

# Highland Council Inner Moray Firth Local Development Plan

## Comments received for the consultation that ended on 13th December 2013 ordered by Site

Customer Number	04338	Name	Jeanette Pearson	Organisation	
Agent Name and Organisation (if applicable)					
Section	4.Development Allocations		Paragraph	4.159 - 4.161	
Reference	ML1 and ML5		Type	Change	Comment Late
				No	

### Comment Changes

ML1 – Residential, 7 houses. Change: I would like the boundary to be moved, to reduce the potential of the development to overlook my property and impinge on privacy and light. According to the plan there is potential space at the far end of the development to move the development closer to Cameron Crescent, to create a suitable barrier space. The alternative means of achieving this is to reduce the development to six houses. ML5 – Business development, North of the A832  
Change: I would like this particular development to be reduced in size and moved to a less prominent site or taken out of the IMF development plan completely.

### Representation

I am seeking change to development proposals ML1 and ML5 Both developments will directly impact my property, ML1 (residential-seven houses) to my side elevation and ML5 (business / commercial development) to my rear elevation. These developments but especially ML5, are going to have significant impact on the rural and open character of the eastern end of the village. My comments are based on the following criteria: • Appropriateness of the development - location and size • road layout and the road safety situation • utility infrastructure • impact on the local environment, drainage and pollution issues • long-term sustainability. ML5 – Business development, North of the A832  
Change: I would like this particular development to be reduced in size and moved to a less prominent site or taken out of the IMF development plan completely.  
My concerns centre around the size and appropriateness of expanded development of the site identified as ML5. • The proposed footprint of this development is of excessive scale and size when compared with size of the village. • The footprint and description of ML5 appears to suggest that the development will essentially be a large industrial estate, which would be incompatible with the rural aspect and character of the village. • The location of the development is inappropriate being at the eastern gateway to the village, and along the main tourist route into the Black Isle. • It will be sited opposite one of the most exceptional views on the Black Isle. Munloch Bay, is an area of outstanding natural beauty and a designated SSSI. The surrounding landscape is a fundamental part of this ecosystem and sustains an important and varied wildlife community and has immense value for public / environmental amenity. • The Village, the Bay and the surrounding landscapes provide a significant contribution to the tourism economy of the Black Isle, this development would substantially detract from the character and perception of the area for both locals and visitors. • The site currently contains Frasers Garage and its associated bus park. The garage while being a locally valued facility, does from a residential point of view generate noise from mechanical works often late at night and considerable light pollution. • This comparatively large scale commercial development would increase the traffic load significantly leading to increased traffic noise, disruption and traffic pollution. The junction between the A832, B9161 is a well-known accident black spot, creating additional traffic will make a bad situation much worse, the combination of single track roads, the fast A832 and the residential access to Millbank road is not compatible with a development of this type. • Commercial expansion of this site would create on-going disruption, noise and potentially an increased risk of crime, and as such would not be appropriate on this site, with its close proximity to residential property. • The question about long-term sustainability is key – there are so many small industrial estates that are under occupied and under used, there is already over capacity in the inverness area for these types of developments. Building yet another commercial development that may well go the same way and end up being a blot on the landscape is not sensible planning or use of public money. ML1 – Residential, 7 houses. Change: I would like the boundary to be moved, to reduce the potential of the development to overlook my property and impinge on privacy and light. According to the plan there is potential space at the far end of the development to move the development closer to Cameron Crescent, to create a suitable barrier space. The alternative means of achieving this is to reduce the development to six houses. As drawn, this residential development is abutted right up against my boundary fence, which presents issues of privacy: • The land surrounding my property forms a raised plateau, this includes the land to the side where the development ML1 is planned. The land is raised by approximately 1 metre above the ground level on which my property and the other affected properties along Millbank Road are built. • There is a real possibility of being

significantly over looked, by some of these new properties. Obviously being over-looked will affect privacy, and the ability to enjoy the use and amenity of home and garden. • There is also the potential that the development will reduce light to my property which has a window to the side. • My property has windows to the rear which directly face onto the rear field, and with no significant back garden to act as a shield or barrier, there will be serious impact on privacy from increased footfall/local use of the small tract of land directly to the rear. This may be an indirect effect but the impact on privacy is still of concern.

Allocated to	Munlochy	General	General	
--------------	----------	---------	---------	--

Customer Number	04064	Name	Eric Butlin	Organisation	
-----------------	-------	------	-------------	--------------	--

Agent Name amd Organisation (if applicable)		
---	--	--

Section	1.Introduction	Paragraph	
---------	----------------	-----------	--

Reference		Type	Change	Comment Late	No
-----------	--	------	--------	--------------	----

#### Comment Changes

It would be good if I could view the plan online. All I get is an error message telling me I am not authorized to view the page. So much for local democracy but then the permission for extra, yet unneeded, housing in Munlochy is obviously already a "fait accompli" with the developers (no doubt Tullochs).

#### Representation

As per comment changes representation.

Allocated to	Munlochy	General	General	
--------------	----------	---------	---------	--

Customer Number	04437	Name	Broadland Properties Ltd (BPL)	Organisation	
-----------------	-------	------	--------------------------------	--------------	--

Agent Name amd Organisation (if applicable)	Mr Alan Ogilvie	G H Johnston Building Consultants
---	-----------------	-----------------------------------

Section	4.Development Allocations	Paragraph	
---------	---------------------------	-----------	--

Reference	ML1	Type	Change	Comment Late	No
-----------	-----	------	--------	--------------	----

#### Comment Changes

1. Extend the site to the edge of the A832 road and modify the site area accordingly. 2. Increase the capacity of the site to 10 houses.

#### Representation

We act for Broadland Properties Ltd (BPL), owner of substantial land holdings around the village of Munlochy. This includes land to the east of Cameron Crescent now allocated for housing. As previously advised BPL support and welcome this allocation in principle as well as confirm the availability of the land. In this respect discussions have been held with your colleagues in Housing and Property. That service owns the adjacent land to the west through which vehicular access will be taken and interest has been shown in its acquisition for future Council house building. This would meet the affordable housing requirement generated by potential residential development on ML3. We note that not all the land offered for allocation has been included. Although required mainly for buffer/amenity planting, the strip of ground adjacent to the A832 road is omitted and therefore the “requirements” listed area bit misleading. We also consider that based on the density of adjacent development to the west there is potential for more than the capacity of 7 listed. We suggest that this be increased to 10 houses as previously requested.

Allocated to	Munlochy	ML1	East of Cameron Crescent	
--------------	----------	-----	--------------------------	--

Customer Number04364NameKatharine RistOrganisationWoodland Trust

Agent Name amd Organisation (if applicable)

Section4.Development AllocationsParagraph

ReferenceML2TypeChangeComment LateNo

Comment Changes

Southern border is ancient woodland, setback from area, and rehabilitation of woodland recommended.

Representation

The Woodland Trust Scotland considers that any woodland included in Scottish Natural Heritage’s Ancient Woodland Inventory (AWI) which is present on historical maps or which exhibits a significant number of ancient woodland indicators can be considered as ancient and is therefore high value for conservation and worthy of further study and is likely to pose a constraint on development. We believe that ancient woodland is amongst the most precious and biodiverse habitats in the UK and is a finite resource which should be protected. Highland Council supplementary guidance notes that woodlands and trees offer multiple benefits in terms of addressing climate change, improving the water environment, providing valuable habitats, timber industry and creating recreational opportunities. Considerations include the cumulative impact of woodland removal, and fragmentation of habitat. Both Scottish Government policy and the Highland Wide LDP policy create a presumption in favour of protecting woodland. The Highland Wide LDP in policy 57 recognises ancient woodland as (depending on the category) of regional or national importance. Both the Woodland Trust Scotland and Scottish Planning Policy at para 148 consider ancient and semi natural woodland to be an important and irreplaceable national resource and should be protected and enhanced. The Woodland Trust Scotland would like to see a clear statement that the loss of ancient woodland cannot be mitigated, and therefore warrants protection from development. Development impacts on ancient woodland in a number of ways including chemically, disturbance by human activity, fragmentation, and colonisation of non-native plants. The cumulative effect of development is more damaging to ancient woodland than individual effects which should not be considered in isolation.

Allocated toMunlochyml2Brae Farm

Customer Number	04437	Name	Broadland Properties Ltd (BPL)	Organisation	
Agent Name amd Organisation (if applicable)		Mr Alan Ogilvie		G H Johnston Building Consultants	
Section	4.Development Allocations		Paragraph		
Reference	ML2		Type	Change	Comment Late
				No	

Comment Changes

1. Modify capacity: change from 41 to a range of 50 to 85 dwellings. 2. Delete reference to development “in accordance with 06/00201/FULRC planning permission” and “houses to be designed in respect of the scale and height, in particular the new housing to the north of the site shall reflect scale and character, privacy and amenity of existing houses”. Replace with reference to the need for a Design Statement etc.

Representation

We act for Broadland Properties Ltd (BPL), owner of substantial land holdings around the village of Munloch. This includes land the remaining undeveloped land with planning permission at Brae Farm, which continues to be allocated for housing under ML2 with a capacity for 41 houses. Since completion of the early phases of development market conditions have changed markedly with a tendency towards the building of smaller more affordable homes. This includes a further phase of affordable housing built by the Cairn Housing Association to a higher density at Brae Farm. Proposals are also under discussion for 20 private homes on the smaller north west part of the ML2 allocation, to be constructed in the style of a close-knit traditional village street. If approved by the Council and successfully developed the hope is to seek a similar scale and density on the remaining land. However, our clients are concerned that any further development will be hindered by the capacity figure placed on the allocation and the “Requirements” listed in both the existing adopted Local Plan and the Proposed Local Development Plan. In such respects we now seek modification of the text of the Plan to give sufficient flexibility to allow for an increase in the density of development but with a high quality well designed layout in line with Designing Streets. This would require deletion of reference to development being “in accordance with 06/00201/FULRC planning permission” and “houses to be designed in respect of the scale and height, in particular the new housing to the north of the site shall reflect scale and character, privacy and amenity of existing houses”. This text could be replaced with reference to the need for a Design Statement complete with visualisations. We also request that the capacity figure is increased to allow a density range of 15 to 25 houses per hectare. This would be in line with similar increases the Proposed Plan promotes for long allocated sites in other villages such as Culbokie (CU3) and Muir of Ord (MO2). This approach would give a capacity range of 50 to 85 dwellings.

Allocated to	Munloch	ML2	Brae Farm	
--------------	---------	-----	-----------	--

Customer Number	04437	Name	Broadland Properties Ltd (BPL)	Organisation	
Agent Name amd Organisation (if applicable)		Mr Alan Ogilvie		G H Johnston Building Consultants	
Section	4.Development Allocations		Paragraph	4.160	
Reference	ML3		Type	Change	Comment Late
				No	

Comment Changes

1. On the Munlochry Inset Map, extend this “Mixed Use” allocation east across the western part of the adjoining field. 2. In the accompanying Written Statement, increase the site area to 4.15 (or 4.2) ha., but do not indicate the number of homes. This should be for the master plan to determine. 3. Indicate “land suitable for Residential, Commercial and Community Uses”. 4. Add requirement for Transport Assessment to determine suitable access arrangements.

Representation

We act for Broadland Properties Ltd (BPL), owner of substantial land holdings in and around the village of Munlochry. At the Main Issues Report (MIR) stage we sought inclusion of 4.15 ha. of land south of Millbank Road for a mix of uses including housing, employment (offices), public car park and recreation/ open space. Subsequently, this land has appeared as two site options in the MIR; “preferred” mixed uses (MU1) and “non-preferred” housing (H6). On behalf of BPL we note and welcome the inclusion of ML3 in the Proposed Plan but are obviously disappointed that the western half of the field immediately to the south of the village hall is not included as an extension of the allocation. As stated previously we consider that this will help provide additional housing potential to make the overall development feasible as well as provide more land for future community facilities, including adjacent to the village hall. We therefore object to its omission from the Proposed Plan. At the MIR stage we had provided a sketch Development Framework Plan (attached) for the combined areas of land in question showing the potential arrangement of uses but acknowledged that a master plan should be prepared with public involvement. This will give the local community an opportunity to help determine the layout and distribution of uses aided by more information on the demand for business/office space, community facilities and the ideal size of the extension to the village centre car park. As a village centre site it has potential to sustain and enhance employment and expand or improve the range of community facilities in association with traffic management measures. We note from the Council’s responses that the visual impact of expansion into the western half of the adjoining field is not an issue. The Council states that “when viewed from the south already benefits from the softening of mature trees along this boundary”. It is also stated that “when viewed from the north the western portion of the site is well stepped in from the houses above and will not have a significant visual impact, and when viewed from the south it already benefits from trees which screen the area.” Furthermore, “it would benefit from advance planting to the east to soften the impact”. The Council’s response goes on to say that “there would also be some benefits to extending the MU1 site to include the eastern part of H6”. These include its “very good central location, close to services and facilities” and as “a natural extension to the village helping to round off the existing built form”. However, the response suddenly turns against the allocation of the land in relation to “access concerns about this level of development being served off a single access from the village hall car park” and the Geological Conservation Review (GCR) area taking up the western half of the field. Both of these reasons were not previously made known at the MIR stage and we also have cause to question them. Firstly, the proposed means of access is not from the village hall car park. It would be from the south west end of the main village centre car park which is some distance from the village hall. The point of access would be where the existing car park access is located and the visibility for this was previously agreed. Part of the car park would also be re-configured and the number of parking spaces increased into the ML3 allocation. The Development Framework Plan illustrates this. The capacity of the proposed access would also be determined by a Transport Assessment in the process of taking proposals forward under the master plan exercise. We therefore question on what grounds the Council makes the comment “concerns about this level of development being served off a single access”. The Council’s response continues to say that the “suggested expansion into the western part of H6 is therefore considered to be premature to this Plan and it is considered that secondary access solutions, and advance planting to the east should be explored to support its future development. Therefore it is recommended that just MU1 should be allocated, and H6 should not be included in this Plan.” This part of the response seems to suggest that expansion into the next field could be considered in the future. However, there is no point in taking forward a master plan for just ML3 when access and other considerations would have to be considered for all the land. This includes a secondary vehicular access solution to Millbank Road, although we doubt this is achievable due to topography and land in different ownership. There may be path access options including to/from the village hall but again these need to be considered in relation to the overall development of the land. There is also little point in undertaking advance planting to the east against just the current ML3 allocation. The last two sentences of paragraph 4.160 of the Munlochry statement state: “In future Local Development Plan reviews the landscape setting and a Geological Conservation Area will constrain the extent of future opportunities to the east. However the case for the allocation of land south of the village hall would be enhanced by advance planting to the eastern extent and by securing another vehicular access from Millbank Road.” This also suggests that the additional land sought has longer term potential and despite the GCR area. The justification for “securing

another vehicular access from Millbank Road” is not provided. Reference is made in the Council’s response to our relevant MIR submission that the GCR area occupies the western half of H6. We also note from the Strategic Environmental Assessment (SEA) in support of the Plan that both ML3 and H6 lie within the Munlochy Valley GCR site. The notes refer to “due consideration of the impact of the feature on the site” rather than the resistance of development as indicated in the MIR response to the western half of the H6 site. The reference in paragraph 4.160 to the western half of the field having longer term development potential is therefore inconsistent with the conclusions of that response. If this area is identified because it “is an integral member of a national network of Quaternary sites which together represent relative sea level movements in Scotland .....” we question if this is not present across most of Munlochy, developed or otherwise. In our research into the Munlochy Valley GCR area the relevant mapping does not make this clear. The Joint Nature Conservation Committee definition of Geological Conservation Review sites (England, Scotland, Wales) & Earth Science Conservation Review Sites (Northern Ireland) is as follows: - “Non-statutory sites identified by the statutory nature conservation agencies as having national or international importance for earth science conservation on the basis of their geology, palaeontology, mineralogy or geomorphology. Although GCR/ESCR identification does not itself give any statutory protection, many GCR/ESCR sites have been notified as SSSIs/ASSIs.” We were unable to find any record of this area being designated as a SSSI. The SEA advises that it is not within a designated area of natural heritage. In the absence of a SSSI designation there appears to be no statutory protection. There is also a lack of reference in the Proposed Plan or the SEA to development being discouraged or not approved on a GCR area. We are therefore puzzled by the Council’s response: “this is therefore a feature of national importance which requires protection.” In light of these considerations therefore the GCR site is not a significant constraint to development. In our view the master planning of both ML3 and the requested expansion to the east need to be considered at the same time. They are intrinsically linked, not just in terms of access and structural tree planting but also the determination and the distribution of appropriate uses, as well as overall viability. From BPL’s initial assessment it will not be feasible to deliver the community and amenity elements without additional land for open market residential development. Any community engagement exercise should cover both areas of land and not leave the eastern part to the longer term (i.e. it should be in the lifetime of this Plan). The master plan will also guide the design of buildings and indicate the number of houses, how the affordable requirement will be met and indicate phasing at a rate and scale that respects the functioning of the land, particularly in terms of traffic impact, together with its character and the viability of the development. This would also cover woodland safeguards, hold back areas from the adjacent burns, flood risk assessment, landscape assessment, open space and opportunities for path links to adjoining land, which should be considered for both areas at the same time. In conclusion we ask that the ML3 allocation is extended east to cover the western part of the adjacent field, as requested at the MIR stage.

Allocated to	Munlochy	ML3	South of the Post Office	
--------------	----------	-----	--------------------------	--

Customer Number	04332	Name	Michael Paul	Organisation	H.D Paul & Sons Ltd
-----------------	-------	------	--------------	--------------	---------------------

Agent Name amd Organisation (if applicable)		
---	--	--

Section	4.Development Allocations	Paragraph	
---------	---------------------------	-----------	--

Reference		Type	Change	Comment Late	No
-----------	--	------	--------	--------------	----

Comment Changes

As per representation.
------------------------

Representation

The site occupies the only buffer zone of the built environment of Munlochy village, and Munlochy Mains Steading and Sewerage Pumping Station. The noise emanating from Munlochy Mains Steading from ventilation and crop drying equipment, throughout the year is considerable, and continues day and night, intermittently. The Munlochy Sewerage Pumping Station is effectively an open tank of raw sewage that is pumped at varying intervals to Avoch Treatment Plant. The noise of pump(s) start-up is appreciable and the resulting smell of effluent is considerable. Development of this field would mean a loss of grazing and potentially damage the viability of Munlochy Mains Farm. A buffer zone (tree belt) is desirable and suggest a 100 meters strip from the Munlochy Big Burn.

Allocated to	Munlochy	ML3	South of the Post Office	
--------------	----------	-----	--------------------------	--

Customer Number	04437	Name	Broadland Properties Ltd (BPL)	Organisation	
Agent Name amd Organisation (if applicable)		Mr Alan Ogilvie		G H Johnston Building Consultants	
Section	4.Development Allocations		Paragraph		
Reference	ML4		Type	Change	Comment Late
					No

Comment Changes

Change the allocation of land from Community to Mixed Use and include potential for residential development.

Representation

We act for Broadland Properties Ltd (BPL), owner of substantial land holdings in and around Munloch. At both the Call for Sites (CfS) and Main Issues Report (MIR) stages we sought clarification of the situation is with the need for improved primary school accommodation in Munloch. We consider that this is necessary to determine how realistic it is to continue to safeguard this land north of Brae Park for the building of a new school. We now see from the Council’s response to our MIR submission and the “Requirements” under ML4 that this site should be retained for community use until the Sustainable Schools Estates Review establishes whether the site is required for primary school provision. We understand that the Council commenced the strategic review of its school estate in 2010 to cover a 5 to 10 year period. However, there is no timescale indicated for the Sustainable School Estate Review of Black Isle primary schools. This is not helpful for the forward planning of housing allocations in Avoch, Munloch, Tore, Fortrose and Rosemarkie. While the Proposed Plan allocates the site for Community use it only refers to the potential for a new school. No other uses are indicated to cover the event that the Review concludes that it is not required for a school. We therefore ask what other uses, Community or otherwise, the Council has in mind for this land. In order to keep options open, including the possibility of a low density residential development or a residential care home, we suggest that the allocation be changed to Mixed Use.

Allocated to	Munloch	ML4	North of Brae Park	
--------------	---------	-----	--------------------	--

Customer Number	04437	Name	Broadland Properties Ltd (BPL)	Organisation	
Agent Name amd Organisation (if applicable)		Mr Alan Ogilvie		G H Johnston Building Consultants	
Section	4.Development Allocations		Paragraph		
Reference	ML5		Type	Change	Comment Late
				No	

Comment Changes

Expand the allocation to the east or, on the basis that the enhanced development potential sought in other submissions for allocations ML 1 to 4 is reflected in the finalised Plan, seek developer contributions from ML 1 to 5 towards the full improvement of A832/ B9161 road junction.

Representation

We act for Broadland Properties Ltd (BPL), owner of substantial land holdings in and around Munloch. This includes the adopted Ross and Cromarty East Local Plan Business allocation north of Fraser’s Garage to the north east of the village, now indicated as ML5 in the Proposed Plan. We previously indicated BPL’s support to carry forward this site into the Proposed Plan at the MIR. The original allocation was aimed at creating employment opportunities locally to help reduce the proportion of residents who commute to work in other larger settlements outwith the Black Isle in future. We are disappointed that an additional area put forward at the MIR stage as an extension to the east of this Business allocation was not supported by the Council. Our client had been encouraged to spend time and incur cost making this submission to the MIR following discussions with Knockbain Community Council and other local representations about the A832/ B9161 road junction. This was subsequently supported in writing by Knockbain CC and Mr Anthony Neil Morey. The Council also made comments on the lack of scope for some improvement to the junction leg from the village on to the A832 without approaching us or BPL to discuss the availability of adjacent land. Neither did the Council’s response account for the suggestion by a TECS Roads official about moving the northern leg of the junction to the eastern edge of the requested additional business/tourism land. There is clearly local concern about the current alignment of the road junction but the Council does not have the resources to effect the preferred solution, which we previously advised could be undertaken as part of developing an expanded business site. BPL is not in a position to undertake these works in the absence of active development proposals but is willing to make the land available on both sides of the A832 road. As previously indicated, the potential of the additional land requested was more tourist related to suit the location of a well-designed commercial/visitor facility. Landscape impact of development on this more prominent land could be mitigated by significant structural tree planting. However, if the Council continues to resist this form of development the only other way of delivering the junction improvement may be in relation to the increase in the development capacity and extent of land allocations ML1, 2, 3 and 4, as now requested in separate submissions on the Proposed Plan. At the very least the land for the junction improvement can be made available but the funding of the works will depend upon the extent to which these requests for the additional development on land allocations ML1, 2, 3 and 4 are met. If met in full as requested in our other submissions then we would not object to appropriate developer contributions being sought. Given the current economic climate it is more likely that the improvements can be delivered in relation to the enhanced development potential of these sites. In this respect the need to make relevant contributions could be reflected in all five land allocations ML 1 to 5. However, we will leave that for the Council to give consideration to.

Allocated to	Munloch	ML5	North of A832	
--------------	---------	-----	---------------	--