

THE HIGHLAND COUNCIL

ROSS & CROMARTY EAST LOCAL PLAN INQUIRY

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

ISSUE 41: North Kessock – Expansion at Bellfield Farm and related matters

1. Introduction

- 1.1 The Highland Council (THC) has undertaken to hold a Public Local Inquiry to consider objections lodged by
Gordon M Brown [CD30/39]
Knockbain Community Council [CD30/123&175]
Owen P Smith [CD30/124]
GH Johnston on behalf of Broadland Properties Ltd. [CD30/180]
in respect of Chapter 29: North Kessock, paragraph 7, Expansion at Bellfield Farm and other related matters, in the Deposit Draft of the above Local Plan. All parties wish to appear at the Inquiry.
- 1.2 SNH [CD30/197] has rested on an objection to the potential landscape impact of proposed development.
- 1.3 An objection was lodged by GH Johnston on behalf of County Properties Ltd. [CD31/451], in response to Chapter 29: North Kessock, paragraph 6, Expansion at Bellfield Farm of the Proposed Modifications to the above Local Plan. This was originally intended to be the subject of a further written submission, but will now form part of the case made on behalf of Broadland Properties Ltd.
- 1.4 THC will call Alan Ogilvie, Principal Planner as planning witness.
- 1.5 THC wishes to submit the productions listed below. References to productions are shown in the text as follows, [CD 1]. Quotes from productions are shown as follows, “*extract*”.
- [CD1] The Highland Structure Plan: Approved Plan: The Highland Council: March 2001
[CD2] Black Isle Local Plan: Adopted Plan: Highland Regional Council: September 1985
[CD5] Black Isle Local Plan: Alteration No.2: Housing: Highland Regional Council: September 1996
[CD7] Black Isle Local Plan: Alteration No.2: Housing: Public Inquiry Report into Objections: Scottish Office Inquiry Reporters: March 1994
[CD8] Ross & Cromarty East Local Plan: Consultative Draft: The Highland Council: May 2002
[CD9] Ross & Cromarty East Local Plan: Deposit Draft: The Highland Council: October 2003
[CD10] Ross & Cromarty East Local Plan: Statement of Publicity, Consultation and

representations: The Highland Council: October 2003
[CD11] Ross & Cromarty East Local Plan: Proposed Modifications to the Deposit Draft (Prior to Public Local Inquiry): The Highland Council: February 2005
[CD15] SPP3: Planning for Housing: Scottish Executive: February 2003
[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)
[THC41/1] Minutes of Special Meeting of the Highland Planning Committee held in the North Kessock Village Hall: The Highland Council: 22 September 1998
[THC41/2] Report to the Highland Planning Committee on application Ref. RC/1998/297 for Residential, Commercial and Leisure Development at Bellfield and Lettoch Farm, North Kessock by County Properties Ltd.: The Highland Council: 17 November 1999
[THC41/3] Extract of Minutes of Meeting of the Highland Planning Committee on application Ref. RC/1998/297 for Residential, Commercial and Leisure Development at Bellfield and Lettoch Farm, North Kessock by County Properties Ltd.: The Highland Council: 17 November 1999
[THC41/4] Outline Consent Notice for application Ref. RC/1998/297 for Residential, Commercial and Leisure Development at Bellfield and Lettoch and New Grade Separated Junction on A9 at North Kessock by County Properties Ltd.: The Highland Council: 21 December 1999
[THC41/5] Brochure with plans accompanying Outline Consent for Residential, Commercial and Leisure Development at Bellfield and Lettoch at North Kessock by County Properties Ltd.: The Highland Council: 21 December 1999
[THC41/6] Copy of Planning Application Ref. 04/1203/FULRC for Construction of Primary Waste Water Treatment Works at North Kessock: Scottish Water: 17 December 2004
[THC41/7] Letter to John Farquhar Munro MSP: The Highland Council: 13 September 2002

2. Background

National Planning Guidance/Advice

- 2.1 Scottish Planning Policy (SPP) 3: Planning for Housing [CD15] sets out the Scottish Executive's planning policies on housing. Attention is drawn to the following paragraphs:-

24 refers to the encouragement of "*more diverse, attractive, mixed residential communities, both in terms of tenure and land use.*" This requires "*a range of housing*

types, providing for the needs of all in the community, and all segments of the market, from affordable housing and starter homes to executive housing, and including homes for families, older people, and people with special housing needs.”

44 refers to meeting housing requirements through extensions to existing towns and villages which can have the advantage of reducing servicing costs and help to sustain local schools, shops and services. It also advises that sustainable transport options should be considered as an integral part of the development process.

72 refers 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.*”

74 to 83 refer to the delivery of affordable housing. More specifically, **77** refers to the need for development plans to allocate sufficient land to ensure land is available to meet requirements including affordable housing needs.

- 2.2 Planning Advice Note (PAN) 38: Housing Land [**CD20**] sets out Scottish Executive advice on good practice in the assessment of housing land requirements. Attention is drawn to the following paragraphs: -

18 and **19** advise that account should also be taken of housing demand and the scope for growth related to:

- *“economic and employment trends within the development plan area;*
- *housing market trends,;*
- *the operation of the local housing market,.....; and*
- *the views of housing providers on the nature and scale of requirements and where and how they should be accommodated.*

41 advises that “*additions to the housing land supply should bebrought forward in conformity with development plan policies, either through revisions to the local plans for the areas to which the land requirements have been allocated, or by granting planning permission in advance of local plan adoption if they would not otherwise be released on time.*”

- 2.3 Planning Advice Note (PAN) 74 Affordable Housing [**CD24**] sets out how the planning system can support the Executive's commitment to increase the supply of affordable housing. Attention is drawn to the following paragraphs: -

27 provides a cross reference to Scottish Planning Policy (SPP) 3: “*that where a planning authority believes the planning system has a role to play in the provision of affordable housing, this should be signalled in the development plan, setting out what is expected from prospective developers.*”

28 refers to the structure plan and the need for affordable housing identified in a local housing strategy to “*be taken into account in the housing land requirementand indicate how local plans will be expected to deal with the shortage*” of affordable housing.

29 refers to the requirement for affordable housing to be seen as part of the overall housing requirement in local plans and for an “*up-to-date understanding of requirements consistent with a local housing strategy*”

- 2.4 Planning Advice Note (PAN) 49: Local Planning [**CD21**] sets out Scottish Executive advice on good practice in the preparation of local plans. Attention is drawn to paragraphs 55 and 56 in respect of the inclusion of committed or firm development proposals in local plans.

Highland Structure Plan

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

Paragraph 1.7.1 refers to the emergence from the sustainability objectives and the strategic themes the development of a number of general policies demonstrating the expectations of The Council with regard to any proposal for development. They cover a range of issues relating to sustainable development and are considered vital to the implementation of the Plan's strategic themes. More specifically, **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);*
- *are accessible by public transport, cycling and walking as well as car;*
- *impact on individual and community residential amenity;.....*
- *impact on the following resources, including pollution and discharges, particularly within designated areas: habitats, freshwater systems,landscape, cultural heritage, scenery.....;*”

Policy G4 Community benefit and commitment: “*The Council will expect developments to benefit the local community and contribute to the wellbeing of the Highlands, whilst recognising wider national interests. The Council will seek to enter into agreements with developers as appropriate on behalf of local communities for environmental and socio-economic purposes where as a result of a development new infrastructure proposals require to be implemented by The Council or other agencies, or existing programmes brought forward, developers will be expected to pay those costs as an integral part of that development;*”

Paragraph 2.2.3 states: “*The Council will ensure that an adequate supply of effective housing land is identified at all times in order to meet the needs of local communities and the requirements of individuals for housing.*”

Policy H5 Affordable housing: “*The Council will, in association with other housing agencies, identify areas in Local Plans and through Local Housing Development Fora where there is a demonstrable need for affordable housing. Section 75 and other mechanisms will be used to secure developer contribution where justified. Affordable housing secured as part of a larger development should not be of significantly higher density or lower quality.*”

Adopted Local Plans

- 2.6 The Black Isle Local Plan [CD5] was adopted in September 1985. The following paragraphs are relevant to the objections now under consideration: -

3.6 refers to the consideration given to longer term housing development options for North Kessock at Drumsmittal, West of Charleston and between Bellfield and the A9 Trunk road without making an allocation at the time.

3.21 refers to the consideration given to a new golf course on the Black Isle, including on land at Bellfield/Lettoch Farm.

3.27 refers to the application of the Coastal Conservation policy **2.26** to the popular shore road area between Charleston and Redcastle, as well as the scope for future management, enhancement and interpretation.

3.32 refers to the belt of coniferous trees at Bellfield Farm which form a significant visual feature and “*development stop*” at the west end of Charleston.

3.34 refers to the agricultural land safeguarding policy at Bellfield-Lettoch Farm aimed at presuming against development that would jeopardise the viability of this unit.

- 2.7 The Black Isle Local Plan Alteration No. 2: Housing [CD5] was adopted in September 1996. Chapter 1: Knockbain includes the village of North Kessock with specific provisions on pages 16 and 17. The following are relevant to the objections now under consideration: -

Setting: The third paragraph refers to the growing concerns about the safety of the current A9 junction and the view of the Council that it should be grade separated in order to cater for further major development. “*Developers will be expected to meet a significant proportion of the cost of these works – a major capital burden.*”

Housing Requirement: This refers to the possibility of up to 150 houses being required in North Kessock and the need for sheltered and affordable housing.

Policy 1.8.1(d) allocates 9.2 ha. of land as an extension to the village with potential for “*an integrated mixed scheme of housing with open space, tourism, leisure and recreation facilities.dependent upon satisfactory upgrading of the A9 junction*”

Policy 1.8.2 states: “*Land south and east of Bellfield House, defined to the west by an existing woodland strip, is allocated for housing and related community facilities. The precise area that can be developed, and hence the maximum potential of the land for housing, will depend on the outcome of studies of the most appropriate form of junction between the A9 trunk road and the access to North Kessock, and consequently the extent of land that may be needed for junction improvements. The timing of development will also depend upon the outcome of such studies. The layout of housing development will be required to take account of possible future requirements for access to recreational development, such as a golf course and possibly tourist accommodation, on the land to the*

west of Bellfield House; these would depend upon spare capacity being available at the A9 junction. This housing allocation will substantially complete North Kessock and a predominantly open landscape is intended to remain to the west of the defining woodland strip. No housing or other significant built development will be permitted north of the A9, where the generally open character of the land will be maintained.”

Previous Local Plan Inquiry

- 2.8 The Public Local Inquiry Report into Objections to the Black Isle Local Plan Alteration No. 2: Housing [CD7] refers to the land at Bellfield Farm, North Kessock in Section 5, pages 31 to 36.

Consultative Draft Plan

- 2.9 The Consultative Draft [CD8] of the Ross and Cromarty East Local Plan was published in May 2002. The following provisions of Chapter 29: North Kessock are relevant: -
- 2.9.1 Background, para. 3 referred to outline proposals approved for further housing, recreation land, community and commercial facilities at Bellfield Farm in December 1999, the need for related improvements to the A9 junction, the close proximity to Inverness and attractiveness of future housing to commuters. However, 30% of the proposed dwellings are for affordable low cost local needs and a number of additional tourism and service jobs will be created.
- 2.9.2 Development Factors: outlined infrastructure requirements for expansion of the settlement and natural heritage the amenity features for safeguarding and enhancement.
- 2.9.3 Special Uses, para. 6: refers to the proposal by Scottish Water to improve the foul drainage system in 2003/04 and the potential locations for sewage treatment plant east of Craigton and west of Charleston.
- 2.9.4 Expansion, para. 7: comprises the large statement for relating to the allocation of land at Bellfield Farm “*for an integrated mixed development of housing with open space, tourism, leisure and recreation facilities.*”
- 2.10 Representations were made in respect of the provisions of Chapter 29: North Kessock as follows: -
- 2.10.1 Paragraph 6: Special Uses: Proposed Waste Water Treatment Works

Scottish Water [CD10/258]: advised of their Site Servicing policy in operation at the time for water supply and waster water infrastructure and their original request to include a site for the proposed sewage treatment works to the east of Craigton in the plan.

SEPA [CD10/157]: advised of proposal for new sewage treatment plant and for the Council and Scottish Water to liaise closely over the scale of allocation and proposed capacity of the new works. The Local Plan should state clearly that all development within the settlement envelope is directed to public sewer.

J F Lindsay [CD10/3], John Marr Architects [CD10/212], Michael Butler & Anne Douglas [CD10/237], Mrs Isobel S Campbell [CD10/194], Lieutenant Col. A A Fairrie JP, DL & Mrs A A Fairrie [CD10/80], William M Gibson [CD10/161], Keith Graves [CD10/97], Mr Alan Whitelaw [CD10/10], Mrs Julia MacKenzie [CD10/163] and Mr & Mrs D R McCulloch [CD10/166]: objected to the proposed site for a sewage treatment works east of Craigton.

Knockbain Community Council [CD10/92], Dr & Mrs P J Biggar [CD10/162], I Robb [CD10/164] and North Kessock Public Meeting [CD10/410]: divert sewage into the Inverness system, either pumped across the Kessock Bridge or under the Firth.

GH Johnston Building Consultants Ltd on behalf of Broadland Properties Ltd [CD10/250]: concerned that the lack of proper drainage facilities in North Kessock was hindering further housing development at Bellfield Farm and that the Highland Council should use their influence to rectify this unsatisfactory situation.

2.10.2 Paragraph 7, Expansion at Bellfield Farm

North Kessock Public Meeting [CD10/410]: expansion west of tree belt is controversial; sought clarification on link with A9 junction improvement; a roundabout would be the best solution but rejected by the SE; questioned the expiry date for the outline planning application in relation to the condition on the need for the applicants/developers to consult with the local community.

Gordon M Brown [CD10/19]: questioned level of expansion of village relative to existing housing allocation (adopted Plan); questioned why the draft plan should adopt all the approved proposals by County Properties, which displace the housing allocation westwards beyond the Bellfield tree belt; no case for shops, petrol station and fast link road from the Redcastle shore road to the proposed A9 junction; "fringe" housing associated with proposed golf course now immaterial given that golf course was removed; sewage works site west of Charleston is not justified, will affect amenity of the area and give problems of disposal of effluent - weed growth, smell, etc.

Owen P Smith [CD10/90] & Knockbain Community Council [CD10/92]: opposition to proposed Bellfield Farm development expressed at the 'Planning for Real' session at North Kessock School and at other meetings held; cynicism in our community in view of decisions taken in spite of lengthy consultation process with little regard to recommendations made by previous Inquiry Reporter; authors of this Local Plan should have departed from 'custom and practice' and not included everything granted Outline Planning Permission; land west of burn and tree belt breaches village envelope; this development is not amenity housing associated with a golf course and developer is not to continue with golf course, therefore rendering the reason for building houses west of burn invalid; no opportunity for public comment on this alteration to application; had concerns relative to outline permission about to expire and inclusion of proposals without time limit despite community views; the market for houses in the Black Isle is not related to demand but to supply linked with growth of Inverness; the Black Isle should be treasured for what it is - the lungs of Inverness, not much more developed.

Scottish Natural Heritage [CD10/59]: did not support housing due to its impact on the

landscape character of the area.

HM Principal Inspector of Health & Safety [CD10/4]: advised that natural gas pipeline route needs to be ascertained precisely in relation to proposed development.

GH Johnston Building Consultants Ltd on behalf of Broadland Properties Ltd [CD10/250]: confirm that land as allocated and granted consent in December 1999 will be released for development; funding secured for grade separated junction with A9; advised of possible timescale for commencement of development; the final sentence “*no housing or other built development will be permitted north of the A9 where the generally open character of the land will be maintained*” should be removed from this paragraph and the land should be considered as ‘white land’.

2.10.3 Amenity

Gordon M Brown [CD10/19]: sought positive identification and the protection of the character and use of the Redcastle shore road area.

2.11 THC’s response and reasoning in respect of these comments is set out in **CD10** and **CD25**. Changes were agreed to Chapter 29: North Kessock as follows: -

2.11.1 Development Factors: a factual change to the second sentence of the first paragraph to indicate the contribution of the Scottish Executive to the A9 junction upgrading. After the word “Council” add “*and the Scottish Executive*”.

2.11.2 Paragraph 6: Special Uses: Proposed Waste Water Treatment Works: Following concerns expressed during the Scottish Water and Draft Local Plan consultation exercises, further consideration was given to the proposed method of treatment and location of works. An alternative site was identified between the south/eastbound car park north of the A9 and Craigton. This necessitated the following changes: -

- The statement: “*Scottish Water proposes to upgrade sewage treatment facilities in 2003 – 2005. Detailed consideration is being given to the siting of a waste water treatment plant north of the village and the A9 Trunk road, in a wooded area between the car park and Craigton. A presumption shall be maintained against other development within 100 metres of the new works (BP4). All development within the settlement boundary should be directed to public sewers.*”
- The Inset Map:
 - new site and 100 metres *cordon sanitaire* (safeguarding area)
 - the site at Charleston was deleted and re-designated it as an Amenity area

2.11.3 Paragraph 7, Expansion at Bellfield Farm:

- The statement was reorganised, breaking down the key requirements into bullet points with other changes as follows: -
 - In the second sentence, after the word "was", ADD "*first*".
 - ADD "*A building and landscape design brief is should be prepared in advance of development for approval and in consultation with community representatives.*"
 - DELETE the original tenth sentence and INSERT "*A pre-requisite to development is the upgrading of sewage treatment and extension of the public*

- sewer network to serve the land."*
- ADD *"There is a need to consult the Health and Safety Executive about risks to proposed development on land lying within 124 metres of the natural gas pipeline running parallel to the A9."*
- On the Inset Map indicate the route of the pipeline as a BP4 feature and the consultation distance as a BP2 area.

2.11.4 **Amenity:** ADD new policy "8. *The Redcastle road and the intervening land to the edge of the Beaully Firth foreshore provides important landscape and wildlife viewing opportunities for locals and visitors alike. The Council will presume against development other than for enhancement or interpretation of the natural environment. The Council will also examine the scope for affording greater priority to pedestrians and cyclists along the road.*"

Deposit Draft Local Plan

- 2.12 The Deposit Draft [CD9] of the Local Plan was published in November 2003. This gave rise to objections from the following in relation to the provisions for the Bellfield Farm area of North Kessock: -
- Gordon M Brown [CD30/39]
 - Knockbain Community Council [CD30/123&175]
 - Owen P Smith [CD30/124]
 - GH Johnston on behalf of Broadland Properties Ltd. [CD30/180]
 - SNH [CD30/197]

Deposit Draft with Modifications (Proposed Changes)

- 2.13 In part response to the objections, the following Proposed Changes to the Deposit Draft [CD11] Chapter 29: North Kessock, paragraph 7 (changing to 6), Expansion Area were approved in January 2005: -
- In the main/introductory part of the statement at the fourth bullet, INSERT "*outdoor*" before "*leisure uses*".
 - In the second paragraph of the statement revise to read: "*In advance of the formal submission of detailed proposals developers should consult the community on a revised and updated master plan to guide comprehensive development including phasing and basic requirements for servicing, together with a building and landscape design brief.*"
 - DELETE the fifth paragraph referring to the A9 cycle lane, but in its place INSERT "*The existing network of paths should be retained as far as possible, including adjacent walls, trees and vegetation. The overall layout should also account for local cycle provision and Safer Routes to School.*"
 - DELETE the A9 cycle lane proposal and reference symbols from the Inset Map.
- 2.14 An objection was lodged by County Properties Ltd [CD31/451] in respect of proposals to change the fourth bullet of the main/introductory part of the statement by inserting "*outdoor*" before "*leisure uses*".

3. The Council's Observations

The Objections

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

Gordon M Brown [CD30/39]

I wish to confirm that I object most strongly to the Deposit Draft. Little has changed from the earlier draft and my points have not been addressed. In my opinion, no justification has been made to depart so fundamentally from the Bellfield/Lettoch part of the existing adopted Local Plan, a plan which was developed satisfactorily in consultation with the local community.

The Bellfield Farm tree belt is still the natural feature containing westward expansion of the village. There is no justification for new grouped housing at Lettoch without a golf course. Finally, insufficient attention is paid in the Draft to the value of existing amenity, landscape and nature conservation value of the Shore Road and the Bellfield/Lettoch farmland, woodland and pond.

The proposed link road's alignment, like so much of the Bellfield/Lettoch development identified in the Plan, is simply a slavish regurgitation of the Broadlands proposals. I had hoped to see some original thinking going into what is required, and suitable, for the village, and account taken of what local people have already clearly expressed to you.

As another objector has pointed out, the Local Plan if adopted will confirm all the Broadlands proposals in perpetuity rather than requiring any new proposals to be subject to a fresh application. With respect, the Broadlands proposals are not the considered view of the Council for the village's expansion, but a political decision at one point in time on a major speculative planning application by one developer. This is surely not the way a Local Plan should be developed!

Knockbain CC [CD30/123 & 175]

Bellfield Expansion:

- 1. In other parts of the local Plan there are reminders about what is already in place. There should a reminder that the proposed development at Bellfield is conditional to there being local involvement in the detailed planning of the housing layout before Detailed Planning Permission is applied for.*
- 2. The network of paths need to be retained as they are, including the walls, trees and vegetation alongside. They are as much a part of our community as the buildings.*
- 3. The words "other unspecified leisure units", should be changed to "outdoor leisure units".*
- 4. We are very concerned about the lack of clarity about the location, size and number of holiday cottages.*

North Kessock Sewage: *In spite of a welcome from local people that the proposed site is*

now beside the A9, there are still many people who believe that the sewage should be transported across the firth (over the bridge or underwater). Alternatively, the existing water pipe across the bridge could be used to carry the sewage and the water pipe be under water.

Amenity: There should be improvements on the Charleston to Redcastle Road to make it safer for cycling. This is now part of a National Cycle Route to Ullapool and beyond. Recent improvements to the cycle route on the southern side of the Beaully Firth will make the route more popular.

Owen P Smith [CD30/124]

It is worthy of note that SNH agrees with many people in the Black Isle - The Bellfield Development should not be supported because of the impact on the landscape character of this area. With particular reference to the land to the west of Bellfield Farm, it would seem strange to recommend house building on a site clearly earmarked as being outside the village envelope. The conditions which existed at the time of the last public enquiry have not changed since the developer has no intention of constructing a golf course at the same time as his housing development. The current planning permission was granted in response to evidence from the developer about the case for allowing amenity housing on the edge of a golf course. Although there is a section 75 on the land zoned for a golf course, the removal of a proposal to build the golf course renders evidence submitted invalid. This Local Plan gives the Council an opportunity to rectify the matter according to the situation as it exists now. In my previous letter I argued that the market for houses in the Black Isle is not related to demand but to supply. This has been highlighted by recent events in Inverness with developers trying to hold the council to ransom at Inshes of Leys. The council could easily rectify the problem in Inverness and North Kessock by refusing to 'rubber stamp' extensions to planning applications beyond three years.

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

The statement made to the Consultative Draft still stands as the major concern relating to this site which is owned by Broadland Properties Ltd. This stated:

"We confirm that the ground as allocated and as granted consent in December 1999 will be released for development as laid out in the new Consultative Draft, and in line with the planning application approved.

For the information of the Council we would advise that the funding has now been secured for the grade separated junction at North Kessock, and that following the approval of a reserved matters planning application it is intended to start work on this junction before November 2002.

Because of the lack of proper drainage facilities in North Kessock being provided by Scottish Water, the starting of any housing development at Bellfield Farm is being hindered. We understand that other development potential in North Kessock is also being stopped due to the lack of sewage provision. We further understand that the existing sewage treatment works (macerator) that serves the population of North Kessock, is not up

to a suitable clean water standard. For these reasons we feel that the Highland Council should be using any influence that they have to rectify this unsatisfactory situation caused by Scottish Water.

For the above reasons we would make formal representation to the draft structure plan, and would ask that an addition be made to paragraph 29 (7) that reads 'The Highland Council as planning authority will seek early discussions with Scottish Water to pursue the upgrading of the treatment works at North Kessock, so that the lack of sewage provision in this vicinity does not undermine the draft Local Plan.'

The final sentence of paragraph 29 (7) reads that 'no housing or other built development will be permitted north of the A9 where the generally open character of the land will be maintained'. Whereas there is no intention by the owners at this time to pursue any development on this side of the A9. The sentence is inappropriate, and should be removed from this paragraph. Thereafter the land should be considered as white land under the structure plan and local plan provisions, the same as any other white land within the Ross and Cromarty East Local Plan Consultative Draft.'

In addition to the above there is now a paragraph that states that the Council has advised the Scottish Executive of the need for a cycle lane adjacent to the A9 from the existing underpass towards the Kessock Bridge. This sentence should be expanded to read that this is not the responsibility of the Developers under the current consent as they already have a valid consent and it does not have a condition that relates to a cycle lane. With the amount of financial contribution the Developers are making towards the grade separated junction on the A9 Trunk road it would be unreasonable to expect the Developers to make any further contribution towards the roads infrastructure adjacent to a Trunk road which is the clear responsibility of the Scottish Executive.

For the above reasons and on behalf of Broadland Properties Ltd we formally object to the adoption of the Deposit Draft Local Plan by The Highland Council.

Objection to Proposed Modifications

GH Johnston on behalf of County Properties Ltd [CD31/451]

Paragraph 6, 4th bullet point: County Properties owners of the land referred to have the benefits of an outline planning permission and now formally object to the proposed modifications which read "a golf course with associated club house, country club/hotel and other unspecified outdoor leisure uses". The word outdoor should be removed and the original statement reinstated. We wish on behalf of Country Properties Ltd to send further written submissions to the reporter for consideration.

The Council's Response

- 3.2 THC as Planning Authority wishes to respond to the objections as set out in paras. 3.3 to 4.2 below. These are given in the Annex to the Committee report of 25 January 2005 and expanded as necessary.

Gordon M Brown

- 3.3 The Ross and Cromarty East Local Plan provides a review of land allocation and intervening events since the 1996 Housing Alteration to the Black Isle Local Plan. To say that the adopted Plan had been “*developed satisfactorily in consultation with the local community*” is not strictly the case. There were objections from the community that had to be resolved at the 1993 Inquiry [CD7] before the adopted Plan allocation *east* of the tree belt was confirmed.
- 3.4 In 1998 and 1999 the planning authority were persuaded by the proposals for the Bellfield area and made the decision accordingly [THC41/1]. This therefore became the policy of THC, to depart from the provisions of the Local Plan. The views of the community were considered at the time. The housing west of the tree belt was accepted in principle on the basis that the level of such development would be no greater than envisaged in the adopted Local Plan [CD5], the original allocation would be partly displaced by the area required by the A9 junction improvement and the association with the golf course. However, the expansion west of the tree belt was permitted without a condition strictly requiring a prior commitment to construct the golf course. In their first consideration of the planning application in 1998, THC agreed “*that the golf course element of the development be brought into a much earlier phase.....*”. Subsequently, the applicant’s had difficulty in guaranteeing that this could be delivered in the early stages of development and were concerned that the overall feasibility of the other elements, particularly the construction of the A9 junction improvement, would not be viable [THC41/2&3].
- 3.5 There has never been any suggestion that the golf course should be deleted from the proposals. It was more a question of when it would be constructed. The hotel, leisure uses and new holiday units are linked to the construction of the golf course, as in the absence of the latter these cannot be constructed [THC41/4&5]. Otherwise the area should remain in agriculture and a Section 75 Agreement restricts development accordingly.
- 3.6 THC disagrees that insufficient attention is paid “*to the value of existing amenity, landscape and nature conservation value of the Shore Road and the Bellfield/Lettoch farmland, woodland and pond*”. The natural features referred to are in the main safeguarded as part of the overall development and the provisions of the draft Plan also promote safeguarding and enhancement. In particular, the *Amenity* policy for the shore road area between Charleston and Redcastle is similar to the Coastal Conservation policy indicated at paragraph 3.27 of the adopted Plan [CD2], and covers the scope for future management, enhancement and interpretation.
- 3.7 While the objector considers that incorporation of proposals from an applicant or developer is not the conventional way of progressing a Local Plan, this does not go against the Regulations and advice covering preparation of development plans. One of the main reasons for reviewing local plans is to keep up to date with changing circumstances and to reflect significant land use change. Paragraph 55 of PAN 49 [CD21] states that local plans “*should include firm proposals which:*
- *refer to the development or change of use of land*;
 - *the implementing agency (public, private or individual) intend to develop within about five years of the plan's adoption; and*

- *involve the development or change of use of land significant to the plan area.”*
Then in paragraph 56, *“the precise planning status of committed development proposals should be described in the written statement..... the plan may usefully indicate the authority’s policy for the areas involved should any such project fail to be implemented.”*
- 3.8 Then in SPP3 [CD15] reference is made at paragraph 41 to the granting of permission for additions to the housing land supply to meet requirements to be brought forward *“either through revisions to the local plans or by granting planning permission in advance of local plan adoption if they would not otherwise be released on time.”*
- 3.9 In such respects, THC considers that it would be remiss of the planning authority to fail to reflect in its development plan the extent of any significant approved proposals, particularly where these can address local housing requirements. The Draft Plan also indicates THC’s policy for the area of the golf course, associated hotel, leisure and holiday home uses should the golf course fail to be implemented in the period of the Plan.
- Knockbain CC
- 3.10 *Bellfield Expansion*
- 3.10.1 *Point 1:* The second paragraph of the Deposit Draft provides the reminder that the proposed development is conditional on there being local involvement in the detailed planning of the housing layout before Detailed Planning Permission is applied for. A Proposed Modification indicated in para. 2.13 above seeks to extend that requirement to *“a revised and updated master plan to guide comprehensive development, including phasing and basic requirements for servicing”*.
- 3.10.2 *Point 2:* The retention of the network of paths etc. is indicated on the Inset Map. However, inclusion of *“The existing network of paths should be retained as far as possible, including adjacent walls, trees and vegetation.”* in the text will underline this (see 2.13 above).
- 3.10.3 *Point 3:* At one stage consideration was given to an equestrian centre being developed within the area. While this would require some form of buildings the siting of a large indoor arena would be very intrusive. The brochure accompanying the outline application indicated the potential for a golf practice area and tennis courts [THC41/5]. It is therefore appropriate that the term 'outdoor' should be added to 'leisure uses'.
- 3.10.4 *Bellfield Expansion - Point 4:* The sketch layout accompanying the outline application indicated these as being located at the farm cottages/buildings complex with the annotation of 12 holiday flats [THC41/5]. However, the outline planning consent [THC41/4] did not specify the number of units, only that no new development could be constructed without the golf course and that buildings should not exceed two storeys in height.
- 3.11 *North Kessock Sewage:* The matter of how sewage is disposed of is for the drainage authorities and Scottish Natural Heritage, rather than the Local Plan. What is of concern to THC as planning authority is the appropriateness of the location of this site in

environmental terms and the ability of the proposed system to facilitate development. The applicants had at one stage sought to pump sewage across the Kessock Bridge into the Inverness mains drainage system [THC41/2 – para 1.4]. However, in the drainage authority's investigation of options, this arrangement for the additional development and the existing village load combined did not fall within the cost parameters for the scheme. Scottish Water is now pursuing a further alternative proposal close to the site of the existing settlement tank and south east of Craigton [THC41/6]. Further changes will be necessary if proposals are confirmed /approved in time for publication of post Inquiry Modifications to the Deposit Draft.

- 3.12 *Charleston to Redcastle Road*: There is no disagreement over this point. However, in the absence of specific proposals or funding a commitment cannot be given to improvements. An examination of what measures are appropriate for the road also needs to be carried out in advance. Account should also be taken of the traffic implications arising from the Bellfield development proposals. In light of these issues some Modifications to the last sentence of the statement are offered (see para. 2.13 above).

Mr Owen P Smith

- 3.13 The Landscape Capacity Study [CD32] failed to recognise that consent had been granted for the contentious land or that the greater part of it was already allocated for development. The study was one of several technical assessments undertaken in advance of preparing the Draft Plan.
- 3.14 As indicated at para. 3.5 above, the proposal to build the golf course was not removed from the overall approved proposals. While the original applicants/ developers may not pursue it, THC has had several (confidential) approaches from parties interested in developing the golf course in recent times. The allocation should stand but in the event of no formal detailed application coming forward the land should continue to be farmed, as per the Section 75 agreement.
- 3.15 The adopted Local Plan Alteration [CD5] at para. 1.8.2 states: *“The precise area that can be developed, and hence the maximum potential of the land for housing, will depend on the outcome of studies of the most appropriate form of junction between the A9 trunk road and the access to North Kessock, and consequently the extent of land that may be needed for junction improvements. The timing of development will also depend upon the outcome of such studies.”* This part of the policy was advocated by the applicants and accepted by THC as part of the justification for extending the housing allocations west of the tree belt.
- 3.16 Planning authorities are not able to specify the tenure of houses unless a Council or other Registered Social Landlord owns the land. Assessments of housing requirements must account for both local needs and market demands, as indicated in national planning guidance - SPP3 [CD15], PAN38 [CD20] and more recently in PAN74 [CD24].

GH Johnston on behalf of Broadland Properties Ltd

- 3.17 The responses made and changes agreed in respect of representations on the Consultative Draft Plan [CD10] still form the basis of the policy on this major allocation. THC noted

the position regarding the land ownership and proposed junction works. It was also understood that the lack of agreement with the Scottish Executive over the funding of the A9 junction delayed the commencement of the junction works until early 2005. This, together with the lack of a commitment by Scottish Water to the implementation of the proposed waste water treatment works, did not allow the applicants to bring forward sufficient reserved matters for the approval of THC prior to the expiry of the outline consent in December 2002 [THC41/7]. In the circumstances THC considered that it was reasonable to extend the period of outline consent by a further 3 years.

- 3.18 The restriction on the development of land north of the A9 remains from the adopted Local Plan Alteration [CD5] in response to concerns about North Kessock potentially sprawling across the A9 in the future. While the Settlement Boundary General Policy also seeks to maintain a strong presumption against sporadic development outwith the boundary, to protect the landscape setting, the Council's view about restricting development north of the A9 is quite specific. The term "white land" is not used in the 2001 approved Highland Structure Plan and does not apply in more recent Local Plans. All land outwith settlements has a policy designation of sorts, usually BP1 to 4, which may combine more detailed sensitive areas. In these respects THC considers that the relevant part of the policy should remain
- 3.19 With regard to the cycle lane issue there is no suggestion in the statement that the developer would have to provide this piece of 'infrastructure'. However, Trunk Roads Authority has since constructed this as part of the National Cycle network. As such, the statement should be deleted from the Plan (see 2.13 above). Notwithstanding, the developer will be asked to provide for cyclists and *Safer Routes to School* within the development, in accordance with the Council's Roads Guidelines and construction consent procedures, and linked to any Reserved Matters planning consents.

Objection to Proposed Modifications

GH Johnston on behalf of County Properties Ltd

- 3.20 See the Knockbain CC objection on this matter and THC's response at 3.10.3 above. Uses considered or indicated for this area have generally been of the outdoor variety, including a golf practice area and tennis courts [THC41/5]. However, buildings associated with such uses, a driving range shelter or changing accommodation would be appropriate. Any buildings should not exceed two storeys in height and any additional leisure uses are conditional upon the golf course being constructed [THC41/4].

4. Conclusions

- 4.1 The land allocation at Bellfield/Lettoch reflects the circumstances arising from more detailed consideration of the viability of developing land at North Kessock in relation to the need for developer contributions to the A9 junction upgrade and waste water treatment. In recognition of this THC was minded to grant approval of the outline planning application for the proposed use of the land. This established the principle of housing development west of the tree belt not long before commencement of the Local Plan

Review and thus it was appropriate for THC to reflect this in the new Plan. It is intended that this supersede a policy that is no longer relevant and in any case had not confirmed the extent of development. Only minor changes are necessary to clarify some issues relative to the outline planning consent.

- 4.2 **Accordingly, The Council would ask that the Reporter support the provisions of the Deposit Draft Plan with the proposed Modifications indicated at paragraph 2.13 above.**