

**THE HIGHLAND COUNCIL**

**ROSS & CROMARTY EAST LOCAL PLAN INQUIRY**

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

**ISSUE 47: Housing in Conon Bridge**

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**1. Introduction**

- 1.1 The Highland Council (THC) has undertaken to hold a Public Local Inquiry to consider objections lodged by Ms J Allan, Mr PJ Mackay, Mrs R McLay, Mr J & Mrs J Gourlay, Mr JN & Mrs E Sutherland, Mr IJ & Mrs J Sutherland and Mr K & Mrs P Gillanders [CD31/417] in respect of Chapter 10: Conon Bridge, paras. 6 and 7 of the Proposed Modifications to the Deposit Draft of the above Local Plan, with regard to the scale and density of potential future housing development. All parties were signatories to the one submission and Mr JN Sutherland, Ms J Allan and Mr PJ Mackay wish to appear at the Inquiry to represent them.
- 1.2 Objections were also lodged by Mrs Lesley A Robb [CD31/432] and Conon Bridge Community Council [CD31/450] in respect of the Proposed Modifications to the Deposit Draft Local Plan, at Chapter 10: Conon Bridge, with regard to:
- para. 4, the proposed changes to the Schoolhouse Belt site;
  - para. 8, the proposed new policy suggesting the potential redevelopment of the existing primary school site for housing if declared surplus; and
  - para. 9, the proposed change to incorporate the potential for housing and other uses of open land and the playing field, south west of High Street.
- Mrs Robb refers only to paras. 4 and 9 and has rested on her submission. Conon Bridge CC wish their objections to be dealt with on the basis of further written submissions.
- 1.3 Also under consideration are objections to Chapter 10: Conon Bridge of the Deposit Draft Local Plan by:
- Norman Fawcett [CD30/95], seeking redesignation of part of the Riverbank Nursery from Business to Housing;
  - PPCA Ltd./Fletcher Joseph on behalf of HPG Inverness Ltd. [CD30/196] seeking redesignation of the former fish factory (para.7) from Business/Industry to Housing; and
  - Bowlts on behalf of JA Mackenzie [CD30/188], seeking redesignation of open land south west of High Street (para.8) from Special Uses to Housing.
- All parties had conditionally withdrawn. However, in view of counter objections lodged to proposed Modifications arising from the original objections (see paras. 1.2 & 1.3 above), these now need to be considered by the Reporter. Fletcher Joseph, on behalf of HPG Inverness Ltd., wish to appear in respect of the former fish factory (para.7). Bowlts, on behalf of JA Mackenzie, have made a further written submission

that essentially welcomes the proposed Modifications and provides justification for an element of housing on land south west of High Street (para.8).

- 1.4 An objection by SNH [CD30/197] to the Deposit Draft Local Plan in respect of the potential landscape impact of housing development in the Braes of Conon Expansion Area (para. 9) is maintained on the basis of the original submissions lodged. 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].
- 1.5 Objections to the Deposit Draft Local Plan by Bowlts on behalf of JA Mackenzie [CD30/188] in respect of the designation of land at Riverford Farm as an Expansion Area (para.10) and by Alasdair Cameron [CD30/213], seeking the allocation of Amenity land at Teanahaun for Housing have been withdrawn.
- 1.6 THC will call Alan Ogilvie as the planning witness.
- 1.7 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

[CD16] SPP7: Planning for Flooding: Scottish Executive: February 2004

[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

[THC47/1] Conon Brae Development Brief: Highland Regional Council: September 1991

[THC47/2] Extract (pps. 80 to 82) from Mid Ross Local Plan Public Inquiry Report into Objections: Scottish Office Inquiry Reporters/Highland Regional Council: March 1990

[THC47/3] Extract of Minute of the meeting of the Ross and Cromarty Planning Committee in respect of the planning application for the Erection of House and Garage

(Outline) at Rear of Everton, Bank Street, Conon Bridge, Ref. No. 03/00829/OUTRC: The Highland Council: 27 January 2004

[THC47/4] Copy of planning application for the Change of Use of Nursery to Housing (Outline) at Riverbank Nursery Garden Centre, Riverbank Road, Conon Bridge, Ref. No. 05/00015/OUTRC: February 2005

[THC47/5] Flood Risk Advice on Planning Application for Demolition of Service Station and Erection of 14 Flats at High Street Conon Bridge, Ref. No. 04/00749/OUTRC: SEPA: 27 April 2005

[THC47/6] Proposed Development at Riverbank Nursery: Flood Risk Assessment: Mott MacDonald: 7 December 2004

[THC47/7] Copy of Planning Application for the Erection of 28 Houses & Associated Infrastructure at Quarry Croft, Conon Bridge: Ref. 04/01234/FULRC

[THC47/8] Letter from Tulloch Homes Ltd.: 31 March 2005

[THC47/9] Extract from Inverness Local Plan Inquiry Report: Scottish Executive: March 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: -

**21.** This states: "*efficient use of land is an important planning aim*" and that "*through good design, high density development can be achieved without overcrowding, congestion or loss of residential amenity.*"

**24.** This advises of the encouragement of "*more diverse, attractive, mixed residential communities, both in terms of tenure and land use*" with a range of housing types to meet the local needs and all segments of the market

**25.** This advises that in appropriate locations there is scope for mixed use developments which should be supported through development plan policies.

**29.** Planning authorities are encouraged to "*promote the re-use of previously developed land in preference to greenfield land, provided that a satisfactory residential environment can be created*".

**31.** This advises that "*land identified for industrial or other development purposes may also provide opportunities for housing development where:*

- *there is now little prospect of development for the purposes originally envisaged,*
- *there is access to a choice of transport, and*
- *a satisfactory residential environment can be created.*"

**34.** This suggests that infill sites can usefully contribute to the supply of housing land, provided that development of such sites "*scale, form and density of its*

*surroundings and enhances rather than detracts respects the from the character and amenity of existing residential areas.”*

**38.** This advises of the need for residential development “to minimise adverse effects on natural heritage” particularly on designated areas.

**43.** This advises of the need “*to avoid unnecessarily increasing the number of areas that need artificial protection against flooding*” and that sites “*likely to be at significant risk from flooding .....should not be developed for new housing.*”

2.2 Scottish Planning Policy 7: Planning and Flooding [CD16] sets out the Scottish Executive’s planning policy on new development and flooding. The following paragraphs are relevant: -

**26.** refers to flood prevention measures reducing the probability of flooding but not eliminating it entirely, given that they are designed to protect against a specified height of flood water and have a finite life.

**27.** states: “*In areas protected by existing flood prevention measures, brownfield development should generally be acceptable provided the measures are properly maintained and achieve or exceed the minimum design standard for grant aided Flood Prevention Schemes (FPS) having regard to the Risk Framework*” indicated in General Supporting Policy (GSP4) of the Deposit Draft Local Plan. It then continues: “*Development on greenfield land or public open space which is protected by existing measures will add to the developed area at risk and will therefore be generally unacceptable. Preferably such proposals should be considered in the light of alternative sites and should therefore come forward through the development plan process.*”

**35.** advises that “*SEPA have issued planning authorities with indicative flood risk maps. The Scottish Executive Environment and Rural Affairs Department has commissioned SEPA to prepare a 2nd generation flood map which will provide a better basis for identifying the risk areas. They will be produced using a generalised procedure for estimating flood frequency and a national digital elevation model (DEM). The map will indicate the extent of the flood plain as defined by the DEM. It will not recognise areas where the risk is reduced by flood prevention or alleviation measures. The maps will be reviewed regularly to take into account additional hydrological data and changes in the DEM, so accounting for climate change.*”

### **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); .....*
- *are affected by significant risk from natural hazards, including flooding, ..... unless adequate protective measures are incorporated, .....*

- *make use of brownfield sites, existing buildings and recycled materials;*
- *impact on the following resources, including pollution and discharges, particularly within designated areas: habitats; freshwater systems; species; marine systems; landscape..... ”*

### **Adopted Local Plan**

2.4 The Mid Ross Local Plan [CD3] was adopted in October 1990. The following paragraphs are relevant to the objections now under consideration: -

- **2.37** indicates nine SSSI including the Conon Islands with an appropriate safeguarding policy.
- **2.39** refers to the Conon Valley flooding issue and reference to a 1983 engineering report that “*concluded that a long term solution could be achieved involving works at Conon Bridge.....*” and the powers of the Council to protect built up areas flooding and the intention to implement works. A presumption against building in the flood risk area of the lower Conon Valley and Comrie is emphasised in a policy and identified on the Proposals Map. There is also a recommendation to the various parties involved to take steps to implement advice contained in the engineering consultants’ report.
- **5.4(iii) & (iv)** refer to housing sites at Garrie View and off Burnside Lane which have restricted development potential due to poor access visibility and width.
- **5.6** refers to the physical constraints limiting longer term housing expansion at Conon Bridge on land to the south. Specific reference is made to the maturity of the trees at Schoolhouse Belt and their readiness for selective felling, as well as the importance of this privately owned woodland for recreational purposes. The relevant policy safeguards approximately 2.5 hectares of land to the north of the Schoolhouse Belt for housing with the exact boundaries and acreages to be determined following completion of an overall framework and layout plan showing integration with 4.5 hectares of housing land at Conon Brae farm and the related woodlands/amenity land. There is also a requirement to safeguard the remaining woodland and for a Management Agreement and for building development to be held back at least 20 metres from the adjoining woodland.
- **5.10** refers to the fish processing factory and proposals for its expansion.
- **5.14** refers to the Teanahuan Distributor Road and the need for and nature of improvements at the Riverbank Road end particularly if the link through to Wyvis Crescent is to be completed.
- **5.16** refers to the issue of flooding and flood prevention measures including promotion of a Flood Prevention Order in 1988 and works carried out in 1989/91. The policy presumes against development in the identified flood risk area in the village except where considered necessary for agricultural purposes.
- **5.17** refers to the previous expansion of Conon Bridge Primary School.
- **5.20** refers to the safeguarding for leisure purposes of;
  - (i) 1 ha. of land at the playing fields; and
  - (vi) the woodland area not allocated for housing at Schoolhouse Belt.
- **5.24(viii)** includes a policy for the safeguarding of amenity woodlands including the Schoolhouse Belt.

## **Conon Brae Development Brief**

- 2.5 This was prepared by the former Regional Council in 1991 [THC47/1] on the recommendation of the 1989/90 Mid Ross Local Plan Inquiry Reporter [THC47/2]. It covers 13 hectares of land on the southern margins of Conon Bridge, including the Schoolhouse Belt. It provides detailed framework for development, particularly the integration of housing and woodland.

## **Consultative Draft Plan**

- 2.6 The Consultative Draft [CD8] of the Ross and Cromarty East Local Plan was published in May 2002. The following provisions in Chapter 10: Conon Bridge are relevant to the issues: -

- Paragraph 4, in the table of housing sites identified 6.5 ha. at Schoolhouse Belt for 15 – 25 houses in a lower density woodland setting and restricted to 2.5 ha. at the roadside.
- Paragraph 7 - The 2.5 ha. former *Pescanova* fish processing factory was allocated site for business and industrial uses. Reference is made to the existing waste treatment system and the suitability of this purpose built plant for fish processing or associated use. The policy also states that “*Scope for further (industrial) development on open land to the south will depend upon the nature of the proposed use and its compatibility with neighbouring uses.*”

- 2.7 The representations made are summarised as follows: -

Development Factors: **SEPA [CD25/157]** advised of the capacity of the Waste Water Treatment Works for 4,000 population equivalent, and the apparent capacity for further development. However, it was also advised that this capacity must not be exceeded for risk of contravening the European Directive on Urban Waste Water Treatment. SEPA also recommended use of the Centre for Ecology and Hydrology (CEH) indicative 1 in 100 year return period flood map (consistent with the 1966 flood) as a basis for zoning "high" risk areas.

Former Fish Factory (para. 7): **Ross & Cromarty Enterprise [CD25/274]** advised about the marketing of this property for several years without success and to avoid casting a blight over the village to consider other alternative uses of the site. Potential uses suggested included a regional cold storage facility or a mix of light industry and housing. **SEPA [CD25/157]** advised that as the existing waste treatment system is designed specifically for fish waste it may not be adaptable to other uses. **SNH [CD25/59]** requested that reference be made to the site being adjacent to Conon Islands cSAC.

Land South of Bank Street (SW of High Street): **Gairloch & Conon Estates [CD25/249]** sought identification of land in for more beneficial use, including a degree of development over a small part of the area at the north end. Indication was also given of concerns about the parking provision in the area beside the church and suggested that this could be improved in conjunction with creating a better access to the ground to facilitate modest housing development, perhaps including a landscaped

amenity area for the benefit of local residents.

**SEPA [CD25/157]** and others made comments on the General Supporting Policy (GSP4) in Chapter 5 on Flood Risk in relation to emerging national guidance at the time, which later became SPP7 on Planning and Flooding [**CD15**].

2.8 THC's response and reasoning in respect of each of these comments is set out in **CD10** and **CD25**. The following changes were recommended in response to the representations together with factual changes to the Schoolhouse Belt housing site: -

2.8.1 In respect of site 4 (Schoolhouse Belt housing) a number of factual changes were proposed to reflect the provisions of the adopted Local Plan [**CD3**] for this allocation:

- Revise site area to "2.5" ha.;
- In the requirements column of the table delete "2.5 ha." and replace with "area"; and
- On the Inset Map define the developable area at the Schoolhouse Belt site (4) and designate the remainder as an Amenity area.

The exact provisions of the 1991 Development Brief [**THC47/1**] were not followed due to the location of a trunk surface water sewer to the north and the recognition of a well-established footpath heading east into the woodland from the A862 roadside lay-by.

2.8.2 In respect of site 7 (former fish factory):

- INSERT "*fish processing*" in line 1 and DELETE "*Pescanova*";
- in the last line of page 38, DELETE "*or associated use.*"; and
- in the last sentence revise the last part to read "*..... and its compatibility with the adjacent Conon Islands SAC and neighbouring activities.*"

2.8.3 In respect of site 8 (land SW of High Street):

- on the Inset Map, incorporate areas as described within blue boundary [**CD25**] into identified housing zone of Bank Street; and
- INSERT after Business / Industry, "*S: Special Uses -The Council, in association with other agencies and the community, will explore the possibility of allocating the playing field and adjoining farm land towards the railway for a mix of uses and facilities, possibly including football and kick pitches, a children's play area, surgery, additional car parking, public toilets, housing or business development and rail halt with associated parking.*"

2.8.4 In respect of the General Flood Risk Policy, changes were agreed to bring this into line with SPP7 [**CD16**] and reads as follows: -

*"Some areas of Ross and Cromarty East are known to be at risk from flooding, for example along the River Conon and adjoining the Cromarty Firth. In line with current and emerging national policy, areas will be assessed in terms of development suitability on the basis of the following categories of annual flood risk: -*

1. *Little or no risk, where the likelihood of watercourses, tidal or coastal flooding in any one year is less than 0.1% (or 1 in 1000) - no general constraints.*

2. *Low to medium risk, where the likelihood of watercourses, tidal or coastal flooding in any one year is 0.1% to 0.5% (or 1 in 1000 to 1 in 200) - suitable for most development but not essential civil infrastructure.*
3. *High risk, where the likelihood of watercourses, tidal or coastal flooding in any one year is 0.5% (or 1:200) or greater - not suitable for essential civil infrastructure. In built up areas protected by existing or proposed flood prevention works most other development should be acceptable. Undeveloped and sparsely developed areas are generally not suited for most development.*

*The Council urges SEPA and the Centre for Ecology and Hydrology to give the highest priority to the preparation of detailed Indicative Flood Risk Maps. In the meantime, sites should be appraised on the basis of information already held and if necessary developers may have to carry out a flood risk appraisal where the position is unclear. The Council will consult the Roads Authority, SEPA and, as appropriate, Scottish Water, on flooding matters.*

*In areas of low to medium risk, development must demonstrate that*

- *any new building can be adequately protected from flooding and, where appropriate, remedial measures to alleviate the flood risk have been taken*
- *evidence is provided that there is no adverse impact on the natural characteristics of the watercourse*
- *any such protective / alleviation measures will not involve The Council in inordinate public expenditure*
- *SUDS are used in the disposal of surface water runoff*
- *the development will not contribute to or increase the risk of flooding elsewhere*
- *all reasonable measures have been adopted to improve the management of flood waters on land adjacent to the site*
- *proposals do not impede the flow of flood water or the ability of the floodplain to store water and to flood naturally and takes account of the riparian habitat and wetland. [NH1 – 4]”*

## **Deposit Draft Local Plan**

- 2.9 The Deposit Draft [CD9] of the Local Plan was published in November 2003. The following were submitted in respect of Chapter 10: Conon Bridge: -
- Norman Fawcett [CD30/95] - objection seeking redesignation of part of the Riverbank Nursery from Business to Housing.
  - PPCA Ltd./Fletcher Joseph on behalf of HPG Inverness Ltd. [CD31/196] – objection seeking redesignation of the former fish factory (para.7) from Business/Industry to Housing.
  - Bowlts on behalf of JA Mackenzie [CD30/188] - objection seeking redesignation of open land south west of High Street (para.8) from Special Uses to Housing.
  - SNH [CD30/197] - expressed concern about the potential landscape impact of housing development in the Braes of Conon Expansion Area (para. 9).
  - Bowlts on behalf of JA Mackenzie [CD30/188] - objected to the designation of land at Riverford Farm as an Expansion Area (para.10).



- Alasdair Cameron [CD30/213] – objection seeking the allocation of Amenity land at Teanahaun as Housing.

In addition, SEPA [CD30/170] objected to the Flood Risk General Policy, GSP4. THC's response and reasoning in respect of each of these comments is set out in CD27.

### **Review of Primary School Provision**

- 2.10 Up until late 2004, the Council had proposed to build a new primary school in Maryburgh, to replace the existing one that dates to Victorian times. An inspection of the Conon 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 these two adjoining communities, separated only by the River Conon. 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 now necessitate a number of proposed Modifications to update it. The relationship of these factual changes to the objections is also accounted for in paras. 2.11.1(a), 2.11.3 to 2.11.6 below.

### **Deposit Draft with Modifications (Proposed Changes)**

- 2.11 Proposed changes to the Deposit Draft [CD11] were approved in January 2005. Those made largely in response to objections and comments indicated at paras. 3.1 to 4.2 below are as follows: -

2.11.1 In the **Background** section:

- After the third sentence of the second paragraph ADD *"The Council is also to review provision of primary school education in both Conon Bridge and Maryburgh. In addition to provision remaining on site, initial consideration has been given to a combined Conon Bridge and Maryburgh school. Potential options for such provision will be considered as part of the formal review."*
- In the third paragraph, with regard to the former fish factory, DELETE the third sentence and INSERT *"However, there have been difficulties attracting alternative business/industrial uses and it is becoming more of an eyesore. The property has attracted a strong interest for housing development. The outcome of the review of education provision is also likely to consider this as a potential site for a new primary school serving both Conon Bridge and Maryburgh."*

- 2.11.2 INSERT new site allocation for housing (**para. 6**) *"0.54 ha, Riverbank Road /Nursery. Flood risk assessment. Suitable for higher density, special needs and affordable housing. Contribute to traffic management, safer routes to school and new village hall."*

- 2.11.3 In respect of **paragraph 7**, the former fish factory:

- DELETE paragraph 7 from the Business/Industry part of the Written Statement
- Under the Housing heading, INSERT new paragraph 7 to read as: *"The former fish processing factory site offers potential for a high quality housing development of a higher density normally associated with a town or village centre location. Prospective developers will have to undertake a prior flood risk assessment and follow procedures under the contaminated land regime to determine the potential for building over this 2.5 ha site. Developers should also provide for surface water disposal under SUDS requirements, connect to a public sewer and provide Safer Routes to School measures and contributions towards a new village hall or possibly a community wing at a new school. Consideration should also be given to the compatibility with the adjacent Conon Islands SAC and neighbouring activities. Alternatively, the area may offer potential as a site for a combined primary school serving Conon Bridge and Maryburgh (see 8)."*
- On the Inset Map replace the 'B' and 'I' symbols with 'S' and 'H'.

2.11.4 Under the Special Uses heading, INSERT **new paragraph 8** to read: *"As part of the formal review of primary school accommodation in Conon Bridge and Maryburgh, 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.*

*All of these areas are also considered to have potential for alternative uses, mostly housing (see 7, 9 and 13). If appropriate and in the event that the existing school site becomes surplus to Education needs in the future, there is a need to consider alternative uses compatible with its surroundings, e.g. housing, community, open space."*

On the Inset Map ADD reference number "8" to existing school site.

2.11.5 In respect of **paragraph 8 (9)**:

- On the Inset Map DELETE the BP3 shading, ADD 'H' symbol to existing 'A' and 'S' symbols
- Revise the statement to read: *"9. The Council favours a mix of uses on the open land to the south west of High Street consistent with its location in the village centre. A development brief or master plan should be prepared for consultation with the community. Consideration should be given to:*
  - the risk of flooding and provision of appropriate prevention measures to protect development land;*
  - relocation of the playing field and play area to the southern end;*
  - identification of sites for a village hall, public toilets and shop together with additional parking;*
  - the inclusion of housing at the northern end; and*
  - improved access to and traffic calming on High Street.*

*The area may also offer potential as a site for a combined primary school serving Conon Bridge and Maryburgh (see 8), to include a playing field and community facilities."*

- ADD new statement/paragraph to cover the potential siting of a rail halt at the former station site: *"10. The potential to open a commuter rail halt at the former station is under investigation on behalf of the Highland Rail Partnership."*
- In the Maryburgh statement DELETE the last sentence from the Development Factors paragraph and paragraph 4 covering the rail halt issue.

2.11.6 ADD new housing site under Expansion *"13. To the west of Windsor Place, 2 ha, of Council land is allocated for 30 to 40 houses, including a proportion of affordable/low cost needs. Access should be taken from Riverbank Road and developers will be expected to contribute to 'Safer Routes to School' and community facilities. Alternatively, the area may offer potential as a site for a combined primary school serving Conon Bridge and Maryburgh (see 8)."* Then in relation to this change, reduce the size of the existing Teanahaun site 1, separate it from the new site (13), DELETE 1.6 ha and INSERT "0.6" ha. and revise the capacity from 10 to "8" dwellings. Then renumber paragraphs 9, 10 and 11 as *"11, 12 & 14"*.

2.11.7 Factual changes are also necessary in respect of the provisions for the Schoolhouse Belt housing allocation. The Deposit Draft Plan Inset Map only indicated 1.5 hectares instead of 2.5 hectares and advice relative to proposed clear-felling of the commercial forestry to the south and the ability to safeguarding of the best of the remaining woodland essentially requires a mapping change. This also confined development to the south western side of the woodland, rather than restricted to the roadside. As such the following were proposed: -

- On the Conon Bridge Inset Map (10) show the full 2.5 ha allocation for housing.
- On page 48 of the Written Statement, in the requirements column for the Schoolhouse Belt site, revise second sentence to read *"Restricted to south western area."*

In view of the past local plan history THC considers that these are factual changes not material to the Plan.

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

#### **The Objections**

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

##### Norman Fawcett

*Riverbank Nursery is included in an area identified in the plan under Business and I feel that the potential of the area for residential development has been overlooked. It is located in the centre of the village convenient to existing facilities with good access to roads and services. This central location would appear to make this area suitable for flats and affordable housing. Although low lying the area is on the same level as Garrie View, which is identified in the plan as being suitable for housing (H2). The Nursery is not sustainable in its existing form. It is too large to become*

*a purely local retail plant nursery and too small to be an effective wholesale nursery and the present level of income precludes the capital investment required to replace and modernise the existing facilities. I therefore object to the Draft Local Plan and request that the area containing Riverbank Nursery be changed from business to housing and that the area be included in those allocated for housing development.*

**PPCA Ltd on behalf of HPG Inverness Ltd**

Para. 7 - Former fish processing factory: *The proposals map and policy identifies my clients' site (the former Pescanova fish factory) on High Street, Conon Bridge as being suitable for business/industrial use for a fish processing factory. My client wishes to object to this designation, as the site would be suitable for a residential development. The site is no longer in use as a fish processing factory and is an eyesore in this part of Conon Bridge. The site now provides an opportunity for a sustainable and centrally located brownfield residential development, in line with national guidance on housing, which will relieve pressure on greenfield sites around Conon Bridge. The site is 2.5ha in size and would be suitable for approximately 40 houses and 54 flats. The designation of the site should be changed, and the site should be included in the Housing Policy for Conon Bridge, and removed from the Business/Industry Policy.*

**Bowlts on behalf of JA Mackenzie [CD30/188]**

Special Uses - Para. 8 - playing field and adjoining farmland: *Whilst our client welcomes the proposal in the "report and representations" schedule annexed to your letter stating that this area should be incorporated "into the identified housing zone of Bank Street", he is concerned that this has been allocated as "S" - Special Uses. The area of land in question lies within a largely residential area of the town and is therefore well suited to residential use. However, our client fears that the list of uses detailed are too general to be of any particular significance and that some of the proposals are unlikely to be viable and are therefore unrealistic. On his behalf, we therefore object to the allocation of "S" placed upon this area and would submit that this be amended to "H" - Housing, to clarify its suitability for housing development. In conjunction with any housing development upon this area, our client would welcome provision for any necessary improvement to the access to the area and the inclusion of some amenity area, perhaps incorporating additional parking for the adjacent playing field and church.*

**Deposit Draft with Modifications (Proposed Changes)**

- 3.2 The objections to the Proposed Changes to the Deposit Draft Plan were as follows: -

Ms J Allan, Mr PJ Mackay, Mrs R McLay, Mr J & Mrs J Gourlay, Mr JN & Mrs E Sutherland, Mr IJ & Mrs J Sutherland and Mr K & Mrs P Gillanders [CD31/417]

**APPLICATION REFUSAL**

*R & C Planning Committee in 27 January 2004 refused an application for a house*

*and garage on neighbouring Bank Street it was, "contrary to Policy CV5.1.6 of the Adopted Mid Ross Local Plans which states that there will be a presumption against built development within the flood risk area of Conon Bridge, except where this is considered essential for agricultural purposes.....'*

*Just in case the above Policy is not going to be adhered to the following are our objections and comments:*

*We note that the Conon Bridge Filling station site is still designated a "B" although planning permission was submitted last year for 16 flats.*

*Riverbank Nursery, para. 6 - NORMAN FAWCETT: We object to the reference in the deposit draft that this area is suitable for high density properties - we have attached a copy of our objections to the outline planning request for 24 properties. In the deposit draft plan Norman Fawcett, refers to the development that is zoned for H2 - 4 properties on 0.4 ha. This would reflect a property density of 5 properties on his own 0.54 ha. It is unclear to us why it is stated in the Ross-Shire Journal, 25 February 2005, that the amendments to the local plan are to be subject to a Public Local Inquiry; yet we have been advised that regarding the outline planning application by Norman Fawcett for 24 properties it is to be dealt with by the Planning Committee on a date still to be advised. Perhaps this could be clarified at your meeting on the 22 March.*

*FORMER FISH PROCESSING SITE (para 7): we object to the proposed density of housing. In the immediate area adjacent, there are 2 residential properties & 3 sites zoned -for housing on 0.8 ha. We believe that if this site should be developed it should be in line with the current density but recognise that because of its proximity to a SAC (Special Area of Conservation) even this density may be deemed too much.*

#### **PROPERTY DENSITY FOR WHOLE AREA**

*The proposed density of residential developments are grossly out of keep with the existing residential character of this quiet part of the village. Residential properties encircled by Riverford Road, High Street, Conon River and the Flood Embankment; currently within this area the residential property density is 15 residential properties on 5.3 ha. If the proposed residential developments are successful - Filling Station, 16 flats/ Riverside Nursery, 24 properties/ Former fish processing factory, 94 properties, the residential properties will soar to 149 on 5.3 ha - this cannot be classed as in keep with the character of an area that has only seen 2 properties built in the past 20 yrs. Nor can it be said to contribute to safeguard or enhance the natural environment.*

#### **GARRIE VIEW**

*Based on current proposals, 5 residential properties, intermingled with agricultural use on 0.9 ha are to be wedged between a proposed 118 properties (94/ Former fish factory & 24/ Riverside Nursery) on 3.04 ha. Again these statistics support our belief that the injection of proposed developments are not in keep with the character of this part of the village.*

### **ENVIRONMENTAL ISSUES**

*The proposed high-density residential developments would have a significant detrimental effect on the environmental well-being of our area. The existing mixture of property intermingled with agricultural land use, Conon river and trees, scrub all contribute and have enhanced the rich wildlife ecosystem of this area. Our area is in the immediate vicinity of a SAC (Special Area of Conservation) that was set up in 1995. The Partnership involved with the SAC are:*

- 1. Forestry Commission of Great Britain*
- 2. Forest Enterprise*
- 3. Highland Birchwoods*
- 4. RSPB*
- 5. SNH*
- 6. Caledonian Partnership*

*The Partnership has received funding for this Wet Woods Restoration Project from the European Union Life - Nature Programme therefore; these bodies would need to be approached regarding the effect of these developments.*

*NB All measurements given are approximate.*

### **Mrs Lesley A Robb [CD31/432]**

*Para. 4, Housing site at the Schoolhouse Belt: It is proposed to delete the words ‘at roadside’ but I would like to see these retained in order that development cannot be extended back into the woods. These woods are, I believe, currently zoned for amenity use and as such are used by local people who are able to walk through them from the outskirts of Conon through the Schoolhouse belt, Conan Wood and Balavil Wood to Balvaird Wood. Restriction of development, by the retention of the words ‘at roadside’, would ensure that this amenity is retained for the community.*

*Para 9, Special Uses, South West of High Street: ‘Relocation of the playing field and play area to the southern end’ would not only result in a significant decrease in size of the playing field but it would also mean that both field and play area were closer to the burn and the car park, raising safety issues. Youths and younger children should have access to a good sized green area where they are safe and free to play. It seems that if planners get their way then there will be no recreation areas within our community. Communities need space, please let us keep ours!*

### **Conon Bridge Community Council [CD31/450]**, including Further Written Submissions

**Para. 4, Housing site at the Schoolhouse Belt:**

#### ***Main concerns***

- Loss of amenity/open space.*
- The words “at roadside” should be kept and the outline on the map of the deposit draft should remain the same – in order to retain amenity land.*

*The woodland at Schoolhouse Belt is an important recreation / amenity area to the*

*people of Conon Bridge albeit privately owned. The Regional Council was at some point in the past to seek a management agreement to control its future, more recently the Community Council was in discussion with its land managers to create a woodland path system as far along as David's Fort.*

*The Community Council was aware of potential housing development through the Adopted Local Plan 1990 and the current Deposit Draft. The Deposit Draft describes development as "lower density woodland setting, restricted to area at roadside", and confirmed by the relevant location maps.*

*The Deposit Draft with modifications 2005 proposes deleting the words "at roadside" and changing the boundary of the area zoned for housing on the location maps. The community Council is opposed to this as it would significantly increase the scale and nature of a housing development at this location, having an adverse affect on this important amenity area.*

*The Community Council is already concerned about the lack of sufficiently protected amenity areas in Conon bridge. This proposed modification appears to be in direct contradiction to the Regional Councils Planning Policy on Amenity Areas where "The Council will safeguard these areas from development not associated with their purpose or function."*

Para. 8, Special Uses, existing Conon primary School and para. 9, Special Uses, South West of High Street:

*Main concerns*

- *Loss of amenity/open space.*
- *In the event that the existing school site becomes surplus to Education needs, it should be considered for amenity/open space not housing. Delete the word "housing".*
- *Playing fields not to be relocated, keep status quo.*
- *No housing at northern end, in conflict with SPP7 for greenfield site.*
- *Should not be considered as a site for primary school, too small and in conflict with SPP7.*

*The Deposit Draft with modifications 2005, states that "If the provision of a combined school serving both communities is preferred, (the following potential options, all in Conon Bridge merit further consideration"*

*" b) Land to the South West of the High Street and Conon Parish Church."*

*"All of these areas are also considered to have potential for alternative uses, mostly housing. If appropriate and in the event that the existing school site becomes surplus to education needs in the future, there is a need to consider alternative uses compatible with its surroundings e.g. Housing, community, open space."*

*Firstly the Community Council is opposed to a proposed Conon, Maryburgh amalgamated school at this location. The area of land includes the village football pitch /playing fields, which were donated by various parties in the past, to the people of Conon Bridge, the loss or relocation of which would be totally unacceptable as it is*

*such an important amenity. This area of land would not be large enough to accommodate an amalgamated 21st century school and all its required Facilities, as was discussed by both the community Council and Conon Bridge School Board. This area of land is a Greenfield site protected by flood defences, and as such development would be in direct conflict with SPP7 Planning and Flooding. In the event of a flood a Greenfield site would allow floodwater to dissipate naturally into the ground, but buildings and their hardstandings on such a site would not only prevent this but also displace flood water into neighbouring properties.*

*The 1990 Mott Macdonald Final Report on the Conon flood prevention measures, even recommended the provision of flood retention ponds at this location, a recommendation that was never implemented.*

*Secondly, if the existing school site was to become surplus to education requirements the Community Council would be opposed to it being zoned for housing, and in such an event would prefer to see it remain an open space / amenity area. The South end of Conon Bridge is already built up and with Braes of Conon Phase 3 due to proceed in the near future, it would be desirable for this area to remain an open space.*

*The Community Council opposes the relocation of the playing field and play area to the southern end, the inclusion of housing at the northern end, a site for a combined primary school, as this is considered an amenity area of great importance to the people of Conon Bridge. As this area is already zoned as amenity, the Community Council would expect the Regional Council "to safeguard these areas from development not associated with their purpose or function" which is clearly housing or development. The Community Council is opposed to this on Grounds previously mentioned in S8.*

**Further Written Submission by Bowlts on behalf of JA Mackenzie [CD30/188]**

*Our client welcomes the proposed Modification to the Ross and Cromarty East Deposit Draft Plan Policy SU9 in Conon Bridge. In particular the change to include a housing element along with the Special Uses is seen as a positive step. However, we understand objections have been made to the proposed modifications and in particular to the inclusion of housing.*

*The proposed modifications added the H symbol to the inset plan clarifying the areas suitability for housing development along with the other special uses. The policy modification indicates that the council would favour a mix of uses "consistent with its location in the village centre". The site lies within a largely residential area of the town and is therefore well suited to residential development. The central location and existing uses on the site make the area suitable also for the provision of community facilities and outdoor recreational areas. Therefore a balance between these uses is proposed to reflect the mix of uses in the village centre. A development brief of Master Plan for consultation with the community would be prepared as proposed in the modified policy. This would give opportunities for the community to comment on the provisions for parking, playing field, play areas, as well as sites for a village hall, public toilets, shop and the housing provision. It is felt that there is scope on this site*



*to provide all the uses suggested as well as incorporating well designed and located housing.*

*Housing in a village centre contributes to the vitality and viability of the centre. Development at this location would improve facilities for example; car parking at the church, a new playing field and play area as well as a possible new village hall and public toilets. This would contribute to the continued vitality of the village centre and community. New housing would increase demand for the existing shop, enhancing their viability and safeguarding their prosperity. Village centre location of housing creates less car usage for journeys to community facilities and local shops, and local transport points would be easily accessible. This along with additional off-street parking would relieve congestion in the village centre. We also welcome the addition to the policy of Consideration of Traffic Calming Measures on the High Street.*

*We understand flood prevention measures on the River Conon arc already in place. However, flood prevention measures would be needed for proposed development as outlined in the Local Plan Policy. The housing element in the zoned area is directed towards the northern end, which is furthest from the river and would be in line with the existing development.*

### **The Planning Authority's Response**

- 3.3 THC as Planning Authority wishes to respond to the objections in paras. 3.4 to 4.2 below. These are contained in the Annex to the Committee report of 25 January 2005 and expanded as necessary. Para. 2.11 above indicates the proposed Modifications in response to the original objections.

### **Objections to the Deposit Draft Local Plan**

#### Norman Fawcett

- 3.4 It is not the case that the potential of the area of residential development was overlooked as the Council was not aware of the position with the business. However, it is agreed that if the business is to cease operation either in part or altogether, the land has potential for residential development. This would be subject to a flood risk assessment in advance of development due to the low lying nature of the land. The location of the area in relation to the village centre also makes it suitable for a higher density of development containing an element of affordable and/or special needs housing. Accordingly, THC agreed to a proposed Modification to the Plan, as indicated at 2.11.2 above.

#### PPCA Ltd for HPG Inverness Ltd

- 3.5 In the absence of interest in re-use or re-development of the premises for industrial purposes, there is a danger that this area becomes more of an eyesore and blights the entrance to the village. Ross and Cromarty Enterprise [CD25/274] had concerns that a significant facility (the refrigerated storage building) would be a loss to the wider area, but also accept that redevelopment for more productive uses would be of greater

- benefit to the community. Furthermore, there may be an opportunity to meet future requirements to develop business units on the southern part of the Riverford site, adjacent to the Riverford Garage.
- 3.6 The low lying location of the site adjacent to the River Conon is a concern in terms of flood risk, although an earth flood embankment around the area gives some protection. Despite this, SEPA advise of the need for a flood risk assessment. There is also the issue of potential contamination from previous uses. Procedures laid down under the Contaminated Land Regime will have to be followed. For residential development the requirements could be more onerous, as will be the case in respect of the flood risk assessment. The suggested density of 40 houses and 54 plots on a 2.5 hectare site also seems high and requirements for disposal of surface water drainage under the SUDS guidance as well as for open space will influence the capacity of the site. The requirement for affordable housing of 25% will also mean that 24 of the dwellings should be low cost or affordable.
- 3.7 The Council is formally reviewing the provision of primary school education in both Conon Bridge and Maryburgh. In addition to provision remaining on the site of the existing schools, initial consideration has been given to a combined Conon Bridge and Maryburgh school. If the provision of a combined school serving both communities is preferred, the former fish factory site is one of three potential options to the existing primary school site in Conon Bridge that merit further consideration as part of the consultation with the communities. This site certainly offers the most convenient location to both communities.
- 3.8 Should the consultation exercise favour this site, the Council may be able to arrange and exchange or excambion of land in its ownership west of at Windsor Place with the site owners. When the Area Planning Committee considered objections to the Local Plan in January [CD27], no timescale had been set for the formal consultation exercise on education provision. There was concern that the condition of the former factory may have deteriorated further in the interim. Indeed the owners have since begun demolition of the factory. Modifications to the Plan are recommended to change the use from Business/ Industry and to at least provide the opportunity for comment from the owners and the wider community.
- 3.9 For any new uses there is a need to address potential flood risk and contamination issues, which need to be indicated as a key requirement of any re-development along with basic infrastructure matters; surface water, foul drainage, access and Safer Routes to School considerations. The need for a community wing or separate hall in the village will also have to be accounted for. In either case developers of the new housing allocations for Conon Bridge in the Ross and Cromarty East Plan should make contributions to this provision, whether this be in terms of gifting a site or commuted financial payments per house.
- 3.10 Accordingly, THC agreed to a number of proposed Modifications to the Plan, as indicated at 2.11.3 above.

Bowlts on behalf of JA Mackenzie [CD30/188]

- 3.11 This area of open land, located in the centre of the village, includes the playing field, a car park and agricultural land towards the railway. Advice from SEPA suggests a risk of flooding from seepage of water through the ground from the river. The land is well located to provide community facilities and outdoor recreation space for the wider village use with contributions from the new housing allocations first introduced to the Draft Local Plan. The Deposit Draft Statement alludes to relocation of the playing field to the western part of the area, together with an improved and relocated play area. The area is also likely to be considered as one of three potential options for the location of a new combined primary school serving Conon Bridge and Maryburgh as part of a formal review/consultation process.
- 3.12 The retention of a major area of open space is important in terms of amenity for the whole village. The area is also well placed as a location for a new community hall, although this might be provided as a wing at a new school or possibly at Braes of Conon. Whichever option is pursued, the development of this area should contribute either the site in this location or a commuted sum towards the building of a separate hall or community wing of a new school. Scope also exists for the development of a larger village shop with off-street parking to cope with increased demand from additional residents in the future. This might offer potential for relocation/expansion of the existing shop business on Station Road, which gives rise to traffic congestion.
- 3.13 In view of all these issues the allocation of the land only for housing is not appropriate. Since publishing the Deposit Draft Plan new information has also come forward regarding a proposed rail halt. The best option is to develop this facility close to the site of the former station in Conon Bridge. A feasibility study into this is under way. It would therefore be appropriate to delete reference to this from paragraph 8, but to insert a separate paragraph elsewhere in the Conon statement. The provision of a rail halt at Maryburgh is not feasible and it would be appropriate to delete the relevant paragraph from that statement as well.
- 3.14 Accordingly, THC agreed to a number of proposed Modifications to the Plan, as indicated at 2.11.5 above.

Further Written Submission by Bowlts on behalf of JA Mackenzie

- 3.15 The objectors accepted the responses indicated at paragraphs 3.11 to 3.13 and conditionally withdrew their objections. The further written submission now supports the proposed Modifications to the Deposit Draft. As such, THC offers no response to these comments now made.

**Objections to the Deposit Draft with Modifications (Proposed Changes)**

Ms J Allan, Mr PJ Mackay, Mrs R McLay, Mr J & Mrs J Gourlay, Mr JN & Mrs E Sutherland, Mr IJ & Mrs J Sutherland and Mr K & Mrs P Gillanders

- 3.16 Application Refusal: The application in question [THC47/3] was refused for the

following reasons: -

*“1. The proposed development is contrary to Policy CV5.16 of the Adopted Mid Ross Local Plan which states that there will be a presumption against built development within the flood risk area of Conon Bridge, except where this is considered essential for agricultural purposes. The applicant has failed to demonstrate that the risk of flooding can be satisfactorily managed whilst the development is not required for agricultural purposes.*

*2. The proposed development would be contrary to the interests of road traffic and pedestrian safety in that Bank Street is a narrow road with no footpath provision and an inadequate turning head at the end of the cul-de-sac and there is a playing field with an equipped play area located off the street adjacent to the site. The road is not considered suitable for additional vehicular traffic.”*

- 3.17 Reason 1 relates mainly to the provisions of the Adopted Local Plan [CD3]. While the applicant had failed to demonstrate that the risk of flooding could be satisfactorily managed, the land was not allocated for housing in the Deposit Draft Plan [CD9] on which the deposit period had just finished at the time the application was reported to Committee. This version of the Draft Plan identified the land under Special Uses with the statement:

*“8. The Council, in association with other agencies and the community, will explore the possibility of allocating the playing field and adjoining farm land towards the railway for a mix of uses and facilities, possibly including football and kick pitches, a children's play area, surgery, additional car parking, public toilets, housing or business development and rail halt with associated parking.”*

This effectively requires a comprehensive examination of all the land before areas for specific uses can be clarified. Proposed Modifications to the Deposit Draft introduce requirements for a development brief or master plan and consideration to be given to the risk of flooding and provision of appropriate prevention measures to protect development land [CD11]. In such respects the application was premature to consideration of these matters.

- 3.18 Reason 2 effectively reflects a technical response to access conditions at Bank Street for the particular site. The application was refused because of the combination of Reasons 1 and 2 and not just the matter of flood risk in isolation.
- 3.19 Conon Bridge filling station redevelopment: The consent has not been issued yet because further information is required in relation to flood risk and decontamination of the site. As such, it was not appropriate to allocate the site for housing in the last version of the Draft Local Plan. However, the redevelopment of a village centre site for flats is consistent with higher density developments normally found in accessible town and village centres.
- 3.20 Riverbank Nursery, para. 6: It is in the context of the location of the site in relation to the village centre that THC consider it is suitable for a higher density of development

containing an element of affordable and/or special needs housing. Past development of the areas to the south along High Street and Station Road and south east is to a higher density than Garrie View or other areas served by sub-standard accesses off High Street.

- 3.21 It is THC's view that the applicant (objector to Deposit Draft) should have awaited the outcome of the Local Plan Inquiry before lodging and outline planning application for the Riverbank Nursery site [THC47/4]. The application is premature to the proper consideration of policy matters through the Local Plan Review process, which the applicant had sought to get involved in. Given that there are objections to the proposed Modification to the Deposit Draft Plan, THC have suspended consideration of the planning application until after the outcome of the Inquiry.
- 3.22 Former Fish Processing Site, para. 7: as indicated at 3.20 above, substandard access junctions in terms of visibility and narrow width restrict the density of most of the other housing enclaves off High Street. National planning guidance encourages higher density development in more accessible central locations through good quality layout and building design and provided it does not detract from the character and amenity of existing residential areas [CD15]. There is no set density figure but it is considered that the site *"offers potential for a high quality housing development of a higher density normally associated with a town or village centre location."* A development comprising a significant proportion of flatted or terraced dwellings at two and a half storeys would be consistent with other similar properties in the centre of the village. A density of 40 to 50 dwellings to the hectare might be achievable in this situation subject to careful siting and high quality design. Access to the site is to a good standard and can be improved. It is not possible to clarify the development potential until the outcome of investigations of flood risk and contaminated land.
- 3.23 Property Density for Whole Area and Garrie View: The potential for almost 150 dwellings on just over 5.3 ha. would give an average density of just under 30 dwellings per hectare. In comparison with other town or village centres in Highland this is quite modest, particularly if flatted, terraced, affordable or specialist needs properties are proposed. The ability to accommodate this level of development depends on a whole range of factors, not just the density of development on adjoining areas, which, as indicated above, has been determined by poor access.
- 3.24 Scottish Planning Policy 3 [CD15] encourages more efficient use of land particularly where it is accessible to transport routes or existing facilities. It also encourages *"more diverse, attractive, mixed residential communities, both in terms of tenure and land use"* with a range of housing types to meet the local needs and all segments of the market. The re-use of previously developed land over greenfield land is also be promoted, *"provided that a satisfactory residential environment can be created"*. Furthermore planning authorities are encouraged to consider land previously used for industrial or other development purposes being considered for housing development where: *"there is now little prospect of development for the purposes originally envisaged; there is access to a choice of transport, and a satisfactory residential environment can be created."*

- 3.25 Environmental Issues: As indicated above, a range of factors will dictate the detailed potential. In respect of the former fish factory site, mention is already made of the need for redevelopment to be compatible “*with the adjacent Conon Islands SAC and neighbouring activities.*” The existence of a dedicated wastewater treatment plant may be an important factor in this regard and may help “*to minimise adverse effects on natural heritage*”, as required in para. 38 of SPP3 [CD15]. The Forestry Commission, Forest Enterprise, Highland Birchwoods, RSPB and SNH have all been consulted on the Draft Local Plan. Only SNH mentioned the need to consider the impact upon the Conon Islands SAC, but have not raised objection to the Plan in this respect.
- 3.26 Perhaps the most significant environmental issue for both sites and land south west of High Street is flood risk. SPP3 advises of the need “*to avoid unnecessarily increasing the number of areas that need artificial protection against flooding*” [CD15, para. 43]. Historical evidence, local knowledge and the implementation of flood prevention measures within the provisions of a Flood Prevention Order [CD3], all suggest an area of high risk in the context of SPP7 [CD16]. This is where the likelihood of watercourses, tidal or coastal flooding in any one year is 0.5% (or 1:200) or greater. There is a presumption against the development of “*essential civil infrastructure*”, such as hospitals, fire stations, schools, ground based electrical and telecommunications equipment in these areas. It continues, “*in built up areas protected by existing or proposed flood prevention works*”, such as at the area Conon Bridge in which the sites lie, “*most other development should be acceptable*”. On a cautionary note, however, while flood prevention measures reduce the probability of flooding they do not eliminate it entirely. They are designed to protect against a specified height of floodwater and have a finite life.
- 3.27 In relation to the planning application, SEPA and the Scottish Executive have confirmed [THC47/5] that the Conon Bridge defences were originally designed so that the freeboard (difference between flood level and top of flood embankment) is sufficient to give a 1 in 100 year flood event protection as of today. The indication given is that these would be overtopped by a 1 in 200 year event by a small amount, 4 cm or thereby.
- 3.28 Detailed indicative flood risk maps referred to in para. 35 of SPP7 [CD16] are not yet available to THC. As such, it is for prospective developers pressing to develop potentially affected land to undertake flood risk assessments and to demonstrate the ability of any existing or necessary additional flood prevention measures to protect their site and adjoining land. Para. 27 of SPP7 indicates that “*In areas protected by existing flood prevention measures, brownfield development should generally be acceptable provided the measures are properly maintained and achieve or exceed the minimum design standard.....*”
- 3.29 A joint flood risk assessment carried out for the Riverbank Nursery and filling station sites [THC47/6] indicates the potential risk of minor flooding of these sites, but that the proposed developments do not in themselves would not add to the risk of such flooding. The risk is mainly from potential overtopping of the defensive wall adjacent to the River Conon remote from the sites and problems with the local surface water drainage network. The latter includes the operation of a flap valve controlling the

outlet from the Eilburn through the flood embankment north east of the Nursery. While more regular maintenance of the surface water drainage network is suggested, measures to improve the flood defences would fall to be promoted by the Scottish Executive and THC under the Flood Prevention Order. The Riverbank Nursery flood risk assessment (RNFA) [THC47/6] concludes that potential damage to proposed housing could be addressed by raising the ground and floor levels for development and specific sustainable surface water drainage (SUDS) measures below parking areas.

- 3.30 The RNFA [THC47/6] also refers to the consultant's study commissioned by the Scottish Executive Environment and Rural Affairs Department (SEERAD) in progress to help improve flood risk mapping. This is modelling a reach of the River Conon from immediately upstream of the village through the village and surveying the defences. This is not due for completion until June 2005 and the findings will be made available to THC. It is not certain that these will be made available by the time the issue is heard at the Inquiry. However, these will have an important bearing upon the potential for further development in the lower part of Conon Bridge. Even if it is simply a case of raising the flood embankment adjacent to the river between rail and road bridges, as indicated above, such measures would fall to be promoted by the Scottish Executive and THC under the Flood Prevention Order.
- 3.31 Unfortunately, the planning authority did not have the benefit of the information indicated in 3.27 to 3.30 above prior to recommending the proposed Modifications to allocate land at the Riverbank Nursery, the former fish factory and SW of High Street. As such, the very minimum requirement of developers should be to undertake a detailed FRA. This is consistent with recent consideration of general policy on flood risk at the Inverness Local Plan Inquiry [THC47/9], which now endorses this requirement whereby the first part of the policy now proposed states: *"Development proposals in areas susceptible to flooding (defined using SPP 7's Risk Framework) will require a developer funded Flood Risk Assessment."*
- 3.32 It would be appropriate to Modify General Supporting Policy 4: Flood Risk in Chapter 5 along the same lines as the Inverness Local Plan. At the same time it would also be prudent to refrain from confirming the proposed Conon Bridge land allocations and potential uses until at least the condition of the existing flood defences is confirmed by the SEERAD commissioned study and it is ascertained whether additional protection/prevention measures are recommended for promotion under the Flood Prevention Order. This would also be the time to reconsider the potential of the two areas (7 and 9) as sites for a new joint primary school. There may also be more information on the progress of the schools review by then.
- 3.33 In other respects, THC considers that the areas in question would broaden the choice of locations and range of potential house types to meet local needs and provide market choice. If confirmed, these sites would complement the greenfield allocations at Braes of Conon and Riverford, which are located further from the centre of the village. Redevelopment of previously used land in accessible central locations is in line with national and Highland wide sustainable development objectives [CD1 & 15].

Mrs Lesley A Robb & Conon Bridge Community Council on para. 4, Housing site at the Schoolhouse Belt

- 3.34 The adopted Mid Ross Local Plan [CD3] and previous drafts of the new Plan have consistently referred to approximately 2.5 hectares of land for housing. The adopted Plan indicates the need for the exact boundaries and acreages to be determined following completion of an overall framework and layout plan for a wider area encompassing the woodland and 4.5 hectares of housing land at Conon Brae Farm. This was initially attempted through the preparation of a Development Brief in 1991 [THC47/1] and a planning application lodged in 1992. However, to date no housing development has taken place in the Schoolhouse Belt. Detailed proposals concentrated on Conon Brae Farm and the old quarry, while more consideration was given to various proposals for felling and replanting of the Schoolhouse Belt woodland. The need to safeguard the remaining woodland and for building development to be held back at least 20 metres from the adjoining woodland have always been key requirements, as is a woodland Management Agreement.
- 3.35 In reviewing the Conon Bridge Inset Map late in 2004, prior to reporting objections to the Deposit Draft to Committee, THC discovered that the area shown actually only measured 1.5 ha. instead of 2.5 ha. referred to in the Written Statement. Around this time the site was re-visited with forestry experts who were considering the proposals for felling and replanting in the area, including the approved clear felling of the adjacent commercial plantation to the south. An enquiry about the development potential of the area from a house building company also hastened the need to set in motion a potential Management Agreement.
- 3.36 Detailed examination of the condition of the woodland by THC's Senior Forester, as well as the location of paths and the small stream (issues) suggested a different configuration of the housing development potential to the Development Brief. This is aimed at safeguarding the best of the woodland at the north end, avoiding its fragmentation and potential for wind-blow damage, as well as allowing a considerable separation between the now completed Braes of Conon development and site 4. For these reasons, therefore, THC proposed factual changes to the Deposit Draft Plan, notably the Inset Map the deletion of the words "*at roadside*" from the Requirements column of the table in the Written Statement and their replacement with "*Restricted to south western area*".
- 3.37 Taking on board the forestry/woodland management advice, Tulloch Homes Ltd. lodged a planning application [THC47/7] in late December 2004 for 28 houses on the area defined in the proposed Modifications to the Deposit Draft version of the Local Plan. This drew objections on similar grounds to those subsequently lodged on the Draft Local Plan. Tulloch Homes and the owners of the site, the MacDonald Trust, support the proposed Modifications [THC47/8]. The application remains on hold until the Draft Local Plan objections are addressed.
- 3.38 THC does not dispute that the woodland at Schoolhouse Belt is an important recreation / amenity area to the people of Conon Bridge. THC is also aware of the consideration of a woodland path system as far along as David's Fort in relation to future clear felling



and restocking as part of a wider forestry development. However, the proposed Modifications to the Plan would not increase the scale and nature of housing development envisaged in successive Local Plans. The intention had always been to identify 2.5 ha. for development with appropriate safeguards and management arrangements for the remaining 4 hectares of woodland including continued public access for recreational enjoyment.

Mrs Lesley A Robb & Conon Bridge Community Council on para 9, Special Uses, South West of High Street

- 3.39 The location and existing uses suggest that the predominant future use of the area should be for outdoor recreation and community facilities. The existing recreation facilities are in need of upgrading and there are opportunities to secure funding towards this from the various housing developments in the wider settlement area. In doing so there should be no reduction in the level of public open space. Indeed it is proposed that it should be increased through use of the agricultural land to the south west, not currently available for recreational use, in association with any necessary improvement of flood protection/prevention measures.
- 3.40 The existing football field is too narrow and the changing accommodation and play area at the north end of the football field require upgrading. Relocation of the play area closer to the public car park would be more convenient to the wider community and cause fewer disturbances to residents in Bank Street. Proposals for redevelopment should seek to provide a football pitch of better dimensions, vastly improved changing facilities, perhaps as part of a new village hall, and a modern equipped play area. THC considers that of these facilities should feature prominently if the area is considered as a location for a new primary school to serve both Conon Bridge and Maryburgh.
- 3.41 The area is also bounded to the north and south by residential uses so additional housing would be compatible in that respect. In the absence of significant public funding, such housing could make a difference to the feasibility of the overall redevelopment and enhancement of the area. This approach is promoted by the principal land owner, JA Mackenzie, in the further written submission. The main concern here is to strike the right balance between these uses in the preparation of a development brief of Master Plan for consultation. As acknowledged by the land owner, this process *“would give the community the opportunity to comment on the provisions for parking, playing field, play areas, as well as sites for a village hall, public toilets, shop and the housing provision.”*
- 3.42 The area is one of three suggested for consideration as part of the review of primary school provision in Conon Bridge and Maryburgh. Senior Education Authority officials advised at public meetings in both villages in April 2005 that the favoured option is the provision of a new joint school on the site of the existing Conon Primary. However, this is not convenient to Maryburgh pupils and has provoked objections under that consultation process. THC has also examined alternatives, including the land south west of the High Street, suggested in the Local Plan mainly because of it is closer to Maryburgh and can offer the required 2.6 ha.. This would still allow for the

provision of an improved village playing field, play area and community hall wing. These developments would more than likely rule out other potential uses, including housing.

- 3.43 Notwithstanding the above, the risk of flooding is the most important consideration. The RNFRA by Mott MacDonald [THC47/] in relation to current redevelopment proposals outlined the issues. This suggested that in the 1 in 200 year flood event there was the possibility of overtopping of the flood embankment between the railway and road bridges north west of Bank Street. Local surface water drainage system problems, the management of the Eilburn and the high water table can cause minor localised flooding problems. These matters require to be addressed in a more comprehensive fashion (see 3.29 to 3.32 above). However, page 4-1 of the RNFRA indicates that the public consultation on the 1992 Flood Prevention Order rejected the natural flooding of the agricultural land and playing field area to contain flooding caused by the failure of the local surface water drainage system. Reference is also made to the works carried out to the protective face of the railway embankment being sufficient to contain the 1 in 200 years flood event.

Conon Bridge Community Council on para. 8, Special Uses, existing Conon Primary School

- 3.44 As part of its efforts to deliver more affordable housing, THC is obliged to consider the re-use or redevelopment of its own surplus property for this purpose. The transfer of such property to THC's Housing Services at little or no cost will help reduce overall housing provision costs to a more affordable level. THC also recognises that the current open grounds around Conon Bridge Primary School provide a degree of amenity to surrounding residents as well as the school. If redevelopment for housing should ever be proposed the Planning Authority would seek to ensure that a reasonable proportion of open space is maintained consistent with the proposed policy which requires consideration of "*alternative uses compatible with its surroundings, e.g. housing, community, open space.*" The existence of extensive grounds that has been influential in the view of Senior Education Authority officials about the ability of the site to accommodate a larger a new joint school serving a bigger catchment. In addition, a major requirement of the next phases of Braes of Conon will be the provision of a large public open space on that land.

#### **4. Conclusion**

- 4.1 The potential for development in the lower or central area of Conon Bridge must consider the risk from flooding. While THC is aware of the basic risk, the availability of more detailed up to date information on flood risk is essential. The area is already afforded some protection behind the flood defences associated with the River Conon. There is a need to determine if they are capable of preventing flooding for the foreseeable future and consequently there is potential for more development. There is also a risk of localised flooding from existing surface water drainage systems and the high water table in the lower part of the village.

- 4.2 THC accepts that redevelopment of vacant or derelict land in accessible locations close to existing facilities is more sustainable in land use terms and preferable to use of greenfield sites. In normal circumstances when access and other services are available land and careful design and siting addresses impact upon adjacent property, such land could be redeveloped to a higher density.
- 4.3 The review of primary school provision in Conon Bridge and Maryburgh adds another dimension to the potential for development in the lower part of the village. While the main option favoured by the Education Service is to redevelop the Conon site to provide a joint school, this is not widely supported in Maryburgh. In turn this has led to the need for the Draft Local Plan to indicate potential alternatives, two of which are located in the lower area of Conon Bridge and potentially at odds with national planning policy on flood risk [CD16].
- 4.4 The owner of the playing field and agricultural land to the south west of High Street seeks to promote more efficient use and improved recreation and community facilities. THC accepts that the use of some of it for housing would be necessary to help make this work and be in keeping with the area. However, the potential conflict with flooding considerations needs to be addressed. In addition, the preparation of a master plan or development brief in consultation with the community is required to consider the specific location of land uses.
- 4.5 The Schoolhouse Belt area includes a longstanding allocation for 2.5 hectares of land for low density housing development, the exact boundaries of which need to be clarified. Attempts have been made to do this since the last LPI in 1989 without agreement ever being reached. The latest attempt by THC through ‘factual changes’ to the Draft Local Plan accounts for proposed felling, future woodland management arrangements, continued public access and enjoyment of the area. This is consistent with the need to ensure that the continued landscape, community and commercial value of the woodland is secured for the longer term future.
- 4.6 **Accordingly, The Council would ask that the Reporter support the provisions of the Deposit Draft Plan with the proposed Modifications, as indicated in paragraphs 2.11. 6 and 2.11.7 above. However, until additional information is provided in relation to flood risk and ongoing review of schools provision the Council refrains from asking the Reporter to support the provisions indicated in paragraphs 2.11. 1 to 2.11.5 above.**