

THE HIGHLAND COUNCIL

ROSS & CROMARTY EAST LOCAL PLAN INQUIRY

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

ISSUE 12: Housing and a Remote Footpath at Jamestown by Strathpeffer

1. Introduction

- 1.1 The Highland Council (THC) has undertaken to hold a Public Local Inquiry to consider objections lodged by MacRoberts Solicitors on behalf of Major RJG Whitelaw [CD30/102] on the Deposit Draft Local Plan in respect of Chapter 6: Landward paragraphs 18, 35 and 64 and Analysis Map A concerning the potential for housing and a remote footpath at Jamestown. Major Whitelaw wishes to appear at the Inquiry.
- 1.2 An objection was lodged by Donald MacKillop Associates on behalf of Rory MacDonald [CD30/167] seeking the allocation of more land for housing on open land towards the A834 road. The objector wishes this to be dealt with on the basis of a further written submission.
- 1.3 An objection lodged by Alan and Jane Chisholm [CD30/202] seeking the allocation of land for housing, some distance to the east of Jamestown has either been sustained on the basis of the original submissions lodged in respect of the Deposit Draft Local Plan or not withdrawn. The Council's response is contained in the 25 January 2005 Area Planning Committee report on Objections and Representations on the Deposit Draft Local Plan [CD27].
- 1.4 THC will call Alan Ogilvie, Principal Planner as planning witness and Jim Yuill, Principal Engineer, Ross and Cromarty Area Roads and Community Works as the roads engineering 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

[CD3] Mid Ross Local Plan: Adopted Plan: Highland Regional Council: October 1990

[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
- [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
- [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

2. Background

National Planning Guidance/Advice

- 2.1 Scottish Planning Policy 15: Planning for Rural Development [CD17], at paragraph 18, *“advances policy in respect of small scale rural housing developments including clusters and groups in close proximity to settlements,..... The overall message is that there is considerable scope for allowing more housing developments of this nature and that this should be expressed in development plans, either as part of general settlement policy or as a separate sub-set on rural housing policy.”*

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.”*
- Policy SR5: Access – *“The Council supports the Government's intention to introduce legislation for a right of responsible access to land and water for informal recreation.”*
- Proposal SR6: Access and paths – *“The Council has prepared a common access*

strategy and action plan in collaboration with partners. It will work towards implementation of the Strategy a key aspect of which will be the development of an integrated system of paths and the maintenance and upgrading of existing paths.”

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.
- Jamestown is defined in relation to the criteria at (b), as a larger group of houses with a 30 mph speed limit and a mains drainage system.
- 2.5 DPPG1 makes clear that such settlements are only to be defined where there are opportunities to make use of spare capacity to accommodate new housing, and where this would be consistent with, or enhance, the cohesiveness and visual appearance of the group. Generally, this will be within the existing boundary of the group, although there may be opportunities for some limited extension where the development will help to enhance the appearance of the group as a whole.

Adopted Local Plan

- 2.6 The Mid Ross Local Plan [CD3] was adopted in October 1990. The following provisions are relevant to the issues: -
- The policy at **para. 2.5** applies a presumption in favour of housing in the countryside “*where they:*
 - *occupy sites of negligible agricultural value;*
 - *are not visually prominent;*
 - *do not require inordinate public expenditure; and*

- *help strengthen the fabric of rural areas.*”

This policy was superseded by the provisions of Structure Plan Policy H3 [CD1], which generally presumes against such development.

- **Para. 6.8** refers specifically to Jamestown and the potential for further housing development being “*constrained by the internal road system, the sub-standard accesses to the A834 and the surrounding agricultural land.*” Inset Map No. 6 identified the housing infill opportunities remaining at the time, including in the 1.2 ha. area of land at Eastwood now owned by Mr Rory MacDonald and only recently developed for the maximum 3 houses referred to in sub paragraph (iv) of the policy.

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. The relevant policy stated:
“*Suitably designed proposals will be supported if they*
 - *are consistent with General and Housing Policies in the Structure Plan*
 - *are consistent with the established settlement/development pattern*
 - *can be adequately serviced and do not involve undue public expenditure or infrastructure out of keeping with the rural character*
 - *avoid hazards, significant earthworks, prominent siting or conflict with sensitive features.*

In line with General Housing Policy H a strong presumption against development will also be maintained on land immediately outwith the defined settlement boundaries.”

- Paragraph 18 referred to the provisions for the small rural settlement of Jamestown, located approximately 1 kilometre south of Strathpeffer. The Comments/ Constraints column stated:
“*Surrounding agricultural land, plantation woodland, sub standard road network and unsatisfactory junction with the A834 limit opportunities to absorb further development to two specific areas; (a) 1.2 ha at Eastwood for up to 3 houses; and (b) 0.4 ha. at the paddock for up to 3 houses. Avoid elevated land beside the A834. Drains to Strathpeffer sewage works.*”
- Paragraph 61 referred to the scope for enhancement of the remote footpath network in the countryside around Jamestown and the potential of the derelict church building to provide an opportunity for tourist/visitor related uses.

- 2.8 The representations made and the changes agreed by THC in response are detailed in **CD25**. Relevant comments made are summarised as follows: -

Paragraph 18: Jamestown

Rory C Macdonald [CD25/74] sought the inclusion of more land for housing on open land towards the A834 road within the settlement to meet demand in the area for

individual or, alternatively, low-cost affordable housing.

Wilson Marshall [CD25/96] raised concerns about new housing in Jamestown being profit driven determined by an individual's need to make money, not by the demand of the market or the aspirations of the Council to provide adequate, affordable housing for first time buyers, low income families and the homeless. He asked The Council to start off by specifying a house/plot area ratio maximum based on the average of the ratios of the existing properties and to limit the height of dwellings. He felt that tourism in Jamestown should only happen at the invitation of residents or landowners. He also made the point that the only business the Council has with Jamestown is to protect the environment and improve amenities for existing and future residents but not based on development. He called for a ban on tree felling and a plan to plant more.

Vivien C Samet [CD25/197] expressed concern that the Council failed to agree a Section 75 agreement be implemented to restrict further development on remaining the open part of Rory C MacDonald's land in connection with granting planning consent. She also drew attention to the mention of the restriction of further building in Jamestown, apart from where permission had already been granted and sought protection for the beautiful pair of oak trees at the entrance through a TPO.

SEPA [CD25/157] advised of the existence of a public sewer system and had no objections to proposed allocations provided further development is connected to it.

Paragraph 61– “derelict” church at Jamestown

Major RJG Whitelaw [CD25/16] raised objection to this statement that it may provide an opportunity for tourist/visitor related uses. He referred to the fact that this forms part of his garden area and that he was not consulted by planners before this appeared in the Plan.

Para. 61 – way marking of paths at Jamestown

Scottish Natural Heritage [CD25/59] welcomed such proposals but indicated that a commitment to improving way marking and viewpoints on the whole network would be more appropriate.

A number of persons attending the **Contin Exhibition [CD25/397]**, **D & I Farrar [CD25/39]**, **Mr & Mrs R Bates [CD25/77]** and **Vivien C Samet [CD25/197]** all drew attention to the danger of attempting to walk between Jamestown and Strathpeffer on the kilometre stretch of the A834 and effectively support a remote path between the two communities. Mention was made of the existence of a path from the rear of the Youth Hostel in Strathpeffer along the western edge of Blackmuir Wood, stopping at the boundary of the ruin of the Contin and Fodderty Free Church. They requested that an access be provided, possibly by the removal of a few bushes at the Jamestown end to allow residents use of the path.

- 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: -

- At paragraph 18,
 - Reduce housing potential to account for completion of 3 of the 6 houses.
 - INSERT to the Comments/Constraints column: *“Surrounding agricultural land, plantation woodland, sub-standard road network and unsatisfactory junctions with the A834 limit opportunities to absorb further development. The Council will seek re-establishment of a footpath link with Strathpeffer.”*
- At paragraph 61,
 - DELETE reference to *“The derelict church.....visitor related uses.”*
 - INSERT *“The Highland Access Project, in partnership with Forest Enterprise, will seek to improve accessibility by re-activating an existing footpath link between Jamestown and Strathpeffer.”*

Deposit Draft Local Plan

- 2.10 The Deposit Draft [CD9] of the Local Plan was published in November 2003. In Chapter 6: Landward:
- paragraph 3 indicates the potential for development within the defined boundaries of 30 small rural settlements listed in a table;
 - paragraph 18 in the table refers to Jamestown with potential for 3 houses;
 - paragraph 35 refers to the presumption against new or additions housing groups and potential exceptions;
 - paragraph 60 refers to the safeguarding and promotion of public access to the countryside throughout the Local Plan area and the duty to provide core path networks *“in accordance with the Highlands and Islands Access Strategy, Land Reform Legislation and available resources”*; and
 - paragraph 64 refers to the scope for enhancement of the remote footpath network in the countryside around Jamestown
- 2.11 The following were submitted: -
- Objections by MacRoberts Solicitors on behalf of Major RJG Whitelaw [CD30/102] in respect of Chapter 6: Landward paragraphs 18, 35 and 64 and Analysis Map.
 - An objection by Donald MacKillop Associates on behalf of Rory MacDonald [CD30/167] in respect of Chapter 6: Landward paragraph 18.
 - An objection by Alan and Jane Chisholm [CD30/202] seeking the allocation of land for housing, some distance to the east of Jamestown.
- SEPA’s objection to the lack of reference to the need for development proposals to connect to the public sewer network is dealt along with various matters in Issue 4 [CD30/170].

Deposit Draft with Modifications (Proposed Changes)

- 2.12 Proposed Changes to the Deposit Draft [CD11] were approved in January 2005 largely in response to the objections lodged on behalf of Major Whitelaw. These are as follows: -
- In the Analysis and Proposals Maps, DELETE only the section of path passing through the objector’s property.

- In paragraph 18 of Chapter 6, in the Constraints/Requirements column of the table, DELETE the contentious word “re-establish” and Modify the last sentence to read “*Investigate potential remote footpath link with Strathpeffer (see para. 64, Ch. 6)*”.
 - 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 (see para. 18, Ch. 6).*”
- 2.13 In addition, in response to more general objections from SEPA on housing groups, THC agreed that the housing groups policy 35 (changing to 34) in Chapter 6 should be Modified to include reference to criteria used to define the small tightly-knit groups or clusters in the Hinterland area. It is now proposed that the policy reads as follows: -
“34. *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].*”
- 2.14 No further objections were lodged to the Proposed Changes.

3. The Council’s Observations

The Objections

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

MacRoberts Solicitors on behalf of Major RJG Whitelaw [CD30/102]

Our client seeks to amend Appendix III: Small Housing Groups in the Countryside with Further Development Potential to add Jamestown - OS grid ref. 2480 8565 and identify the location as a Housing Group on the Proposals Map. It is considered that scope exists at Jamestown for the development of two house plots in the locations shown on the attached plan.

The development would help consolidate the small existing cluster of houses, creating a cohesive grouping, well related to its landscape setting and without detriment to the function, purpose or appearance of the countryside. At present there exists a distinctly linear pattern of development located exclusively on the south side of the Bealach road. In our opinion, the development as proposed would enhance the appearance of this grouping. The plots are ideally suited to high quality low-density development and

could be integrated with this small residential enclave sensitively and sympathetically.

Development would not conflict with natural or cultural heritage interests. In particular, development could be carried out without the need to remove any mature Scots Pine trees. Additional planting could be undertaken to assist further in the integration of the houses within the landscape. The woodland setting in which the existing properties are located and the topography would ensure that there would be no overlooking of or adverse impact on existing established levels of residential amenity.

The plots could make a contribution to meeting housing demand while at the same time minimising servicing costs and assisting in sustaining local services and other features of community life in Jamestown. The plots are in a sustainable location both in terms of accessibility and orientation, providing an opportunity for energy efficient development. There are no infrastructure objections given the scale of development proposed. The completion of the new water main means that a connection can be made to the water supply. A connection can also be made to the sewerage system. Surface water can be disposed off in accordance with the principles of SUDS. A satisfactory vehicular access can be provided to serve each plot. The development of two houses would not have any materially impact on the use of village road junctions with the A834. If it were considered necessary, the electricity line which crosses plot 1 could be buried underground. The developments could contribute toward removing existing development constraints within Jamestown and meeting the Council's other objectives and this is discussed further below.

There is a spatial aspect to housing land supply and there is little land identified for housing developments within Jamestown. There are however those who already live there and are forming new households and those who wish to move to smaller or larger homes while remaining in the same community. Housing opportunities at Jamestown are restricted to very limited infill opportunities. In our opinion this fails to satisfactorily address the need which exists. Identification of the plots proposed would assist the Council in meeting its obligations in SPP3 namely meeting housing demand across a range of accessible settlement locations.

Mindful of not wishing to create a precedent for the further housing on the intervening land between the settlement boundary and the plots above, our client would be prepared to enter into a section 75 agreement undertaking not to develop this land for housing as suggested to our client by Mr J Farquhar at a meeting in the Dingwall Planning Office.

Our client owns land on either side of the road leading almost all the way west to the road junction and would be willing to gift this to the Council to assist it in the widening and provision of a turning area on the Bealach road. At present refuse collection and other service vehicles encounter considerable difficulty in negotiating the narrow road. It is doubtful these vehicles will continue to be able to use the road without some improvements being made.

Our client would consider assisting the Council in establishing a footpath link between Jamestown and Strathpeffer, an objective set out at page 32 of the Written

Statement, by gift of a strip of land sufficient for a footpath. As you know our client has on several previous occasions in the past few years held discussions with representatives of the Footpath Trust in an attempt to identify an acceptable route. Despite an offer in writing, the matter has never progressed to implementation, the reasons for which our client has never been made aware.

The extent of our client's land ownership is as set out on the attached plan. It extends west beyond the Old Kirk to the public road.

Our client considers that a narrow strip of his land (if appropriately fenced and screened) adjacent to the Old Kirk could provide a safe and convenient route leading from the centre of Jamestown through Blackmuir Wood and onto Strathpeffer. However, the route, if established, would create an obvious tension with a possible future residential conversion of the Old Kirk, a development that would be in accordance with the terms of background policy BP1.

Conversion of the Old Kirk would potentially bring certain advantages such as securing the future of the building and its long-term maintenance. However, the footpath is considered to be incompatible with occupation of the building and the need to provide an appropriate curtilage to serve it. As the establishment of a footpath link would effectively remove the development potential of the Old Kirk and the adjoining land, in our opinion it is only right that the Council seek to offset this loss through the identification of the two plots to the east of the settlement.

Seeks to delete the right of way from our client's land as identified on the Analysis Map A. We would refer you to our letter of 21st July 2003 in which we disputed the claim that a right of way through our client's land existed. A response was promised but despite several reminders, the most recent on 27th October 2003, the Council has failed to respond to the issues raised in our initial letter.

In our opinion it was entirely inappropriate of the Council to have identified a right of way on the Analysis Map before a response to the points previously raised.

Donald MacKillop Associates on behalf of Rory MacDonald [CD30/167]

We contend that the area referred to has little or no amenity value. Reference to screening from the A834 can be more effectively dealt with by setting aside approx 10 metres of planting contiguous with the roadside. Any further development in this area would have its own access and as my client owns all this land there would be no difficulty in rearranging the main access to the A834 to comply with the Road Authority parameters.

My client would be agreeable to constructing low cost cottage type houses, detached or semi-detached, to conform with the character of existing houses adjacent to the site.

All necessary services are adjacent to the site, including a recently installed sewage system.

We enclose a notional sketch layout of the area that could be developed, taking

account of the Planning response in the local plan.

Donald MacKillop Associates on behalf of Rory MacDonald - Further Written Submission

Since our last comments, three houses have been erected on the site. The design of the two houses adjacent to the village access road ignores the character of the existing dwellings referred to in the Council's recommendations. The remaining land has now 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.

Road Access: As the land is in my client's ownership, the main access road can be significantly improved. Access to any further permitted development can be taken off a widened junction between the A834 and the village access. This would improve the existing village 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.

Infrastructure: A previous limitation of further development - the lack of public sewage infrastructure – has now been resolved with the newly completed sewage treatment works which serve Jamestown.

The Planning Authority's Response

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

MacRoberts Solicitors on behalf of Major RJG Whitelaw

- 3.3 The existing small group or cluster of three existing houses were not identified in the Deposit Draft Plan with potential for further development under the Council's Housing in the Countryside Policy Guidelines for the following reasons: -
- (i) There is little or no scope for further development within a clear visual envelope, which would mean expansion into open countryside.
 - (ii) Additional tree planting would not be effective at integrating the development into the landscape for a very long period of time, particularly in respect of plot 1, which is also a more prominent area of land.
 - (iii) The existing houses do not constitute a long established or traditional group.
 - (iv) The Council's roads engineer advises that there is no further capacity in the Jamestown road network or at accesses to the A834, which are substandard in terms of visibility. The capacity will shortly be reached once the houses with planning consent are completed and occupied. Upgrading would not be possible without acquisition of land from adjoining proprietors and loss of landscape features such as hedgerows and trees. This would change the character of the area and would also be very expensive.
 - (v) It is anticipated that the prospect of further development would generate counter objections from other residents given the history of opposition in the area.

(vi) The single track Bealach road from Jamestown to the sites is substandard in terms of the poor quality surface and the lack of passing places and a turning area.

Upgrading would be very expensive and would be the responsibility of the developer.

(vii) The overall cost of servicing the plots is likely to place them at the more exclusive/expensive end of the market, which will not fulfill priority local needs for low cost housing.

These matters were previously outlined in a response to an enquiry from Major Whitelaw in the period May to July 2003 [THC12/1]. The Principal Engineer, Roads and Community Works also confirms the road access matters indicated at (iv) and (vi) above in his statement.

- 3.4 The footpath and house plot objections are separate issues. THC's view is that it is inappropriate to consider the re-establishment, re-activation or otherwise of a footpath link as planning or community 'gain' from the requested allocation of land for housing that is highly questionable and cannot be supported on planning grounds.
- 3.5 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 was part of their response to the initial consultation in advance of publishing the Consultative Draft Local Plan. Local residents and the Footpath Trust had brought this to their 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 (paragraphs 18 and 64 of Chapter 6).
- 3.6 While there is no current proposal to pursue any other access over Major Whitelaw's property, the Council does not exclude the possibility of pursuing the linking of Strathpeffer and Jamestown generally as part of the Core Path Planning process. As such, it was considered appropriate to maintain a reference to this in the Local Plan and requires Modifications to be made to mapping and paragraphs 18 and 64, indicated in paragraph 2.12 above. However, the response indicated at 3.11 below now suggests that Jamestown should be deleted from the table of settlements with further housing development potential.
- 3.7 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. The scale of Proposals Map A is similarly unclear over the precise route of the 'path'. 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.

Donald MacKillop Associates on behalf of Rory MacDonald

- 3.8 The following response made to the representation on the Consultative Draft was reiterated: -

“Development of sites allocated in the adopted Mid Ross Local Plan will represent 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 settlements traditional, informal layout. The area of land suggested for further development performs an important role by maintaining separation between Jamestown and the A834 enhancing residents’ safety, creating a high level of amenity for residents and ensuring the settlement causes minimal visual intrusion in the landscape.”

- 3.9 The amenity value of the land is in buffering the existing settlement from the A834 road and largely in terms of traffic disturbance. This is regardless of the use/disuse of the land. THC's roads engineer advises 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 with consent.
- 3.10 In terms of low cost housing, provisions will be made in the near future within Strathpeffer, in closer proximity to the primary school, shops and other village services. Furthermore, there is a history of local opposition to more significant housing development in Jamestown. The other local representations on the Consultative Draft are indicative of this together with the responses made in respect of proposals for 5 houses (subsequently amended to 3) adjacent to Eastwood in 2001 [THC12/2]. It is considered that the current development provisions for the village are therefore adequate and that the requirement for further housing in the area should be met in Strathpeffer or Contin.
- 3.11 In respect of the further written submission, the completion of the three houses referred to has now taken up the capacity of the said access with the A834 road. THC's Principal Engineer, Roads and Community Works confirms this in his Statement to the Inquiry. This matter featured heavily in the consideration by THC in 2002 [THC12/3] of the planning application for 5 houses, which included part of the area now sought for inclusion in the Local Plan as well as the site allocated for 3. As highlighted in paragraph 6.2 of the Committee report, the applicant had indicated to THC 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.
- 3.12 THC also draws highlights part of the minute of the Hearing on the application, which states: *“Road safety issues were the residents’ main concern and they hoped that when the development plan was next reviewed it would conclude that the village had already reached saturation point.”* As the last of the approved houses is now complete, it would be appropriate to delete Jamestown from the list of small rural settlements with development capacity. This would place it in the same category as the list of 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.
- 3.13 As stated at 3.9 above, the amenity value of the land is largely in buffering the existing settlement from the A834 road traffic disturbance, regardless of the use/disuse of the

land. The remaining land has been left in an unkempt state by the objector, which detracts from its amenity value. This land has also been the subject of continued speculation and proposals for housing over the years, but has attracted community objections [THC12/2 & 3]. THC wishes to highlight that one of the letters of objection, raising concerns on traffic grounds and loss of landscape features and rural amenity, is from the other main objector, Major Whitelaw, who now seeks the inclusion of further development potential through the Local Plan served by the very same limited road network.

- 3.14 The outcome of formal consideration of the planning application by THC in 2002 gave a clear message on the limitations of development when the land owner had accepted these by reducing the number of houses in his application from 5 to 3. Despite these limitations still applying the owner seems intent on having another attempt to seek more development through the Local Plan process. The Adopted Local Plan also defined the limit of development for this settlement [CD3]. Such matters are therefore not new and did, for example, feature prominently in a 1993 Appeal case, which was lodged following refusal of consent for the erection of a replacement dwelling house by the site of a derelict cottage at Jamestown [THC12/4].
- 3.15 The main access road cannot be significantly improved in terms of visibility for traffic emerging from an access or approaching along the A834 road. The reference to access to any further development being taken off a widened junction to improve the existing village access without imposing any increase in traffic or impact on the internal road network is therefore irrelevant. The reference to extension of “the 40 mph restriction” is also incorrect. There is no such restriction on the Strathpeffer approach to Jamestown. The limit through Strathpeffer and to the boundary of that settlement is 30 mph. The Principal Engineer, Roads and Community Works advises in his statement that the extension of this or introduction of a 40 mph limit to the point suggested would not meet the criteria for such measures.
- 3.16 Similarly, in the absence of the ability to improve access visibility, the existence of a public sewer in the village with a connection to the Strathpeffer system and works is also irrelevant.

4. Conclusions

- 4.1 The narrow single track road network serving Jamestown and the substandard visibility of access junctions with the A834 continue to restrict the potential for further housing development. The scale of works required to achieve this would involve securing land outwith the control of the objectors and would significantly alter the landscape character of the area. THC also considers that 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. As such, additional land for housing in the area is expected to attract substantial opposition from the existing residents, many of whom continue to support the planning authority’s approach.

- 4.2 THC is also sympathetic to local support for linking Jamestown with a remote path connection to Strathpeffer, away from the hazardous A834 road, in keeping with the rural character of the area. THC considers that the provision of such a link should be pursued through the Core Path Planning process with relevant funding. In the absence of any current proposals to pursue such access over Major Whitelaw's property and the fact that further housing development is in itself is constrained by access difficulties, it would be highly inappropriate to view this as 'planning gain'.
- 4.3 **Accordingly, The Council would ask that the Reporter support the provisions of the Deposit Draft Plan with the proposed Modifications, as indicated in paragraphs 2.12 and 2.13 above, with the exception of the following: -**
- (a) **The second bullet in para 2.12, in view of the capacity of the road network for additional housing development having been reached. Jamestown should be deleted altogether from the list of settlements and the remainder re-numbered accordingly. As an alternative, Jamestown 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.**
 - (b) **In view of (a) above the reference in the third bullet to “(see para. 18, Ch. 6)” is no longer appropriate to include at paragraph 64.**

Subsequent sections of this Chapter should be re-numbered accordingly.