

THE HIGHLAND COUNCIL

ROSS & CROMARTY EAST LOCAL PLAN INQUIRY

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

ISSUE 37: Maryburgh Expansion

1. Introduction

- 1.1 The Highland Council (THC) has undertaken to hold a Public Local Inquiry to consider objections lodged by Brahan Estate [CD30/40] in respect of Chapter 25: Maryburgh, para. 5 of the Deposit Draft of the above Local Plan, with regard to adding to the Expansion Area and the requirement of developers of the Expansion Area to contribute to the provision of a safe crossing of the A835 Trunk road at the Maryburgh roundabout. Brahan Estate wish to appear at the Inquiry.
- 1.2 An objection by Maryburgh Community Council [CD30/34] on the issue of developer requirement to contribute to provision of a safe crossing of the A835 Trunk road has been conditionally withdrawn. GH Johnston on behalf of Angus MacLean [CD30/178], owner of part of the existing land allocation, did not formally object but maintains a third party interest in the event that there are other representations which would make THC reconsider the proposals for this land.
- 1.3 An objection by SNH [CD30/197] to the potential landscape impact of housing development in the Expansion Area is maintained on the basis of the original submissions lodged in respect of the Deposit Draft Local Plan. The Council's responses are contained in the 25 January 2005 Area Planning Committee report on Objections and Representations on the Deposit Draft Local Plan [CD27].
- 1.4 THC will call Alan Ogilvie as the planning witness.
- 1.5 THC wishes to submit the productions listed below. References to productions are shown in the text as follows, [CD 1]. Quotes from productions are shown as follows, "*extract*".

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

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

[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
- [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)
- [THC37/1] Note of meeting held at the Scottish Executive, Victoria Quay, Edinburgh: The Highland Council & The Scottish Executive Development Department, Trunk Roads Network Management Division: 29 July 2004

2. Background

National Planning Guidance/Advice

- 2.1 Scottish Planning Policy 3: Planning for Housing [CD15], at paragraph 15 advises that *“Masterplans for larger scale housing developments must take account of the existing urban fabric and layout of streets, and aim to add to and enhance connections.”*
- 2.2 In National Planning Policy Guideline 17: Transport and Planning, paragraph 49 refers to the benefits of safe cycling facilities for people of all ages. It also refers to National Lottery funding for the creation of a National Cycle Network. Paragraph 50 refers to the need for:
- rural cycle networks to serve and link neighbouring villages;
 - convenient routes to employment centres, schools and other local facilities; and
 - cycle networks to *“be continuous, with severance by main or distributor roads avoided; where appropriate, signalled crossings should be provided.”*

Highland Structure Plan

- 2.3 The Highland Structure Plan [CD1] was approved in March 2001. 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); ”*

Adopted Local Plan

- 2.4 The Mid Ross Local Plan [CD3] was adopted in October 1990. The following provisions are relevant to the expansion of Maryburgh: -

Paragraph 5.8 refers to the potential for long term development to the north and west of Maryburgh, also identified in the previous local plan for this purpose. Development between the Ussie Burn and Birch Drive to be accessed via the narrow roads of Hood Street and Seaforth Place is indicated for low density development (5.8(ii)). Mention is made of the need for a comprehensive and not piecemeal approach to development over the additional area of 10 hectares covered by the **Framework Plan** on page 38.

The policy at **paragraph 5.24(ii)** safeguards the amenity woodland of the Brahan House policies. This includes the area that Brahan Estate seek to add to the Expansion Area.

Consultative Draft Plan

- 2.5 The Consultative Draft [CD8] of the Ross and Cromarty East Local Plan was published in May 2002. Chapter 25: Maryburgh included the following: -
- In the Background section reference is made to housing projections suggesting *“the need to accommodate a further 110 houses in the village in the next 15 years.”*
 - Paragraph 4 covers the allocation of 10 ha. to the north west for more significant medium to longer term housing with the requirement. Proposals must comply with the Framework Plan (from the adopted Plan) and developers have to prepare and agree with the Council a development brief or overall master plan to guide comprehensive development, phasing and servicing. Developers also have to meet a number of more detailed requirements set out in thirteen bullet points.
- 2.6 The representations made are summarised as follows: -

SEPA [CD25/157] advised of the capacity of the Conon Waste Water Treatment Works for 4,000 population equivalent and so providing capacity for further development within Conon Bridge/ Maryburgh. It was also advised that developers will be required to upgrade foul sewers in association with development and that the Local Plan should state that no development beyond the capacity of the existing pumping stations or the Conon Works (taking into account development at Conon) will be permitted.

Maryburgh CC [CD25/126] supported the allocation of the land and the potential of the layout to maximise the benefit of the open central aspect of the village and secure what is recognised as an attractive amenity through the provision of play/recreational areas and landscaping in the proposed amenity area immediately to the north of Hood Street.

Royal Fine Art Commission for Scotland [CD25/246] expressed concern that any encroachment of housing onto the open land at the approach to the roundabout on the A835 and the loss of open views to the Firth would be regrettable and should be resisted.

Scottish Natural Heritage [CD25/59] did not support housing in this location due to its impact on the landscape character of the area, based on the East Ross Settlement Landscape Capacity Study [CD32].

- 2.7 THC's response and reasoning in respect of each of these comments is set out in **CD10** and **CD25**. No changes were recommended in response to the representations. However, the following factual changes were agreed: -
- To account for review of housing requirements following publication of the 2001 Census, change 110 to "75 to 100".
 - In relation to the Safer Routes to School initiative (Dingwall Academy), there was a need to seek contributions from the development towards the provision of a safer crossing of the A835 (T) road at Ullapool leg of the Maryburgh roundabout. In the third bullet of the statement at paragraph 4 (changed to 5), INSERT "*and contribute to the provision of a safer crossing of the A835 (T) at the Maryburgh roundabout.*"

Deposit Draft Local Plan

- 2.8 The Deposit Draft [CD9] of the Local Plan was published in November 2003. The following were submitted in respect of Chapter 25: Maryburgh, paragraph 5, Expansion Area: -
- Objections by Brahan Estate [CD30/40] seeking to add more land the requirement of developers to contribute to the provision of a safe crossing of the A835 Trunk road at the Maryburgh roundabout.
 - An objection by Maryburgh CC [CD30/34] to the requirement of developers to contribute to the provision of a safe crossing of the A835 Trunk road at the Maryburgh roundabout.
 - Objection by SNH [CD30/197] to the potential landscape impact of housing development in the Expansion Area.
 - GH Johnston on behalf of Angus MacLean [CD30/178] did not formally object but maintains a third party interest in the event that THC might reconsider the proposals for this land.
- THC's response and reasoning in respect of each of these comments is set out in **CD27**.
- 2.9 Up until late 2004, the Council proposed to build a new primary school in Maryburgh, to replace the existing one that dates to Victorian times. An inspection the Canon Primary School building revealed significant defects suggesting that it would be more cost-effective to replace it as well. Unfortunately, limitations on public spending mean a harsh choice of only one new school being provided in the more immediate future to serve both communities. Retention of both schools and trying to find money to improve them, inevitably over a longer period of time, is the least favoured option by the Council. In April 2005 the Council commenced the

formal the process of consulting both the Maryburgh and Conon Bridge communities over the future of primary school provision. Such matters have implications for the Deposit Draft Local Plan and so a number of Modifications are proposed necessitated a number of proposed changes to update it. The relationship of these factual changes to the objections is also accounted for in the list at para. 2.11 below.

Deposit Draft with Modifications (Proposed Changes)

- 2.10 Proposed changes to the Deposit Draft [CD11] were approved in January 2005. With regard to the objection over the requirement to contribute to a safe crossing of the A835 (T) at the Maryburgh roundabout, the proposal by the Scottish Executive to provide this led to THC agreeing to DELETE the last part of the contentious third bullet of paragraph 4 of the Maryburgh statement. Maryburgh CC conditionally withdrew its objection on the basis of the proposed Modification.
- 2.11 The factual changes required to update the Draft Local Plan to account for the consultation exercise on future primary school provision are as follows: -
- In the second paragraph of the Background section, DELETE the second the third sentences and INSERT: *"The Council is to review provision of primary school education in both Maryburgh and Conon Bridge. In addition to provision remaining on site, initial consideration has been given to a combined Maryburgh and Conon Bridge school. Potential options for such provision will have to be considered as part of the formal review."*
 - At paragraph 3, DELETE existing statement and INSERT: *"As part of the formal review of primary school accommodation in Maryburgh and Conon Bridge, the Council will examine a range of options in consultation with the communities. If the provision of a combined school serving both communities is preferred, the following potential options, all in Conon Bridge, merit further consideration: -*
 - (a) The former fish processing factory close to the river.*
 - (b) Land to the south west of High Street and Conon Parish Church.*
 - (c) Land west of Windsor Place.**..... If appropriate and in the event that the existing Maryburgh school site becomes surplus to Education requirements in the future, it may have potential to be re-used/re-developed to provide community facilities, social/amenity housing or small business accommodation."*

3. The Council's Observations

The Objections

- 3.1 The objections on the Deposit Draft Local Plan from Brahan Estate [CD30/40] are as follows: -

1. Object on the basis that the 10 ha. of land should be extended to include the area marked on the enclosed plan.

- (a) Access would be from the old A835.*
- (b) It is set further back from the existing A835 than the land scheduled for phase 3 development.*
- (c) The established, mature trees screen it from the A835.*
- (d) The topography is attractive.*
- (e) It is flanked on the north by the old A835 and the proposed phase 3 housing, on the southeast by the power line and Birch Drive, finally on the southwest by the footpath which has been upgraded to the standard suitable for all abilities and the Tallysow Wood. This would form a natural boundary to the village.*

2. In the third bullet point, it is inappropriate to require a developer of this area to contribute to the cost of providing a safer crossing of the existing A835 (T) at the Maryburgh roundabout for the following reasons: -

- (a) The existing provision is unsatisfactory as a result of the work done by the combination of the Trunk Roads Authority and the Highland Council. It should therefore be put right by them.*
- (b) The pedestrian crossing provisions are for the use of the existing residents of Maryburgh and not just the potential occupants of the proposed development.*
- (c) The improvements are needed now not at some unknown time in the future when the development might take place.*

The Planning Authority's Response

- 3.2 THC as Planning Authority wishes to respond to the objections by Brahan Estate as set out in paras. 3.3 to 4.2 below. These are contained in the Annex to the Committee report of 25 January 2005 and expanded as necessary. Para. 2.8 above indicates the proposed Modification in response to point 2 of the original objections.

1. Extend land allocation

- 3.3 The projected housing requirement for the period 2002 to 2017 is 75 to 100 houses or an average of 5 to 7 dwellings per annum. The lower figure is based on GRO projected households apportioned on basis of trend building rates in the Maryburgh area in the 10 year period 1991 to 2000, when there were 49 new house completions. The upper figure is based on GRO projected households apportioned on share of housing stock at 2001. See Appendix IV on page 115 of the Deposit Draft Plan at Table 2 [CD9].
- 3.4 In the period 2000 to 2004 a further 25 new houses were completed, confirming a continuation of the average rate of 5 per annum. In this respect, THC sees no justification to extend the level of allocation in Maryburgh and the effectiveness of the additional land now sought is also questionable.
- 3.5 Existing land stocks have potential to accommodate more than 130 dwellings. The greatest proportion of this land would have to be developed in advance of the additional land sought, particularly in relation to vehicular access from the centre of the village. In addition, the former A835 road approach to the land can only serve a limited amount of development in the Expansion area because of the likely traffic

- impact upon the road network in the centre of the village, particularly on Hood Street, Proby Street and Seaforth Place. This is why most of the future traffic associated with the development of the Expansion area is to be served by an access at its northern end, towards the Maryburgh Roundabout. Access from the existing north or Ullapool leg of the A835 trunk road will not be permitted and would only serve to detach development from the village.
- 3.6 The Development Factors section of the Maryburgh statement states: “*A bottleneck effect exists on the A862 Dingwall / Inverness road and measures considered to alleviate this constraint could include junction improvement at Seaforth Place.*” However, the potential for improvement of this junction is limited by the physical layout of the main road and buildings and land ownership.
- 3.7 Hood Street provides the main access to the existing school, is very narrow in width and is further restricted by the parked cars of residents. The opportunity to improve this is only likely to occur if the school is relocated away from the area and the site redeveloped, but only if this is the outcome of a current consultation exercise (see para. 2.9 above). Even then the north eastern section of Hood Street between the school and Proby Street could not be widened without acquisition of land from private gardens. It would only be in the circumstances where Hood Street could be upgraded together with the Seaforth Place/Proby Street junction, at developers’ expense, that a more significant level of development served by the former A835 and Birch Drive access might be permitted, including the land sought for inclusion in the Expansion area by the objector. In the absence of such improvements, the chances of making the land effective in the short to medium term are limited.
- 3.8 There is no dispute over the other merits of the additional land outlined by the objector. However, it is felt that its inclusion in the Plan would be premature and prejudicial in particular to the proper development of land that is included in the adopted Mid Ross Local Plan. Notwithstanding, this land could be re-considered in the next Review of the Local Plan in a few years time and preferably once the situation is clearer over the location of a new school and related traffic considerations.

2. Contribute to crossing of the A835 (T) at the Maryburgh roundabout

- 3.9 The Scottish Executive advise that under the National Cycle Network this safer crossing is to be provided by the Trunk Roads Authority [THC37/1]. As such, the last part of the third bullet should be deleted. In the third bullet, after the word 'facilities', DELETE the rest of the sentence. Maryburgh Community Council conditionally withdrew its objection on the basis of the proposed Modification. In such circumstances THC is surprised that the similar objection from Brahan Estate has been maintained.

4. Conclusion

- 4.1 With regard to adding land to the Expansion area, the existence of more than enough land already allocated in Maryburgh to meet projected housing

requirements in the period 2002 to 2017. This together with access limitations suggest its development potential is very long term and not for the current Local Plan Review to include. THC also considers that the objector has no cause to maintain the objection to the requirement of developers of the Expansion Area to contribute to the provision of a safe crossing of the A835 Trunk road at the Maryburgh roundabout, because THC has agreed that this should be deleted from the Plan.

- 4.2 Accordingly, The Council would ask that the Reporter support the provisions of the Deposit Draft Plan with the proposed Modifications, as indicated in paragraph 2.9 above.**