

THE HIGHLAND COUNCIL

ROSS & CROMARTY EAST LOCAL PLAN INQUIRY

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

FORTROSE & ROSEMARKIE

ISSUE 30: the level and impact of further housing development in Fortrose and Rosemarkie

ISSUE 31: Fortrose Housing sites

ISSUE 32: other Fortrose allocations

ISSUE 33: Rosemarkie – Expansion North of Courthill Road at Greenside Farm

1. Introduction

- 1.1 The Highland Council (THC) has undertaken to hold a Public Local Inquiry to consider objections lodged in respect of the Deposit Draft of the above Local Plan as follows: -

ISSUE 30: various matters relative to the level of further housing development in Chapter 17: Fortrose and Chapter 18: Rosemarkie - housing requirements, infrastructure capacity, lack of community facilities and impact on historic areas and the landscape – Fortrose & Rosemarkie Community Council (CC) [CD30/164], S Blease & K Tudhope [CD30/148] & JV Cornwell [CD30/172]

ISSUE 31: Chapter 17: Fortrose Housing sites:

- 3, Platcock – JV Cornwell [CD30/172]
- 6, Seafeld Cottage - Fortrose & Rosemarkie CC [CD30/164] & JV Cornwell [CD30/172]
- 7 & 8 Wards/Upper Wards - Fortrose & Rosemarkie CC [CD30/164] & JV Cornwell [CD30/172]
- 9, Ness Way - JV Cornwell [CD30/172], Fortrose & Rosemarkie CC [CD30/164], Garry J Keith [CD30/49] and, in respect of proposed Modifications, R Stirrat on behalf of JAF Stuart [CD31/445]
- 18: Ness-Fortrose Gap Expansion Area - JV Cornwell [CD30/172], Fortrose & Rosemarkie CC [CD30/164] & GH Johnston on behalf of Miss Marion Rattray [CD30/184]
- non-allocation of site north of Ness Road - GH Johnston on behalf of Fraser Hutcheson [CD30/181]

ISSUE 32: Chapter 17: Fortrose:

- land for hotel at golf course (para. 12) - JV Cornwell [CD30/172]
- land for cemetery expansion and other uses (para. 16) - Fortrose & Rosemarkie CC [CD30/164]

ISSUE 33: Chapter 18: Rosemarkie – Expansion North of Courthill Road at Greenside Farm, including reference to Historic Garden and Designed Landscape and local amenity

areas - JV Cornwell [CD30/172], Fortrose & Rosemarkie CC [CD30/164], S Blease & K Tudhope [CD30/148], Dr J & Mrs HC Pendlebury [CD30/155] and, in respect of proposed Modifications, Mr A MacIver [CD31/435]

All parties wish to be heard at the Inquiry.

- 1.2 The following objections are to be dealt with on the basis of further written submissions: -
 - AB Bryant [CD30/29], in respect of Issue 30
 - John DW & Patricia M Hossack [CD30/82], in respect of Issues 30 & 33.
- 1.3 The following are resting on their original submissions: -
 - David G Jones, Barbara Jones & Irene Cathie [CD30/156], in respect of Issues 30 & 31
 - Cromarty Arts Trust [CD30/185], in respect of Issues 31 & 32
 - Scottish Natural Heritage [CD30/197], in respect of Issues 32 & 33
 - Robert G & Helen Blair [CD30/83], in respect of Issue 33.
- 1.4 Objections lodged by the following are assumed to be sustained either on the basis of the original submissions lodged in respect of the Deposit Draft Local Plan or are not withdrawn: -
 - DJ Pocock [CD30/113], in respect of Issue 30
 - John A Hossack [CD30/106], in respect of Issues 30 & 33
 - TG Lloyd [CD30/89], in respect of Issue 33.

The objections and THC's responses are contained in the 25 January 2005 Area Planning Committee report on Objections and Representations to the Deposit Draft Local Plan [CD27].
- 1.5 In response to proposed Modifications, SEPA [CD30/170] conditionally withdrew their objection in respect of the proposed cemetery extension, as contained in para. 16 of Chapter 17: Fortrose.
- 1.6 THC will call the following: -
 - Alan Ogilvie, Principal Planner as the planning witness
 - Sam MacNaughton, Head of Transport and Infrastructure as the roads and transportation witness
 - Councillor Billy Barclay as a policy witness for site 9, Ness Way, Fortrose only.
- 1.7 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

[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
- [CD18] NPPG17: Transport and Planning: Scottish Executive: May 2001
- [CD19] NPPG18: Planning and the Historic Environment: Scottish Executive: May 2001
- [CD20] PAN38: Housing Land: Scottish Executive: 2003
- [CD21] PAN49: Local Planning: Scottish Executive: May 1996
- [CD24] PAN74: Affordable Housing: Scottish Executive: March 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
- [CD32] East Ross Settlement Landscape Capacity Study: A Technical Report prepared on behalf of the Highland Council and Scottish Natural Heritage by the Turnbull Jeffrey Partnership and Michael Wood: April 2001 (unpublished)
- [THC30-33/1] Extracts from PAN57: Transport and Planning: Scottish Executive: April 1999
- [THC30-33/2] Planning Advice Note 67: Housing Quality: The Scottish Executive: February 2003
- [THC30-33/3] Extract from Report of Inverness Local Plan Inquiry: The Scottish Executive Inquiry Reporters Unit: March 2005
- [THC30-33/4] Developing a Transport Vision for Inverness 2004 – 2031: Atkins on behalf of Inverness & Nairn Enterprise, Highlands and Islands Enterprise and The Highland Council: Final Report: September 2004
- [THC30-33/5] Letter to THC Ross & Cromarty Area Planning & Building Control Manager accompanying Planning Application for Proposed Wastewater Treatment Plant at Fortrose: Scottish Water Solutions: 1 April 2005
- [THC30-33/6] Letter to THC Ross & Cromarty Area Planning & Building Control Manager with comments on Planning Application for Proposed Wastewater Treatment Plant at Fortrose, Ref 05/00288: SEPA: 21 April 2005
- [THC30-33/7] Letter to THC Ross & Cromarty Area Planning & Building Control Manager with comments on Planning Application for Proposed Wastewater Treatment Plant at Fortrose, Ref 05/00288: SNH: 29 April 2005
- [THC30-33/8] Location Plans for Current and Previous Application Sites for Proposed Wastewater Treatment Plants at Fortrose and Rosemarkie: The Highland Council: May 2005
- [THC30-33/9] 'Plan Your Community' Workshop results: Fortrose & Rosemarkie Community Council and The Highland Council: December 2000
- [THC30-33/10] Summary (1st draft) of the Fortrose & Rosemarkie Community Council & Highlands Small Communities Housing Trust Housing Survey: Spring 2005
- [THC30-33/11] An Inventory of Gardens and Designed Landscapes: Scottish Natural Heritage and Historic Scotland: 2003

[THC30-33/12] Extracts from Memorandum of Guidance on listed buildings and conservation areas: Historic Scotland: 1998

[THC30-33/13] Policy Briefing and Information Note No.1: Mid Year Population Estimates Highland: The Highland Council: May 2005

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: -

35 refers to the opportunities that the planning of new residential development offers for reducing travel demand in line with the Scottish Executive's commitment to reduce the demand for travel and reliance on the private car through the effective integration of land use and transport.

36 advises that in planning for the expansion of existing settlements, *"preference should be given to locations which can be well integrated with existing and proposed public transport, walking and cycling networks."*

45 advises that in the planning of extensions to settlements there is a need to respect the landscape setting of existing towns and villages, and for building types, designs and materials to respect local architectural styles. The impact of development on the wider landscape needs to be considered and to ensure that the scale of new development in smaller towns and villages is appropriate.

47 and **85** provide guidance on the establishment of new settlements.

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."*

72 refers to the requirement of the Housing (Scotland) Act 2001 to *"undertake an assessment of housing needs and conditions in their areas and produce a local housing strategy covering 5 years. This should view the housing market as a whole, covering all tenures and including any need for affordable housing."* This should be prepared in partnership with registered social landlords, other housing providers and the local community to determine housing needs that *"should be reflected in the overall housing land requirements."*

74 to 83 refer to the delivery of affordable housing and in particular at **77** the need for

development plans to allocate sufficient land to ensure land is available to meet requirements including affordable housing needs.

85 refers to the likelihood of a partnership between the public sector, private developers and other interests major in the creation of extensions to settlements. This requires clarity on the *“likely scale of developer contributions, which for some sites may include provision of all or most new infrastructure, road improvements and similar requirements.”*

- 2.2 **Planning Advice Note 38: Housing Land [CD20]** provides advice on good practice in the assessment of housing land requirements. Attention is drawn to the following paragraphs: -

15 indicates that forecasts of housing land requirements take account of a range of variables, including both private sector demand and social needs.

16 refers to the Scottish Executive publication of household projections using the General Register Office for Scotland's population projections and trends in household formation. Mention is also made of the use of other locally derived projections or forecasts, which may be more relevant to the particular circumstances of the plan area and should be explained.

17 illustrates how housing requirement can be calculated, accounting for the projected change in the number of households, changes in the non-effective stock (i.e. vacant and second homes), and changes in the actual stock (e.g. as a result of demolition or sub-division). Factors such as local housing market information including evidence of demand, can be taken into account in estimating the requirement.

18 advises that in addition to demographic trends, the assessment of housing land requirements should account for demand (the willingness and ability of individual households to pay to meet their housing aspirations) and the scope for growth, where appropriate.

19 indicates the factors to be taken into account when assessing demand.

23 repeats paragraph 72 of SPP3 [CD15] in referring to the requirement to *“undertake an assessment of housing needs and conditions.....and produce a local housing strategy covering 5 years.”*

- 2.3 **National Planning Policy Guideline 17: Transport and Planning [CD18]** sets out the Scottish Executive's planning policies on the integration of transport and land use. The following paragraphs are relevant: -

2 refers to the relationship between Local Transport Strategies and development plans and the important role of each in implementing transport strategies and guiding development. More specifically it advises that *“the Local Transport Strategy should flow from and in turn be incorporated into the relevant development plans.”*

7 refers to the role of land use planning in achieving the Government's broad policy objectives for integrated transport and land use planning in respect of reducing the need to travel, supporting provision of high quality public transport access to development and

supporting the management of motorised travel and contributing to sustainable transport objectives.

21 outlines the framework for the key policy tool of delivering better integration of transport and land use planning including a location policy to guide development to places that support sustainable mode share and the introduction of broader Transport Assessments, Green Transport Plans and planning agreements to promote sustainable transport solutions.

23 expands upon the need to set out sufficient detail in development plans and Local Transport Strategies to provide a transparent basis for negotiation with developers and uses of planning agreements to help deliver more sustainable transport solutions. This is cross-referenced to PAN 57 Paragraphs 11-13.

26 states that *“Planning authorities should ensure that their settlement strategy is consistent with the aim of reducing travel demand and puts greater reliance on means of transport other than the private car.”*

28 repeats para. 36 of SPP3 in respect of the expansion of existing settlements and built-up areas for housing.

55 states that *“local authority support for bus services, passenger rail services or proposals for associated facilities should be consistent with the location policies in development plans. Where enhancement to public transport services or infrastructure is desirable to serve new development, but would not be provided commercially, a contribution from the developer towards an agreed level of service through the planning authority may be appropriate.”*

2.4 Planning Advice Note 57: Transport and Planning [THC30-33/1] complements NPPG17. The following paragraphs are relevant: -

2 - 10 cover the transport assessments, placing the onus upon developers /applicants to address the impact of their proposals and to suggest ways of mitigating potential detrimental effects.

11 & 12 advise that development plans should outline the transport priorities referred to in the Local Transport Strategy, together with the likely nature and scope of developer contributions, including schemes for new investment, traffic management and partnerships for improved transport services.

2.5 National Planning Policy Guideline 18: Planning and the Historic Environment [CD19]:

- *“outlines national policy on the historic environment which local authorities should consider in formulating and assessing development proposals;*
- *explains how the protection of the historic environment and the promotion of opportunities for change can contribute to sustainable development;*
- *identifies a range of planning action designed to achieve conservation objectives, including implications for development plans and development control.”*

Attention is drawn to the following paragraphs: -

11 refers to the positive role that planning can play in enabling development in historic areas that is appropriate in terms of land-use, location and design.

13 & 14 refer to conservation areas in respect of their designation, setting, preservation, enhancement and control of development.

16 refers to the Inventory of Gardens and Designed Landscapes in Scotland, the effect of proposed development in such areas as a material consideration in the determination of a planning application and the requirement to consult with Historic Scotland and SNH on any proposed development that may affect Inventory designations.

35 to 37 indicate the role of local plans in the protection, conservation and enhancement of the historic environment and its setting.

40 & 41 refer to the use of Article 4 Directions and their appropriateness for introducing more control to prevent incremental erosion of the character and appearance and act as the basis of an enhancement or 'Town Scheme'.

53 encourages the preparation of "*development briefs and design guides for key development opportunities within the historic environment in order to facilitate and promote high quality and well designed new development.*"

- 2.6 **Planning Advice Note 67: Housing Quality [THC30-33/2]** sets out the Scottish Executives aspirations for Scotland's housing. It states: "*Designing Places, published November 2001, sets out the Scottish Executive's aspirations for design and the role of the planning system in delivering them.*" PAN 67 explains how Designing Places should be applied to new housing.

Highland Structure Plan

- 2.7 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:*

- *are compatible with service provision (water and sewerage, drainage, roads, schools, electricity);*
- *make use of brownfield sites, existing buildings and recycled materials;*
- *impact on individual and community residential amenity;*
- *Impact on the following resources, including pollution and discharges, particularly within designated areas:*
 - habitats, species, landscape, scenery, freshwater systems, marine systems, cultural heritage and air quality;*
- *demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials; and*

- *contribute to the economic and social development of the community. Developments which are judged to be significantly detrimental in terms of the above criteria shall not accord with the Structure Plan.*

Policy G6 seeks the conservation and promotion of the Highland heritage “*identified as being of a high quality in terms of nature conservation, landscape, archaeological or built environment.*”

Para. 2.2.2 states: “*1994 based Scottish Office projections (extrapolated to 2017) for Highland suggest an increase of 25% in the number of households by 2017, making it one of the fastest growth rates in Scotland. The Council’s own projections, whilst providing a similar increase over the period, take a more optimistic view of population change in some Areas (particularly Caithness and Sutherland).*”

Para. 2.2.3 indicates the Council’s obligations in terms of national guidance on housing land and needs, including provision “*for a choice of sites and to take account of unmet housing demand at the start of the Plan period.....*” including an allowance “*for ineffective stock (vacant and second/holiday homes) and for flexibility.....*”

Para. 2.2.5 refers to the aim to steer housing demand to appropriate locations within existing settlements with the main allocation directed towards Inverness, but also with decentralisation to assist in supporting the sub regional functions of Nairn and the Evanton, Alness and Invergordon corridor, allocations have been increased above anticipated needs.

Para 2.2.7 and Policy H2 outline the considerations given to the establishment of new settlements which “*should not, however, be merely residential dormitories but should be comprehensively planned to create balanced communities acting as local centres within the settlement hierarchy.*”

In **Figure 8: Housing land supply**, reference is made to the A96 corridor providing “*an option of linking new housing development to business opportunities associated with the airport and rail link to Inverness and Nairn.*”

Policy H5 on affordable housing indicates the requirement to “*identify areas in Local Plans and through Local Housing Development Fora where there is a demonstrable need for affordable housing.*”

Policy H7 refers to encouragement of “*the provision of a range of house types,.....*” and for Local Plans to “*identify suitable sites to meet the requirement for specific housing needs and, where there is a clearly demonstrated need, to secure a proportion of suitable housing through negotiation, Section 75 agreements or other appropriate mechanisms.*”

2.16.2 - Integrated transport and modal shift – Outlines Government policy (NPPG 17) on Transport and Planning, and advises that “*The Structure Plan’s approach to modal shift reflects the differing circumstances and needs of different parts of Highland.*” In addition, “*It recognises that whilst national policy is relevant for major urban and conurbation areas, where congestion and pollution are occurring and where reasonable public*

*transport alternatives exist, for a vast rural area such as Highland, car ownership will remain a necessity and road transport will continue to be the key mode for many communities, businesses and visitors.” This is followed by **Policy TC1** on Modal shift.*

Proposal TC3 indicates the intention of THC to prepare an Integrated Local Transport Strategy, with particular emphasis on the Inner Moray Firth area, and a partnership approach to implement a range of measures proposals including improved bus and rail services, new rail halts, park-and-ride, cycling and walking networks; pedestrianisation and traffic-calming measures. There is an expectation that developers fund transport infrastructure and services demonstrated as being required in Transport Assessments to achieve an acceptable modal split.

Paragraph 2.16.11 refers to the major contribution *public transport* can make to the improvement of accessibility and “*in meeting objectives relating to energy efficiency and safeguarding the environment.*” Emphasis is also placed on the importance of integration of public transport services and the road network and the location of nodes and routes in relation to housing, employment centres and other services. Also recognised is that “*some routes may require substantial public subsidy to make vital services available*”. **Policy TC11** on public transport follows on from this paragraph.

Policy BC4 indicates that The Council will seek to preserve historic gardens and designed landscapes and for Local Plans to contain policies for their protection.

Policy BC5 is the policy for Listed buildings and Conservation Areas.

Adopted Local Plan

- 2.8 **The Black Isle Local Plan [CD2]** was adopted in September 1985. The following provisions are relevant to the objection issues: -

Paragraph 2.18 highlights the improvements carried out to roads, further planned improvements and the need to continue to assess the need for improvements to local or non-strategic roads as resources permit. From 1984 to 1990 the roads authorities undertook substantial improvements to the roads indicated. Thereafter, capital funding available for significant road improvements was substantially reduced.

Paragraph 5.18 referred to the consideration “*given to improvement of the accident blackspot on the A832 between Avoch and Fortrose*”.

Paragraph 6.2 indicates the pressure for housing development in Fortrose and Rosemarkie and the need to identify additional land for the next 5 years and clarify the options for longer term growth.

Paragraph 6.6 covers the original development allocation at what became Ness Way for a maximum of eight dwellings.

Paragraph 6.7(d) allocated land for low density development south west of Platcock House.

Paragraphs 6.17 and 6.18 dealt with the issue of Longer Term Housing Expansion to meet local needs and market demands. Reference is made to an assessment undertaken by the Council of areas, which might be capable of accommodating longer term growth. *“The balance of advantage is considered to lie with land at Platcock-Wards particularly in relation to agricultural impact and community considerations. The unadopted Hill of Fortrose road should feed the new road, so tha the present east Watergate forms a new cul-de-sac.”*

Paragraph 6.19 refers to the difficulty of identifying a site for accommodating local service industries and allocated adjoining the former District Council depot at East Watergate for this purpose.

Paragraph 6.20 refers to the consideration given to relocating the Fortrose garage/petrol filling station from High Street to an area allocated opposite the cemetery, on the A832 road towards Rosemarkie.

Paragraph 6.23 refers to the proposed improvement of Ness Road, which was subsequently completed.

Paragraph 6.28 refers to the High Street traffic problems in both communities, caused mainly by congestion of parked cars. The availability of free off-street car parking nearby, combined with enforcement of waiting restrictions to resolve problems, is highlighted. The policy refers to the intention to carry out remedial work to road surfaces and footpaths as resources permit and with due regard to the Conservation Areas.

Paragraphs 6.32 & 6.33 refer to expansion of community facilities south east of Fortrose Academy, notably for sports and leisure uses. The proposals to build a swimming pool and sports centre to serve the Black Isle are indicated together with land allocations for future education, community and playing field uses.

Paragraph 6.34 includes a policy safeguarding 1.8 land between Easter and Wester Greengate for development of a new primary school with playing field in the longer term.

Paragraph 6.36 indicates the provisions for the Fortrose and Rosemarkie Outstanding Conservation Areas including the proposed application of an Article 4 Direction and environmental enhancement works. The policy refers to design guidance (included as an Appendix) for enhancement and control of development.

Paragraph 6.37 safeguards good quality agricultural land and viable farm units on the periphery of the settlements, notably at Broomhill and Greenside, from development unrelated to the working of these areas fore agricultural purposes.

Paragraph 6.39 safeguards approximately 2 ha. of land to the east of the Wester Links development at Chanonry Ness as an amenity and safety corridor or buffer (from stray golf balls) between housing and the golf course.

Paragraphs 6.40 to 6.44 safeguard and promote the enhancement of important local

amenity features at Chanonry Ness, Rosemarkie Beach, Kincurdie Estate woodlands and the Fairy Glen, as well as footpaths and amenity trees throughout the area. More specifically the Council proposed a Tree Preservation Order for the Kincurdie Estate woodlands and to designate the Fairy Glen area as an Area of Great Landscape Value.

- 2.9 **Black Isle Local Plan Alteration No. 2: Housing [CD5]** was adopted in September 1996. The following provisions of Chapter 4: Fortrose and Rosemarkie are relevant to the objection issues: -

Fortrose Setting, page 33: Reference is made to the considerable investment made in facilities in order to maintain growth and proposals for the Avoch-Fortrose road improvement (not implemented) and Fortrose Academy (now completed).

Fortrose Housing Requirements, p. 33: Reference is made to up to 150 new dwellings being required in 10 years and community priorities being for *“specialist housing for the elderly and affordable property for local people.”*

Fortrose Land, p.33:

- This refers to the preliminary assessment of the wards area to cater for longer term requirements and the substantial infrastructure to open it up, notably extension of the access road from the Council housing and surface water drainage.
- Concerns indicated about the openness of the area and the proximity of development to Rosemarkie. In light of these matters the proposed allocation was reduced.
- An indication is given of the more favourable option of developing land between Fortrose and the Ness.
- **Policy 4.8.1** allocates 7 areas for housing development including land by Platcock House (b), Seafeld Cottage (e) and West of Ness (g), and safeguards Lower Wards (i) and Ness-Fortrose Gap (j) for potential long term development.
- The potential linkage between areas (g) and (j) is indicated together with the need for *“a separate public consultation”* on the expansion areas (i) and (j) *“before a final selection is made in the course of the next Local Plan review.”*
- The pivotal role of Greenside Farm in maintaining the separate identity of settlements is indicated, together with the need to consider the long term future of the unit in light of the retirement of the owner and *“the strong likelihood of significant areas being used for development”*.
- **Policy 4.8.2** allocates most of the land between Ness Road and Rosemarkie for future golf course development and suggests that land in the vicinity of the clubhouse possibly could cater for additional parking and practice areas, shared with a hotel, subject to upgrading East Ness Road.

Fortrose Facilities, p.33: This refers to the main service deficiencies relating to the longer term possibility of a primary school and community recreation provision.

Rosemarkie Setting, p.35: Reference is made to building constraints being the beach, wooded margins of Kincurdie, the Fairy Glen, the projected bypass, SSSI, steeply rising ground to the west, prime agricultural land, the caravan site and location of the sewage works. No overall infrastructure problems are indicated, although there was a proposal to improve water storage in later years.

Rosemarkie Housing Requirements, p. 35: An overall requirement for more than 50 homes was anticipated, but the scarcity of land was a problem. Specialist housing for the elderly and young people were suggested as local priorities.

Rosemarkie Land, p. 35: In addition to limited infill opportunities, land by Eden Lodge was allocated (4.8.3(e)).

Rosemarkie & the Ness Inset Map, p. 34:

- This indicates a notional line for a Rosemarkie bypass from the south end of Courthill Road running very close to existing houses in a northerly direction and then swinging north west through the Fairy Glen.
- The map also indicates “sensitive areas – restraint”, including the agricultural land west of the bypass line, the Rosemarkie Conservation Area, the beach, the Fairy Glen, the golf course safety/amenity buffer area east of Wester Links and the land safeguarded for community/recreational uses south east of Fortrose Academy.

Previous Local Plan Inquiry

2.10 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 housing in following areas, which are the subject of current objections (objectors in brackets): -

- North east of Ness Road, Fortrose (F Hutcheson)
- Towards the Ness, site 4.8.1(g), part of the Ness Fortrose Gap area (Fortrose & Rosemarkie CC, JV Cornwell and M Rattray).
- Land east of Wester Links (JAF Stuart)

Section 7, pages 40 to 47 of the 1994 Inquiry Report refer [CD7].

Consultative Draft Plan

2.11 The Consultative Draft [CD8] of the Ross and Cromarty East Local Plan was published in May 2002. The key provisions relative to the objections are as follows: -

Chapter 4: Strategy “.....takes forward the vision and seven strategic themes of the Structure Plan in relation to addressing the issues for Ross & Cromarty East.” The main land use objective or *Spatial Element* of the Strategy was established and continues to be to direct the majority of development to the main communities along the Muir of Ord - Conon Bridge – Dingwall - Evanton – Alness - Invergordon - Tain *Development Corridor*, based on accessibility to the rail and major road network. Development within the Main Settlements of the Rural Development and Hinterland areas is also a key Spatial Element of the Strategy.

Hinterland Area – “Services permitting, the settlements of North Kessock, Munlochy, Avoch, Fortrose, Rosemarkie, Culbokie, Tore, Strathpeffer and Contin will absorb the bulk of house building outwith the Development Corridor. Developer contributions will be required to meet shortages in affordable accommodation in areas of defined housing stress and possibly to provide community facilities. The rate of growth in villages should be

monitored to avoid ‘overheating’ and excessive imbalance in the social structure. As a rule, land allocations will not exceed 25% of the existing scale of settlements for any 10-year period. Greater emphasis needs to be placed on design. The fit of new development is crucial to building sustainable communities, enhancing the character and function of places. Most towns and villages require a stronger ‘core’, traffic restraint measures, better pedestrian connections and structural tree planting on their exposed margins or to visually break down over-sized or unsympathetic development.”

Chapters 17: Fortrose and 18: Rosemarkie indicate the provisions for these settlements, including key housing allocations required over and above the adopted Plan land supply, notably:

- a **housing requirement** for 160 houses in the Fortrose and Rosemarkie area by 2011 and at least 250 by 2017, the greatest proportion in Fortrose;
- remaining land allocations had potential for less than 100 houses;
- **in Fortrose, at para. 12**, the allocation of 4.5 ha. at The Wards for 30 – 40 dwellings **and at para. 13**, the allocation of 13.6 ha. at the Ness-Fortrose Gap for 120 – 150 dwellings; and
- **in Rosemarkie**, at para. 2, Greenside Farm, an unspecified area of land “*reserved to meet more significant housing requirements over the next 10 years and beyond.*”

- 2.12 The representations made are detailed in **CD 10** and **25**. Those who made them and a brief description of the issues raised are as follows: -

Chapter 3: Key Issues

DJ Pocock [CD25/34]: substantial additional road traffic with consequent pollution and disturbance; build houses nearer Inverness and the A9 to reduce journey times and emissions or build bypasses to the north of these villages and Avoch.

The Black Isle Partnership [CD25/106]: no commitment to address inadequate and poorly maintained road infrastructure and measures to reduce car use.

Mrs C. Walker [CD25/216] & Linda Martin [CD25/262]: traffic impact of some 500-600 houses proposed in Munlochy, Avoch, Rosemarkie and Fortrose on villages and A832 and B9161 roads; re-route traffic along A832 to Tore and improve bus service.

Scottish Executive Development Department Planning Division [CD25/259]: impact of development proposals on trunk road network; traffic growth issues not addressed; expansion of communities in Black Isle as dormitories of Inverness is unsustainable; and need to restrict housing to reduce adverse commuting impacts.

Chapter 4: Strategy – Spatial Elements: Hinterland

Susan Blease & Kirk Tudhope [CD25/73]: resist the level of housing allocation in the Black Isle and direct housing demand to areas where the Council can guarantee provision of infrastructure capable of sustaining additional development.

Knockbain CC [CD10/92]: consider the impact of extra traffic passing through other communities from house building; Munlochy has suffered from housing development in Killen, Fortrose and Cromarty.

Chapter 6: Landward, para. 57 – A832 Avoch-Fortrose road improvement

Avoch Primary School Board [CD25/227]: strongly support a cycleway and footpath to enable safer walking and cycling between the villages.

Avoch & Killen Community Council [CD25/280]: one of the main priorities.

Fortrose & Rosemarkie CC [CD25/221]: proposal is still uncertain and the need for a protected pedestrian/cycle path is more important than a straighter, faster road.

Chapter 17: Fortrose

Background

Susan Blease & Kirk Tudhope [CD25/73]: lack of infrastructure capacity and redirect development to areas where it exists.

Fortrose Public Meeting [CD25/403]: capacity of Academy to cope: and inability of local persons to afford the new houses.

David & Barbara Jones & Irene Cathie [CD25/219]: lack of evidence of requirement for housing and inadequate public consultation.

Fortrose & Rosemarkie CC [CD25/221]: lack of evidence of requirement for housing; use 2001 Census; inadequate public consultation; the community must not become an extended commuting base; traffic impact of more commuter housing; road network inadequate for commuters; environmental impact upon historic settlements; coalescence of the two communities; lack of infrastructure to support a larger population; and social impact not accounted for.

Development Factors

SEPA [CD25/157]: consult with Roads Authority on flooding.

Fortrose Public Meeting [CD25/403]: questioned the settlement's physical capacity.

Town Centre - para. 1

Mr A Bryant [CD25/5], Mr David Pocock [CD25/34] & Fortrose Public Meeting [CD25/403]: traffic impact of more housing; and suitability of traffic calming for Fortrose and Avoch High Streets.

Housing General

Avoch Primary School Board [CD25/227]: consider safe routes to school early.

Mr A Bryant [CD25/5]: clarify projected housing need; state a maximum size for each village; consider a green belt; and traffic impact of 300 plus houses in absence of ability to bypass Fortrose and Avoch.

Patrick Zentler-Munro [CD25/83]: traffic impact of dormitory housing for Inverness on A832; public transport is not a serious proposition; construct a completely new spine route down the Black Isle; and Fortrose Academy lacks capacity to cater for major housing.

Housing, para. 6 - Seafield Cottage: **GH Johnston Building Consultants Ltd on behalf of Marion Rattray [CD25/390]:** clarified availability of land, timing of its development and road improvements.

Special Uses, para. 7 - Land for expansion of Leisure Centre: **GH Johnston Building Consultants Ltd on behalf of Marion Rattray [CD25/390]:** confirmed ownership and availability for development of use indicated.

Special Uses, para. 8 – Land for Primary School

Avoch Primary School Board [CD25/227]: consider safe walking routes to school, traffic calming and bus stops.

Mr R & Mrs H Blair [CD25/50]: need for new primary school in Fortrose in face of higher proportion of elderly and lower proportion of children in future.

Special Uses, para. 10 - A832 Avoch-Fortrose road

Dr N Lloyd [CD25/28]: only need a pedestrian/cycle path, separated from the other traffic by the existing sea wall, not a faster straighter road.

Scottish Natural Heritage [CD25/59]: refer to the adjacent Moray Firth Candidate Special Area of Conservation in policy.

Special Uses, para. 11 - upgrade of sewage facility in 2004-06

SEPA [CD25/157] - current treatment arrangements not ideal and all development within the settlement envelope should be directed to public sewer.

Fortrose Public Meeting [CD25/403]: clarify if sewage treatment plant can cope with additional development.

Special Uses General

Fortrose & Rosemarkie CC [CD25/221]: infrastructure is already inadequate for community needs and must be brought up to a tolerable standard before any more house building. Particular concerns about: road maintenance and improvement; surface water drainage and sewage disposal; Local Composting and Recycling facility; improved public toilets and new facilities at Chanonry Point; sewage treatment to high standard for bathing water quality and marine wild life; medical, Day Care and Home help facilities for the elderly; cemetery extension; premises for youth groups; lack of a filling station; water

quality from spring-fed source in Rosemarkie; coast protection and leisure facilities, including swimming pool.

Fortrose Public Meeting [CD25/403]: public transport; and low water pressure during summer months.

Expansion, para. 12 – The Wards

Scottish Natural Heritage [CD25/59]: do not support housing due to impact on landscape character.

R Robinson & J Gordon [CD25/61]: significant intrusions into attractive and important amenity area with scant regard to public participation.

Mr L Hood & Ms H Duncan [CD25/72]: concerned about diversion of Fortrose hill road via MacKeddie Drive, through the land and suggested an alternative.

Patrick Zentler-Munro [CD25/83]: findings and recommendation of 1993 Inquiry ignored despite previous opposition.

The Cromarty Arts Trust [CD25/120]: opposed any development in face of the findings and recommendation of 1993 Inquiry, particularly the need to maintain separation from Rosemarkie.

Fortrose & Rosemarkie CC [CD25/221]: building on steep hillside is out of character with historic Burgh, creating a long sprawling commuter settlement and reducing separation between Fortrose and Rosemarkie, destroying their settings; infrastructure problems; high cost of building to exclusion of low cost housing; unsuitable for house building to extent suggested.

Fortrose Public Meeting [CD25/403]: should be the subject of an inquiry; and the Planning For Real exercise showed little support for development.

Expansion, para. 13 – Fortrose/Ness Gap

Patrick Zentler-Munro [CD25/83]: findings and recommendation of 1993 Inquiry ignored despite previous opposition and no new factors.

Mr Alex S MacInnes [CD25/91]: supported high quality development with affordable housing, not high density.

Scottish Executive Environment and Rural Affairs Department [CD25/105]: confirmed prime agricultural land and need to consult them at development stage.

David & Barbara Jones & Irene Cathie [CD25/219]: opposed unsatisfactory development on grounds of lack of supporting evidence on housing demand, density/over-development, lack of infrastructure, prominent nature and loss of agricultural land; needs good and appropriate design sensitive to the character and amenity of existing area; needs prior tree planting and screening; and lacks a recognisable physical boundary and separate public consultation.

Fortrose & Rosemarkie CC [CD25/221]: retain arable land as buffer as per 1993 PLI; whole area now allocated arbitrarily without promised prior consultation; the need for a new primary school; potential high density to meet estimated housing requirement; imprecise nature of demand for housing and sought representation at any master plan discussions.

Matthew Strachan [CD25/222]: objected to 300 houses next to Fortrose Academy on grounds of loss of prime farming land, loss of open outlook, increased traffic, impact on tourism and lack of amenities and utility services.

GH Johnston Building Consultants Ltd on behalf of Marion Rattray [CD25/390]: welcomed development in principle; confirmed availability; supported master plan approach for whole area, but suggested separation of area south of public footpath.

Fortrose Public Meeting [CD25/403]: more crime from incoming residents and lack of facilities.

Fortrose/ Ness Gap Framework Plan

June Bevan Baker [CD25/229], Mr & Mrs D Miller [CD25/160] & Fortrose & Rosemarkie CC [CD25/221]: impact on and outlook from ancient Easter Greengates path.

Fortrose & Rosemarkie CC [CD25/221] & Mr Alex S MacInnes [CD25/91]: views on other existing and potential paths; and opposed connection from Chanonry Crescent.

Requests for additional Housing land

Garry J Keith [CD25/213]: east of Ness Way in amenity/safety buffer to golf course (Amenity, para. 14).

G H Johnston Building Consultants on behalf of Fraser Hutcheson [CD25/257]: north east of Ness Road.

Philip Anderson on behalf of D Anderson & Son [CD25/289]: north of Platcock.

Chapter 18: Rosemarkie

Background

Dr N Lloyd [CD25/28]: housing requirement; demand related to overspill from Inverness is not a good reason to over-develop a sensitive conservation area; and the need is for housing for the elderly.

Fortrose & Rosemarkie CC [CD25/221]: lack of evidence of requirement for housing; use 2001 Census; inadequate public consultation; the community must not become an extended commuting base; traffic impact of more commuter housing; road network inadequate for commuters; environmental impact upon historic settlements; coalescence of the two communities; lack of infrastructure to support a larger population; and social impact not accounted for.

Fortrose Public Meeting [CD25/403]: sheltered housing needed.

Development Factors

Scottish Natural Heritage [CD25/59]: welcomed recognition of Dens SSSI as constraint.

SEPA [CD25/157]: consult with Roads Authority on flooding, use flood maps and consider flood risk assessments.

Expansion, para. 2 – Greenside Farm

Dr N Lloyd [CD25/28]: lack of explanation of housing requirement; need purpose-built housing for the elderly, but not a good location for it; detrimental impact on local amenity; questioned the practicality and cost of bypassing Rosemarkie over the Fairy Glen; Fortrose Academy lacks capacity; timing of new primary school in Fortrose; and inadequate sewage treatment.

J K McLeod [CD25/31]: visual impact of development; lack of infrastructure; and build specialist and affordable housing elsewhere.

Mr David Pocock [CD25/34]: substantial additional road traffic with consequent pollution and disturbance.

H Petty [CD25/40]: lack of evidence to support housing projection; impact if the land accommodates most of the projected housing for both Fortrose and Rosemarkie; negate the Outstanding Conservation Area designation; contrary to the "Sensitive Area - Restraint";) severely stretch the social and landscape capacity of the settlement; loss of good agricultural land; risk and implications of flooding from the "Manse Loch"; not a good location for housing for the elderly; not an economically viable location for the young who work elsewhere; impact of traffic, congestion, air and noise pollution; and failure to indicate how the relief road for Rosemarkie can link up with one for Fortrose.

Mr Ian Carus [CD25/48]: potential detrimental impact on the visual and social character on conservation village; excess traffic to and from Inverness; and proposed by-pass.

M Carus [CD25/49]: effects on local schools; traffic congestion notably in Fortrose High Street; long term social and cultural effects; affordability of houses for locals; not suitable location for elderly; visual/landscape impact on area and character of conservation village; and traditional design features sought.

Mr RA & Mrs H Blair [CD25/50]: detrimental to the Outstanding Conservation Area; contrary to the East Ross Settlement Landscape Capacity Study; inadequate infrastructure; risk of flooding from 'Manse Loch'; affordable housing may compromise the development; and demand will always exceed need, with rebound deterioration in attraction of original amenity.

Scottish Natural Heritage [CD25/59]: do not support housing due to impact on landscape character.

R Robinson & J Gordon [CD25/61]: significant intrusions into attractive and important amenity area with scant regard to public participation.

Mrs Helen Barker [CD25/62]: concerned that developers will not adhere to conditions outlined in the draft framework; sought assurances on retention of land between Rosemarkie and Fortrose as *Green Belt*.

Susan Blease & Kirk Tudhope [CD25/73]: visual impact and loss of elevated 'green' backdrop important to setting of village, local amenity and attraction of visitors; regard to Statutory duties and national policy in terms of protecting and enhancing the Outstanding Conservation Area as well as its character and setting; conflict with existing Local and Structure Plan policies; proposed new policies will not help protect the setting of Rosemarkie and its conservation area against excessive "suburbanisation"; lack of capacity and concerned about the impact of up to 120 houses; questioned housing requirement and why it had to be accommodated in Fortrose and Rosemarkie; disregard for views of "Planning for Real" (Plan Your Community) exercise; not an ideal location for sheltered housing; complete disregard for expert advice in the Landscape Capacity Study; the ability to provide a Rosemarkie by-pass will be prejudiced by allocation of surrounding land for housing; and consider redirecting any element of the 250-300 house demand away from Fortrose or Rosemarkie, including in a new settlement.

Mr J A Hossack [CD25/82]: irreparable damage to the physical structure of the town, to local quality of life and to the local tourist industry on which the community is based; the need for housing is not defined; the development will mainly house commuters who should be encouraged to live as close to their employment as possible and ideally be served primarily by public transit; the development goes against sustainability objectives in terms of travel and fails to address traffic impact in Fortrose, Avoch and Munlochy; the association of development with construction of a by-pass is misleading if not deceptive and it should be located away from housing; rezoning will permit largely un-regulated development; destruction of the Conservation Area in view of recent development failing to instil confidence in securing compatible architecture and character; threat to tourism in terms of traffic congestion, reduced safety, visual impact from housing, sewage affecting the dolphin population, increased pollution; failure to consider environmental impacts and less environmentally destructive alternatives; failure to identify and make use of in-fill development opportunities; and the need for the development is controversial and unproven.

Mr T G Lloyd [CD25/89]: loss of good agricultural land; spoil the rural setting of conservation area; be visible from Fortrose, Rosemarkie and the other side of the Moray Firth; retain / improve the character in a special recreational area for residents and visitors; lack of infrastructure, notably capacity in roads, schools and sewerage / water; lack of figures to support Housing Need; support housing for local elderly (on suitable terrain) and affordable for local young people on brownfield or infill sites.

Mr J DW & Mrs P M Hossack [CD25/106]: development would be contrary to the Council's responsibility to preserve and enhance the character and settings of environmentally sensitive areas in respect of: (a) inadequate case for use of prime

agricultural land; (b) lack of credible evidence in support of housing requirements; (c) conflict with existing local and national policy on preservation of the environment; (d) compromising Rosemarkie and surrounding area as a tourist attraction through substantial loss of amenity; (e) the preclusion of any future road by-pass of Rosemarkie; and (f) existing infrastructure would not support it.

Mr G Phillips [CD25/109]: loss of community spirit with additional housing targeted at higher end of market; lack of low cost housing; future development should blend in with the village and be of more traditional design and appropriate scale; infrastructure and local community services are already stretched to the limit and should be addressed before additional housing is constructed; and accommodate the demand for housing elsewhere now, in new villages, rather than destroy existing communities by overdevelopment.

Dr James & Mrs Helen-Clare Pendlebury [CD25/114]: supported views of others in seeking rejection of the allocation in the interest of preserving and enhancing the conservation area of Rosemarkie and its rural setting; no explanation of development in the area defined in adopted local plan as ‘restricted countryside/sensitive’; no differentiation between housing need and demand; failure to demonstrate high levels of local need; no capacity specified; critical infrastructure deficiencies not addressed; traffic impact of projected housing requirements for Munlochy (110), Avoch (180), Fortrose and Rosemarkie (250-300) on busy local road infrastructure with no guarantee of funding the Avoch - Fortrose upgrade; and does not address the findings of the ‘East Ross Settlement Landscape Capacity Study - April 2001’;

The Cromarty Arts Trust [CD25/120]: opposed development on steep hillside in terms of visual impact and erosion of sense of separation between Rosemarkie and Fortrose, at odds with 1996 Local Plan in terms of crucial importance of Greenside Farm.

Fortrose & Rosemarkie CC [CD25/221]: 125 residents objected in interests of preserving and enhancing the conservation area and that expansion in this area is excessive and inappropriate. Individual submissions focused on: allocation of prime farming land, in Sensitive Area requiring Restraint, for an unspecified number of houses; adverse visual impact on "superb setting" of Rosemarkie's Outstanding Conservation Area; contrary to East Ross Settlement Landscape Capacity Study; will spoil the very amenities that attract visitors and home seekers; immediate housing needs of Rosemarkie have used up available sites; Rosemarkie is at saturation point, with infrastructure problems.

Avoch Primary School Board [CD25/227]: consider safe routes to school early.

Susan Blease, Kirk Tudhope & 123 others [CD25/393]: petition objecting to the allocation as excessive and inappropriate and invited the Council to reject the allocation, in the interest of preserving and enhancing the conservation area of Rosemarkie and its rural setting.

Fortrose Public Meeting [CD25/403]: include housing capacities for Greenside.

Greenside Farm Framework Plan

Mr & Mrs Edwards [CD25/43]: various comments on the details notably on Phase 3

sprawling towards Fortrose and on the potential route of the relief/bypass road.

H Petty [CD25/47]: proposals lack definition as the map has no scale, orientations; details of type of housing, density and numbers making useful comments difficult and implies lack of thorough consideration and the effect on the community.

Fortrose & Rosemarkie CC [CD25/221]: inappropriate for A832 (relief/bypass) road to be routed through new housing development.

Amenity, para. 3

Scottish Natural Heritage [CD25/59]: include an action or policy recognising the importance of Rosemarkie Beach and the footpath along the shore.

Historic Scotland [CD25/243]: include reference to the Fairy Glen in relation to the Inventory of Gardens and Designed Landscape.

2.13 THC's detailed response and reasoning in respect of each of these comments is set out in **CD10** and **25**. The following changes were agreed: -

2.13.1 Chapter 3: Key Issues

Population Growth - To account for 2001 Census results and the latest GRO projections:

- Change heading to "*Population Change*"
- DELETE the first and second sentence and INSERT "*As part of the growing Inner Moray Firth Area, the population of Ross and Cromarty East continued to rise from 1991 to 2001, up 650 persons or 1.5% to 43,985. Some settlements in the Black Isle experienced some of the highest growth in Highland. The growth in the number of households has been significant across the whole Plan area. It is expected that the level of household growth will continue, although there is also a need to spread growth to the outlying areas, particularly in Easter Ross, which have lost population since 1991. Latest projections suggest that the overall population could decline by around 1,800, particularly in the absence of more significant employment opportunities being created within the area.*"
- In the second sentence, DELETE the word "five" and rearrange the last part of the sentence to read "*of the corridor from Muir of Ord to Tain, including Dingwall, Evanton, Alness, Invergordon, as well as to the Fearn Peninsula/ Seaboard area.*"
- DELETE the last sentence and INSERT "*This may also help to reduce the proportion of younger persons leaving the area, although the population structure is expected to continue to age in light of lower fertility rates and in-migration.*"
- Provide tables with statistical information as Appendix in support of the Plan. Include population and household information from the 2001 Census, projected housing requirements and the latest available Council house waiting lists by sub areas.

Housing Needs – Review projection figure in light of 2001 Census:

- Delete the word "demand" and replace with "*projected requirements*".
- CHANGE "7000" to "4156".
- ADD "*This includes just over 2000 houses required as a result of latest GRO projected*"

demographic changes, notably the formation of more small households, despite the projected overall decline in population.”

Transport Infrastructure – Divide section into three paragraphs and include:

- *"The Council's Integrated Local Transport Strategy recognises that concerted efforts must be made to shift people and freight to other transport modes and to mitigate traffic impact from development using developer contributions, where appropriate [TC1 & TC3]."*
- *"Prospects for reducing car use relating to developments in the Black Isle relate mainly to improving bus services."*
- *"Enhancing accessibility and developing the existing path resource around and linking communities will be a priority based on identified community need."*
- Include reference to more specific measures in relevant settlement statements and other major land allocations elsewhere in the Plan.

2.13.2 Chapter 6: Landward – para. 57

- MODIFY the statement to read, *"Work has commenced on the upgrading of the A832 road from Achnasheen towards Kinlochewe and is expected to be completed by 2006. The Council is also seeking to improve the Avoch to Fortrose section of the road from 2004 to 2006. Great care will be required in the design and construction of the improvements in relation to the impact upon the adjacent woodland and nature conservation interests of the Firth, as well as addressing local needs in respect of walking and cycling."*

2.13.3 Chapter 17: Fortrose

Background – Revise population and housing requirement figures to account for 2001 Census based population and household projections:

- In first paragraph, DELETE "1350" and INSERT "1174".
- In fourth paragraph,
 - revise the first sentence to *"Housing projections suggest a combined requirement for up to 144 more houses within Fortrose and Rosemarkie by 2011, with a further 96 from 2011 to 2017."*
 - revise the second sentence to *"This includes an expectation that up to 25% will be for affordable/low cost needs and provides for an element of choice and location."*
 - DELETE the third and fourth sentences and INSERT *"Land for around 200 houses is identified in Fortrose, including existing allocations offering potential for less than 100 houses, including 29 at Feddon Hill and 50 towards the Ness."*
 - in the existing fifth sentence, DELETE the word "this" and INSERT *"the latter"*.
 - in the existing sixth sentence, revise to *"The addition of a large proportion of the previously suggested longer term expansion area between this land and the Academy playing field could accommodate a further 50 to 70 houses."*
 - follow up with revised sentence, *"This would avoid intrusion into land between Ness Road and Rosemarkie, but careful phasing and significant landscaping will be necessary to.....amenity."*
- In addition, include the full list of housing requirements in a table in a new Appendix.

Housing General - INSERT new policy “15. *The Council will also seek contributions towards traffic management/ calming measures including those identified under the Safer Routes to School initiative and towards public transport improvements from the developers of sites 3. (extension area only) , 6., 7. and 18.*”

Sewage Treatment – Account for possibility of a new works being required and the need for development to connect to public sewers drainage system:

- In the second sentence, after the word macerator ADD “*and proposed treatment works*”
- ADD a new third sentence, “*All development lying within the settlement boundaries should be connected to the public drainage system (GSP2).*”

Special Uses: General - Indicate the community’s priorities for improved facilities:

- In the second paragraph of the Background section, ADD “*The community also seeks recycling facilities, improved public toilets provision, medical/elderly care, a cemetery extension, premises for youth groups and a filling station.*”
- In paragraph 7 (changing to 10), ADD “*An area of approximately 0.6 ha. is reserved for this purpose and for additional community/leisure facilities to meet local needs.*”
- After the original paragraph 11 (changing to 14) of the Special Uses, ADD
 - “16. *The Council will keep under review the need to expand the cemetery to the north east. Land extending up to 1.1 ha. has potential in this regard. The lower part (0.3ha.), close to the road, may offer potential for waste management/recycling facilities and a filling station, but because of the sensitivity of developing in this location such uses and further housing at the Wards (see below), development will only be permitted in association with expansion of the cemetery. Development proposals must include substantial screen planting and landscaping to a depth of at least 10 metres along the boundaries. THE COUNCIL SEEKS VIEWS ON THIS ALLOCATION IN ADVANCE OF FINALISING THE PLAN.*”
 - “16. *The Council will investigate the prospects for upgrading or replacing the existing public toilets and providing new toilets at Chanonry Point.*”

Expansion, para. 12: The Wards – Reduce allocation to account for new housing requirements and the informal Landscape Capacity Assessment:

- Delete from table of larger scale Expansion areas in the table on page 56.
- ADD smaller allocation of “1.6 ha. ” for “16” houses after 6 in the table of short to medium term housing sites. Link to inclusion of expansion land for the cemetery and other uses. Do not divert Hill of Fortrose road through the site.
- Retain the requirement for “*advance structure planting around the northern and eastern boundaries to a minimum depth of 10 metres*” with the addition of “(Section 75 Agreement)”.
- ADD smaller allocation of “0.3 ha. ” in the table of short to medium term housing sites. Link to inclusion of expansion land for the cemetery and other uses. Indicate “*scope for a courtyard style development on site of former steading and adjacent land, traditional design etc, subject to improvements to the Hill of Fortrose - East Watergate road, passing places, widening etc.*”
- In the Development Factors section of the Statement, DELETE the last sentence

referring to the need to divert the Hill of Fortrose road through the site.

Expansion, para. 13: Fortrose/Ness Gap - Reduce allocation to account for new housing requirements and comments on details:

- Under the heading E: Expansion, revise the first sentence to read, *“Land is reserved between Fortrose and The Ness to meet more significant housing requirements over the next 10 years and beyond, as well as for a primary school, facilities for the elderly and open space.*
- DELETE the table below, but retain most of the text from the original Ness-Fortrose Gap and the paragraph below the table.
- Revise the remaining text to read, *“Up to 9 of the 13.3 hectares of land is allocated for 100 to 120 houses. Proposals should comply with the draft Framework Plan indicated below. An overall master plan shall be prepared in consultation with the community to guide the comprehensive servicing, detailed layout and development. This should confirm phasing and basic infrastructure requirements. The Council will encourage substantial early structural tree planting to help integrate the development into the landscape. Developers are also required to*
 - *undertake hydrological assessments, to determine the adequacy of any surface water drainage systems*
 - *upgrade foul sewers in association with development*
 - *enter into legal Agreements with the Council and landowners, as appropriate, to secure necessary access roads, road improvements elsewhere in the settlement, footpaths, open space/recreation facilities and a serviced primary school site of approximately 1.2 ha.*
 - *construct access roads to adoption standards up to the boundary of each ownership or phase of development to avoid creating ransom strips*
 - *improve road alignment on Wester Greengate at Seafield Cottage*
 - *discuss the level of affordable housing needs provision with the Council*
 - *consider the inclusion of day care facilities for the elderly and the scope for purpose-built private retirement homes*
 - *achieve an overall design that respects and complements the topography, characteristics and constraints of the site and its surroundings*
 - *embrace community safety initiatives, notably 'Secure By Design' and 'Safer Routes to School'*
 - *integrate built forms, circulation (notably via remote paths), green space and landscaping with each other as part of an overall concept*
 - *ensure that the detailed design and specification of individual buildings forms part of a coherent overall design concept, including the clustering of buildings*
 - *undertake an archaeological evaluation prior to development.”*
- Redraft the Framework Plan to set development back at least 10 metres from the Easter Greengates path and delete the path connection from the ‘salmon fishers’ path to Chanonry Crescent.

Additional Housing Land – Platcock and Ness Way:

- In the table of housing sites
 - change the area of site 3 to “1.9” ha.
 - in the Requirements column, at site 3, ADD *“Only 3 houses from original development to be completed. Scope for 4 additional houses to the north, subject to*

completion of existing road to adoption standards, Agreement over servicing, woodland management and further planting.”

- *ADD a new housing land allocation "9., 0.3 ha., Ness Way, 2 houses, After termination of existing planning Agreement in 2006. Set plot boundaries back at least 30 metres from the south east and north east boundaries of the larger field. Section 75 Agreement required to restrict development over intervening land.”*
- *Change Inset Map accordingly.*

2.13.4 Chapter 18: Rosemarkie

Background – In the third paragraph, revise population and housing requirement figures to account for 2001 Census based population and household projections:

- *Revise the first sentence to “Housing projections suggest a combined requirement for up to 144 more houses within Fortrose and Rosemarkie by 2011, with a further 96 from 2011 to 2017.”*
- *ADD new second sentence, “The largest proportion of this combined requirement should be accommodated in Fortrose.”*
- *ADD new third sentence “This includes an expectation that up to 25% will be for affordable/low cost needs and provides for an element of choice and location.”*
- *In the original second, now becoming the fourth sentence, DELETE “and between Eden Lodge and the village.”*
- *DELETE the original third and fourth sentences.*
- *In the fifth sentence, after the word “Farm,” DELETE “is highlighted for wider consideration and comment.” And INSERT “has potential for 30 to 35 houses.”*

Expansion, para. 2: Greenside Farm – Revise to address comments:

- *MODIFY the Statement to read: "Land is reserved north west of Courthill Road at Greenside Farm for medium to longer term development, i.e. defer for at least for 5 years and after the completion of one third of the houses in the Ness-Fortrose Gap area. Greenfield development will only be permitted on the basis that it is linked to proposals for redevelopment of the steading buildings, which are due to become surplus to the operation of the farm. Up to 2 hectares of land is allocated for 30 to 35 houses, including a proportion of affordable dwellings. Proposals should comply with the draft Framework Plan indicated below. An overall master plan shall be prepared in consultation with the community to guide the comprehensive servicing, detailed layout and development. This should confirm phasing and basic infrastructure requirements. The Council will encourage substantial early structural tree planting to help integrate the development into the landscape. Developers are also required to*
 - undertake hydrological assessments, to determine the adequacy of any surface water drainage systems*
 - upgrade foul sewers in association with development*
 - enter into legal Agreements with the Council and landowners, as appropriate, to secure necessary access roads, road improvements elsewhere in the settlement, footpaths and open space/recreation facilities*
 - construct access roads to adoption standards up to the boundary of each ownership or phase of development to avoid creating ransom strips*
 - make contributions towards traffic management/ calming measures including those identified under the Safer Routes to School initiative, and towards public*

transport improvements

- *discuss the level of affordable housing needs provision with the Council*
 - *achieve an overall design that respects and complements the topography, characteristics and constraints of the site and its surroundings*
 - *embrace community safety initiatives, notably 'Secure By Design' and 'Safer Routes to School'*
 - *integrate built forms, circulation (notably via remote paths), green space and landscaping with each other as part of an overall concept*
 - *ensure that the detailed design and specification of individual buildings forms part of a coherent overall design concept and takes account of the traditional architecture of the historic burgh*
 - *have regard for the Designed Landscape of the Fairy Glen (see 4 below)*
 - *undertake an archaeological evaluation prior to development."*
- **MODIFY** the Framework Plan to the extent that "Phase 3" is removed. Development should be confined to an area relatively close in to the existing steading and houses on Courthill Road. Most development should be at a similar elevation to these properties to avoid intrusion on the steeper slope and impact upon the setting of the settlement. Add a north point.

Special Uses: General - Indicate the community's priorities for improved facilities.

- In the fourth paragraph of the Background section, after "Fortrose," DELETE the remainder of the sentence and INSERT "*many services and facilities serve both communities. However, improved public toilet provision and medical/elderly care are key concerns.*"
- After paragraph 2, ADD "3. *The Council will investigate the prospects for upgrading or replacing the existing public toilets and providing new toilets at Chanonry Point.*"

Amenity, para. 3 – Add new policies to reflect the entry of the Fairy Glen in the Inventory of Gardens and Designed Landscapes and the need to safeguard other locally important features and areas:

- "5. *The Council will have regard to the landscape impact of development in the designated Garden and Designed Landscape of the Fairy Glen and will encourage appropriate management measures in association with land owners, tenants, community groups and other interested parties (BP2). Development proposals will be the subject of consultation with Historic Scotland and Scottish Natural Heritage.*
- 6. *A number of local amenity features, including Rosemarkie Beach, the path along the shore and the woodland of the Fairy Glen and around Kincurdie House, are safeguarded from development."*

Deposit Draft Local Plan

- 2.14 The Deposit Draft [CD9] of the Local Plan was published in November 2003. Objections were lodged on the provisions for Fortrose and Rosemarkie as well as related traffic, transportation and roads issues by the following: -
- AB Bryant [CD30/29]
 - Garry J Keith [CD30/49]
 - John DW & Patricia M Hossack [CD30/82]
 - Robert G & Helen Blair [CD30/83]

- TG Lloyd [CD30/89]
- John A Hossack [CD30/106]
- DJ Pocock [CD30/113]
- S Blease & K Tudhope [CD30/148]
- Dr J & Mrs HC Pendlebury [CD30/155]
- David G Jones, Barbara Jones & Irene Cathie [CD30/156]
- Fortrose & Rosemarkie CC [CD30/164]
- SEPA [CD30/170]
- JV Cornwell [CD30/172]
- GH Johnston on behalf of Fraser Hutcheson [CD30/181]
- GH Johnston on behalf of Miss Marion Rattray [CD30/184]
- The Cromarty Arts Trust [CD30/185]
- SNH [CD30/197]

THC's responses and reasoning are set out in CD27 and included a number of proposed Modifications.

Deposit Draft with Modifications (Proposed Changes)

- 2.15 Proposed Changes to the Deposit Draft [CD11] were approved in January 2005. Those proposed in respect of the provisions for Fortrose and Rosemarkie are as follows: -
- 2.15.1 Fortrose Background: In the second sentence of the fourth paragraph DELETE 'up to' and INSERT "*a minimum of*".
- 2.15.2 Fortrose Housing, Paras. 7 & 8 – The Wards: Modify Inset Map to indicate less rigid planting on the north eastern boundaries.
- 2.15.3 Fortrose Housing, Para. 9 - Ness Way:
- On the Fortrose Inset Map, relocate the site to the north east, adjacent to Ness Way and the Ness Road.
 - In the table entry for the site (para. 9), change the site area to "0.35" ha.
 - In the requirements column of the table, in the second sentence, after the word "back" DELETE "at least 30 metres" and then change "north east" to "*south west*".
- 2.15.4 Fortrose Special Uses, Para 16 - Cemetery expansion:
- DELETE the third sentence.
 - In the second sentence change "1.1" to "1.4" ha. and revise to account for response to SEPA to read "*Subject to an environmental assessment to consider the risk to ground water, land extending up to 1.4 ha. may have potential in this regard.*"
- 2.15.5 Fortrose Expansion para. 18: Revise the fourth sentence to read: "*a developer or consortium of developers shall prepare an overall master plan or layout in consultation with the community.*"
- 2.15.6 Rosemarkie Background: In the third sentence of the third paragraph DELETE 'up to' and INSERT "*a minimum of*".
- 2.15.7 Rosemarkie Expansion para. 2 - Greenside Farm: MODIFY the first part of the statement

to read: *"Land is reserved north west of Courthill Road at Greenside Farm for planned expansion of the village to meet future housing requirements over the next 10 years and beyond. Development shall be deferred until after the completion of one third of the houses in the Ness-Fortrose Gap area."*

2.15.8 Rosemarkie Amenity, para. 6 – Fairy Glen: For clarification of difference between local and nationally important areas,

- after the phrase "a number of " DELETE the word "local" and INSERT *"other but more locally important"* and
- after "woodland" DELETE *"of the Fairy Glen and"*.

2.15.9 Traffic and Public Transport: Also relevant to the provisions for Fortrose and Rosemarkie is the proposed inclusion in Chapter 5 of an additional General Supporting Policy on Transport would set out the range of measures through which improvements would be sought under the Local Transport Strategy and as drawn together in the Inverness Transport Vision [THC19/1]. This policy, which is consistent with the approved Structure Plan and the Inverness Local Plan, reads

"GSP16: TRANSPORT In accordance with its Local Transport Strategy, the Council will pursue a major package of integrated transport measures for which it will seek to assemble funding from appropriate sources including in partnership with the relevant agencies and private sector. Specifically, the Council will continue to encourage the Scottish Executive to give priority to the allocation of resources for trunk and other major road improvements as well as for the continued development and integration of commuter rail halts and park-n-ride facilities. Developer contributions will be expected in respect of relevant transport objectives and proposals will demonstrate as necessary, through Green Transport Plans and in accordance with national planning guidance, commitment to increased accessibility to public and community transport, reductions in private car commuting, increased integration of transport facilities, and modal shift in freight haulage. Other measures, particularly in communities not on the rail network, will involve improving bus services and related infrastructure, traffic management/traffic calming, and the use /implementation of 'Home Zones' and 'Safer Routes to School' ".

2.16 The Deposit Draft with Modifications (Proposed Changes) [CD11] version of the Local Plan was published in February 2005 and drew objections from the following: -

- Dr J & Mrs HC Pendlebury in respect of para. 6 Amenity areas in Rosemarkie.
- D Stuart, Architect, (now R Stirrat) on behalf of JAF Stuart [CD31/445] in respect of Ness Way, Fortrose (site 9), seeking the allocation of more housing land to the south of the contentious allocation.
- Mr A MacIver [CD31/435] on the Expansion area at Greenside Farm, Rosemarkie (para. 2), objecting to deferment of development until after the completion of one third of the houses in the Ness-Fortrose Gap area.

All parties wish to be heard at the Inquiry. The objections and THC's responses are indicated below.

3. The Council's Observations

The Objections

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

Fortrose & Rosemarkie Community Council (F&RCC) [CD30/164]

Fortrose & Rosemarkie in general

1. All members of our Community Council were tasked with making enquiries with as many residents of our villages as possible about the proposed housing developments in our villages and it can be stated quite categorically that only very few are in favour of this plan. It is clear from the results received, that strong feelings are felt about the unique and essential rural nature of the community being destroyed if this plan was implemented.

It is also felt strongly that you are trying to destroy the historic centres of Fortrose and Rosemarkie by turning them into suburban sprawls, similar to that of Inverness.

The proposed expansion would amount to 33% increase in the population (present pop is 1800 and 240 houses would be approx 600 residents), the present infrastructure could not support this increase. The present problems of sewage, narrow roads, parking, electric, etc, would become intolerable with such a population increase. The infrastructure is under serious stress from the 18% rise in the population since the 1991 census and the proposed expansion would likely mean extra facilities and increased cost. Included in our concern about the infrastructure is the deferment of the funding for the reconstruction of the Avoch-Fortrose road, this is essential work before any expansion.

Clearly the present residents do not want this expansion and the infrastructure requires much funding. It is strongly felt that the expansion which is being planned is in the wrong location and should be as close to the A9 as possible. A new village would be the answer, near to the necessary facilities, saving funds and keeping our villages attractive and preserve this conservation area.

2. Infrastructure. There is a genuine concern over the following:

(a) The roads in the villages are barely broad enough to cope with the current traffic.

(b) In our consultation with the Medical Practice as to how they will cope with the increased population, they said that their present location would not be large enough. They are extremely disappointed that their request for a double storey building was refused initially (because the design was not in accordance with other houses in the area - especially when today in front of their eyes is a huge double storey house is being constructed). Who authorised the change of Policy?

(c) We already have problems over basic services (water/sewage/energy). Again, unless there are plans for improvement these problems can only worsen under increased pressure.

(d) There will obviously be increased pressure on the Fortrose Academy. Has this been factored in? Entry to Fortrose Academy was limited to the Black Isle catchment at one time. 'Capping' was removed before the new building but may have to be reinstated.

(e) The King George V playing field is inadequate for the present population.

(f) The Avoch-Fortrose road has not been reconstructed.

(g) A pedestrian/cycle path is required between Avoch and Fortrose, essentially for the safety of school children travelling both ways.

3. There is no desire for any sort of 'ribbon development' between the two villages. A distinct gap should be maintained at all levels. The evidence of the 'Plan Your Community Exercise' met with similar comment.

Fortrose & Rosemarkie Background: The plan refers to a housing demand for additional 240 houses in Fortrose and Rosemarkie by 2017. This Community Council cannot agree with this proposed demand. We do not feel that the proportion of 'affordable housing' is sufficient. A survey was recently carried out and as a result 60 applicants expressed a preference for Fortrose and Rosemarkie. The demand for housing is not local and it is clear that we could build a large amount of houses which would all be snapped up, but not by locals, because of the shortage of affordable housing and because this location is a desirable area to live in. The need for housing and a day care centre for elderly residents has been recognised in Rosemarkie and this problem will only get worse with average age of residents always increasing. This is the real local need. A further up to date survey is at present being arranged (outwith the Council) and we will keep you informed of those results.

Fortrose Background: The population in the Draft Plan 2002 was 1350, in the Deposit Plan it has dropped to 1174. Is this a typing error or has there been a recorded change?

Fortrose Housing site 6 - Seafeld Cottage: Overdevelopment. With the criteria 'Setback at least 10 metres from the coastal path', the amount of space remaining for 6 houses would erode the green nature of the landscape. It is recommended that only 4 are permitted.

Fortrose Housing site 8 – Upper Wards: This was not included in the Draft Plan. However, no comments as yet have yet been received from the public, but further details are requested.

Fortrose Housing site 9 - Ness Way: This was not included in the Draft Plan. If the 2 houses proposed in this paragraph were permitted the green belt between housing in the Ness and the Golf Course would be broken. The allocation contradicts earlier assurances. This proposal would not be approved by this Council if it is used to break a precedence with the remainder of the green belt in this area.

Fortrose para. 10 – Community Uses: The land between the leisure centre and the Ness was guaranteed for community use under phase 3. This no longer seems the case. May we ask why?

Fortrose para. 11 – Primary School land allocation: No parking provision is shown for the

new primary school which might increase the general problem of parking space in Fortrose.

Fortrose para. 13 – Avoch to Fortrose Road Improvement: *There is genuine concern that the Avoch-Fortrose road has not been reconstructed and that a pedestrian/cycle path is required, essentially for the safety of school children travelling both ways.*

Fortrose para. 16 - Cemetery Expansion: *Although a recycling point and a filling station has been stated as a requirement, being proposed as adjacent to the cemetery is not acceptable. This should be removed from Para 16 and further consultation is recommended to decide a more suitable location. The extension to the cemetery is obviously acceptable but the proposals to have filling station and recycling point in that area are much less so.*

Rosemarkie para. 2 – Expansion at Greenside Farm:

- 1. The housing density of 15/17 dwellings per hectare is much more than is usually proposed in the Black Isle. If this proposal is implemented the density of housing should be reduced.*
- 2. In the original draft Rosemarkie was described as 'sensitive' and development was to be 'restrained'. Is this still the case?*
- 3. On balance, the Greenside development is not desirable. If it does go ahead the proposed access seems to us to be inadequate.*
- 4. It is also of note that the boundary of the Designed Landscape as identified by the Scottish Natural Heritage and Historic Scotland in their 'Inventory of Gardens and Designed Landscapes - Supp Volume 2' has been seriously encroached in the Greenside Farm development in Rosemarkie, (the 'Old School' being the edge of the boundary).*

Rosemarkie para. 5 – Amenity: *It would appear that the regard for the landscape in the designated Garden and Designed Landscape of the Fairy Glen has been ignored.*

AB Bryant [CD30/29]

I wish to point out that the capacity of the road between Avoch and Munlochy, however important, is nonetheless irrelevant to the previous point I made. Already we face considerable jamming on the high streets of Rosemarkie, Fortrose and sometimes Avoch. There is no practical way to bypass these villages even were there the money to do it. It is therefore essential that a proper assessment is made of the capacity of the high streets in the 3 villages before any large development of new housing. The assessment must, of course, allow for traffic from extra housing in Cromarty too. Nothing can be done about the resultant problems once the houses are built, it will be too late. Public transport options may be attractive in theory, but it is doubtful if anyone believes it to be the answer!

AB Bryant - Further Written Submission

I believe it is essential to address the question of the capacity of Black Isle roads between Fortrose and the A9, prior to further large scale housing being agreed for any of the villages of Munlochy, Avoch, Fortrose, Rosemarkie and Cromarty. My particular concern is for Fortrose High Street, the narrowest road involved, but my arguments apply equally to the other villages.

Because of topography, Fortrose can never have a bypass, even if it could be afforded. Thus Fortrose High Street, (within a conservation area) must carry all new traffic for Fortrose, Rosemarkie and beyond to Cromarty. It is so narrow that when, for example, a bus stops traffic in both directions is brought to a halt. Both pavements are so narrow that a pram or disabled scooter take up their full width so that pedestrians must walk in the road.

My concern was at first taken as a safety issue, but as there is very effective traffic calming at the moment though illegal parking in the street, we already experience a street at or beyond its safe capacity. I am no expert but simple maths suggest extra traffic from 300 new houses might generate 300 more vehicles per hour at peak times, remembering that most residents commute to Inverness, and the street also carries school traffic, which includes a number of double deck buses. At the very least, the likelihood that extra traffic will create gridlock is sufficient to demand a proper assessment.

It is essential that this problem be considered BEFORE more houses are built because once the problem has been created there can be no solution. Life in the High Street will become intolerable, frustrating and dangerous, businesses will close and so on.

The Planning Department's comment is that they cannot afford a proper assessment, there is no suitable methodology available and that it is up to the developer. The developer has an interest in 'proving' that the street can take the traffic, and it is naive to expect a proper balanced assessment from them, in any event development will be done by several companies, who cannot be expected to do assessments for developments in which they are not involved. Assessment as "individual sites are brought forward for consideration" would not answer the need. Individual houses or small groups, will not of course create a problem. What is needed is an assessment of the cumulative traffic generated by all proposed new housing. The total number of houses allowed in the plan can then and should be based on the known traffic capacity of the street, just as it should be on the capacity of all other public services. I have no objection to the assessment being done by the roads authority.

Therefore, if for any reason a proper independent assessment is not yet possible, then no large scale development should be allowed until it is, on the precautionary principle. To go ahead without proper calculation of the effect would be irresponsible, not least when there is plenty of opportunity for new housing to the west of these villages which would not create a problem of this nature.

S Blease & K Tudhope [CD30/148]

We object to the extent of the area of land at Greenside Farm, Rosemarkie, proposed in the Deposit Draft as an expansion area for housing. Our grounds of objection remain as stated in our written representations submitted to you by letter of 1 August 2002 in response to the Consultative Draft Local Plan.

While the area of land at Greenside Farm proposed for new housing has been reduced, it still extends onto elevated areas of the fields in question, particularly the elevated "Hawk

Hill" field which borders the Outstanding Conservation Area and is, itself, part of the Fairy Glen Designed Landscape (see copy plan from Inventory of Gardens and Designed Landscapes attached). We consider that housing development on any part of the elevated areas of the fields and, in particular, any part of the Fairy Glen Designed Landscape, will have unacceptable adverse impact on both the character of the Designed Landscape and the setting of the Outstanding Conservation Area.

We remain equally concerned at the impact on infrastructure of the overall number of new houses proposed for Fortrose and Rosemarkie as a whole. In particular, we are concerned that the new housing land provision being proposed by the Council as Planning Authority is not accompanied by any commitment by the Council as Roads Authority to road improvements along the A832 Avoch-Fortrose road which already presents danger to motorists, pedestrians and cyclists.

In the event that these matters are not addressed, we would wish the opportunity to raise them at a public local inquiry.

John DW & Patricia M Hossack [CD30/82]

We are disappointed that the objections entered at the consultation phase have not been seriously addressed and these objections still remain unresolved. Indeed our fears have been compounded by the nature of the Highland Council's response to concerns, which were expressed and widely supported by the community. We have little new to add to our submission in response to the Consultative Draft.

However, we enclose additional comments relating to the revised development plans as detailed in the Deposit Draft. These comments form the burden of our objections to the proposed new build development at Greenside Farm, Rosemarkie and relate to the grounds on which these objections are based in relation to the Plan in general.

General:

The Deposit Draft is a disappointment. The Highland Council appears to have noted the responses to the Consultative Draft proposals but has not moved to any major extent on most of the issues raised.

The Council's responses to the numerous concerns are, generally, disingenuous. It has largely chosen to ignore competent expert opinion and appears intent to proceed with courses of action which not only have no local credibility but which are also contrary to the clearly expressed wishes of the overwhelming majority of residents in Rosemarkie.

The impact on the character and heritage of the communities are seriously important issues. In spite of concerns brought to the Council's attention, the Council appears ready to evade its statutory duties to protect these historic communities. The Council has a responsibility to maintain and enhance the character and preserve areas designated for development. It is also required to demonstrate a commitment to continued enhancement and preservation. These are legal requirements. It is indeed difficult to see how these aims may be simultaneously achieved by permitting extensive new building development on the

scale envisaged by the Council.

We are saddened that the Council has not reaffirmed its commitment to continued enhancement and preservation of these historic communities and demonstrated this by affirmative action in respect of the village of Rosemarkie. The Council continues, it seems with deliberate intent, to confuse need with demand. Without rehearsing the arguments previously presented to the Council, it is worth pointing out that no less an authority than the Registrar General for Scotland (18 December 2003) forecast that Scotland's population of 5.5m is predicted to fall below 4m in the next 20 years or so, a period which coincides with the term of the Local Plan. This decline in population by some 27% is an update on a previously determined estimate, which anticipated a fall of this magnitude by 2009. The truth, therefore, may lie between these estimates. In any event, the anticipated fall based on received demographic evidence is seriously at odds with the Council's contentions and their planned expansion of housing provision by some 25-30%. It is not surprising therefore, that suspicions arise that the housing requirement estimates are driven by agendas not made explicit in the Deposit Draft. It is therefore disappointing that the Council has not accepted, authoritative statistical demographic evidence. Those requirements, which can be identified as need, would no doubt be sympathetically received.

The commitment to up to 25% of new build being low cost/affordable is welcome. It is worth noting that this commitment would be met if just one house met the low cost/affordable definition. The commitment is therefore without serious merit in the absence of tighter definition. Quoting from the Council's own submission: 'in determining requirements for individual settlements, national policy guidance (Scottish Planning Policy 3) requires account to be taken of past development rates and demand'. The Council further admits in response to concerns raised in the Consultative Draft, that this account has been used to determine housing requirements. This statutory requirement was intended to act as a constraint on otherwise unrestrained building. In justification of its plans for new building development in both Fortrose and Rosemarkie, the Council appears to rely heavily on extrapolation of historic building rates over the past ten years or so. Though it is an interesting philosophical exercise, it has no discernable scientific merit whatever. Past building rates may be used to inform rates but not the magnitude of that expansion.

Briefly, the case made for new build in Rosemarkie is not well founded and relies on creative use seriously flawed statistical methodology.

In the Deposit Draft Local Plan, the Council makes many references to worthy ideals, which would otherwise deserve support. There appears to be a belief that if proposals are prefaced with a sufficiency of well-worn platitudes (with which the Deposit Draft is well-stocked), the proposals themselves become acceptable. Unfortunately, experience shows that the gap between words and deeds is too great for even the gullible to accept. It is a major concern that these statements of 'visions' and 'aspirations' are noticeably inconsistent with many of the proposals for expansion of communities such as Rosemarkie. A typical example is even evidenced in the Council's own Vision statement (1.3) where the reference to a growing population for Ross and Cromarty East sits uncomfortably with acceptance of a projected demographic decrease of some 1800 (3.1) itself significantly understating compelling evidence from the Registrar General for Scotland. It is

remarkable that the proposals provide for the expansion of the populations of Rosemarkie (and Fortrose) by 25% when better informed authority anticipates a decreases of similar magnitude.

While the Deposit Draft makes frequent reference to commitments to maintain and enhance the natural and built heritage of communities and landscapes, the Council appears ready to ignore advice from Scottish Natural Heritage and Historic Scotland. Comparisons of these commitments with the detailed proposals reveal troubling inconsistencies leading to the conclusion that the Council is seriously out of touch with local sentiment. Even in determining housing requirements, the Council relies largely on untested assertions rather than on hard evidence.

In relation to infrastructure, the Council's assertions are largely disingenuous. In 3.23, the Council acknowledges that a severe traffic problem exists on the Black Isle. It is difficult to see how this will be addressed by significantly aggravating an already serious situation by further new build in Rosemarkie and Fortrose both of which have no possible avoiding routes. It is therefore remarkable that the Council in its response to concerns entered earlier adduces apparently invalid and irrelevant statistical data relating to road capacity in support of its proposals.

Commitments to 'environmental awareness and the economic benefits of good clean beaches' (3.26) are noticeably at odds with plans for expansion proposals for Rosemarkie where discharge onto the bathing beach of non-sterile, faecal contaminated effluent is programmed to continue at an accelerated rate. These are only a few examples of the many inconsistencies manifest in the Deposit Draft.

Infrastructure implications: Roads:

The Council adopts a remarkable posture in its response to concerns relating to pro rata road traffic increases consequent on enlarging the populations of Fortrose and Rosemarkie by some 25-30%. It appears to have conducted no traffic surveys in either of the villages both of which have no possible, current bypass (though a bypass for Rosemarkie on a new alignment through Greenside Farm may need to be reviewed at some future time). All Black Isle traffic north of Rosemarkie must of necessity pass through both villages. The new build in Fortrose will inevitably result in increased traffic through Fortrose High Street. In the case of Rosemarkie, the Council in its wisdom instituted traffic calming measures that reduced the High Street to a single carriageway, which is obstructed at some point most of the time. An outcome of this example of inspired Council planning was the diversion of traffic along Courthill Road (single-track, undrained and with no pavements). This road was subsequently designated 'Access Only' -an injunction frequently (and illegally) disregarded by frustrated, northbound motorists. As the Council is well aware of this situation, it is not surprising that the Council's commitment to so-called traffic calming is viewed with scepticism. The Council refers in its response in the Consultative Draft to a survey carried out on the road between Avoch and Munlochy. This survey in 2002 revealed that 'the average annual 7-day flow approaching 4300 vehicles which is just under half the capacity of 9000 vehicles indicated at the Public Local Inquiry in 1994 '. The words 'annual' and 'average' are capable of understandable definition. The unit '7 -day flow' appears to relate to flow in a 7 -day (or week) period on the presumption

that if a daily flow rate were implied, the Council would say so. As it stands, the particular combination of words associated with 4300 vehicles as a quoted statistic is confusing, obfuscating and largely meaningless. The inhabitants of Fortrose and Rosemarkie are not greatly exercised or impressed by statistics measured remotely on the road between Avoch and Munlochy when the real issue relates to traffic flows at peak times on the High Streets of Fortrose and Rosemarkie. However, the statistic forms the crucial evidence on which the Council relies in justification of its policy. In other responses to concerns about increased traffic, the Council offers vague and opaque references to traffic calming measures that do not address the central issue. From previous experience, the expectation that developers will be expected to contribute to these is risible. The word 'waffle' springs to mind.

Wastewater and sewage treatment:

In response to concerns regarding current sewage treatment and the impact of additional new build, the Council offers commitments to up-grade existing facilities to meet EC requirements. Whatever the purity standards implied, maceration (a low-tech solution in these would be enlightened times) has no effect on biological or faecal contamination. The sewage outfall is on the beach at Rosemarkie and in calm weather the resulting 'slick' is clearly visible between the beach and further out to sea - a disconcerting phenomenon for visitors and tourists. It is understood that the effluent may meet the required standard but the methodology associated with sampling takes no account of tidal influences. New build proposals, whatever commitments are given on effluent purity, can only exacerbate the present situation.

Rosemarkie:

The Council's intentions in respect of the development at Greenside Farm appear to conflict with their statutory obligations to preserve and protect sites of outstanding amenity in the vicinity of a Site of Special Scientific Interest (SSSI). The development as proposed will extend far into the Fairy Glen 'Designated Landscape' as identified by Scottish Natural Heritage and Historic Scotland in their 'Inventory of Gardens and Designed Landscapes -Supplementary Volume 2 -Highlands and Islands'. This Landscape Boundary of the Designed Landscape extends to the whole of the Hawkhill field ending at the boundary of the Old School. As proposed, Phase 2 of the Greenside Farm development will seriously encroach on the protected area. Scottish Ministers will therefore be required to be consulted (through Historic Scotland and Scottish Natural Heritage) on any development proposals which might affect its setting as well as the setting of the Outstanding Conservation Area. The proposed development at this site will destroy part of the Designed Landscape and its setting. This is at odds with the Government's expressed commitment to preserve the landscape and our built heritage.

Additionally, the Council appears to be determined to disregard the conclusions of the East Ross Settlement Landscape Capacity Study - April 2001. This technical report was prepared on behalf of The Highland Council and Scottish Natural Heritage. The conclusions of the Report have already been submitted in response to the Draft Plan but are repeated here for clarity. Commissioned specifically for the Ross and Cromarty East Local Plan, the Report defined 'landscape capacity' as 'the ability of an area to

accommodate a defined type of development without unacceptable adverse effects on the landscape character'. In relation to Rosemarkie, the study identified the Open Farm Slopes to the rear of the village as one of the 'areas where development should be discouraged'. The Council accepted this. However, it concluded that 'the only site in Rosemarkie identified as having landscape capacity for housing (other than that already zoned for housing in the current Local Plan) is a strip of ground between Eden Lodge and the shore'.

The Council proposes that the site on the raised beach at Greenside Farm be developed to provide 30-35 houses of which up to 25% will be low-cost and affordable. This statement is imprecise and the Council's undertaking would be met if only one building (or, indeed, none) conformed to the loose and undefined low-cost and affordable criterion. The Council envisages building in line with existing properties. However, given its exposed prominence on the raised beach site at the entrance to Rosemarkie, only single storey building should ever be countenanced and that on a considerably reduced density.

In its response to concerns expressed at the consultation phase, the Council appears to accept that the proposed service road passing through the development would form part of a future by-pass for the village. The Council should understand that such a proposal would be in clear breach of guidance that precludes new major roads passing through housing developments. This alone is a sufficient reason to abandon plans for development at Greenside.

Before implementing any plans for new build, the Council should examine closely the development at Greenside Avenue, which should provide a signal lesson. Aptly described as 'the sharks' teeth' and clearly visible from across the Firth, the buildings have no discernible architectural merit and serve as a severe warning of likely outcomes when planning responsibility is devolved to a developer without restraint. It is a matter of regret that the Council's commitment 'to ensure that the detailed design and specification of individual buildings form part of a coherent design concept. ...' relating to the new build proposals was not applied when it had every opportunity to do so in respect of the Greenside Avenue development. In view of its failure to exercise the statutory duty to preserve and enhance, the Council may be judged to be merely remiss or incompetent. On the other hand, if the Greenside Avenue development were an example of approved, deliberate planning policy on the part of the Council, the Rosemarkie community could be forgiven for regarding the Council's plans for Greenside Farm with heightened anxiety and alarm. As a lesson for the future, the Council would be well advised to give planning approval for the building to separate developers on individual plots thereby ensuring architectural diversity and appropriate, detailed control of planned development.

Summary:

Briefly, the Council has not adequately addressed the following concerns that form the basis of our objections to the proposed development at Greenside Farm:

- The proposed development is opposed by the overwhelming majority of inhabitants of Rosemarkie as evidenced by the signatories objecting to new build at Greenside Farm.*
- The case for change of use of prime agricultural land is not adequately made.*
- No credible evidence is adduced in support of need to commit to a housing development on this site. The statistical basis used for the determination of housing requirement (both*

defined in terms of need and demand) is seriously flawed and at odds with received demographic evidence supplied by the Registrar General for Scotland.

- The proposed development would conflict with existing local and national policy on the preservation of the environment.

- In spite of the Council's assertions to the contrary, the planned improvements to the existing infrastructure (involving implications for both sewage treatment at an appropriate purity standard and road traffic) will not support further housing development.

- The proposed development would involve any future road by-pass of Rosemarkie passing through a housing development in direct contravention of national and local planning guidance.

- The Council should act upon the advice of both Historic Scotland and Scottish Natural Heritage and abide by the findings of its own East Ross Settlement Landscape Capacity Study -April 2001.

- The proposal would permanently compromise Rosemarkie and the surrounding area as a tourist attraction through substantial loss of amenity - an informed public may wish to consider carefully the implications of swimming at Rosemarkie beach on an incoming tide.

John DW & Patricia M Hossack – Further Written Submission

These comments relate to two aspects of the Council's proposals, namely infrastructure limitations (which apply both to Rosemarkie and Fortrose) and, in particular, the development of Greenside Farm.

The Council remains generally unresponsive to widely held concerns regarding an already creaking infrastructure involving, amongst others, roads and waste water treatment.

Infrastructure: 1. Roads

All traffic associated with new build in the villages of Fortrose and Rosemarkie must of necessity pass along Fortrose High Street. The High Street, with its narrow pavements, was laid out in the days when the largest vehicle to pass along it was a horse and cart. Over substantial distances, the pavements on the High Street are so narrow that it is impossible for two people to pass without one party taking to the roadway. The houses on the High Street are old and the foundations were never designed to withstand vibration from traffic of the intensity which will result from the population expansion of 30% envisaged. The facade of one house has already had to be rebuilt. If, having been forewarned, the Council persists with its plans, many will hold it responsible for foreseeable damage, that is otherwise an uninsurable. The prospect of additional traffic is worrying. The Council's promises of traffic management measures will not address the fundamental issues. Local traders are also unlikely to be impressed.

The clarification offered explaining the meaning of 'the average annual 7-day flow approaching 4300 vehicles' in 2002 is welcome. It must also be pleasing for the Council's road engineers that the figure of 4300 did not give them concern. This is not surprising since the data referred to measurements conducted remotely between Avoch and Munlochy. Unfortunately, the pleasure does not extend to local residents who see no relevance to peak traffic conditions on Fortrose High Street. Given that these are long standing concerns, it is difficult to understand the Council's reluctance to properly engage

with the concerns of the local communities and conduct a relevant survey. The promises of traffic management action after the proposed population expansion are hardly convincing, as it will then be too late.

With specific reference to the figure of 4300 vehicles, which gives such comfort to the Council's road engineers, it is worth noting that in 1994, it was asserted that the road capacity was some 9000 vehicles per day between Avoch and Munlochy. It should be clearly understood that this figure of 9000 vehicles per day has no more force than a mere opinion. What little statistical significance attaches to the figure, it applies to open road situations and has no credibility at all in relation to Fortrose High Street.

Infrastructure: 2. Wastewater treatment

Wastewater treatment is a fundamental infrastructure issue. The council appears to be involved in a game of 'pass the parcel' (or possibly a 'dance macabre') with Scottish Water. It is, of course, convenient for the Council to say that Scottish Water bears total responsibility for this basic service. Any high costs incurred as a result of the Council's grandiose plans will be laid at another door – the door of Scottish Water which (conveniently for the Council) is neither elected nor responsive to community concerns. Council taxpayers are not so easily misled.

The Deposit Draft indicated that some upgrading of sewers and water treatment was anticipated. It has since emerged that 'upgrading' included provision of a new sewage treatment works. The local communities hardly view such a works as some minor part of an upgrading exercise. It is particularly worrying that the Council was aware of Scottish Water's intentions before it published the Deposit Draft. Scottish Water originally wished to place this facility at the Caravan Site in Rosemarkie. Following protests, approval for this was withheld. Nevertheless, it appears that Scottish Water is to proceed with its plans in another location. Doubtless, the Council will, in due course, hold an inquiry at which it will be judge, jury and (clearly) a party with & vested interest in the outcome. In any event, the cost of this expensive venture will be visited upon council taxpayers, as it will be collected along with the Council Tax.

Proposed Development of Greenside Farm, Rosemarkie

3. The Report contains masses of opaque statistical methodology and 'evidence' in support of the Council's proposals for new build in Fortrose and Rosemarkie. The evidence seeks to justify need and demand for housing. It is surprising when so much of it is devoted to apparent 'need', that only 25% of the housing allocation is to be deemed to be 'affordable'. In spite of its protestations, it would seem that the Council's priorities lie elsewhere. One presumes that the other 75% represents the response to perceived demand.

In relation to Greenside Avenue, the Council openly admits that it was incompetent in so far that it was unable to control the developer. It is of great concern when council taxpayers cannot rely upon their elected representatives to protect them from such excesses. The Council should learn from this experience. To assist the Council in resisting overweening developers, it was suggested that should development be approved, unrelated

developers should develop separate plots of land thus ensuring appropriate control and diversity. The Council appears to be resisting this suggestion.

The Council's plan provides for an increase of some 30% in the local population. In the period 1991 to 2001, the populations of the two villages increased by 18% compared to just 1% in Easter Ross. Unlike the Council, residents would argue that the communities of Fortrose and Rosemarkie have already done their bit in absorbing demand for housing and that the rapid acceleration in development rates to 30% is unacceptable. The detail of the Council's estimating methodology may well impress planners but residents in the pressed communities will remain unmoved by 'moving averages' etc. which are critically dependent on the choice of historic time-frames. The methodologies advanced by the Council appear to be predicated upon the assumption that capacity is not finite – demonstrably untrue. The Council should accept that the communities of Fortrose and Rosemarkie have done their bit and that the area is already at the full capacity that the infrastructure can reasonably bear.

In relation to the specific expansion at Greenside, the Council is dismissive of the petition entered at the consultation phase of Local Plan. The Council is reminded that it had published a prospectus, which asserted that there were no infrastructure problems - an assertion since proved to be signally untrue. If the full facts had been made known, as residents had a right to expect, no doubt the petition would have been weightier. Worse, the Council deliberately repeated the assertion in its final version of the Plan even as it knew in advance of Scottish Water's wish to site a new sewage works in an extremely sensitive area. As the Council appears to be more interested in accommodating the interests of developers rather than seriously addressing community concerns, it would be interesting to know how many submissions the Council received in support of its agenda.

A hydrological survey of the site is promised. If the survey had taken place this winter, the surveyors would have needed a boat to earn out their task, as a field designated for development was flooded. This would indicate that the whole area needs to be drained and prompts the question as to the disposal of water. As Courthill Road is presently undrained and is regularly flooded whenever rain falls, it would be sensible to rectify this in the event of development at Greenside being approved. However, this essential drainage is likely to be a very expensive exercise the costs of which no doubt will be borne by council taxpayers through the associated water charge in the longer term. It is time the Council undertook a cost/benefit analysis and made clear to the communities the true costs (financial and environmental) of their development plans.

Summary

- 1. The Council has adduced lengthy (but hardly compelling) evidence in support of development somewhere but has failed to make its case as to why this should be at Greenside in particular*
- 2. The Council has sought to dismiss authoritative evidence against further development in Rosemarkie generally and at Greenside in particular in close proximity to an SSSI which merits special protection*
- 3. Rosemarkie has already been sufficiently disfigured by ill-conceived, poorly controlled development and, at the same time, the Council has demonstrably failed in its legal*

obligation to uphold a commitment to preserve and enhance an historic community.

4. In the context of the local community, the proposed Greenside development is unnecessary, damaging and not supported. The proposal should therefore be abandoned.

JV Cornwell [CD30/172]

Fortrose & Rosemarkie Background:

1. The Deposit Draft Plan has modified the perceived housing requirements, and various amendments suggested by the Community Council have been put in place. These safeguards are welcomed. However the social impact and damage to the rural character of the two communities are not ameliorated to any noticeable extent.

2. The priority need in this rural community is for low cost or rentable housing for young family groups and key workers, including specialist housing and day care facilities for the increased proportion of elderly residents. The expansionist approach demonstrated by the Planning Authority must be discarded and a master plan adopted which meets the priority needs. Based on a recent survey it is possible that a maximum of 100 properties, shared between the two villages, would be needed.

Fortrose & Rosemarkie Development Factors: The Public Inquiry Report of March 1994 states, in paragraphs 10.4.2 and 10.4.3 page 109, that in a decade Fortrose/Rosemarkie will be in a situation whereby further expansion will not be possible without unacceptable harm to their landscape setting. The planning authority could reasonably consider a new settlement/s located close to the A9 or A935 to benefit from public transport links to Inverness. Even limiting new building to the 100 properties envisaged above will do unacceptable harm to the landscape settings, Although not an easy option for the planning authority such a new settlement will reduce commuter and other pressures on the roads and infrastructure and maintain the quality of environment and life of the historic villages of Avoch, Fortrose and Rosemarkie.

Fortrose Housing site 3 – Platcock: This allocation at Platcock is a late insertion by the Planning Authority and replicates the flawed procedure relating to the Gateside proposal at Munlochy in 1993. It appears to have been put in at the request of individuals and so has pre-empted the normal planning application process. The objection is to the procedure adopted by the Planning Authority. Further background information and open discussion is required.

Fortrose Housing site 6 – Seafield Cottage: Part of this site, like the Phase 3 zone, was marked for Restraint. The road alignment at Wester Greengates is to be improved but the vehicular access to the six house plot is not shown. The picnic area and view point must be protected. Even four properties, as suggested by the Community Council, may be too many. The objection is for reasons of road safety and amenity.

Fortrose Housing site 7 – The Wards: The examination in detail of the land allocation, as confirmed in Local Plan Alteration No 2, has been by-passed. The Plan Your Community exercise did indicate the general views of the community although actually quantifying the scale of any acceptable development was neither possible nor within its remit. The

Community Council's recommendation has been accepted to a certain extent. The 16 dwellings still encroach onto the Open Farm Slope which separates Fortrose and Rosemarkie. There must be some guarantee, other than a Section 75 agreement, that the village envelope will not be further extended. The dreadful, visual consequences of the uncontrolled development of the Platcock site should be a lesson for the Wards.

Fortrose Housing site 8 – Upper Wards: At Upper Wards the allocation is a late insertion by the Planning Authority and replicates the flawed procedure relating to the Gateside proposal at Munlochy in 1993. It appears to have been put in at the request of individuals and so has pre-empted the normal planning application process. The objection is to the procedure adopted by the Planning Authority. Further background information and open discussion is required.

Fortrose Housing site 9 – Ness Way: At Ness Way the allocation is a late insertion by the Planning Authority and replicates the flawed procedure relating to the Gateside proposal at Munlochy in 1993. It appears to have been put in at the request of individuals and so has pre-empted the normal planning application process. The objection is to the procedure adopted by the Planning Authority, whereby the clear policy of Restraint has been breached. Further background information and open discussion is required.

Fortrose para. 12 – potential hotel at golf course: Item 12 on page 68 refers to the possibility of a hotel on land adjacent to the golf clubhouse subject to upgrading Ness Road East. This idea was put forward in the current Local Plan. Having formerly owned property bordering Ness Road East it is difficult to envisage how its narrow and quite hazardous junction with Ness Road can be upgraded to take extra traffic in safety. Suggest that this proposal be deleted from the Plan.

Fortrose para. 13 – Avoch to Fortrose Road Improvement: The infrastructure deficiencies have been recorded in detail in the Community Council's response to the Consultation draft so do not need repetition here. The upgrading of the A832 must include a safe cycling path and the view of Avoch Primary School is strongly supported for both safety and health reasons.

Fortrose para. 18 – Expansion in the Ness-Fortrose Gap:

(a) The examination in detail of the land allocation, as confirmed in Local Plan Alteration No 2, has been by-passed. The Plan Your Community exercise did indicate the general views of the community although actually quantifying the scale of any acceptable development was neither possible nor within its remit.

(b) In 1993, the Community Council reluctantly accepted that prime farmland, now marked as Phase 1, could be utilised to meet a perceived housing need - not a housing demand - but should not be released on a piecemeal basis to meet a developer-led market assessment. Servicing of this area in isolation is admitted to be very expensive.

(c) The phases of the Development Framework, bearing in mind the need for a higher (30%) level of affordable housing must be reviewed as a matter of urgency. The objective would be to minimise the suburban sprawl which the Draft Plan envisages and relocate the

buffer zone between the Ness and any agreed housing sites.

(d) The Phase 3 area should be retained for amenity and once again the long standing policy of Restraint maintained. Many residents are concerned about this allocation. Paragraph 96 of NPPG 11 points out that a leisure centre plus a swimming pool and associated car parks could be classed as a Bad Neighbour development adversely affecting a residential site and so reinforces the need for a total review.

Rosemarkie para. 2 – Expansion at Greenside Farm:

1. The area now zoned for housing at Greenside Farm and Courthill Road was formerly shown as a sensitive area requiring Restraint. This was confirmed by the SNH Landscape Capacity Study in 2001. There seems to be no coherent justification for the allocation in a sensitive area. The community's original objection is still valid. NPPG 3 requires planning authorities to safeguard the character and amenity of the countryside and protect the setting of existing settlements. The proposal signally fails in this respect.

2. Local flooding concerns some residents although a hydrological survey is specified in the Plan.

3. Why is a higher housing density (15 per hectare) than the normal 10-12 per hectare proposed for this site?

4. Given deferment for at least five years why should the development also be linked to the completion of one third of the housing in the Ness-Fortrose gap?

Garry J Keith [CD30/49]

Fortrose Housing site 9 - Ness Way:

The Draft Local Plan shows a 30 metre restriction zone along the north east and south east sides of the site for safety and amenity purposes. Safety is to protect the new properties and residents from being struck by golf balls, and amenity is to conserve the views currently enjoyed by existing residents. Both of these restrictions are valid and I recognise the visual amenity of existing residents as being particularly important. I would wish to conserve their views of the firth as much as possible.

There could in my view be a more effective restriction zone on the site, both in terms of safety and amenity, without adversely affecting the development. In the interests of everybody concerned I would like the opportunity to discuss this with you before a less effective restriction becomes written in stone in The Local Plan.

The restriction along the south east side of the site will provide a valuable safety buffer for stray golf balls from the adjacent Fortrose Golf Course. The need for it is clearly understood.

The need for the restriction along the north east side of the site is less clear. It would not be required for protection from golf balls as it is well beyond the 9th green in addition to

being 50 metres off line. Even with the wildest inaccuracy, I do not believe that golf balls would ever stray that far. From an amenity point of view, it is not helpful. It forces the proposed houses to be sited more to the south west of the field where they would interfere more with the open views from existing properties.

I would like to ask you to consider moving the north east restriction zone to the south, west side where it has advantages all round.

- 1. If any golf balls were to stray beyond the south east buffer zone, it would be into the south west part of the site, so a restriction there could be of occasional benefit to the residents of the new houses, as opposed to being of no benefit along the north east side.*
- 2. With the restriction zone being along the south west side of the field, the new houses could be sited more to the north east, which would be much more beneficial in conserving the views from existing properties. My plans show how that would be achieved.*
- 3. Residents of existing properties and the local councillor have expressed their support for this alternative restriction.*
- 4. As a local resident myself I am in favour of the alternative because it would minimise any adverse impact on my neighbours.*

As a separate issue, I would be prepared to make available to the council a strip of land along the south east boundary of the site, to improve road safety on the 9th hole road over the blind summit and it's junction with Ness Road.

I would be very pleased to meet you on site where I believe the advantages of my proposed alternative restriction on the housing development, and the improved road safety on the 9th hole Road can be clearly seen.

GH Johnston on behalf of Miss Marion Rattray [CD30/184]

Miss Marion Rattray, owner of 2 areas of the ground allocated within the Deposit Draft and indicated on the attached drawing, welcomes in principle the scheduling of the ground as described in this document.

It can be seen that the two areas of land owned by Miss Rattray, are divided by the substantial footpath and amenity link between Deans Road and Wester Greengates. The area of ground to the north of this public footpath extends to 3.63 hectares or thereby, and the area of ground to the south of the public footpath extends to 1.21 hectares or thereby. Miss Rattray confirms that she will release her land for development, and supports in principle that a master plan should be prepared for the whole of the area now considered for development potential at the Ness-Fortrose Gap.

The area of ground to the north of the public access forms part of the larger development which includes the provision for a new school building, and mixed housing, and her ground will be made available, as part of the overall master plan for this area. The designation and phasing of her land, detailed in the draft framework plan, is in general acceptable to Miss Rattray, who supports the concept of additional housing, education and playfield provision in this area, as well as the provision of social housing.

With regard to the area of ground to the south of the public footpath, our client now accepts that this area should form part of the overall masterplan for development at the Ness-Fortrose gap, however, we would ask that the phasing be changed from Phase 3 to Phase 1A. We see no reason why this area of ground after scheduling should not be allowed to be developed at an early stage as long as the services and infrastructure are in for Phase 1 on the north side of the public access footpath.

This area of ground will have a separate access from the north side land, and it is unlikely that access will be allowed across the common grassed public access footpath. In addition to the above we would also ask that the area to the south side of the footpath be allowed to be developed independently of the major part of the Ness Gap, should this major part not commence within the next 2 years from adoption of the Local Plan. The reason for this is that if servicing and access is available to proposed Phase 3 (1A) on the south side of the footpath then there is no reason that this could not stand alone to meet current requirements and demand for housing in this area.

The provision for low-cost housing should be taken up on the land to the north of the public footpath. We would also agree that there should be some cohesion between the two areas of land especially when it comes to servicing, safe routes to school and pedestrian and cycle access.

On behalf of Miss Marion Rattray, we formally object to the Highland Council adopting the Ross and Cromarty East Local Plan.

GH Johnston on behalf of Fraser Hutcheson [CD30/181]

On behalf of Mr Fraser Hutcheson the owner of the land shown on the attached plan we would wish to maintain his representations to the Deposit Draft as stated in the Consultative Draft of the Local Plan. We feel that this land would be suitable for future housing development.

The benefits to the community by placing housing in this location would be that it would provide a smaller scale of plot development, which we feel has not been considered in the Consultative Draft. Further, we would submit that if this area of land were to be included, that a featured gateway could be incorporated at the entrance to the village, along with a substantial natural stone wall and landscaping, giving a defined edge to the eastern approach to the village.

We would also submit that development of this nature could be serviced adequately from Ness Road without substantial improvements, which may be needed for other development as indicated in the Consultative Draft.

We would also submit that in our opinion placing housing along this area with a very detailed and substantial edge on the east would not be detrimental to the loss of the gap between Rosemarkie and Fortrose, and would help to break up the dull appearance of the long road aspect (Ness Road) that runs along the northeast edge of the village.

To some extent this area has already been partially eroded as open ground with the

replacement house built on the west corner of the property. We do accept that the house was a replacement for a large shed/workshop at this location, but we feel that no effort was made to create a more attractive entrance into the village.

The land in question slopes gently from the northwest to the southeast, and therefore any housing could be set into this landscape, taking advantage of the slope, and helping aesthetical appearance, which from the east at the present is a row of street lights down Ness Road.

For the reasons stated in the Consultative Draft representations, we would ask that paragraph 17 H. Housing, should be amended to include the following :-

Ref: 10, Area: 1.5, Location: Ness Road, Capacity: 15.

Requirements: Landscape edge to North East boundary gateway feature, drainage.

Dr J & Mrs HC Pendlebury [CD30/155]

Whilst the Deposit Draft attempts to address the many objections raised by others and ourselves in respect of the Consultative Draft (issued in June 2002), it still remains both elusive and contradictory on some key specifics.

The Deposit Draft provides no specific evidence of the actual demand for 'local specialist and affordable housing needs in Rosemarkie' despite this being the main argument proposed by the Council in justifying the need for any development.

1. The Deposit Draft frequently repeats the false mantra that the Greenside Farm development is about providing affordable and low cost, or sheltered, housing when in fact at least 75% of any development will be private and judging by other recent developments in the village neither low cost, or affordable. Thus in the case of Greenside Farm and the proposed 30 to 35 houses this affordable provision would equate to a maximum of 9 houses. The Deposit Draft should thus reflect the truth and state that the proposed development is principally about supplying more private housing with a limited provision of affordable and low cost houses.

2. The Deposit Draft states that 'The Council will have regard to the landscape impact of development in the designated Landscape of the Fairy Glen'. What 'regard' will the Council have for the Designed Landscape of the Fairy Glen if it allows part of it to be dug up and built upon? Surely if the Council actually had any 'regard' for the nationally important Designed Landscape of the Fairy Glen it would preserve it and respect the integrity of its boundaries as specified in the aforementioned Inventory. Indeed, why doesn't the Council follow Scottish Natural Heritage's suggested best practice and even retain a buffer zone around it?

3. The Deposit Draft states that the "Development should be confined to an area relatively close in to the existing steading and houses on Courthill Road". What does "relatively close" mean in practice?

4. The Draft also states that "Most development should be at a similar elevation to those properties to avoid intrusion on the steeper slope and impact upon the setting of the

settlement". What similar elevation actually mean in practice? Does similar mean the same elevation, or within 25 metres for example? Indeed, given that the area proposed for allocation is up to 2 hectares of ground is the proposed development area at the same elevation as existing properties in Courthill Road?

The Draft also states that "A number of local amenity features, including Rosemarkie beach, the path along the shore and the woodland of the Fairy Glen and around Kincardie House are safeguarded from development". Why does the Council therefore specifically exclude the nationally recognised designed landscape boundaries of the Fairy Glen (as specified in the aforementioned the Inventory of Gardens and Designed Landscapes in Scotland) from this development exclusion? What justification does the council offer for ignoring these boundaries in terms of the proposed development for Greenside Farm? On what grounds has the Council determined that such a nationally recognised designed landscape carries less amenity value to Rosemarkie?

Yet again, along with many of our fellow Rosemarkie residents, we oppose the proposed housing development at Greenside Farm. We will continue to oppose these proposals until fact replaces fiction and a realistic, true and genuine case is made by the Council for predominantly affordable or sheltered housing for local people, on a level portion of the site, outwith the boundaries of the designed Landscape of their Fairy Glen. Moreover we will continue to seek reassurance from the Council that it will recognise and preserve the specified boundaries of the "Designed Landscape of the Fairy Glen" and thus safeguard them from development.

Dr J & Mrs HC Pendlebury made further comments on the Council's responses and proposed changes. As these relate to the original objections and the objectors wish to appear at the Inquiry, their comments are indicated below.

In addition we also wish to lodge our objections to the proposed changes to Amenity paragraph 6. The Council's proposed changes will only reduce the importance of the Fairy Glen Woodland and thus by default reduce the requirement for the Council to justify why the nationally recognised Designed Landscape of Fairy Glen carries less amenity value to Rosemarkie.

We would also wish to lodge further objections to the Council's response in respect of Expansion Para 2. - NW Courthill Road. In paragraph 2 of the Council's response to our previous objections it is stated that "The greater part of the designated area is the wooded Glen itself". This comment is completely irrelevant and disingenuous as the Designed Landscape of Fairy Glen has a defined boundary and in fact draws no distinction between its wooded and non-wooded components. Either the boundary, as defined and given in the Inventory of Gardens and Designed Landscape Supplementary Volume 2. Highlands and Islands (2003), means something or it doesn't. Clearly the nature of the Council's response, the Council would argue that the boundary given in the designation is a moveable feast, however, in the aforementioned inventory the boundary is quite clearly stated and the Council's proposals will impinge upon the defined area.

We also object to the Council's assertion (opposite the comments from Susan Blease) in Expansion Para2. that "The Outstanding Conservation Area and Designed Landscape

designations do not prevent development. Otherwise the newer houses built towards the northern end of the Courthill Road would never have been granted consent". We cannot comment on the impact the Conservation Area designation may have had on historic planning consents. However, we would strongly contest the assertion that the Designated Landscape designation has had no impact on the grounds that it was only published in 2003, long after all the houses referred to had been built!

Thus the Designated Landscape designation could not have been a material consideration in respect of granting consent for any of the houses referred to as they were built prior to the designation being published. Therefore this reference to the Designated Landscape designation having not prevented development on Courthill Road is, to our knowledge, factually incorrect and the Council should have the grace to withdraw any reference to it.

It could be argued that the overall tone of the Council's response to the issue of the Designated Landscape designation is to demean its importance, or question its integrity. Obviously, unless the Council withdraws its intention to allow development within the boundaries of the Designated Landscape of the Fairy Glen, then it will be up to Scottish Ministers to determine the issue.

Objections to Proposed Modifications to Deposit Draft

Mr JAF Stuart [CD31/445]

Chapter 17: Fortrose, Paragraph 9 – Ness Way

This area of land lying to the South-East of Ness Way and Wester Links, bounded on the South-East by the road running alongside the golf course, had previously been excluded from any development proposals. However, an area extending to 0.35 hectare at the north-west corner of this area of land is now included as a site with potential for two houses.

It is noted that a 30m wide strip is to be retained adjacent to the road way as a buffer between the developed area and the golf course. Given that the precedent has now been established for development within this area of land, it seems logical that such development should be allowed to extend in a south-westerly direction, into the field labelled A19 on the inset map. I believe that there is scope within this area of land to develop four house plots. This could be achieved whilst still retaining the 30m buffer strip adjacent to the roadway. It should be noted that the area of land available is substantially greater than the 0.35 hectare site already referred to, and in addition it extends further in a westerly direction, away from the golf course from the exiting allocation.

The golf course itself can be regarded as a high quality amenity area, which cannot be encroached upon. Roadway on the fringe of the golf course is a natural dividing line between the developed village and the amenity area. This would be enhanced by the inclusion of the 30m wide strip referred to. The amenity of the existing houses in Wester Links would be diminished somewhat, but I would argue that careful siting of new dwellings would minimise this impact. I would request therefore that the local plan be modified to include an allocation at this site.

Mr AD MacIver [CD31/435]

Rosemarkie, Expansion Area

The change of wording appears to be contrary to Chapter 3 of this plan, namely sections 3.1, 3.5 and 3.6 and contrary to the planning authority's wording on GSP7 line 3 from "The Council.....each settlement".

In many areas within the Black Isle some of its larger allocations have been slow to materialise indeed there are some allocations that have been consented for some time but not realised due to high building costs or have been retained to increase demand and hence elevate costs. I would urge the planning authority to provide for freedom of choice and selection to allow for an even spread of development throughout the Black Isle.

From what can be observed in other areas over the last few years, significant development due to a lack of choice has ensured that the planning service has been put under pressure to consent development that has become cramped, poor in visual ascetics, density and has allowed the construction of homes on difficult ground.

I offer that to link the Greenside Dam allocation into the Ness Expansion in Fortrose and will ensure that third parties are able to control the rate and cost of development and hence freedom of choice for potential homeowners. This would also be at a time when the demand for building has never been so high for the Black Isle and land cost is fast approaching 50% of building cost for some people seeking to build.

Does the planning authority wish to leave it open to claims of restricting development, unfair favouritism and in the context of competition law by placing a holding clause until a third party on another development has completed to a certain level of house building.

What would be the position of the planning authority if the developers of the Ness were to complete development just short of the one third limit indicated within the modifications and then retain the remainder for future building?

Is the planning authority not aware that some of the larger building companies control the rate of building, land cost and house price throughout the Highlands by this circumstance, weeping out development at a calculated rate.

The developer of the Ness would also be building free of competition and in the knowledge of preventing a start on another development within the same housing market area.

This would be thwarting freedom of choice and limit the availability of further low cost affordable units or discounted plots to be bought on-stream by other developments.

I would ask for a detailed explanation on why this change has been made and would wish it to be clarified at inquiry.

The Planning Authority's Response

- 3.3 THC as Planning Authority wishes to respond to the objections set out in paras. 3.4 to 4.10 below. These are contained in the Annex to the Committee report of 25 January 2005 [CD27] and expanded as necessary.

Fortrose & Rosemarkie CC

3.4 *Fortrose & Rosemarkie in general*

- 3.4.1 *Point 1* - Past expansion outwith the historic core of the communities has already changed their rural character. However, the assertion that further development will destroy the historic centre through urban sprawl is disputed. The main land allocations are largely contained within the settlement boundary of Fortrose and the Ness. The largest area for development in the gap between these two parts of the settlement seeks better integration of the previous 'sprawl' at the Ness with the original part of the town.
- 3.4.2 The population change from the 1991 to 2001 Censuses showed an increase in the F&RCC area of 343. This corresponded with a building rate of 160 dwellings, an average of 2.14 person per dwelling. Average household sizes are projected to decrease further by the end of the plan period, suggesting a potential population increase of just under 500 persons over 15 years. THC also seeks to control the rate of house building to no more than 25% of existing stock in any 10 year period (policy GSP7). On the basis of the 2001 stock (935), this would be around 234 houses. However, in the period 2002 to 2011 the requirement is for much less, 144 houses. An assessment made on the basis of the date of publication of the Deposit Draft (7 November 2003) and accounting for new house completions (45 added to households) from the date of the 2001 Census, indicates that the 25% growth limit would be 245 houses by late 2013. This method of assessment was endorsed in the recently published Inverness Local Plan Inquiry Report [THC30-33/3].
- 3.4.3 Infrastructure and community facilities can either cope with the additional development or are capable of improvement to provide the necessary capacity for further development, including through funding by developers, as appropriate. While any delay in the construction of the Avoch-Fortrose road improvement is of concern, this is not a pre-requisite of further development in Fortrose and Rosemarkie. It is not the capacity of the road that is the issue, rather the need for safety improvements both on the road and in relation to the stability of the adjacent land. See statement from THC Head of Transport and Infrastructure.
- 3.4.4 THC has examined the concept of developing new communities as opposed to expanding existing. SPP3 [CD15] and the Structure Plan [CD1] advise that these should not merely be residential dormitories but balanced communities served by public transport. Such settlements should generally be far enough away from Inverness and large enough to sustain their own services and facilities, such as a primary school, shops, medical practice etc. and require to be in the order of 500 to 1000 houses. Past experience suggests that this level of development would attract widespread opposition from across the Black Isle. This was illustrated prior to preparing this Local Plan when consideration had been given to expansion of Tore to accommodate a further 300 houses with additional facilities. This

broad idea failed to attract local support initially, but may provide part of the solution to meeting housing requirements in the very long term beyond the proposed land allocations of the Deposit Draft Plan (see Issue 83). This would be on the basis of a commitment to prior provision of a new community primary school and a public drainage system. In the meantime, expansion of most of the settlements in the Local Plan area, more so in the Development Corridor along the railway from Muir of Ord to Tain, is the basis of the Ross and Cromarty East Local Plan settlement strategy. This is part of the Structure Plan strategy [CD1 – fig. 8] for the Inner Moray Firth area, which also promotes new communities along the A96 corridor from Inverness to Nairn through the Inverness Local Plan.

- 3.4.5 *Point 2(a)*: The Area Roads Engineer advises that Fortrose High Street is narrow and parking in the wrong locations (illegally) can create congestion problems. Police enforcement action would allow traffic to be more free flowing and reduce the impact of congestion. Certain forms of on-street parking can effectively help to calm/slow traffic, but are not thought to be appropriate in Fortrose High Street. In the past the Council has suggested improvements [CD2 – para. 6.28] but residents have largely rejected these. Car parks do exist to help reduce off street parking but are often ignored. Developers of future housing land are expected to contribute towards measures aimed at reducing the impact of traffic from their sites including traffic management and public transport provision. The Head of Transport and Infrastructure confirms in his statement that a suitable traffic management scheme needs to be designed and implemented prior to any significant additional development taking place.
- 3.4.6 *Point 2 (b)*: If the current medical practice accommodation is insufficient to cater for potential additional patients it would be up to the practice to seek expansion or relocation. Land is identified for additional community facilities below the Leisure Centre. THC is not aware of a Local Plan 'policy' that restricted the height of the building and therefore no policy change occurred. The application for the medical practice and other developments in the area would have been dealt with on their merits under development control procedures.
- 3.4.7 *Point 2(c)*: F&RCC is aware of proposals by Scottish Water to provide a new wastewater treatment works to treat sewage from existing development to meet with European Legislation [THC30-33/5, 6, & 7]. THC understood that the proposals for the site originally applied for in 2004, close to the macerator [THC30-33/8], would also allow for future expansion of both communities. However, in the absence of information from SEPA on the detailed level of treatment required at the time that application was viewed as having been submitted prematurely and drew local objections. In such respects Scottish Water Solutions withdrew the application. In April 2005 an application made for another site at Greenside Farm between the two communities, north west of the A832 road. THC also understands that a requirement to pump effluent to works located here would significantly increase the cost of the proposals to the extent that the measure of spare capacity required to allow future growth of the communities is not might not guaranteed [THC30-33/5 - page 11]. This will either stifle the growth of the community or significantly add to developers' costs. In either case THC is concerned that provision of more affordable housing will be affected to the detriment of those with the greatest needs. The second application has now drawn objections including from F&RCC who are

understood to be in favour of the original site with the higher level of treatment required by SEPA.

- 3.4.8 Developers will be responsible for the disposal of surface water within sites in accordance with sustainable urban drainage systems (SUDS) guidelines. Scottish Water has not advised of the need for augmentation of the water supply in relation to specific development land allocations in Fortrose and Rosemarkie. However, there are proposals to upgrade the supply between Leanaig and Killen. The ability of the spring water supply to continue to supply Rosemarkie is to be kept under review. Scottish and Southern Energy (Hydro Electric) have not advised of any electricity supply problems in the course of consulting them on this Plan.
- 3.4.9 *Point 2(d)*: The Education, Culture and Sport Service advises that the Academy is capable of accommodating the projected number of pupils from additional housing development across the whole of the school catchment area.
- 3.4.10 *Point 2(e)*: The Plan recognises that additional outdoor recreation facilities will be required in the future, as indeed this has been the case since 1985 [CD2 – paras. 6.32 & 6.33]. In addition to provision of open space in association with the larger development areas, reference is made in paragraph 12 of the statement to the prospect of the flat open land south east of the A832 being suitable for this purpose. The development of such facilities should be the subject of further consideration by the Council, developers, land owners and the wider community.
- 3.4.11 *Points 2(f) & (g)*: THC's Head of Transport and Infrastructure confirms that the construction of the Avoch-Fortrose road improvement is not a pre-requisite of further development in Fortrose and Rosemarkie. Nevertheless, it remains a priority for this Local Plan area. The design includes a pedestrian/cycle path.
- 3.4.12 *Point 3*: The Plan does not promote ribbon development between the two communities. This is a term that is associated with a single line of houses along a road frontage, usually unplanned, but this is clearly not intended. The potential encroachment from the Upper Wards area towards Rosemarkie features in the 1985 Black Isle Local Plan [CD2] and 1996 Housing Alteration [CD5], but the new Plan draws the original potential allocations significantly in towards Fortrose. The '*Plan Your Community*' workshop results indicate suggestions of affordable/rented and sheltered housing on the lower area of land north east of the cemetery, along the road towards Rosemarkie [THC30-33/9].
- 3.5 *Fortrose & Rosemarkie Background*:
- 3.5.1 *Point 1*: The figure of 240 is not the 'demand' for housing, rather it is the requirement that accounts for a range of factors. These include needs arising from projected population and household change, the percentage of second/holiday/vacant properties, housing market information, historic building rates and the views of house builders. The figure also includes a 25% allowance for flexibility and choice of locations and a requirement for a minimum of 25% of dwellings for low cost/affordable needs. This approach follows Scottish Executive guidance, notably Planning Advice Note 38 [CD20]. The assessment of housing requirements can be supplemented by local housing needs surveys, as referred

to, in order to clarify the aspirations of local residents in terms of rented, low cost home ownership and open market housing. In the absence of this survey information (in late 2003), housing requirements worked out for the Local Plan area as a whole were apportioned to each settlement zone in two ways: (1) the share or percentage of overall housing stock and (2) trend building rates. The range 190 to 254 in the table in Appendix IV to the Plan covers the requirement for the wider Fortrose and Rosemarkie settlement zone, including the countryside/landward area.

- 3.5.2 *Point 2:* The Council's policy on the delivery of affordable housing seeks a minimum of 25% of houses in developments of 10 or more houses to be for this purpose. This means therefore that the greater proportion of houses will be built for open market sale and the Council has no control over who can purchase such properties. In view of the ageing population it is hoped that developers will recognise the potential market for purpose-built retirement properties. An option available to the THC and its social housing partners is to seek to purchase land to help meet demonstrated local needs. This approach may be justified on the basis of the recent first draft of the Summary of the Local Needs Housing Survey [THC30-33/10], which indicates 141 respondents expressing a household housing need. While the survey results require further analysis before firm conclusions can be drawn, the figure given demonstrates a very high level of need across the F&RCC area.
- 3.6 *Fortrose Background:* The population figure of 1350 was an estimate derived from the 1991 Census and household growth up until 2002. However, it was only after the June 2002 publication of the Consultative Draft Plan that the results from the 2001 Census became available. This indicated a population of 1174 in the settlement, confirming a reduction in the average size of households and the fact that the house building growth was greater than the rate of population growth. This may also reflect the possibility that many of the houses built in that period seem to have been purchased and occupied by retired persons who do not commute to work in Inverness.
- 3.7 *Fortrose Housing site 6 - Seafield Cottage:* The suggested capacity of the site is consistent with the density of nearby development. The maximum number should be 6 dwellings. The site was indicated in the Consultative Draft Plan for development. The Ross and Cromarty East Local Plan reviewed the provisions of the Black Isle Housing Alteration [CD5]. The latter only allocated part of the site on the basis of its availability at the time. The owner has since sought to promote the development of more land, which therefore represents an updated view on the development provisions. The precise point of access is not necessarily for a Local Plan. However, it will be defined when detailed proposals are drafted for the site. This would have to be agreed with THC's road engineer in relation to visibility and detailed proposals to re-align the Wester Greengates approach. It will also depend upon the level of development.
- 3.8 *Fortrose Housing site 8 – Upper Wards:* This formed part of the larger allocation of land in the Consultative Draft Plan [CD8], as per paragraph 12 of the Fortrose statement. The development potential of a much larger area is also suggested in the adopted Plan [CD2 – paras. 6.2, 6.17 & 6.18] and Alteration [CD5 – para. 4.8.1(i)]. The principle of development is not new therefore. A farm steading/court yard style, designed to a high standard, is envisaged for the flat ledge on the hillside. Integration into the landscape with suitable planting is also essential.

- 3.9 *Fortrose Housing site 9 – Ness Way:* There are many examples of additional land allocations and other changes being made following representations on the Consultative Draft Plan. This is allowed for in the Regulations and the Council has followed procedures for inviting comments on all provisions of the Deposit Draft. The preparation of a Consultative Draft Plan is not a statutory stage in the process [CD21 - para. 4]. The reaction to the inclusion of the site does confirm the view of officials that it would give rise to objections as the proposed allocation is a change to the long-established restraint/ amenity/ buffer [CD2 – para. 6.39] between the built up area of the Ness and the golf course. However, as indicated by Councillor Barclay in his statement, THC agreed to retain the principle of an allocation for two houses in this location to offer a choice of locations. It was further agreed to relocate the allocation to the north east, to lie adjacent to road to Chanonry Ness, a bit further away from the 9th green of the nearby golf course. This would also allow the two houses to be sited in such a way that they would be less intrusive on the outlook or views from existing nearby houses, as requested in representations from the land owner. Accordingly, Modifications are now proposed and are indicated at para. 2.15.3 above. THC policy witness Councillor Billy Barclay explains the reason for the decision in his statement.
- 3.10 *Fortrose para. 10 – Community Uses:* The Consultative Draft Plan indicated an area for special or community uses on part of the field below the leisure centre. This area was expanded following representations. The adopted Local Plan allocations in this area [CD2 - paras. 6.32 to 6.34] include the land now developed as the Leisure Centre plus a primary school site. The latter has been moved across to the Ness Road side of the Expansion Area to improve vehicular access and as a more convenient location relevant to Rosemarkie as well as Fortrose. Approximately 0.6 ha. remains allocated below the leisure centre for its expansion and other community facilities.
- 3.11 *Fortrose para. 11 – Primary School land allocation:* This is a detailed matter than can be addressed at the appropriate time. An indication is given of a potential access/drop off/pick up area along the south western boundary and would be a necessary part of the development. However, encouragement will be given to walking to and from school to reduce the proportion of vehicular traffic.
- 3.12 *Fortrose para. 13 – Avoch to Fortrose Road Improvement:* See 3.4.11 above. This is essentially a safety improvement required regardless of further house building and will include a dedicated path for cyclists and pedestrians. See also the statement from the Head of Transport and Infrastructure.
- 3.13 *Fortrose para. 16 - Cemetery Expansion:* It was F&RCC that sought the identification of sites for these facilities in the first place. However, it has proved extremely difficult to identify alternative locations for a filling station and recycling facilities that are convenient to both communities or far enough away from existing houses.
- 3.14 Under the Area Waste Plan THC will seek to commit funding to the provision of a recycling facility in the next two years. This location could be a potential site for further investigation and consultation for this purpose. With careful layout and screening a recycling site and a cemetery extension may be compatible. However, in view of the

opposition reference to it should be deleted from the Plan but referred instead to a full investigation of various locations by THC Environmental Health officials in consultation with the community. It is agreed that a filling station would be less attractive to a commercial developer and like the adopted Plan allocation across the road [CD – para. 6.20] the land may remain undeveloped. As such, it would be raising expectations if it remains in the Plan. Accordingly Modifications are proposed to the statement and are indicated at para. 2.15.4 above.

3.15 Rosemarkie para. 2 – Expansion at Greenside Farm:

- 3.15.1 *Point 1:* The density of 15/17 dwellings per hectare is consistent with other previous housing developments in Fortrose and Rosemarkie, particularly where an element of affordable housing is to be accommodated. Other development densities examined were:
- Greenside Place - 52 houses on 3.3 ha = 17.3/hectare
 - Mackeddrie Drive - 14 houses on 0.74 ha = 19/hectare
 - Feddon Hill (lower) - 29 houses on 1.35 ha = 21.5/hectare

In the past the planning authority had worked to a recommended maximum density for the development of land outwith town centre areas of 25 per hectare (10 to the acre). Government advice has also suggested 30 to 50 per hectare for some locations. However, THC's emerging guidance favours a balance of housing tenures and encourages residential areas of small groups of various house types and densities [CD6 – Residential Standards]. It also favours application of a plot ratio, which is expressed as total building floorspace divided by plot area. As a guideline, the THC will normally expect a maximum plot ratio of 30% (i.e. no more than 30% of plot being covered by buildings) and minimum garden sizes and distances for set back from boundaries. This is also consistent with the latest national advice contained in Planning Advice Note 67 [THC30-33/2].

- 3.15.2 *Point 2:* The reference to 'Restraint' is contained in the 1996 Housing Alteration [CD5 – Rosemarkie Inset] and was at the time largely applied to the farm, particularly around the steading. It also contained a notional line for a by-pass. However, the subsequent retirement of the farmer and changes to the way the farm is now operated suggested the need to review the provisions for this area as part of the new Local Plan preparation. Also, as part of the Plan Review process, THC was approached by development interests in this regard to consider the opportunity for development particularly for the area around and including the underused and soon to be redundant steading.

- 3.15.3 *Point 3:* The access road would have to be realigned and formed to an appropriate width to serve the site. The provision of footpaths and/or a calmed shared surfaced access would be a requirement. Traffic calming on the Courthill Road would also improve safety and reduce/discourage through traffic movements. The requirement upon developers is to provide a new access diverting traffic away from the Courthill Road.

- 3.15.4 *Point 4:* The deferral of development at Greenside Farm would allow the community to adjust to the effects of the development at Greenside Avenue and plan ahead for future development accounting for the various issues raised about integrating development into the community. It is also important that the more specific housing needs for Fortrose are met within that community rather than in Rosemarkie. A deferment for a specific period is less appropriate particularly when the commencement of the 5 years period is uncertain.

However, controlling the commencement until after completion of one third of the houses in the Ness-Fortrose Gap area should still be retained to ease the pressure on Rosemarkie. An exception might be if the affordable housing needs of Rosemarkie have to be addressed in the more immediate future. A further Modification is proposed at para. 2.15.6 above.

- 3.16 *Rosemarkie para. 5 – Amenity*: The assertion that the boundary of the Designed Landscape has been seriously encroached is refuted. The Background Policy 2, which covers the Designed Landscape, requires regard to be had 'to the likely impact upon important features of interest'. Even if the Background Policy 3 provisions apply it would not necessarily presume against development. It would have to be demonstrated that there are significant adverse effects on heritage, amenity, public health and safety interests to make such a presumption.
- 3.17 The greater part of the designated area is the wooded Glen itself, which is 150 to 250 metres from the allocated land [THC30-33/11]. Some of the existing houses at the north end of the Courthill Road are situated closer to the Glen. The main features of the Glen from the Inventory description are the gorges of the Dens SSSI displaying “*a spectacular example of gullying and earth pillar formation*” cut through glacial materials, together with sandstone outcrops, waterfalls and picturesque walks. There is also an indication of archaeological interest associated with the old mill lade and pond. THC does not question the extent of the designation, but makes the point that the proposed as a housing allocation does not display any of these features and is not seen from the publicly accessible areas of the Glen. It is also intended that there should be an area of open space and significant structure planting around the development, across intervening land, to reduce the perceived impact upon the designated area. Furthermore, there have been no objections to the proposed housing land allocation from SNH or Historic Scotland in respect of the impact upon the Designed Landscape.

AB Bryant (including response to Further Written Submission)

- 3.18 THC had given consideration to the use of an overall traffic simulation model, but current resources in this regard are prioritised for the Inverness A96 Corridor. However, if resources could be identified, this type of modelling would probably not be helpful outside Dingwall or possibly Muir of Ord, since it is only really of benefit when there are lots of assignment options over an area network. Many of the land allocations can more easily be assessed via a simple junction analysis or generation data, which will be required of developers as part of traffic impact or transport assessments when individual sites are brought forward for formal consideration.
- 3.19 Monitoring of traffic flows on the High Streets would be part of the process of an overall assessment of the potential for improvements in advance of preparing detailed proposals. A successful scheme for traffic calming and management in Fortrose, for example, is most likely to be based upon on a double track road width and additional off street parking being available. However, such measures must be looked at as part of a package of integrated transport measures, within the broader framework of THC's Local Transport Strategy, including perhaps encouraging greater use of bus services through better timetabling, possibly increased frequency and flexibility of services to and from Inverness and Dingwall, and park-n-ride facilities. These will need to be quantified as the basis for

seeking developer contributions and is for the roads authority to examine with the affected local communities and developers. Developers of major sites will also be required to address these matters in a Transport Assessment. These matters are covered in the Statement from THC's Head of Transport and Infrastructure.

- 3.20 Extension of a requirement upon developers in Cromarty to contribute to transport improvements in Rosemarkie, Fortrose and Avoch is more tenuous, particularly in view of the distance involved, the choice of routes available and the probability that most of the development on the large site in the centre of the town will be required to meet existing local needs for low cost housing.
- 3.21 The ongoing development of an integrated transport strategy for the Inner Moray Firth will aid the delivery of priority transport improvements. The document *Developing a Transport Vision for Inverness 2004 - 2031* [THC30-33/4], proposals for more sustainable transport seek to address current problems and facilitate growth in the Inner Moray Firth area. This approach can also make existing public transport provision more viable or provide additional funding for improvements through developer contributions for bus services and infrastructure, traffic management/traffic calming proposals within settlements and 'Safer Routes to School'.
- 3.22 In addition to developer contributions, THC's ability to deliver the whole package of measures will also depend upon funding support from the Government, in line with its sustainable transport objectives. The need to deliver measures should also be emphasised in the Plan with the addition of a General Supporting Policy in Chapter 5. This would be consistent and tie in with the Inverness Local Plan approach. Accordingly, the proposed General Supporting Policy 16: Transport, as set out in paragraph 2.15.9 above should be included in the Plan.

S Blease & K Tudhope

- 3.23 The previous representation on the Consultative Draft and THC's responses are not repeated here. However, in referring this to the Local Plan Inquiry attention is drawn to relevant comments at para. 2.12 above and in **CD10** and **25** (refs. 73 & 393).
- 3.24 The allocation is contained within an area that extends no further than 70 metres from Courthill Road. This encroaches slightly on to the lower part of the slope where there is a modest or gradual rise in level, towards the western perimeter. Development would still be unobtrusive in the broader landscape setting of Rosemarkie when viewed from a distance, particularly as most of the land is virtually on the same level as the existing properties on Courthill Road. The land identified for amenity/open space is a bit more elevated.
- 3.25 The Outstanding Conservation Area and Designed Landscape designations do not prevent development. In respect of the former, the newer houses built towards the northern end of the Courthill Road or anywhere else in the historic core of the village would never have been granted consent. National Planning Policy Guideline 18, Planning and the Historic Environment [CD19], at paragraph 11 states that "*Planning also has a positive role to play in enabling development that is appropriate in terms of land-use, location and design. In doing so it can safeguard the historic environment from inappropriate development and*

provide for change that respects the character of and provides for the needs of people within these areas.” Then at paragraph 16 *“The effect of proposed development on a Historic Garden or Designed Landscape is a material consideration in the determination of a planning application. Planning authorities must consult with the Secretary of State (now Historic Scotland/Scottish Ministers) and Scottish Natural Heritage on any proposed development that may affect sites contained in the Inventory.”* In addition, paragraph 35 *“Development plans help to remove uncertainty and, where appropriate, can promote development opportunities.”* Paragraph 53 encourages the preparation of *“development briefs and design guides for key development opportunities within the historic environment in order to facilitate and promote high quality and well designed new development.”* Furthermore, Historic Scotland’s Memorandum of Guidance on listed buildings and conservation areas contains a section on new development in conservation areas [THC30-33/12 paras 4.35 to 4.41]. The guidance does not therefore presume against development in conservation or other historic areas.

- 3.26 Background Policy 2, which covers the Designed Landscape, is consistent with national policy and guidance in that it requires regard to be had *“to the likely impact upon important features of interest”*. Even if the provisions of Background Policy 3 apply there would not necessarily be a presumption against development. It would have to be demonstrated that there are significant adverse effects on heritage, amenity, public health and safety interests to make such a presumption. Essentially the purpose of the designations is to exert greater control over the siting and design of proposed development. Consideration must also be given to the impact upon the setting of these areas. It is considered that the proposed allocation would barely be visible from the Conservation Area and would not have a detrimental impact upon its setting. As indicated in 3.17 above, the greater part of the designated area is the wooded Glen itself, which is 150 to 250 metres from the allocated land.
- 3.27 With regard to infrastructure, the responses made in paras. 3.4.5 to 3.4.11 above to specific matters raised by F&RCC are relevant, but not repeated here.

John DW & Patricia M Hossack

- 3.28 A significant change was made to the land allocation following representations on the Consultative Draft Plan. The scale of the allocation was reduced, bringing it down to the lowest part of the slope and concentrating on the farm steading area and adjoining land to the north. The visual impact will be less as will the traffic impact. This area is located some distance from the Site of Special Scientific Interest and lies outside the Outstanding Conservation Area. Re-development of the farm buildings represents brownfield development. These changes do not appear to be acknowledged by the objectors.
- 3.29 *General: Impact on the Historic Environment*
- 3.29.1 The 'expert opinion' is presumably and firstly a reference to the landscape capacity study, conducted as part of the preliminary survey work on behalf of SNH and the Council [CD32]. Unfortunately, due to cost limitations this study failed to look at all potential development options for settlements, in so far as it tended to look no further than the existing built up area in many cases. As a limited non-statutory study conducted at a

particular point in time it also lacked flexibility for the consultants to examine additional sites which came forward for consideration close to THC agreeing the Draft for consultation. However, these sites were considered on the basis of the principal findings from the study. Initially it was thought that mitigation of impact through significant landscaping and high quality building design could be achieved. In light of the previous representations and reduced housing requirement it therefore seemed appropriate to reduce the scale of development and thus confine it to the flatter area of less prominent land.

- 3.29.2 The designation of an area within the Inventory of Gardens and Designed Landscapes **[THC30-33/11]** does not necessarily imply that the land should be preserved (see also paras 3.25 & 3.26 above). The intention in respect of the Greenside Farm land is to hold development well back from the edge of the Fairy Glen as well as avoiding development of the slope. The designation of the intervening area as open space (amenity) is therefore aimed at safeguarding it from development.
- 3.29.3 The reference to 'the clearly expressed wishes of the overwhelming majority of residents in Rosemarkie' is not evident from the level of representations and objections made on the Deposit Draft Plan. The petition lodged at the Consultative Draft stage had 125 signatures, with almost a fifth them from persons not resident in Rosemarkie. Just over 100 persons in a community of 650 does not represent an 'overwhelming majority'.
- 3.29.4 THC is well aware of its statutory duties in respect of historic communities **[CD19 and THC30-33/12]**. The location of the proposed land allocation outside the Outstanding Conservation Area and in an area which does not impinge upon its setting is a key consideration. While planning authorities have a duty to bring forward proposals for the preservation or enhancement of Conservation Areas, the implementation of such works will depend upon the availability of funding and priorities across the whole of their area of responsibility. However, it could be argued that the Outstanding Conservation Area designation provides the basis for preservation and as various enhancement measures have been implemented in the past, Rosemarkie and most of the Conservation Areas in the Ross and Cromarty East area are not currently earmarked for public investment.
- 3.29.5 NPPG18 **[CD19 – paras. 40 & 41]** advises that special powers must be sought to control certain forms of development in advance of promoting a 'town scheme' for enhancement of a Conservation Area. This can only be done with the co-operation of Historic Scotland, property owners and the wider community, backed up with legislation (Article 4 Direction) to restrict permitted development rights for all property lying within the Conservation Area. A considerable level of funding is also necessary to help encourage improvements to properties such as replacement of windows and guttering using traditional materials **[THC30-33/12]**. This approach is suggested through paragraph 4 of the Rosemarkie statement in the Plan and does not apply a presumption against development.
- "Development within the designated Outstanding Conservation Area should be carried out in accordance with the established character of the area and the design guidance contained in Appendix II. Proposals for stone cleaning, colour washing and floodlighting of buildings require prior discussion with the planning authority. The Council will seek to bring under Special Control, certain classes of development which would otherwise be 'permitted' without a requirement for formal planning consent through an Article 4 Direction. This would give scope for more specific action through a 'Town Scheme',*

which the Council will consider in consultation with Historic Scotland.” Essentially this would require a full conservation area appraisal in advance.

- 3.29.6 It should also be noted that the development requirements of the Expansion area at Greenside Farm seek to *"ensure that the detailed design and specification of individual buildings , takes account of the traditional architecture of the historic burgh"*.

3.30 *General: Housing Requirements*

- 3.30.1 It is unfair to suggest that the Council has a deliberate intent to confuse need with demand. Both elements are included in the projection of housing requirements, which are for 4156 new houses across the Ross and Cromarty East area by 2017. This is made up of just under 2700 (2696) projected households required as a result of latest GRO projected population and demographic change, notably the formation of more small households. The projected households (2696) are supplemented with an allowance for the non-effective or unavailable stock (vacancies, second/holiday homes and demolitions) remaining at a constant rate of 9% (+243). A further 25% is added as flexibility for growth and the choice of locations (+735) and an additional Structure Plan allocation from Inverness to Evanton, Alness and Invergordon (+482) [CD1 – para 2.2.5].
- 3.30.2 In the first instance, population projections are used along with headship rates and household formation rates to give the required households. Without going into great detail, this methodology is consistent with PAN 38 [CD20] for forecasting housing requirements and takes account of both private sector demand and social needs. These projections are dependent upon assumptions about a range of variables and are inevitably subject to greater uncertainty the further they are extended into the future. For the initial period, calculations take the plan base year as their starting point. The Scottish Executive publishes household projections on a consistent basis for all local authorities in Scotland, using the GRO for Scotland's population projections and trends in household formation. While these provide a useful starting point in assessing the likely scale of future requirements, it must be recognised that they are projections based on past trends rather than predictive forecasts and that they embody assumptions for national statistical purposes which may not be valid locally. In some cases, planning authorities may undertake locally derived projections or forecasts to be more relevant to the particular circumstances of a plan area, e.g. make assumptions about growth based on changing economic fortunes.
- 3.30.3 The figure of 4156, minus the additional Structure Plan allocation of 482 from Inverness to Evanton, Alness and Invergordon [CD1 – para. 2.2.5], is apportioned to each of the settlement zones (including the rural area) on the basis of:
- (a) their percentage share of housing stock at 2001, giving a figure of 190 for Fortrose and Rosemarkie; and
 - (b) their percentage share of house building from 1991 to 2001, giving a figure of 254 for Fortrose and Rosemarkie.
- 3.30.4 While demographic trends are one component of housing land requirements, PAN38 [CD20 - paras 15, 17, 18 and 19], also advises that account has to be taken of demand (the willingness and ability of individual households to pay to meet their housing aspirations).

Most of this demand will be satisfied by the existing stock of housing and new housing will satisfy a relatively small proportion of demand. The scope for growth should also be addressed where appropriate. Paragraph 19 states: *“While there is no single definitive method for assessing demand, it is important to take account of the following considerations:*

- *economic and employment trends within the plan area;*
- *housing market trends, which may include house sales information, the historic build rate, tenure-shift, and household size / dwelling size relationships;*
- *the operation of the local housing market, which may include locational and house-type preferences and the site characteristics required to meet the requirements of different parts of the housing market; and*
- *the views of housing providers on the nature and scale of requirements and where and how they should be accommodated.”*

3.30.5 Trends based on previous house completion rates are used to give an indication of requirements if current trends were continued over the following 15 year period. These trends are based on a 5, 10 and 15 year moving average to give some allowance for variation in house building cycles over the past 15 years. The figures produced from these give an upper limit for most areas given the relative buoyancy of the house building sector over the past decade and more. These do not take account of the demise of local authority house building or the inability of the Government housing agency, Communities Scotland, to fill the increasing void for affordable housing. The rates may well have been higher if the public sector house building rates enjoyed in the 1970s and early 1980s had continued. The trend building rates calculation produces the estimation of a combined requirement for 240 over the period 2002 to 2017 in the settlements of Fortrose and Rosemarkie. This is more or less equivalent to the higher figure derived from the requirement based on household projections. An average annual completion rate of 15 houses has occurred in the area since the 2001 Census.

3.30.6 While Government projections continue to suggest an overall fall in population, as stated above, these are projections not forecasts as they simply indicate what would happen if past trends continue unchanged. In addition, the movement of people in and out of an area can affect its future population level (and both the need and demand for housing) as significantly as the mathematics of birth and death rates. The Fortrose and Rosemarkie settlement zone continues to be one of the fastest growing areas in Highland. The actual population increase from 1991 to 2001 was 18% compared with a 1% rise for Ross and Cromarty East as a whole in the same period. The increase in the number of households in the settlement zone was also the highest in the Plan area at almost 30% (12.7% in the Plan area as a whole).

3.30.7 Restricting settlement growth in pressurised areas such as the Black Isle will only serve to increase pressure on the open countryside and the level of unmet local social housing needs. This will further exacerbate the effects of the Government restrictions on public sector building. In recent times this has forced planning and housing authorities to seek contributions to the provision of social/affordable housing from private development.

3.30.8 Both Scottish Planning Policy (SPP) 3 [CD15 – para. 72] and PAN38 [CD20 – para. 23] refer to the Housing (Scotland) Act 2001 requirement upon local authorities *“to undertake*

an assessment of housing needs and conditions in their areas and produce a local housing strategy covering 5 years.” This views the housing market as a whole, covering all tenures and including any need for affordable housing. Development plans are required to allocate sufficient land overall to ensure land is available to meet requirements including affordable housing needs. As with market-led housing development, the requirement for affordable housing should where possible be met within the housing market area where the need has been identified. In the majority of cases these needs will not be met due to the severe shortage of such properties. Unmet needs can grow in time but are not best reflected in THC’s housing waiting lists. Many persons refrain from applying in areas where social housing availability is limited as is new build. Local needs are best assessed through a more intensive housing survey for individual communities. The current practice in this regard is for a social housing agency to provide guidance and model questionnaires to help community councils undertake these surveys. These usually have a better response rate in identifying the more specific needs of persons or families who already live in these communities. This has only recently been conducted for the F&RCC area and a brief Summary is available [THC30-33/10]. This highlights basic needs for 141 respondent households that are presently unmet.

3.30.9 In the absence of detailed local needs surveys THC would negotiate with developers to provide affordable housing on the basis of a minimum requirement of 25% of houses in all sites with a capacity for 10 or more houses [CD6]. Where a local needs survey demonstrates a higher level of need this might justify a higher level of subsidy from the public sector. This can be met from a combination of funding from the Government housing agency, Communities Scotland, additional Council Tax levies from second or holiday homes (now 90%) and possibly from the future Council House stock transfer Community Regeneration Fund. This and a significant basic need of 141 might suggest THC and housing partners are more pro-active and seek to acquire land to meet needs rather than rely solely upon developer contributions.

3.31 *General: Vision for Growth*

3.31.1 The objector makes reference to the ‘visions’ and ‘aspirations’ for the Local Plan area of a growing population being inconsistent with a projected demographic decrease. As part of the wider community planning objectives, the planning process, economic development agencies and service providers can more easily influence patterns of in-migration than the other two key components of demography fertility and mortality. The need to target specific investment at attracting certain age groups to either remain in an area or to migrate to an area is supported from national level down. Scottish Ministers now recognise that there will be future labour shortages to the detriment of the Scottish economy and its competitiveness and that in-migration should be encouraged to prospective areas where capacity exists for growth or can be created through improved public transport infrastructure, e.g. the A96 Corridor and Easter Ross.

3.31.2 THC and partners believe that with a positive approach to economic development, more employment opportunities can be created. This approach aims to halt out-migration of young adults in the early years of the Local Plan with modest or more sustained population growth in the longer term. A whole range of factors, including infrastructure investment, better community facilities and adequate land for housing, are required to support

economic growth. If the right conditions are created for economic growth then the population should increase as well albeit largely as a result of in-migration. The vision for growth is therefore supported by the land use and development objectives of the Local Plan. The GRO projection that population will decrease does not therefore account for local circumstances changing through the intervention of a Vision or Strategy for growth. It is THC's intention that most of the growth be attracted to the Easter Ross area where there is more serviceable land and where higher unemployment levels saw population decline in the period 1991 to 2001 as per the reference in paragraph 3.1 of the Plan. Continuation of this trend in that area is therefore not a desirable future and the planning authority, economic development agencies and the communities of Easter Ross are all working together to influence economic growth. It should be noted that the latest information on mid year population estimates indicates that the Highland population has risen in the last year due mainly to a high level of in-migration [THC30-33/14].

3.31.3 In terms of future housing requirements the 25% flexibility element and the additional Structure Plan allocation from Inverness to Evanton, Alness and Invergordon represents an allowance for growth (1217 out of 4156 houses). In addition, the potentially serviceable land allocations in the Easter Ross area have historically exceeded the requirement for that part of the Local Plan area, giving more than a 15 year supply of land. However, if the economic initiatives targeted for that area can be realised, this land might be taken up in 15 years or less.

3.31.4 The vision for growth is also based on the need to maintain and enhance the natural and built heritage. Otherwise the area will not be attractive to incoming businesses or existing and future residents. It should also be recognised that there may be situations where additional development can be accommodated with minimal impact upon the environment. While planning authorities are required to preserve and enhance Conservation Areas [CD19], there is no requirement upon them to presume against development in or adjacent to them or Designed Landscapes. In respect of Rosemarkie, it should be noted that SNH have some reservations about the landscape impact of proposed allocation but have not lodged formal objections. Historic Scotland made no comments.

3.32 *Infrastructure implications:*

3.32.1 *Roads:* The reference to road capacity is based on advice from THC's road engineers. The main concern that they have is in relation to the parking problem on Fortrose High Street and the stability of the land adjoining the section of the A832 road between Avoch and Fortrose. Both of these issues exist regardless of the existing levels and potential growth in traffic arising from additional housing.

3.32.2 Better management of traffic through the centre of Fortrose coupled with respectful parking would improve the High Street. In addition, the improvement of bus services and other traffic management measures towards Inverness would help to reduce the proportion of commuters travelling by private car. As part of a 'wider' Integrated Local Transport Strategy [THC30-33/4], the broadening of the range of destinations for buses in the Inverness area is proposed together with workplace parking charges and green transport plans. All measures are to be considered together as part of a comprehensive approach to managing traffic. At Courthill Road, alterations to access and traffic calming measures

would be aimed at significantly reducing or discouraging through traffic in relation to further development.

3.32.3 The phrase 'average annual 7-day flow' is terminology used by roads engineers and refers to the average number of vehicles using the stretch of road referred to in a day. The average was taken from a survey of traffic over several 7 day periods in that year on that stretch of road. The figure of 4300 did not give concern to roads engineers and included peak flows of traffic. The level of traffic obviously reduces east of Avoch and again after Fortrose. Future traffic calming measures are aimed at improving safety by lowering speeds and giving greater pedestrian priority whilst still allowing traffic to flow. It is not for the Local Plan to provide the description of the precise measures to be undertaken in respect of bus service improvements or their detailed costs and developer contributions. It can only make developers aware of the scale of their obligations [CD15 – para. 85].

3.32.4 *Wastewater and sewage treatment:* It is not for THC to make commitments to the level of sewage treatment required when that responsibility lies with the drainage authority, Scottish Water, in consultation with SEPA and SNH. This is currently being addressed but in the absence of any planning consent for proposals, no change can be made to the Plan. Scottish Water has consulted the community on proposed solutions [THC30-33/5-8].

3.33 *Rosemarkie:*

3.33.1 Further to comments on the Designed Landscape above, the planning authority does not agree that 'the proposed development at this site will destroy part of the Designed Landscape and its setting'. See responses to F&RCC at para. 3.17 and S Blease & K Tudhope at paras. 3.25 and 3.26 above.

3.33.2 As advised in 3.30.9 above, THC seeks to secure affordable housing from private housing developers in Ross and Cromarty East on the basis of a minimum provision of 25% (policy GSP8 and DPPG2 [CD6]). As such, it was agreed there is a need to Modify the relevant statement in the Background Sections of both the Fortrose and Rosemarkie statements.

3.33.3 In terms of the scale of buildings, there are many examples of storey and a half houses in the Courthill Road area. There are also examples elsewhere in Rosemarkie of low cost/affordable homes that are single storey or storey and a half. Affordable housing is defined in Development Plan Policy Guideline 2 [CD6], supplementary guidance attaching to this Plan. This does not suggest that such houses should be two storeys or higher, built to a high density and only for rent. There is increasing evidence emerging across the Highlands that the greater requirement for low cost housing is for subsidised private plots or shared ownership properties.

3.33.4 The road indicated in the Framework Plan at Consultative Draft stage [CD8] would have been to a major distributor road standard, despite the requirement that roads carrying less than 5000 vehicles a day need only be designed to local access standards. This matter is, however, no longer relevant to the Deposit Draft as it does not feature in the Framework Plan, or on the Inset Map. If it should ever be re-considered in the future it would have to be aligned to the north west of the wider area indicated as 'advance structure planting', as a complete by-pass of future housing development and the rest of the village.

3.33.5 The term 'to ensure that the detailed design and specification of individual buildings form part of a coherent design concept' did not apply to Greenside Avenue given that plans were first submitted in the early 1990's and therefore pre-date the new Local Plan. The design was challenged at the time but Council officials involved were unable to persuade the developer to improve the appearance. Since then the government has given greater emphasis to quality and design for sustainability through guidance on Designing Places, Housing Quality (PAN67) [THC30-33/2], Design Statements (PAN68) and Fitting New Development into the Landscape (PAN44). In this respect the Council should expect nothing less from developers than house designs that compliment the traditional buildings of the Outstanding Conservation Area. At the same time this advice also allows scope for contemporary designs that can add diversity and equally have a high quality appearance coupled with sustainability principles in their design, construction and sourcing of materials.

John DW & Patricia M Hossack - Further Written Submission

3.34 *Infrastructure:*

3.34.1 *Point 1 – Roads:* THC acknowledges the nature of the problems in Fortrose High Street, as indicated in the Statement from the Head of Transport and Infrastructure. The nature of the traffic management measures has yet to be determined and it therefore seems harsh to dismiss these at present. THC also disputes the assertion that a 30% rise in population will result from 240 (now less than 200 from 2005 to 2017) new houses. From 1991 to 2001 the population of the wider settlement zone, which includes land outwith the settlement boundaries, grew by 18% in relation to 165 house completions. The projected decline in household sizes will have a bearing on population change as will the ability to meet a significant proportion of the needs of the 141 resident households that recently responded to the survey [THC30-33/10]. As such, the proportion of potential incoming residents from less than 200 houses could be lower.

3.34.2 The Head of Transport and Infrastructure advises in his statement that more up to date traffic counts have been conducted. These still indicate an average of 4300 vehicles per day and 5000 to 6000 vehicles a day in the summer months. The road capacity of the A832 is indicated at 15000 to 20000 vehicles a day for the whole road, not just open sections. However, parking congestion in the narrow section of Fortrose High Street can result in the capacity level dropping to 1000 to 2000. It is also advised that a suitable traffic management scheme needs to be designed and implemented prior to any significant additional development taking place.

3.34.3 *Point 2 - Wastewater treatment:* Transferring the responsibility for water and sewerage services out of the hands of local council's was a political decision that went against the wishes of most councils, not least in Highland. As stated on many occasions in the past, the capacity of the existing foul sewage system is not the issue as far as accommodating growth is concerned. The need to treat sewage to a higher level is a requirement of the European Waste Water Directive and is required regardless of growth [THC30-33/5, 6, & 7]. There is still considerable uncertainty over the location of the proposed treatment works. The original proposed location was not 'at the Caravan Site in Rosemarkie' nor

was the approval withheld (see 3.4.7 above). In the absence of information from SEPA on the detailed level of treatment required at the time that application was viewed as having been submitted prematurely and drew local objections. Scottish Water Solutions withdrew the application before the Area Planning Committee could formally consider it.

3.35 *Proposed Development of Greenside Farm, Rosemarkie:*

- 3.35.1 The 'apparent need' has since been clarified by the recent survey, which at first glance suggests that it is much higher than the minimum 25% required of private developers. Up until recently the resources available to THC and its social housing partners to meet needs have been quite limited and all are aware that 25% falls far short of priority needs. However, this is the mechanism open to THC as far as seeking contributions from with private developers is concerned. The availability of more substantial public funding sources in the next 5 years suggest that affordable housing agencies can be more pro-active in their own right. In this respect and light of the recent local needs survey results, it is the responsibility of THC's Housing Service to appraise priorities for investing in the delivery of a more significant share of affordable housing. This might include land acquisition or a development partnership with several developers, as is being pursued for Dingwall North at present.
- 3.35.2 THC recognises that good design is extremely important and current practices guided by the latest Scottish Executive advice [THC30-33/2] are already being embraced. The finalised version of THC's own guidance, *Designing for Sustainability in the Highlands*, is also due for publication soon, following consultation on a draft earlier this year. The assertion that THC appears to be resisting the suggestion that unrelated developers should develop separate plots of land thus ensuring appropriate control and diversity is unfounded. THC's emerging guidance favours a balance of housing tenures and encourages residential areas of small groups of various house types and densities [CD6 – Residential Standards]. The objectors also seem to imply that THC is negotiating with a single developer, which is completely untrue. In any case negotiations with developers are confidential.
- 3.35.3 As indicated at 3.34.1 above, THC disputes a 30% growth rate from 240 houses. The option of no further development would not meet even modest needs and drive up house prices even higher. THC is also seeking to divert the largest proportion of development in this Plan area to the Muir of Ord - Tain corridor and, in the context of the Inner Moray Firth, to the A96 Corridor.
- 3.35.4 THC was not dismissive of the petition, just the claim by the objectors that it represented 'the clearly expressed wishes of the overwhelming majority of residents in Rosemarkie'. Indeed the most of the matters raised led to a significant reduction in the proposed allocation to scale more in keeping with the village, which resulted in fewer objections at the Deposit Draft stage.
- 3.35.5 In terms of infrastructure, in preparing the Draft Plan THC had been advised by service agencies that development could be accommodated and that where improvements were deemed necessary developer contributions would be sought. Public funding was earmarked for improved wastewater treatment prior to the new Plan being prepared. The

objectors still fail to acknowledge that the sewage treatment improvements are necessary regardless of additional development. Developers also include social/affordable housing providers and those who would build a new primary school or expand the Leisure Centre.

- 3.35.6 The cost of dealing with surface water in the area would be borne by developers. Indeed under the SUDS requirement, development should not create additional impacts upon existing surface water systems. Developers will also have to undertake a flood risk assessment to determine the impact upon and from existing surface water. This would also consider whether existing surface water problems in the Courthill Road have been caused by previous development or lack of road drainage.

JV Cornwell

- 3.36 *Fortrose & Rosemarkie Background:* See responses to F&RCC at 3.5.1 (Point 1) and 3.5.2 (Point 2) above.

- 3.37 *Fortrose & Rosemarkie Development Factors:*

- 3.37.1 The comments contained in the 1994 PLI report [CD7 - paras. 7.25 to 7.36] related to expansion across the hill at upper Wards and beyond the Fortrose-Ness Gap area allocations. Since then no development has taken place in these areas. The Report also referred to the potential for further development in the Gap area and the need to examine both areas as part of the current Local Plan Review. Certainly significant expansion at the Upper Wards will have an impact. The opportunities to expand beyond the Gap area or the area allocated to the west of Rosemarkie, are very limited. Once these areas are developed then it is agreed that no other large scale areas could be developed without significant harm to the landscape settings of both communities. As such, alternatives like expanding other settlements with landscape capacity or the development of new communities may provide the only solution to the accommodation of much longer term growth, i.e. beyond 2017.

- 3.37.2 At the present time, there is a strategic dispersal of housing pressures and additional land allocations to Alness, Evanton and Invergordon, as promoted by the Structure Plan [CD1 – para. 2.2.5]. Other communities like Tore, Hill of Fearn and Balintore may also be suitable or sustainable if linked to the development of more significant employment opportunities. The potential for new communities in the Inverness-A96-Airport-Nairn corridor, linked to employment growth, is currently being examined as part of a major study of that area. This is largely based on the more direct rail links that exist. The prospect of a new settlement in the Ross and Cromarty East area is considered to be much longer term and not for this Local Plan Review.

- 3.38 *Fortrose Housing site 3 – Platcock:* There are many examples of additional land allocations and other changes being made following representations on the Consultative Draft Plan. This is allowed for in the Regulations and the Council has followed procedures for inviting comments on all provisions of the Deposit Draft. The preparation of a Consultative Draft Plan is not a statutory stage in the process. Paragraph 4 of PAN 49 [CD21] states that “a consultative draft should be clearly presented and substantially in the form of the finalised written statement. However, it need not be a polished document as the planning authority may have to change its content in response to representations.”

The reference to pre-empting the normal planning application process is firmly refuted because permission will still be required for any associated proposals. The additional land is allocated with several conditions or developer requirements.

3.39 *Fortrose Housing site 6 – Seafield Cottage:* See response to F&RCC at para 3.7 above.

3.40 *Fortrose Housing site 7 – The Wards:*

3.40.1 The informal Landscape Capacity Study [CD32] does refer to discouraging development, despite the land being allocated in successive Local Plans. A much larger area of land had been identified for longer term development in the 1985 Black Isle Plan [CD2 – paras. 6.2, 6.17 & 6.18] and 1996 Alteration [CD5 – para. 4.8.1(i)]. In 1994 the PLI Reporter recommended “*that consideration be given to its deletion*” [CD7 – para. 7.34]. However, this was identified in the Alteration for potential longer term development on the basis that it would “*be the subject of a separate public consultation before a selection is made in the course of the next Local Plan Review*”. In view of the concerns expressed at Consultative Draft stage in relation to the informal Landscape Capacity Assessment, the allocation at the Upper Wards was reduced. The concerns about the long straight edge are appreciated. While this is a matter for detailed discussion between the developer and SNH, planting to the natural land form and along the bottom of the slope may more appropriate. This is proposed as a Modification to the Inset Map (see 2.15.2 above).

3.40.2 The Plan preparation process did review existing allocations as well as the 'Plan Your Community' workshop results [THC30-33/9]. The publication of the Consultative Draft Plan, a stage which there is no statutory obligation to undertake, did suggest much more land for development. However, following various representations, the Council agreed to limit the allocation even further and tie it in with the expansion of the cemetery. More substantial planting, beyond the straight edge indicated, could help to better integrate the development into the landscape.

3.41 *Fortrose Housing site 8 – Upper Wards:* This formed part of the larger allocation of land in the Adopted Black Isle Plan [CD2] and Housing Alteration [CD5]. It was also part of the Consultative Draft Plan allocation at paragraph 12 of the relevant statement [CD8]. The principle of development is not new therefore and the planning authority has followed the correct procedures for consultation. A planning application would still be required so that process has not been pre-empted. A farm steading/court yard style, designed to a high standard, is envisaged for the flat ledge on the hillside. Integration into the landscape with suitable planting is also essential.

3.42 *Fortrose Housing site 9 – Ness Way:* See response to F&RCC at para. 3.9 above.

3.43 *Fortrose para. 12 – potential hotel at golf course:* The development potential, rather than a 'proposal' was put forward in the 1996 Alteration [CD5 – 4.8.2] as part of a recreational buffer to maintain separation between the Ness and Rosemarkie. It is associated with the potential expansion and further development of the golf club. It received the support of the community at the time. The matter of road access, including from the Ness Road East or from Rosemarkie would require to be considered in more detail by developers. The development potential therefore remains subject to upgrading of the road.

3.44 *Fortrose para. 13 – Avoch to Fortrose Road Improvement:* See response to F&RCC at paras. 3.4.11 and 3.12 above.

3.45 *Fortrose para. 18 – Expansion in the Ness-Fortrose Gap:*

3.45.1 *Points (a) to (c):* The term sprawl is more generally used to describe the spread of unplanned development into open countryside without any real control over its boundaries or thought for 'infrastructure' provision. This was generally what was happening at the Ness until the previous Local Plans brought development under control. However, the suggestion that the planned expansion area is a sprawl of housing is refuted. It has been carefully thought out as an area of comprehensive development providing for future education, community, open space and affordable housing needs, as well as offering opportunities to meet the demands of the local housing market in line with national planning guidance, notably in SPP3 at paras. 35, 36, 45 and 85 [CD15].

3.45.2 The provisions also closely follow the findings, conclusions and recommendations contained in the 1994 Public Local Inquiry report [CD7] as follows: -

(i) Paragraph 7.28 (pages 45 and 46) refers to “*the separation between Fortrose and The Ness, which is mostly a modern housing aggregation of no aesthetic or historic value and in the foreshortened view from Feddon Hill already appears as a continuation of the town.*” Previous Local Plans [CD2 – para. 6.37 & CD5] brought in policies that effectively sought to control this 'sprawl'. The current provisions of the Draft Plan are also aimed at providing a better physical relationship between the Ness area and Fortrose, but retaining some separation through planned provision for intervening open space, community and education facilities in the future. The development of this 'gap' area has defined physical edges and guidance is provided on its detailed development. In these respects it is not a 'sprawl' of housing but is in effect a consolidation of the wider Fortrose/Ness settlement area.

(ii) In paragraph 7.29 (p46), the Reporter implied that there would not be a severe impact upon the landscape setting and separation between Fortrose and Rosemarkie in the development of the 'gap'. Reference is also made to the likely intense pressure for piecemeal development on the remainder of the 'gap' if the whole area was not covered by a 'master plan' from the outset, with provisions for a primary school and public open space.

(iii) Paragraph 7.31 states: “*The land between Fortrose and the Ness, south of Ness Road, is effectively the only major opportunity for development to meet local needs for a considerable period, without the kind of unacceptable harm outlined It would be reasonable to use this resource carefully, and not to release it rapidly for speculative development.*”

(iv) Paragraph 7.32 (p47) states: “*Any required primary school and functional open space, together with other land to make a continuous landscape strip, could serve to make the Ness, although no longer a separate community from Fortrose, at least a suburb with a recognisable physical boundary and a distinctive character*”. This further clarifies why the proposed expansion area is more closely related to the Ness area.

(v) In the recommendations, at paragraph 7.36, reference is made to the need to “*undertake further consultation with the public and affected landowners, with a view to a programme of co-ordinated development, as a finite resource, of the gap ...incorporating landscape planting of the northern edge, providing for any future requirements of education or open spaces, maintaining a definition though not full separation between Fortrose and the Ness by a swathe of open or forested ground, and providing for affordable housing for local needs*”.

- 3.45.3 The inclusion of a Draft Development Framework is a means of providing a level of detail for further consideration prior to preparation of a 'master plan'. The 'master plan' or overall layout for all the land shall be prepared by a developer or consortium of developers and is required to be the subject of detailed public consultation outwith the statutory Local Plan process. This point needs to be clarified and highlighted in the relevant Local Plan policy. In addition to public scrutiny, the master plan will be judged on the extent to which it meets the requirements set out in the policy. However, in the absence of agreeing the inclusion of the overall allocation in the Plan, there will be no master plan for the community and other interested parties to consider and consequently no affordable housing or community facilities.
- 3.45.4 The suggested phasing corresponds largely with the likely phasing of drainage works across the land. The later phases (4/5) would also tie in with the future building of a primary school. In addition, it is not for the Local Plan to specify at this stage exactly where the affordable housing should be located. In order to achieve a good social mix there is a preference to see affordable housing in each phase. However, this is a matter for the 'master plan' to consider in detail and with the benefit of the results of the local housing needs assessment. THC agreed to a proposed Modification to the Plan as indicated at 2.15.5 above.
- 3.45.5 *Point (d)*: The area indicated as Phase 3 is allocated in the 1985 adopted Local Plan as a site for a primary school [CD2 – para. 6.34] and not an area of restraint. In this respect the 1996 Housing Alteration [CD5] viewed the land as an area of 'restraint'. However, the complete review of the Local Plan allows for the reassessment of all land use provisions of the 1985 Plan and 1996 Alteration. The further development of the Leisure Centre is envisaged immediately adjacent to the existing building. Phase 3 of housing would be buffered from this by other community uses and a landscaped strip with footpath access. Access, traffic and parking for the Leisure Centre expansion and community uses would be confined to expansion of the existing general arrangements and therefore quite separate from housing in Phase 3.
- 3.46 *Rosemarkie para. 2 – Expansion at Greenside Farm:*
- *Point 1*: See response to F&RCC at para. 3.15.3 above.
 - *Point 2*: See response to F&RCC at para. 3.15.2 above.
 - *Point 3*: See response to F&RCC at para. 3.15.1 above.
 - *Point 4*: See response to F&RCC at para. 3.15.4 above.

Garry J Keith

- 3.47 *Fortrose Housing site 9 - Ness Way*: The reaction of others to the inclusion of the site does

confirm the view of officials that it would give rise to objections as the proposed allocation is a change to the long-established restraint/ amenity/ buffer between the built up area of the Ness and the golf course. However, THC agreed to retain the principle of an allocation for two houses in this location to offer a choice of locations. It was further agreed to relocate the allocation to the north east, to lie adjacent to road to Chanonry Ness, a bit further away from the 9th green of the nearby golf course. This would also allow the two houses to be sited in such a way that they would be less intrusive on the outlook or views from existing nearby houses, as requested in representations from the land owner. Accordingly, Modifications are now proposed and are indicated at para. 2.15.3 above. Councillor Billy Barclay explains the reason for the decision in his statement.

GH Johnston in behalf of Miss Marion Rattray

- 3.48 THC notes the availability of the land in the Fortrose-Ness Gap area and the owner's acceptance that it should all be the subject of a master plan. The phasing relates largely to the anticipated phasing of drainage improvements from the north. In addition, the rapid development will not be appropriate, as cautioned by the community and the previous PLI Report [CD7]. Nevertheless, it should be for the master plan to clarify the details at phasing relative to detailed costings for all infrastructure requirements. Similarly the master plan should clarify the level and location of affordable housing in relation to the local needs assessment and the appropriate mix of development. These are not matters for the Local Plan to give more prescriptive guidance on, therefore. No changes were recommended as a result of this objection.

GH Johnston in behalf of Fraser Hutcheson

- 3.49 This suggested allocation north of Ness Road was rejected by the Reporter in 1994 [CD7] and again by the Council in response to the Consultative Draft in September 2003. The response on the latter was as follows: -

"The Reporter stated in paragraph 7.33 on page 47 of his report that this site "is on the wrong side of the clear physical boundary of Fortrose at Ness Road, and would reduce the essential separation of Fortrose and Rosemarkie. The effect on separation would be greater than just the loss of the depth of the site itself, for the recreation ground southwest of Ness Road, which acts to a degree as a green wedge towards the oldest part of the town, would become enclosed by buildings." For these reasons the Reporter recommended against inclusion of the land in the Local Plan. This recommendation was accepted by the Council in adopting the Plan in 1996. The single house at the junction of the Ness road and the A832 was a one off as a redevelopment of the former depot building. This does not change the situation described by the Reporter in 1994, as there was no loss of land to development. The reduced requirement for housing land following re-assessment in relation to the 2001 Census results also removes the need for significant encroachment towards Rosemarkie at the Wards. NO CHANGE.'

In view of the above reasons and other objections there is no justification to depart from this position.

Dr J & Mrs HC Pendlebury

- 3.50 With regard to Expansion at Greenside Farm and a response to the general points on demand and affordable housing, see responses to F&RCC at paras. 3.5.1 and 3.5.2 above
- 3.50.1 *Point 1:* The Plan has never indicated the Greenside Farm allocation only for affordable/low cost/sheltered housing. Planning authorities are not able to allocate land specifically for this purpose unless the land is owned by a public sector housing organisation. The Council's Housing Strategy and the recently published Planning Advice Note 74 on Affordable Housing [CD24 – para. 34] confirm the requirement for a minimum of 25% of all housing developments on sites of 10 or more houses in the Inner Moray Firth Housing Market Area to be affordable or low cost dwellings regardless of a detailed local needs assessment for individual communities. A Modification to the Plan is to be applied in this respect. There is also a misconception that affordable/low cost means public sector development. In many communities the priority 'needs' in this respect are for a combination of shared or low cost home ownership dwellings built by a Housing Association and subsidised private plots available to persons on lower incomes. The local needs housing survey by the Community Council, supported by the Highland Small Communities Housing Trust, will help clarify local needs. Initial findings suggest 141 resident households in the F&RCC area with needs [THC30-33/10].
- 3.50.2 *Point 2:* With regard to the impact upon the Fairy Glen Designed Landscape see responses to F&RCC at 3.17 and S Blease & K Tudhope at paras. 3.25 and 3.26 above.
- 3.50.3 *Point 3:* The phrase "*Development should be confined to an area relatively close in to the existing steading and houses on Courthill Road*" does not form part of the Deposit Draft, it was merely part of the response and not a specific Modification [CD10]. Nevertheless the allocation of land helps to clarify this in so far as it is contained within an area that extends no further than 70 metres from Courthill Road. This encroaches slightly on to the lower part of the slope, where development would be unobtrusive when viewed from a distance. This avoids a sprawl up the steep slope above the village.
- 3.50.4 *Point 4:* In the absence of site levels or detailed contoured maps it is difficult to specify the exact elevation. There is a modest or gradual rise in level towards the western perimeter, probably no greater than two metres. However, as most of the land is virtually on the same level as the existing properties on Courthill Road, this is the context in which the comment was made. Again it was not stated as a Modification to the Plan in response to the representations on the Consultative Draft [CD10].
- 3.51 *Rosemarkie Amenity areas:* Paragraph 6 deals with more locally important amenity features that are not the subject of formal designations like the Inventory site or the Outstanding Conservation Areas. These are also important for their national or regional interest, hence separate policies in paragraphs 4 and 5. See also the response to the relationship between the Fairy Glen Inventory designation and the housing expansion area at Greenside Farm at paras. 3.25 and 3.26 above. For clarification, some Modifications to paragraph 6 are proposed and indicated at 2.15.8 above.

Objections to Proposed Modifications

Dr J & Mrs HC Pendlebury

- 3.52 *Amenity paragraph 6:* The proposed change is intended to separate the locally important amenity features from those of national significance. The Outstanding Conservation Area is covered by the policy at paragraph 4 while the Designed Landscape is the sole area covered by paragraph 5. THC also felt that there was no need to repeat the reference in paragraph 6. The Fairy Glen Woodland is covered on the Inset Map by the provisions of the same Amenity general policy that applies to the features listed and covered by the more protective BP3 designation. This overlaps with the general policy BP2. However, with regard to concern that its deletion from the provisions of paragraph 6 would diminish its importance or the amenity value to Rosemarkie, THC would be prepared to accept that the policy should not be modified.
- 3.53 *Expansion Para 2. - NW of Courthill Road:* THC does not consider the comments made as objections to proposed Modifications. However, as further comments in relation to the original objections these will be for the Reporter to consider in that context. See also the responses at paragraphs 3.17, 3.25 and 3.26 above.
- 3.53.1 While THC does not question the boundary of the designated area, the comment is an observation that the features described in the Inventory meriting the designation are not evident on what is quite clearly managed farm land. The proposed housing land allocation would only marginally encroach into the designated area at some distance from the important features. In addition, it is not visible from the publicly accessible area of the Fairy Glen.
- 3.53.2 The point was made in the context of the assertion by the other objectors that the designations should prevent development. The response does not form part of the text of the Draft Plan. However, as the relevant policy states, it is for Historic Scotland and SNH to consider whether the integrity of the Designed Landscape of the Fairy Glen will be affected. These organisations have not raised objection to the proposed allocation on such grounds.

Mr JAF Stuart

- 3.54 This objection has arisen in relation to the decision by THC to propose changes to the allocation of land for 2 houses on land immediately to the north east at Ness Way (site 9), as promoted by another objector, Garry Keith [CD30/49]. See original objection under 3.2 and response at 3.49 as above. The inclusion of the site in the Deposit Draft also drew objections from F&RCC [CD30/164] and JV Cornwell [CD30/172]. The responses to these are indicated at 3.9 and 3.42 above.
- 3.55 Mr Stuart promoted development of 9 houses on a larger site in this amenity buffer area at the time the Housing Alteration to the adopted Local Plan [CD5] was in preparation. The development was refused consent by the planning authority then dismissed after an appeal. Following these events the Reporter to the Local Plan relevant Inquiry in 1993 [CD7] also considered an objection from Mr Stuart. In its evidence the planning authority had raised

concerns not only about the loss of the buffer but about the considerable visual impact of very high screen fencing that would be required to protect the new houses from stray golf balls. The 1993 Reporter saw no reason to go against the appeal decision and so the land remained as an amenity buffer/ safety zone, as indicated in the adopted Plan [CD2] at paragraph 6.39.

- 3.56 In view of the above, THC's Director of Planning and Development had recommended against the proposed inclusion of Mr Keith's site at Ness Way in the Deposit Draft Plan. The Director also advised of a precedent for further development and warned of potential objections from the community over the potential loss of the long-established restraint/ amenity/ buffer between the built up area of the Ness and the golf course. The submission of Mr Stuart's objection and the reaction of other objectors at the Deposit Draft stage confirm this. However, THC agreed to retain the principle of an allocation for two houses in this location and to further Modifications set out at 2.15.3 above. THC policy witness Councillor Billy Barclay explains the reason for the decision in his statement.

Mr AD MacIver

- 3.57 THC considers that deferral of development at Greenside Farm would allow the community to adjust to the effects of the development at Greenside Avenue and plan ahead for future development accounting for the various issues raised about integrating development into the community. It is also important that the more specific housing needs for Fortrose are met within that community rather than in Rosemarkie. As such, the commencement of development in the Fortrose-Ness Gap area prior to Greenside Farm is preferable.

- 3.58 The Deposit Draft Plan policy states:

"Land is reserved north west of Courthill Road at Greenside Farm for medium to longer term development, i.e. defer for at least for 5 years and after the completion of one third of the houses in the Ness-Fortrose Gap area."

A deferment of development at Greenside Farm for a specific period of time following commencement of development at the Fortrose-Ness Gap is less appropriate particularly when the commencement of the 5 years period associated with the latter is still uncertain. However, THC considers that controlling the commencement until after completion of one third of the houses in the Ness-Fortrose Gap area should still be retained to ease the pressure on Rosemarkie. An exception might be if the affordable housing needs of Rosemarkie have to be addressed in the more immediate future. Hence the further Modification proposed at para. 2.15.6 above.

- 3.59 There is no question of there being an "open market" situation in housing land under current national planning policy and THC is attempting to provide a balance between providing a choice of sites for developers and not allowing an oversupply. It is accepted practice to allow phased development and this is THC's approach here. Similarly THC would prefer that more than one developer provides housing in the Ness-Fortrose Gap area. If it became clear to planning authority that developers were seeking to restrict development to the extent that there was unlikely to be development up to the one third cut

off point, then this restriction could be re-assessed (particularly if need increases in the interim).

4. Conclusions

- 4.1 In assessing housing requirements the statistical methodology used by THC follows national planning guidance and advice. At the time use was made of the best available information on projections and account was taken of local circumstances. The needs element has recently been clarified through a full housing survey and will have an important bearing on the overall requirement for housing and the delivery of affordable housing in the two communities. Planning authorities are still obliged to account for the demand element when assessing overall requirements.
- 4.2 In allocating land for housing account has been taken of Government and THC sustainability and transport objectives. Accordingly, a significantly high proportion of land allocations are made in the key settlements of the Inner Moray Firth area which already support a range of jobs, services and facilities or have reasonable access to such in larger communities through public transport as well as the private car. As such, the main allocations for development are made in the A96 and Muir of Ord to Tain Corridors. However, Fortrose and Rosemarkie, together with other settlements in the Ross and Cromarty East Local Plan area, have an important supporting role in the settlement hierarchy to accommodate development.
- 4.3 In broad terms, THC considers that existing infrastructure and community facilities can either cope with the additional development or are capable of improvement to provide the necessary capacity for further development, including through contributions from future developments, as appropriate. The Plan addresses local needs expressed in early consultation through relevant policies, land allocations and appropriate safeguards for more immediate and longer term provision. This includes the need for traffic management measures in Fortrose High Street and adjacent areas. While improving the capacity of the High Street is linked to and is a pre-requisite of further significant development, the Avoch-Fortrose road improvement is not. Some further changes are necessary to the settlement statements for Fortrose and Avoch to examine suitable traffic management schemes with the local community and developers.
- 4.4 The uncertainty over the proposed location of the new wastewater treatment works is not for the Local Plan to resolve. In the absence of its provision and the EC Directive requiring this facility, the capacity of the existing system and macerator to accommodate development was not an issue. What is of concern to THC is that adequate capacity is created at the new works to allow for growth and the provision of affordable housing.
- 4.5 The proposed housing allocations are consistent with historical development rates. However, the ability to achieve a significantly higher than 25% proportion of low cost housing to meet local needs will depend upon more substantial investment by the public sector housing agencies. Approximately half (120) of the additional land that THC proposes to allocate is over and above the undeveloped allocations in the existing adopted Local Plan [CD5] at June 2002. Since then the existing allocated land potential has been

reduced by 45 completions. The potential overall level of development suggested over 10 years also represents less than 25% of the current housing stock, in line with General Supporting Policy (GSP) 7: Settlement Expansion.

- 4.6 The proposed larger site allocations at the Ness-Fortrose Gap and at Greenside Farm are capable of being well integrated within the obvious landscape limits of the settlements and maintain separation between Fortrose and Rosemarkie. However, development at The Wards requires careful more significant landscaping along the north eastern edge in relation to the potential future expansion of the cemetery. The proposed housing allocation has been drawn significantly in towards Fortrose. THC accepts that these allocations represent the physical limit in landscape terms and in the interest on maintaining separation between the two communities. The next review of the Local Plan will, however, need to consider other solutions, including new communities.
- 4.7 The allocation of land at the Ness-Fortrose Gap follows the recommendations of the previous Inquiry Reporter. It is essential that master plans are prepared for this area and the land allocated at Greenside Farm in consultation with the local community and other stakeholders. Master plans should clarify the key uses, detailed infrastructure requirements, phasing, landscaping and developer contributions. The need for good quality layout and house designs, in line with national and Highland wide guidance, is a major requirement.
- 4.8 At Greenside Farm, while planning authorities are required to preserve and enhance Conservation Areas, there is no requirement to presume against development in or adjacent to them or Designed Landscapes. THC also considers that the proposed allocation will not affect the integrity of these designations or impact upon the sloping backdrop to the settlement. The suggested density is also consistent with more recent development in both Rosemarkie and Fortrose. The development would not be entirely on greenfield land as part of the allocation includes provision for redevelopment of the soon to be redundant farm steading. Phasing of development relative to the Ness-Fortrose Gap area will allow the community to adjust to the effects of the previous development at Greenside Avenue.
- 4.9 Smaller housing sites listed in the Fortrose statement at paragraphs 2 to 9 provide a choice of locations to complement the larger expansion areas until they come on stream. However, the matter of additional housing in the amenity buffer area beyond the allocation at site 9 requires to be addressed by the Reporter.
- 4.10 **Accordingly, The Council would ask that the Reporter support the provisions of the Deposit Draft Plan with the proposed Modifications in paragraphs 2.15.1 to 7 and 2.15.9 above. In respect of Rosemarkie Amenity, para. 6 – Fairy Glen, the Modification indicated at 2.15.8 is withdrawn. The following additional Modifications are also recommended: -**
- **In Chapter 9: Avoch, at paragraph 1, in the second sentence ADD “*with the local community and developers.*”**
 - **In Chapter 17: Fortrose, at paragraph 1, after the third sentence ADD “*The roads authority will examine a suitable traffic management scheme with the local community and developers for implementation prior to any significant additional development taking place.*”**