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3. Relevant Council's Supporting Documents

CD07: CaSPlan Revised Environmental Report, Jan 2016

CD18: Caithness Local Plan, Sept 2002 (as continued in force, 2012)

Issue 8	HALKIRK	
Development plan reference:	Halkirk page 27	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
Caithness Chamber of Commerce (983321) Helen Campbell (970271) Hugh & Joan Lockhart (980776) Kenneth Nicol (977530) North Highland Initiative (983130) Paul Lockhart (980218) Peter Knight (976437) Richard Brannan (967640) Scottish Water (953627) SEPA (906306) Ulbster Arms Hotel (979625)		
Provision of the development plan to which the issue relates:	Halkirk settlement text, placemaking priorities and site allocations.	
Planning authority's summary of the representation(s):		
<p>Halkirk General <u>Peter Knight (976437)</u> Suggests a footpath from the railway bridge along the east bank of the river to reach the Old Mill and Milton Farm access road beside Ulbster Arms Hotel.</p> <p><u>North Highland Initiative (983130)</u> The respondent objected to the Plan and requests that reference should be made to Halkirk Sports Foundation working to deliver a new Healthy Living Centre akin to a small sports centre and changing rooms but available for wider than sports activities be added to the Plan. Circa £1/5m. This also will Grow Communities and create employment.</p> <p><u>Caithness Chamber of Commerce (983321)</u> Have no specific comments on any of the proposals or priorities.</p> <p>HK01 – Comlifoot Terrace <u>Helen Campbell (970271)</u> Objects to HK01 due to the area being prone to flooding and the impact it has on the neighbouring properties. The respondent highlights that the SEA site assessment states that the HK01 is not located within an identified flood risk area and there is no history of flooding and therefore the post mitigation score is '0'. However, the respondent disagrees and confirms that there is definitely a history and continuing issue of pluvial flooding within and around HK01. The respondent has submitted supporting information which clearly shows there is a problem with flooding in the area and that it is having a significant impact on their property. The causes appear to be associated with the drainage network, the topography and the soil conditions. Additional houses will only put further strain on the</p>		

sewer network, displace more water into the respondents property and lead to further flooding issues if no mitigation works are carried out.

SEPA (906306)

The River Thurso runs along the southern boundary of the site. SEPA hold records dating from 2006 which demonstrate flooding to the north of the site boundary. SEPA are have also been informed of more recent flooding and drainage issues in the area. Parts of the site are therefore at risk of flooding. As a result SEPA object unless the following developer requirement text is added to the plan: "Flood Risk Assessment (no development in areas shown to be at risk of flooding)." This amendment will help protect people and property from flood risk and ensure (1) compliance with the flood risk avoidance position in paragraphs 255 and 263 of Scottish Planning Policy, (2) that developers are aware that flood risk may be a constraint on development of part of the site which will assist in delivery in line with Scottish Planning Policy paragraph 30, which states that "Development plans should:...set out a spatial strategy which is both sustainable and deliverable, providing confidence to stakeholders that the outcomes can be achievable" and (3) ensure that developer requirements for all sites thought to be at risk of flooding are dealt with consistently throughout the plan. This advice is also in line with the Flood Risk Management (Scotland) Act 2009 which places responsibility on the Scottish Government, SEPA, Scottish Water and local authorities to exercise their flood risk related functions with a view to reducing overall flood risk.

HK02 – West of Bridge Street

Richard Brannan (967640)

Objects to HK02 as it forms the eastern boundary of the Moss of Halkirk. A housing development within this area is not in accordance with the Council guidelines. There are sufficient infill areas within Halkirk which could easily support the proposed indicative capacity of 35 houses. There are well recognised drainage issues in the area which need addressing. No reason to drain this ancient landscape which cannot be replaced.

Peter Knight (976437)

Supports the inclusion of HK02 as it reflects the views and intention of a number of residents and landowners of properties to the west of Bridge Street. Supportive of it not being dependent on an extension of the grid-iron pattern. Surprised that HK02 does not extend further south to the railway line as there have been approvals for single houses.

Scottish Water (953627)

With reference to the 'contaminated land' designation it should be noted that a similar documented report will be required prior to any water connection being approved and this may require any associated supply pipe being of an approved barrier material or ductile iron depending upon the level of any documented contaminant.

SEPA (906306)

Both the information SEPA hold and the assessment outlined in the Environmental Report indicates that this site is on peat soils. As a result SEPA object unless the following developer requirement text is added to the plan: "Peat assessment and management plan". This amendment will ensure compliance with paragraph 205 of Scottish Planning Policy which states "Where peat and other carbon rich soils are present, applicants should assess the likely effects of development on carbon dioxide (CO₂) emissions. Where peatland is

drained or otherwise disturbed, there is liable to be a release of CO2 to the atmosphere. Developments should aim to minimise this release.” It will also ensure consistency with other allocations on peat in the plan.

Paul Lockhart (980218)

Supportive of HK02. As a Halkirk resident the respondent believes that the village has a shortage of houses, and it would be of great benefit to the community to have more land available for house building.

Hugh & Joan Lockhart (980776)

Fully supports HK02 in Halkirk as there is ample access to the site and already some development and it seems logical to further develop. At the CASPLAN meeting in the Ross Institute Halkirk, (25-11-14) Councillor Coghill stated there is a desperately serious housing shortage in Caithness; therefore development in Halkirk should help to solve the housing shortage.

HK03 – North East of Old Parish Church

Peter Knight (976437)

The proposed footpath through HK03 will pass through garden grounds. The respondent, who owns one of the properties is quite supportive of this but assumes his neighbours are unaware of the proposals. Although his garden is outwith the flood plain he suspects the properties to the west may not be. There is an opportunity to extend the proposed path network at HK03 over to Braal Castle and reinstate the old footbridge over the river. The respondent also highlights that it is possible to walk along the river from Halkirk to Thurso and a formal path network should be promoted through the Plan.

Kenneth Nicol (977530)

Supportive of the proposal to protect areas around the river from development and thus safeguarding the attractiveness of the area for recreational activities. The allocation should include Public Park option.

HK04 – South West of Ulbster Arms Hotel

Scottish Water (953627)

As this site requires a contaminated land survey, Scottish Water will require a similar report to establish the materials required for the protection of any water connection.

Ulbster Arms Hotel (979625)

The owners and operators of the hotel support the allocation in the Plan as it aligns with the natural settlement boundary line and the field boundary to the west. The allocation also allows for the hotel business to further develop its tourism related businesses, encourage more people to the village and create long term and skilled employment within the hospitality and salmon fishing sectors.

Modifications sought by those submitting representations:

Halkirk General

Peter Knight (976437)

Add a Proposed Path from the railway bridge along the east bank of the river to reach the Old Mill and Milton Farm access road beside Ulbster Arms Hotel.

HK01 – Comlifoot Terrace

Helen Campbell (970271)

Removal of HK01 as a Housing allocation.

SEPA (906306)

Add the following developer requirement “Flood Risk Assessment (no development in areas shown to be at risk of flooding).”

HK02 – West of Bridge Street

Richard Brannan (967640)

Removal of HK02 as a Housing allocation.

SEPA (906306)

Add the following developer requirement “Peat assessment and management plan”.

HK03 – North East of Old Parish Church

Peter Knight (976437)

Extend the Proposed Path to include the potential reinstatement of the footbridge over the river to Braal Castle.

Kenneth Nicol (977530)

Add public park to the list of allocated uses.

Summary of responses (including reasons) by planning authority:**Halkirk General***Suggested footpath to the west of Halkirk*

A footpath running alongside the east bank of the river would be a valuable addition to the overall path network in Halkirk. The path leading westwards along the railway line is identified as a core path, however, the area leading northwards alongside the river does not have any formalised path. Several of the fields alongside the river are used for keeping livestock by the farmer and the involvement/agreement of the farmer would be appropriate to ensure that greater access to the land would not conflict with the farming operations. As there has been no engagement with the landowner or any other representations made requesting this change the Council are not minded to add in the additional path at this time. The request to include this path as a core path has been forwarded to the Access Officer in the Council to be considered in the continuing review of the Core Path

Suggested Halkirk Sports Centre

Although there has been no past engagement from the Halkirk Sports Foundation it

appears that there is a formalised campaign to construct a leisure centre in Halkirk. The Council does not believe it is necessary to add reference to the proposal within the Plan. However, the Reporter may note that reference to the proposal has been included in the Aspirational List in the Action Programme.

HK01 – Comlifoot Terrace

The respondent's comments relating to flooding at Donellen have been noted. SEPA and the Council's Flood Team provided the Council with advice in 2014 during the early stages of the preparation of CaSPlan. It was noted at that time there was a history of flooding on the north east corner of the site and they advised that a flood risk assessment may be required at planning application stage. It is apparent, however, that this was not reflected in the Council's response to Question 3a of the Strategic Environmental Assessment (SEA) (CD07) site assessment. The flooding and drainage issues in Halkirk are well known and despite the answer recorded to question 3a being incorrect the advice provided was taken into consideration when assessing the sites at that time.

HK01 already has a planning consent for housing development which was granted in 2012 and as some form of development has commenced on site it is now 'locked-on'. The permission will not expire and could be implemented at any time. Although the Council is now limited in its ability to influence the details of the permission a drainage infrastructure plan (which includes a sustainable urban drainage system (SuDS) retention basin) was approved by SEPA as part of the planning application. These are typically designed to channel and manage surface water to reduce the risk of flooding elsewhere on the site.

Following the respondent's submission which clearly shows significant localised flooding issues in the area and given that the Council presented incorrect information in the SEA (CD07) site assessment for HK01 further discussions on the flooding/drainage issues at Comlifoot were held with SEPA, the Council's Flood Team and Scottish Water. This mainly focused on determining whether there would be any implications for the Plan and whether the advice which they provided remains appropriate, i.e. that the site is suitable to be allocated in the Plan for development subject to the findings of a flood risk assessment which would need to be submitted alongside a planning application.

Following this and a reassessment of the site the Council still consider that the site is suitable for housing development subject to a flood risk assessment at planning application stage being carried out to identify areas at risk of flooding and to inform suitable drainage infrastructure mitigation. Development can often be used to help address issues such as this and deliver positive changes for an area which may not be achievable if it was to remain undeveloped.

Therefore, if the Reporter agrees the Council will be content with the following Developer Requirement being added: "Flood Risk Assessment (no development in areas shown at risk of flooding)."

HK02 – West of Bridge Street

The responses in support of the allocation are noted.

The suitability of the land further southwards from the boundary of HK02 was assessed.

Although the area benefits from being largely back land crofting plots which are no longer used and there are several potential access points it was not considered necessary to extend the allocation further at this point in time. The site can be reassessed at future plan reviews.

Concerns about flood risk have been addressed as part of the SEA (CD07) and appropriate mitigation has been included within the Developer Requirements. The allocation extends only as far as the stone dyke which has been associated with the properties on Bridge Street for over a hundred years. The wetlands at Moss of Halkirk will be outwith the Settlement Development Area and protected from development under Highland-wide Local Development Plan (CD18) policies.

Directing development towards infill sites is an important Placemaking Priority within Halkirk. However, it is not suitable to rely upon all the infill sites being made freely available. Therefore other areas need to be allocated to ensure effective sites are available to prospective developers.

The area west of Bridge Street has also been allocated to help ensure that development is delivered in a coordinated and consistent way. There has been considerable pressure for single house development west of Bridge Street since the existing local plan was adopted in 2002. With several proposals being granted planning permission it has been argued in the past that this has now set a precedent. The allocation HK02 recognises this pressure and attempts to manage this in a more coordinated approach in the future.

The Council believes that SEPA's request is based on sound evidence. Therefore, if the Reporter is so minded, the Council is content for the following developer requirement being added: "Peat assessment and management plan." This will protect any peat or other carbon rich soils which may be present and ensure consistency with the SEA (CD07).

The comments by Scottish Water are noted. In terms of a similar study to accompany a contamination survey prior to connection to the water supply, this is the responsibility of the developer and Scottish Water.

HK03 – North East of Old Parish Church

The support for the allocation is noted.

The site has been allocated for Community uses to safeguard it for the future expansion of the cemetery. The remaining land is considered suitable for publically accessible greenspace including new path connections along the river and an Expansion of the Green Network.

The support for the Proposed Path running through HK03 and alongside the river is noted. The extension of the Proposed Path to Braal requires a new footbridge. This will require a significant level of investment and as there are no formal plans to deliver this the Council are not minded to include it as a Proposed Path in the Halkirk Map.

HK04 – South West of Ulbster Arms Hotel

Support for the Business allocation is noted.

In terms of the contamination survey prior to connection to the water supply, this is the responsibility of the developer and Scottish Water.

HK05 – Site at Camilla Street

Discussions with the Council's Community Works Team have indicated that, from local knowledge, the site allocation HK05 may be at risk of flooding/drainage issues. Therefore if the Reporter is so minded, the Council would be agreeable to a Developer Requirement being added, asking for a flood risk assessment.

Reporter's conclusions:

Reporter's recommendations: