

**THE HIGHLAND COUNCIL**

**ROSS & CROMARTY EAST LOCAL PLAN INQUIRY**

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

**ISSUE 23: Avoch Housing – Exclusion of Land at Muiralehouse Farm**

**1. Introduction**

- 1.1 The Highland Council (THC) has undertaken to hold a Public Local Inquiry to consider objections lodged by GH Johnston on behalf of Broadland Properties Ltd [CD30/180] on Chapter 9: Avoch of the Deposit Draft of the above Local Plan in respect of the exclusion of land at Muiralehouse Farm for housing development. GH Johnston wishes to appear at the Inquiry on behalf of Broadland Properties Ltd.
- 1.2 Mr Alistair Mann, of WR Mann and Sons [CD30/207] is resting on original objections lodged in respect of land at Muiralehouse Farm in the Deposit Draft Local Plan.
- 1.3 THC will call Alan Ogilvie, Principal Planner as planning witness.
- 1.4 THC wishes to submit the productions listed below. References to productions are shown in the text as follows, [CD 1]. 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

[CD7] Black Isle Local Plan: Alteration No.2: Housing: Public Inquiry Report into Objections: Scottish Office Inquiry Reporters: March 1994

[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

[CD15] SPP3: Planning for Housing: Scottish Executive: February 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

## **2. Background**

### **National Planning Guidance/Advice**

- 2.1 Scottish Planning Policy 3: Planning for Housing [CD15] sets out the Scottish Executive's planning policies on housing. The following paragraphs are relevant: -

**60** requires development plans to “*take an informed long-term view on the requirement for new housing*”, looking forward over a minimum of 10 years and preferably up to 20 years in respect of the structure plan. Local plans should convert this into effective site-specific allocations.

**64** states: “*Local plans must conform to the structure plan and provide sufficient effective land to meet the housing land requirement for at least 5 years from the date of adoption. Local plans should also identify further sites to meet requirements in the medium term.*”

**65** indicates the need for housing land requirements to be regularly monitored taking account of changing circumstances.

### **Highland Structure Plan**

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

**Policy G2** Design for sustainability indicates that “*Proposed developments will be assessed on the extent to which they.....impact on non-renewable resources such as ....., prime quality or locally important agricultural land, .....*”

**Paragraph 2.8.4** indicates the requirement to consult the Scottish Executive (Environment and) Rural Affairs Department (SEERAD) on applications for development of prime farm land areas greater than 10 hectares and that there *may also be a case for safeguarding land of lesser quality but which is nevertheless important locally for the viability of a farm unit.....*”.

**Policy A1** states: “*Development on prime quality or locally important agricultural land will not be permitted except where the development is essential to the interests of the local community and no reasonable alternative location is feasible.*”

### **Adopted Local Plan**

- 2.3 The Black Isle Local Plan [CD2] was adopted in September 1985. At **paragraph 2.7** reference is made to the agricultural activity on the Black Isle and the need *to continue to safeguard land capable of important agricultural .....production including land of poorer quality essential to the viability of one or more holdings.*”
- 2.4 Black Isle Local Plan Alteration No. 2: Housing [CD5] was adopted in September 1996. The provisions for Avoch village are on pages 28 and 29. Reference is made in the *Setting* section to development constraints, including prime farmland to the south, and to

the best living conditions existing on the south-facing slopes, despite their prominence. Then under *Housing Requirements* there is a requirement for 50 to 70 house plots over a period of 10 years. Then the following section on *Land* assesses the capability of various sites to meet the requirements, including 2.2 hectares at the Memorial Field in the longer term (para. 3.8.1(g)). This land is part of Muiralehouse Farm and confirmed after the Local Plan Inquiry in 1993.

### **Previous Local Plan Inquiry**

- 2.5 The Inquiry into objections to the Black Isle Local Plan Alteration No. 2: Housing was held during October, November and December 1993. This included consideration of objections to the allocation of land at the Memorial Field, Avoch [CD7]. The summary of cases, findings and conclusions at pages 37 to 39 of the Reporter's report remain relevant to the current objections.

### **Consultative Draft Plan**

- 2.6 The Consultative Draft [CD8] of the Ross and Cromarty East Local Plan was published in May 2002. It contained the following provisions relevant to the objections: -

**Background:** *“Projections suggest the need to identify land in the Avoch and Killen area for at least 110 more houses by 2011 and a further 70 by 2017, including flexibility for choice of location. An assumption is made that around 40 will be found in the landward area, including 15 to 30 dwellings at the Rosehaugh Estate in the longer term (see Chapter 6, para. 31). Remaining land stocks within the village have capacity for 30 to 35 houses. In addition to bringing forward the areas allocated for longer term development in the adopted Local Plan at Rosehaugh West Drive and the Memorial Field, there is still a need to identify land for a further 50 houses to meet projected requirements up to 2017. Careful phasing is required to avoid overloading existing services, notably the drainage systems. The Council waiting/transfer list continues to suggest the need for additional affordable housing to rent and purchase.”*

**Development Factors:** *Ground to the north east at Knockmuir, above Braehead, is potentially very intrusive and it would be difficult to avoid development on the skyline when seen from the west. The steep slope and elevation also dictate the need for careful layout and boundary treatment, including significant advance structure planting to integrate it into the landscape. Road access is limited to the south west corner and would have to minimise the loss of existing mature tree cover, intrusion upon the footpath along the former railway line and the church car park. Expansion to the west at Muiralehouse would be less visually intrusive but may have more of an impact on the operation of the farm. Access is possible via the Memorial Field site. Two options that could help meet longer term development requirements are put forward for wider consideration before confirming a formal allocation in the Draft Plan.*

**Expansion:** *The following options for medium to longer term housing development are indicated in the table below for wider consultation before a final choice is made: -*

<i>Ref.</i>	<i>Area (ha.)</i>	<i>Location</i>	<i>Capacity</i>	<i>Requirements</i>
15.	3.8	Knockmuir East	25 - 30	Access improvements near church. Siting and design of buildings to reflect traditional pattern and vernacular styles of Braehead and north side of High Street. Minimal or no under-building. Play area. Minimise tree loss. Advance structure planting on north side.
16.	4.1	Muiralehouse	30 - 40	Access via Memorial Field site. Play area towards the western side. Advance structure planting on west side.

2.7 The following representations were made: -

#### Muiralehouse Housing Expansion

**Avoch Primary School Board [CD10/227]** were concerned about how pupils will cross the A832 from the proposed housing area in view of traffic speeds.

**GH Johnston Building Consultants Ltd on behalf of Broadland Properties Ltd [CD10/250]** welcomed the draft allocation at Muiralehouse and confirmed their willingness to release the land and its suitability for housing with the provision of a landscaped buffer along the western edge. They also drew attention to the presence of the nearby farm slurry tank, but as it was also on land owned by Broadland Properties Ltd, they could resume this and relocate the tank ideally at least 400 metres from any dwellinghouse, although not a necessity.

**Avoch & Killen Community Council [CD10/280]** asked that consideration be given to the proximity to the farm slurry tank when housing is planned.

**SNH [CD10/59]** felt that the allocation created a hard edge to the settlement and that advanced planting of the southern edge was required.

**Mr A H Mann [CD10/30]**, tenants of Muiralehouse Farm, was concerned about the proposals for an area essential for the continuation of the 260 cow dairy enterprise and 400 metres exclusion zone from an intensive livestock unit. He also drew attention to the Memorial Field allocation for development when existing sites are completed, which they accepted. However, to take more acres away would hamper the viability of the dairy unit and the livelihoods of employees and contractors.

**Kenneth MacDonald [CD10/88]** was shocked to learn plans to build more houses in Avoch and in particular, Muiralehouse field. He expressed concerns about the additional visual impact and destruction of perfectly good farmland vital to the operation of Muiralehouse Dairy. The changes that have taken place already have brought anti-social behaviour to a peaceful village and he was concerned that further unplanned houses would spoil its character.

#### Avoch - Housing Expansion in General

**D C Sutherland [CD10/119]** considered that the stated requirement for further housing

and the continuing strong demand for sites in Avoch confirmed a pressing need for both areas of land to be zoned for development. However, if it is decided to allocate only one of these options, he presented stronger arguments in favour of Knockmuir East on the basis of:

- (a) its southerly aspect and outlook whereas the Muiralehouse field, is on the valley floor and north facing;
- (b) Muiralehouse being chosen and all land available for housing in Avoch being controlled by one owner;
- (c) the loss of agricultural land at Knockmuir East will be considerably less than the Muiralehouse field and would not adversely affect the viability of the farm;
- (d) the entire Muiralehouse field falling within 400 metres of the farm buildings and slurry store where housing development is not recommended; and
- (e) that careful well designed advance landscape/amenity planting would help to avoid any adverse visual impact.

**T J Dalziel [CD10/226]** felt that both the recommended (Expansion) sites would require to be used to meet the projected need for housing.

**Avoch Primary School Board [CD10/226]**, in relation to significant housing proposals within the school catchment, sought reassurance that due consideration will be given to the provision of safe routes to school at the earliest stage, funded either by the Council or developers.

**Mr A Bryant [CD10/5]** questioned 'projected need' for housing, but there must come a point when good planning demands that the villages are 'full'. As such, he sought a stated maximum size for each village and perhaps a green belt. He also raised the issue of infrastructure improvements that would be needed before major development could take place, notably to accommodate additional traffic in the village streets of Fortrose and Avoch from another 300 or more houses.

**Linda Martin [CD10/262] Mrs C Walker [CD10/262] and Mr David Pocock [CD10/34]** raised concerns about the potential impact of traffic from additional development in Munlochy, Avoch, Fortrose and Rosemarkie in terms of traffic congestion, noise and pollution at peak periods, in light of the limitations of the existing road network.

2.8 THC's responses and reasoning in respect of these comments is set out in **CD10** and **CD25**. Changes were agreed largely to address the representations as follows: -

2.8.1 In the **Background** section of the Avoch statement a number of changes were made to reflect the revised housing requirement in light of 2001 Census based projections, the change in the status of development sites and to emphasis the need to secure 25% of the overall housing requirement for affordable/low cost rented and home ownership. There is also an expectation that the demand for housing in Avoch will settle down to a lower rate once more significant sites and new houses become more readily available in Munlochy and Fortrose. More specifically the third paragraph was deleted and replaced with:

*"The upgrading of School Brae has allowed more significant expansion of housing on the*

*south-facing slopes of Knockmuir. The availability of plots offering attractive views across the village and the Moray Firth has seen the average house building rate rise to more than 7 dwellings per annum over the last 5 years. The development rate is expected to slow down as constraints limit the ability to secure a longer term land supply and more land is opened up in Fortrose and Munlochy. As such, around 65 more houses will be required in the period mid 2003 to 2011 and a further 45 by 2017. These figures include an element of flexibility for choice of location and 25% for affordable/low cost home ownership. Remaining land from the adopted (previous) Local Plan and sites with permission have capacity for around 70 houses. This suggests that there is still a need to identify land for a further 40 houses to meet projected requirements up to 2017. Careful phasing is required to avoid overloading existing road and drainage networks.”*

- 2.8.2 In the **Development Factors** section, DELETE the last paragraph and INSERT:  
*“On land below Avoch House, improvements to the existing access road should minimise disturbance to the fine avenue of trees, safeguarded by Tree Preservation Order. Much of the ground to the north east at Knockmuir, above Braehead, is potentially very intrusive and development on the skyline when viewed from the west should be avoided. The steep slope and elevation also dictate the need for careful layout, grouping and design of houses. Significant advance structure planting will be required to integrate it into the landscape. The steep narrow tree lined Knockmuir Brae restricts access to the south west corner for the most part and should minimise the loss of existing mature tree cover, intrusion upon the footpath along the former railway line and the church car park. Expansion to the west at Muiralehouse would be less visually intrusive, but the impact on the operation of the intensive dairy unit and to the extent that further encroachment threatens its viability, is a key consideration. Avoch's significant landscape and land use constraints suggest that longer term development potential beyond the land allocated in this Plan may not exist and opportunities may be restricted to refurbishment and sensitive redevelopment of the historic core of the village.”*
- 2.8.3 In light of the reduced housing requirement and concerns about the impact upon the operation of the dairy unit, THC agreed to delete the housing Expansion allocation (para. 16) at **Muiralehouse Farm**. A reduced area of 2.3 ha. was allocated for “*Medium to Longer Term Development/ Expansion*” at **Knockmuir East**.
- 2.8.4 In relation to the Safer Routes to School Initiative and concerns about additional traffic through the village, a new policy was included:  
*“11. The Council will also seek contributions towards traffic management/ calming measures identified under the Safer Routes to School initiative and public transport improvements from the developers of sites 7. to 10. inclusive.”*

### **Deposit Draft Local Plan**

- 2.9 The Deposit Draft [CD9] of the Local Plan was published in November 2003. This drew objections in relation to Muiralehouse as follows: -
- GH Johnston on behalf of Broadland Properties Ltd [CD30/180] seeking re-inclusion of land to help meet the demand for housing in Avoch.
  - Alistair Mann, WR Mann & Sons [CD30/207] providing further information on the

issue of the slurry tank and expressing concern about planting trees on good farmland for amenity purposes.

- 2.10 No Modifications are recommended in respect of these objections. However, Modifications are proposed in relation to other provisions for housing in Avoch and are indicated in further written submissions statements for Issues 72 and 73.

### **3. The Council's Observations**

#### **The Objections**

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

#### **GH Johnston on behalf of Broadland Properties Ltd [CD30/180]**

*On behalf of Broadland Properties Ltd we formally object to the adoption of the Deposit Draft Local Plan as the housing allocation does not meet the demand for housing in this area.*

*By removing the Muirale House Field there is now a considerable shortfall of housing in this particular village and the surrounding areas. It was not without good reason that the Council originally proposed this field in the Consultative Draft of June 2002, and as housing policy relating to 'Housing in the Countryside' has been strengthened, there would be a demand for housing in the village to serve the whole of the Black Isle area.*

*We would also submit that the Muirale House Field fits in well with the built up area of Avoch. It is accessible and serviceable and the ground would be made available for development in the short to medium term.*

*Other allocations in the current Local Plan and the Black Isle Local Plan Alteration No.2 Housing have been fulfilled with the exception of the adjoining Monument Field. If this field is to be allocated then it could be released in the short term to give instant access for much needed housing and social housing within the Black Isle area.*

*We would also submit that there will be no detrimental effect to the adjoining farm by removing this area of ground, as the owners, Broadland Properties Ltd, are willing to make other ground available and adjacent to the existing farm, as an excambion agreement. This agreement has not been reached with the tenant farmer.*

*We would also submit that the field is not affected by any farming operations in the adjacent land that would affect development for housing.*

#### **Alistair Mann, WR Mann & Sons [CD30/207]**

*Broadlands Properties Ltd have a new provision for the siting of the slurry tank at Muiralehouse Farm. This would not alter the situation as a holding tank would still have to be sited at the dairy unit. The only solution to this problem would be to re-site the*

*whole unit well away from the houses.*

*I would like to object to the broad band of trees shown to the west side of field E16 and marked 18. My objection here is firstly that it will block the view of the firth from the two houses on the western side of the field and reduce their value. Although I have to accept where it is absolutely necessary to build houses on agricultural land, I am very much against planting trees on good agricultural land. We in the U.K. only produce 70% of our dairy produce, 75% of our beef, 75% pig meat, don't grow enough grain or potatoes, the only commodity that we have is in surplus sheep meat. The E.C. intervention stores are all but empty and the world only has thirty days grain reserves. I think these statistics should be taken into account when planting trees in good agricultural land.*

### **The Council's Response**

- 3.2 THC as Planning Authority wishes to respond to the objections set out in paras. 3.3 to 4.2 below. These are in the Annex to the Committee report of 25 January 2005 and expanded as necessary.
- 3.3. In 2002, the housing land requirement in Avoch was much greater, but was not based on the 2001 census. The apportionment of revised population and household projections based on the Census indicate an overall reduction in housing requirement for the village to 2017 by 30 dwellings. The Consultative Draft allocation for part of Muiralehouse Farm suggested a capacity of 30 to 40 dwellings. Representations against this allocation referred to the impact upon the viability of the farm and the close proximity of the slurry tank to potential housing. The objectors have not clarified how there will be no detrimental effect upon the remainder of the farm by removing the land in question from agriculture. To THC's knowledge, no agreement has been reached with the tenant farmer over the relocation of existing activities to an adjoining farm.
- 3.4 The 1993 Public Local Inquiry on the Black Isle Local Plan Housing Alteration considered objections to the loss of the adjoining Memorial Field from the same unit. At that time evidence was given on the operation and viability of the farm. The encroachment of development towards the dairy unit and the reduction in the amount of land were key concerns supported by the Department of Agriculture and are still of concern. Paragraph 6.4 of the report [CD7] states that other than the loss of the Memorial Field, the Department "*would not be inclined to support any further encroachment onto this farm for irreversible development.*"
- 3.5 Reference was also made to the recognised limits of a 'cordon sanitaire' around the dairy unit' and that "*future development on this unit must take heed of this potential problem.*" The adjoining field to the west of the Memorial Field is much closer to the dairy unit with most of it lying within 400 metres of the farm buildings complex. Informal advice to planning authorities is that they should avoid allocating land for development within 400 metres of an intensive livestock unit or storage of slurry or sewage sludge. This practice can avoid potential complaints from future residents and also gives the operators of intensive livestock units the opportunity to expand their operation in the future without being hemmed in by housing development. The Muiralehouse farm tenants are obviously concerned that further loss of land or encroachment by development will make the unit



unviable, threatening its continued existence. An additional allocation of this farmland for irreversible development would also be contrary to the Structure Plan [CD1]. THC is further concerned that this loss would lead to speculation about more significant development of the land for which the servicing capacity is not likely to be available.

- 3.5 The Deposit Draft Plan indicates that “65 more houses will be required in the period mid 2003 to 2011 and a further 45 by 2017”. From mid 2003 to the end of 2004 another 13 houses were completed, reducing the requirement by 2017 to 97 dwellings. The requirement includes an element of flexibility for choice of location and 25% for affordable/low cost home ownership. The requirement can be met through the Deposit Draft allocations as follows: -

Ref.	Area (ha.)	Location	Capacity
2.	0.6	West of Rosehaugh Crescent	8
3.	3.5	Knockmuir View	4
4.	0.5	Knockmuir South	2
5.	0.01	Former filling station,	3
6.	0.02	Station Hotel car park	6
7.	2.2	Memorial Field	30
8.	4.1	Rosehaugh East Drive	20
9.	0.7	South West of Ormonde Terrace	8 - 10
10.	2.3	Knockmuir East	25 - 30
totals	13.93		<b>106 - 113</b>

As such, the additional land at Muiralehouse is not essential to meet housing requirements in the period of the Plan.

- 3.6 With careful design and siting (see Issue 73), land at Knockmuir East provides the alternative location for medium to longer term development that does not affect the viability of an important farm unit. It is also located in reasonable proximity to the village centre and is more readily available. However, beyond 2017 questions remain about how sustainable it is to continue to expand communities like Avoch, particularly once it has reached its physical limits and in the absence opportunities to create employment to reduce the proportion of commuting.

#### **4. Conclusion**

- 4.1 **Accordingly, The Council would ask that the Reporter support the provisions of the Deposit Draft Plan with Proposed Modifications.**