of narrow access road and need for improvements;
- other sites available in village, so no need for Portmahomack to be lengthened;
- undesirable ribbon development;
- large development of modern houses altering the essential character of this area;
- peace and quiet removed, affecting working environment of people such as artists;
- increase in pollution, with detrimental impact on people and wildlife;
- impact on public right of way;
- development out of phase with other parts of village;
- impact on amenity of local houses – could be solved by new access; and
- contrary to housing in countryside policies.

9. A counter objection from Tarbet Community Council noted that the owner of site E7 is not willing to release the ground for development, and that it should therefore be deleted from the plan. A letter was subsequently received by the council confirming this, and stating also that land would not be released in the short term to widen Balnabruach Road (THC77/3).

10. The community council proposed that the area behind Chapel Place be identified for housing, including affordable housing in conjunction with HSCHT, as both the community council and the landowner wish to have that area included in the development plan. After previous setbacks in addressing the issue of both affordable and amenity/elderly housing there would be flexibility locally to achieve this within the next five years. The community council is working closely with HSCHT and Albyn Housing to ensure that young people and those on limited incomes have the opportunity to remain in the village, providing a sustainable and balanced community, helping to avoid becoming a predominately holiday home village.

Summary of the council's response to the objections

11. Regarding the SNH objection, the council notes that the development at Knockshortie was designated in the adopted local plan and was under way before the publication of the deposit draft. This also predated the Easter Ross Settlement Landscape Capacity Study.

12. In response to the second objector the council noted that the area of land proposed for housing lies outwith the recognised boundaries of the settlement and would stretch the established form of development already existing. The previous reasons for refusal of a planning application for a single house are still relevant. Although land has now been acquired to improve the access point of the site, the main area requiring improvement lies between this and the access to the main road. Although there is a need to provide choice for prospective house purchasers the site at present is not capable of providing proper access and improvements are necessary to provide this. Potential had been identified for the creation of an access from the main road to the site but this would be remote from the community and not desirable.

13. The area of land proposed does reflect the linear development patterns of many coastal settlements. The effectiveness of alternative housing land is in question and there is a need to provide choice for prospective house purchasers and developers. The site access proposed is via the single track road through Balnabruach and improvements would be required to support any level of development. The capacity of development of the site would be dictated by the level of development achievable by the developer. The modification set out at paragraph 4 above was approved by the council, contrary to the advice of the Director of Planning and Development, despite these constraints.

14. In response to the counter objections the council notes that the site had previously been the subject of a planning application for one house and had been refused planning permission on the basis of its proximity to the shoreline which was subject to erosion and may result in inordinate expenditure over coastal erosion works, concerns over road safety and also the elongation of the ribbon of development along the shoreline.

15. Regarding the flood risk on the site, SEPA has indicated that generally land below 5m AOD is liable to flood risk in the future as a result of climate change. This may have implications for the full development potential for the site and there may be a requirement for the preparation of a flood risk assessment in line with policy GSP4 – Flood Risk.

16. The capacity of the Balnabruach road forms a major constraint to the level of development that can take place either at Balnabruach (E7) or Lower Seafield (E8). The letter from the owner of site E7, referred to in paragraph 9 above, makes it clear that this site is not

available for development within the plan period. This should therefore be reflected in the plan and the allocation for housing on site E7 deleted.

17. The council's response to the counter objections regarding site E8 is given by the local councillor. Under the present local Plan Portmahomack has a complete lack of land zoned and ready for the development of housing. The landowner of site E8 has for many years advocated for his land at Lower Seafield to be zoned for housing but the council has refused to consider this mainly due to the access problems. The council has also been keen to acquire an area of ground owned by the same landowner to enable an extremely dangerous bend some 500 metres to the south of the entrance to Portmahomack to be upgraded, without success. The zoning of site E8 has broken an insurmountable log-jam with the landowner offering to donate enough land to the council to allow upgrading of the dangerous corner to take place. In addition he has offered the council the proceeds of one plot of land sold as a building site on site E8 to assist in the cost of upgrading the access road.

18. Both concessions offer substantial planning gain and the development of site would satisfy the substantial demand for affordable and other types of housing in Portmahomack in an attempt to keep young people in the village with the obvious advantages this would offer the community at large.

19. In respect of the areas of land put forward for potential housing by the community council, site "A" lies to the immediate north of the site H2 Knockshortie. The land falls in level from east to west with the eastern portion of the site being relatively prominent with outlooks to the west. The western part of the site nestles in behind the existing local authority housing at Chapel Place, restricting outlook from the lower part of site A. The site would have to be accessed from the existing development at Knockshortie and therefore lends itself as an extension to that site.

20. Given the lack of available housing land within the community potential exists for part of the objection site to provide for the medium term housing requirements for the settlement. The council therefore proposes that an area forming the eastern section of the site, indicated on plan THC77/4, should be incorporated within the further draft of the plan, and the western section retained for amenity. Requirements for the site would be landscaping and planting to retain amenity for residents of Chapel Place, and to reduce the visual impact of the development.

21. The site annotated "B" on the community council plan lies to the east of land currently within council ownership. It lies adjacent to playing fields at the north end of Chapel Place, forming a relatively level area, with potential for development lying on the western edge of the site, capable of serving a strip of housing. The eastern part of the site rises steeply and is less suitable for development, being difficult to service and provide access, and is prominently located. Chapel Place would be capable of serving a low level of development for this site in addition to the development proposed at H3 Chapel Place. Access to the site would be through land in council ownership. The Council therefore proposes that an area forming the western section of the site, indicated in plan THC77/4, should be incorporated within the further draft of the Plan, under a housing allocation and allocated for affordable housing provision with requirements for planting to soften the visual impact of new development.

22. The combined proposed modifications, which the council asks to be supported, are:

- H: Housing

The following sites are allocated for housing uses:-

Ref.	Area (ha.)	Location	Capacity	Requirements
2.	4.2	<i>Chapel Hill (Knockshortie)</i>	24 *	<i>*remaining capacity of site</i>
3.	0.2	<i>Chapel Place</i>	4-6	<i>Amenity/elderly housing units</i>
4.	0.7	<i>Adjacent playing field</i>	6	<i>Affordable housing, landscaping and planting to eastern boundary.</i>
5.	0.7	<i>North of Chapel Hill (Knockshortie)</i>	6	<i>Landscaping and planting to eastern and western boundaries.</i>

Conclusions

23. Taking first the SNH objection, I accept the council's explanation that the site at Knockshortie was designated in the adopted local plan and that the planning permission being implemented reflects this. The proposed modification in paragraph 19 above reflects this position, although the remaining capacity may need to be adjusted in the light of further development taking place before the plan is finally adopted.

24. Looking secondly at site E8, Lower Seafield, I note that this was only designated as a modification, following the objection to the deposit draft by the land owner. The site is almost level, rising very gently to a raised beach along the south-eastern edge. It is low lying, and although flooding has been raised as a potential problem I do not have any specific figures for the site, but it would seem likely that a flood risk assessment would be necessary, together with strengthening of shoreline defences. The site would be isolated from the main part of the village, connected to it only by the single line of houses at Balnabruach, from where the site is wide open to public view. I accept the council's view that a new access would be required, via Lower Seafield some distance from the village, and this would effectively make it a separate community. It would also exaggerate the lengthening impact of the development, and whilst elongated coastal villages may be a feature of the area, they are normally integrated by a common road along or close to the shore.

25. Part of the council's argument for designating the site is based on the planning gain to be gained with regard to road alignment and access. I do not find this a sound basis for designating land for development that has inherent disadvantages. If the bend in the road is sufficiently dangerous to require realignment there are alternative ways of achieving this. Secondly a contribution to the access improvement could not be applied to Balnabruach and would therefore be to a road that appears to be under the control of the objector and, in the absence of an alternative, would presumably have to be upgraded by the developer as a condition of any planning permission granted.

26. The deposit draft projects a need (chapter 30 background second paragraph) to identify land for at least 50 houses in the village within the plan period. The other sites proposed by the council, assuming they are all finally approved, would provide for around 42 housing units, so this would leave a potential shortfall of around 8 houses. Given that there is

likely to be some infill development, this figure would be reduced, so any shortfall is likely to be marginal, and in the event that this turns out to be incorrect the issues could be reviewed within the plan period, a better course of events than designating ground that is unsatisfactory, at least in the present circumstances.

27. Taking all these points together I do not consider that the arguments in favour of site E8 are sufficient to overcome the well founded objections.

28. Looking now at proposed site A (H5), this would be an extension of the ongoing development at Knockshortie, and therefore able to benefit from the services already in place. It would be prominent in the landscape, especially when seen from the north end of the village, but as the Knockshortie houses are already seen above the skyline it would be little more so than the final part of that development, although I endorse the council's requirements for landscaping.

29. Site B (H4) would be more closely related to the existing houses at Chapel Place, within reasonable walking distance of the centre of the village, increasing its suitability for affordable housing,. Restricting the development to the lower part of the slope would reduce its prominence and I accept again the council's landscaping requirements.

Recommendation

30. I therefore recommend that:

- (i) site E7 be deleted from the deposit draft plan and the deposit draft with modifications;
- (ii) site E8 be deleted from the deposit draft with modifications;
- (iii) the proposed housing modifications recommended by the council in paragraph 22 above be approved; and
- (iv) no further changes be made to the deposit draft or deposit draft with modifications as a result of these objections.

101 OBJECTIONS RELATING TO CHAPTER 31: SEABOARD VILLAGES - SITE H4 EAST OF PRIMARY SCHOOL, HILTON OF CADBOLL, AND SITE H5 MURRAY VIEW, BALINTORE (Issue 86)

Objectors: H4 Messrs Mackenzie (Balintore Farms) (101); Scottish Natural Heritage (197); (deposit draft) J Sangster (412); Mr & Mrs J McKelvie (440) (modifications)
H5 Balintore Estates (171); Scottish Natural Heritage (197);

Procedure: Written submissions

Background

1. The Seaboard Villages comprise Shandwick, Balintore, and Hilton of Cadboll, located on the eastern coast of the Tarbat peninsula. The three communities together form one elongated settlement, and this is skirted on the north-west side by the unclassified Balmuchy Road. The deposit draft designates land on the north side of this road at Hilton of Cadboll, at the north-east end of the villages, adjacent to the east side of the primary school. The site, H4, has planning permission for nine houses and would take access from the road adjacent to the school where there is a layby serving school traffic.

2. Murray View, H5, is located on higher ground behind two lines of existing houses near the shore, and is accessed by a sharply rising road from the main road along the shore. It is designated for 16 houses, which is the remaining capacity of a partially developed site.

Summary of main points raised by objectors

3. SNH states that both the proposed sites would have a particular landscape impact that was referred to at the consultative draft stage.

4. The first objector, the site owner, states that following the construction of a bus layby serving the primary school, access to the site at this point is unacceptable. It is proposed that an additional area to the north be zoned for housing, with access from Balmuchy Road some 300m north of the previous access. Discussions have been held with the council, addressing the problem of the volume of traffic generated by the school each day. A plan shows a dual access, with the first phase of the current H4 site be taken through the rear of the layby allowing development of seven private plots and four affordable units. The objector would consider providing (by way of donation) an area of ground to the school for 40 permanent parking spaces to alleviate this problem. The second phase would comprise 13 individual Plots and up to six affordable units. Access to this would be provided at the north-east end of this site, lightening the volume of traffic using the access close to the school and allowing better long term traffic management.

5. Shelter tree belts have already been planted on the north side of the site and the south west corner, and services can be provided. The Albyn Housing Society Limited and the Highland Small Communities Housing Trust have confirmed interest in the affordable housing, with the latter looking at the potential for developing plots linked to Rural Home Ownership Grants (RHOG). There has also been keen interest from potential purchasers of individual sites for self-build, and from smaller developers in purchasing several or all of the remaining sites to build housing for sale.

6. Counter objections oppose the proposed access point as it would form a cross road type junction only 50m from the school. The volume of traffic generated by the school would present a danger for children walking from the Hilton direction. This would mean having to cross two roads within a very short distance at a very busy period in the day. Access should be routed round the rear of the school, entering from the west between the old school house and the current school playing fields. A bridge or underpass could be developed to allow children to access the playing fields safely while a pick up and drop off point could be formed to the rear of the school. This would allow children from the Hilton direction to approach the school safely and there would be less traffic from the Balintore direction, enabling children from to walk up through the old quarry from Balintore, and cross safely in front of the school. Any affordable housing should be one or one and a half storeys, detached or semi-detached, to fit with the character of the area.

7. The release of additional land is not supported until there is a clearly demonstrated need to do so. Local indications suggest that the additional zoned area would not be viable. The council owns land in the area which could be made available to local people at a much more accessible cost. Releasing more land for housing would stretch even further a very fragile and insufficient community and amenity infrastructure. More needs to be done to develop this before developing further housing.

8. Regarding site H5 it is suggested that the site capacity be amended to around 20 plots, allowing for more affordable plots for local people.

Summary of the council's response to the objections

9. Regarding the SNH comments on both sites, the allocations have been carried over from the adopted local plan and have each has planning permission for houses.

10. The proposed extension of site H4 would extend the site by approximately 150%. Access was originally intended to be from the northern part of the land, but apart from a single house on Balmuchy Road, on infill land within the settlement boundary, there has been no recent development. Given the restrictions to the intended access to the site, the provision of an improved would benefit its development potential. The provision of additional school parking on the site would compensate for the loss of the drop off layby. Further traffic calming adjacent to the school would be a requirement for development. There is already a 20 mph restriction in place and there may be the need to seek the provision of a manned crossing patrol to address any potential conflict. The provision of an alternative access and siting of the dropping off area to the rear of the school would be, in all likelihood, financially unachievable in relation to the size of the development.

11. Improving the development potential would go some way to addressing some of the latent requirement for housing within the villages as well as providing an opportunity for the provision of affordable housing to meet local needs. Although there is an adequate supply of housing land within the Seaboard Villages, the development rate has been slow and the bringing forward of a suitably serviced site would benefit the community. There is an adequate established supply of housing land, but there has been little delivery of housing within the area. The Seaboard Villages fall within the Rural Development Area, where population decline is prevalent and there has been loss of local services. A shortage of affordable housing in these areas has been identified as a factor in population loss and opportunities to help retain the younger element of population should be welcomed.

12. The only active site within the plan is H5 where single plots of land have been developed slowly. The proposed H4 extension offers an alternative and brings with it the provision for affordable housing, which would not apply to the site in the deposit draft. The identified need for affordable housing is for RHOG, which takes the form of a grant aided self build development, usually detached one-and-a-half storey.

13. Although the Council has land in its ownership, E12 Adjacent Football Ground, there is currently no funding set aside for the enabling of the site for development. Site H4 would cater for the provision of the type of affordable housing identified within the context of a privately funded development. This also offers the benefit of providing economic benefit to local businesses in the tendering and construction of the RHOG houses.

14. The deposit draft policy was modified to read:

"Policy H:4, 3.4, East of the Primary School, 25, provision of a master plan, requirement school parking and affordable housing contribution".

The inset map was modified to reflect new boundary to site.

15. To take account of the concerns relating to traffic the council proposed additional wording to the requirements to read:

"Formation of new access points and assessment of requirement for further traffic calming measures."

With regard to site H4 the council asks that these changes to the deposit draft be accepted.

16. Regarding site H5 the council says that the capacity is guided by the adequacy of the access. The capacity figure is for guidance under the terms of policy GSP9, which says that a variation of 10% or more has to be justified in relation to location, affordable housing provision, quality and design, and sustainability. Any variation on the deposit draft figure should be addressed through a planning application, and the council does not therefore propose any change to the deposit draft.

Conclusions

17. The background to chapter 31 of the deposit draft notes the small rate of development in recent years, but adds that the quality of the local environment and heritage is becoming more widely known, and that there is an opportunity to build on these strengths, protecting important sites from inappropriate development. The deposit draft allocates 42 housing units in the villages, including 18 at Shandwick and Park Street not referred to above. The proposed modification would add 16 to this figure. Although this appears as a significant percentage increase, in absolute terms it is not a large figure, especially given that development is likely to be slow, and it may not be achieved within the plan period. I note the concerns that have been expressed about the fragility of the infrastructure, but it seems likely that more housing would lead to greater support for local services, offering a greater chance of their being safeguarded than would otherwise be the case.

18. Sites H4 and H5 are both located adjacent to existing houses. Given that they are carried over from the adopted local plan, which is part of the development plan until the adoption of the new one, and have valid planning permissions, I do not find any justification for a change in the deposit draft as a result of the SNH objection.

19. I have considered the council's arguments about the difficulties of developing land in its ownership, and I accept that in the shorter term this is not a realistic option to the private developments being put forward.

20. Looking at site H4, the land is a virtually level field and would be seen as an extension of eight existing houses that stretch, with two gaps, from the primary school north-east along Balmuchy Road to Hilton of Cadboll Farm, which marks the end of the village on this road. About 40% of the modified site already has planning permission, and I have not been given any planning arguments that provide justification for not extending into the remaining part of the site, especially as there would be a second access at the north-east end of the site, and servicing is readily available.

21. This leaves the issue of access at the south-west end of the site, and the associated health and safety issues of the proximity of the school. I have considered carefully the arguments put forward regarding walking to school and the crossing of the road at a potentially congested point and time. Whilst in ideal circumstances the construction of a completely new access, possibly with a pedestrian underpass or bridge, might have been considered, the situation is effectively one of a rural school in a small settlement, and the council has noted that the likely costs of such works would not be viable.

22. However, the provision of a new parking area accommodating about 40 vehicles would undoubtedly relieve some of the conflict. I note also that there does not currently appear to be a crossing warden, which might have been expected if the current road traffic conditions were as hazardous as has been suggested. Whilst undoubtedly any road safety issues would increase, I am not convinced that this would be at a level that would be significant, and certainly not enough to justify the rejection of the site extension on traffic grounds. The council has put forward a further amendment to that suggested in the modifications draft, and this should take account of any problems that may arise.

23. Regarding site H5 the council has explained that the current capacity figure is a guideline, and that there is scope through a planning application for a figure of 20 to be considered. Increasing the designated figure to 20 could therefore give the impression that even more houses could be accommodated, which does not appear to be the objector's case. I am not therefore persuaded that there is any need to change the existing figure.

Recommendation

24. I therefore recommend that:

- (i) the proposed changes to the deposit draft already included in the modified version, as set out in paragraph 14 above be approved;
- (ii) the additional modification set out in paragraph 15 above also be approved; and
- (iii) no further modifications be approved as a result of these objections.

102 OBJECTIONS RELATING TO CHAPTER 32 STRATHPEFFER: LAND FOR HOUSING PARAGRAPH 2 – LAND NORTH-WEST OF PLAYING FIELDS

Objectors: Strathpeffer Community Council (68); Mr & Mrs K Evans (137)
Procedure: Written submissions

Background

1. Strathpeffer is a small spa town, or large village, sitting astride the A834 6km west of Dingwall, which developed in Victorian and Edwardian times. Its fine central core of buildings and trees is protected by a Conservation Area and Tree Preservation Orders and the surrounding hills and woodlands give it a fine natural setting. Much of the most recent development has concentrated at the south-west end of the village, leaving a gap between the primary school and residential development at Ord Terrace, on the north side of the road, occupied by the school's playing fields.

2. To the north of these, and north-west of the school is the open ground of the hill slope north of the village. It is bounded by housing or medical centre uses at either end and there is a commercial plantation on the rising ground to the north. Paragraph 2 of the deposit draft designates the site as H2, north-west of the playing fields with an area of 2.5 ha and capacity for 38 houses, with the requirements:

“Lower portion suitable for social/affordable housing (up to 24). Elevated portion has scope for generous house plots reflecting the character and scale of the earlier 19th century village. Separation will be maintained between the development and the tree line in interests of safety and visual amenity. Address matters of building design, proportion, heights, finishes, landscaping, and planting.”

Access would be by an existing road around the eastern and northern edge of the primary school, serving the school, community centre and medical centre, and then extended into the proposed site H2.

3. In response to a point of fact, and objections expressing concerns are about the impact of the development on the setting of the village, the relationship with existing housing, and access, the council approved changes to the deposit draft in January 2005 as follows:

- **FACTUAL** change: the site actually measures ‘3.6 ha’ on scaled plan not 2.5 ha; change accordingly;
- in the requirements column of the table, in the last sentence **ADD** “*through the preparation of a Design Brief/Guide (see Conservation Area design Guidance in Appendix II)*”; then **ADD** new sentence “*Plant trees in minimum of 10m wide strips within curtilage of houses adjacent to NW boundary.; and*”
- on the inset map: (1) **CHANGE** the line of the north-west boundary to more of a curve; and (2) **MARK** on the existing and proposed means of access together with remoter paths.

Summary of main points raised by objectors

4. Concerns are expressed about the access to the objection site, because of its existing use for the school, and community and health centres. This would elevate traffic flow to an unacceptable level, compromising the health and safety of school users. A better access could

be achieved using council owned land to the west of the playing fields. This is rough land and much better visibility could be achieved at the junction with the main road.

5. The site is a prominent one and design is most important. The conservation area should be extended to cover the site. Development should be no higher than the traditional upper line of the conservation area. Traditional housing styles should be insisted on, and if not possible a large gap left between the new development and the conservation area.

Summary of the council's response to the objections

6. The access road was built to a high standard to allow for further development beyond the school on site H2, which has been allocated for housing for many years. Traffic calming was included in the design and the level of traffic generated by the new housing would be less than the combined traffic to the other uses. Regarding the alternative suggested route to the west, it would be difficult to achieve the required gradient standards at the junction with the A834, and the additional cost of the 150 200m of road required would put the proposals in jeopardy, especially with affordable housing making up some 60% of the 38 houses. A footpath route to the Kinellan area would be safeguarded and enhanced under the safer routes to school initiative.

7. The council accepts the arguments regarding design and fitting into the landscape, and considers that these can be achieved by the requirements set out in the plan relating to the site, supplemented by a design brief or guide. The need to respect the 19th century village is already emphasised in the plan. The site boundary could also be improved on the northern side, and strengthened with landscaping. The modifications set out in paragraph 3 above are proposed by the council in response to these objections.

Conclusions

8. It was clearly the intention that the access road past the east side of the primary school, that also serves the community and health centres, should serve additional development beyond the schools. Proper traffic calming and junction standards were built in to the design, and as this is therefore to modern standards it seems unlikely that the additional housing would generate such an amount of traffic that the potential increase in risk to the health and safety of the school children would be unacceptable. I note also the technical difficulties and cost arguments against providing a new access road to the west. In these circumstances I see no need to change the plan as proposed.

9. The council has accepted the points made by the objectors in relation to landscaping and design and I am satisfied that the proposed amendments to the deposit draft put forward by the council will address these concerns.

Recommendation

10 I therefore recommend that:

- (i) the deposit draft be amended by the inclusion of the modifications set out in paragraph 3 above; and
- (ii) no other changes are made to the deposit draft as a result of these objections.

103 OBJECTIONS RELATING TO CHAPTER 32 STRATHPEFFER: LAND FOR HOUSING NORTH-WEST OF KINELLAN (Issue 78)

Objectors: C R C Bowen (43); K Stewart (51); Loch Kinellan Ltd (86); Dr M A Macdonald (87); Scottish Natural Heritage (197); M A Dunbar (218); (Deposit Draft) W H MacLeod (415) (Modifications)

Procedure: Written submissions

Background

1. Strathpeffer is a small spa town, or large village, sitting astride the A834 6km west of Dingwall, which developed in Victorian and Edwardian times. Its fine central core of buildings and trees is protected by a Conservation Area and Tree Preservation Orders and the surrounding hills and woodlands give it a fine natural setting. Much of the most recent development has concentrated at the south-west end of the village. The Ord Terrace residential development stands on the north side of the road, separated from the main part of the town by the primary school playing fields and open ground of the hill slope to the north.

2. To the west of the Ord Terrace houses are two open fields, rising fairly steeply to the north-west, that are designated H3 and H4 in the deposit draft. The upper field, H3 is 2.35 ha with a capacity of 22 houses, subject to a design brief. The lower H4 is 2.0 ha with a capacity of 28 social houses, with trees safeguarded from the access. Just west of the latter field the single track Kinellan Drive runs north-west from the main road up hill to serve Kinellan, a small scattered hamlet of about five houses.

3. In response to objections expressing concerns are about the extent of development proposed between Strathpeffer and Kinellan hamlet, the setting of Kinellan Loch, and rights of way near Ord Wood Cottage, the council approved changes to the deposit draft in January 2005 as follows:

- combine sites 3 and 4 and relocate from the main table of housing sites in the Statement to after existing paragraph 12, with a heading 'Expansion';
- ADD the small open area of land between the top of site 3 and Ord Wood Cottage;
- on the inset map extend the settlement boundary around the larger area then towards the top end of Cromartie Drive; include wooded area in council ownership as an Amenity (safeguarded) area.
- ADD new paragraph “10. Land extending to 5 ha. west of Kinellan Drive is reserved for medium to longer term housing development. Potential exists for 40 to 50 houses, including a proportion of affordable dwellings. Proposals should accord with the Framework Plan indicated below. Developers are required to prepare an overall master plan, indicating comprehensive servicing arrangements and detailed layout. Substantial early structural tree planting should be undertaken to help integrate development into the landscape. Developers are also required to:
 - undertake hydrological assessments, to determine the appropriate method for disposal of surface water drainage in accordance with SUDS guidance;
 - upgrade foul sewers in association with development;

- *enter into legal Agreements with the Council and land owners, as appropriate, to secure necessary access roads, footpaths and open space/recreation facilities;*
- *construct access roads to adoption standards up to the boundary of each ownership and/or phase of development to avoid creating ransom strips;*
- *relocate/underground overhead power lines, as appropriate;*
- *embrace community safety initiatives, 'Secure by Design', 'Safer Routes to School', etc;*
- *discuss the level and nature of affordable housing needs provision with the Council;*
- *integrate buildings, circulation, green space and landscaping with each other as part of an overall concept;*
- *prepare a design brief to ensure that the siting and design of buildings form part of a coherent overall concept, following the principles of Planning Advice Notes 67 and 68 and the Council's draft guidance for sustainability, addressing particular matters of building proportions, ridge heights, external finishes, landscaping and boundary treatments;*
- *incorporate a defined boundary composed of natural stone, hedgerow of suitable tree species;*
- *respect the group of trees to the south east, safeguarded under the TPO, by setting buildings back a minimum of 20 metres from the woodland edge.”;*
- *respect the wider visual impact when viewed from Strathpeffer and Kinellan;*
- *respect the effects on the distinct character of Kinellan of building in the upper part of the site; and*
- *safeguard the adjacent Strathpeffer-Garve Right of Way.”*
- INSERT Framework Plan;
- re-number all other paragraphs accordingly;
- INSERT new policy “17. *The Council will seek to maintain the generally open character of the countryside around the fringes of the village, notably towards Loch Kinellan, Coul and Jamestown*”; and
- indicate revised access provisions on both the Inset Map and Framework Plan, with the principal access via the TPO area in the location agreed by the Roads Engineer and Forestry Officer.

Summary of main points raised by objectors

4. The need to identify sufficient land for 110-115 houses to meet projected requirements over the next 15 years is questioned, given concern at Scotland's diminishing population and presumably fairly static level of employment within Strathpeffer. This degree of expansion would detract from the character and appearance of the town within its valley setting, particularly in the swathe of development proposed on the slopes of Kinellan. Development at the top of site H4 should be restricted to absolute minimal density.

5. A reasonable buffer zone should be provided between Strathpeffer and the hamlet of Kinellan to maintain the unique character of the area. Once street lighting and so on are installed Kinellan will cease to be rural environment and a real asset for the village will have been lost. The top of Area H3 is steep in any event and a compromise should be achievable.

6. There would be an impact on the landscape, based on the East Ross Settlement Landscape Capacity Study, and the skyline could be interrupted by the number of houses proposed, especially around the upper part of the field. The loose-knit character of the Kinellan community would be threatened, and allowing building in the top half of H3 would fundamentally alter and diminish the beauty and amenity Loch Kinellan. A buffer zone of green field, about the top half of 3H, would allow people to walk up from an urban environment to the Kinellan hamlet as a precursor to some wonderful countryside with few houses in sight.

7. A very strict design brief should be drawn up to address these issues in conjunction with the community, as already identified by the council. A strong presumption against development in the open country and farmland between Kinellan, Coul, and Jamestown south to the A834, would reduce some of these concerns. Parts of the site close to Ord Wood Cottage should be adjusted to more accurately reflect the land form plan. These are under the same ownership, and extending the boundary to include this small area of land and woodland would more effectively round off the boundary of the local plan. The Strathpeffer-Garve Right of Way should be protected whatever result is finally achieved.

8. An access point A on Kinellan Drive at the east end of site H4 would be viable for the development of both the H4 and the H3 land. A separate access could be positioned at point B on the plan to serve H3 or indeed both H3 and H4, although it is understood that the council would prefer to only have one access point to serving both sites.

Summary of the council's response to the objections

9. Identification of sites within the Landscape Capacity Study does not override the need or justification for housing or other development where this is consistent with the long term natural expansion of a community. The land is identified to meet future development needs, offering good access to the village, the school/community centre, and transport.

10. The setting of Loch Kinellan has already been affected by existing houses loosely grouped towards the turning area of the single track road. In addition, the introduction of a significant buffer would limit the development potential to the extent that site H3 would be impracticable to develop. Alternatively, a reduction of the density on the upper part of the site would more closely reflect the loose-knit development pattern. This area is also viewed from the west against a wooded backdrop.

11. The steepest part of the hillside lies between the upper area and Kinellan Drive and corresponds with the heavily wooded area in council ownership to the north-east. Rather than be developed, this woodland should be extended to the south-west to give more of a landscape setting for development on the lower slope and the top part of the land. The existing tree belt along the southern edge should also be protected and supplemented. Design guidance is necessary to promote quality buildings that would harmonise with the landscape, in accordance with national planning guidance and advice. Development beyond the settlement boundary is restricted by structure plan policy H3. However, this could be reinforced with an additional policy for the edges of Strathpeffer, notably towards Loch Kinellan, Coul and Jamestown.

12. Sites H3 and H4 should be combined into one comprehensive planned expansion area for the village, with a single primary access from the south-east on Kinellan Drive. The phasing of the development over the period of the local plan would help to ensure that the impact upon the social structure, community facilities, and infrastructure is minimised. The capacity for all the sites to be developed within a relatively short period of time is questionable, particularly in relation to surface water drainage matters because of the main culvert. It is therefore preferable that this development be deferred until after the commencement of the more imminent development on the long time allocated site H2, above the school and playing fields.

13. With regard to the modification objection, the projected requirement of 110 to 120 houses in Strathpeffer over the next 15 years is not the subject of a proposed modification to the plan and therefore this part of the objection is not valid, as it should have been raised after the publication of the deposit draft. However, demographic change resulting in diminishing household sizes, coupled with a high level of unmet needs and past building trends in Strathpeffer and a more restrictive housing in the countryside policy influence the housing requirement. The latest information on mid year population estimates indicates that the Highland population has risen in the last year due mainly to a high level of in-migration (THC78/3).

14. The land in question would help meet the overall housing requirements for Strathpeffer and should be viewed as a planned expansion to the settlement. The right to a scenic view is not a planning consideration. However, the impact of development upon the wider landscape and sensitive features is. The council therefore included additional safeguarding of the setting of the settlement in this location and for development of the housing allocation to be guided by a design brief to help minimise the landscape impact of housing when viewed from the surrounding area.

Conclusions

15. The objections to the deposit draft focus on the proposed future development of Strathpeffer at the south-west end, particularly between Ord Terrace and Kinellan. As background to this the need for the expansion is questioned by the modification objection. Although this objection is not valid, because of timing, the council has answered it so it is useful to deal with this first, as it sets the framework for the other objections. The deposit draft allocates land for 111 houses, as opposed to a range of 101 to 111 in the modified version. The only significant difference between the two is that the modified plan allocates 40 to 50 of these in an expansion area, effectively delaying implementation until the later stages of the plan's life. However, the deposit draft identifies (chapter 32 background, fourth paragraph) a need to identify sufficient land for 110 to 120 houses during the plan period, so against this figure the number of houses proposed is not excessive. As no evidence has been provided to challenge this I accept the council's figures.

16. There is no doubt that the land between Ord Terrace and Kinellan is prominent in the landscape. It was clear at my site inspection that the development of site H3 (E10) would not however take it significantly higher up the hill than that in other parts of Strathpeffer, especially at the north end of the village. This is because of the relatively constrained nature of the valley bottom and the inevitable need to build on the slopes if a long elongated settlement is to be avoided. In fact a characteristic of the village is the development on the

hillside, historically of relatively large houses in substantial plots, especially north of the A834. Against this background the principle of the expansion is acceptable.

17. The council's proposed modifications amend substantially the proposals put forward in the deposit draft. Apart from the change of designation from housing to expansion, and the incorporation of H3 and H4 as a single site (E10), comprehensive developer requirements are set out, assisted by a development framework map. This clarifies the requirements and there is a clear intention that any development should respect the setting of Kinellan and the loch, and be physically separated by extensive tree planting. The inclusion of tree belts and a significant area for new planting on the upper slopes would blend with existing planting to give the area a character similar to that in much of the rest of the village. The framework, and the modified inset plan, also address the issues of access, footpaths and boundaries, the settlement boundary being adjusted as requested and the Strathpeffer – Garve right of way safeguarded. The new policy 17, as requested by an objector, would also provide further safeguards for the surrounding area outwith the settlement boundary. I am therefore satisfied that the objections have been taken into account as far as is reasonably possible, and that the proposals put forward by the council represent a sound basis for the future long term development of Strathpeffer.

18. On this basis a see no need to propose any additional amendments to those put forward by the council.

Recommendation

19. I therefore recommend that:

- (i) the amendments to the deposit draft proposed by the council at paragraph 3 above be approved; and
- (ii) no further amendments be made to the deposit draft as a result of these objections.

104 OBJECTIONS RELATING TO CHAPTER 33: TAIN: HOUSING AND MISCELLANEOUS PROPOSALS (Issue 42)

Objectors: Aldie Developments Ltd (61, 173/4 & 461)*; D Denoon & Son (63); S G H Stone (65 & 70); C G Property Ltd (69); I B Rae (79); M Bremner (80). P Whiteley (92); J F Jackson (100)*; Glenmorangie plc (112); T & A Anderson & others (121); E & C Valentine (128); R C Golesworthy (129)*; G & J Ross (133); J Tait (134); M D Cox (150)*; J Cuthbert (157); Tain & District Medical Group (160); Royal Burgh of Tain Community Council (219); R & J Chisholm (304); L Daly (219 & 461)

Procedures: Round table discussion* and written submissions

Background

1. Tain is described in the deposit draft as a lively town with a population of some 3,150. Lying on the southern shore of the Dornoch Firth, adjacent to the new A9, it has a strong retail and commercial base. Claimed to be the oldest Royal Burgh in Scotland, its core is designated as an outstanding conservation area with many fine historic buildings.

2. The deposit draft notes limited development over the last decade, with a 10% housing growth. The plan indicates a need for between 320 and 370 houses during the plan period. There has been considerable development in the surrounding countryside and the plan says that retaining current land allocations will give scope to address this latent demand.

3. The deposit draft allocates land for between 236 and 240 houses on six sites H11 (H12) to H16 (H17). The modified draft adds two further sites (H18) and (H19) for between 27 and 32 houses. Expansion areas in the deposit draft provide three sites for 260 houses in the longer term.

4. There is a 10 ha business allocation at the north end of the burgh, close to the access to the A9, and two smaller business/industrial sites near the railway, on the north-east edge of the settlement.

Summary of main points raised by objectors

5. These objections relate to a number of sites, and there are several objectors. As many of the points raised are similar it is convenient to set them out by site or paragraph (policy) as bullet points.

Town centre

- need for retail policies in line with National Planning Policy Guide 8: Town centres and Retailing;
- proposals map should define town centre;

Site 5/H12 – Shore Road

- appropriate to designate this for residential use rather than potential large food store;

Housing general

- more emphasis need on making land available within bypass;
- compact nature of borough lost by expansion to west;

H16 (H17) – Viewfield Park

- lies too far outwith natural boundaries of burgh;
- poor road access used by many people for recreational walking and school for cross country;
- sponsored in the name of the Royal Borough of Tain Community Council on site repeatedly and comprehensively rejected since 1993
- in 1997 two applications for permissions were rejected and rejections upheld on appeal;
- objections on record still apply;
- lack of understanding how designation arose;
- detrimental to amenity of rural landscape;
- other designated areas more than adequate for the future planned expansion of Tain;
- previously designated as hinterland;
- impact on local flora and fauna;
- exposed site seen from long distance away, especially at night with lighting;
- adequate land elsewhere in burgh could have been released for housing;
- precedent for more housing higher up hill;
- drainage problems;

(H18) – Kirksheaf Road

- plan acknowledges “difficulty accessing the land below Kirksheaf ridge” and that the area suffers from inadequacies in the road infrastructure in particular, and no reason to include this site while there are sites available that do not have the same constraints;
- Kirksheaf area has poor access from Tain and to the east, and would require significant investment to adequately free up suitable housing land;
- difficulty of access outweighed by benefits of site for housing, being very close to local amenities;
- current housing allocation is adequate, with the most suitable sites identified;
- no further allocation is required;
- site (H18) also provides a defensible barrier against further encroachment into the green belt, and possible option for extending cemetery if required in the future;
- site does not meet sustainable development principle of reducing car journeys, as it has not been promoted at the expense of another;
- site not publicly discussed;

(H19) – Morangie Road West

- site ideally suited to housing development;
- development of prominent on the approaches to the town of Tain damaging to visual amenity;
- area protected in successive local plans and this should continue;
- adequate land supply has been identified within the plan;
- potential water supply problem;
- site not publicly discussed;

Business general

- business designation of Coop supermarket does not protect retail use;
- site should be designated 'existing shopping use' to protect local facilities;

B/I17 (B/I21) – Blarliath

- land zoned for hotel, offices or similar commercial usage for some years now with little or no interest;
- wrong location for tourist related development including tourist office or similar facility;
- Tain well served with three main hotels, and numerous smaller establishments such as guest houses and B & B's;
- provision of a further hotel would simply result in displacement;
- large area of objector's land zoned plus a very large area of adjoining land for the same business/tourism purpose;
- site should be rezoned for housing;
- readily serviced site would present better entrance to Tain as well designed housing, especially for the elderly, with nearness to the type of shopping old people need;
- great need for housing for the elderly and disabled including appropriate and latest modern aids;
- site B17 has all the necessary advantages for such use and developer interest;
- application for supermarket refused because of 'no food' restriction on the site;
- need for specific development opportunity expressing support for A9 service station and compatible uses, including hotel, restaurant and filling station;

E20 (E24) – Knockbreck Farm & E22 (E26) – Adjacent to tennis courts

- should not be limited to housing use only;
- inset map should be altered to shown as a mixed (H/E) Housing/Expansion area;
- other small scale facilities entirely compatible with residential use could be accommodated the sites;
- such uses would include those contained within the list of uses under the expansion heading in Appendix 1 on page 107 of the plan - changes should be made to the text on page 100 of the plan to ensure that there is a cross reference to the list of other acceptable land uses that could be compatible with the residential allocations;
- this would give greater flexibility for development of sites;
- site E20 no need for an additional access point from the north at Seaforth Road as that end of the site likely to be developed for low density individual plots as was proposed in the previous planning application that was recommended for approval by planning officials;
- eastern access point on Knockbreck Road should be relocated to a more southern point, outwith the Bannerman Company Ltd landholdings and into objector's landholdings, providing certainty of proper site access and development in accordance with an approved master plan;
- amenity strip opposite Hartfield Gardens should be used for good quality houses and not include road access;
- loss of agricultural lands on E22 when E20 is fallow and cheaper to develop;

E21 (E25) – North of Jubilee Drive

- totally unsuited for expansion for further housing as outwith main area of burgh;

- serious safety problem in relationship to Craighill Primary School and the lack of a safe pedestrian access;
- pedestrian underpass in area H11 too far away in the wrong direction;
- A9 is a busy 60 mph road and 5 lanes wide at crossing point;
- site not publicly discussed;

Provision of health centre

- need for new medical facility site, preferably in town centre;
- no site should be excluded at this stage as the centre of Tain suffers from numerous constraints and barriers to development;
- possible suitable sites identified by medical group outwith the centre of Tain;
- plan should include a comment that while not town centre, sites E20 (E24) or E22 (E26) would be suitable for the development of a health centre and associated use;

Amenity area adjacent to A9

- land at southern end of settlement boundary, marked as amenity, should be allocated as its current use of business;
- council agreed to this and proposed modifying the inset map, but it is unaltered;
- business and industrial land is becoming scarcer in Tain and site should be rezoned for present business use;

Link road adjacent to tennis courts

- on site E22 (E26) it is implied in council response to the consultative draft local that there may be a longer term requirement for a future access road linking the Kirksheaf area to Knockbreck Road;
- only reference to this in deposit draft is the statement which says ‘there are difficulties in accessing land below the ridge off Kirksheaf Road,’ so no clear reference to this proposal in the text or on the proposals map to suggest that this may be required;
- any access road which is constructed as part of a housing development on site E22 (E26) should not be used to link these two areas or any other land being reserved for a separate access route;
- existing road used by children and young people until late at night;
- better alternatives exist to access Fendom airfield;
- better access to industrial estates from the north end of town; and
- provision should be made for a future link between the A9 and Fendom Road;

Summary of the council’s response to the objections

6. The council proposed the following changes to the deposit draft following requirements for development and objections and comments:

Page 98, Background

At the end of the third paragraph ADD *“The Health Centre requires expansion and a suitable site will require to accommodate the medical practice and associated uses. This should be sited in a central location to enable access to all the community and the Council will support development at a suitable location.”*

Page 99, Town Centre

INSERT new paragraph 3 *“Proposals for retail development should satisfy the sequential approach. That is, in the absence of town centre sites, consideration should be given to edge of centre sites, and, in the absence of either town centre or edge of centre sites consideration should be given to out of centres sites which are easily accessible to choice of means of transport and located within the defined settlement boundary. [R1,2, 4 - 7, G2 & 3]”*.

Page 99, Housing, paragraph 16

MODIFY the policy text and inset map to reflect the need for developers to address the access and the linkages to the town centre. ADD to requirements, *“Improvements required to both vehicular and pedestrian access, provision of Safer Routes to School plan”*.

Page 99, Housing

ADD new Policy, *“18. Kirksheaf Road, 1.2 ha, 12 houses, subject to suitable access and road improvements.”*

ADD new Policy, *“19. Morangie Road, 4. ha, lower density development, 15-20 houses, subject to suitable access and road improvements, significant structural planting to A9 and enhancement of town entrance.”* MODIFY Tain inset to reflect new allocation boundary to include the extent of the site.

Page 100, Special Uses

ADD POLICY *“Special Uses, 20. The Council will seek to maintain the existing retail use at Morangie Road.”*

Page 100, Expansion, paragraph 21

MODIFY requirements of Policy 21 to read *“longer term housing, pedestrian access to town, provision of Safer routes to school plan, landscaping and planting to A9”*

7. The council’s responses are set out in bullet form as for the objectors.

Town centre

- modification proposed in preceding paragraph regarding retail use;
- boundary of town centre to be more clearly marked and in colour on inset map;

Site 5/H12 – Shore Road

- suitability of site for retail use established by planning permission;
- policy H12 allows alternative housing use;

Housing general

- take up of housing land within the bypass has been slow and has led to a build up in unfulfilled demand;
- development within the bypass is the preferred option and the draft plan has allocated further available land within the bypass to overcome lack of progress in this respect;
- land in council ownership outwith the bypass offers potential for development free from significant constraint;
- site H11 Jubilee Drive/Scotsburn Road is currently included in the adopted local plan and has been partially developed - council ownership and presence of infrastructure makes the site effective and capable of immediate delivery;

- the pedestrian underpass of the A9 provides linkages with the town and approval has been given to the formation of housing plots on the site, to be serviced from Scotsburn Road;
- the Council intends to provide further housing plots and low cost home ownership on the remainder of the site to meet identified local needs;

H16 (H17) – Viewfield Park

- site left out of consultative draft because of history of refusals;
- put in deposit draft by committee to broaden choice of sites and locations for housing;
- inclusion of the site within settlement boundary removes the application of structure plan policy H3 “housing in the countryside”;
- access adequate to service current housing established on the site;
- further development will be subject to provide any improvements as required to adequately service the site;
- additions made to the requirements in respect of access;
- site offers potential for housing development that would previously been served by housing in the countryside and option of a low density housing development to meet this demand;
- SPP 15 Planning for Rural Development states that there scope for clusters and groups of housing in close proximity to settlements offering potential to build individually designed homes and that these should be expressed in development plans;
- development of sites allocated in the adopted local plan slow and there is a need to identify sites that offer further limited potential for development and choice in the market;
- previous representations sought allocations outwith the bypass significantly greater than required to augment the supply identified within consultative draft
- site already partly developed and part of a field parcel not significant habitat for wildlife;
- visibility from a distance will be restricted by use of special lighting – private security lighting is being considered by the Executive;

(H18) – Kirksheaf Road

- inclusion of the site in response to properly made objection;
- plan acknowledges difficulties in accessing the land below Kirksheaf Ridge;
- shortage of released land within bypass;
- transport officials advised capacity available for small scale development served by Kirksheaf Road;
- allocation of this site does not overly increase the overall allocation for Tain, but location within the bypass means it offer’s benefits in relation to the sustainable principles of reduction in car journeys and good access to local facilities;
- site offers choice and variety to the housing market;
- in relation to the capacity of the wastewater treatment works and infrastructure, all development is subject to General Supporting Policy GSP2 – Wastewater Treatment;

(H19) – Morangie Road West

- inclusion of the site in response to a properly made objection to the local plan;
- originally withheld from inclusion at request of local members but reassessed following objection;

- site lies to the north-west approaches to Tain where the enhancement of the approaches would improve the attractiveness of the town's setting;
- site utilised for rough grazing and does not provide an attractive approach;
- allocation offers the benefit of achieving landscaping and structural planting, as identified within the assessment as a development factor;
- allocation of this site does not overly increase allocation for Tain, and location within the bypass means it offer benefits in relation to the sustainable principles of reduction in car journeys and good access to local facilities;
- helps offer choice and variety to the housing market;

B17 (B21) – Blarliath

- site provides opportunity for business/tourism development to serve Tain and the surrounding area;
- only alternative business area lies within the town centre core;
- good location for potential business/tourism uses in easily accessed location off the A9;
- situated between existing business and industrial uses and offers the scope for further development of this nature;
- removal of this business/tourism opportunity for housing may seriously affect potential longer term employment potential to serve the Tain area;
- need for between 320 and 370 houses in the period up to 2017, and other site provided for this;
- also a need to identify an adequate supply of employment land opportunities;
- tourist type facilities would be provided by the private sector and relating to Tain's development as a tourist destination;
- residential use rejected on the basis that inappropriate in this location and other housing allocations met the needs of the settlement;
- modification made adding tourism to business use of site;
- brief for objector's other site, H16, not taken forward since 1997;
- site complimentary to the existing industrial estate at Blarliath;
- business allocation refers to the site as a whole, not just one objector's ownership;
- allocation for business gives potential for development of high quality business and tourism uses in line with correspondence with objectors;
- business allocation consistent with Scottish Planning Policy 2: Economic Development relating to provision of sites for business and tourist related development;
- sites located closer to the town centre more suitable for housing for the elderly where a range of services are closer to hand;
- adjacent land at H15 Morangie Road already has the benefit of housing allocation and a development brief for the site, relating directly to existing residential development, and a level access point to Morangie Road;
- B17 between a garden centre and a supermarket, near the existing industrial site, not an optimum residential location;
- adopted local plan allocated the land at Blarliath for non-food retail and on this basis that an application for a supermarket was refused;
- the allocation located in the town centre area at para 5(6) Shore Road has an extant consent for a food retail use on the site;

- modified paragraph 3 gives provision for retail development subject to satisfying the sequential approach;

E20 (E24) – Knockbreck Farm & E22 (E26) – Adjacent to tennis courts

- allocation for possible business use was considered, in respect of E22 adjacent the tennis courts, at the previous stage of the plan process;
- options suggested housing or business development;
- representations proposed housing site;
- suggested business allocation more appropriate at Blarliath where existing business and industrial uses exist;
- clustering of such uses, within a settlement the size of Tain, produces a more cohesive approach to development of a business park use within the area;
- opportunities for business development exist at both Blarliath and the town centre, providing choices within the settlement;
- may be locus for a master plan to present additional uses ancillary to the main residential use, but precluding the development of larger scale uses on the site;
- proposals for retail development would be subject to modified paragraph 3 in relation to satisfying the sequential test approach to retail development;
- development proposals for the site will require to comply with Policy GSP8 Affordable Housing;
- mix of tenures on site will require consideration as part any development proposal and may require reassessment of layout as contained in a previous proposal;
- accesses as shown are indicative of potential access points that may be given consideration, the preparation of an overall master plan would provide the forum for the formal consideration of this issue;
- a single access to Knockbreck Road would be best option for servicing the main part of the site with potential for a secondary access to the north of the site, and to avoid a ransom strip situation the indicative point of access is jointly owned;
- landscaping and planting of the amenity area located at the entrance to Tain, in relation to the area adjacent E20, Knockbreck Farm, will be carried out as part of any development proposal for the site;

E21 (E25) – North of Jubilee Drive

- potential for longer term housing;
- development within the bypass should be encouraged prior to development of this site;
- any development proposals would be required to prepare a plan for safe routes to school to address concerns regarding crossing of the A9 and any improvements required to ensure safety for pedestrians;
- modification to plan reflects these issues;
- given the history of slow release of land the site offers an effective land supply that is neither constrained by service restrictions or land ownership issues and can provide for the longer term development of the settlement;
- satisfactory landscaping plan required to fit site into landscape;
- site included throughout the entire plan process;
- longer term nature of this site is stated within the plan as has the need for provision of an adequate pedestrian linkage to the town.

Provision of health centre

- Tain medical practices indicated that there was potential for the development of a site

within the centre of Tain;

- requirement for a site now assessed at some 0.60 ha to accommodate the variety of practice uses, adequate car parking and allowing for future expansion of services;
- the council accepts there is a need to allow a greater search area for the location of a health centre in order to accommodate these needs, and proposed the modification accordingly;

Amenity area adjacent to A9

- accepted that plan should reflect the current business use of the site;
- inset map requires to be modified to take account of this use, creating a boundary around the extent of existing business use, and annotating with 'B' to indicate use;
- due to a cartographical oversight the deposit draft omitted the change and this will be done at the next stage of the plan;

Link road adjacent to tennis courts

- within the expansion site E22 a safeguard was considered for a possible future link to the west of Tain and Fendom Airfield, provide an adequate connection for traffic to serve possible future development of the major industrial site at Fendom;
- potential development at Fendom would best be served through the use of the road network outwith the Tain settlement thus avoiding the need for an increase in heavy vehicular traffic using the town road network; and
- the suggestion should not be included in further drafts;

8. The council asks for support for the modifications set out in paragraph 6 above, together with the further modifications referred to under town centre, and amenity area adjacent to A9 above, in paragraph 7 above.

Conclusions

9. A number of objections have referred to procedures in the preparation of the deposit and modified drafts, and some objectors have referred to land interests that could be seen as affecting their partiality. I have omitted virtually all references to these in the summary of objections as they are not relevant to my consideration of the issues, which concern the planning merits to be addressed. If anyone has concerns about other matters there are proper channels through which the concerns can be dealt with.

Town centre

10. The objections relating to retail use, and the need for an acknowledgment of the policy guidance set down in NPPG 8 is dealt with by the proposed modification to chapter 33 Town Centre paragraph 3, which sets out the principal sequential test. The council also states that the town centre will be clearly marked on future versions of the inset map, by virtue of being printed in colour. Whilst the changes do not go into every last detail of NPPG 8, bearing in mind that the local plan should be read with the relevant structure plan policies, I am satisfied that these changes address the objection satisfactorily.

Site 5/H12

11. The objector's concern here about allowing a potential alternative use of the Shore Road site for residential development is addressed by paragraph H12. This shows the site

as 2 ha with a capacity of 30 houses, with the requirement ‘Possible residential use if retail potential not developed’. As the council points out, the suitability of the site for retail use was established by the granting of planning permission. I have no information as to whether it is still valid, but it will be up to developers to assess what form of development to take forward. I see no reason for deleting paragraph 5 (6), which is effectively a statement of the status quo regarding the planning permission for a retail use. I accept the council’s modifications, and am satisfied that no further ones are required in response to this objection.

Housing general

12. The council appears to share the concern about the desire to contain development within the bypass. This would have the benefit of containing the town, substantially within the bypass, restricting its traditional compact form. There also appear to be substantial areas of undeveloped land within the bypass but insufficient has been released to meet demand, and for whatever reason land owners do not seem willing to do so. The council’s zoning of land west of the A9 can therefore be understood.

13. Having said this, the existing houses at Jubilee Drive and Arthurville Gardens have created a precedent for such expansion, and site H11 (H12), although large at 7.4 ha and a capacity of 75 houses is to some extent infill between the two other developments. The ownership of this site by the council also means that early development is a possibility, and especially the ability to provide a satisfactory affordable houses programme for local needs. I consider that this overrides the otherwise undoubted benefits of being within the bypass, particularly the more compact form of the settlement, reducing travel needs for local services.

14. Whilst sharing the objectors’ concerns, I am satisfied that the council had little real choice with site H11 and that its inclusion as proposed is justified. Other sites outwith the bypass are considered below.

H16 (H17) – Viewfield Park

15. Viewfield Park is located relatively high up on the eastern flank of Hill of Tain. There are three relatively recent houses on the site, and it is questionable why they were permitted in such an exposed location, unrelated to other development, but despite this they are built and occupied. The nearest other development on the Tain side is the Carnegie Lodge Hotel, some 300m down the hill. The intervening land is open grazing and designated on the inset map for amenity. The adjacent field on the northern side of the access road is similarly designated, and the council response at the discussion was that they were within the settlement boundary and had to be designated for something.

16. I am unable to find any planning logic for the designation of an area so far from the existing obvious western edge of Tain, and so isolated from other development, within the settlement envelope. At present the site would be subject to structure plan policy H3, which presumes clearly against housing in the countryside, unless there sound land management reasons for this. No such reasons have been put forward, and even if there were sound planning control would surely seek an alternative site, less exposed and without such an obvious damaging effect on the local landscape. Reference has been made to the visibility of the site from some distance away, especially at night, but I am more immediately concerned with the local impact. The prospect of up to 10 houses on top of the existing three is difficult to understand.

17. If the council genuinely believes that there is a need for housing choice, to the extent that the designation of the site is essential, a better approach would have been to designate Viewfield Park under policy 35 (34) of chapter 6, and list it as a settlement in Appendix III as an exceptional case where limited development may take place. This would at least be in line with the advice in SPP 15, although I do not consider that such a designation to be justified, but it would be better than the present wholly artificial settlement boundary that is proposed.

18. I therefore consider that site H16 (H17) should be deleted from the deposit draft local plan, together with the adjacent amenity areas, and the boundary redrawn.

(H18) – Kirksheaf Road

19. Kirksheaf Road is an inclusion in the modified draft. It is presently a level open field of 1.2 ha under grass, bounded on its north-east side by the cemetery and the north-west the former saw mill site that is now cleared. To the south-east are the open fields of Kirksheaf Farm and to the south-west the single track Kirksheaf Road which itself is bounded on the opposite side by a sharply rising wooded bank. It is this that in part causes the difficult access to the site, which otherwise appears relatively easy to develop.

20. Other than the difficult access I am not convinced that the other objections have merit. It is no more, or less, a defensible boundary than the adjacent field. If the cemetery needs to expand it would seem just as sensible to do this to the south-east rather than the south-west into the objection field. Comments about sustainability are unsound as they are based purely on the fact that it is not being promoted as a substitute site, presumably on the grounds that it would not replace cars elsewhere, although what is more important in this case is the total amount of development and traffic generated.

21. Balanced against this is excellent access to local amenities on foot, because of its proximity to the centre, with its comprehensive range of facilities. The access through the burgh is undoubtedly somewhat tortuous, and there is little scope for improvement. Against this the amount of traffic from up to the 12 houses designated may not be significant, although consideration should be given to the cumulative affect if the adjacent sawmill site is also developed. On the other hand the development of the two together would justify a more comprehensive approach to road improvements.

22. Bringing these points together, I note the council's support for the site, and that it would add choice and variety. The site's proximity to services and accessibility to public transport – it is also walking distance to the station – outweigh the potential problems of access, and I accept the road engineer's view in this case that the small number of extra vehicles could be accommodated. I therefore consider that the site should be added to the deposit draft as proposed.

(H19) – Morangie Road West

23. Similar objections have been put forward regarding this site in terms of sustainability, against which supporting arguments are the provision of choice and variety in the housing market. The site is located at the north end of the burgh, on land between the main road into the settlement and the A9. It is designated for amenity in the deposit draft. Objections relate to the site being damaging at the approach to Tain, whereas this is countered by arguments that development would improve an otherwise vacant and, implied, somewhat unkempt piece

of ground. The entrance to Tain at the north end is characterised by commercial development on the north-east side of the road, including a petrol station and supermarket, and other land adjacent to these is zoned for business use, albeit subject to objections considered below.

24. The site is not particularly sustainable in that it is some distance from amenities, other than the supermarket, but this is no worse than many of the other designated housing sites, and certainly not enough to justify turning down a site within the designated settlement boundary in the deposit draft. Being within the boundary it also has the benefit of providing additional housing land taking the pressure off other sites to the south-west of the A9. Whilst arguably an amenity area planted with trees would provide a fine entrance to Tain, there is no reason why a well designed housing development should not also provide this, and potentially could be more attractive than a scrubby field, depending on the point of view.

25. I am not satisfied that the arguments against the site's designation are sufficient to overcome the advantages of development. I therefore consider that it should be added to the deposit draft as a housing site.

B17 (B21) – Blarliath

26. Blarliath is located on the opposite side of the road to site (H19) and is wrongly marked on the modified inset map as B20 rather than B21. The arguments here also relate partly to the appearance of the entrance to Tain, although the council is not being entirely consistent in promoting the welcoming appearance of a housing site across the road and saying that it does not matter here.

27. The site is an open one, sloping down towards the shore line. Having said this it is bounded partly by the petrol filling station and the supermarket, and at its lower end by an industrial site. There is conflicting evidence as to the availability of business zoning elsewhere in the burgh, but I have been unable to find a significant alternative allocation on the inset map, and none are referred to in the text other than two relatively small industrial zonings, one adjacent to the site already referred to, and the other near the station. Neither is of a size that could accommodate significant development.

28. I am also not persuaded by arguments that the site is suitable for elderly persons' housing, being remote from the main concentration of services in the burgh centre. If such a use is desirable it could presumably be easily accommodated on the nearby site H15 (H16), which has a capacity of up to 75 houses. There has obviously been lengthy communications between parties, and for whatever reason a reluctance to release the ground for business purposes. That is not my immediate concern, although it does not provide a justification for changing the use to residential.

29. With regard to a hotel or other accommodation development, the market would decide on how appropriate this would be. I am also aware of the lack of other opportunities in the town, and sites of this nature, at the entrance to a community, are not unusual. One objector supports the present zoning, and whilst I am not in a position to judge the commercial merits of the deposit draft proposals, this suggests that development as proposed should be possible.

30. Taking all the objectors' arguments together, I am not persuaded that the designation should be changed, and conclude that no alterations should be made as a result of this objection.

E20 (E24) – Knockbreck Farm & E22 (E26) – Adjacent to tennis courts

31. These two sites lie in the southern part of Tain, on the west and east respectively of Knockbreck Road, which runs from the A9 at the south end of the bypass into the burgh centre. Apart from a comment on the apparent agricultural value of E22 (E26), for which there is no supporting evidence, the objectors are generally supportive of the designation, being concerned with issues of access and potential complementary uses.

32. The council does not rule out entirely the prospect of some other uses compatible with houses, and with the relatively large size of these site – 11 ha/100 houses and 8.6 ha/80 houses respectively, there is some scope for this. The council suggests that a case may be possible through a master plan. I am comfortable with this, but the way the present text is worded discourages this. A minor modification could be made, inserting “*primarily*” between ‘are’ and ‘reserved’ in the introductory sentence of section E Expansion, and adding a new last sentence: “*Any proposals for small scale complementary uses to be justified through a master plan in accordance with Appendix 1*”. The inset map should remain as ‘E’, as this allows for a potential mix of uses, and this would now be indicated in the text.

33. The council may have misunderstood the objection regarding the amenity strip opposite Hartfield Gardens, as I was unable to find a full response to this, and there may have been confusion with other references to amenity designations. The objector’s concerns seem to be based on preventing traffic for the site coming down Hartfield Gardens. The council has stated that the access points are indicative, and another objector suggests the one on Seaforth Road could be deleted, although this is presumably an either/or situation.

34. In these circumstances there is insufficient evidence to be able to make a proper judgement, and an assessment should be made at the time of preparing a master plan, to guide specific proposals. I do not consider therefore that any changes should be made in this respect.

E21 (E25) – North of Jubilee Drive

35. The council obviously sees this site as having long term potential, and this is confirmed by the proposed modification. The objections relate to the principle of developing west of the bypass and the inherent problems the latter creates with regard to road safety. I examined the existing underpass during the unaccompanied part of my site inspection, and whilst it is perfectly adequate for site H11 I accept the objectors’ viewpoint that it is too far away to be used by potential E21 occupants.

36. Given the other development west of the A9 I am not wholly opposed to the idea of further land being opened up, but this should only be carried out as a long term expedient. As there are potentially 500 housing sites designated, however, against a forecast demand of 370, I am not convinced that the site is needed in the short term for flexibility. As the council itself has expressed concern about the need to develop within the A9 this message would be better emphasised by deleting site E21, in the knowledge that it can always be reinstated in a future local plan review, if indeed that is ever necessary. Together with the deletion of site E16 (E17) it would mean a loss of 90 potential sites, which would still leave 410, a surplus of 40, or around 10% of the requirement. This seems a reasonable figure to allow for some flexibility.

Provision of health centre

37. This objection appears to have been addressed satisfactorily by the council's proposed modification. Although the modification still refers to a 'central location' I am satisfied with this as it does not dictate this must be in the very centre of the burgh and allows some flexibility. I do not consider that specific reference should be made to sites E20 (E24) and E22 (E26) as these are both not particularly convenient for all parts of the burgh and could distract the focus of attention from more convenient sites. No change should therefore be made other than the council's proposed modification.

Amenity area adjacent to A9

38. The council has resolved this issue, regarding a small area of ground to the north-east of the A9 at the southern tip of the settlement boundary, by agreeing to the objector's request to change the amenity designation to business, in line with the present use of the site.

Link road adjacent to tennis courts

39. The references to this proposal are somewhat ambiguous, with nothing specific being stated in the plan, although it is obvious from the council's comments that some form of link was considered. I consider the matter is satisfactorily resolved by the council's proposal that the suggested link should not appear in any future drafts.

40. Drawing all these points together there are a number of changes I consider should be made to the deposit draft. These are the ones proposed by the council, with the exception of those relating to H16, Viewfield Park and E21 North of Jubilee Drive, or by me in response to specific objections.

Recommendation

41. I therefore recommend that the changes to the deposit draft proposed by the council, as set out in paragraph 6 and 7 above, with the exception of that relating to Viewfield Park and North of Jubilee drive, and by me in paragraphs 18, 32, and 36 above should be approved. For the avoidance of doubt these are:

- (i) page 98, Background
At the end of the third paragraph ADD "The Health Centre requires expansion and a suitable site will require to accommodate the medical practice and associated uses. This should be sited in a central location to enable access to all the community and the Council will support development at a suitable location."
- (ii) page 99, Town Centre
INSERT new paragraph 3 "Proposals for retail development should satisfy the sequential approach. That is, in the absence of town centre sites, consideration should be given to edge of centre sites, and, in the absence of either town centre or edge of centre sites consideration should be given to out of centres sites which are easily accessible to choice of means of transport and located within the defined settlement boundary. [R1,2, 4 - 7, G2 & 3]".
Clearly mark the town centre boundary on the inset map;

- (iii) page 99, Housing, paragraph 16 Viewfield Park
DELETE the whole paragraph;
On the inset map DELETE site H16 and the two adjacent amenity areas and REDRAW the settlement boundary, with its westerly extremity being the Carnegie Lodge Hotel;
- (iv) page 99, Housing
ADD new Policy, “18. *Kirksheaf Road, 1.2 ha, 12 houses, subject to suitable access and road improvements.*”
ADD new Policy, “19. *Morangie Road, 4. ha, lower density development, 15-20 houses, subject to suitable access and road improvements, significant structural planting to A9 and enhancement of town entrance.*” MODIFY Tain inset to reflect new allocation boundary to include the extent of the site.
- (v) page 100, Special Uses
ADD POLICY “*Special Uses, 20. The Council will seek to maintain the existing retail use at Morangie Road.*”
- (vi) page 100, Expansion, in the introductory sentence: insert “*primarily*” between ‘are’ and ‘reserved’;
adding a new last sentence to the expansion section: “*Any proposals for small scale complementary uses to be justified through a master plan in accordance with Appendix 1*”.
- (vii) page 100, Expansion, paragraph 21
DELETE the whole paragraph;
On the inset map DELETE site E21 and REDRAW the settlement boundary
- (viii) Tain inset map – amenity area at southern tip of settlement boundary
DELETE annotation ‘A’ and INSERT ‘B’;
- (ix) no other changes should be made as a result of these objections

34 OBJECTIONS RELATING TO CHAPTER 34: TORE – HOUSING SITE 1, EAST OF MUCKERNICH PLACE (Issue 45)

Objector: A Griffiths (21)
Procedures: Hearing

Background

1. The north-west part of Tore consists of some 16 houses, a primary school, and village hall, laid out in a relatively dispersed pattern in the angle between the A9(T) and the A835(T) which lead north and west respectively from the Tore roundabout. It is separated from the main part of Tore which sits to the east and south of the roundabout. The school, village hall, and most of the houses are served by a largely single track road that runs north-east from the A835 some 500m west of the roundabout. . Five new houses built on a former nursery to the south at Torewood Way, have a separate access from the A835.

2. Muckernich Place is a modern development of three pairs of semi-detached houses and one detached, on the south side of the single-track road. East of this is the objection site, about 0.1 ha of ground designated as site 1 in the deposit draft with a capacity of 1-2 houses and the commentary: “*Single house/semi-detached block. Retain trees over the remainder of the land, set back from trees and seek woodland management agreement.*” Farther along the road are another two houses and site 3, which has provision for ten houses subject to buffer planting

Summary of main points raised by the objector

3. There is no appropriate surface water drainage for the site, which floods in heavy rain, affecting nearby properties in Torewood Way. This is because of a collapse of the road, blocking drains. Other drains have been checked and found to be heavily collapsed. Foul drainage is also inadequate and the current system appears to be overloaded. These issues could be overcome by a suitable proviso to the plan requiring appropriate drainage provision, but there are doubts about developers complying with this.

4. Access to and from the single track road to any new property would heighten the risk to the health and safety of pupils attending the primary school or hall, and other road users. Existing parking at the hall is not used fully by parents dropping or collecting children and the road is extremely busy during these periods.

Summary of the council’s response to the objections

5. The site was allocated for housing in both the 1985 Black Isle Local Plan and the 1996 Alteration No. 2: Housing, so the principle is well established and has taken account of the access. The level of traffic generated by one or two houses would be unlikely to have a significant impact on the road network, or the health and safety of pupils at the school. The potential houses are close enough to the school and hall for the occupants to walk.

6. Foul drainage is by a septic tank and reed bed system serving only this part of Tore, and was improved when Muckernich Place was developed. The extension of the primary

school is proposed and if development goes ahead improvements to the system would be needed. The development of site 3 would also require improved foul drainage provision and this could also provide a solution to servicing site 1.

Conclusions

7. The objection site lies within the settlement boundary and has been designated for housing development for some 20 years. The potential for housing use is therefore well established and there is no objection to the principle of this. The qualifications in the plan about woodland management take into account the nature of the trees on the site.

8. Looking first at access, the single track road is to some extent a safety feature as its narrow width necessitates care. The local plan already takes into account the development of a further ten houses on site 3, using the same access, and I do not consider that the development of site 1 would be detrimental to road safety to an extent that would be significant. This does not therefore justify the modification of the draft plan.

9. The foul and surface water drainage issues are acknowledged by the council, and it is apparent that improvements will be needed to the system before any significant development can proceed. It was clear at the hearing that the issue is one of confidence that this would be done either as part of the development of the site, or of wider improvements following expansion of the school or the development of site 3. The concerns could be addressed by the addition of appropriate wording to the requirements section of site 1.

Recommendation

10. I therefore recommend that the following be added to the requirements for the development of site 1:

“Subject to satisfactory provision of foul and surface water drainage, including the protection from potential flooding of nearby properties.”

106 OBJECTIONS RELATING TO CHAPTER 34 TORE: EXPANSION FOR HOUSING AND BUSINESS/INDUSTRY (Issues 83 & 84)

Objectors: C M Cameron (17); Farm Services (73); Killearnan Community Council (407); T Fraser (411)

Procedure: Written submissions

Synopsis of objections

1. Tore is a small village, population about 130, which sits astride the A9 some 7 km north-west of the Kessock Bridge, at an important junction with the A835 and A832 roads to the west coast and Black Isle respectively. The deposit draft local plan identifies land for up to around 60 houses, but there are waste water treatment problems, with no proper public treatment plant of any great capacity.

2. The modified version of the plan designates site (6) to the north and north-east of the village for possible future expansion, to protect it from piecemeal development. This is a very large 18 ha site, covering mainly agricultural land.

Summary of main points raised by objectors

3. The first objector, following the council's refusal to designate part of the area referred to in the preceding paragraph for industry, proposed making approximately 18 ha of none prime agricultural land to the north east of Tore available for housing. It is separated from the home farm Balnakyle, by some 5.5kms. Its close proximity to Tore round-a-bout and the trunk road system would provide easy access to employment in Inverness, Dingwall and the surrounding area. The villages to the east of Tore are becoming increasingly congested at peak times.

4. The objector says that the designation would help meet the need for affordable housing in the area. Other land owners elsewhere in Tore could be interested in housing development and making a contribution to service provision.

5. The second objector says that a site on the north side of the A832 Munloch Road, adjacent to the garage, should be allocated for an agricultural/industrial development. Tore is a classic example of a rural settlement in an agricultural area that has grown around a confluence road and rail routes, and services related to the agricultural hinterland should be found here. The objector wishes to serve the Black Isle market, and a site here would be better placed than others in Inverness, Dingwall, Muir of Ord, and Conon Bridge.

6. The proposed site has good road access, and there is nothing wrong with a properly planned mixed use depot, on open land, well planned, designed and landscaped. In a small settlement such as Tore over "sanitisation," of land use is unnecessary. The site could be enlarged to accommodate 10m of landscaping and tree planting along the boundary of the A832 and a 20m tree belt to the east and north. This would blend in with that stipulated for the housing designation H5 to the south and guard against any fears for amenity of the latter.

7. The objector's proposed business would attract some heavy vehicle movements such as harvesters and while these need to be accommodated the bulk of traffic would arise from smaller vehicles. The B9162 serving the designated industrial site I7 is rather narrow, and use of this road by large farm machinery is more likely to affect the amenity of the village (including the substantial existing and proposed housing on the western side of the B9162) than the same type of traffic on the A832. The development would bring employment for five persons to the area.

8. The extension of commercial/industrial frontage envisaged is modest yet in keeping with the surrounding agricultural area. The council is encouraging structure planting in order to provide a landscape framework, thereby acknowledging that new uses in this location can be satisfactorily screened. The creation of a little extra commercial frontage here is therefore a matter of design, which could be adequately controlled by the council, and would not compromise any future layout or servicing of land to the north and east. SPP 15 encourages a more welcoming stance to development in rural Scotland, a further refinement to diversification and less suburbanisation of small settlements. In this respect the objector considers it appropriate that Tore should contain a reasonably visible land use which supports the ongoing and diversifying needs of the surrounding countryside.

9. The third objector supports the modifications regarding longer term development, but stresses more immediate needs for upgrading the primary school, improving pedestrian access across the A9 and upgrading the sewage system.

10. The fourth objector expressed concern at the impact of the potential large housing development on site (6) on the family fruit farm business (Ryefield) adjacent to the eastern boundary of the site. This would affect the business for reasons relating to, in summary:

- lack of insurance cover because of increased risk of vandalism;
- impact of theft and vandalism of the crops preventing growing our soft fruit, plums, apples etc for sale or pick-your-own;
- substantial investment already made in fruit/shop enterprise;
- collapse of sales at farm shop because of customer perception that shop is no longer in the countryside;
- value of landholding would not permit sale and restart elsewhere;
- investment already delayed by uncertainty; and
- agricultural occupancy condition reduces flexibility of housing.

The problem could be resolved by either including the objectors land in the housing plans, removing the prospect of development altogether, or providing annual compensation for lost trade.

Summary of the council's response to the objections

11. Major expansion on the north-east side of Tore was considered prior to publishing the consultative draft plan, bounded by the Killen road to the north, Ryefield Fruit Farm to the east, the A832 road to the south and the A9(T) road to the west. This land was looked at in the context of a higher level of housing requirement being projected for the plan area and the prospect that other settlements in the Black Isle would not be able to physically absorb the level of development. Consideration was given to substantial land allocation at Tore to include as pre-requisites for development: (a) a new public drainage system; (b) a new community primary school; (c) a playing field; and (d) significant advanced screen/structural tree planting.

12. No commitment could be given by other public agencies to the development of a public drainage system or a new school, and the existing school was committed to an extension. The scale of development considered could also overwhelm the settlement and might be better considered as a much longer term option. A large scale expansion of the village was also considered unnecessary following the re-appraisal of housing need figures. This is the case up to 2017, but it will be monitored for the next formal review of the plan.

13. In the meantime site (6) could be safeguarded from development that might prejudice expansion of the community in the future. Also other land owners suggested that their land be identified for future development. Owners could be encouraged to undertake significant structure planting in the area with the aid of farm woodland grants, to provide a landscape framework for absorbing major development into the landscape. The views of the community would also be important in considering the need for expansion and the likely social, visual, and traffic impact of development much larger scale than the existing land allocations. The provision of a public drainage system and a new community school would also be essential.

14. The land proposed for development by the second objector, east of the garage, forms part of site (6). The need to safeguard the land from piecemeal development is a key issue. The council does not agree that the commercialisation and industrialisation of the road frontage is compatible with existing uses, let alone potential future housing and a community school as part of a longer term expansion area. The council was unaware of the objector's interest in this land in advance of publishing the consultative draft, and comments were made in this context.

15. Services at Tore have only developed relatively recent recently due to the road alignments at this trunk and major road junction. Muir of Ord and Dingwall are traditional agricultural centres with associated land allocations. The Black Isle Farmers Society show ground in Muir of Ord, and the auction mart, abattoir, and other farm services in Dingwall provide locational advantages for agricultural activities there.

16. Site 6 (7) is a woodland area allocated at the southern end of Tore for business and industrial use, carefully considered with the infrastructure authorities. The B9162 Artafalie road past the site is narrow and needs improvements, but the existing volume of traffic on the road is relatively light and heavy vehicles and farm machinery use it.

17. Any development on site (6) would be piecemeal in the context of safeguarding it as part of the larger area for consideration in the next local plan review. The existing filling station, shop cafe and parking area are commercial uses and are separated from the site to the east by the access track to a private dwelling. As detailed consideration of the larger area could be five years from adoption of the current plan, it is premature for the objector to say that the proposed use would not compromise any future layout or servicing of land.

18. The council says it understands the safeguarding of site 6 from piecemeal development, and saying that future development will be fully reviewed in preparing the next local plan causes uncertainty for the fruit farm. The council's view is that the need to include a full allocation of land for a large scale expansion of the village in the present draft plan is not justified, as the land is not yet needed to meet longer term housing requirements for the Black Isle. Other options elsewhere in the Black Isle would also have to be identified and considered at the appropriate time.

19. The council is unable to comment on the detailed commercial/ business information and the threat to the farm's future. Site (6) does not include Ryefield, but the council is concerned that the objector feels that the designation of site (6) would prejudice the continued operation and further diversification of the fruit farm. If the development does proceed every effort should be made to minimise the impact upon the fruit farm, at the very least through maintenance of a significant physical separation. As there is no certainty that any land would be allocated, the council asks the inquiry to consider whether the very suggestion to review this in the future is appropriate for inclusion in the current Plan.

20. In the absence of any commitment to identify far less develop the expansion area in the period of the current plan it is not appropriate to further extend the area to include the fruit farm. This might also only serve to create more uncertainty for the objectors. The third option suggested to resolve this objection, a clause requiring developers to compensate the operator annually for any lost trade, is not local plan matter.

21. The council says that whilst putting forward site (6) as a modification, it would be prudent for the inquiry to consider whether this approach is appropriate given the concerns of the adjoining fruit farm owner.

Conclusions

22. The first, second and fourth objections are related in that they all concern land relating to site (6). The first objector has stated that the proposal to develop site (6) for long term housing came after the council opposed the development of a commercial/industrial area adjacent to the existing garage on the north side of the A832. The designation of site (6) as a modification appears to arise from this rather than specific need arising from structure plan or local housing requirements.

23. The council has put forward arguments as to why the present commercial area at the garage should not be extended, largely on the basis of the proposed development's incompatibility with potential housing or a community school, either on site H5 on the south side of the road or the potential site (6) in the modified plan. These concerns are understandable, although I have some doubts about the suitability of industrial site 6 (7) as an alternative for a business that may require a significant amount of general public access, as it is some distance from the main traffic routes, and the council has acknowledged that road improvements are required. This concern is not sufficient on its own to override that council's views about the impact on the amenity of other development land in the vicinity of the A832.

24. The council itself has raised doubts about the designation of site (6) in response to the fourth objector. I am unable to test the validity of the objections, relating to the fruit farm, although they appear to be logical arguments. I am however concerned about site (6) for other reasons. I have been unable to find any evidence, either in the structure or deposit draft local plans, of any specific need for development at Tore on the scale allocated. The council has stated that any potential development there would be subject to further assessment, including the requirements and allocations for other Black Isle communities, and no doubt others in the locality.

25. There are no other such areas designated for other settlements in the local plan area. It is also clear that there are major constraints to development at Tore because of the lack of a

proper public sewage facility, and the existing development proposals cannot be implemented until that has been resolved. It therefore seems highly unlikely that the existing housing allocations, primarily site H3, H4, and H5 will be developed in the near future, and possibly not within the period up to 2017. If the situation should change this would be taken account of in reviews of the local plan.

26. Paragraph 14 of Planning Advice Note 49 Local Planning (CD21) urges planning authorities to maintain the relevance of statutory plans by addressing current and emerging land uses. In this case there is no evidence to suggest a requirement for additional land in the foreseeable future, beyond that already allocated. No housing need figures have been provided to indicate this, and in any event there is no structured argument to say that Tore would be the correct place to provide this.

27. In these circumstances I can see no justification for the designation of land that only may be required at some time in the future, as it would only create uncertainty and raise expectations that, on the basis of present evidence, are unlikely to be fulfilled. I conclude that there is no justification for the designation of site (6) at the present time. These do not prevent the area being reconsidered as part of a future local plan review.

28. Looking at the points raised by the third objector, these appear to be more general comments than specific objections. The deposit draft recognises the need for a new waste water treatment plant, a potential new school, and better access across the A9. Although none of these are included as specific commitments with a time and capital allocation, they are all subject to programming by other agencies. I also understand that the present school is being improved, and it seems likely that this will defer any potential replacement. I do not see any need for a modification of the deposit draft.

Recommendation

29. I therefore recommend that no change be made to the deposit draft local plan as a result of these objections.

APPENDIX 1

APPEARANCES AT THE PUBLIC INQUIRY

For The Highland Council

Cllr B Barclay	Councillor representing Fortrose
Cllr D Briggs	Councillor representing
Ms Karen McLeod	Principal Solicitor
Mr Brian Mackenzie	Senior Planner
Mr Sam MacNaughton	Head of Transport and Infrastructure Transport, Environmental and Community Services Department
Mr Alan Ogilvie	Principal Planner
Cllr Alasdair Rhind	Councillor representing Tain
Mr Jim Yuill	Engineer, Transport, Environmental and Community Services Department

For Aldie Developments Ltd

Mr Paul Houghton	Director, Turley Associates Ltd
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For Ardross Community Council

Mr John Edmondson	Secretary
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For Balnagown Estate

Mr Howard Brindley	Planning Consultant
Mr Douglas Forrest	Acanthus Architects
Mr Gordon Robertson	Estate Manager

For Brahan Estates

Mr James Gilzean	Brahan Estates
Mr Bill Hepburn	Tulloch Group

For Broadland Properties

Mr Gary H Johnston	Managing Director, G H Johnston Building Consultants
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For Mr J Brown

Mr Ian Livesley	Architect
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For Mr J Clarke

Mr Gary H Johnston	Managing Director, G H Johnston Building Consultants
Mr N Sutherland	Architect

For Cromarty Arts Trust

Mr J Nightingale Chairman

For Mr R M Ferguson

Mr N Sutherland Architect

For Ferintosh Community Council

Mr Colin Craig Chairman

For Fortrose and Rosemarkie Community Council

Mr M G Phillips Chairman

For Mr W H Gill

Mr Ken Bowlts Principal, Bowlts Chartered Surveyors

For William Gray Construction Ltd

Mr William Gray Managing Director, William Gray Construction Ltd
Mr Alan Farningham Chartered Town Planner Farningham McCreadie Partnership
Ms Joanne Plant Chartered Town Planner Farningham McCreadie Partnership
Mr Mike Tough Chartered Civil Engineer A F Cruden Associates

For Mr F Hutcheson

Mr Gary H Johnston Managing Director, G H Johnston Building Consultants

For Knockbain Community Council

Mr Owen Smith Chairman
Mr Gary H Johnston Managing Director, G H Johnston Building Consultants

For Don Lawson HPG Inverness

Mr James A MacFadyen Fletcher Joseph Architects

For Mr A MacLeod

Mr Atholl Newlands Bowlts Chartered Surveyors

For Mr D MacPherson

Mr Gary H Johnston Managing Director, G H Johnston Building Consultants

APPENDIX 2

CONSOLIDATE LIST OF PRODUCTIONS

NOTE: References to core or Highland Council documents that are also produced by individual objectors are not listed against those objectors except where a separate reference number has been provided for the document, unless additional information has been marked on the document

The Highland Council Core Documents

CD1	The Highland Structure Plan: Approved Plan: The Highland Council: March 2001
CD2	Black Isle Local Plan: Adopted Plan: Highland Regional Council: September 1985
CD3	Mid Ross Local Plan: Adopted Plan: Highland Regional Council: October 1990
CD4	Easter Ross Local Plan: Adopted Plan: Highland Regional Council: July 1992
CD5	Black Isle Local Plan: Alteration No. 2: Housing: Highland Regional Council: Adopted in September 1996
CD6	Ross & Cromarty East Local Plan: Consultative Draft: The Highland Council: May 2002
CD7	Ross & Cromarty East Local Plan: Deposit Draft: The Highland Council: October 2003
CD8	Ross & Cromarty East Local Plan: Statement of Publicity, Consultation and representations: The Highland Council: October 2003
CD9	Ross & Cromarty East Local Plan: Proposed Modifications to the Deposit Draft (Prior to Public Local Inquiry): The Highland Council: February 2005
CD10	SPP 1: The Planning System: Scottish Executive: November 2002
CD11	SPP 2: Economic Development: Scottish Executive: November 2002
CD12	SPP 3: Planning for Housing: Scottish Executive: February 2003
CD13	SPP 7: Planning for Flooding: Scottish Executive: February 2004
CD14	SPP 15: Rural Development: Scottish Executive: February 2005
CD15	NPPG 17: Transport and Planning: Scottish Executive: May 2001
CD16	NPPG 18: Planning and the Historic Environment: Scottish Executive: May 2001
CD17	PAN 49: Local Planning: Scottish Executive: May 1996
CD18	PAN 72: Housing in the Countryside: Scottish Executive: February 2005
CD19	PAN 74: Affordable Housing: Scottish Executive: March 2005
CD20	Ross & Cromarty Area Planning Committee Item re. Representations on the Consultative Draft Local Plan: The Highland Council: 15 September 2003
CD21	Planning Development Europe & Tourism Committee Item re Local Plan: The Highland Council 1 October 2003
CD22	Ross & Cromarty Area Planning Committee Item re. Objections and Representations on the Deposit Draft Local Plan: The Highland Council: 25 September 2003
CD23	Note of Business Meeting: Highland Council Headquarters: 2 November 2004
CD24	Note of Pre-Inquiry Meeting: Ross County FC, Victoria Park, Dingwall: 22 March 2005
CD25	Letters of objection and representation to the Deposit Draft Local Plan
CD26	Letters of objection to the Proposed Changes to the Deposit Draft Local Plan

Productions for the Highland Council

THC1/1	Extracts from PAN 57: Transport and Planning: Scottish Executive: April 1999
THC1/2	Developing a Transport Vision for Inverness 2004 – 2031: Atkins on behalf of Inverness & Nairn Enterprise, Highlands and Islands Enterprise and The Highland Council: Final Report: September 2004
THC-2/1	NPPG 10: Planning and Waste Management: Scottish Executive
THC-2/2	PAN 63: Waste Management Planning: Scottish Executive: February 2002
THC-2/3	Inverness Local Plan PLI Report: Scottish Executive: March 2005
THC-2/4	National Waste Strategy Scotland: SEPA: 1999
THC-2/5	Letter from Jim MacKay of SEPA to THC Planning and Development Service on Waste Management issues (Inverness and Ross & Cromarty East Local Plans): 3rd May 2005
THC-2/6	Email from June Ross, THC TEC Services in response to [THC-2/5]: 6th May 2005
THC-4/1	EC Directive 91/271/EEC Urban Waste Water Treatment: The Council of the European

	Communities: 1992
THC-4/2	The Urban Waste Water Treatment (Scotland) Regulations 1994
THC-4/3	Inverness Local Plan PLI Report, Section 4.10: Scottish Executive: March 2005
THC-4/4	Letter from HGA (UK) Ltd. to THC Planning Department on Mount High and its enclosures: Ross Cairns: 25th April 2005
THC5/1	Extract from Highland Housing Needs Study: Sub-Area Profiles: DTZ Pieda Consulting & The Highland Council: December 2003
THC6/1	Extract from National Planning Policy Guideline 8 (Revised 1998): Town Centres and Retailing: The Scottish Executive: 1998
THC6/2	Extract from Making Development Plans Deliver: Consultation Paper: The Scottish Executive: April 2004
THC8/1	Ardross – map extract showing planning applications in relation to objection lodged by Mr J Brown [30/12], and relevant Ctte Report and Minute, 7th Feb 2005
THC9/1	Extract from agenda of the meeting of the Ross and Cromarty Area Planning Committee: Report on planning application for Erection of House (Detail) (Resubmission) at Corntown, Conon Bridge, Ref. 04/00742/FULRC: The Highland Council: 7 December 2004.
THC9/2	Extract from minute of the meeting of the Ross and Cromarty Area Planning Committee: Report on planning application for Erection of House (Detail) (Resubmission) at Corntown, Conon Bridge, Ref. 04/00742/FULRC: The Highland Council: 7 December 2004.
THC10/1	Agenda report to Ross & Cromarty Area Planning Committee on planning application ref. 00/00568/FULRC: The Highland Council: 19 December 2000
THC10/2	Letter from the Cromarty Arts Trust to THC: 12 April 2005
THC10/3	Extract from An Inventory of Gardens and Designed Landscapes: Supplementary Volume 2: Highlands and Islands: SNH & Historic Scotland: 2003
THC12/1	Correspondence between the Director of Planning and Development and Major Whitelaw: The Highland Council: May – July 2003
THC12/2	Examples of responses to planning application ref. 01/00790/OUTRC: The Highland Council: October 2001
THC12/3	Agenda report to Ross & Cromarty Area Planning Committee and Note of Hearing on Planning Application for the Erection of Five Houses (Outline) – Subsequently Amended to Three Houses (Outline) Adjacent to Eastwood, Jamestown, Strathpeffer for Mr C MacDonald: Ref. 01/00790/OUTRC: The Highland Council: 11 February 2002.
THC12/4	Letter of appeal decision on proposed dwellinghouse at Jamestown, Strathpeffer: The Scottish Office Inquiry Reporters: 7 June 1993
THC14/1	Letter from SEPA to Alasdair Sharp: 23 February 2005
THC14/2	Letter from Alasdair Sharp to Jim Farquhar, Ross and Cromarty Area Planning and Building Control Manager; 4 March 2003
THC14/3	Letter from the Director of Planning and Development to Alasdair Sharp: The Highland Council: 12 March 2003
THC14/4	Extract from Minute of Special Meeting of the Ross & Cromarty Area Planning Committee to consider Objections and Representations to the Ross & Cromarty East Local Plan Deposit Draft: The Highland Council: 25 January 2005
THC14/5	Ordnance Survey extract map for Artafallie: The Highland Council: April 2005
THC14/6	Extract from Inverness Local Plan Deposit Draft with Modifications: The Highland Council: April 2003
THC14/7	Report to Ross and Cromarty Area Planning Committee on Planning Application for Erection of House (Outline) at Dunmore, Muir of Ord: ref. RC/1997/607: The Highland Council: 4 November 1997
THC14/8	Report to Ross and Cromarty Area Planning Committee on Planning Application for Erection of House (Outline) (Resubmission) at Dunmore, Muir of Ord: ref RC/1998/670: The Highland Council: October 1998
THC14/9	Notification of Appeal and Appeal Decision on Planning Application for Erection of House at Dunmore, ref RC/1998/670, in Reports to Ross and Cromarty Area Planning Committee: The Highland Council: June & July 1999
THC14/10	Map of permissions for single houses in the Beauly – Dunmore - Muir of Ord area 1998 to mid 2002
THC14/11	Extract from Report on Inverness Local Plan Inquiry: The Scottish Executive Inquiry Reporters Unit: March 2005
THC14/12	Ordnance Survey extract map for Dunmore: The Highland Council: April 2005
THC14/13	Correspondence between Ross & Cromarty Area Planning & Building Control Manager and

THC14/14	Director of Planning & Development: The Highland Council: November & December 2005 Memorandum from Ross & Cromarty Area Planning & Building Control Manager to Director of Planning & Development: The Highland Council: 2 February 2005
THC15/1	Application for Determination of Planning Conditions, extract pages 2- 4 Statement of Intent, Application form and restoration masterplan.
THC 16/1	Highland Deephaven Approved Masterplan, Ref. W/6266/J/2523/1
THC 16/2	Easter Ross Local Plan: Extract of Report of Public Local Inquiry: June 1991
THC 16/3	Extract of from report presented to Planning Committee, 27 March 2003 in relation to application (RC/2002/903) for the railway siding and conditions therein that the Committee were minded to approve (subject to conclusion of S75, legal agreement)
THC16/4	NPPG 14 Natural Heritage, pp 13-14, 19-22
THC17/1	Macaulay, Land capability for Agriculture, map extract
THC17/2	Planning Permission and Master Plan, Oil Refinery, Nigg, Ref E8069/D/4876, E7969/D/4877 & E8070/D/4878, extracts.
THC17/3	NPPG 14 Natural Heritage, pp 13-14, 19-22 extract
THC18/1	Extract from letter: SNH to THC: April 2005
THC22/1&2	Report to Ross & Cromarty Planning Cttee, 20/04/04, application for 45 houses at Dalmore(1) and Minute of meeting(2)
THC22/3	TRM meeting schedule: THC & The Scottish Executive TRNMD: 29 July 2004
THC22/4	Correspondence in relation to factual boundary error at Achnagarron
THC24/1	TRM meeting schedule: THC & The Scottish Executive TRNMD, para 6: 29 July 2004
THC24/2	Statement by Councillor Douglas Briggs in regard to housing land at Contin.
THC25/1	Planning Advice Note 67: Housing Quality: The Scottish Executive: February 2003
THC25/2	Cromarty Housing Needs Survey: Cromarty & District Community Council & the Highland Small Communities Housing Trust: Spring 2003
THC25/3	Proposed Modification to Cromarty Inset Map of the Ross & Cromarty East Local Plan: Deposit Draft: The Highland Council: May 2005
THC25/4	Proposed Modification to Development Framework Plan in Cromarty Statement of the Ross & Cromarty East Local Plan: Deposit Draft: The Highland Council: May 2005
THC26/1	Extract from Black Isle Local Plan: Alteration No. 1: Culbokie Village Plan: Highland Regional Council: September 1990
THC26/2	Note of meeting held at the Scottish Executive, Victoria Quay, Edinburgh: The Highland Council & The Scottish Executive Development Department, Trunk Roads Network Management Division: 29 July 2004 [THC26/3] Extract from Report of Inverness Local Plan Inquiry: The Scottish Executive Inquiry Reporters Unit: March 2005
THC28/1	School capacity assessment: Email communication from Education Service, 3rd May 2005.
THC 29/1	Map depicting Sworddale planning history – A MacDonald
THC 29/2	Statement regarding Sworddale road capacity, Jim Yuill, Principal Roads Engineer, TEC Service, THC
THC29/3	Scottish Executive: Inquiry Reporters Unit, Decision Letter 31/03/03 Sworddale Farm, Evanton, Dingwall (02/00257/FULRC).
THC29/4	An Inventory of Gardens and Designed Landscapes, pp 29-31 extract.
THC30-33/1	Extracts from PAN 57: Transport and Planning: Scottish Executive: April 1999
THC30-33/2	PAN 67: Housing Quality: The Scottish Executive: February 2003
THC30-33/3	Extract from Report of Inverness Local Plan Inquiry: The Scottish Executive Inquiry Reporters Unit: March 2005
THC30-33/4	Developing a Transport Vision for Inverness 2004 – 2031: Atkins on behalf of Inverness & Nairn Enterprise, Highlands and Islands Enterprise and The Highland Council: Final Report: September 2004
THC30-33/5	Letter to THC Ross & Cromarty Area Planning & Building Control Manager accompanying Planning Application for Proposed Wastewater Treatment Plant at Fortrose: Scottish Water Solutions: 1 April 2005
THC30-33/6	Letter to THC Ross & Cromarty Area Planning & Building Control Manager with comments on Planning Application for Proposed Wastewater Treatment Plant at Fortrose, Ref 05/00288: SEPA: 21 April 2005
THC30-33/7	Letter to THC Ross & Cromarty Area Planning & Building Control Manager with comments on Planning Application for Proposed Wastewater Treatment Plant at Fortrose, Ref 05/00288: SNH: 29 April 2005

THC30-33/8	Location Plans for Current and Previous Application Sites for Proposed Wastewater Treatment Plants at Fortrose and Rosemarkie: The Highland Council: May 2005
THC30-33/9	'Plan Your Community' Workshop results: Fortrose & Rosemarkie Community Council and The Highland Council: December 2000
THC30-33/10	Summary (1st draft) of the Fortrose & Rosemarkie Community Council & Highlands Small Communities Housing Trust Housing Survey: Spring 2005
THC30-33/11	An Inventory of Gardens and Designed Landscapes: Scottish Natural Heritage and Historic Scotland: 2003
THC30-33/12	Extracts from Memorandum of Guidance on listed buildings and conservation areas: Historic Scotland: 1998
THC30-33/13	Policy Briefing and Information Note No. 1: Mid Year Population Estimates Highland: The Highland Council: May 2005
THC37/1	Note of meeting held at the Scottish Executive, Victoria Quay, Edinburgh: The Highland Council & The Scottish Executive Development Department, Trunk Roads Network Management Division: 29 July 2004
THC38/1	Statement by: Sam MacNaughton, Head of Transport & Infrastructure, TEC Services, Highland Council
THC38/2	Statement by Jim Yuill, Principal Roads Engineer, TEC Service, THC
THC38/3	School Roll Capacity and Roll projections, Education Service, THC
THC38/4	Planning Application, 04/01153/OUTRC, Housing Development, Broomhill, Muir of Ord including Flood Risk Assessment Report, TIA & TECS consultation response.
THC38/5	Scottish Environment Protection Agency, response in respect of Broomhill, Flood Risk Assessment Report
THC39/1	Munlochy 'Plan Your Community' workshop results: Knockbain CC & THC: February 2001
THC40/1	Munlochy 'Plan Your Community' workshop results: Knockbain CC & THC: February 2001
THC41/1	Minutes of Special Meeting of the Highland Planning Committee held in the North Kessock Village Hall: The Highland Council: 22 September 1998
THC41/2	Report to the Highland Planning Committee on application Ref. RC/1998/297 for Residential, Commercial and Leisure Development at Bellfield and Lettoch Farm, North Kessock by County Properties Ltd.: The Highland Council: 17 November 1999
THC41/3	Extract of Minutes of Meeting of the Highland Planning Committee on application Ref. RC/1998/297 for Residential, Commercial and Leisure Development at Bellfield and Lettoch Farm, North Kessock by County Properties Ltd.: The Highland Council: 17 November 1999
THC41/4	Outline Consent Notice for application Ref. RC/1998/297 for Residential, Commercial and Leisure Development at Bellfield and Lettoch and New Grade Separated Junction on A9 at North Kessock by County Properties Ltd.: The Highland Council: 21 December 1999
THC41/5	Brochure with plans accompanying Outline Consent for Residential, Commercial and Leisure Development at Bellfield and Lettoch at North Kessock by County Properties Ltd.: The Highland Council: 21 December 1999
THC41/6	Copy of Planning Application Ref. 04/1203/FULRC for Construction of Primary Waste Water Treatment Works at North Kessock: Scottish Water: 17 December 2004
THC41/7	Letter to John Farquhar Munro MSP: The Highland Council: 13 September 2002
THC42/1	Letter of correspondence from Mrs SGH Stone, 14 October 2002
THC42/2	Map depicting planning history at Viewfield Park
THC42/3	NPPG8 Town Centres and Retailing extract
THC42/4	Statement by Councillor Alasdair Rhind in regard to housing land at Viewfield Park, Tain.
THC47/1	Conon Brae Development Brief: Highland Regional Council: September 1991
THC47/2	Extract (pps. 80 to 82) from Mid Ross Local Plan Public Inquiry Report into Objections: Scottish Office Inquiry Reporters/Highland Regional Council: March 1990
THC47/3	Extract of Minute of the meeting of the Ross and Cromarty Planning Committee in respect of the planning application for the Erection of House and Garage (Outline) at Rear of Everton, Bank Street, Conon Bridge, Ref. No. 03/00829/OUTRC: The Highland Council: 27 January 2004
THC47/4	Copy of planning application for the Change of Use of Nursery to Housing (Outline) at Riverbank Nursery Garden Centre, Riverbank Road, Conon Bridge, Ref. No. 05/00015/OUTRC: February 2005
THC47/5	Flood Risk Advice on Planning Application for Demolition of Service Station and Erection of 14 Flats at High Street Conon Bridge, Ref. No. 04/00749/OUTRC: SEPA: 27 April 2005
THC47/6	Proposed Development at Riverbank Nursery: Flood Risk Assessment: Mott MacDonald: 7 December 2004

THC47/7 Copy of Planning Application for the Erection of 28 Houses & Associated Infrastructure at Quarry Croft, Conon Bridge: Ref. 04/01234/FULRC

THC47/8 Letter from Tulloch Homes Ltd.: 31 March 2005

THC47/9 Extract from Inverness Local Plan Inquiry Report: Scottish Executive: March 2005

THC56/1 Extract from letter from SEPA to The Highland Council: 27 May 2004

THC-51/1 Flood Prevention and Land Drainage (Scotland) Act 1997: Scottish Parliament: May 1997

THC-51/2 NPPG 14: Natural Heritage: Scottish Executive: January 1999

THC-51/3 PAN 61: Planning and Sustainable Urban Drainage Systems: Scottish Executive: 2001

THC-51/4 Inverness Local Plan Public Local Inquiry Report, Section 4.12 Surface Water Drainage: Scottish Executive: March 2005

THC-51/5 The Water Environment and Water Services (Scotland) Act 2003: Scottish Parliament

THC-52/1 PAN 69: Planning and Building Standards Advice on Flooding: Scottish Executive: August 2004

THC-52/2 Inverness Local Plan PLI Report: Scottish Executive: March 2005

THC-53&54/1 The Conservation (Natural Habitats, &c.) Regulations 1994

THC-53&54/2 NPPG 14: Natural Heritage: Scottish Executive: January 1999

THC-53&54/3 PAN 60: Planning for Natural Heritage: Scottish Executive: August 2000

THC-53&54/4 Inverness Local Plan PLI Report, Section 4.15: Scottish Executive: March 2005

THC56/1 Extract from letter from SEPA to The Highland Council: 27 May 2004

THC57/1 Committee reports and decision notices in respect of refusal of planning applications for single house development at Kindeace Junction, Newmore

THC60/1 Submitted additional wording to policy 66 Nigg Cross Slab.

THC64/1 Refusal notice of planning permission at 2 Chestnut Grove for 2 Semi-detached houses, 02/00984/OUTRC (Outline)

THC64/2 NPPG 14 Natural Heritage, pp 15-16, 19-20, extract

THC64/3 Tree Preservation Order No.44, 1993

THC65/1 Alness and Invergordon – Simplified Planning Zone Scheme December 1994.

THC66/1 PAN 44: Fitting New Housing Development Into the Landscape: The Scottish Office: 1994

THC66/2 PAN 67: Housing Quality: The Scottish Executive: February 2003

THC66/3 PAN 68: Design Statements: The Scottish Executive: August 2003

THC66/4 Letter and Draft Development Framework, Master Plan and Design Statement: Mr DC Sutherland: 3 May 2005

THC66/5 Extract from Avoch Inset Map from Ross & Cromarty East Local Plan: Proposed Modifications to the Deposit Draft (Prior to Public Local Inquiry) comparing land allocations at Knockmuir East with sketch layout submitted by Mr DC Sutherland: The Highland Council: June 2005

THC66/6 Revised allocation based upon sketch layout submitted by Mr DC Sutherland now recommended as further Modification: The Highland Council: June 2005

THC 67/1 Committee Report and decision notice in relation to planning application 04/00666/OUTRC, siting of four house sites, land south of Craighdarroch Lodge Hotel, Contin

THC70/1 Committee Report and decision notice in relation to planning application 04/00191/FULSU, provision of six serviced plots, land west of Whinridge, Baleigh, Edderton

THC71/1 Proposed boundary change to Evanton settlement envelope

THC74/1 Statement by Jim Yuill, Principal Roads Engineer, TEC Service, THC

THC74/2 Memo from Nick Richards, Forestry Officer, Planning and Development Service, THC

THC76/1 Report to Ross and Cromarty Area Planning Committee on Planning Application for Erection of House (Outline) at Site 2 Lettoch Farm, North Kessock: ref. 03/00692/OUTRC: The Highland Council: October 2003

THC76/2 Minute of Hearing of the Ross and Cromarty Area Planning Committee to consider Planning Application for Erection of House (Outline) at Site 2 Lettoch Farm, North Kessock: ref. 03/00692/OUTRC: The Highland Council: October 2003

THC76/3 Outline Planning permission for application Ref. RC/1998/297 for Residential, Commercial and Leisure Development at Bellfield and Lettoch and New Grade Separated Junction on A9 at North Kessock by County Properties Ltd.: The Highland Council: 21 December 1999

THC76/4 Brochure with plans accompanying Outline Consent for Residential, Commercial and Leisure Development at Bellfield and Lettoch at North Kessock by County Properties Ltd.: The Highland Council: 21 December 1999

THC77/1 Statement regarding Balnabruach Road, Jim Yuill, Principal Engineer, THC, TEC Service(Roads and Community Works)

THC77/2 Statement by Councillor Alan Torrance in regard to housing expansion land at Lower Seafield,

Portmahomack
 THC77/3 Correspondence from Mr W Duff, Balnbruach, Portmahomack [THC77/4] Plan indicating further proposed modifications at Chapel Hill
 THC78/1 PAN 44: Fitting New Housing Development Into the Landscape: The Scottish Office: 1994
 THC78/2 PAN 67: Housing Quality: The Scottish Executive: February 2003
 THC78/3 Policy Briefing and Information Note No.1: Mid Year Population Estimates Highland: The Highland Council: May 2005
 THC83-84/1 Extract from Making Development Plans Deliver: The Scottish Executive: 1 April 2004
 THC-85 et. al/1 NPPG 14: Natural Heritage: Scottish Executive
 THC-85 et. al/2 Making Development Plans Deliver, Consultation Paper: Scottish Executive: April 2004
 THC- 85 et. al/3 Inverness Local Plan PLI Report, Sections 3.1 & 3.2: Scottish Executive: March 2005

For Aldie Developments and Mr L Daly

1. Photographs of Viewfield area, including access and amenity land
2. Report to Area Planning Committee Ross & Cromarty regarding land at Viewfield reference RC/1997/433 & 434, 5 August 1997
3. Report to Area Planning Committee Ross & Cromarty regarding land at Viewfield Park, reference RC/1997/389, 5 August 1997

For Ms J L Allan & others

Map 1 Land at Riverbank Nursery, Conon Bridge
 Map 2 Proposed development of flats and houses
 Map 3 Hedging at Riverbank Nursery
 Photograph of flooding in Conon High Street
 Photographs of grazing adjacent to nursery
 Extract from Ross and Cromarty Area Planning Minute of 27 January 2004, RP/009/04
 Extracts from Wet Woods restoration project web pages

For Alness Initiative

Plan showing proposed field for development

For Ardross Community Council

Minutes of meetings of Ardross Community Council of 8 November 2004 and 31 January 2005

For Ms P J Austin

Extract of Portmahomack settlement plan

For Balintore & Hilton Community Council

Seaboard Villages settlement plan showing marked sites
 Outline of land at Hilton of Cadboll

For Balnagown Estates

Application for determination of Planning Conditions, Logie Quarry, November 2002
 Concept plans for development of Logie Quarry
 Strategic Plan for Balnagown Estates
 Restoration masterplan for Logie Quarry
 Plan showing potential community woods and low-density housing, Barbaraville

For Bannerman Company Limited

Two plans showing potential area of housing and ownership north of the village.
 Copy of committee report RP119/03 regarding proposed parking area in the village.

Copy of planning permission for oil storage and processing related activity on undefined area dated 12 December 1973.

For Ms S Blease & Mr K Tudhope

Fairy Glen plan, Inventory of Gardens and Designed Landscapes - Scottish Natural Heritage/Historic Scotland

For Mr J K Bisset

Plan showing land at Easter Springfield proposed for housing

For T D & J D Bowen

Petition of 56 local occupiers opposed to development west of Hill of Fearn
Extract from council housing waiting list for Fearn area

For Brahan Estate

Location plan and plans of The Larches, Meikle Ussie and Keith Town showing potential housing land
Location plans showing potential land for expansion, Maryburgh
Letter Tulloch Homes Ltd to Highland council of 23 June 2005, enclosing plan showing reduced area of ground for development CHECK OK TO LIST

For Broadland Properties Ltd

Issue 23

Letter C K D Galbraith to G H Johnston of 2 May 2005

Issue 40

1. Outline planning permission dated 9 June 1997 for housing development at Brae Farm, Munloch
2. Reserved matters permission dated 11 September 2000 for 17 houses at Brae Farm, Munloch
3. Plan showing 'red line' location for housing at Brae Farm, dated January 1997
4. Site investigation report by Grampian Soil Surveys (Aberdeen) Ltd dated 10 April 1989
5. Supplementary site investigation report by Grampian Soil Surveys (Aberdeen) Ltd dated 29 May 1989

Issue 41

1. Outline planning permission dated 26 February 2003 for residential, commercial and leisure development at Bellfield and Lettoch Farms, North Kessock
2. Outline planning permission dated 21 December 1999 for residential, commercial and leisure development at Bellfield and Lettoch, and new grade separated junction at North Kessock
3. Planning proposal at Bellfield, North Kessock, for County Properties Group

For Mr J Brown

Plan showing potential house sites at Dalnavie
Plan showing indicative area for housing at Dalnavie drawing no. 0321/PL11

For Caledonian Forestry

Sketch plans showing proposed housing site at Balblair, Edderton, and potential plot layout

For C M Cameron

Plan showing land for housing north-east of Tore

For Mr A Chalmier

Plan showing area proposed for BP2 rather than BP3 designation

For Mr A & Mrs J C Chisholm

Plan of Jamestown showing potential housing land

For J P Clark

Feasibility study for development site at Contin June 2004
Settlement plan for Contin showing proposed site

For Mr J V Cornwell

Letter, council to Fortrose & Rosemarkie Community Council of 31 March 2005, plus summary of housing survey

For Mr A Craik

Plan showing potential expansion and parking/pick up areas for Kiltearn primary school and access to Teandallon
Petition to Kiltearn Community Council with signatures of 43 local occupiers
Extracts from Evanton draft development framework

For Mrs E Craik

Extracts from Evanton draft development framework

For Cromarty Arts Trust

Extract from Hugh Miller, Scenes and Legends of the North of Scotland (1994)
Photograph of obelisk with inscription about Cleopatra emigrant ship leaving Cromarty Firth

For Mr L Daly

Note of public meeting in Duthac Centre, Tain, 27 June 2002
Draft minute of meeting between Royal Burgh of Tain Community Council and Tain Initiative group, 16 July 2002
Letter, Royal Burgh of Tain Community Council to council of 30 July 2002 including plan showing land for inclusion within settlement boundary and zoned for potential housing

For M A Dunbar

Letter from council to Smiths Gore of 18 November 2003 regarding access and tree preservation order
Plan showing potential access points to sites 3H and 4H

For Mr J Edmondson (CHECK NOT ARDROSS CC)

Roll figures for Ardross Primary School 2001 - 2005
List of houses developed in Strathrusdale 1993 - 2003
Plan showing outline planning permissions within Ardross Community Council area 2004/5

For Farm Services

Plan showing site at Torlin for business/industrial use

For Mr N Fawcett

Extract of Conon Bridge settlement map showing extent of Riverbank Nursery

For J Fraser

Sketch plan of proposed housing land, Evanton

Sketch plan of access to proposed housing and extract from CD27 showing council response to original proposal.

For S J Fraser

Plans showing land ownership and proposed house site, Contin

Letter, Smiths Gore to council of 12 December 2003

For W H Gill

Plan showing land at Milnafua and Achnagarron, Alness

Plan showing land proposed for development

For R Glanville

North Kessock proposals map showing proposed site

Plan showing route of gas pipeline

For Dr R C Golesworthy

1. Extract of Chapter 3, key issues, deposit draft with modifications
2. Highland Council 2001 census, settlement zones – profiles
3. Extract of Chapter 33, Tain background deposit draft with modifications
4. Extract of part 2, paragraph 2.2.5 deposit draft with modifications
5. Extract of Chapter 4, strategy, paragraph 4.4 deposit draft with modifications
6. Extract of Appendix IV, population and housing information, table 1, deposit draft with modifications
7. Extract of page 20, table 2, housing requirements and waiting list information, deposit draft with modifications
8. Extract of Chapter 15, Edderton, page 64, deposit draft with modifications
9. Report RP111/97 Area Planning Committee Ross & Cromarty RC/1997/433 & 434
10. Report RP103/97 Area Planning Committee Ross & Cromarty RC/1997/389
11. Ross & Cromarty Area Planning Committee meeting 25/01/05, agenda item Tain
12. British Geological Survey, extract from sheet 94, drift edition
13. SPP – 7 Planning and Flooding

For William Gray Construction Ltd

- | | |
|---------|---|
| GRAY 1 | Site plan |
| GRAY 2 | Site layout plan – L(90)001 |
| GRAY 3 | Access roads layout – CA3437/01 |
| GRAY 4 | Objection to deposit draft January 2004 |
| GRAY 5 | Objection to modifications – March 2005 |
| GRAY 6 | Letter, Scottish Water to A F Cruden Associates of 3 February 2004 |
| GRAY 7 | Fax, A F Cruden Associates to Scottish Water 6 February 2004 (1 of 2) |
| GRAY 8 | Fax, Scottish Water to A F Cruden Associates 6 February 2004 |
| GRAY 9 | Fax, A F Cruden Associates to Scottish Water 6 February 2004 (2 of 2) |
| GRAY 10 | Letter, Scottish Water to A F Cruden Associates 9 February 2004 |
| GRAY 11 | Letter & attachment, William Gray Construction Ltd to Graham and Sibbald 10 February 2004 |
| GRAY 12 | Letter, A F Cruden Associates to Scottish Water 7 April 2004 |
| GRAY 13 | Letter, Scottish Water to A F Cruden Associates 9 April 2004 |
| GRAY 14 | E – mail Scottish Water to A F Cruden Associates 30 April 2004 |
| GRAY 15 | Plan showing line of proposed storm water sewer |
| GRAY 16 | Letter, council Head of Housing to Planning and Building Control 7 June 2005 |
| GRAY 17 | Letter, Cairn Housing Association to council 13 June 2005 |

GRAY 18 Letter, Atkins Consultants Ltd to Ferintosh Community Council 19 April 2004

For Mr S Grieve

Two settlement plans for Easter Kinkell showing potential housing sites

For B A Harding

Sketch plan showing proposed layout of access and housing plots at Craigdarroch, Contin

For Highland Deephaven Ltd

Plan showing proposed jetty and rail improvements, June 2003

Outline planning permission for industrial development and marine area, Evanton airfield, 15 July 1976

Outline plan of proposed development, October 1974

Plans of development showing extent of shoreline

For HPG Inverness Ltd

Plan showing extent of site at High Street, Conon Bridge

For R Hudson

Neighbour notification for development on site E4, Hill of Fearn

For R K & R J Hudson

Extract from Macaulay Institute soil survey map for Fearn area showing Grade 2 prime agricultural land

For Mr F Hutcheson

Potential housing site layout, land at Ness Road, Fortrose

For Innes & Mackay

Plan showing land ownership at Ord Wood, Muir of Ord

For Invergordon Community Council

Plan of proposed cycleways around Invergordon

For Mr T Jackson

Letter, council to Ms F Jackson of 17 November 2003

Two plans showing land adjacent to B9175 with potential building plot

For Dr J M Jenkins

Aerial photographs of Nigg Yard and North Suitor areas

Plans showing potential routes for Nigg railway

Map of Nigg area showing extent of overlap of local recreation management area and Nigg masterplan area

Maps of Nigg showing extent of industrial areas, zoned land, adjacent agricultural land, and tree preservation order

Extract from chart of Cromarty Firth showing proposed realignment of special area of conservation

Support document for planning application for oil refinery, crude and finished product storage and marine terminal facility at Nigg Point (undated)

For Mr J Johansen

Extract from Muir of Ord settlement plan showing boundaries of Chapelton Farm

For JIG Ltd

Written question E-0269/05 to European Commission re Urban Waste Water Directive, plus reply

For G J Keith

Minute of Fortrose & Rosemarkie Community Council meeting 9 March 2005
Minute of Fortrose & Rosemarkie Community Council meeting 13 April 2005
Potential layout of housing and restriction area, Ness Way, Fortrose
Plan showing location of 9th tee and hole adjacent to Ness Way amenity strip
Plan showing views from existing houses, Ness Road and Ness Way

For Dr R A Lee

Plan showing proposed housing at Mountpleasant, Fortrose

For Mr L & Mrs K Lennie

Extract of plan and text from deposit draft with modifications showing proposed change of designation

For Mr A Macdonald

Plan showing line of potential Kiltearn primary school bypass and access to Teandallon
Teandallon draft development framework showing potential access near school
Plan showing potential building envelope at Swordale
NPPG 3 paragraph 56

For Mr R C Macdonald

Plan of Jamestown showing potential housing site

For Messrs Mackenzie (Balintore Farms)

Seaboard Villages settlement plan showing land at Hilton of Cadboll

For Ms G Mackenzie

Extracts from Evanton draft development framework

For Mr G Mackenzie

Extracts from Evanton draft development framework

For Mrs H A C Mackenzie

Sketch of potential executive housing plots, Rosskeen House, Invergordon

For Mrs J A Mackinnon

Press cutting regarding Inverness Local Plan
Letter, council to Mr & Mrs Mackinnon of 25 September 1997 with enclosure on percolation tests
Letter, SEPA to council of 8 September 1998
Letter, council to D A West of 10 September 1997
Plans showing proposed housing site at Dunmore

For Ms R MacLeod

Alternative site plans of Easter Balloan showing potential housing layouts, topographic and tree survey, and photographs of existing site

For Mr & Mrs W D MacPherson

Extract of Easter Kinkell text from deposit draft
Easter Kinkell plan showing potential housing sites
Easter Kinkell plan showing potential housing sites and play area

For A C McQuhae

Plan showing house and right of way, Balnabruach
Extract from planning application showing access and footpath at Hilton of Cadboll
Alternative proposal drawings for housing development at Hilton of Cadboll

For Mr J Morrison

Plan showing location of sandpit at Windhill

For Mouteagle Farm Partnership

Two sketches showing broad zoning ideas for housing, amenity and community facilities

For Pat Munro (Alness) Ltd

Extract from settlement plan showing land ownership at Obsdale Road, Alness

For Mr D Oag

Plan of part of Alness showing land for potential retail development

For P & C Properties

Plan showing potential housing land at Castle Avenue, Invergordon

For Dr J & Mrs H C Pendlebury

Fairy Glen extract from Inventory of Gardens and Designed Landscapes – Scottish Natural Heritage/Historic Scotland

For I R & E M I Phillips

Survey and sections of objection site
Extracts from the deposit draft local plan – Muir of Ord inset map
Photographs of site
Letter, council to Mr Phillips of 3 and 19 July, 16 September 2002
Letter, Mr Phillips to South Forest of 11 July 2002
Letters, Mr Phillips to council of 11 and 17 July, 2 September, 2002, 5 November 2003
Letter, Ian Rosie Architect to council of 20 February 2003
Report to area planning committee 11 March 2003
Tree Preservation Order 4/1993
Letter, Keppie Planning to council of 28 May 2004
Letter, Halcrow Group to Mr Phillips 24 March 2004
Letter, Philip James to Mr Phillips of 5 May 2004
E-mail, SNH to Mr Phillips of 11 and 17 May 2004
E-mail, Mr Phillips to SNH of 17 May 2004
Notice of refusal of planning permission for two semi-detached house at plots 2A and 2B Chestnut Grove Muir, dated 17 March 2003
Extract from planning application plan

- 1.1 E-mail, Mr Phillips to council of 15 June 2005
E-mail, Mr Phillips to Lorna Bailey of 15 June 2005
E-mail, council to Mr Phillips of 16 June 2005
- 1.2 Letter, Mr Phillips to council of 18 February 2005
- 1.3 Letter, council to Mr Phillips of 22 February 2005
- 1.4 Introduction to council's further written submission on Issue 64 Muir of Ord - Amenity Policy
- 1.5 Extracts from Land Reform (Scotland) Act 2003 and Scottish Outdoor Access Code
- 1.6 Extract from European Convention on Human Rights and Fundamental Freedoms

For Mr J Prentice

Photographs showing flooded areas at Muir of Ord (shown at discussion)

For the Scottish Environment Protection Agency

- SEPA1 Directive 91/271/EEC (the Urban Waste Water Treatment Directive)
- SEPA2 Directive 80/68/EEC (the Groundwater Directive).
- SEPA3 Directive 2000/60/EC (the Water Framework Directive).
- SEPA4 Directive 79/923/EEC, on the quality required of shellfish waters
- SEPA5 Directive 91/492/EEC, on the Health Conditions for the Production and the Placing on the Market of Live Bivalve Molluscs ("the EC Shellfish Hygiene Directive")
- SEPA6 Water Environment and Water Services (Scotland) Act 2003.
- SEPA7 Urban Waste Water Treatment (Scotland) Regulations 1994.
- SEPA8 The Surface Waters (Shellfish) (Classification) (Scotland) Regulations 1997.
- SEPA9 Direction (The Surface Waters (Shellfish) (Classification) (Scotland) Direction 2002). Scottish Ministers (2002).
- SEPA10 Section 3 of The Scottish Building Standards: Technical Handbook: Domestic. Scottish Building Standards Agency (2005).
- SEPA11 PAN 55: The Private Finance Initiative and the Planning Process. Scottish Office (1999).
- SEPA12 PAN49: Local Planning. Scottish Office (1996).
- SEPA13 Deleted.
- SEPA14 PAN 61: Planning and Sustainable Urban Drainage Systems. Scottish Executive (2001).
- SEPA15 PAN 63: Waste Management Planning. Scottish Executive (2002).
- SEPA16 PAN 69: Planning and Building Standards Advice on Flooding. Scottish Executive (2004).
- SEPA17 Policy 19 Groundwater Protection in Scotland. SEPA (2003).
- SEPA18 Policy 27 (Addendum) Microbiological Standards and Design Criteria for Discharges to Shellfish Waters. SEPA (2001).
- SEPA19 Interim Policy EP055 Private Waste Water Drainage Proposals. SEPA (2005).
- SEPA20 Deleted.
- SEPA21 The National Waste Strategy: Scotland. SEPA (1999).
- SEPA22 National Waste Strategy: Scotland. Supporting Guidance for Area Waste Plans. SEPA (2000).
- SEPA23 SEPA Guidelines for Thermal Treatment of Municipal Waste. SEPA (2004).
- SEPA24 The Highland Area Waste Plan. SEPA (2003).
- SEPA25 The National Waste Plan 2003. Scottish Executive (2003).
- SEPA26 Planning for Waste Management Facilities: A Research Study. Office of the Deputy Prime Minister (2004)
- SEPA27 The Highland Council Waste Strategy Implementation Plan Funding Bid to Strategic Waste Fund. Highland Council (2003).
- SEPA28 E-mail communication from the Highland Council to SEPA dated 8 December 2003.
- SEPA29 The Highland Structure Plan Consultative Draft, waste section. The Highland Council (1999).
- SEPA30 Letters from Scottish Executive to City of Edinburgh Council, East Lothian Council, Midlothian Council and West Lothian Council dated 15 January 2004 and 17 June 2004 enclosing modifications to Edinburgh and the Lothians Structure Plan.
- SEPA31 Sections from SEIRU Report on Inverness Local Plan Inquiry dealing with flood risk, waste and waste water. SEIRU (2005).
- SEPA32 Decision Letter P/PPA/270/293. SEIRU (2004).
- SEPA33 Decision Letter P/PPA/270/283. SEIRU (2004).
- SEPA34 NPPG10 Planning and Waste Management. Scottish Office (1996).
- SEPA35 A Study of the Performance of Selected Private Sewage Treatment Units in the Falkirk and Stirling Areas.

SEPA36 Decision Letter P/PPA/170/85. SEIRU (2003).
SEPA37 Reed Bed Treatment Systems v Package Sewage Treatment Plants – A study
SEPA38 Voluntary National Guidelines for Management of Onsite and Clustered (Decentralized) Wastewater Treatment Systems. United States Environmental Protection Agency (2003).
SEPA39 Letter from Scottish Executive to Planning Authorities Regarding Waste Management Planning dated 4 April 2003.

For Mr A Sharp

Plan showing potential housing land at Artafallie Farm, North Kessock
Letter from I Christie to H Brindley of 7 April 2005 regarding surface and foul water drainage
Letter from council to Mr Sharp of 14 April 2005 regarding road access

For K Stewart

Plan showing proposed boundary revisions

For J A F Stuart

Plan showing potential site layout for housing, the Ness, Fortrose.

For Mr G Sullivan and Ms S Maher

Report to the Ross and Cromarty Area Committee by the Area Planning and Building Control Manager in respect of a resubmitted planning application (ref 04/00742/FULRC) for the erection of a house in detail on land to the rear of No. 12 Corntown (THC9/1).

For Mr A I Sutherland

1. Map showing site of proposed house reference AS/LPI
2. Letter reference TLK/J1 24 May 2002
3. Letter reference SK/JG/QO-TLK/J1 28 May 2002
4. Letter reference SK/CAI/QO-TLK/J1 10 June 2002

For D C Sutherland

Draft development framework masterplan and design statement, Knockmuir East, Avoch
Four photographs of site from various points in village

For Tarbat Community Council

Copy of Portmahomack proposals map showing potential housing sites
Letter from W Duff to council of 6 March 2005 regarding unavailability of land for road widening

For E & C Valentine

Photograph showing Viewfield Park from below

For Mr W Vass

Plan showing land at Lower Seafield Farm

For Major M G J Whitelaw

Letter council to occupier of 1 July 2003 regarding Blackmuir Wood Link, with attached map
Letter MacRoberts solicitors to council of 21 July 2003
Letter council to MacRoberts solicitors of 22 July 2003
Letter MacRoberts solicitors to council of 29 July 2003
Letter MacRoberts solicitors to council of 27 October 2003
Letter council to MacRoberts solicitors of 28 October 2003

Plan of Jamestown showing land ownership

For E Williamson

Inquiry reporter's appeal determination, house at Lower Seafield, 15 October 1990.

For Ms L Wright

Plan showing land at Fodderty proposed for housing