

Aultbea



Chapter No:

26

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BACKGROUND

1. Aultbea probably ranks as the fourth largest settlement within the plan area. It is located in an area of Medium Sensitivity around a bay on the east side of Loch Ewe, with the west end of the village occupying a promontory. Recent expansion of the village has mainly taken place at the east end.

2. In the initial draft Wester Ross Local Plan, dated January 2004, there was no development identified at the west end, other than a new community hall on a site on the south side of the road to Buailnaluib, the next settlement along the coast to the north. The Proposals Map Inset confirmed the position by identifying a site C1 (see extract from inset map at top of following page). To the north of the Settlement Development Area boundary, land was donated by local crofters and a recreation area was created. This now comprises a football pitch and a viewing area, the latter allowing views west over the loch to the Isle of Ewe.

3. At the east end of the settlement, an allocation (H1) was identified south of Birchburn for 150 houses within the plan period (see extract from inset map at foot of following page). The requirements were set out on the inset map as follows:

“Reference: H1

Location : Central Indicative Capacity: 150



Extract from initial draft local plan inset map

Requirements: Pavement required to village centre. Western boundary should avoid steep slope to shoreline. A development brief will be required to guide a phased development. Access to be off Birchburn Road, not the A832. Will require to connect to the existing public drainage system and contribute to any necessary upgrading.”

4. In addition, there was an allocation (AH1) for four affordable houses at the north-west corner of the H1 site. The requirements for these were:

“Reference: AH1

Location: Birchburn

Indicative Capacity: 4

Requirements: Council owned land. Contribution required to pavement to village centre.”

5. The Development Requirements confirmed on the inset map noted that,

- “• Land required for 50 houses in the period to 2017, equivalent to 3 per annum. Site H1 exceeds this requirement and so allows for housing also in the longer term.”;

while the Development Factors, as stated on the inset map included:

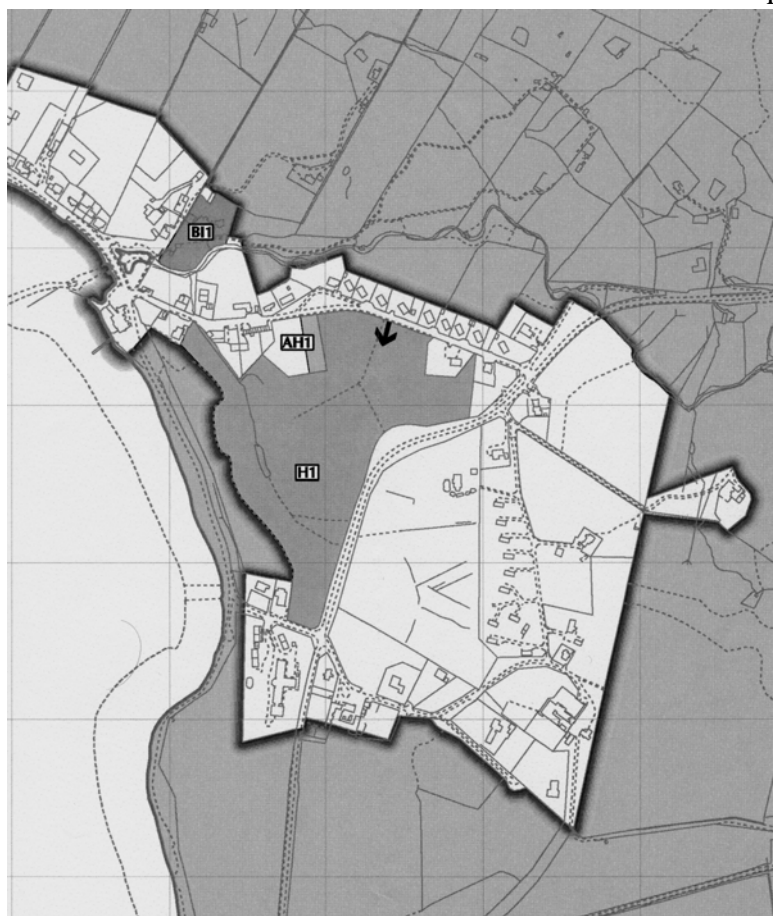
- “• Village is constrained to the east and south east by sloping ground.

- Setting of the village should be protected by the retention of open spaces by the coast and the croft fields leading up to Tighnafileine [a small, scattered settlement to the north of Aultbea and to the east of Buailnaluib]

- To the north, the open character of the area between Aultbea and Buailnaluib should be protected.

- Development will be subject to adequate sewage and drainage infrastructure and require to connect into the existing works with any necessary upgrading – the council has made representations to Scottish Water for upgrading of the existing works to be incorporated within the 2004-2016 capital plan.”

6. The allocated area at Birchburn (identified as H1 in the extract above left) lies wholly within the identified Settlement Development Area and comprises grass and



Extract from initial draft local plan Proposals Map Inset for Aultbea

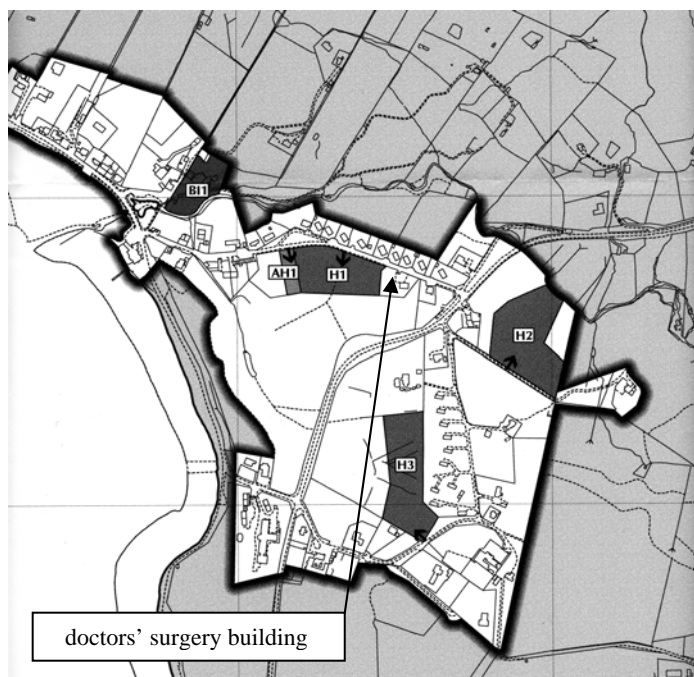
marshland, broken occasionally by a number of windswept trees. It is well defined by the A832, which runs along its east boundary, and by Birchburn Road to the north. At the west boundary, the land falls away to the shore. Access is shown to be taken from the north boundary at Birchburn Road, to the west of the existing surgery building.

7. Following publication of the initial draft of the Wester Ross Local Plan, the council held a series of public meetings around the plan area. At the meeting held in Gairloch, representations were made by MacLeod and Mitchell (Contractors) Limited that land within their ownership at An Aird (generally referred to at the inquiry as 'Aird'), at the west end of the village, be included in the draft local plan as an area suitable for housing.

8. Accordingly, when the deposit draft version of the plan was published, an area at Aird was identified for housing, while that at Birchburn had been reduced to six houses, with the allocation for four affordable houses remaining alongside. Under the heading of "Land Allocations", the plan set out the following table:

Ref	Location	Indicative Capacity	Requirements
H1	West of Surgery	6	Allow for future access to area to the south.
H2	East of War Memorial	5	Existing consent.
H3	Below Drumchork Hotel	4	Existing consent.
H4	Aird	10	Provide footpath link to school and village. Establish landscaping. A site history will be required, given former built use of the area.
AH1	Birchburn	4	Council owned land

9. The inset map appeared as follows:



Extracts from: west end, and east end
of deposit draft Wester Ross Local Plan Proposals Map Inset for Aultbea, showing housing allocations

10. The Development Requirements and Factors noted on the deposit draft Proposals Map Inset are,

- “• Land required for 25 houses in the period to 2012, equivalent to just over 2 per annum.
- Setting of the village should be protected by the retention of open spaces, by the coast, and the linear croft fields leading up to Tighnafiline.
- Development will be subject to sewage and drainage infrastructure to the satisfaction of the Scottish Environment Protection Agency and [will] require to connect in to the existing works with any necessary upgrading – the council has made representations to Scottish Water for upgrading of the existing works to be incorporated within the 2004-2016 capital plan.”

11. It can be seen from the above extracts from the deposit draft Proposals Map Aultbea Inset that the Aird (H4) site lies to the north of the existing western edge of the settlement. It comprises generally level ground which slopes gently to the east and north, although it has been terraced in places and contains many stone walls, some once having surrounded the walled garden of Aird House. While it is currently used for grazing, as well as the terracing, it contains concrete plinths, bases and enclosures as the residue from an encampment during World War 2. (One of these can be seen in the photograph at the head of this chapter). The road to Buailnaluib forms the south-west boundary, making a sharp and (because of the topography at this point) blind bend northwards to form the west boundary of the site as well. The identified Aird site extends approximately half way towards the settlement of Buailnaluib, which spreads out on a rising slope beyond.

SUMMARY OF THE OBJECTIONS

12. The objectors had been surprised when the Aird site had been included in the deposit draft version of the plan. There had been no public consultation on the proposal to bring it forward, there had been no consideration of the site by the Aultbea Community Council; and it currently remained in agricultural use. Although it had been indicated in subsequent discussions that the area had been included in drafts submitted at a local Housing Development Forum in October 2003, the relevant draft did not show the Aird site, but an adjacent area of land as having housing potential; indeed, the draft map in question had shown that part of the currently identified site was on land described as “undevelopable”.

13. The recreation area to the south of the A4 site had been donated by the Aird crofters for community use and should not be included in the Settlement Development Area. Accordingly, H4 was not attached to Aultbea as the inset plan suggested, but there remained a distance of some 250m between them. If the H4 site were developed, the housing would cut off the seaward view for the residents of Tighnafiline.

14. The objectors set out the rather complex agricultural structure and history of the Aird site, which culminated in the land being defined as the “Aird Enlargement Common Pasture” which pertained to five of the Tighnafiline crofts. The Crofters’ Commission confirmed that the land was used for grazing and feeding throughout the year, but it served a specifically important role at certain times in the crofting year. Although it had been suggested that the land might have been spoiled by the former military constructions, and while the overall grazing value was limited as a consequence, nevertheless the concrete bases provided reasonable hard-standing areas for feeding. The remnants of the walled garden provided an indication of soil fertility in the area and such areas of fertile dry ground were rare in west coast crofting areas. In addition, it was stressed that, while the land involved at Aird provided the main means of livelihood for the crofters involved, crofting in general also played a valuable role in sustaining the rural population, with more than 20% of the Wester Ross population living in crofting households.

15. While it was the developer's view that crofting was not a matter that should be allowed to complicate the issue, this was disputed. As matters presently stood, Area H4 Aird was in crofting use and therefore was not available for any proposed housing development without a successful application to a land court. In these terms it was not free of constraints and therefore did not constitute effective land in terms of Scottish Planning Policy 3: Planning for Housing. In any case, the remainder of the land would become unviable if the land involved in site H4 were to be removed.

16. Scottish Natural Heritage was concerned that the land at Aird currently provided physical separation between Buailnaluib and Aultbea and it confirmed that the area provided open views, particularly from the settlement of Tighnafiline across the bay to the Isle of Ewe. The Landscape Capacity Study recommended that this area be left free of development to maintain visual and physical separation of the two settlements. If expansion, as opposed to infill, were required, then other opportunities within Tighnafiline and Aultbea existed.

17. In this regard, a site above Tighnafiline was suggested as preferable to the allocation at Aird. It was of less agricultural value and had services passing through it, which Aird had not. Another objector proposed the use of a site on the south side of the village close to the nursing home, known as "the airstrip"; while it was also proposed that the capacity of the housing sites west of the doctor's surgery at Birchburn Road be increased to bring the number of potential housing sites to that required for the period to 2012. Although there had been objections to the identification of this site, the community council confirmed that they had been objections to the scale of what was proposed and not to the use.

18. Finally, in relation to affordable housing, the community council suggested that the way forward was to work alongside existing housing societies, crofters and other interested parties to identify areas of land that were of little crofting value and which could therefore be sold at much lower prices than land put on the open market. Private developments of a large scale were outwith the price range of young people and families, who were required to regenerate the area, so there was a balance between social, economic and environmental factors which was required to be reached by the Wester Ross Local Plan. With 25% of the total housing stock now being second or holiday homes, serious consideration required to be given to the determination of the type of housing development being given consent.

SUMMARY OF THE COUNCIL'S RESPONSE

19. The council outlined the history of development and proposed development at Aultbea, explaining that the intention of indicating an option of 150 houses at Birchburn in the initial draft of the plan had been to demonstrate that the site was capable of being the long-term development location for the village, justifying the viable installation of a sewerage system to the eastern end of the village and improvements to the pavement system to permit a link back to the northern part of the village. Given the negative reaction to the proposal, the council considered that the position had not been understood by the community. At the same time, although the council had been aware of the interests of Macleod and Mitchell at Aird at this time, it had not been included in the initial draft plan as it was felt at the time that the housing requirements for Aultbea could be met on sites closer in to the village – particularly on site H1. In the event, 16 objections were received to the site at H1 and seven to the site AH1 (see inset map extract at paragraph 5 above).

20. The housing figures were revised to plan for 10 instead of 15 years and adjustments were made to reflect the crofting nature of the Aultbea settlement area. The result was a housing

requirement of 25 houses for Aultbea and this was published in the deposit draft local plan as shown at paragraph 8 above. In response to the objections lodged against this plan, to accommodate the objections made in respect of landscape impact, and to protect some of the common grazings for future use, the council had agreed that it would be possible to accommodate 10 houses on only a part of the site identified at Aird. A modification was therefore proposed to reduce the site shown to the southern end of the site only, largely focused on the area of spoilt land where the concrete bases were located. A development requirement was also proposed to require the landowner/developer to prepare a development brief for the site in conjunction with the council and Scottish Natural Heritage, prior to the consideration of any planning application, and this would include consideration of the rights of access to any particular croft.

21. On the one hand, Scottish Natural Heritage withdrew its objection to the Aird site on the basis that the site was reduced as described; on the other, further objections were lodged both to there being any development of the site, and one against the area being reduced.

22. Although the existing sewage system for Aultbea was at capacity, the Scottish Environment Protection Agency had stated that any new development within the village must connect to the existing system. This had been recognised in a Development Factor on the deposit draft local plan Proposals Map Aultbea Inset (see paragraph 5 above). In addition, Scottish Water had advised that,

“Notwithstanding the capacity of the existing public septic tank at Aultbea, the site at H4 is considered to be better placed to connect to the public sewerage system. Site H4 is closer to the public system and would require less infrastructure to make a connection – the requirements of any upgrading of the existing public septic tank and the possible requirements for pumping of foul flows still have to be investigated.”

This meant that the site was more viable economically than some of the others and therefore met the requirements of Scottish Planning Policy 3, that land must be allocated in local plans which was free of constraints.

23. It was accepted that the land involved was currently used as common grazings, although it had been purchased by Macleod and Mitchell (a copy of the disposition to this effect was produced). Nevertheless, it was agreed by all parties that the site was under crofting tenure and subject to crofting legislation. This meant that resumption of the croft land (ie. if it were to be taken out of its grazing use) could only be determined by the Scottish Land Court and, in order to be taken to this court, the site had either to have been granted planning permission for, or be allocated in a local plan for housing purposes. Should the land be taken to the Land Court, and if the decision were to be that the site should be retained in crofting use, then it would require to be removed from the local plan as part of the monitoring and review process. The local plan however would still have an effective land supply for the next five years, in terms of the other sites in the village.

24. The council gave an assessment of the alternative sites offered by the objectors. In particular, the Birchburn site, which had been included in the initial draft of the plan, had problems of ground conditions and the costs of connecting to the public sewage system. It was considered that the four affordable houses and six general houses now shown on the site was the maximum effective capacity for this part of the village at this time. The remaining sites provided no development opportunity and the council set out why it had come to this conclusion.

25. It was acknowledged that the Aird site was in a relatively sensitive location in landscape terms, and in its perceived separation from the remainder of the village. However, it did not consider that there would be any impact on the views from the houses at Tighnafiline as they

were significantly higher than those on the objection site. Similarly, although development would increase the visual connection of Aultbea and Buailnaluib, nevertheless, a degree of separation would be retained. In order to illustrate the type of impact that any development would have, the council

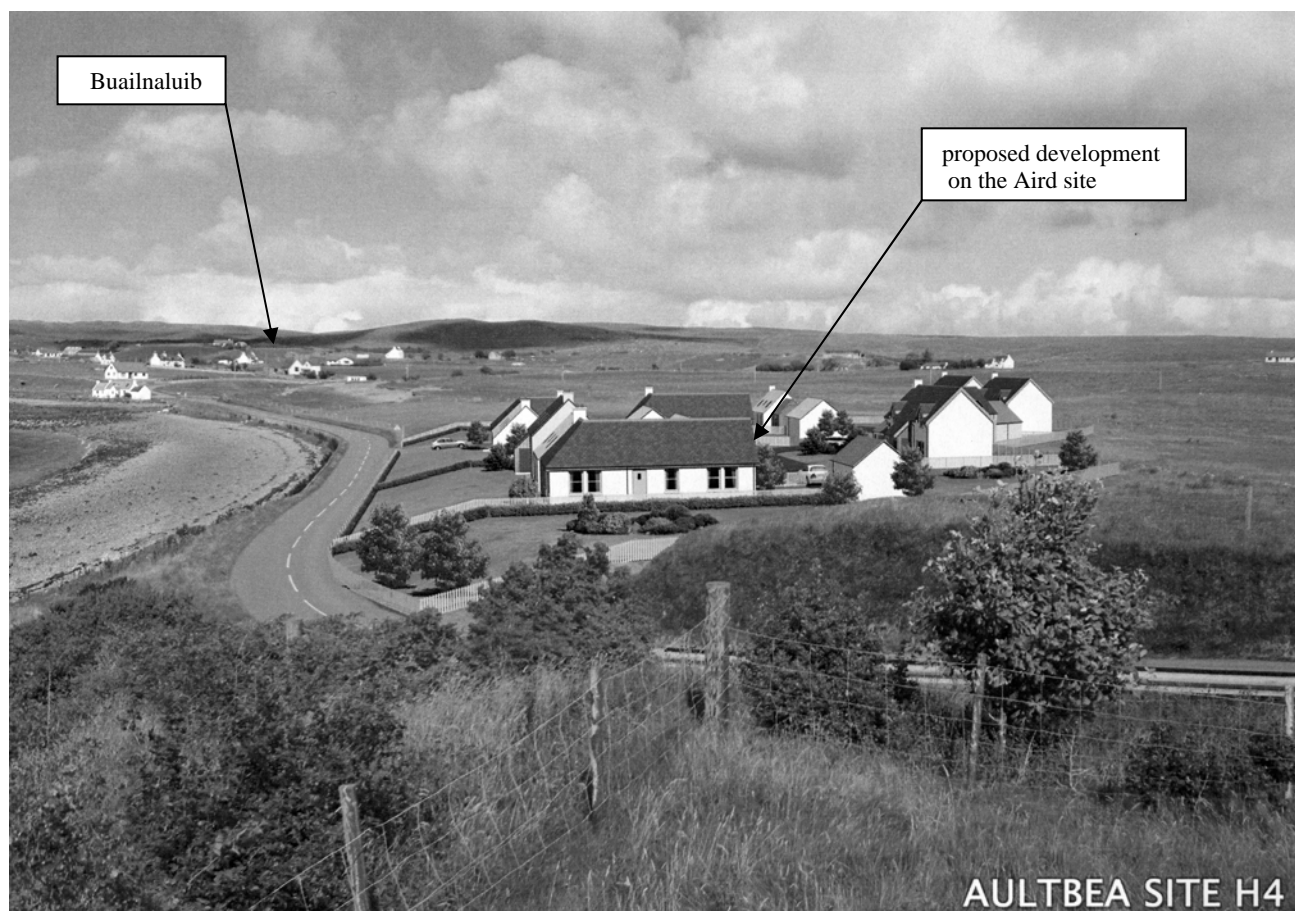


Photo montage by the council showing the limited development of the Aird site

had commissioned photo montages, and one of these is illustrated (above). It showed how development could be accommodated on the southern part of the site while maintaining considerable separation from Buailnaluib. It also demonstrated how a relatively close-knit development could be accommodated in the landscape without being out of keeping with the pattern of development in Buailnaluib.

26. As to the affordable housing issue, the council had a responsibility to secure affordable housing and a range of measures was being taken to secure them, including the identification of sites for the purpose, and development contributions through the private sector. Two of the sites identified in the deposit draft local plan offered scope for further affordable housing in the area; the first site, H2 had been granted planning permission partly for the development of Rural Home Ownership Grant-aided plots; while the second AH1 had been allocated specifically for affordable housing and was on council-owned land. The council referred to Policy 3 of the plan which aimed to secure an element of affordable housing or a contribution to providing affordable housing on all sites of four or more houses. Taking into account the development of sites H2, AH1 and any contribution achieved from H4 there could be up to 11 affordable houses delivered in Aultbea, or nearly 50% of the total housing requirement for the village.

SUMMARY OF THE OBJECTION TO THE PROPOSED MODIFICATION

27. The history of the site demonstrated that the objection site at Aird was brown field. Early maps dating from 1875 showed three buildings there. There had been Aird House, and subsequently, during World War II, the site had been used as a military base, so that in more recent years it had been identified as a camp site. Now used for crofting, the objector considered that the crofting issue was not one for the local plan, as it was for a Land Court to decide on crofting matters.

28. The Aird site was a more appropriate and less sensitive site than that at Birchburn, as had been demonstrated by the objections to the initial draft plan. It was suitable for the development of ten houses and it would be the intention that only part of the site would be developed. In this regard, Macleod and Mitchell were prepared to enter into negotiations with the council and Scottish Natural Heritage in order to incorporate a certain level of tree planting and screening to the eastern boundary in order to provide privacy and amenity; also they would establish an appropriate development brief prior to the commencement of any development.

29. The existing access to the Aultbea/Buailnaluib road would be improved and would be brought up to an adoptable standard. Elements of community benefit would be incorporated into the scheme. In particular, this would include the provision of a public footpath within the site on the east side of the public road, allowing pedestrians and especially school children, safe passage around the particularly dangerous bend of the road. The provision of affordable houses would be considered in any proposed development, depending on the number of houses being built and on the layout of the site. Affordable houses had been made available at the company's site at H2.

30. However, the modification proposed a significantly reduced development area and this was not acceptable to the company. In order to provide the key elements already described, the whole site would require to be included within the village boundary as originally defined in the deposit draft local plan. This was made necessary by virtue of the fact that the eastern edge of the site was unsuitable for building because of the topographical and ground conditions. Of the total site area of 3ha, approximately 30% of the site could not be developed as being low lying and of an unsuitable peaty, marshy nature. It should be included as development land however, as it could be used (a) for the tree planting scheme, which would assist in screening the development; and (b) to provide a more natural and softer backdrop to the existing village streetscape. The revised, smaller area would not be able to accommodate ten houses because of the problems of the eastern section of the site. A high density terraced or semi-detached solution, which might achieve the required density, would be inappropriate to the area and would not allow the identified demand for affordable housing at Aultbea to be met.

CONCLUSIONS

31. The site at Aird has had a long and protracted history, only some of which I have outlined above as it is to its future use that the local plan addresses itself. The definition of brown field land, as set out by the Scottish Executive in its Scottish Planning Policy 3: Planning for Housing, is,

“Land which has previously been developed. The term may encompass vacant or derelict land; infill sites; land occupied by redundant or unused buildings; and developed land within the settlement boundary where further intensification of use is considered acceptable.”

In these terms, the objector to the modification is right to describe the objection site at Aird as brown field land. On the other hand, the definition of green field land in the same document is,

“Land which has never previously been developed, or fully restored formerly derelict land which has been brought back into active or beneficial use for agriculture, forestry, environmental purposes, or outdoor recreation.”

and it seems to me that, perhaps with the exception of the word “fully”, this could also describe the objection site.

32. Be that as it may, Appendix 3 of the deposit draft Wester Ross Local Plan, which has not been the subject of any objection, allocates land for 21 houses to be found at Aultbea. This was subsequently rolled forward and a ten-year land supply set out; at Aultbea this amounted to 50 houses. The table on the inset map, reproduced at paragraph 9 above, identifies land for 25 houses. The objections to the plan centre on the houses at Aird and the issues to be determined therefore are first, whether the Aird site is a suitable location for an extension of the village; and second, if it is not, then where should the necessary housing land be found?

33. On the first issue, Aultbea is a traditional coastal village set out around a bay. In places, particularly towards its eastern end, this has been developed in further depth, and at its western end the density has been consolidated on the promontory, but this has still left in place the original concept of a town set around a bay. This is well illustrated by the aerial photograph submitted by the council and reproduced (right).



Copy of aerial photograph of Aultbea submitted by the council

34. In these terms, extension of the settlement on the objection site at Aird (shown above bounded in white) – whether in its original or modified form – would be development in a wholly new direction, away from the original pattern of the village. However, it would not comprise an extension of the village, as the objectors pointed out, but would be the start of a new settlement, separated from Aultbea by the marsh land to the east of the road and the football pitch and open ground to the west. This can also be seen from the photograph (above).

35. In chapter 23 above, unjustified sprawl into a sensitive area of separation between two settlements was a planning principle that appeared to have been overridden in an attempt to validate an inadvisable settlement extension and it appears to me that the same situation arises here. What is not apparent from the aerial photograph (above), although it can be seen from the photo montage at paragraph 25, is the proximity of Buailnaluib, which in my opinion, makes any further development in this direction untenable, a recommendation of the Landscape Capacity Study supported by the objection from Scottish Natural Heritage. As in Chapter 23, the initial draft of the plan contained a

clear warning, that the open character of the area between the settlements should be protected, but this has evidently been abandoned for the purposes of the deposit draft. Accordingly, I am wholly satisfied that there are sound planning reasons why this should not be the direction of future growth in Aultbea, and that this should be a principle taken to the discussions set out in paragraph 39(iv) below.

36. With one exception, other submissions merely reinforce this view; and despite the assurances to the contrary, I consider that housing on the Aird site cannot be taken as effective until the position in regard to its crofting use has been ascertained through the Land Court. The exception relates to infrastructure, inasmuch as evidence given to the inquiry was that the public sewer currently serves the west end of the village only and that, as the Aird site is closer to the public system, it would require less infrastructure to make a connection, although the requirements of any upgrading of the existing public septic tank and the possible requirement for pumping of foul flows still had to be investigated.

37. A number of problems therefore remain at Aultbea if it is to accommodate the levels of growth set down for it by the council. In the short term, the community council has confirmed the position in regard to the previous objections to Birchburn (see paragraph 19 above) and has suggested that the balance of housing be made up on that site. This is a helpful response, and, taken together with the council's evidence that without the Aird site, the local plan would still have an effective land supply for the next five years in terms of the other sites in the village, which would include Birchburn, it seems to me that the housing land supply for the next five years is secure.

38. However, bearing in mind the need to plan for the longer term, as advocated by Ministers, and in view of the infrastructural constraints, whereby a sewer connection to Birchburn is more likely to be justified by its recognition as a growth area, I consider that this allows but a short interval in which the future growth of the village requires to be determined. It is a process to which the community council as representatives of all the residents, and land owners should be party in my opinion, and the process should be commenced as soon as possible so that the housing land programme can be rolled forward for the next ten years with confidence that the land required for it will have the approval of all parties.

RECOMMENDATION

39. Accordingly, I recommend that

- (i) Site H4 Aird be deleted from the Proposals Inset Map for Aultbea;
- (ii) the five-year housing land supply be made up on an enlarged site adjacent to the doctor's surgery at Birchburn;
- (iii) the note on the initial draft of the plan that
 - “• To the north, the open character of the area between Aultbea and Buailnaluib should be protected.”
 should be reinstated;
- (iv) the area between the north-west edge of the built-up area of Aultbea and Buailnaluib as set out in the Landscape Capacity Study (shown coloured grey, red and bounded in

red) be identified on the inset map as an Area of Avoidance (in terms of chapter 21 above); and

- (v) a commitment be included on the inset map to state,

“The council proposes with the community, land owners, Scottish Water and others, to enter into discussions in order to formulate a long-term development strategy for the village by 2006, the results of which will be incorporated into any subsequent review of the local plan. This will include particular examination of an extension of the public sewer and how its provision will affect the future growth of the village.”