#### THE HIGHLAND COUNCIL

Agenda	
Item	
Report	
No.	

#### PLANNING, DEVELOPMENT, EUROPE & TOURISM COMMITTEE - 1 OCTOBER 2003

### ROSS & CROMARTY EAST LOCAL PLAN CONSULTATIVE DRAFT: REPORT ON REPRESENTATIONS

#### Report by the Director of Planning & Development

## SUMMARY

This report refers to the representations made in respect of the Consultative Draft of the Ross and Cromarty East Local Plan and the changes recommended by the Ross and Cromarty Area Planning Committee. This Committee is invited to authorise the changes to the Draft Plan agreed by the Area Planning Committee and to incorporate them in the Deposit Draft version allowing further representations and formal objections to be made on the path to final adoption of the Plan.

#### 1. Background

- 1.1 At its meeting of 15 April 2002, the Ross and Cromarty Area Planning Committee agreed to publish the Consultative Draft of the Ross and Cromarty East Local Plan. The Plan area is an amalgamation of four existing Local Plans covering the Black Isle, Mid Ross, Invergordon and Easter Ross. A series of public meetings and exhibitions on the new Draft Plan were held through out the area in June and July 2002, generating some 2,200 comments up to the end of September 2002. A Special Meeting of the Ross and Cromarty Area Planning Committee considered the representations on 15 September 2003.
- 1.2 The following documents relate to this report: -

(i) My report dated 29 August 2003, submitted to the Special Meeting of the Ross and Cromarty Area Planning Committee of 15 September 2003. This report is attached and explains the principle themes and issues raised by the representations, together with recommendations for changes to the Local Plan, completion of statutory procedures leading towards adoption and related administrative requirements.

(ii) Annexes 1 to 7 to the report to the Area Planning Committee mentioned in (i) above, containing the full list of matters raised and those making the representations together with recommendations for changes in relation to the Consultative Draft Local Plan. This document of 456 pages can be accessed on the Council's intranet and a copy has been placed in the Members' Library. Copies of all letters of representation and notes of public meetings are available for reference at the Council Chamber in Dingwall and in the Members' library.

(iii) The Minute of the Area Planning Committee of 15 September 2003, indicating decisions taken to recommend to this Committee amendments to certain elements of the Consultative Draft Local Plan.

(iv) A schedule of the Proposed Amendments to Annexes 1 to 7 (ii above) arising from discussion/recommendation by the Ross and Cromarty Area Planning Committee (iii above), attached as Appendix 1 to this report.

1.3 The Area Planning Committee agreed to recommend that this Committee approve my recommendations, subject to the proposed amendments contained Appendix 1 to this report. This includes a request that the Committee seek an early meeting with Scottish Water and SEPA to explore further the potential constraint on development that would result from accepting the consultation response with regard to the capacity of /lack of investment in the public sewage systems both in the Ross and Cromarty East and Inverness Local Plans.

## 2. Resource Implications

2.1 Substantial staff time has already been committed to taking this Plan through the remaining stages towards adoption. This includes the relevant administrative procedures towards publishing the Deposit Draft, preparing further reports on Objections and Modifications. The staffing and financial implications of a likely Public Local Inquiry will be reported in detail to this Committee along with the Objections at the next stage in the Plan process. However, the cost of the PLI and the likely employment of a Programme Officer to assist the Reporter will need to be met in 2004/05 and this will require to be addressed as part of the 2004/05 budget process. The Council has previously agreed financial contributions to the Inner Moray Firth Sites and Ports Study and the Dingwall traffic study.

# RECOMMENDATIONS

That the Committee:

- (i) authorises the changes to the Consultative Draft of the Ross and Cromarty East Local Plan set out in Annexes 1 to 7 of the Ross and Cromarty Area Planning Committee report and the Proposed Amendments contained in Appendix 1;
- (ii) agrees that these changes be incorporated as part of the Deposit Draft of the Local Plan to be published and placed on deposit for six weeks in accordance with statutory requirements;
- (iii) seeks an early meeting with Scottish Water and SEPA to explore further the potential constraint on development that would result from accepting the consultation response with regard to the capacity of /lack of investment in the public sewage systems both in the Ross and Cromarty East and Inverness Local Plans.

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Signature:

Date: 19 September 2003

Author: Alan Ogilvie, 702262

### **Background Papers**

- 1. Ross & Cromarty East Local Plan Consultative Draft June 2002.
- 2. HC File RC/LP/6.5: Representations on the Ross & Cromarty East Local Plan Consultative Draft.
- 3. Notes of public meetings and of comments made at the exhibitions held across the Ross and Cromarty East Local Plan area from 4 June to 3 July 2002.
- 4. The Review of Inner Moray Firth Ports and Sites; HIE/DTI July 2003
- 5. Minute of the Special Meeting of the Ross and Cromarty Area Planning Committee 15 September 2003

# **ROSS & CROMARTY EAST LOCAL PLAN – REPORT ON REPRESENTATIONS**

# **APPENDIX 1: PROPOSED AMENDMENTS**

The following are proposed amendments to Annexes 1 to 7 arising from the Minute of the Special Meeting of the Ross and Cromarty Area Planning Committee on 15 September 2003.

Page number	Issue (Chapter & paragraph) Representations from	Column of report to be changed	Changes recommended to Annex
ANNEX	1		
1 - 27	Access to Services (Chapter 3, Key Issue 6)	Source	INSERT "3. Ross and Cromarty Area Planning Committee"
		Comment	INSERT "3. Reference should be made to education and childcare as important services to help sustain rural population."
		Response/Recommendation	INSERT "3. In the second sentence, after the word "needs", ADD ", including education and childcare,"
1 - 43 to 1 - 45	<ul> <li>Infrastructure - Foul Drainage (Chapter 3, Key Issue 15)</li> <li>SEPA</li> <li>Scottish Water</li> <li>Albyn Housing Society Itd</li> <li>Director of Housing</li> <li>Factual Change</li> </ul>	Response/Recommendation	<ul> <li>Amend the recommended Policy GSP2 Waste Water Treatment as follows: -</li> <li>In the first sentence <ul> <li>INSERT "A connection to" before "mains drainage"</li> <li>DELETE "within the defined" and replace with "in the larger" before "settlements"</li> </ul> </li> <li>In the fourth sentence, DELETE "Outwith the main settlements".</li> </ul>
1 - 59 & 1 - 60	Rural Development Area (Chapter 4, para. 1) 1. Mr Anthony Chamier 2. Janice Robertson 3. Scottish Natural Heritage	Response/Recommendation	DELETE the existing Response/Recommendation and INSERT "1 3. It is agreed that the area of Ardross closer to the A836 (Struie) road remains vibrant and is the subject of commuter pressure for development associated with larger towns. In this location, opportunities for development lie more in the identification and servicing of smaller settlements or groups of housing lying within the Hinterland Around Alness. However, further to the west and in the Strath Rusdale, Lealty/Boath and Loanreoch/Strathy areas, the characteristics of a Rural Development Area exist, despite house building activity in recent years. In the absence of public funding, the road network is expected to limit development potential.

Page	Issue (Chapter & paragraph)	Column of report to be	Changes recommended to Annex
number	Representations from	changed	
			<ul> <li>The Rural Development Area is a broad term used for all the areas identified and it is agreed that some parts may not be suitable for small scale enterprises or eco-tourism, particularly where access is poor. However, the greater potential for such activities is thought to exist in the Tarbat Peninsula, where Ross and Cromarty Enterprise are already active in supporting initiatives that address economic fragility.</li> <li>In the circumstances the following modifications would be appropriate: - <ul> <li>In the second sentence of the first paragraph, after the word "and", ADD "in some locations".</li> <li>DELETE the first and second sentences of the fourth paragraph.</li> <li>In the remaining sentences of the fourth paragraph, MODIFY to read "In the wider Ardross area, the identification of opportunities for further housing will help to maintain a vibrant and well-balanced community spirit is evident and was underlined in the building of the new hall."</li> <li>In the first sentence of the sixth paragraph, after the word "and" ADD "may".</li> </ul> See Chapter 6 for detailed allocations, notably several separate Small Rural Settlement development Area, proposals should still respect the more dispersed settlement pattern and are subject to adequate services being available." <i>Changes are also required to Annex 2 (see below)</i></li></ul>
1 - 94	Supporting Policy on Affordable Housing (Chapter	Comment	<ul> <li>At 15(b) ADD "<i>local</i>" after "Housing" and "<i>in Marybank</i>" after "Assessment"</li> <li>ADD new 15(c) "The Ross and Cromarty Area Planning Committee recommends</li> </ul>
	5, para. 5) Factual change (15)		<ul> <li>that the proportion of affordable housing for each settlement should be the minimum level of provision sought."</li> <li>ADD new 15(d) "Reflect the Highland Structure Plan Policy H4 to seek a specific Use Class and the intention of the Council through the Wester Ross Local Plan Review, to allocate land specifically for affordable housing.</li> </ul>
		Response/Recommendation	<ul> <li>At 15(b) CHANGE "15%" to "25%"</li> <li>ADD new 15(c) "In the third sentence of the policy, INSERT "minimum" before "proportion"."</li> <li>ADD new 15(d) "At the end of the policy, ADD "The Council aspires to allocate</li> </ul>
			land for affordable housing [H4 to 6].""

Page number	Issue (Chapter & paragraph) Representations from	Column of report to be changed	Changes recommended to Annex
ANNEX	2		
2 - 3	Ardross (Chapter 6, para. 2) Ardross Community Hall Committee	Response/Recommendation	<ul> <li>In the second sentence INSERT <ul> <li>"The area of" before "Ardross"</li> <li>"close to the A836 Struie road" after "Ardross"</li> </ul> </li> <li>In the third sentence <ul> <li>INSERT "area west of Ardross hall together with" before "Strath Rusdale"</li> <li>DELETE "are suggested for redesignation as part of the Natural Heritage Area" and INSERT "should be clarified as lying within the Rural Development Area"</li> </ul> </li> <li>Revise the recommended change to the policy to read as "INSERT "West of "before "Ardross", separate Ardross from Strath Rusdale and INSERT "Boath/Lealty, Loanreoch/Strathy, Achanalt, Grudie and Lochluichart.""</li> </ul>
2 - 37	Housing in the Heritage/ Natural Zone (Chapter 6, para 35) Factual change	Comment Response/Recommendation	<ul> <li>DELETE the second sentence.</li> <li>DELETE "and INSERT StrathRusadle, Boath/Lealty and Loanreoch/Strathy."</li> </ul>
ANNEX	3		
3 - 10	Land adjacent to the Redwood Nursing Home, Alness ((Chapter 8 Housing General) Brian Munro	Response/Recommendation	<ul> <li>In the second sentence INSERT "current" after the word "no" and DELETE "a" before "sheltered".</li> <li>After the fourth sentence INSERT "However, if a need can be justified, the Council may give favourable consideration to smaller scale development of specialist supported accommodation for the elderly closely associated with and in a more modest extension to the grounds of the nursing home."</li> </ul>
3 - 24	<ul> <li>Housing site at MacLeod</li> <li>Drive, Conon Bridge (Chapter 10, para. 1)</li> <li>1. Mr &amp; Mrs R Forbes</li> <li>2. Director of Housing</li> </ul>	Response/Recommendation	In the proposed Modification to the statement, after the word "Crescent" INSERT ", to be the subject of detailed consultation with residents."
3 - 32	Housing land at Woodland Park, Contin (Chapter 11 para. 8)	Response/Recommendation	<ul> <li>ADD "The full extent of land granted planning consent should be indicated together with the remaining houses to be completed."</li> <li>CHANGE "1.3" ha. to "3.5" ha</li> <li>CHANGE "12" houses to "21" houses.</li> </ul>

Page number	Issue (Chapter & paragraph) Representations from	Column of report to be changed	Changes recommended to Annex
3 - 56	Dingwall public meeting on the Thomas Telford Canal at 4(a)	Response/Recommendation	<ul> <li>In the first sentence DELETE "Designed by Thomas Telford and completed in 1821,".</li> <li>ADD at the end of the response "<i>MODIFY Inset Map to apply an Amenity/BP3 designation to the Canal</i>".</li> </ul>
ANNEX	4		
4 - 15	Expansion land at the Wards, Fortrose (Chapter 17, para. 12) Fortrose and Rosemarkie Community Council	Response/Recommendation	In the proposed Modifications ADD " <b>Retain the requirement for advance structure</b> planting around the northern and eastern boundaries to a minimum depth of 10 metres" with the addition of "(Section 75 Agreement)".
4 - 29	Amenity area east of Ness Way, Fortrose (Chapter 17, para. 14) Garry J Keith	Response/Recommendation	After the third sentence, DELETE the remainder of the response and INSERT "The planning authority has refused applications in the adjoining part of this amenity area in the past, essentially on the basis that development close to the golf course would require to be protected by unsightly high fencing. This was a key concern when the Appeal against the refusal of consent for development over adjoining land to the south was dismissed. The Reporter to the 1994 Local Plan Inquiry also supported this. The land also provides a visual/amenity buffering effect from other development and the golf course in so far as it is devoid of buildings. Nevertheless, it should be possible to site development in the field owned by Mr Keith at least 30 metres back from the south east boundary of the land to avoid conflict with the golf course and still retain a buffer restricted by a Section 75 Agreement. In addition, no development can take place until after the previous Agreement runs its course (28 May 2006). On the basis of the above, <b>ADD a new housing land allocation to the table of sites "9., 0.3 ha., Ness Way, 2 houses, After termination of existing planning Agreement in 2006. Set plot boundaries back at least 30 metres from the south east and north east boundaries of the larger field. Section 75 Agreement required to restrict development over intervening land.""</b>
4 - 69 & 4 - 70	Expansion area at Greenside Farm Rosemarkie (Chapter 18, para. 3).	Response/Recommendation	In the first sentence of the revised statement recommended in response to the representations DELETE "to help meet more significant housing requirements over the next 10 years and beyond" and INSERT "for medium to longer term development, i.e. defer for at least for 5 years and after the completion of one third of the houses in the Ness-Fortrose Gap area."

Page number	Issue (Chapter & paragraph) Representations from	Column of report to be changed	Changes recommended to Annex
4 - 82 & 4 - 83	Expansion land at the Marybank (Chapter 24, para. 3) Marybank, Strathconon and Scatwell Community Council	Response/Recommendation	<ul> <li>In the third paragraph (p. 4 - 82), fourth sentence, after the word "choice" INSERT "meet local affordable needs".</li> <li>In the proposed modifications (p.4 - 83) <ul> <li>at (a) INSERT "2.4" ha.</li> <li>at (b) INSERT "2.4" ha.</li> <li>after the last sentence ADD "Developers should also discuss the provision of affordable housing. Local assessment of need suggests that a minimum of 25% of the houses should be for affordable/ low cost needs."</li> </ul> </li> </ul>
4 - 92	Expansion area at Maryburgh (Chapter 25, para. 4) Factual change (4)	Comment	• ADD factual change "4(b) In relation to the Safer Routes to School initiative (Dingwall Academy), there is a need to seek contributions from the development towards the provision of a safer crossing of the A835 (T) road at Ullapool leg of the Maryburgh roundabout."
		Response/Recommendation	• ADD 4(b) In the third bullet of the statement, INSERT "and contribute to the provision of a safer crossing of the A835 (T) at the Maryburgh roundabout."
ANNEX	5		
5 - 2	Housing requirement in Background to Muir of Ord (Chapter 27) Factual change (1)	Comment Response/Recommendation	<ul> <li>ADD "and refer to the affordable housing requirement."</li> <li>DELETE the first sentence and INSERT "DELETE the words "The Council's Housing projections" and replace with "Housing requirements based on the 2001 Census suggest that land for 230 to 290 houses should be allocated to cover the next 15 years. However, the lack of an adequate drainage system until recently and the subsequent upsurge in development</li></ul>
5 - 5 & 5 - 6	Land south of the golf course at Muir of Ord (Chapter 27, Housing General) Mr Alan Read (1)	Response/Recommendation	DELETE the Response/Recommendation and INSERT "This land is located some distance from the existing residential areas of the village and local amenities. The route to the primary school is also along the main road. Its close proximity to the industrial estate is also a concern and as such it may be more attractive for semi-industrial or commercial uses including a garden/horticulture centre with manager's accommodation. Nevertheless, in the absence of a commitment to the significant or replacement of the A862 road crossing of the railway, there is the possibility of a restriction upon future development to the west and north west of the railway. In this respect the land requested for inclusion would help to meet the effective land supply in the medium to longer term.

Page	Issue (Chapter & paragraph)	Column of report to be	Changes recommended to Annex
number	Representations from	changed	
			The inclusion of housing in an Expansion area would require the provision of a significant screening landscape buffer along the A862 road frontage, a play/amenity area and contributions towards a safer route to the primary school. Other uses might provide more of a buffer between housing and the industrial estate. <b>ADD new allocation to the table of Expansion areas</b> , "19., 5.8 ha., South of Golf Course, 20 - 30, Lower density housing on the west side with play/amenity area. Business/ commercial/ horticultural uses compatible with residential area on the east side. Master plan to guide development. Landscape/plant up the A862 road frontage to a depth of 20 metres and a narrower buffer between housing and other uses. Contribution to safer route to primary school."
5 - 6	Land at Chapelton Farm, Muir of Ord (Chapter 27, Housing General) John Marr Architects (2)	Response/Recommendation	ADD after the second sentence, "In the absence of a commitment to the significant improvement or replacement of the A862 road crossing of the railway, there is the possibility of a restriction upon future development to the west and north west of the railway. In this respect it would not be appropriate to allocate land at Chapelton Farm in this Plan."
5 - 10	Station yard at Muir of Ord (Chapter 27, Special Uses General) Railtrack Property (Network Rail)	Response/Recommendation	<ul> <li>DELETE "NO CHANGE"</li> <li>INSERT "ADD new policy "15. The rail yard is safeguarded for potential railfreight use, subject to improved road access. The Council will also encourage the owners to maintain the yard in a tidy condition in the interim.""</li> <li>INSERT "Renumber subsequent policies accordingly."</li> </ul>
5 - 15	Affordable Housing on land at Brae Farm, Munlochy (Chapter 28, para. 4) GH Johnston Building Consultants etc	Response/Recommendation	After "local needs" ADD '', based upon a minimum requirement of 25%."
5 - 59 & 5 - 60	<ul> <li>Ardival West housing site in Strathpeffer (Chapter 32, para. 6)</li> <li>Strathpeffer Community Council</li> <li>Mr &amp; Mrs Wallis</li> <li>Murdoch MacPhail &amp; Co Solicitors</li> <li>Exhibition</li> <li>Public meeting</li> </ul>	Response/Recommendation	<ul> <li>At the start of the paragraph ADD "- 5. See responses to site 5 above"</li> <li>In the first sentence, DELETE "up to 20 houses" and INSERT "longer term development"</li> <li>DELETE the second sentence and INSERT "It is understood that in addition to the 4 houses with consent there is scope for a further 4 houses, subject to road improvements. However, it is agreed that 20 houses is an excessive level of development on this land."</li> <li>In the proposed Modifications <ul> <li>DELETE "AMEND para. 6 "At Ardival Road potential exists for 4 houses""</li> </ul> </li> </ul>

Page number	Issue (Chapter & paragraph) Representations from	Column of report to be changed	Changes recommended to Annex
5 - 63 to 5 - 67	Land for Housing to the west and south west of the A9	Response/Recommendation	<ul> <li>and INSERT "Change capacity to "8" houses"</li> <li>DELETE "accordingly" and INSERT "to align with the allocation made in the adopted Mid Ross Local Plan."</li> <li>DELETE "Re-arrange subsequent paragraph numbers."</li> <li>In the responses to 2 to 5, DELETE "See response to site 5 above."</li> <li>At the end of 1 2. ADD "NO CHANGES".</li> <li>At the and of 2(a) ADD "NO CHANGES".</li> </ul>
5 - 67	bypass of Tain (Chapter 33, Housing General). Various representations		<ul> <li>At the end of 3(a) ADD "NO CHANGE".</li> <li>In respect of 3(b) &amp; 4.,</li> <li>ADD "5."</li> <li>DELETE the last paragraph on page 5 – 64</li> <li>Move up the paragraph indicated next to 5. (response to Royal Burgh of Tain Community Council), adding it in response also to 3(b) &amp; 4.</li> <li>INSERT "There is also some limited potential for low density development at Tain Hill, adjacent to the three houses at Viewfield Park. MODIFY the Plan as follows: -</li> <li>ADD new allocation to list of housing sites, "16., 3.5 ha., Viewfield Park, 6 – 10, Low density development. Screen planting/landscaping along the west and south boundaries."</li> <li>Identify the intervening land towards the Carnegie Lodge Hotel as Amenity on the Inset Map."</li> </ul>
			<ul> <li>In the response to 6(a) amend as follows: - <ul> <li>Reword the start of the second sentence to read "This location extends beyond"</li> <li>Reword the third sentence to read "This area of high visual amenity has been protected through policy in successive Local Plans and it is this Council's wish that this approach to Tain is retained."</li> </ul> </li> <li>After the response to 6(d) INSERT "NO CHANGES".</li> <li>After the response to 7 – 9 DELETE "1 - 9".</li> </ul>
ANNEX	6		
6 - 4 & 6 - 5	Dunvournie, Culbokie as a Housing Group in the Countryside (Appendix III) Mr Derek Hannan	Response/Recommendation	<ul> <li>Reword the fourth sentence to read "Taking access from the farm road may be an improvement."</li> <li>Reword the start of the fifth sentence to read "Clear felling of all the trees"</li> <li>In the ninth sentence, DELETE "are likely to" and INSERT "may also".</li> <li>At the end of the paragraph DELETE "NO CHANGE" and INSERT "However, the addition of one house on the site of the previously demolished farm building,</li> </ul>

Page number	Issue (Chapter & paragraph) Representations from	Column of report to be changed	Changes recommended to Annex
			adjacent to the group of three houses, would be more acceptable, subject to adequate servicing and a woodland management agreement. <b>ADD the group to the list in Appendix III, "Dunvournie" and grid ref.</b> "2593 8573"."

# ADDITIONAL FACTUAL CHANGES

The following changes of a factual nature are recommended to update the Annexes to the report: -

Page number	Issue (Chapter & paragraph) Representations from	Column of report to be changed	Changes recommended to Annex
ANNEX	1	1	
1 – 6	Foreword	Response/Recommendation	In the paragraph commencing "Objections to", DELETE "replacement of the Plans" and INSERT " <i>Deposit Draft Plan</i> ".
1 – 21	Population Growth (Chapter 3, Key Issue 1.)	Response/Recommendation	<ul> <li>In the second bullet</li> <li>in the first sentence, ADD "and second" after "first"</li> <li>at the start of the third sentence, DELETE "While".</li> </ul>
1 – 56	Achnasheen – Garve Corridor under the Spatial Elements of the Strategy (Chapter 4, para. 2) Councillor Ewen MacKinnon	Response/Recommendation	<ul> <li>In the third bullet</li> <li>DELETE "In the sixth paragraph"</li> <li>DELETE "first" and INSERT "second".</li> </ul>
ANNEX	3		
3 - 6	Alness Expansion area (Chapter 8, para. 23) KS Bowlt	Response/Recommendation	At the end of the paragraph ADD "NO CHANGE".
ANNEX	5		
5-6	Market Stance, Muir of Ord (Chapter 27, Housing General) Muir of Ord Golf Club (3)	Response/Recommendation	Change site reference number from "4" to "12".
5 - 49	Ardival West Housing site, Strathpeffer (Chapter 32, para. 6). Public Meeting (5)	Comments Response/Recommendation	<ul> <li>DELETE 5(e)</li> <li>MOVE 5(e) to the end of the Chapter, under Amenity – Para. 17 on page 5 – 61.</li> <li>DELETE 5(e)</li> <li>MOVE 5(e) to the end of the Chapter, under Amenity – Para. 17 on page 5 – 61.</li> </ul>