

THE HIGHLAND COUNCIL

ROSS & CROMARTY EAST LOCAL PLAN INQUIRY

**STATEMENT OF OBSERVATIONS by the
DIRECTOR OF PLANNING and DEVELOPMENT**

ISSUE 11: Housing Development Potential at Easter Kinkell

1. Introduction

- 1.1 The Highland Council (THC) has undertaken to hold a Public Local Inquiry to consider objections lodged by Ferintosh Community Council [CD31/420], Mary Applegate [CD31/441] and Stanley Grieve [CD31/442] in respect of Chapter 6: Landward, paragraph 14, Easter Kinkell, in the Proposed Modifications to the Deposit Draft of the above Local Plan, with regard to expansion of the boundary of the village for housing below the primary school playing field. Ferintosh CC and Mary Applegate wish to be heard at the Inquiry.
- 1.2 Objections were lodged by Campbell Ross Architecture, on behalf of Mr & Mrs WD MacPherson [CD30/50] on the Deposit Draft Local Plan in respect of Chapter 6: Landward, paragraph 15, Easter Kinkell, seeking expansion of the boundary of the village for housing below the primary school playing field. A further written submission has been made commenting in detail on the proposed changes to the Deposit Draft to accommodate such land. They would be prepared to withdraw their objections conditional upon there being no further objections to the proposed changes. Accordingly their original objection and further written submission require to be considered.
- 1.3 Objections lodged by SEPA [CD30/78] in respect of drainage issues for Easter Kinkell have been conditionally withdrawn. However, they remain relevant to the objections that are not withdrawn.
- 1.4 THC will call Alan Ogilvie, Principal Planner as planning witness.
- 1.5 THC wishes to submit the productions listed below. References to productions are shown in the text as follows, [CD1]. Quotes from productions are shown as follows, “*extract*”.

[CD1] The Highland Structure Plan: Approved Plan: The Highland Council: March 2001

[CD2] Black Isle Local Plan: Adopted Plan: Highland Regional Council: September 1985

[CD5] Black Isle Local Plan: Alteration No.2: Housing: Highland Regional Council: September 1996

[CD6] Development Plan Policy Guidelines: The Highland Council: October 2003

- [CD8] Ross & Cromarty East Local Plan: Consultative Draft: The Highland Council: May 2002
- [CD9] Ross & Cromarty East Local Plan: Deposit Draft: The Highland Council: October 2003
- [CD10] Ross & Cromarty East Local Plan: Statement of Publicity, Consultation and representations: The Highland Council: October 2003
- [CD11] Ross & Cromarty East Local Plan: Proposed Modifications to the Deposit Draft (Prior to Public Local Inquiry): The Highland Council: February 2005
- [CD17] SPP15: Rural Development: Scottish Executive: February 2005
- [CD25] Ross & Cromarty Area Planning Committee Item: Representations on the Consultative Draft Local Plan: The Highland Council: 15 September 2003
- [CD27] Ross & Cromarty Area Planning Committee Item: Objections and Representations on the Deposit Draft Local Plan: The Highland Council: 25 January 2005
- [CD30] Letters of objection and representation to the Deposit Draft Local Plan
- [CD31] Objections to the Proposed Changes to the Deposit Draft Local Plan

2. Background

National Planning Guidance/Advice

- 2.1 Scottish Planning Policy 15: Planning for Rural Development [CD17], was published in February 2005 following an earlier consultation draft and supersedes NPPG15. The following paragraphs are relevant: -

21. This states that the amount and location of housing that can be developed in rural areas is determined by a number of factors, including proximity to services e.g. schools, shops (ideally within walking or cycling distance); ease of access; and drainage or sewerage capacity; and that fit in the landscape will be an important consideration.

25. This covers the issue of rural accessibility. It emphasises that the key planning principle is to focus most additional housing, employment, retail, leisure and other services at accessible locations in line with sustainability objectives. However, it also acknowledges that *“Development plans should be realistic about the availability, or likely availability, of alternatives to access by car, as not all rural development locations are able to be served by public transport.”* It goes on to say that *“Planning authorities can allow development where the impact of vehicle movements on the local road network would not be significant. They should also apply appropriate standards to access roads to enable small developments to remain viable. Developer contributions, to meet access requirements, can reasonably be sought to facilitate new development.”*

Highland Structure Plan

- 2.2 The Highland Structure Plan [CD1] was approved in March 2001. The following extracts are relevant: -

- Policy G2: Design for sustainability indicates that “*Proposed developments will be assessed on the extent to which they:*
 - *are compatible with service provision (water and sewerage, drainage, roads, schools, electricity);*”
- Policy H3: Housing in the countryside states that “*housing development will generally be within existing and planned new settlements.*”

Development Plan Policy Guidelines

- 2.3 In October 2003, following previous consultation on a draft published in May 2002, THC published Supplementary Development Plan Policy Guidelines (DPPG) on Housing in the Countryside and Affordable Housing [CD6]. DPPG1 contains a more detailed interpretation of Structure Plan Policy H3 on Housing in the Countryside. This was drafted after discussions with Scottish Executive Planning officials.
- 2.4 On page 4 of the Guideline there is a section on “*Defining the hinterland of towns in the pressurised countryside areas of*” Inverness and the Inner Moray Firth (i.e. Nairn, Dingwall, Alness, Invergordon and Tain). The Guideline goes on to indicate on the rest of page 4 and over on to page 5 that the “*Policy application within the hinterland of towns*” requires a planned approach to new housing development opportunities either within existing or planned new settlements. The Guideline also defines “existing settlements” as:
- (a) those identified through the Structure Plan and local plan settlement hierarchies (based on the provision of services);
 - (b) groups of houses which have one or more of the following facilities: mains drainage or a scheme in SW’s 3-year plan; a public septic tank; street lighting; a 30 mph speed limit; a school, a doctor’s surgery, a shop, a post office, a petrol filling station, a public hall, or a pub;
 - (c) established groups which comprise cluster, linear, or other recognisable forms of building without such a facility, but which are contained within a clear visual envelope; or
 - (d) dispersed grouping with a crofting settlement pattern.
- Easter Kinkell is defined in relation to the criteria at (b), as a larger group of houses with a school and a hall.

Adopted Local Plan

- 2.5 The Black Isle Local Plan [CD3] was adopted in September 1985. The policy at **para. 2.5** presumed in favour of housing in the countryside subject to developments avoiding:
- the creation of a potential hazard to the free flow of traffic through direct accesses on to the B9169 road;
 - unprogrammed drainage expenditure in areas of suspect soil conditions such as Leanig/Easter Kinkell;
 - prejudicing standards of rural privacy and amenity in terms of separation distances between dwellings; and

- causing detriment to the general amenity of the area in terms of landscape impact, poor house designs, loss of trees or damage to features of nature conservation value.
- 2.6 Housing Alteration No. 2 to the Black Isle Local Plan [CD5] was adopted in September 1996. Policy 5.7 applies a presumption in favour of housing proposals within the boundaries of a number of settlements designated as Small Villages (page 39). More specifically, the Small Village of Easter Kinkell is identified at 5.7.4 (page 41). Reference is made to varying soil conditions for drainage, the impact of traffic, existence of a Primary School and the need for play facilities. The development potential provisions suggests the community is well paced for growth with key opportunities to the south west, but that mains drainage is essential for longer term expansion

Consultative Draft Plan

- 2.7 The Consultative Draft [CD8] of the Ross and Cromarty East Local Plan was published in May 2002. The following policies in Chapter 6: Landward are relevant to representations made at the time: -
- Paragraph 3 referred to the potential for development within the defined boundaries of 31 small rural settlements listed in a table thereafter.
 - Paragraph 15 covers Easter Kinkell with a capacity for 15 additional houses. Reference is made to the same issues indicated for the village in the Black Isle Local Plan Housing Alteration No. 2.
- 2.8 The representations made and the changes agreed by THC in response are detailed in CD25. Relevant comments made are summarised as follows: -

SEPA [CD25/157] indicated concerns about the lack of a public drainage system, the plethora of individual septic tanks and further development unless both a public sewer and Waste Water Treatment Works were to be provided. It was suggested that one public system serving Alcaig, Easter Kinkell and Ferintosh could be feasible. It was also advised that in the absence of information on flooding there should be consultation with the Roads Authority.

Ferintosh CC [CD25/172] indicated that an additional 15 houses would increase the size of the existing village by some 50%. They pointed out that the village should be safeguarded by the provision of suitable speed restrictions on the B9169 road given the presence of Ferintosh primary school and the village hall. The identification of a safe area for play facilities in the Plan away from the main road was seen as essential. Then finally they raised similar concerns as SEPA about the foul drainage arrangements requesting that the Plan makes it perfectly clear that no development can take place until the area is provided with adequate public sewerage and sewage treatment facilities.

Mr F Stewart [CD25/397] sought adjustments to the north eastern boundary of the settlement to include an existing house, "Kinross" and a potential development site across the road at No.1 Balnabeen Holdings.

2.9 THC's response and reasoning in respect of each of these comments is set out in **CD10** and **CD25**. Changes were agreed as follows: -

- Delete the existing seventh sentence in the "Comments/Constraints" column.
- Insert as new eighth, ninth and tenth sentences in the "Comments/Constraints" column, *"Presumption against further development seeking septic tank drainage and SEPA advise that mains drainage with waste water treatment works is essential. The provision and adoption of privately developed 'package' biological treatment plants or reed bed systems will depend upon local site conditions together with suitable arrangements for long-term plant maintenance and refurbishment to the satisfaction of the drainage authority. Consult with the roads authority on localised flooding information."*
- Delete the fifth sentence in the "Comments/Constraints" column "Play facilities needed and insert as new fifth and sixth sentences, *"Developers /applicants should contribute on a pro rata basis per each new house to the provision of traffic management/speed reduction measures and a play area, required in relation to the overall development. Identify site for play area."*
- MODIFY the north eastern boundary of Inset Map as requested.

Deposit Draft Local Plan

2.10 The Deposit Draft [**CD9**] of the Local Plan was published in November 2003. Objections were lodged as follows: -

Campbell Ross Architecture, on behalf of Mr & Mrs WD MacPherson [**CD30/50**], seeking expansion of the boundary of the village for housing below the primary school playing field.

SEPA [**CD30/78**], seeking clarification that a public sewer is a pre-requisite of development.

2.11 In addition, Ferintosh Community Council [**CD30/78**] wrote as follows: -
"We are very pleased to see the inclusion of traffic calming measures for the B9169 as well as the provision of a play area for the village. We support the Council in these matters as well the proposed way of funding them. We are also pleased to see that there will be no further development relying on septic tanks for sewage disposal."

Deposit Draft with Modifications (Proposed Changes)

2.12 Proposed changes to the Deposit Draft [**CD11**] were approved in January 2005. Those made largely in response to objections and comments indicated at paras. 3.1 and 3.2 below are as follows: -

In Chapter 6: Landward, para. 3, DELETE the first part of the third bullet point from "can" to "do" and INSERT *"can be connected to a public sewer with adequate sewage treatment (GSP2) and where other servicing does....."*.

In Chapter 6: Landward, para. 15 (changing to 14), Easter Kinkell:

- MODIFY Comments/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.
- Include the land requested by Campbell Ross Architecture, on behalf of Mr & Mrs WD MacPherson in the Inset Map but retain capacity for development across the overall settlement at 15.

- 2.13 Objections were lodged to the Modifications to the Deposit Draft Local Plan in respect Chapter 6: Landward, paragraph 14, Easter Kinkell concerning the addition of more land below the school playing field for housing by **Ferintosh Community Council [CD31/420], Mary Applegate [CD31/441] and Stanley Grieve [CD31/442]**. In addition, **Campbell Ross Architecture, on behalf of Mr & Mrs WD MacPherson [CD30/50]**, maintained their original objection and made a further written submission. **SEPA [CD30/78]** conditionally withdrew on Easter Kinkell, but have maintained their objections in respect of GSP2 and Landward paragraph 3.

3. The Council's Observations

The Objections

- 3.1 The objections on the Deposit Draft Local Plan are as follows: -

Campbell Ross Architecture, on behalf of Mr & Mrs WD MacPherson [CD30/50]

My Clients, Mr and Mrs W D MacPherson, have agreed with the owner of land to the north of Ferintosh Primary School to purchase two plots to the northwest of that School subject to Planning Consent. Whilst the sites adjoin the proposed Easter Kinkell Settlement Boundary, they are, nevertheless, currently outwith this boundary. My Clients wish to raise an objection on the following grounds, namely, that consideration be given to extending the Boundary to include the sites for the two proposed houses, as the land in question closely adjoins the proposed Boundary, and generally in accordance with arguments presented in previous communications.

Further written submission

We would like the following points to be taken into consideration by the Inquiry Reporter in addition to our original submissions.

1. *We accept the view that there is concern about the plethora of individual septic tanks in the area, and we do not disagree with the recommendation that discussions be held between the Council, Scottish Water and SEPA regarding*

the provision of a first time public drainage system. We do, however, feel that these discussions be held as a matter of urgency. In the interim, however, as the two houses proposed by my Clients appear to be the only two proposed to the north west of the school playing field, we feel that a properly designed individual drainage scheme is justifiable until such time as a public drainage system is installed. Such a scheme could be designed to allow future connection to the public system.

2. *We accept that the access road is restricted in terms of width, visibility and lack of passing places. My Clients are prepared to consider providing up to two additional passing places at their expense.*
3. *We concur that a single point of access serving both houses is required. My Clients are agreeable to a single point of access sited close to the existing village and/or where recommended by the Roads Department. If necessary, my Clients would be prepared to discuss combining their access with access to any future Play Area, provided assurances could be given that access to my Clients' proposed houses would not be compromised by such an arrangement.*
4. *My Clients had earlier been advised of the possibility that additional land might be required adjacent to the School playing field for a Play Area. They discussed this with the farmer from whom they purchased their site, and agreed to leave the exact boundary locations flexible to allow for such a possibility. The location of the south-east boundary of their proposed site can, therefore, be adjusted to leave an area of land for a play area whilst still retaining sufficient space for their proposed houses. In the event of any boundary adjustment, the land between my Clients' adjusted site and the school playing field would be retained by the farmer, who will adjust my Clients' site purchase price as required.*

My Clients are prepared to withdraw their objections conditional upon there being no further objections to the proposed changes.

SEPA [CD30/78]

Objects unless it is clarified that connection to the public sewer is a prerequisite of development - again, the text suggests adoption of systems by the water authority may be required, which would be supported, but this is by no means clear.

- 3.2 The objections on the proposed Modifications to the Deposit Draft Local Plan are as follows: -

Ferintosh Community Council [CD31/420]

Object to the addition of more land for housing within the village due to drainage and access reasons.

Mary Applegate [CD31/441]

Objects to the proposed development to the west of the 'Fieldie', Easter Kinkell on the following grounds: -

- *The proposal will adversely affect the visual amenity of the area. The 'Fieldie' (community recreation ground) is the focal point of the Ferintosh area and the outlook from the 'Fieldie' towards Ben Wvvis is incredibly scenic.*
- *The access road from Easter Kinkell to Alcaig is of a very poor standard and any traffic exiting onto this road will cause a potential traffic hazard.*
- *I have servitude rights over part of the field zoned for development and I do not wish to give this up. On this basis development is unlikely to happen and should therefore not be zoned for development.*
- *Drainage of the areas already poor due to the high level of bedrock and since it is unlikely that Scottish Water will find it cost effective to provide proper sewerage treatment for the area in the life of the local plan there is little point in zoning the area for development.*
- *There are a lack of facilities in Easter Kinkell and without investment in infrastructure there should be no further development.*
- *Future development at Easter Kinkell should come from the Mossend road which has better visibility and would not affect the outlook or visual amenity of the area.*
- *Development beside single track side roads with poor visibility and no footpaths will only lead to an increase in the accident hazard.*
- *Traffic from the proposed development is likely to travel downhill towards Alcaig when going to Dingwall and the route to Alcaig is of a very poor standard and will only lead to an increase in accidents.*

Stanley Grieve [CD31/442]

It appears rather strange that a boundary has been altered from an area unsuitable to be zoned for building to an area zoned for housing when it is known that there is a major drainage problem. This is clearly demonstrated by the fact that a single soakaway from a single septic tank requires a large portion of this field to comply with regulations. And the statement made in the original statement on page 32 paragraph 14 (now 15) "Land to west is free draining, imperfect elsewhere." This alteration is NOT a modification of the proposed draft, THIS IS A COMPLETELY NEW ADDITION. It would appear that this MAJOR ADDITION has taken place by the approach of an architect on behalf of a client wishing to erect two houses on this site ON TOP OF AN EXISTING SOAK AWAY. The Field I refer to has many major problems which render it unsuitable for building purposes beside the most obvious one I have previously stated and these are as follows.

1. *Access to this site would be by the single track road from Easter Kinkell to Alcaig which is heavily used by the local farmers rendering it extremely hazardous due to the many blind bends and the lack of maintenance carried out on it. There are also two farm entrances in the near vicinity to the only suitable exit for the new development. I would also refer to the flooding problems that have been highlighted lately by the recent bad weather which adds further to the*

safety aspect and the problems of drainage.

- 2. There is a lack of facilities in Easter Kinkell area and without investment in the infrastructure there should be no further development.*
- 3. Future development within the Easter Kinkell area should come from the Mossend Road Sector which has a better access Road with better visibility onto the B9169 although still dangerous due to the speed of traffic and the ever increasing volume of traffic now using this road.*
- 4. The proposed building zone is adjacent to THE FIELDY which is the focal point of the Ferintosh Area and I feel that this development would affect the incredibly scenic outlook and adversely affect the visual amenity of this area.*
- 5. With reference to the drainage of the area which is already poor due to the high level of bedrock in the area and since it is extremely unlikely that Scottish Water will find it cost effective to provide proper drainage of any sort including sewage treatment as shown by the deletion from your original plan there would seem no point zoning this area as a building zone.*
- 6. To finish off my summary of the objections to the area referred to being changed from farmland to building zone I must refer back to the problems with access to any proposed building development. It would be fair to assume that any traffic exiting from the development and going in the direction of Dingwall would tend to use the Alcaig Road therefore increasing the accident risk on this road due to the heavy 24 hour farm traffic on this road. The traffic travelling towards Inverness would tend to use the B 9169 which is slightly safer but due to the dip in the road you refer to in your summary, the volume and high speed of traffic on this road, the school traffic, the traffic travelling to and from the Mossend road developments and the flooding that occurs on the main B9169 at and around the junction, I can see a very high accident risk developing.*

The Planning Authority's Response

- 3.3 THC as Planning Authority responds to the objections in paras. 3.4 to 4.3 below. Those made in response to the Deposit Draft are contained in the Annex to the Committee report of 25 January 2005 and expanded as necessary.

Campbell Ross Architecture, on behalf of Mr & Mrs WD MacPherson

- 3.4 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. Scottish Water have been advised accordingly.
- 3.5 The access road is also 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 can be overcome. 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.
- 3.6 In view of the above THC agreed to MODIFY the plan to include the land in the Inset Map but retain capacity for development across the overall settlement at 15.

Further Written Submission

- 3.7 The detailed comments agreeing with site servicing conditions and the requirement to safeguard land for an extension to the playing field as a play area are noted. It is also noted that the extended area included in the Proposed Modifications version of the Deposit Draft Local Plan does not correspond with the area originally requested by the objectors or the area now indicated in the further written submission. Indeed the area indicated in the document is almost twice the size of the area that should have been included. This appears to have been a mapping error on the part of THC.
- 3.8 At the very least THC should adjust the settlement boundary to accord with the latest submission and indicate the land offered for recreational purposes. However, it remains to be seen as to whether this would address the objections by Ferintosh CC, Mary Applegate and Stanley Grieve. Clarification is required as to whether the removal of the area immediately in front of the latter named objectors' properties will avoid impinging upon their septic tank soakaway areas. In the time available it has not been possible for THC to present evidence on this matter, but this may come from the objectors at the Inquiry. However, in trying to overcome concerns about the impact upon the setting of and outlook from the existing playing field, additional housing would have to be sited further to the north west from the field, perhaps over the small hillock and down the slope. This would have the effect of almost detaching such houses from the village and stretching development down the north east side of the road.
- 3.9 It is submitted that drainage matters should be more adequately covered by new GSP2 policy, as at Issue 4 (see paras. 3.10 to 3.13 below).

SEPA

- 3.10 The response is related to SEPA objections to Chapter 5: General Policies, GSP2 Wastewater Treatment and Chapter 6: Landward, paragraph 3, which sets out the general considerations for land identified for housing development within the small rural settlements. The overall drainage objections lodged by SEPA to these provisions are addressed in Issue 4.
- 3.11 Structure Plan Policy G2 makes clear that adequate drainage is a requirement of any development proposal. This principle carries forward to all development proposals. In most settlements drainage is recognised as an important development factor. It should also be recognised that the Local Plan allocations and priorities are not driven by the availability of public sewers, Scottish Water's current investment programme or by SEPA's environmental remit. These organisations' priorities have

to be weighed against development pressures and the aspirations of local communities and the Council to promote improved provision elsewhere. In some cases the Council would argue for first time provision of a public drainage system in the interests of sustaining a community facility or the community itself e.g. in relation to the primary schools at Easter Kinkell (Ferintosh) or Newmore.

- 3.12 THC considered that the proposal to Modify Policy GSP2 would address general concerns and using the new GSP2 as background it was also agreed that Policy 3 in Chapter 6 should be Modified to address the comments on the detailed settlement provisions in subsequent paragraphs 4 to 33 and so help reduce the text in the corresponding Comments/Constraints column of the table. A number of more specific changes were also recommended to the Comments/Constraints column for Easter Kinkell (see para 2.12 above).

- 3.13 Further changes are now recommended in relation to Issue 4 as follows: -

In Chapter 5: General Policies, Modify GSP2 to read:

“Connection to the public sewer as defined in the Sewerage (Scotland) Act 1968 will be a pre-requisite of planning permission for all development proposals in the Main Settlements (Chapters 7 to 34) and in other locations where land is identified for significant development in the plan. 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 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).”

In Chapter 6: Landward

- Modify the first part of the third bullet point of Housing policy 3 to read:
“can be suitably drained (GSP2 & 3) and.....”
- The Council should reassess the allocations and locations of potential development in the small rural settlements from Achterneed to Windhill in discussion with SEPA and Scottish Water, based on the principles listed in the recommended amended Policy GSP2, before deciding whether or not to confirm these allocations.

Ferintosh Community Council

- 3.14 See responses at 3.10 to 3.13 above.

Mary Applegate

- 3.15 In respect of adversely affecting visual amenity, the original objectors are prepared

- to give land adjacent to the 'Fieldie' over to the community for expansion of the recreational ground. In order to reduce the impact upon the outlook from the 'Fieldie' would mean siting houses further down the slope. However, this would also have the effect of almost detaching such houses from the village and stretching development down the north east side of the road.
- 3.16 It is agreed that the access road from Easter Kinkell to Alcaig is of a very poor standard. A developer under the guidance of the Area Roads and Community Works staff requires to undertake necessary detailed improvements. This includes the provision of passing places and the identification of the precise location for a single point of access to serve development.
- 3.17 The intrusion into the land currently used as for septic tank soakaways is an issue that THC had not been previously aware of. However, the proposed reduction in the area indicated for potential development may address these concerns. The broader issue of suitable drainage is considered at paras. 3.10 to 3.13 above. The permission of existing houses with individual private drainage systems in the general location of the objectors' properties may partly explain the problems and calls for a comprehensive drainage system to serve the village. The Local Plan allocation of land at Easter Kinkell recognised the development of the settlement and the pressure for further housing. This allocation was originally made with a view to influencing Scottish Water's investment programme to provide a first time public drainage system in the interests of sustaining the community facilities (school and hall).
- 3.18 In the absence of dedicated public funding, improvements to road safety and provision of a play area would be sought in relation to further development. SPP15, for example, states at para. 25 that "*Developer contributions, to meet access requirements, can reasonably be sought to facilitate new development.*"
- 3.19 SPP15 para. 21 states that the amount and location of housing that can be developed in rural areas is determined by a number of factors, including proximity to services e.g. schools, shops (ideally within walking or cycling distance); ease of access; and drainage or sewerage capacity; and that fit in the landscape will be an important consideration. Easter Kinkell contains Ferintosh Primary School and the village hall, as well as the 'Fieldie'. Development within walking distance of the school could be viewed as sustainable and the availability of opportunities for future development within the catchment should help to sustain it and the hall.
- 3.20 Some limited potential remains in the area served by the Mossend road. The provisions of successive Local Plans also point to the development of land between Kinkell House and The Cottages on the north side of the B9169 road and served by a single access with adequate visibility.
- 3.21 If road access standards can be met with suitable improvements development served by single track side roads with poor visibility and no footpaths can be achieved. There are examples of such development all across the Highlands.
- 3.22 It is more likely that traffic from any existing or proposed development in Easter

Kinkell would travel south west to the A835(T)/ B9169 Leanig junction when going to Dingwall, rather than travel downhill towards Alcaig on a less direct and lower standard road where they might encounter delays with farm vehicles..

Stanley Grieve

- 3.23 As indicated at 3.17 above, intrusion into the land currently used for septic tank soakaways is an issue that THC had not been previously aware of. However, the proposed reduction in the area indicated for potential development may address these concerns.
- 3.24 In terms of the legislation governing the preparation of Local Plans, the proposed change is not a formal Modification. However, prior to a Public Local Inquiry, it is open to planning authorities to propose informal changes or Modifications to Plans to address objections raised at the formal Deposit Draft stage. This allows for the possibility of any counter objections, such as those raised by Mr Grieve, to be considered by a Reporter along with the original objections. If subsequently confirmed by the Reporter and then included in the next version of the Plan, it does become a formal Modification. Until then, the additional land is a proposed change, because it is effectively a change to the Deposit Draft. It is also quite appropriate for anyone to lodge an objection to seek changes or Modifications to development plans. THC is satisfied that proper procedures have been followed in this regard.
- 3.25 The grounds of objection raised in points 1 to 6 are similar to those made by Mary Applegate. As such, the responses made in paragraphs 3.15 apply.

4. Conclusions

- 4.1 THC accepts that, in principle, there is some potential for development in the area north west of the existing playing field, subject to adequate drainage and access. In terms of drainage should preferably be to a public sewer. However, the development of a public system is not certain, given that it is not currently included in Scottish Water's investment programme. In this respect it may be some considerable time before the land could be developed. Alternatively, in view of the recommendation to further modify General Policy GSP on Wastewater Treatment (see 3.13 above), there may be the possibility that any further development within the settlement that can be drained to an individual private system (septic tank) might be permitted.
- 4.2 THC wrongly represented the suggested area for expansion of the settlement requested at the Deposit Draft stage. While THC would be prepared to recommend that the area now requested be indicated, there are reservations about whether this would address other concerns about the conflict with the septic tank soakaways of existing nearby properties. The matter of landscape impact upon and the loss of views from the playing field are also important considerations. The prospective developers have offered land for expansion of the recreation land to allow the provision of a play area. However, THC has concerns that the matter of whether

two houses could not be sited far enough away and down the slope so to allow views to the north west and north without the development area becoming too detached from the village area. In the circumstances a site visit should help to give a better appreciation of this particular matter.

- 4.3 **Accordingly, The Council would ask that the Reporter consider the scope for Modifications to the Deposit Draft Plan in relation to the objections and the proposed Modifications on drainage requirements covered in Issue 4.**