

Mary Grier

From: Don McKee
Sent: 03 April 2008 20:37
To: Mary Grier; David Hetherington; Hamish Trench
Subject: FW: BSCG Objection Grantown Proposed Development

I have acknowledged this objection. Can you liaise and discuss the various points he raises?

Thanks

Don

From: Dr A M Jones [REDACTED]
Sent: 03 April 2008 03:21
To: Don McKee
Subject: BSCG Objection Grantown Proposed Development

Badenoch & Strathspey Conservation Group

Fiodhag, Nethybridge, Inverness-shire PH25 3DJ [REDACTED]
[REDACTED]

[x]

Don McKee
Head of Planning
CNPA
Albert Memorial Hall,
Station Square
Ballater

2.4.08

Dear Mr McKee

Proposed Housing Development, Grantown on Spey – Muir Homes

I am writing on behalf of BSCG to object to the above proposed development.

Our reasons for objection include the following:

1. There has been no adequate assessment of the natural heritage interest of the proposed development site, or the environmental impact of the proposed development.
2. A development of this scale within the National Park should be the subject of a thorough Environmental Impact Assessment.
3. The site supports a significant mycota, including waxcaps (*Hygrocybe* spp.) and other species of long established, grazed grassland.

04/04/2008

4. At least two UK red listed vascular plant species occur on the site, *Viola canina* and *Gentianella campestris*. The site supports an impressive population of field gentian, and as far as we are aware the violet population has not been assessed in any detail.
5. We are unaware of any thorough botanical or mycological surveys of the site having been undertaken.
6. Information that is held by SNH and may have been provided to the CNPA is significantly incomplete, for example with respect to UK priority species of invertebrates.
7. The proposed development would result in loss of feeding and breeding habitat of waders, including snipe, lapwing and oystercatcher. These are all amber listed species (see BTO 2002 *The population status of birds in the UK. Birds of conservation concern: 2002-2007*).
8. Other birds known to, or likely to, use the site include song thrush, starling and skylark (red listed); kestrel, swallow, house martin, meadow pipit, redwing, fieldfare and mistle thrush (amber listed). The proposed development would be likely to reduce and degrade habitat for these species.
9. The proposed development would have the effect of displacing and also increasing recreational pressure (including dog walking). This is likely to increase recreational use of Beachen Wood and surroundings, and Anagach Wood. Anagach Wood is a SPA for capercaillie. Recent research indicates that human disturbance can impact on capercaillie. It can therefore be reasonably inferred that such disturbance can undermine efforts to restore capercaillie populations in Scotland to favourable conservation status. Strathspey is a key area for capercaillie within the UK.
10. Strathspey is an important area for red squirrels. The proposed development would be likely to lead to an increase in the number of domestic cats straying into nearby woodland supporting red squirrels. It is well known that domestic cats kill red squirrels in our district (as elsewhere).
11. All species of bats known to occur near Grantown are European Protected Species. The potential negative impacts of the proposal on bats, including impacts on flight lines and foraging opportunities need to be adequately assessed. We understand there is a long established, large pipistrelle maternity roost outwith, but at the edge of the site.
12. The proposed development restricts opportunities to enhance habitat networks through improving connectivity of Beachen Wood and surrounding woodland. Beachen Wood is on the Ancient Woodland Inventory and supports an assemblage of invertebrates of conservation concern. The importance of aspen woodland is recognized in the Cairngorms LBAP.
13. There are major issues regarding hydrology, drainage, soils and retaining the integrity of wetland habitats. We are concerned that these have not been adequately addressed.
14. The proposals could impact detrimentally on archaeological features of the site, and the

historical ecological interest of the site.

15. The scale of the proposed development is inappropriate and excessive.

Yours sincerely

Gus Jones
Convener

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Mary Grier

From: Pip Mackie on behalf of Planning
Sent: 04 April 2008 08:31
To: Mary Grier
Subject: FW: Muir Homes Development

From: Bill Baird [REDACTED]
Sent: 03 April 2008 23:01
To: Planning
Subject: Muir Homes Development

We would like to raise another concern we have over the size of the proposed development on The Mossie...The two storey villas to be built backing on to Mossie Road would be completely out of character with the bungalows which they would adjoin. We doubt whether we would get permission to erect a two storey house on our existing site, and rightly so, because it would be out of character with the surrounding area.

Yours

W & P Baird
Pineview
Mossie Road
Grantown on Spey
PH26 3HW

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Craig Revack
Woodside Avenue
Cranston-on-Spy
7426 3JN

31st March 2008

(2)

Calmgorms National Park Authority
Planning Application No. 06/320/cf
REPRESENTATION
ACKNOWLEDGED 4 APRIL 08

Dear Sirs

Proposed Development by Muir Homes
Cranston-on-Spy.

I wish to lodge my objection to the above
development.

I understand that 3 storey flats are planned
behind Ian Charles Hospital this is
entirely outwith the character of the local
area.

I also understand that our schools are at breaking
point with the prospect of our children being
bused to Nairn.
If we have to have extra doctors to cope when
ill they park. The dentist was originally refused
because of parking space.

The corner at the co-operative is already
a nightmare to cross and with the added
traffic on Seafield Avenue it will be impossible
to do so. Cranston does not need a development
of this size not now or in the future. It will
not benefit local housing demand but that
of the second home owners.

Yours faithfully


Calmgorms National Park Authority
= 4 APR 2008

Cairngorms National
Park Authority
- 4 APR 2008
RECEIVED

Kirkland
Mossie Road
Grantown-on-Spey
PH26 3HW

2 April 2008

Mary Greer
Project Planning Officer
Cairngorms National Park Authority
Ground Floor
Albert Memorial Hall
Station Square
Ballater
AB35 5QB

Cairngorms National Park Authority
Planning Application No. 06/320/CP
REPRESENTATION
ACKNOWLEDGED 4 APRIL 08

Dear Ms. Greer

Planning Application by Muir Homes for 193 Residential Dwellings in Grantown-on-Spey

As residents of Mossie Road Grantown-on-Spey we are in receipt of a "Neighbour Notification" regarding the above proposed development.

Whilst we recognise the need for housing, in this particular case we would question the number of dwellings proposed and the effect more families moving into Grantown will have on the already stretched local services, such as schools and health care.

In particular having viewed the plans of the new development we note that immediately behind our house it is proposed to build six houses in the "Jura & Islay" range which are two storey detached dwellings. We would wish you to accept this letter as an objection to the type of house proposed and to advise that the existing housing in this area is of the bungalow type and any new dwellings in such close proximity should be at least of a similar design.

Yours sincerely



A.J. Macbeath & Mrs J. Macbeath

11/04/08 10:00 AM

Cairngorms National
Park Authority

- 2 APR 2008

RECEIVED

Hazelwood
Seafield Avenue
Grantown-on-Spey
Moray
PH26 3JF

31 March, 2008

Cairngorms National Park Authority
Planning Office
Albert Memorial Hall
Station Square
Ballater
AB35 5QB

<p>Cairngorms National Park Authority</p> <p>Planning Application No. 06/320/cf</p> <p>REPRESENTATION</p> <p>ACKNOWLEDGED 2 APRIL 08</p>
--

Dear Sir

Muir Homes Development: Grantown-on-Spey

Having looked at the documentation for the proposed Muir Homes Development at Grantown-on-Spey we would like to object to:-

- the density of the proposed development
- the style of housing being proposed.
- the low level of affordable housing
- the lack of sheltered housing for elderly people
- the detrimental effect that the development will have on the wildlife on *The Mossie*
- the detrimental effect that it is going to have on the Caravan Park and hence the economy of the town.

As locals, we have lived in this town more or less all our lives. It is a town that we love and which we believe offers excellent facilities – although it does lack a Community Hall. We also fully appreciate the need for additional housing – particularly housing that local working people can afford ie young singles, couples and those with families. And, given the increase in the numbers of people living longer, and the cost of residential care, the town needs more in the way of sheltered housing so that more elderly people can have the benefit of living independently – but supported.

However – we do not believe that this development tackles these local needs. Whilst a percentage of the accommodation is allocated to affordable housing, the percentage is not high enough and the style is not in keeping with other housing in the area. From looking at the plans it appears as if the developer's aim is to meet the desires of the more affluent living elsewhere in the country who wish to retire to a rural area or else spend their money on a holiday home in a rural town. Rather than address the actual housing needs in the town, the development is going to put considerable demands on community services as the size of the development is much too large for this small town. The fact that Muir Homes has not even spelt Grantown's name correctly on the plans implies that little thought has been given to where this development is. The design of the houses also appear as if they have just been lifted from a development that Muir has elsewhere rather than housing that has been specially planned to suit the site that they have in Grantown.

We would particularly like to object to the density of the housing planned for the field on Seafield Avenue - beside the Caravan Park - and to the number of two storey houses proposed for there. The density should be much less and more similar to that in the neighbouring housing scheme - Seafield Court. The style of housing should be similar as well. Everything possible should be done to ensure that the houses built there do not overlook the houses in Seafield Court and they should be bungalows - not two storied houses. Surely approval should not be given to housing that is overlooking other houses and invading their privacy? Grantown was built as a planned town and every effort should be made to ensure that future developments are well planned and that people in existing houses can continue to enjoy some privacy.

This also applies to the Caravan Park. Serious consideration needs to be given as to where the houses next to the Park are facing. The Caravan Park is of major importance to the town and if it is to be overlooked it could well have an adverse effect which would not be good for the town. Two-storey houses should be positioned so that the windows do not overlook the park - better still - all the houses in this field should be bungalows.

Finally - and perhaps most importantly - we would like to object to the density of this development because of the detrimental effect that it is going to have on the wildlife. We have enjoyed the natural wildlife around Grantown for over 50 years, since we were children, and *The Mossie* is an important part of the natural wetland in the area. There are many nesting birds there including lapwing, curlews, waders, snipe and ducks as well as wonderful flowers including orchids. We believe that if this development goes ahead as is proposed, it is going to have a very harmful effect on the wildlife from which it will not recover.

We would therefore be grateful if these points that we have made could be given serious consideration when considering the size of the development and the size of the houses that should be approved. Many thanks.

We would also like to take this opportunity to express our dismay about there not being a 'Planning Gain' policy in place locally which could have ensured that the developer allocated a greater percentage of the housing to 'affordable' houses for local people - and they could also have been asked to allocate funds towards Community Facilities - such as a local community centre which is something that has clearly been identified as a need in the community. We would hope that this is something that the National Park will look into for the future.

Yours sincerely,

Anthony & Seonaid Green

(2)

Cairngorms National Park Authority
 Planning Application No. 06/320/cf
REPRESENTATION
 ACKNOWLEDGED 7 APRIL 08

Carol Davis,
 32 Seafield Ave,
 Granttown on Spey.
 4th April 2008.

**Cairngorms National
 Park Authority**
 - 7 APR 2008
 RECEIVED

Planning Dept.,
 Cairngorms National Park Authority,
 Ballater.

Dear Sir,

Muir Homes Development – Granttown on Spey.

I write with my objections to certain aspects of the above proposed development. I apologise for the delay with this letter, but once again I have discovered about this matter in the local newspaper. Muir Homes have again failed to officially notify of their proposals.

I live with my four young daughters in a bungalow in Seafield Avenue. This is adjacent to the field which Muir Homes propose as Phase 1 of their development plans.

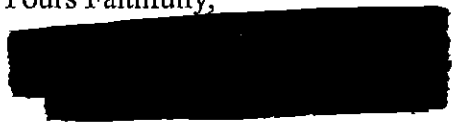
I note that the revised plans include the proposal for 36 two storey houses. Curiously, this is more than their previous plans and is completely unacceptable within this existing built environment of single storey bungalows. The area for Phase 1 of the development is only suitable for similar single storey bungalows.

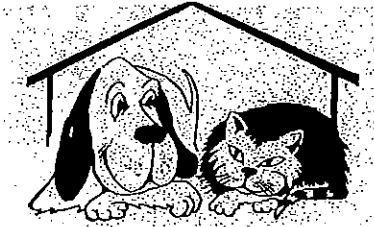
Trade at the nearby Caravan Park will suffer with the building of anything taller than bungalows. My family and I go caravanning to pleasant parks with pleasant views, but we would not holiday in a park when the only view was two storey homes.

These revised plans show that a two storey block of flats is intended to be built which will overlook my back garden. This is an absurd proposal. My four daughters all play in our back garden and I cannot contemplate the possibility of any deviant 'spying' on them. If this proposal was to go ahead, I would not allow my daughters to use our back garden and this would cause us all a substantial loss of amenity. For the same reasons, I would be forced to keep their bedroom and my bathroom curtains closed at all times. This would be totally and completely unacceptable.

This field, which lies between my home and the Caravan Park, is already higher than the ground on which the low-lying bungalows of Seafield Avenue / Seafield Court are built. I categorically object to the building of anything taller than the existing bungalows at this location.

Yours Faithfully,





Cairngorms National
Park Authority
- 9 APR 2008
RECEIVED

Lornford
2 Mossie Road
Grantown on Spey
Moray PH26 3HW

Mrs S. C. Kelman D.K.M.

8th April 2008

The Cairngorm Park Authority
Planning Department
Ballater AB 35 5 QB

Cairngorms National Park Authority
Planning Application No. 06/320/CP
REPRESENTATION
ACKNOWLEDGED 9 APRIL 08

Dear Sirs

Lornford, 2 Mossie Road

Just over four years ago I bought the above bungalow. When asked, the Estate Agent assured us that our rear view and privacy could not be destroyed as it was impossible to build on a bog hence the name Mossie Road. Like many others I enjoy pulling on Wellingtons and exercising my dogs in the area at my back gate free of roads, other hazards and one of the main reasons for buying this particular property. -- no doubt my loss of privacy will be seen as selfish.

However, in an area all bungalows, surely it is not in keeping to build 2-storey houses? I have noted, where the access roads will be, but even so, this project will still cause more volume of traffic on Mossie Road/Grant road, which already have difficult inter-sections. At present there is already a lack of parking and general chaos at the main food shopping area the co-op Stores. While I am not conversant with the facts or figures, added population must adversely affect the schools and Ian Charles Hospital/ Health Centre, where it is already difficult to get an appointment and the car-parking is inadequate.

I hope you will give these concerns consideration.

Yours faithfully,

(signed) Sheena C. Kelman.

MarkHorsfield
3 Chapelhill Street
Kincardine
Fife
FK10 4QS

Case No. 06/320/CP

As a caravan owner at the caravan site near to where the proposed build site of houses I object to the building of houses at Seafield Road, Grantown on Spey. I am disappointed that no consultation or information was made to available to me i only heard through a friend at Grantown.

I bought the caravan at that site because of its open space and it is very peaceful which i think will be destroyed with the building work. I have also been made aware that most of the houses will be two storey and will obscure the beautiful views of the Cromdales and the Cairngorms not to mention the loss of my familys privacy.

I am also concerned at the effect it will have on the value of my van. When I come to the caravan park with my family we like to enjoy the peace and tranquility that the site offers not to listen to the constant drone of machines and hammering. We may be forced to move elsewhere and would be looking for some sort of compensation for the move away from grantown/ loss of value etc...

If the building work goes ahead is there going to be some form of screening to stop the noise and to give my family some privacy? Will there be any form of compensation for van owners? Is this just the start of many houses to be built around the caravan site? If there are any answers to my questions and any other information available could please forward them to me at marklaurah@aol.com

Thankyou

Mark Horsfield

Wendy Mitchell

From: [REDACTED]
Sent: 09 April 2008 21:43
To: Planning
Subject: grantown developments

Cairngorms National
Park Authority

10 APR 2008

RECEIVED

The Grantown Society would like to voice its objection to the proposed development in Grantown by Muir Homes. This speculative venture is deemed inappropriate for this community by virtue of its size, its location and its architecture. It appears economically, environmentally and culturally unsound. The proposed site is unsuitable for large scale building projects. Indeed much of the ground is unsuitable for any building. We would like to see the plans rejected.

Bill Sadler
Chairman
The Grantown Society
Woodside Avenue
Grantown on Spey
PH26 3JN

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Cairngorms National Park Authority

Planning Application No. 06/320/CP

REPRESENTATION

ACKNOWLEDGED 10 APRIL 08

Cairngorms National
Park Authority

25 FEB 2008

RECEIVED

Cairngorms National Park Authority

Planning Application No. 06/320/CP

REPRESENTATION

ACKNOWLEDGED 25 Feb 08

Mary Grier
Cairngorms National Park Authority
Albert Memorial Hall
Station Square
BALLATER
AB35 5QB

18th February 2008

Dear Mary,

Muir Homes Development, Grantown-on-Spey

We apologise for writing so late in the process of dealing with the Muir Homes application. The reasons for that are explained below. We hope there is still time for our points to be considered and addressed. We have no objection in principle to the development but merely wish to ask that some planning gain be secured to cater for a specific recreational demand in the town.


We are residents of Grantown-on-Spey who would like the Council to provide us, and any other similarly interested persons, with allotments, all in accordance with the Council's statutory duty under the Allotments Acts. After many years of this being disregarded by the Council, we have at last gained the support of the Ward Member most closely associated with the town. The difficulty now is that, despite diligent searching, it has proved impossible to identify any significant area of open land in Council ownership in the town which is accessible, free of service constraints, and is not already used for other, equally valid, recreational pursuits.

We note that the Muir Homes layout is generously provided with open space, not only purposefully located but also because extensive areas of the site are uneconomic to develop due to subsoil conditions. We would accordingly ask that an area of open space, approximately 0.4 hectares in area, level, free draining, with road access and preferably few or no trees, be identified within this open space and made available specifically for the development of allotments. We have based the area on the assumption that demand for allotments is likely to grow, both as a result of increasing interest generally and because of the growth in the town's population which the development will bring about. (0.4 hectares would accommodate 10 standard allotment plots).


While general open space can be managed in a variety of ways it would be preferable if an allotments site were to be conveyed to the Council (with, if necessary, a prohibition on future building on the site) so that the site is controlled by the appropriate body and can be rented to allotment holders at reasonable rents.

SPP11 specifically recognises allotment gardening as a form of open space and recreation which should be catered for in new developments and in open space/recreation strategies. As a holistic response to several issues of sustainable development and community health, allotment gardening also accords with Highland Structure Plan strategy and the aims of the National Park. We would therefore ask you to negotiate with Muir Homes and recommend appropriate conditions to secure allotment provision if planning permission is to be granted.

Yours Sincerely,



Andrew McCracken
"Le Landy"
44 Kylintra Crescent
Grantown-on-Spey
PH26 3ES



Frank Jemmett
1 Rhuarden Court
Grantown-on-Spey
PH26

Cairngorms National
Park Authority
17 APR 2008

Bracken Brae,
5. Mossie Rd.,
Grountown on Spey.

to Cairngorms National Park Authority

RECEIVED

Planning Department

Cairngorms National Park Authority

Planning Application No. 06/320/CP

REPRESENTATION

ACKNOWLEDGED 21 APRIL 08

I was horrified to see the plans for six two storey houses that Fruit Homes are proposing to build directly behind the bungalows along Mossie Rd. overlooking our gardens at the back and completely destroying our privacy. This goes for all the houses to be built along that precious strip of wetland and rough ground from Seafield Avenue to the back of San Charles Hospital. The Green Plover, Oyster Catchers + Curlews are well settled onto this ground now for the summer. We look forward every year to them being there. Surely this ground should be preserved not destroyed as it would be for the birds if built on.

What about the outlook from the Caravan

Part. Who would want to come there for their
holidays to look out on a new Suburbia!
There are so many issues - overcrowded
roads + Grantown itself. The Health Centre +
Hospital can't cope with any more patients
nor can any car parking. We all realized
that with the building of these houses would
destroy the whole character of Grantown.

Please please don't let them go ahead
with it.

yours sincerely

15/4/08.

Guildhall Chambers
5-8 Broad Street
Bristol
BS1 2HW

Wendy Mitchell

From: ANTHONY REDDIFORD [REDACTED]
Sent: 12 June 2008 14:09
To: Planning
Subject: Planning Ref. No: 06/320/CP

Dear Sir/Madam

I write to register my dismay at the proposed Muir Homes' development proposal under the above reference number. I am not a resident of the area but a past (and, potentially, future) visitor to the area.

I come to Grantown for the peace, tranquility and scenery (as well as the fishing). I would seriously reconsider whether to visit Grantown again if the amenity of the campsite were compromised by the proposed development. I urge you to reject it.

Yours sincerely

Anthony Reddiford

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Cairngorms National Park Authority	
Planning Application No.	06/320/CP
REPRESENTATION	
ACKNOWLEDGED	12/6/08

12/06/2008

Cairngorms National
Park Authority

30 APR 2008

RECEIVED

Parent Council,
Grantown Grammar School,
Cromdale Road,
Grantown-on-Spey.
27th April '08

Planning Department,
Cairngorms National Park Authority,
Albert Memorial Hall,
BALLATER,
Aberdeen-shire.
AB35 5QB

Cairngorms National Park Authority

Planning Application No. 06/320/CP

REPRESENTATION

ACKNOWLEDGED 30/4/08

Dear Ms Grier,

Thank you for the explanation with regard to the application by Muir Homes to build a large scale housing development in Grantown-on-Spey.


As a Parent Council we would not normally get involved in such matters, however, we feel that this development is going to cause major problems within Grantown Grammar School. The school role is currently approaching 400 pupils and as such is now officially capped meaning that families moving in to the area may have difficulty placing their children at the school. Some year groups are now full and as such cannot accept further pupils. Highland Council has undertaken to review all their schools in Badenoch and Strathspey but until this is carried out and additional accommodation is provided in Grantown this situation will remain. New pupils to the area may therefore have to be bussed to either Nairn or Inverness. Muir Homes could not therefore advertise the availability of good local secondary education. With the number of houses proposed there could be tens of pupils in this situation. Major rebuilding of the school is needed to cope with the current number of pupils with many currently being taught in outdated portable buildings.

We would therefore like to formally object to the proposed development on the grounds of the infrastructure not being able to cope.

This brings in the wider area, we would like to place on record our ongoing objection to other developments within the catchment area of the school. With the proposed developments in Carr Bridge, Boat of Garten, Nethy Bridge and Grantown there is the potential for several hundred school age children coming to the area without the facilities to teach them properly.

If the development were to be given approval we would ask that there be a substantial 'planning gain' from the developer to contribute to the required increase in size of Grantown Grammar School.

Yours sincerely


Sandy McCook
Chairman,
'Inchtomach'
Nethy Bridge

Cairngorms National
Park Authority
- 3 JUN 2008

From: Row Matheson
Whitellill

3, SEAFIELD COURT
GRANTOWN - ON - SPY
PH26 3LE.

To: MARY GRIER
CNPA
ALBERT MEMORIAL HALL
STATION SQUARE
BELLABAR
ABERDEENSHIRE

ACKNOWLEDGED 3/6/08
REPRESENTATION
Planning Application No. 06/820/08
Cairngorms National Park Authority

AB35 5QB
1.6.08

DEAR Mrs GRIER

I LIVE IN GRANTOWN - ON - SPY AND WAS PRINCIPAL
TEACHER OF PHYSICAL EDUCATION AT GRANTOWN GRAMMAR
SCHOOL FOR THIRTY YEARS BOTH MY CHILDREN ATTENDING
THE SCHOOL. MY CONCERNS FOCUS ON THE INTENDED
CONSTRUCTION OF SOME TWO HUNDRED AND FIFTY HOUSES BY
MUIR HOMES NEAR TO WHERE I LIVE.

CHANGES ARE INEVITABLE IN ANY LOCAL COMMUNITY BUT
MY CONCERNS HIGHLIGHT A NUMBER OF ISSUES.

- GRANTOWN IS A QUIET HIGHLAND VILLAGE NUMBERS
BOOSTED BY SUMMER VISITORS SEARCHING FOR TRANQUILITY.

SCENIC BEAUTY AND PLEASANT WALKS, THE BUILDING OF A FURTHER ESTATE WOULD ERODE THESE DIMENSIONS.

- WE HAVE AN EXCELLENT WELL USED CARAVAN SITE, THE OWNER INVESTING HEAVILY IN IMPROVING ITS FACILITIES. USERS, ENJOY THE PLEASANT WALK TO THE VILLAGE SHOPS ALONG SEAFIELD AVENUE OBSERVING ON THE WAY WILDLIFE IN THE OPEN WET LAND AREAS, THIS WOULD BE TAKEN AWAY.
- TRAFFIC FLOW ALONG SEAFIELD AVENUE WOULD BE ALARMINGLY INCREASED CREATING A BUSY, NOISY UNSAFE ENVIRONMENT FOR LOCALS, VISITORS AND THE ELDERLY WHO FREQUENTLY TAKE DAILY STROLLS.
- WITH SO MANY NEW HOMES THE PRESENT LOCAL INFRASTRUCTURE COULD NOT COPE AFFECTING SCHOOLS, STOPS AND SEWERAGE AMENITIES.
- FOR OVER THIRTY YEARS MY JOB FOCUSED ON IMPROVING PUPILS AROUND FITNESS, LOWERING OBESITY LEVELS AND IMPROVING THEIR LEISURE OPPORTUNITIES, ANY FURTHER

EXPANSION IN HOUSING SHOULD NECESSARILY INCORPORATE
CYCLE / B.M.X TRACKS, FUL PARK ETC.

- MY LAST POINT IS PERSONAL BUT POIGNANT, APPROXIMATELY
FIVE YEARS AGO MY WIFE DIED OF MOTOR NEURO DISEASE
AND FOR THE LAST SIX MONTHS OF HER LIFE, TIME OFF SCHOOL
ALLOWED ME TO LOOK AFTER HER. EVERYDAY WEATHER PERMITTING
SHE ENJOYED THE QUIET, PLEASANT TRIP ALONG TO THE CAROLINE
PARK AND BACK IN HER CHAIR JUST ENJOYING THE VIEWS
AND THE SERENITY.

Yours sincerely


Cairngorms National
Park Authority

26 MAR 2008

RECEIVED

"Redmires"
Mossie Road
Grantown on Spey
Moray
PH26 3HW

21st March '08

Cairngorm National Park Authority
Albert Memorial Hall
Station Square
Ballater
AB35 5QB

Cairngorms National Park Authority

Planning Application No. 06/320/CP

REPRESENTATION

ACKNOWLEDGED
Road East

26 March 08

OBJECTION to MUIR HOMES DEVELOPMENT

Seafield Ave/ Castle Road East

GRANTOWN ON SPEY

This makes the third objection to the proposed development of The Mossie we have submitted but we suppose this is what is called "PLANNING". To submit the plans in the form as have been done can be down to

- a. "Blind them with science"
- b. give them lists of meaningless jargon
- c. wear down the populace with endless appeals
- d. submit plans for twice your needs in the hope of obtaining as much as you can cope with (eg Heather Mills)

My principle objection is still that of our submission of the 28th July '07 and this is contained herewith.

OBJECTIONS.

1. The land is generally unsuited for housing development, the water table is too high and makes a good flood plain in the summer weather to say nothing of the heavy winter rains and snow melt. All the drilling and testing does nothing to contradict the long term knowledge of local people who have lived with these facts for many generations (and we do not exaggerate this factor).

2. Additional drainage schemes will only add to the flood problems at the lower end of the town (known locally as the Silver Bridge).

3. Who picks up the bill when flooding takes place - not the developer who has long gone (laughing all the way to the bank), only the municipal authority to a very limited extent. That leaves the home owners and their insurance company; and not too long before they soon say not today thank you. Reference Avon/

Severn/ Thames and York.

Features from the latest plans (Your Ref. RMDL/066/03)

1. The access to the frontages of existing houses (namely Owl Wood, Mossiebeg, Wallacestones and Redmires are shown on the above plan and it should be noted that this is a Private Road and is
 - a. for use of residents only
 - b. maintained from self funding
 - c. as such it should be excluded from any access by the general public
2. A footway should be incorporated to give access for walkers and between, say, plots 45/46 and the existing pathway to the north west of the Church of Scotland.
3. I dread to think of the traffic problems at the junction of The Square/High St/Forrest Rd and Seafield Avenue with the existing and new development of pedestrian crossing, the loading of goods at the Cooperative shop, and add to that of 57 new homes and the summer traffic from the caravan site. Chaos is the nearest word that comes to mind.
4. Could not the two storey housing be located where they are not overlooking existing houses e.g. not backing onto Mossie Road.

MORE GENERAL CONSIDERATIONS

Schools and Education : There are already problems within the Grammar School trying to provide for the existing population; and add to this the number of developments taking place in the catchment area of Nethybridge, Cromdale, Carrbridge, Dulnain Bridge plus other house building in Grantown itself.

Water Supply : it has already been noted by many that water supply is inadequate to meet the needs of Grantown, how will things be with another 193 plus homes?

Medical Care/Maternity/Welfare : Can the medical services be expanded to cope.?

Not to be overlooked :

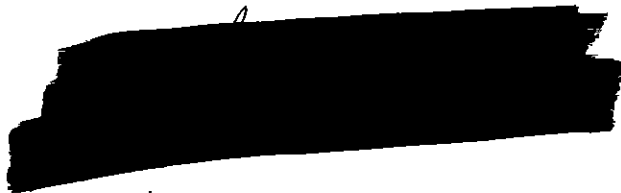
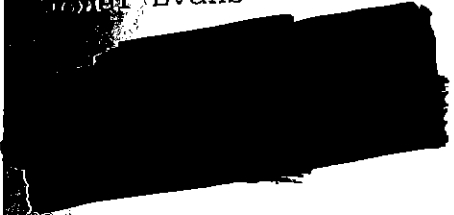
Public transport Care of the aged

Youth services Employment


We are well aware that many of these issues were covered by our original objections but we seek consideration of them. We accept that a degree of N.I.M.B.Y comes into these objections but don't write them all off in such a random fashion, we do seek to preserve the nature of the town as being in the Highlands and worthy of maintaining those traditions.

Evans

Sheila E Evans



"Redmires"
Mossie Road
Grantown on Spey
Moray
PH26 3HW



28th July '07

Local Planning Policy Officer,
Grantown Deposit Plan
Cairngorm National Park
The Square,
Grantown on Spey

Dear Sir/Madam,

My first objection is having to prepare a second objection to the proposed development when our first objection has been pigeon holed after we were given the firm undertaking that our original objection, sent to the Highland Council had been passed to you and would be considered by your good selves. (See Your ref.06/320/CP dated 06 Sept '06). I am well aware that the plans have been amended by Deposit Local Plan but the principle to the planned development is still there and therefore our original objections still hold watertight. I have enclosed a copy of the original objections alongside our further objections.

OBJECTIONS TO THE GRANTOWN DEPOSIT PLANS

1. The original notice from the developers (Muir Homes) plan for 228 plus 7 dwellings whereas the revised plans show in the Deposit Local Plans (D.L.P.) on a reduced area GS/H1;A9.6Ha. a "planned development of around 200 units" which must mean a greater density is being allowed than the Muir plans. By what standard are such plans being accepted even allowing for the time cycle of 5 years?
2. The term of "protected as open space (page 66 GS/OSI), what does it mean in relation to the term "Protected Open Space" as defined by 7/11 on page 66 ?

Question a. Does that imply that "protected open space" mean it is protected for ALL time as opposed to the alternative for a five year period only?

- b. On what basis have the boundaries between the proposed development and the open space been decided upon and why has the OPEN SPACE not been listed as a CONSERVATION AREA?

3. With the wedge of land lying to the north west (rear of the gardens of existing houses in Mossie Road) shown as the

new development being made, it serves no purpose at all other than to isolate town folk from enjoying access to the open space (whatever you designate as its official title).

4. By what criteria does the authority arrive at the conclusion that so much and such dense development is required in Grantown on Spey (or indeed) the whole of the National Park? There is no pressure from industry or commerce to require such development except for second homes and a downturn in the national economy could soon put a stop to that.
5. Can the existing road widths, particularly in the town area cope with even more road usage ?
6. No reference is made in the D.L.P. made to the ratio of affordable homes, why not ?
7. Land to the north of Church Avenue/on Mossie Road is not shown for development, why not ?
8. What provision is being made to protect the lower end of the town (area known as the silver bridge) to protect it from flooding in severe rain storms, rapid drainage from the mossie would directly affect this area. An area concreted over means somebody has suffer the consequences, re the flooding in the Severn, Thames, and York areas of England. Who picks up the bill, certainly not the developers, they have long since gone with their bank balance looking that much healthier.
9. Can anyone guarantee that civic amenities will be provided at the rate required to maintain 21st century standards ?
 - a. Water.
 - b. Sewerage
 - c. Schools
 - d. health including maternity
 - e. care of the aged
 - f. public transport
etc etc.


Some of the issues raised were also given in our original objections but greater emphasis has been given here. Nevertheless the two documents should be considered together.

Yours etc.

Lyonel Evans

Sheila E. Evans.

"Redmires"
Mossie Road
Grantown on Spey
Moray
PH26 3HW



5th Sept '06

Area Planning & Building Stds. Manager
Badenoch And Strathspey
Highland Council
100 High Street
Kingussie
INVERNESS PH21 1HY

Re Development of "Mossie" at Grantown on Spey

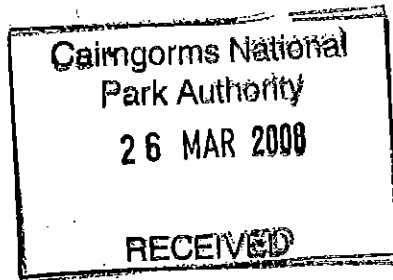
Dear Sir/Madam,

Further my objections to the above development of the Mossie contained in my communication with you on the 28th August may I request the following item enclosed herewith be added to the PRINCIPAL clauses 1 and 2.

They by coincidence were published in yesterday's Guardian newspaper and seem so relevant to the points raised that they should be included in the objections.

Yours etc.,

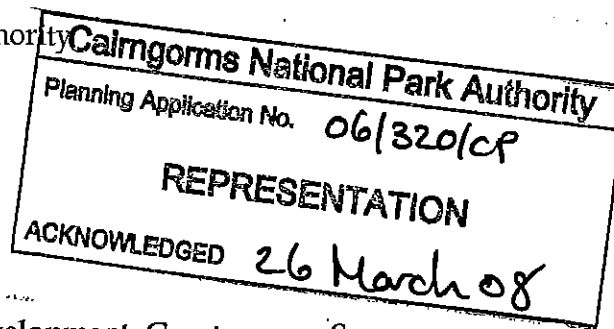
Lyonel and Sheila Evans.



1 Rhuarden Court
Grantown on Spey
Morayshire
PH26 3DA
[REDACTED]

22nd March 2008

Mary Grier
Planning Officer
Cairngorms National Park Authority
Albert memorial Hall
Station Square
BALLATER
AB35 5QB



Dear Ms Grier,

Re: Muir Homes Proposed Development, Grantown on Spey

I write to register our objections to the above-named revised, proposed development plans submitted on behalf of Muir Homes dated 7th March 2008.

While appreciating the need for new housing and a sustainable growth plan for the town, our objections to the current proposal from Muir Homes arise mainly from the impact of the number of houses in the time scale of the proposal. We believe this will have a detrimental effect on the community in relation to the town's size, culture, heritage, economy and its setting within a National Park.

To expand on our objections:-

1) Non-Compliance with Local Plan

- a) The Muir Homes proposal is not in line with the September 1997 Badenoch and Strathspey Local Plan adopted by the Highland Council for Grantown on-Spey and represents significant increases in density and number of dwellings and rate of development. Namely, 193 dwellings proposed compared to 180 in the plan (7% increase), 12.4/HA proposed compared to 11.5/HA in the plan (8%) increase and 6.5 years proposed compared to 10 years in the plan (35% increase).
- b) Page 5 of the Badenoch and Strathspey Local Plan recognises the special heritage and setting of Grantown on Spey. "The(ir) attractive townscape features are threatened by insensitive infill and over development. Safeguards are needed to redirect these pressures to more appropriate locations" Such a large estate as Muir Homes proposes is, in our opinion, in direct conflict with this aim.

2) Contrary to the CNPA Community Conversation Findings

- a) The recent, to be applauded, community conversations with the CNPA clearly showed that a priority topic for Grantown on Spey is the need for housing for local people with organic, sustainable growth. At the same time there was strong opposition to "Aviemore-Type Large Developments". If these conversations are to be taken into account, then again the Muir Homes proposal runs contrary to the needs and wishes of the community.

3) Contrary to the stated aims of the CNPA

- a) The Muir Homes proposal also runs contrary to the stated housing policy of the Cairngorms National Park Authority as published in the "ParkLife" Newsletter, issue 8 which states that development of local communities should be sustainable, while also conserving and enhancing the natural and cultural heritage of the Park.

4) Impact on Traffic and Road Safety

- a) The number of houses to be accessed from Seafield Avenue has increased in this amended application- from 65 to 75 (an increase of 15%). This egress for this number of houses into Seafield Avenue is inappropriate.

At a reasonable assumption of 1.5 vehicles per house this would produce additional local traffic onto Seafield Avenue and in and out of the High Street junction of some 115 cars. Assuming, also, that the new residents will leave and return to their homes on average once per day this is an extra 230 journeys along this route per day.

- b) The traffic evaluation in the amended plans, apparently having been conducted in October (low holiday season), does not seem to take account of additional traffic to and from the Caravan Park at the end of Seafield Avenue.

When the Caravan Park is open, there is a steady but almost constant flow of caravans and camper vans, many of which are of significant size. In addition, the local paper article referred to in point 9b puts the number of visitors to the park at 52,000 per year. Modelling this over 9 months averages around an additional 6,000 visitors per month, and with, say, an average of 3 people per vehicle results in an estimated 4,000 movements of vehicles per month just to arrive and leave the park. Inevitably, there is a significant traffic flow along Seafield Avenue as visitors to the Caravan Park come and go to explore the area on a daily basis.

- c) The junction with High Street is very congested with delivery lorries often parked along the side of the Co-op store which reduces Seafield Avenue to single file. Further congestion arises from cars competing for parking spaces in front of the store, parking in the High Street and general traffic (plus caravans) trying to get in and out of Seafield Avenue. This is the junction at which children making their way to and from school (many on cycles) cross the High Street. The new road-narrowing structures in the High Street will not address these issues adequately.
- d) Seafield Avenue already has on it a 4 way cross roads (Grant Road leading across to Mossie Road) which are tight junctions and always busy. These roads could well become "rat runs" and are unsuitable for such use as they lack adequate pavements or width.

5) General Traffic Impact

- a) The building of 193 dwellings, providing that they are not all bought as second homes, will inevitably lead to more commuter journeys as the employment locally could not be developed to keep pace with the building rate. Assuming that the new residents will work in Inverness, Aviemore, and Elgin etc. this will lead to an increase in traffic on all roads in and out of Grantown.

6) Environmental Impact and Flooding

- a) We have serious concerns that building on what is known to be wet ground ("The Mossie") will result in a significant increase in water run-off. Currently the area drains into a burn at the rear of Seafield Court/Rhuarden Court which runs into the Kylintra and on into the Spey. We would like assurances that all of these water courses can cope with the additional flow without risk of flooding to the neighbouring properties or increasing the flooding that already exists in Seafield Avenue.

7) Setting a Precedent?

- a) If so large a development is allowed, this could set a precedent for more, similar sized developments around Grantown on Spey which would quite definitely ruin its setting and attraction to tourists.

8) Negative impact on infrastructure

- a) The increase in population resulting from the Muir Homes proposal presents a significant challenge to the town's resources, facilities and infrastructure in terms of policing, health and medical facilities, education, culture, sanitation, leisure, library, youth community facilities and so on.

9) Negative impact on the town's economy


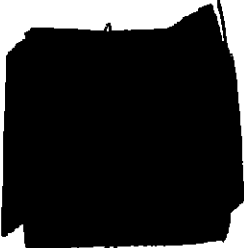
- a) Such a large number of houses being built over this period is likely to lead to purchase by commuters and second home owners. We know from personal experience that this can negatively impact the local economy and kill the centre of a country town. People shop where they work or where their primary residence is. More houses does not guarantee more shoppers in the town centre.

- b) The award winning Caravan Park in Grantown on Spey is adjacent to the proposed development and two storey houses are planned close to that boundary. A recent article in the local paper describes the following facts: 52,000 visitors in 2006, 8 employees with a further 42 jobs supported in the area, and a contribution of £2.15 million per year to the regional economy. The proposed development would blight the semi-rural setting of the park, obstruct views to the Cromdale hills and have a negative impact on the ambiance of both the Caravan Park and the town.

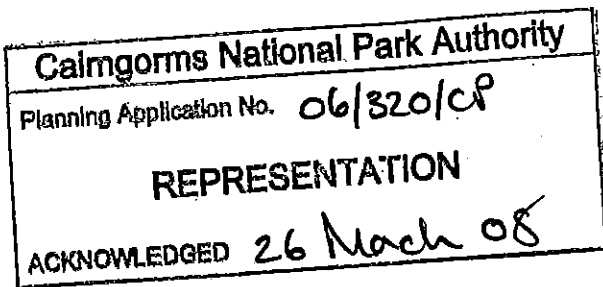
This letter expresses genuine concerns about the impact that this proposed development will have on the immediate area and the special heritage of Grantown itself. We do recognise and accept the need for more housing to meet local demand and would find a smaller number of bungalows such as the examples shown for the Seafield Avenue street scene acceptable.

I would appreciate your recognition of these concerns and acceptance of our objections to the current plans as submitted by Muir Homes.

Yours sincerely

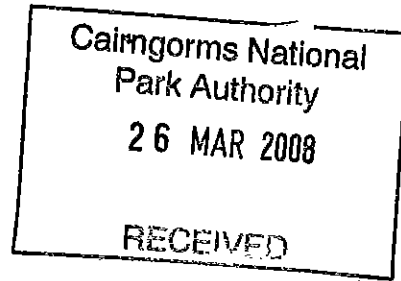


F D Jemmett and J E Jemmett



Sheena Ogilvie,
27 Seafield Court,
Granttown on Spey
PH26 3LE
25th March 2008.

Cairngorm National Park Authority,
Planning Office,
Albert Memorial Hall,
Ballater,
AB35 5QB.



Dear Madam / Sir,

Re: Planning Proposals Granttown on Spey - Muir Homes.

I refer to the recent resubmission of building plans by Muir Homes for Granttown on Spey.

In particular, I wish to object to aspects of the proposals in the field between the town's Caravan Park and Seafield Court. I understand that the builders propose to build 75 homes at this location and that 36 of them are to be encompassed in 2 storey buildings. This is not in keeping with the existing built environment.

You will doubtless be aware that the town's Caravan Park is its largest asset and attracts tens of thousands of visitors to Granttown each year. These visitors come because of the Park's rural feel and the tourists enjoy uninterrupted views of the surrounding hills and mountains.

The idea to build anything taller than a single storey bungalow in this field is absurd. This idea is driven by money and not for the need or good of the town, or its economy. Tourists will not holiday in a rural Caravan Park where they can only see the rear and side views of 2 storey affordable homes.

Granttown is dependant on tourism - that is its heritage. To build houses taller than those in Seafield Court will spell disaster for the Caravan Park and ultimately, the economy of the town.

It seems to me that the area behind the town's hospital, on which Muir Homes plan to build, would be more suited to 2 storey homes.

I trust that you will consider my opinion very carefully,

Yours Faithfully,



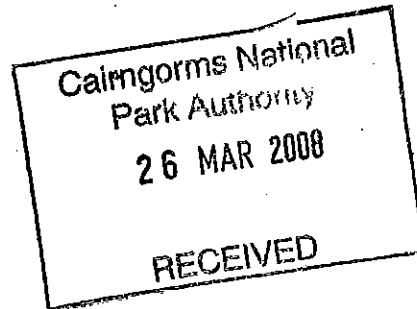
STRATHSPEY ANGLING IMPROVEMENT ASSOCIATION.

Honorary President: The Rt. Hon. Earl of Seafield.

President: Colonel (retd) T.D. Hawkins MBE. Secretary & Treasurer: Mr. G.G. Mortimer.
3 High Street, Grantown on Spey, Moray, PH26 3HB.

25th March 2008.

Planning Department,
Cairngorms National Park Authority,
Albert Memorial Hall,
Station Square,
Ballater,
AB35 5QB.



Dear Sir / Madam,

Muir Homes Development – Grantown on Spey.

I write in connection with the above matter.

The Strathspey Angling Improvement Association, (SAIA), has been in existence since 1915 and controls the salmon fishings on the Rivers Spey and Dulnain near Grantown. You will be aware that the River Spey is acknowledged as a classic salmon river and that the salmon and sea-trout fishings attract many hundreds of people to Grantown each year.

Visiting anglers are essential to the survival of the SAIA and a recently commissioned marketing report showed us that 84.5% of our income is obtained from visiting anglers. This same report tells us that a very large proportion of our visiting anglers choose to stay at Grantown's Caravan Park. Nocturnal sea-trout fishing makes this very much more convenient than staying in a hotel or the likes.

A 2003 report commissioned by Scottish Natural Heritage tells us that the average salmon angler in Strathspey was then spending, (or ploughing into the local economy), £228 per day. This figure will now be considerably higher.

The finances of the SAIA are finely balanced and a decline in visiting anglers would ultimately undermine its financial viability. This, in turn, would mean even less tourists for Grantown.

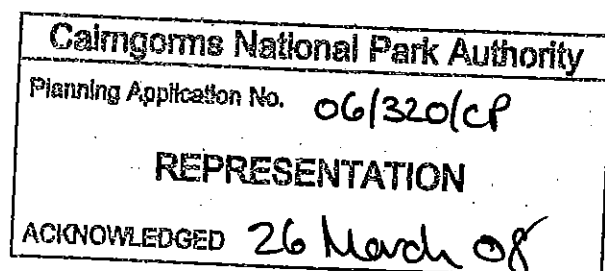
I have seen the recent proposals by Muir Homes to build 2 storey homes in the field located between Grantown's Caravan Park and Seafield Court. I am convinced that this will have a detrimental affect on the ambience of the Caravan Park which will, in turn, lead to a steep down-turn in our visitor numbers. They will go elsewhere. This will threaten the existence of the SAIA. This particular area is only suitable for bungalows.

I am aware that Muir Homes intend to build 3 storey flats in the area of land behind Grantown's hospital. It seems that this area would be more suited to accommodate the 2 storey homes which Muir Homes plan to build in front of the Caravan Park.

The economy of Grantown is tourism dependant and I urge you to bear this in mind when considering this application.

Yours Faithfully,


Grant Mortimer.
Secretary SAIA.



Mary Grier

From: Pip Mackie on behalf of Planning
Sent: 25 March 2008 12:32
To: Mary Grier
Subject: FW: Planning Case Number 06/320/P

From: [REDACTED]
Sent: 25 March 2008 12:21
To: Planning
Subject: Planning Case Number 06/320/P

Dear Sir or Madam,

I own and pay council tax for a caravan which is sited on the Grantown site immediately next to the boundary fence where I presume that the new housing development is going to be built. I am concerned that my asset will be greatly devalued due to the loss of view and noise generated when building commences. I chose this area because of the view and the tranquillity that the area has and pay substantial site fees for these assets and the privacy offered. As these assets will be greatly compromised should building be permitted I strongly object to the development going ahead and I further object as I do not wish to be listening to construction noises during the summer periods when I spend about twelve weeks at my caravan.

Your's sincerely,

J.Gentleman

James Gentleman.
26 Drum Road.
Bo'ness
EH51 9QU

Syngenta Limited, Registered in England No 2710846
Registered Office : Syngenta Limited, European Regional Centre, Priestley Road, Surrey Research Park, Guildford, Surrey, GU2 7YH,
United Kingdom

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Cairngorms National Park Authority

Planning Application No. 06/320/CP

REPRESENTATION

ACKNOWLEDGED 12 MARCH 08

RECEIVED

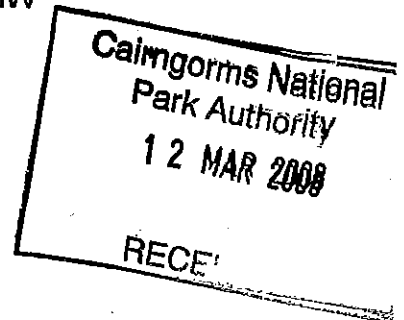
10 MAR 2008

Pineview
Mossie Road
Granttown on Spey
PH26 3HW

March 10th 2008

Cairngorms National Park Authority
The Square
Granttown on Spey

Dear Sirs



➤ **NEGATIVE IMPACT ON GRANTOWN ON SPEY**

We wish to object to the planning application by Muir Homes for 193 houses on the Seafield Avenue/Castle Road East site in Granttown on Spey. We feel that this is over-development which will seriously threaten the charm and character of Granttown on Spey and is incongruous to the natural open aspect of The Mossie.

➤ **NEGATIVE IMPACT ON THE CARAVAN PARK**

The Caravan Park in Granttown on Spey is well known for its beautiful views of the Cairngorms and Cromdales, which will be spoiled by a development of this size so close by. The noise from a building site will affect visitors to the Caravan Park over a protracted period and seriously damage business. It is our feeling that loss of business from the Caravan Park will mean loss of business in the town's shops, restaurants and pubs. Caravanners and campers usually choose to stay at the park because of its beauty and peace and being next to a housing estate will spoil that aspect of it forever.

➤ **INCREASED PRESSURE ON PRIMARY and SECONDARY SCHOOLS**

Granttown is unprepared for an increase in population, which a development of this size will bring. Who are the people who will live here? Will they be young families whose children need to go to school? We understand that the schools are nearly full at the moment. How will this problem be addressed?

➤ **INCREASED TRAFFIC/POLLUTION/ NOISE**

Where will these people work? Probably not in Granttown as there are few jobs and many of the ones that are available are seasonal. Presumably they will have to travel to work by car, increasing the traffic in Granttown all year round instead of just in the summer when most of our tourists arrive.

➤ **INCREASED PRESSURE ON HEALTH CENTRE AND HOSPITAL**

If there are elderly people buying the houses, is there a plan to develop the health centre and the hospital to cope with the increased workload an elderly population may bring?

➤ LACK OF AFFORDABLE HOUSING

We are seriously concerned that many of the properties would be bought as second homes because they would not be affordable to local people, but to people from outwith the area.

➤ IRREVERSIBLE IMPACT ON FLORA AND FAUNA

How can we be assured that the plants and wildlife that will be destroyed or displaced if building commences are going to be able to recover? There are many birds such as woodcock, snipe, oyster catcher, plover and curlew all using The Mossie for breeding and raising their young – where will they go? Has anyone made sure that any endangered species of plants, birds or animals will not be adversely affected? Has anyone done a study to see if they will be displaced? If there has been a study of this sort where is the evidence? (In particular rare dragonflies have been seen in the area, has that been noted anywhere?) The Cairngorms National Park relies on birds and wildlife to attract many of its visitors. Should development such as this be allowed to destroy even a small part of it?

This is a copy of the letter which we sent to the Area Planning Office in Kingussie in August 2006 when the plans were first made public. Although the number of houses to be built has decreased by 35, we still feel that a housing development of this size will have a negative impact on Granttown on Spey.

We would be pleased to receive your comments on the points raised in this letter, because we did not receive any communication from the Area Planning Office at all regarding this matter which is now out of their hands. We wish to be kept informed of further developments with the planning application

Yours faithfully



W.D. Baird



Pamela J. Baird

Pine plantation

AREA 2

nature open pine birch

Hospital

Phase 3

Grant House

Field

Mossie Road

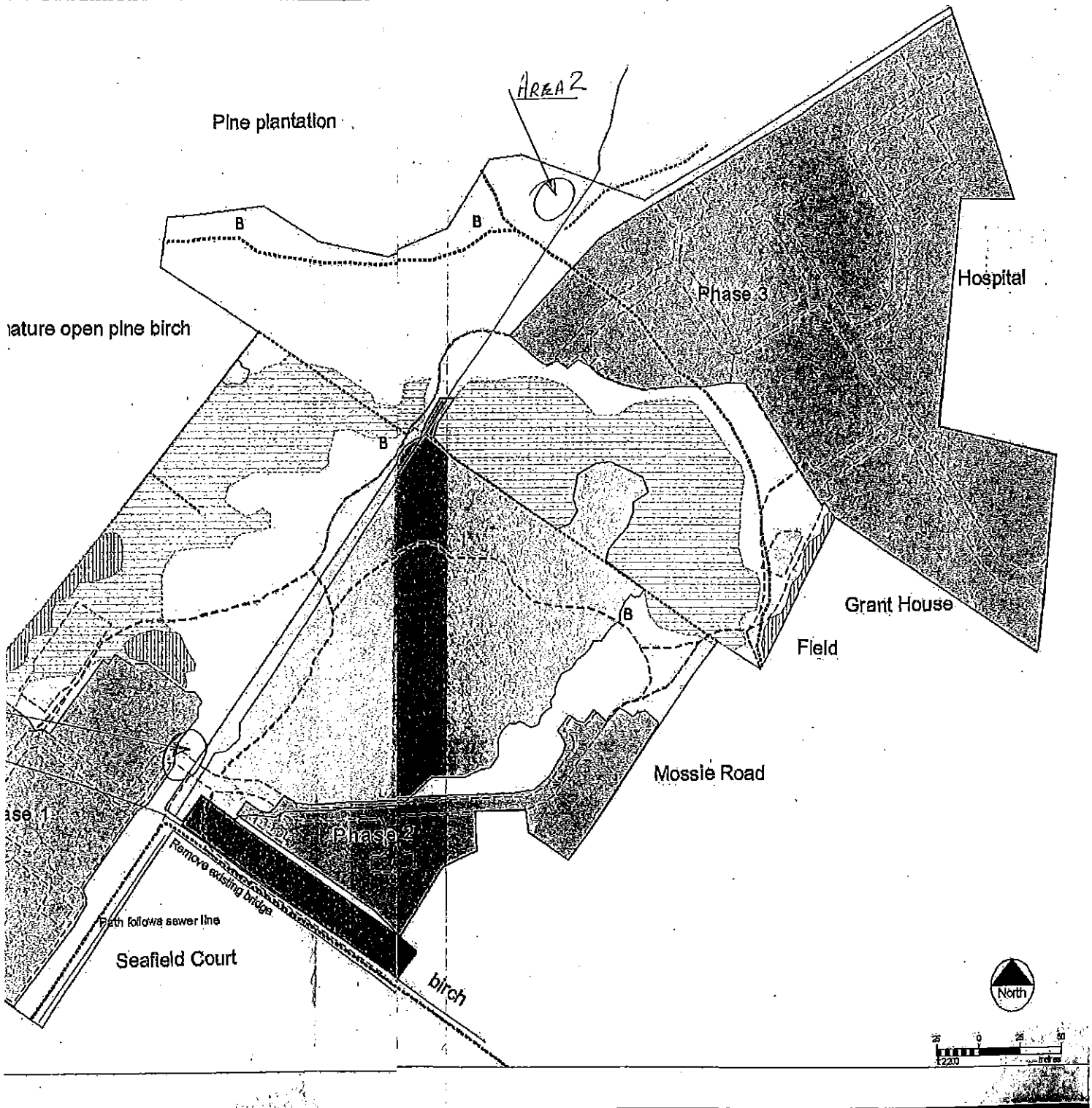
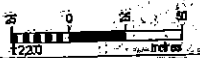
ase 1

Phase 2




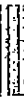






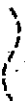
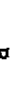

Path follows sewer line

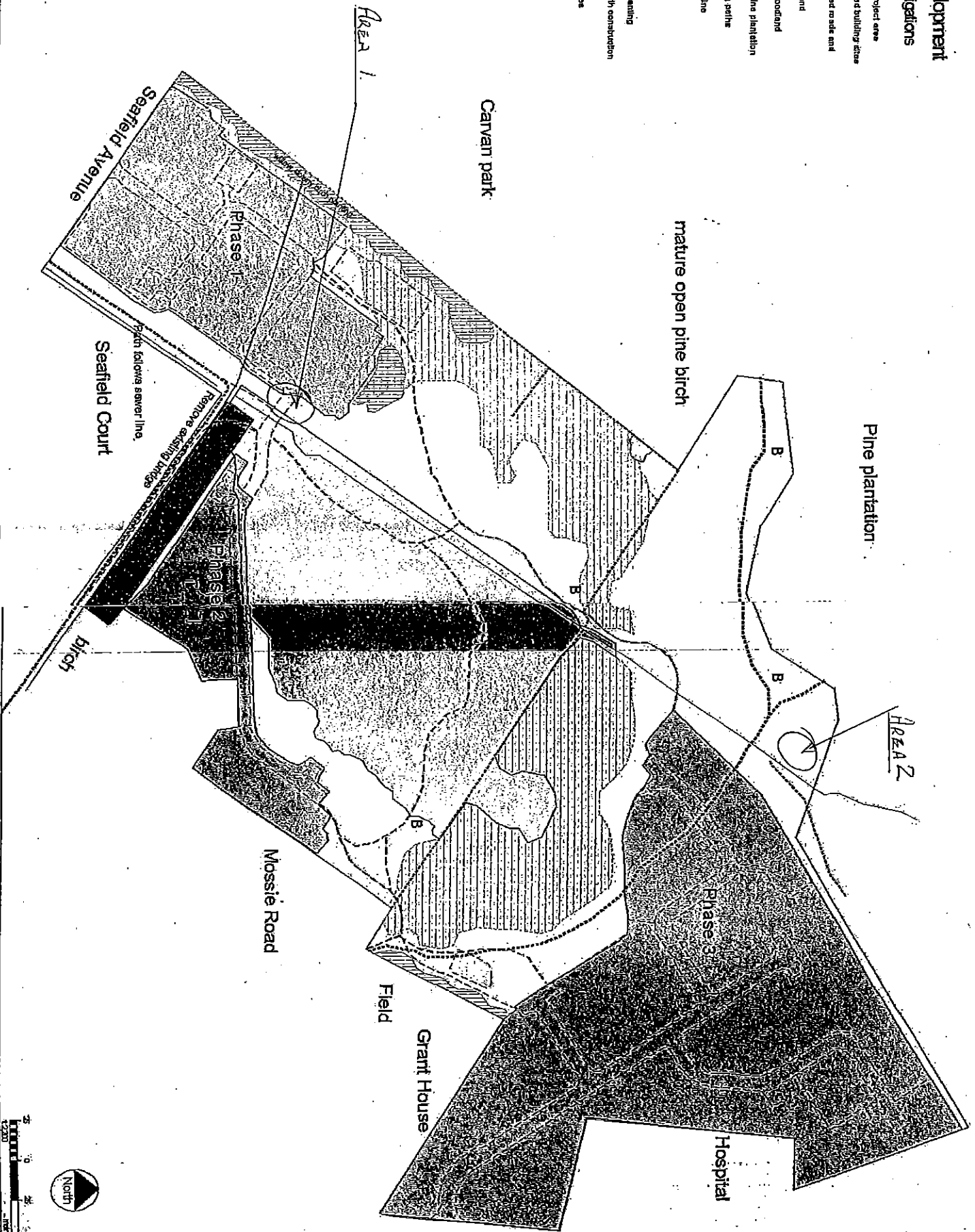
Seafield Court

birch



Mossie Development
Muir Homes Obligations

-  Keep project area
-  Proposed building sites
-  Proposed roads and paths
-  meadowland
-  Birch woodland
-  Sensitive pine plantation
-  existing paths
-  Power line
-  Burn
-  ditches
-  Tree planting
-  Footpath construction
-  Boundaries



Wendy Mitchell

From: [REDACTED]
Sent: 17 June 2008 17:28
To: Planning
Subject: New development

With regards to the proposed development of 198 homes, this would not stop me from a holiday at Grantown. What has stopped me now from coming to Grantown is the ridiculous cost of the fishing, I can no longer afford the cost of a weekly ticket.

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**PLEASE TAKE ON BOARD THE CONCERNS
VOICED BY THE PEOPLE OF GRANTOWN
ON SPEY IN THE ARTICLE AND LETTER
IN THIS NEWSPAPER**



Homes proposal is 'too dense'

By GAVIN MUSGROVE

THERE has been strong opposition to plans for one of the biggest housing estates for decades in Grantown, with objectors accusing the developers of profiteering.

Inverkeithing-based Muir Homes is behind plans for 193 houses on land bounded by Castle Road East, Seafield Avenue and Mossie Road.

The scheme had initially been for 235 homes, but that was reduced just over a month ago by developers after talks with Cairngorms National Park planners for the 21 hectare site.

However, local residents have claimed that the firm are still trying to "squeeze" too many homes on the site.

Only 9.15 hectares have been earmarked for the four-phase development, with the rest to remain as wetlands.

The deadline for consultations had been Wednesday, and by that time nearly 50 objections had been made, but opponents claim that it is still not too late to air views against the proposal to the planning authority at their Grantown headquarters.

The entire development on land being sold by Reid Haven Estate is due to be completed by January, 2015, if planning consent is granted by the park's planning committee, who are due to consider the application soon.

Properties earmarked for the site range from two-bedroom flats to detached four-room homes, and 25% of the development will be for affordable homes.



Objectors to the Muir Homes application gather at the site proposed for nearly 200 new houses.

However, residents who live close by are deeply unhappy about the plans. Most accept that houses have been identified on the site for many years, but they are against the density and the suburban style of the homes being tackled onto the town.

They also fear that it will have a detrimental impact on the town's award-winning caravan park, which would be within a stone's throw of the new homes as well as putting existing public services - including the two local schools and health facilities - under huge strain.

Jimmy Mitchell, a resident of Seafield Court, said objectors recognised the long-standing zoning for homes.

"We all accept this and have no problems with this idea," he said.

"We all understand the need for housing and especially affordable homes. However, what we do object to is the intention to build homes taller than the existing bungalows in Seafield Court."

He continued: "The caravan park is Grantown's largest asset in terms of tourism, and to allow tall houses to be built in front of it seems to us like utter madness.

"The caravan park is a special place. It attracts thousands of tourists here, probably more so than all of the local hotels and guest houses put together. It has a special ambience and views.

"Holidaymakers value this park because of its semi-rural location; they would not patronise the site if it was surrounded by high-rise dwellings.

"Invariably, they come from that sort of environment. After all, it's officially the best caravan park in Scotland.

"If Muir Homes are to be allowed to build two-storey homes in this field, this will have a devastating effect on this business, and tourism in general in Grantown will become a thing of the past.

"A project of this size would increase Grantown's population by around 25%, which would almost certainly result in the building of any-out-of-town supermarket.

"Far from helping to sustain the commercial viability of the town, such a development would destroy the High Street shops and drive the tourist trade away."

Fellow objector Donald Scobbie, who has lived by the development site for 32 years, said: "It is like something you would see in the suburbs of a huge city - and is just being plonked down in Grantown."

He claimed that as many homes as possible had been squeezed onto the site.

Roy Mitchell Design Limited are agents for the developer. In their statement to the national park, submitted last month, they point out a number of improvements to the new plans compared to the previous one for more houses.

They include:

- The extent of the area to be developed being reduced in order to avoid

Continued on Page 2

think of any person in any
-are of the, fight hands in
h- which have worked who
e has done more for their
s local area, and he fully
s deserved the award of his
1 MBE."

Following Mr Bennett's departure, Robbie McInnes, from Aviemore, will take over supervision of Kingussie's parking, with cover from Inverness on the days he is unavailable.

"Inverness have already been down to suss out what happens down here," Mr Bennett warned.

oacher

rather than used a bullet."

The good-natured stag's popularity across Britain had made him one of the most popular members of the centre's Adopt a Reindeer scheme.

The centre were not disclosing the name of the reindeer yesterday (Tuesday) because they do not want to upset children who may have developed close ties with the animal as their adopted pet.

Instead, Mrs Smith and her staff have decided to write to those who sponsored the reindeer to tell them personally about the tragedy.

Northern Constabulary appealed for anyone with information about the attack or with knowledge about a large quantity of reindeer venison to contact them on (01479) 872922 in Grantown or to pass information in confidence via Crimestoppers on 0800 555111.

C M V K

C M V K

...too easy, Sandy!

and happy retirement. Mr Bennett was Northern employee up until his departure on Friday clocking

that Sandy will not be busy idling away his newly d be carrying out his selfless work on behalf of d. In every sense of the word he is a community

ets on 007's motor, apprehending suspected mur- rings may be behind him now, but we are sure news in other ways in the "Strathy" during his

Homes proposal is 'too dense'

From Front Page
building on the fens/mires and woodland.

- The variety of house types being improved in order to meet a wide spread of needs.

- The design evolving to provide a lay-out with increased open spaces.

- The addition of a feature building - a three story block of flats.

In their comments, the agents stated: "The special nature and character of the site and its surroundings have been extensively assessed.

"The result is a functional, attractive and fully linked integrated development with a sizeable and somewhat unique natural amenity area at its core.

"It is a development contributing positively to the local community in terms of the delivery of much-needed housing, including the fully integrated affordable housing element."

A spokesperson for the Cairngorms National Park Authority acknowledged

the large interest in the application.

She said: "To date we have received representations from 47 parties regarding this application. Of those, 16 have submitted a second representation and a further four have submitted a third objection.

"The issues raised are wide ranging, including size and density of the proposed development; inappropriate house types; impact on existing services; traffic implications; loss of amenity to neighbouring properties, and wildlife and natural heritage concerns.

"Some submissions acknowledge that the land is zoned for housing and that there is a need for affordable housing in the area.

"Cairngorms National Park Authority planning officers are still assessing the Muir Homes application, so we are unable to say when a determination will be made or give any indication of what the recommendation to the planning committee will be."

Forum volunteers are wanted

THE Cairngorms National Park Authority is keen to hear from volunteers who want to become members of the Cairngorms Local Outdoor Access Forum.

The role of the forum - which comprises 21 members and meets about five times a year at various venues throughout the national park - is to advise the authority and others on outdoor access issues including disputes.

Anyone wanting to know more about becoming a member of the forum should contact Catriona Campbell on (01479) 873535 for an application form or can visit the park's website at: www.cairngorms.co.uk

Crash very



A rescue h

From Front Page
and was said to have been a very experienced pilot.

Among his many companies were Olympia Homes and Gary Key Aircraft Leasing.

A friend said yesterday: "Gary was a good pilot and a good man. It is a terrible tragedy."

A newspaper based near Mr Key's home in Worcester reported yesterday that his aircraft had also been involved in another incident in June, 2005, at Wolverhampton Airport after the pilot landed without lowering his landing gear.


A report by the Air Acci-

dent Investigati noted: "The p that he had fc lower the under

"He had jus from the US, had flown some in fixed-undercs 28s. The pilot that this recent contributed to hi

RAF spokesm Mulford said weather conditi have been wo small plane be added weight of formed on its wi be greater than larger aircraft.

"Once a light starts to ice up i



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The Strathspey & Badenoch Herald has teamed up with the Holiday Inn, Glasgow's premier boutique hotel, to give readers the chance to enjoy a luxurious break in Scotland's premier shopping city at an exclusively discounted rate.

the unique dining experience of the hotel's Fr Mediterranean Brasserie, La Bonne Auberge, which t Inspirational food for both casual and gourmet din relaxed and informal surroundings.

Affordable housing

Sir - The Cairngorm National Park Authority board will soon decide the fate of the Muir Homes housing development in Granttown-on-Spey.

Badenoch and Strathspey needs affordable housing to meet demand from people living and working in the area who cannot hope to meet prices inflated by market forces of questionable origin.

For many years the citizens of Granttown have known that the area selected for the Muir Homes development had been zoned for housing.

When Muir Homes plans for 235 houses appeared in 2006 it was clear that the density was such that the company intended to fit as many units as possible into a restricted area without regard for any other considerations.

Subsequently the company reduced the number of units to 193 but increased capacity. Even with this reduction the unit density remains unacceptable.

Muir Homes will build and move on. We will live with the result.

The National Parks (Scotland) Act (2000)

sets out four aims for the park, these are:

1. To conserve and enhance the natural and cultural heritage of the area. As it stands, Muir Homes development neither conserves nor enhances the natural and cultural heritage of Granttown on Spey. It will not be constructed in accordance with the requirements of CNPA's Local Deposit Plan but the outdated 1997 Highland Council plan and will still be under construction when the Deposit Plan is in force.

2. To promote and sustain use of the natural resources of the area. The Muir Homes development does not promote or sustain the natural resources of the area. It has the opposite effect; it places an unacceptable strain on existing infrastructure.

3. To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public. The Muir Homes development does not fulfil this aim, in fact it will have a severely adverse effect on

Granttown's award winning caravan park which brings thousands of visitors to the town and to the park.

4. To promote sustainable economic and social development of the area's communities.

Economic and Social development just doesn't happen it has to be planned. For instance, at one end of the scale of social provision is the Grant House Care Home.

It will be rebuilt in two or three years and will cater for 30 people - an increase of 10 places - but the increase is to absorb 10 places already identified from further south in the strath.

Could Muir have left some land next to Grant House for sheltered housing? At the other end of the spectrum, the secondary school is at its pupil number limit. Does this mean more environmentally-friendly portacabins, or could Muir provide something better? Or perhaps social and economic development just flows naturally from the provision of more people.

Apart from the limited number of "affordable" houses intended for local inhabitants, Muir Homes

Letters to the Editor

is not providing much in the way of social and economic advancement.

Perhaps CNPA is betting that the buyers of Muir Homes' houses include a percentage of entrepreneurs who will provide the local, sustainable economic impetus. Perhaps it is more likely that Granttown will acquire dormitory status for Inverness and a sprinkling of second or holiday homes.

Space precludes a detailed examination of the likely effects of this over-development but areas of concern include infrastructure, drainage, traffic, building design, environmental impact and the effect on local building firms. These matters are of vital importance to Granttown and the national park.

Houses are required but in sensible numbers, in

accordance with parallel, preferably pre-emptive, expansion of infrastructure and in keeping with the ambience that makes the park so attractive.

Producing a development more suitable for a city suburb is throwing the baby out with the bathwater. We need houses; particularly affordable houses. We don't need inappropriate speculative building.

Muir Homes must reduce the number of units. The CNPA must exercise their authority and responsibility. It will be ironic if Granttown on Spey, the "home" of The Cairngorm National Park Authority, contains a prime example of how not to do it. - Yours etc,

D. SCOBIE

22 Seafield Court, Granttown



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Planning Application No. 06/32068 received
REPRESENTATION
ACKNOWLEDGED 1 9 06

Kelsey Tainsh MBE
Monzievaird
12B Woodside Avenue
Grantown-on-Spey
PH26 3JR


24th August 2006

Highland Councils Area Planning & Building Control Office
100 High Street
Kingussie
PH21 1HY

PROPOSED MUIR HOMES DEVELOPMENT GRANTOWN ON SPEY

I firmly believe that to build more houses, be they of any size, in the vicinity of the Caravan Park at Grantown-on-Spey, will be detrimental to the long term development and future of the Highlands, the town, and its citizens.

Furthermore, and as a community orientated team, we should all be trying to make the town more attractive, by seeking to enhance the local landscape and its surrounding areas, by complying with the best innovations and ideas associated with the nations Green Growth, environmental and eco policies. All of which are acknowledged and essential growth areas, which provide added value to the essential attractors required, if one is to meet the diverse demands of tomorrow's international tourist industry.

My family and I have lived in Grantown-on-Spey since 1976, and since that time have observed an ever increasing state of gridlock, in the Square and High Street. This situation can only have a detrimental and adverse impact upon the future sustainability, and desired economic growth of our tourist industry. All of which I understand, is of paramount importance, and in conflict with, the aims and aspirations of the Cairngorms National Park Authority.

Moreover, this state of gridlock is in grave danger of evolving into a major traffic and pedestrian hazard, especially in the vicinity of the Co-op and public bus stops. Where a mass of traffic lines, including a one way street, and all the roads surrounding the various grass areas adjacent to the main road, attract the parking of vehicles (including an ice cream van), much of which is unlawful and contravenes the Highway Code (Para 217 – please see attached extract from The Highway Code).

This overall situation has undoubted major Duty of Care and Health and Safety implications, and in my opinion, is a nettle which has not been grasped, by those public bodies who are responsible for these issues. I suggest that this is an appropriate time to carry out a series of targeted risk assessments, to produce accurate impact statements.

The proposed building of more than 228 homes in Grantown-on-Spey can only make matters worse, without considerable commensurate improvements to the town's infrastructure and services, plus an increase in the Medical Services, Education facilities, Council employees, and Police.

Having previously lived at Dalbuie bungalow in Grant Road opposite the Inverallan Church. I was acutely aware that whenever there was a heavy downpour, the sewage system quite simply could not cope. I therefore trust that if this development is to go ahead, these services will be improved to ensure that all Health and Safety issues associated with the sewage system are adequate, to meet the new demand.

This overall situation is further aggravated by the steady growth of nearby communities like Advie, Cromdale, Nethy and Dulnain Bridge, and the conversion of other rural derelict properties and the building of new houses. For these nearby towns and houses, do not have adequate shopping or public facilities, and generally are compelled to use those available in Grantown-on-Spey.

If there is to be a major new housing development in the vicinity of Grantown-on-Spey. I strongly suggest that prior to giving the go ahead, strategic and visionary entrepreneurial thought is given to how best to preserve and develop the historical attractions of the High Street and Square, and especially those buildings which are subject to existing preservation orders.

Failure to meet the social requirements and recreational needs of the younger generation will predictably result in a rise in anti social behaviour, and smashed windows in the High Street and Square. Whilst the town has had considerable problems of this nature in the past, failure to take this problem into consideration for the future could prove to be catastrophic.

Perhaps it is time thought was given to the creation of a new out of town complex and road system, which will complement and preserve the town's character and charm, rather than accept further urban sprawl, which will inevitably destroy it.

Finally, and bearing in mind the various other development initiatives along the A96 corridor that will inevitably have an impact upon the whole of the Spey Valley. I believe that there is a pressing and urgent need, to commission an eminent architect like Sir Terry Farrell; to design a future outline plan that will compliment tomorrow's development of Grantown-on-Spey.

Yours most sincerely

A large black rectangular redaction box covering the signature area of the letter.

Extract from Highway Code

217: DO NOT park your vehicle or trailer on the road where it would endanger, inconvenience or obstruct pedestrians or other road users. For example, do not stop

- near a school entrance
- anywhere you would prevent access for Emergency Services
- at or near a bus stop or taxi rank
- on the approach to a level crossing
- **opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space**
- near the brow of a hill or hump bridge
- opposite a traffic island or (if this would cause an obstruction) another parked vehicle
- where you would force other traffic to enter a tram lane
- where the kerb has been lowered to help wheelchair users
- in front of an entrance to a property
- on a bend.

(2)

Calngorms National Park Authority
- 7 APR 2008
RECEIVED

Calngorms National Park Authority
Planning Application No. 06/320/CP
REPRESENTATION
ACKNOWLEDGED 7 APRIL 08

Kelsey Tainsh MBE
Monzievaird
12B Woodside
Avenue
Granttown-on-Spey
PH26 3JR



4th April 2008

Mary Grier
CNPA
Albert Memorial Hall
Station Square
Ballater
Aberdeenshire
AB35 5QB

WIDER PUBLIC INTEREST - PROPOSED MUIR HOMES DEVELOPMENT

I believe that there is an urgent need to take into consideration the wider public interest, and to facilitate, invite, generate and make adequate provision for greater openness and discussion, prior to and/or when; evaluating the merits, and possible adverse consequences, which may be associated with the proposed Muir Homes Development in Granttown-on-Spey.

Family & Friends Recreational Walking

There is a wide cross-section of public living in the vicinity of Seafield Avenue, many of whom have pets, who do not drive cars, and who are physically incapable of walking up Dreggie Hill, or even along the old railway track, especially in inclement weather and under poor and icy road conditions.

Moreover, it is a simple fact that many of the elderly citizens, the physically disabled and those with impaired mobility, plus mothers and/or grandparents looking after babies and young children, traditionally all take recreational walks, just as I did with my tax paying ninety-three year old mother when she was alive, along the full length of Seafield Avenue.

Whereby, all concerned can appreciate an easily accessible walk, maintain health mobility and fitness, get sunshine on their faces, on firm footpaths, in a rural highland setting, alongside a stream, and see flora, birds and wildlife, and an attractive, charming and effervescent international caravan and camp site, without contributing to the CNP carbon footprint.

Should this proposed Muir Homes development go ahead, it is highly desirable that; the open spaces and stream adjacent to Seafield Avenue all be protected and retained, and that the caravan and camping site, and existing housing, all be adequately landscaped.

Thus retaining the spirit of the town as previously stated; In the 1845 New Statistical Account states that "no village in the north of Scotland can compare with Grantown in neatness and regularity, and in beauty of situation".

Sustainability and Economic Regeneration of Major and Minor Towns Within the CNP

In my opinion, some of the Grantown-on-Spey Public Services and infrastructure is close to, and/or is already at full capacity, whilst other minor towns in the CNP are underdeveloped, and do not provide all of the publics desired services and facilities, which effectively curtails their, and the CNP's wider economic regeneration.

Surely it is therefore in the CNP's own interest to build up the minor towns, where I suggest that the cost of affordable housing is likely to be considerably lower, than the cost of the affordable housing, in the proposed Muir Homes development at Grantown-on-Spey (Note: Has the CNPA knowledge of the potential price differentials?).

I therefore suggest that visionary and entrepreneurial thought, should be given to some form of derivative, of the following suggested way ahead, by the CNPA Board Members:


Approval Stage 1 A legally binding undertaking by Muir Homes, within a set time scale, to first build a commensurate number of affordable houses as calculated by the CNPA, in CNP minor town locations (chosen by the CNPA),

Note: This would help to make a significant and valuable contribution to The Moray Council Strategic Housing Investment Plan 2008 – 2013, and its Equalities aspirations to provide suitable accommodation for; Amenity Housing, Supported Accommodation, Wheelchair Housing, Care and Repair Housing, and suitable Transit/Stopping place provision for Gypsy/Travellers.

Approval Stage 2 Once the above is agreed/approved/under construction, approval then be given for the construction of a reduced number of houses and affordable houses, to be built in the proposed Grantown-on-Spey Muir Homes development.

More homes in minor towns, means more families and children, leading to sustainable shops, restaurants, crafts, tourist accommodation, viable Primary Schools and Post Offices, recreational facilities, minor industry, more jobs and highly desired opportunities for apprentices. All of which will help to create vibrant communities, and hopefully also give hope and provide greater opportunities to the less fortunate, whilst lessening the unfortunate and growing incidences within the CNP, of anti-social behaviour.

Once again, minor town self sufficiency will help to reduced the CNP carbon footprint.

Yours most sincerely


Cairngorms National Park Authority
Planning Application No. 06/320/CP
REPRESENTATION
14 APR 2008
ACKNOWLEDGED

Kelsey Tainsh MBE
Monzievaird
12B Woodside
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Granttown-on-Spey
PH26 3JR

9th April 2008

Mary Grier
CNPA
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Ballater
Aberdeenshire
AB35 5QB

**NEAR CERTAINTY OF FLOODING – MEDOW BURN & KYLINTRA BURN
PROPOSED MUIR HOMES DEVELOPMENT**

Introduction

When I first came to Granttown-on-Spey in 1976, my family and I could ski on the Cairngorms for approximately five months of the year. Today the snow cover and weather patterns are noticeably different. I understand and accept, that climate changes in the future will continue to worsen, as a direct result of global warming, and that incidences of flooding in the CNP will inevitably increase.

Scottish Planning Policy (SPP) 7 Planning and Flooding

Please see selected extracts at Annex A, which I obtained from Enclosure 6: Scottish Planning Policy (SPP) 7 Planning and Flooding, an important document, to which I feel the CNPA Board Members should pay particular attention.

Hazardous Burns in Spate – Duty of Care

As a holder of the Scottish Mountain Leader Training Board Winter Mountain Leader Certificate, and former Chief Instructor at the Royal Air Force Outdoor Activities Centre at Granttown-on-Spey, I have considerable experience of hazardous burns in spate. For within minutes they can change from dormant trickles, into impassable savage raging torrents.

**Cairngorms National
Park Authority**
14 APR 2008
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For the safety of the Public and especially children (attracted to water), I feel that it is incumbent upon the CNPA Board Members to ensure that a full and competent Flood Risk Assessment and/or a Drainage Assessment (see Enclosure 6 Para 45), is carried out along the full lengths of the Medow Burn and Kylintra Burn, prior to the proposed Muir Homes development being given any form of planning permission.

Grantown-on-Spey & Local Flooding

Since 1976, I have witnessed frequent occasions when there has been flooding in Grantown-on-Spey. For example:

When I lived at Dalbuie (opposite Inverallan Church in Grant Road from 1976 to 1978), the complete sewage system overflowed inside my house, and on the Grant and Mossie Roads, plus the surrounding area was flooded.

I am also aware that the lower reaches of the Kylintra Burn, and Grant Road by the Episcopal Church, has flooded in the past.

There have also been instances when the Kylintra Burn has become blocked by rubbish and debris (household plastic, tyres, tree branches etc) and caused subsequent flooding.

The Kylintra Burn and hard core path by the Sewage Works, frequently floods on an annual basis, and on occasions the path has been severely eroded and gouged out in places to depths in excess of 12 inches, by spate flood water.

The road area next to the mouth of the Kylintra Burn into the River Spey has been flooded this winter for days at a time, on more than one occasion, due to a combination of surface-water and landscaping by the road.

I work in the Gallery Offices of Moray Park house next to Gordon Hall in Seafield Avenue, and frequently notice that the water levels in the Medow Burn, which runs off the Mossie and joins the Kylintra Burn just below Gordon Hall, and then runs through the water garden pond behind Gordon Hall, are at times dangerously high, especially when both burns are in spate. This has flood implications for the housing units No's 1 to 24 (see Enclosure 1), and many of the houses further downstream.

Guardian.co.uk Article dated 8th February 2008 - New Rules for Front Gardens to Fight Floods

Please see the Guardian.co.uk Article (Enclosure 2) - New Rules for Front Gardens to Fight Floods, in which the Government declared war on the traditional right of homeowners to cover their front gardens with asphalt, as part of a drive to save water and to reduce the risk of flooding.

The BBC TV News also outlined on the morning of 9th April 2008, that covering a garden with asphalt or concrete, could speed up and increase surface water drainage volume by up to 50%.

The potential increase of waste water flowing off the proposed Muir Homes, and other developments into the Medow Burn and Kylintra Burn areas, is likely to raise the probability of flooding to an unacceptable 'near certainty' level; in the area downstream from Seafield Avenue, all the way to the Kylintra Burn's exit mouth into the River Spey.

Culverts from Mossie & Seafield Road to Woodlands Terrace

I consider that the existing culverts which carry water from the Medow Burn and Kylintra Burn, under the following roads (see Enclosure 3) are likely to prove inadequate to cope with heavy rainfall over the next 25 years, especially if there is significant further development in the surrounding areas:

Seafield Avenue	Medow Burn	Small square culvert.
Rhuarden Court	Kylintra Burn	Small 3 holed culvert.
Water Garden Pond by Gordon Hall		Medow + Kylintra Burn + small weir.
* Play Area Path	Kylintra Burn	Small 2 holed culvert & grill.
Makay Avenue	Kylintra Burn	Bridge culvert.
Grant Road	Kylintra Burn	Bridge culvert.
Woodburn Crescent	Kylintra Burn	Small 3 holed culvert.
Woodlands Terrace	Kylintra Burn	Bridge culvert.

* My flooding Risk Assessment = 'Near Certainty'.

Upgrade of Culverts

I do not believe that all of the existing culverts are large enough to cater for an increased volume of flood water.

Is there a budget to upgrade these culverts?

Would Muir Homes finance or contribute to such upgrades?

Potential for Damage to the Burn Sides

If there is an increase in the volume of water in the Meadow Burn and Kylintra Burn, it is likely that the burn sides will sustain considerable water erosion damage.

Note: I understand that the SEPA Report states that; the sides of the burn(s) flowing through, must sustain no damage.

Prevention being better than cure, raises the question as to the sides of these burns being significantly upgraded (with granite blocks, water features, small weirs to create fish pools, all as functional improvements and secondly as tourist attractions), and be suitably landscaped and pathed, all the way from the Mossie to the River Spey; by Muir Homes and/or the Public Sector, prior to any development proposals being approved.

Potential Flooding of Housing in the Vicinity of Kylintra Burn

It would be a major disaster for many senior citizens and local people, if their property was to be adversely affected by floods from the Meadow Burn and Kylintra Burn. For some are retired and/or low income earners, or who are socially and economically disadvantaged (*Note Enclosure 6 Sustainable Development & Social Justice: Para 3*).

For example:

Those in housing units 1 to 24 (see Enclosure 1).

But more realistically, the houses below the Play Area Path 2 hole culvert and grill (see Enclosure 3).

Flooding Impact of Other New House & Extensions in the Vicinity of Kylintra Burn

I am aware that there was/or is outline planning permission for 3 houses behind the Seaforth House in Seafield Avenue, and I have little doubt that in addition to the H2 area (see Enclosure 4) being zoned for development, other small plots in this area are also likely to be developed.

Has anyone in the CNPA calculated how many houses (193 Muir Homes + H2 + small plots developments + new road & pavement surface areas) this is likely to involve, and in accordance with Enclosure 6 Para's 33 to 37, assessed what the probability % of increased flooding (between virtually zero 0.0% and near certainty 100%) is likely to be?

If only limited development can take place because of the potential flooding risk, would it not be in the Public interest to keep the Mossie intact, plus the vicinity of the Caravan and Camping site area clear, and develop the H2 site and small plots as a suitable alternatives?

Potential Future Improvement to the Caravan & Camping Site

In my opinion, the question of flooding over the next 25 years along the Kylintra Burn is I suggest a 'near certainty' and unacceptable high flooding risk. Therefore, it would not be in the interests of tourism, or the economic regeneration of the CNP, if the proposed Muir Homes development compromised the prospect of further Caravan & Camping site future improvements and development.

I would have thought that it was in the CNP shared and long term vision interests for the next 25 years, and priorities for action for the period 2007 – 2012, to produce a CNP caravan and camping site policy document, that gave guidance and advice on adjoining caravan and camp site properties, landscaping, and the provision of suitable services, and desired environment considerations etc.

Green and Sustainable Tourism

Green and Sustainable Tourism is a major economic factor, and as the United Kingdom becomes ever more congested, tourists will seek out attractive, pure and environmentally friendly caravan and camping sites. Grantown-on-Spey has such a facility, why compromise its future.

CNPA Pre-Application Discussions & Identification of Flooding

Has the CNPA Board Members had any Pre-application discussions and identified whether flooding is an issue?

For if flooding is an issue, in accordance with Enclosure 6 Para 45, developers should commission a flood risk assessment and/or drainage assessment.

If a flood risk assessment and/or drainage assessment was carried out, did it include the area downstream from Seafeld Avenue to the River Spey, and has it been fully scrutinised, and deemed competent, suitable and acceptable?

Perhaps the CNPA Board Members should walk the length of both the Medow Burn and Kylintra Burn; from the Mossie area and proposed Muir Homes development, to the River Spey.

If there is any doubt at all reference potential flooding over the next 25 years, in accordance with Enclosure 6 Para 37; **Developers and planning authorities should therefore err on the side of caution in taking decisions when flood risk is an issue.**

Standards Commission for Scotland – European Convention on Human Rights

The Standards Commission for Scotland (see extract at Enclosure 5 Para's 17 & 18) – European Convention on Human Rights, outlines that the main ECHR provisions which are relevant in relation to the interpretation and application of the Code include; Article 8 – right to respect for private and family life.

I believe that the proposed Muir Homes development breaches this right, and that if flooding occurred and damaged private and family life (houses) over the next 25 years, the CNPA Board Members should consider that; damages may be awarded where a Public Authority breaches convention rights. This could amount to an unacceptable financial burden to the wider public, over the next 25 years.

Yours most sincerely

A large black rectangular redaction box covering the signature area.

Annex:

A. Extracts from; Scottish Planning Policy (SPP) 7 Planning and Flooding.

Enclosures:

1. Plan of Water Garden Pond & House Units 1 to 24.
2. Guardian.co.uk Article dated 8th February 2008 - New Rules for Front Gardens to Fight Floods.
3. Map showing Culverts.
4. Housing Plan.
5. Extracts from – Standards Commission for Scotland Para's 17 & 18.
6. Scottish Planning Policy (SPP) 7 Planning and Flooding.

Annex A

Scottish Planning Policy (SPP) 7 Planning and Flooding

The Enclosure 6 document makes interesting reading, for it highlights in the Summary that; "Climate change is predicted to worsen". Please also note the following Enclosure 6 Para's:

Introduction Para 2: The central purpose of this SPP therefore is to prevent further development which would have a significant probability of being affected by flooding or which would increase the probability of flooding elsewhere.

Sustainable Development & Social Justice:

Para 3: In achieving social, economic and environmental goals in support of sustainable development, and delivering environmental justice, a long-term view of flood risk has to be taken. Communities should be free from the threat of flooding. **Those who are already socially and economically disadvantaged may be particularly vulnerable to the hardship caused by flood damage to their homes and possessions.**

Para 5: Climate change is presenting new challenges. **Flood risks due to river and coastal flooding, and to intense rainfall overloading natural and artificial drainage systems, are predicted to increase during the 21st century. Climate change must be taken into account by developers and planning authorities.**

Insurance Issues & New Development Para 14:

Line 7: In turn this could undermine the basis of a development strategy including regeneration.

Lines 11 & 12: If a development were to affect flood risk elsewhere in the catchment, insurers might take this into account when renewing cover.

Planning Policy Para 15:

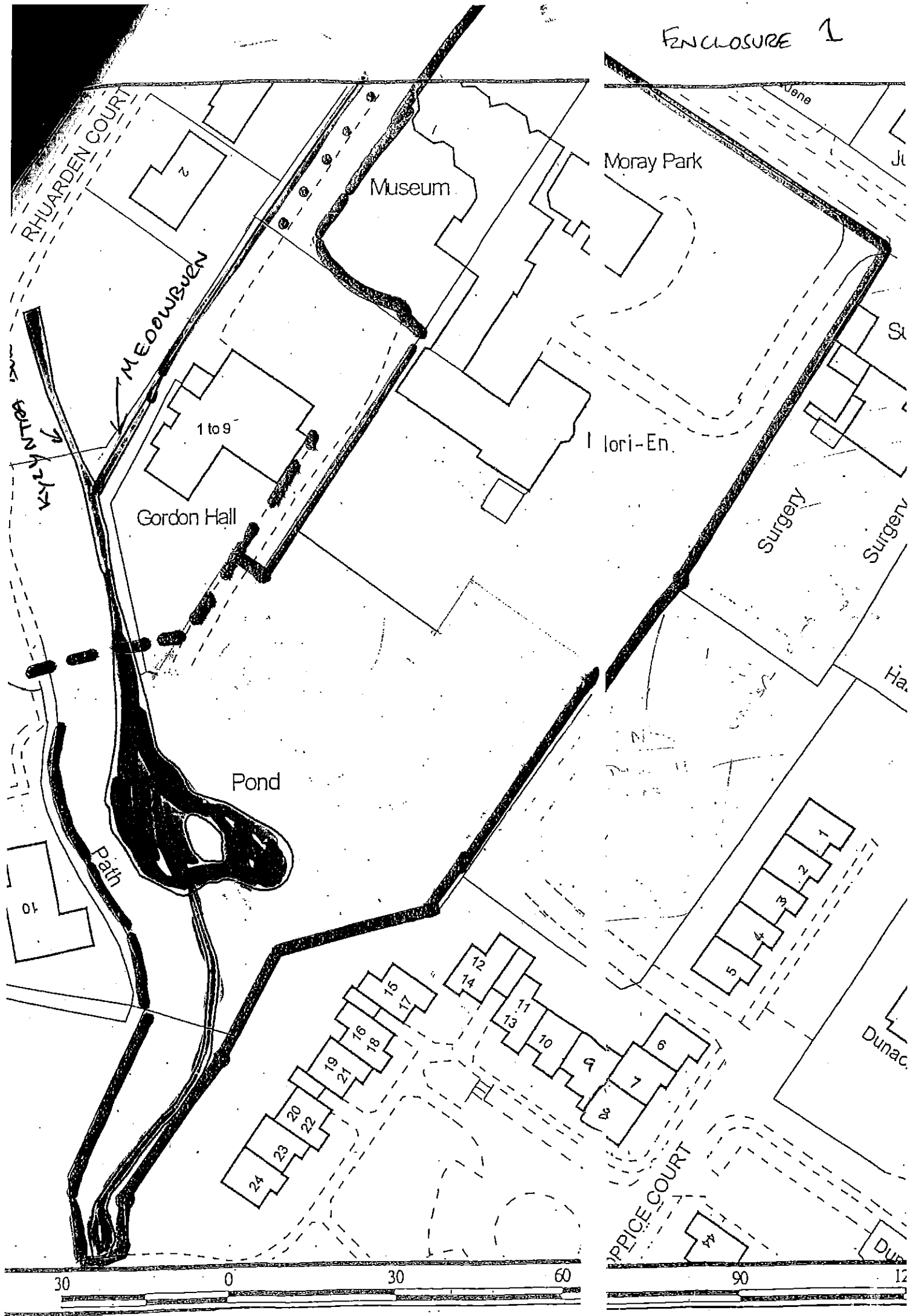
- Developers and planning authorities must give consideration to the possibility of flooding from all sources.
- New development should not:
 - Material increase the risk of flooding elsewhere.
 - Add to the area of land which requires protection by flood prevention measures.
 - Affect the ability of the functional flood plain to attenuate the effects of flooding by storing water.

Development on Functional Flood Plains Para 17: Built development should therefore not take place on functional flood plains.

Drainage & Culverts Para 21: Intense rainfall can overload drainage systems, including sewers and culverts, leading to local flooding.

Watercourse & Coastal Flooding Para 37 Lines 15 & 16: Developers and planning authorities should therefore err on the side of caution in taking decisions when flood risk is an issue.

Development Control Para 45: Pre-application discussions will help identify whether flooding is an issue. If it is, developers should commission a flood risk assessment and/or a drainage assessment.



FENCLOSURE 1

RHUARDEN COURT

MEDOWBUEN

Museum

Moray Park

1 to 9

Gordon Hall

I ori-En.

Surgery

Surgerv

Pond

Path

Ha

Dunac

PPICE COURT

30 0 30 60

90 120

ENCLOSURE 2

music clubs exhibitions

guardian.co.uk

New rules for front gardens to fight floods

- Restrictions on asphalt to be introduced
- Plan to cut individual water use by 30 litres a day

Rebecca Smithers, consumer-affairs correspondent
The Guardian, Friday February 8 2008

The government yesterday declared war on the traditional right of homeowners to cover their front gardens with asphalt, as part of a drive to save water and reduce the risk of flooding. New legislation will mean that only areas made of gravel or porous bricks or paving, which provide better drainage than hard surfaces, will not need planning permission.

The measure is included in a document published yesterday by the Department for the Environment, Food and Rural Affairs (Defra), which sets out proposals aimed at improving water conservation and efficiency in England.

Ministers also called on consumers to limit the use of appliances such as power showers, dishwashers and washing machines, and to conserve rainwater for domestic use through the use of water butts. They want to reverse the trend of rising water use and cut individual consumption from current levels of around 150 litres per person per day to 130 litres, or even 120 litres if possible.

An independent review of water charging was also announced, which could lead to "near universal" water metering in homes in the most drought-hit parts of England by 2030.

Launching the action plan yesterday, the environment secretary, Hilary Benn, warned that pressures such as drought and flooding would become worse because of climate change: "Securing and maintaining water supplies is vital to the prosperity of the country and to the health of people and the environment. In some areas, current supplies are already unsustainable and this situation was exemplified by the drought in south-east England between 2004 and 2006."

Announcing the rules on paving front gardens, the environment minister, Phil Woolas, said that over the last 10 years Londoners alone had paved over the equivalent of 22 Hyde Parks, forcing more water "runoff" into the sewer system.

The government will also be looking at removing a householder's automatic right to connect surface water drains to the main drainage system. To reduce pollution of rivers, ministers have pledged to phase out phosphate chemicals from washing powder by the end of 2015.

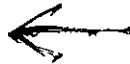
The plans were "broadly welcomed" by the RSPB but the charity urged the government to take firm action to tackle water shortages, describing the 2030 target for mandatory metering in water-scarce areas as "disappointingly unambitious".

Robert Cunningham, head of water policy, said: "The south-east has already suffered serious drought in recent years and water companies, people and wildlife are finding it increasingly difficult to cope. We need change now, not in 20 years' time."

Dame Yve Buckland, national chairwoman of the Consumer Council for Water, said: "We would like to see the industry taking more of a lead here, and the water companies should be communicating these very important issues directly with their customers."

"Our own research last year showed that householders would be more prepared to do their bit if the industry got its own house in order in terms of reducing leakage."

Tony Burton, director of policy and strategy at the National Trust, called the strategy a "helpful step in the right direction, making the connection between the way we manage land and water quality, and recognising the need to reduce the amount of water that we use".



Defra's measures

- Incentives to encourage all new garden paving to be porous so that rainfall soaks into the ground
- Phosphates to be phased out of washing powders in an attempt to reduce water pollution
- Independent review of water charging, which could lead to "near universal", compulsory metering before 2030
- Protection of vulnerable groups, such as those on low incomes and the elderly, in any new scheme
- Following the 2007 summer floods, giving the Environment Agency responsibility for a flood prevention strategy and coordinating responses to flooding
- Bringing water companies within the scope of the carbon reduction commitment scheme, which sets targets for industry to reduce its carbon emissions
- Defra hopes to prevent a repeat of floods in areas such as Tewkesbury last year

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GRANTOWN-ON-SPEY. Tel:(01479) 872056

- 872301
- 872836
- 872092
- 872286
- 872152
- 872002
- 872318

Places of Interest

Public Buildings

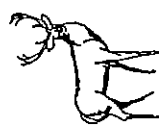
- COMMUNITY CENTRE - HIGH STREET
- COUNCIL OFFICES - THE SQUARE
- DENTAL SURGEON - BURNFIELD AVENUE
- FIRE STATION - FOREST ROAD
- HEALTH CENTRE - CASTLE ROAD EAST
- HOSPITAL - CASTLE ROAD EAST
- LIBRARY - HIGH STREET
- MUSEUM & HERITAGE CENTRE - BURNFIELD AVENUE
- OLD FOLKS HOME - CASTLE ROAD EAST
- POLICE STATION - CASTLE ROAD
- POST OFFICE - HIGH STREET
- SCHOOLS - GRAMMAR - CROMDALE ROAD - PRIMARY - SOUTH STREET
- SCOUT HALL - HEATHFIELD ROAD
- TOILETS - HIGH STREET CAR PARK - BURNFIELD AVE. CAR PARK
- TOURIST INFORMATION - HIGH STREET

Leisure & Recreation

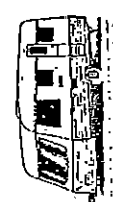
- BOWLING GREEN - HEATHFIELD ROAD
- CHILDREN'S PLAY AREAS - CASTLE ROAD EAST - DULGAI COURT
- FISHING ON RIVER SPEY - BY PERMIT ONLY
- GOLF COURSE - 18 Holes - GOLF COURSE ROAD
- SHOWGROUND - CROMDALE ROAD
- SPORTS HALL & GYM - COMMUNITY CENTRE, HIGH ST.
- SWIMMING POOL - HEATED INDOOR AT GRAMMAR SCHOOL, CROMDALE ROAD.
- TENNIS COURTS - HEATHFIELD ROAD

Churches

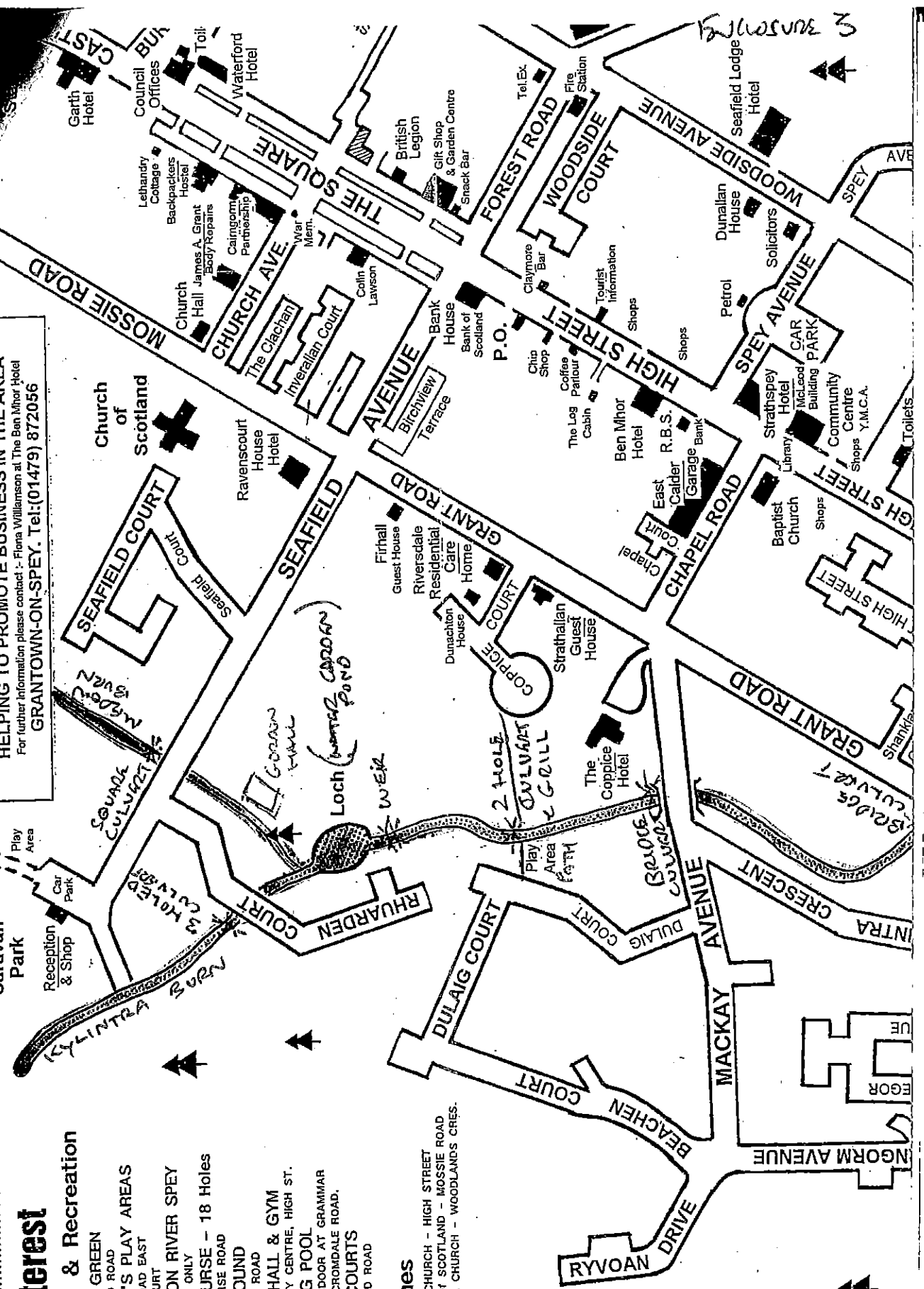
- BAPTIST CHURCH - HIGH STREET
- CHURCH OF SCOTLAND - MOSSIE ROAD
- EPISCOPAL CHURCH - WOODLANDS CRES.



Beachen Wood



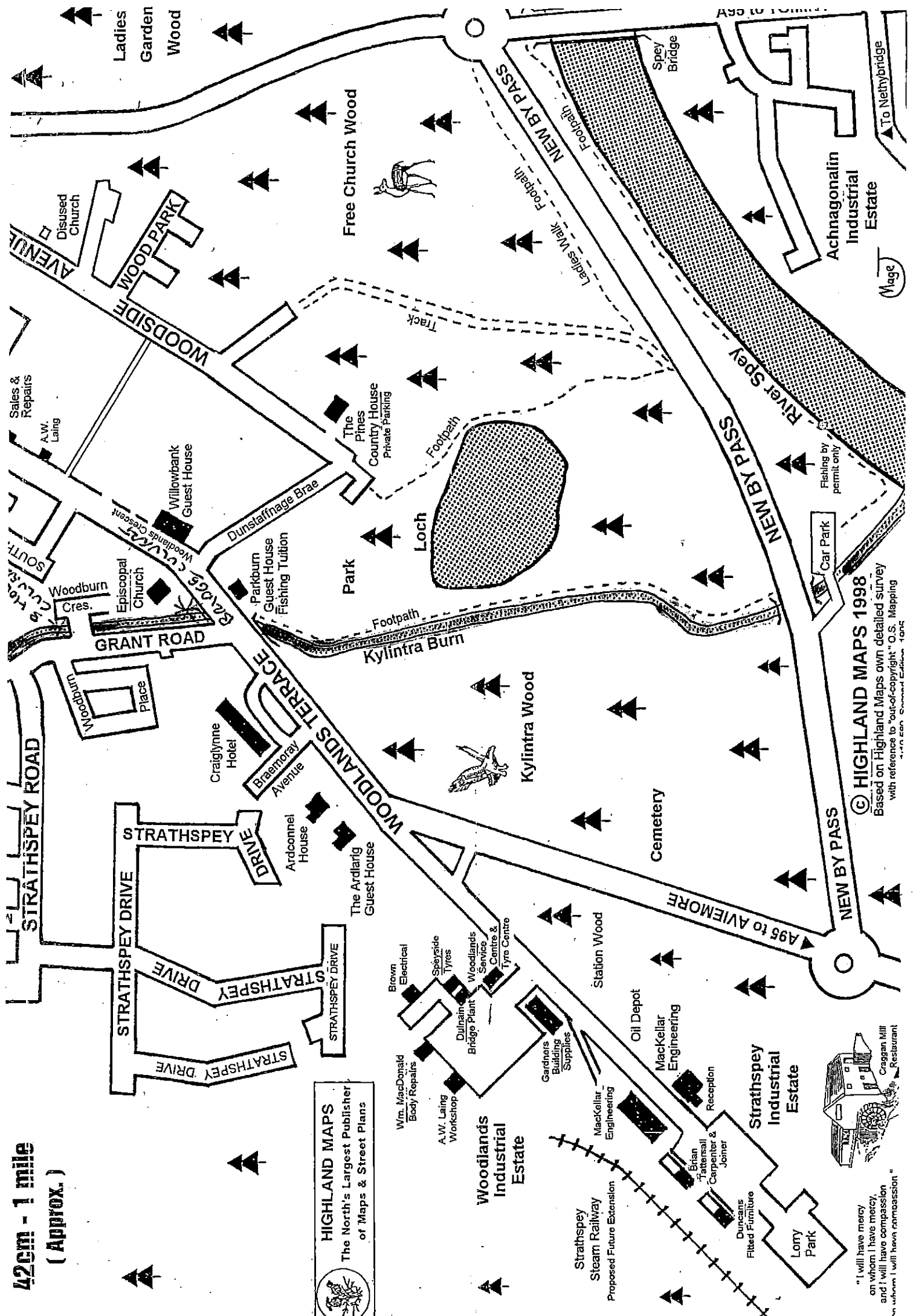
Caravan Park



Enclosure 3

4.2cm - 1 mile
(Approx.)

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of Maps & Street Plans



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with reference to "out-of-copyright" O.S. Mapping
1:10,000 Edn. Second Edition 1992



"I will have mercy
on whom I have mercy,
and I will have compassion
on whom I will have compassion"



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Guidance Note To Local Authorities In Scotland (May 2007)

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European Convention on Human Rights

17. The Code itself - including its key principles - is compliant with and subject to the provisions of the European Convention on Human Rights as applied by the Human Rights Act 1998.

18. The main ECHR provisions which are relevant in relation to the interpretation and application of the Code include -

- Article 8 - right to respect for private and family life.
- Article 9 - freedom of thought, conscience and religion.
- Article 10 - freedom of expression.

The Key Principles of the Code

19. The key principles are set out in section 2 of the Code and are the principles upon which the rules of conduct in the Code are based.

20. These principles should be applied by councillors wherever and whenever they are acting in an official capacity as councillors, whether the business is formal or informal.

21. The Code does not apply where councillors are acting in a private capacity and where their actions do not affect their public responsibilities. The Code only applies when councillors are acting in the performance of their functions.

22. Paragraph 2.2 of the Code provides that councillors should apply the principles to informal dealings with Council employees, party political groups and others. This includes members of the public who wish to consult councillors as their constituents. It also applies to meetings - including public meetings and other official events - where councillors are present because they are elected members.

ENCLOSURE 6

Scottish Government

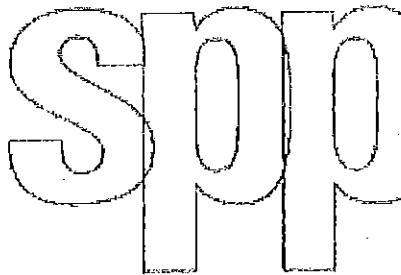
Publications

You are here: [Publications](#) > [2004](#) > [February](#) > [Scottish Planning Policy \(SPP\) 7 Planning and Flooding](#)
> [Scottish Planning Policy \(SPP\) 7 Planning and Flooding](#)

Scottish Planning Policy (SPP) 7 Planning and Flooding

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Scottish Planning Policy SPP 7 Planning and Flooding

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The Planning Approach to Assessing Risk

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Development Control

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Bibliography

PLANNING SERIES:

- **Scottish Planning Policies (SPPs)** provide statements of Scottish Executive policy on nationally important land use and other planning matters, supported where appropriate by a locational framework.
- **Circulars**, which also provide statements of Scottish Executive policy, contain guidance on policy implementation through legislative or procedural change.
- **Planning Advice Notes (PANs)** provide advice on good practice and other relevant information.

Statements of Scottish Executive policy contained in SPPs and Circulars may be material considerations to be taken into account in development plan preparation and development control.

Existing National Planning Policy Guidelines (NPPGs) have continued relevance to decision making, until such time as they are replaced by a SPP. The term SPP should be interpreted as including NPPGs.

Statements of Scottish Executive location-specific planning policy, for example the West Edinburgh Planning Framework, have the same status in decision making as SPPs.

SUMMARY

Flooding damages property and lives. Many parts of Scotland have a legacy of development at risk of flooding from watercourses, the sea, groundwater and inadequate drainage. Climate change is predicted to worsen the situation. The Scottish Executive expects developers and planning authorities to err on the side of caution in decision making whenever flooding is an issue. Flood risk will be a material consideration in a range of cases.

New development should not take place if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere. The storage capacity of functional floodplains should be safeguarded, and works to elevate the level of a site by landraising should not lead to a loss of flood water storage capacity.

Where built up areas already benefit from flood defences, redevelopment of brownfield sites should be acceptable but greenfield proposals will extend the area of built development at risk and should preferably be considered in the light of alternatives through the development plan process. Water resistant materials and forms of construction may be required. Generally, drainage will be a material consideration and the means of draining a development should be assessed. Sustainable drainage will be required whenever practicable and watercourses should not be culverted. Flood prevention and alleviation measures should respect the wider environmental concerns and appropriate engineering solutions recognise the context provided by the development plan. Whilst it is preferable for open spaces to flood rather than buildings it may not always be acceptable.

For coastal and watercourse flooding a Risk Framework characterises areas for planning purposes by their annual probability of flooding and gives the planning response:

- Little or no risk area (less than 0.1% (1:1000)) - no general constraints.
- Low to medium risk area (0.1% to 0.5% (1:1000 - 1:200)) - suitable for most development but not essential civil infrastructure.
- Medium to high risk area (0.5% (1:200)) or greater - in built up areas with flood prevention measures most brownfield development should be acceptable except for essential civil infrastructure; undeveloped and sparsely developed areas are generally not suited for most development.

(These probabilities include an allowance for climate change. An allowance for 'freeboard' will be additional).

The Framework will be relevant when planning authorities prepare their development plans and will be a material consideration in determining planning applications and appeals.

This summary is intended as a guide to the statement of policy set out below.

INTRODUCTION

1. Flooding is a natural phenomenon which cannot entirely be prevented and has an important role in the natural environment. Some parts of Scotland are already susceptible to intermittent flooding and climate change is expected to worsen the situation. Inadequate drainage infrastructure can also increase the risk of flooding. In the past some development has taken place without sufficient regard to flooding and its effects on

and local communities. The effects can be devastating in terms of personal suffering, inconvenience and financial loss. The central purpose of this Scottish Planning Policy (SPP) therefore is to prevent further development which would have a significant probability of being affected by flooding or which would increase the probability of flooding elsewhere.

2. Planning authorities must take the probability of flooding from all sources and the risks involved into account during the preparation of development plans and in determining planning applications. Prospective developers also have key responsibilities, including: taking flood risk into account before committing themselves to a site or project; undertaking flood risk assessments and drainage assessments where required; and implementing agreed measures to deal with flood risk.

For advice in support of this SPP see the associated PAN

POLICY CONTEXT

SUSTAINABLE DEVELOPMENT AND SOCIAL JUSTICE

3. In achieving social, economic and environmental goals in support of sustainable development, and delivering environmental justice, a long-term view of flood risk has to be taken. Communities should be free from the threat of flooding. Those who are already socially and economically disadvantaged may be particularly vulnerable to the hardship caused by flood damage to their homes and possessions. The identification of land and property for development and redevelopment, including economic development, should therefore have regard to the potential harmful effects of flooding. New development should aim to be in harmony with the water environment and not attempt to work against it. It is unlikely that the Scottish Executive would support a Flood Prevention Scheme which was required just to defend proposed new development (see also paragraph 40).

See SPP 1 for planning policy on sustainable development and social justice

4. The Scottish Executive's National Flooding Framework addresses the problems of flooding through 4 areas of action: Awareness, Assistance, Avoidance and Alleviation. This SPP is a key part of the avoidance theme and has an important role to play in alleviation. The role of planning therefore complements other policies and legislation, for example, the requirement to promote sustainable flood management as included in the Water Environment and Water Services (Scotland) Act 2003 (The WEWS Act).

The SPP will be kept under review as the WEWS Act is implemented

5. Climate change is presenting new challenges. Flood risks due to river and coastal flooding, and to intense rainfall overloading natural and artificial drainage systems, are predicted to increase during the 21st century. Climate change must be taken into account by developers and planning authorities.

BACKGROUND TO FLOODING

6. Scotland already has many properties at risk from flooding. Numerous settlements are located on flood plains, alongside rivers, lochs or on the coast, and have experienced intermittent flooding. In some places the problem has been made worse by inadequate culverts and flood defence measures, poor watercourse maintenance, inappropriate development, rain water run-off from development and rising ground water, including changes in the water table due to the cessation of mine pumping. Local flooding can also occur when percolation into the ground and drainage systems e.g. sewers and watercourses, have insufficient capacity to drain the land. These sources of flooding are not restricted to the flood plains.

7. Coastal flooding is not widespread in Scotland, although it is expected to increase as a result of climate change. An estimated 90,000 mainland properties below the 5m contour are potentially at risk. ¹ Storms and tidal surges are predicted to become more frequent and together with a rise in sea level, are likely to increase the probability of flooding along the coast. Developers and planning authorities should therefore recognise that the potential of a site to flood is affected by its location and its role in the wider systems of land drainage.

RESPONSIBILITIES

8. The primary responsibility for safeguarding and insuring land or property against natural hazards such as flooding lies with the owner. Owners are also responsible for the private sewers and drains within the boundary of their property. For agricultural and forestry land, flood defence is the responsibility of the owner.

9. Public responsibilities for flooding issues are widely spread. There are implications for most if not all Council departments. As well as land use planning these include building standards, emergency planning and roads. Councils also have a duty to assess and maintain watercourses which are in a condition likely to cause flooding and powers to promote flood prevention schemes for non-agricultural land.

10. The Scottish Environment Protection Agency provides advice on request to planning authorities on the probability of flooding and flood risk based on the information it holds, including any provided by the developer. It also operates flood warning schemes and the Floodline advice service. Scottish Water has responsibility for the public drainage system, including rain or storm water drains, though road drainage for adopted roads is the responsibility of the Roads Authority. British Waterways is responsible for the canal system.

11. It is Scottish Executive policy that every Council should convene a Flood Liaison and Advice Group (FLAG), or combine with other Councils to do so, possibly on a catchment basis. The purpose of the groups is to provide a forum for the key public and private interests to share knowledge and offer advice on flooding issues. Further information about responsibilities and about the work of FLAGs is in the Planning Advice Note ([see also Glossary](#)).

BUILDING STANDARDS

12. The Building Standards system complements the planning system. In this context, its role is to protect the ground immediately below and adjoining a building from harmful effects caused by flood water, ground water and existing drains, but the current Technical Standards do not require precautions to be taken to protect the building fabric from flood damage. Non-mandatory guidance is available on the likely effects of flooding on materials, forms of construction and possible measures to reduce the risk of flood damage. ^{2&3}

13. The Building (Scotland) Act 2003 provides the basis for a modernised Scottish Building Standards system. It will allow the system to be more responsive to the needs of industry and the public, allow more flexibility for designers to promote new and innovative designs and promote sustainable development. It is expected that a new 'Mandatory Standard' will say that *buildings must be designed and constructed so that there will not be a threat to the building or the health of the occupants as a result of flooding and the accumulation of ground water*. For advice on how to comply with the Mandatory Standard through using water resistant materials and forms of construction see the PAN.

INSURANCE ISSUES AND NEW DEVELOPMENT

14. Insurers have, for some time, been concerned about the potential frequency and cost of environmental risks, including flooding. Recent floods, particularly since 2000, have caused insurers to review the provision of flood cover to UK property owners. Insurers have stated that it is their intention to continue to provide flood insurance to as many property owners and occupiers as possible, but new development in areas at risk of flooding which lack adequate protection is likely to face increasing difficulties with the cost and/or availability of insurance. ⁴ In their view this could create difficulties in mortgaging new development which could make it unviable. In turn this could undermine the basis of a development strategy including regeneration. Developers should therefore consider the availability of insurance for subsequent purchasers or tenants at an early stage of their evaluation of a site. For its own part, the insurance industry may wish to make appropriate representations about proposals for the location of new development during the preparation of development plans, including the level of acceptable risk for specific developments. If a development were to affect flood risk elsewhere in the catchment, insurers might take this into account when renewing cover.

PLANNING POLICY

THE GENERAL PRINCIPLES

15. The policy in this SPP is based on the following principles:

- Developers and planning authorities must give consideration to the possibility of flooding from all sources.

New development should be free from significant flood risk from any source (see paragraph 40). In areas characterised as 'medium to high' flood risk for watercourse and coastal flooding (see paragraph 34 and the Risk Framework) new development should be focussed on built up areas and all development must be safeguarded from the risk of flooding.

- New development should not:
 - materially increase the probability of flooding elsewhere;
 - add to the area of land which requires protection by flood prevention measures;
 - affect the ability of the functional flood plain (see Glossary) to attenuate the effects of flooding by storing flood water;
 - interfere detrimentally with the flow of water in the flood plain;
 - compromise major options for future shoreline or river management.
- Flooding from sources other than watercourses and on the coast must be addressed where new development is proposed, if necessary through a drainage assessment (see Glossary). Any drainage measures proposed should have a neutral or better effect on the risk of flooding both on and off the site.
- Alterations and small scale extensions to buildings are generally outwith the scope of this SPP provided they would not have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems.

The policy applying these principles is set out in the relevant paragraphs of this SPP.

DEVELOPMENT ON FUNCTIONAL FLOOD PLAINS

16. Functional flood plains store and convey flood water during times of flood. These functions are important in the wider flood management system. New development on the functional flood plain will not only be at risk itself, but will add to the risk elsewhere. Cumulative effects will arise from proposals which individually may seem of little consequence. For planning purposes the functional flood plain will generally have a greater than 0.5% (1:200) probability of flooding in any year.

17. Built development should not therefore take place on functional flood plains. Piecemeal reduction of the flood plain must be avoided because of the cumulative effects on storage capacity. There may be exceptions for infrastructure if a specific location is essential for operational reasons or it is incapable of being located elsewhere. In such cases, it should be designed to remain operational in times of flood, not impede water flow and the effect on the flood water storage capacity should be kept to a minimum.

18. On some parts of coastal and estuarial flood plains, a managed realignment of the coast may help to create new areas of functional flood plain and extend inter-tidal habitats inland. New development should not be permitted in such areas unless the potential flooding issues are addressed, consistent with this SPP.

LANDRAISING

19. Landraising which permanently elevates a site above the functional flood plain of a watercourse, or elsewhere if flooding is an issue, may have a role. Proposals for landraising should:

- be linked to the provision and maintenance of compensatory flood water storage to replace the lost capacity of the functional flood plain;
- have a neutral or better effect on the probability of flooding elsewhere, including existing properties;
- not create a need for flood prevention measures elsewhere;
- not create 'islands' of new development but should adjoin developed areas outwith the functional flood plain; and
- be set back from the bank of the watercourse.

In the context of this SPP the land created by landraising will no longer be part of the functional flood plain and landraising is not to be construed as a flood prevention measure.

20. The engineering and environmental implications of landraising must be fully explored and there may be opportunities for habitat creation. An Environmental Impact Assessment may also be required. Major proposals should come forward through the development plan process (see paragraphs 38 - 43). From 2005, engineering operations for landraising are likely to be a controlled activity under the WEWS Act to control the risk of serious harm to the water environment.

DRAINAGE AND CULVERTS

21. Intense rainfall can overload drainage systems, including sewers and culverts, leading to local flooding. If natural drainage patterns are disturbed by development, flooding may also be caused. Drainage is a material planning consideration. Drainage measures proposed as part of a planning application should have a neutral or better effect on the risk of flooding both on and off the site. Planning authorities have a duty to consult Scottish Water and SEPA on appropriate planning applications. Applicants may however show as part of the information in support of a planning application that the drainage is acceptable to Scottish Water and SEPA (see paragraph 45).

Scottish Water is preparing Drainage Area Plans

22. The primary role of sustainable drainage systems (SuDS) is to manage the flow of rain water run-off from a site by treating it on site and so reducing the loading on conventional piped drainage systems. They are not a means of preventing on-site flooding from watercourses, although some SuDS such as detention ponds can slow the rate of run-off by temporarily storing the water. This can help to mitigate peak flows to watercourses and can therefore make an important contribution to limiting off-site flood risk and managing the water environment generally .

See PAN 61: Planning and SUDS, and The Building Standards

23. Surface water run-off from development should be fully or partially drained by a sustainable drainage system unless this is impracticable. Where flooding is an issue, SuDS should be designed to deal with a storm inflow very soon after a flood subsides. If this is not possible SuDS are unlikely to be acceptable and if conventional drainage is already constrained this will be a material consideration in the determination of the planning application.

Under the WEWS Act, public (not private) SuDS constructed to an appropriate standard are to be vested in Scottish Water who have responsibility for their future maintenance

24. Culverts are a frequent cause of local flooding, particularly if the design or maintenance is inadequate. Watercourses should not be culverted as part of a new development unless there is no practical alternative. If they are unavoidable they must be designed to maintain or improve existing flow conditions and aquatic life. Issues of ownership and long-term maintenance must be addressed.

25. Existing culverts should be opened whenever appropriate. If a new development involves drainage by an existing culvert, the applicant should demonstrate that the overall drainage provision will not add to flood risk on-site and off-site. A culvert may be acceptable as part of a flood prevention scheme or where it is used to carry a watercourse under a road, railway, etc. All culverts should be designed with full regard to natural habitat and environmental concerns.

See NPPG 14: Natural Heritage paragraph 56

DEVELOPMENT OF LAND PROTECTED BY EXISTING FLOOD PREVENTION MEASURES

26. Flood prevention measures reduce the probability of flooding but they cannot eliminate it entirely. They are designed to deal primarily with flooding from watercourses and on the coast. They protect against a specified height of flood water ('the design flood') and a flood greater than this may overwhelm the measures and flood the defended area. Land and buildings would also be extremely vulnerable should a flood wall, embankment or sea wall be breached. Flood defences have a finite life.

27. 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 below. 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.

FLOOD ALLEVIATION AND PREVENTION MEASURES FOR NEW DEVELOPMENT

Development which requires additional flood alleviation or prevention measures to address flood risk source, is likely to be acceptable only outside or adjoining the boundary of 'medium to high' risk. Alleviation measures may include land raising and underbuilding. Elevating buildings on structures as stilts is unlikely to be acceptable for watercourse or coastal flood risk. Flood prevention measures include walls, embankments, new channels and flood storage areas. New development should not lead to demands for flood prevention schemes. Exceptionally there may be circumstances where a pro-active approach to development opportunities may facilitate the provision of flood prevention measures.

29. The Flood Prevention (Scotland) Act 1961, as amended in 1997, puts limited duties of maintenance of watercourses on to local authorities in certain circumstances. These duties are likely to take precedence over the provisions of a planning permission or agreement and require Councils to assume the ultimate responsibility for maintenance measures approved as part of a planning application.

See Circular 12/ 1996: Planning Agreements

ENVIRONMENT AND NATURAL HERITAGE

30. Flood prevention and alleviation measures should not lead to a deterioration in the ecological status of the watercourse or body and may provide opportunities for habitat enhancement or creation. The environmental policies of the development plan will provide the context for considering appropriate measures. These may include channel improvements, restoration of former watercourses, managed realignment, culvert opening, provision of additional flood water storage in wetlands, pasture and attenuation reservoirs, flood walls and embankments.

See also paragraph 20 and NPPG 14

PROPOSALS FOR NEW OPEN SPACES, PARKS AND PLAYING FIELDS

31. While it is generally preferable for open spaces rather than buildings to flood, they may be damaged and polluted by flood water and the debris it deposits. They may remain affected after the water has subsided. It should not therefore be assumed that flooding of open spaces will be acceptable in every case. The potential damage and the temporary loss of use or amenity should be considered in development plan allocations and will be a material consideration in decisions on planning applications. The activities proposed for the open space will be a factor in whether flooding will be acceptable, with playing fields and synthetic surfaces being particularly susceptible to damage.

See PAN 65: Planning and Open Space, Box 3 - Types of Open Space

WATER RESISTANT MATERIALS AND CONSTRUCTION

32. Proposals in 'medium to high' flood risk areas, and where flooding from other sources is an issue, should use water resistant materials and forms of construction as appropriate. In consultation with building standards officers, planning authorities may decide that water resistant materials and forms of construction are material planning considerations. If this is the case, and provided it would be consistent with Circular 4/1998, conditions may be attached to a grant of planning permission. The use of water resistant materials and forms of construction will not however be sufficient to make a development acceptable when the probability of flooding indicates that it should not be approved in principle. If planning measures to address flood risk appear to be incompatible with Building Standards, developers should seek an appropriate solution through discussion with planning and building standards officers. The planning system should not be used to secure objectives that are more properly achieved under other legislation, including the Building (Scotland) Act 2003.

See SPP1: The Planning System Paragraph 57, Circular 4/1998 The Use of Conditions in Planning Permissions, and the Building Regulations

WATERCOURSE AND COASTAL FLOODING:

THE PLANNING APPROACH TO ASSESSING RISK

33. The probability of any site being flooded lies between virtually zero (0.0%) and near certainty (100%).

Even in areas generally free from flooding, local conditions and exceptional rainfall can lead to flooding. It is therefore not possible to set planning policy and determine applications solely according to the calculated probability of river or coastal flooding. Nevertheless, to provide a basis for decision making, a characterisation of flood risk into 'little or none', 'low to medium' and 'medium to high' is set out in the *Risk Framework* even though this necessarily simplifies the situation. For each level of risk an appropriate planning response is outlined.

34. The Executive considers that for planning purposes, taking into account the expected life of most development and subsequent redevelopment in the longer term, it is reasonable on present evidence to regard areas with a current annual probability of watercourse or coastal flooding above 0.5% (1:200) to be characterised as having a 'medium to high' risk of flooding. The Executive also considers that the outer limit to the area of concern for extreme flood events may be defined by a current annual probability of flooding of 0.1% (1:1000). These probabilities of flooding, the areas they delineate and the appropriate planning responses are summarised in the Risk Framework below. Planning authorities should have regard to them in drawing up policies in development plans and in development control decisions, alongside any more specific information obtained from other sources, including the Scottish Environment Protection Agency (SEPA).

35. 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.

36. In these circumstances it is not national policy to add an additional allowance for climate change above the 0.5% probability but planning authorities may do so if it can be justified, taking account of the most recent UKCIP scenarios as applied to the area concerned. A freeboard allowance may be required as a response to local circumstances.

37. The Risk Framework is based on the annual probability of flooding. In applying the Risk Framework developers and planning authorities should also take into account as appropriate:

- the characteristics of the site;
- the use and design of the proposed development;
- the size of the area likely to flood;
- depth of water, likely flow rate and path, rate of rise and duration;
- existing flood prevention measures - extent, standard and maintenance regime;
- an allowance for freeboard;
- cumulative effects of development, especially the loss of flood storage capacity;
- cross boundary effects and the need for consultation with adjacent authorities;
- effects of a flood on access, including by emergency services;
- effects of a flood on proposed open spaces including gardens; and
- the extent to which the development, its materials and construction is designed to be water resistant.

The calculated probability of a flood occurring should be regarded as a best estimate and not a precise forecast. Developers and planning authorities should therefore err on the side of caution in taking decisions when flood risk is an issue.

<p>THE RISK FRAMEWORK - The Planning Response to Flood Risk (Coastal, Tidal and Watercourse) <i>This framework has to be read in the context of the whole SPP.</i></p>
<p>1. Little or no risk area Annual probability of watercourse, tidal or coastal flooding: less than 0.1% (1:1000), i.e. less frequently than the so-called 1:1000 year flood</p> <p>Appropriate Planning Response - No constraints due to watercourse, tidal or coastal flooding.</p>
<p>2. Low to medium risk area Annual probability of watercourse, tidal or coastal flooding: in the range 0.1% - 0.5% (1:1000 - 1:200)</p> <p>Appropriate Planning Response It will not usually be necessary to consider flood risk unless local conditions indicate otherwise. Suitable for</p>

development. A flood risk assessment may be required at the upper end of the probability range (i.e. 0.5%) or where the nature of the development or local circumstances indicate heightened risk. Water resistant materials and construction may be required depending on the flood risk assessment. Subject to operational requirements, including response times, these areas are generally not suitable for essential infrastructure, such as hospitals, fire stations, emergency depots etc. Where such infrastructure has to be located in these areas or is being substantially extended, they must be capable of remaining operational and accessible during extreme flooding events.

3. Medium to high risk area (see the 2 sub areas below)

Annual probability of watercourse, tidal or coastal flooding: greater than 0.5% (1:200)
 Generally not suitable for essential civil infrastructure, such as hospitals, fire stations, emergency depots etc. schools, ground based electrical and telecommunications equipment. The policy for development on functional flood plains applies. Land raising may be acceptable.

3(a) Within areas already built-up - Appropriate Planning Response

These areas may be suitable for residential, institutional, commercial and industrial development provided flood prevention measures to the appropriate standard already exist, are under construction or are planned as part of a long term development strategy in a structure plan context. In allocating sites preference should be given to those areas already defended to that standard. Water resistant materials and construction as appropriate.

3((b) Undeveloped and sparsely developed areas - Appropriate Planning Response

These areas are generally not suitable for additional development, including residential, institutional, commercial and industrial development. Exceptions may arise if a location is essential for operational reasons, e.g. for navigation and water-based recreation uses, agriculture, transport or some utilities infrastructure, and an alternative lower risk location is not achievable. Such infrastructure should be designed and constructed to remain operational during floods. These areas may also be suitable for some recreation, sport, amenity and nature conservation uses (provided adequate evacuation procedures are in place). Job-related accommodation (e.g. caretakers and operational staff) may be acceptable. New caravan and camping sites should generally not be located in these areas. Exceptionally, if built development is permitted, flood prevention and alleviation measures are likely to be required and the loss of storage capacity minimised. Water resistant materials and construction as appropriate. Land should not be developed if it will be needed or have significant potential for coastal managed realignment or washland creation as part of an overall flood defence.

Interpretation of the Risk Framework

(a) *The annual probabilities relate to the land at the time an application is submitted or a land allocation is made.*

(b) *In the longer term the calculated probabilities of flooding may be affected by climate change, improved data/methods and land uses elsewhere in the catchment.*

(c) *As paragraph 33 explains this framework necessarily simplifies the situation*

IMPLEMENTATION

DEVELOPMENT PLANS GENERALLY

38. The potential of land to flood should be considered during the preparation and review of every development plan in accordance with this SPP. 'Medium to high' risk areas for watercourse and coastal flooding, and areas where flooding from other causes is an issue must be identified early in the plan preparation process. Taking that into account, planning authorities should still allocate sufficient land for development, and in particular meet the housing land requirement for each housing market area in full (see SPP 3). Proposals for the development of additional areas which would require new flood prevention measures must only come forward through the development plan process and with full consideration of all the implications. FLAGs should be involved at appropriate stages during plan preparation and review. The policy in this SPP will also be relevant in due course to the new development plans proposed under the Review of Strategic Planning.

STRUCTURE PLANNING

39. The structure plan settlement strategy must take account of the potential risks from flooding. For coastal and watercourse flooding the proposals and policies should be based on the Risk Framework and SEPA's

flood maps. Areas should also be identified where local plans should give detailed attention to flood risk from other sources. Strategic proposals for landraising, in accordance with the policy at paragraphs 19 - 20 above, should be identified.

40. Where exceptionally the strategy in a submitted plan can only be developed if flood prevention measures are implemented, the Scottish Ministers will expect a very thorough justification, including an examination of the alternatives. Ministers will be mindful that such measures cannot eliminate the risk entirely.

41. Structure plans also have contributions to make towards achieving the wider objectives of flood management and the water environment. These can include: safeguarding from development the major areas and storage capacity of the functional flood plain; considering whether the option of managed realignment of the coast and any implications for development should be evaluated further; and playing their part in relation to River Basin Management Planning under the Water Environment and Water Services (Scotland) Act 2003.

LOCAL PLANNING

42. The potential for sites to flood must be considered during the preparation and review of every local plan. Few if any local plan areas will be completely free from the threat of flooding. Flood plains, other land alongside watercourses, land with drainage constraints or otherwise poorly drained, and low lying coastal land should be assumed to be at risk. The consideration should take into account any areas identified in the Structure Plan, SEPA's indicative flood risk maps, records of previous floods, other sources and advice from consultees. Flood risk assessments undertaken by developers or agents may also be available, though planning authorities may wish to validate them. FLAGS should be used to help identify and source the available information. These sources of information should usually be sufficient for local planning but a specific piece of work may occasionally be needed.

43. Each Local Plan should:

- for watercourse and coastal flooding set out policies and select development sites on the basis of the Risk Framework providing full justification if different probabilities are chosen;
- consult adjacent authorities where different probabilities raise cross boundary issues;
- indicate the circumstances where a freeboard allowance should apply;
- identify sites or areas constrained by flood risk from other sources;
- safeguard the flood storage capacity of functional flood plains;
- set out policy for SuDS;
- indicate the circumstances when a drainage assessment will be required on grounds of flood risk;
- if appropriate describe where the promotion of managed coastal realignment or restoration of functionality to the flood plain could contribute to more sustainable flood management and natural heritage objectives; and
- indicate the circumstances when water resistant materials and forms of construction will be appropriate.

DEVELOPMENT CONTROL

44. Flood risk is a material planning consideration for a wide range of sites including those with a history of flooding, in a flood plain, on low lying coastal land, adjacent to a watercourse, drained by a culvert, with drainage constraints or otherwise poorly drained. Very careful consideration must be given to those development proposals for which a flood would have especially serious adverse consequences. Examples include: care homes, sheltered housing and accommodation for other vulnerable groups including people with restricted mobility, nurseries, schools, caravan and camping parks, chalet-type holiday accommodation and those where hazardous materials will be used or stored.

45. Pre-application discussions will help identify whether flooding is an issue. If it is, developers should commission a flood risk assessment and/or a drainage assessment ([see paragraph 50](#)). This will clarify the situation and may prevent abortive expenditure. If the assessment shows that development is compatible with flooding policy it should also advise on prevention and alleviation measures if they are required. Planning authorities have powers under the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (GDPO) to require additional information and evidence, including flood risk assessments, for outline as well as full applications.

46. Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. This SPP, including the Risk Framework, and the advice from SEPA on

...important material considerations. Flood protection equipment such as door boards, air brick and building 'skirts' are likely to delay water ingress for only a short period and so are unlikely to be considered acceptable. When alleviation measures such as land raising or building are specified the planning authority must be satisfied that they have been implemented before development is occupied and this can be achieved through the use of planning conditions. Failure to implement them will be a basis for enforcement action and it is unlikely that they could be added to a completed development. Similarly, where flood prevention measures are under construction a suspensive condition might be required.

47. Planning authorities are required under the GDPO 1992 (as amended) to consult SEPA before granting planning permission where it appears to them that the development is likely to result in a material increase in the number of buildings at risk of being damaged by flooding. Their advice may result in notification to Scottish Ministers (see paragraph 51). These existing arrangements are described more fully in the associated PAN and the SEPA-Planning Authority Protocol: Advice and Consultation. An opportunity will be sought to amend the GDPO to clarify that landraising proposals which affect flood risk will be subject to consultation with SEPA. In the meantime, planning authorities should consult on a voluntary basis. Flood Liaison and Advice Groups may also provide a forum to discuss major proposals, particularly in the early stages.

48. Flooding is one of several material considerations (subsidence and contamination are others) where the applicant and occupier also have responsibilities for safeguarding their property. The planning authority's responsibility is to have regard to the risk of flooding in determining the planning application. This does not affect the liability position of developers or owners, though planning authorities must act reasonably in reaching decisions on planning applications. In particular, planning authorities should avoid any indication that a grant of planning permission implies the absence of flood risk. Consistent standards must be applied irrespective of whether or not the planning authority has an interest in the land or the development.

49. Planning permission for flood prevention schemes under the 1961 Act is sought through the Notice of Intention to Develop (NID) procedure, though a normal planning application is required if part of the scheme lies in another authority's area. The scheme should be designed in the context provided by the development plan and have regard to other material considerations. NIDs and applications have to be determined in accordance with the plan unless material considerations indicate otherwise.

The Town and Country Planning (Development by Planning Authorities) (Scotland) Regulations 1981

50. For large scale proposals, those in areas where drainage is already constrained or otherwise problematic, or if there would be off-site effects, a comprehensive drainage assessment may be required (see Glossary). This should also address groundwater issues and discharges to watercourses. Ideally it should accompany the planning application though its absence should not be a reason to refuse to register an application. For further advice see the PAN.

NOTIFICATION ARRANGEMENTS

51. Planning authorities must notify the Scottish Ministers if they intend to grant permission for development which has been the subject of consultation with SEPA under the GDPO (Article 15(1)(h)(i)) where SEPA has advised against the granting of planning permission or has recommended conditions relating to flood risk which the planning authority do not propose to attach to the planning permission.

See Circular 4/1997 Notification of Planning Applications

CONCLUSION

52. This SPP is aimed at helping all the parties to consider flooding issues properly, especially in the light of climate change predictions, and so prevent additional land and development being put at risk from flooding.

53. The Scottish Executive expects developers and planning authorities to deal very seriously with flooding, to take an informed approach to decision making and err on the side of caution where flood risk is an issue. When owners accept their primary responsibility for safeguarding and insuring their land and property against flooding they should be able to do so in the expectation that the planning authority and the developer have properly had regard to the probability of flooding and the associated risks.

NOTES

54. Enquiries about the content of this SPP should be addressed to Nick Evans, SEDD Planning, Area 2-H, Victoria Quay, Edinburgh, EH6 6QQ (0131 244 7552) or by e-mail to: nick.evans@scotland.gsi.gov.uk. Further copies can be obtained by telephoning 0131 244 7543. This SPP, other SPPs, Planning Advice Notes and a list of Circulars can be viewed on the Scottish Executive web site: <http://www.scotland.gov.uk/planning>

GLOSSARY

Brownfield land - land which has previously been developed. The term may encompass vacant or derelict land; infill sites; land occupied by redundant or unused buildings; and developed land within the settlement boundary where further intensification of use is considered acceptable. (SPP3)

Culvert - a structure with integral sides, soffit and invert, including a pipe that contains a watercourse as it passes through or beneath a road, railway, building, embankment etc, or below ground.

Detention pond - a basin constructed to store water temporarily to attenuate flows.

Drainage assessment - a statement of the drainage issues relevant to a proposal and the suitable means of providing drainage. The length and detail should be proportionate to the issues. As appropriate it may include existing drainage systems and problems, infiltration, groundwater, surface water flow, foul and storm water disposal, SuDS and drainage related flooding issues (may also be called a Drainage Impact Assessment). See also PAN 61 paragraphs 23 - 24.

Flood Liaison and Advice Group (FLAG) - a non statutory advisory group of public and private sector representatives, convened by Councils to share concerns and knowledge and to provide advice on a wide range of planning and other flooding issues in an informal setting. FLAGs were formerly called Flood Appraisal Groups under the 1995 NPPG. The new name better describes their roles.

Flood plain - the generally flat areas adjacent to a watercourse or the sea where water flows in time of flood or would flow but for the presence of flood prevention measures (also called the geographical flood plain). The limits of a flood plain are defined by the peak water level of an appropriate return period event. See also *Functional Flood Plain*.

Flood prevention measures - works including walls, new channels, embankments and flood water storage areas. Usually components of a flood prevention scheme (see below).

Flood prevention scheme - a scheme of flood management measures under the Flood Prevention (Scotland) Act 1961.

Flood risk assessment - an assessment carried out to predict and assess the probability of flooding for a particular site or area and recommend mitigation measures including maintenance.

Flood warning system - SEPA services giving general alerts (Flood Watch) for the whole of Scotland and Flood Warnings for specific areas only.

Freeboard allowance - a height added to the predicted level of a flood to take account of the height of any waves or turbulence and the uncertainty in estimating the probability of flooding.

Functional flood plain - the areas of land where water flows in times of flood which should be safeguarded from further development because of their function as flood water storage areas.

Greenfield land - land which has never previously been developed, or fully restored formerly derelict land which has been brought back into active or beneficial use for agriculture, forestry, environmental purposes or outdoor recreation. (SPP 3)

GDPO - The Town and Country Planning (General Development Procedure) (Scotland) Order 1992 (as amended). Statutory Instrument 1992 No. 224 (S.18). London HMSO.

Drainage system - the drainage systems which are the statutory responsibility of the roads and water authorities.

Sustainable Drainage Systems - also called Sustainable Urban Drainage Systems, SuDS describes a range of techniques for managing the flow of water run-off from a site by treating it on site and so reducing the loading on conventional piped drainage systems.

Washland - an alternative term for the functional flood plain which carries the connotation that it floods very frequently.

Watercourse - all means of conveying water except a water main or sewer (see Flood Prevention (Scotland) Act 1961).

Water table- the level of ground water below which the ground is saturated.

WEWS Act - Water Environment and Water Services (Scotland) Act 2003.

BIBLIOGRAPHY:

- ¹ *Climate Change - Flood Occurrences Review*, Scottish Executive Central Research Unit 2002
- ² *Design Guidance on Flood Damage to Dwellings*, Scottish Office, 1996.
- ³ *Preparing for Floods*, DTLR, Scottish Executive and others, 2002.
- ⁴ Statement of Principles on the Provision of Flood Insurance, The Association of British Insurers. Available at: www.abi.org.uk/Display/File/78/Statement-of-Principles.doc

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Page updated: Thursday, April 6, 2006

Cairngorms National Park Authority
Planning Application No. 06/320
REPRESENTATION
ACKNOWLEDGED 15 APRIL 08

Cairngorms National
Park Authority

15 APR 2008

RECEIVED

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CAIRNGORMS NATIONAL PARK PLAN
PROPOSED MUIR HOMES DEVELOPMENT

Reference:

A. Cairngorms National Park Plan 2007

Introduction

I am very impressed with the eloquence and the altruistic spirit of Reference A, which includes Priorities for Action between 2007 and 2012. For it all certainly makes interesting reading, and virtually every sentence has transference value and implications, for all who are keen to see the careful development of the CNP, especially around the Granttown-on-Spey mossie, and the area around the campsite.

Strategic Objectives for Landscape, Built and Historic Environment

I commend the Strategic Objectives of Reference A (page 38), and noted comments on habitats, species and land management, and comment that; Large areas of the Park, not restricted to the montane area, are valued for their innate qualities and the experience of wilderness that many people come to the area to enjoy.

I also agree with the comments of Reference A (page 53) which outlines that; As well as the physical quality of air, the low level of light pollution means the Park is one of the best areas in the UK for dark night skies. The tranquillity of the area is also a particular quality that should be retained and enhanced.

The Grantown-on-Spey Caravan and Camping Site

The CNP is most fortunate to have had an entrepreneurial minded young member of the local community; to have developed already developed this site to its present high standard. Furthermore, I was please to read at Reference A (page 70) that it is a Strategic Objective of the CNP Plan to; Encourage entrepreneurship, especially in young people and in sectors which compliment the special qualities of the Park.

Priorities for Action 2007 – 2012 & Unambiguous Legal Clarity

I was also delighted to read at Reference A (page 106), that one of the Priorities for Action 2007 – 2012 is to; Discourage camping alongside public roads at un-managed sites and improve provision of managed campsites in the National Park.

I suspect that this particular aspiration will require a considerable amount of 'Unambiguous EU Legal Clarity', to cater in the 'Public Interest' for the diverse and wide-ranging camping and campsite issues (including Duty of Care and Health and Safety), such as the following, over the next 25 years:

Ancient Scottish Common Law for; Rights of way, bridle paths and even horse drawn coaches.

Drovers routes through and over the Montane.

The full range of habitats, private estates, farmland, crofts, moorland, forests and woodlands, and not least the built environment.

Provision for EU Gypsies/Travellers. Note; world events could see mass future emigration of EU Gypsies/Travellers – perhaps the CNPA should seek guidance on this issue from The Scottish Government Strategic Group on Gypsies/Travellers.

I also note that whilst this Priorities for Action aims to discourage camping alongside public roads, and to improve provision for managed campsites, it does not make any mention of caravans, caravanned and off road vehicles, motor bikes, and the legally complex mass of other modes of transport, be they via water air or land.

Scottish National Parks – The IUCN Category V

Reference A (page 21) outlines that the Scottish National Parks fall within the IUCN Category V. Furthermore, at Annex II: IUCN Management Principles for Category V Protected Areas, and Principle 8 outlines that; When there is irreconcilable conflict between the objectives of management, priority should be given to retaining the special qualities of the area.

Principle 8 also outlines that; management should seek to reconcile such conflicts, the need to have clear rules about what would have priority, and that priority should be given to protecting the qualities that make the area special (critical environmental capital).

I firmly believe that in this instance the local residents, campsite, and mossie habitat and environment, all have priority, over the proposed Muir Homes Development.

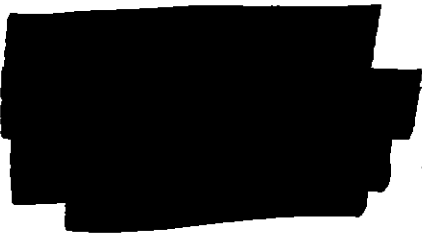
Proposed Muir Homes Development – Irreconcilable Conflict

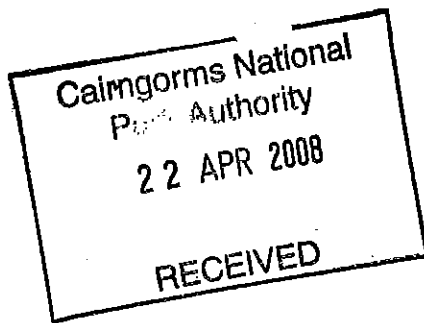
I am aware that the proposed Muir Homes development has raised many constituents and other interested parties fears and concerns (at irreconcilable conflict level) over; habitat, water issues, the mossie, the campsite, built properties.

The Way Ahead - Reasonable Request

In order to realise the CNP Plan Priorities for Action 2007 – 2012 and 25 year aspirations, and to deal fairly with this matter. I consider that it is 'reasonable to request' that no decisions are taken on the proposed Muir Homes development by the CNPA Board Members, until such time as the Park; Priorities for Action 2007 – 2012 camping and managed campsites in the National Park important milestone objective, has been fully realised.

Yours

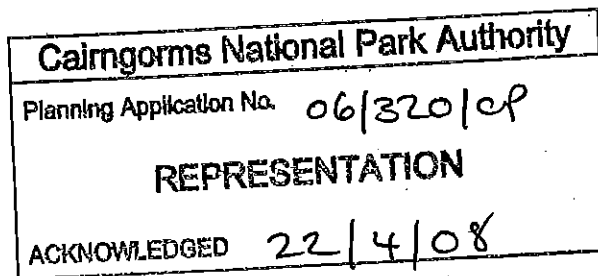
A large black rectangular redaction box covering the signature and name of the sender.



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SCOTTISH NATIONAL PARKS
IRRECONCILABLE CONFLICT
LOCAL PEOPLE - WIDER PUBLIC INTEREST
PROPOSED MUIR HOMES DEVELOPMENT

Reference:

A. Management Guidelines for IUCN Category V Protected Areas Protected Landscapes / Seascapes.

Local People Feedback Comment

As a result of reading all 122 pages of Reference A, I fail to see how the proposed Muir Homes development meets the full spirit of this document, especially the 'Guidelines on the suitability of small-scale development in Category V protected areas'. Please see Enclosure 1 (Extract from Reference A - Para's 5.4.2 to 5.4.3 & Box 17 & 18).

For example; this proposed Muir Homes development does not conform to the general scale of other buildings in the camping site or surrounding houses, the scheme invades social space, is unlikely to employ local people, will make unreasonable demands on public services, and does not have the support of many of the local people.

Reference A also makes comment at:

Para 2.2.4 - Safeguarding the integrity of this traditional interaction is vital to the protection, maintenance and evolution of such an area.

Para 2.2.4 - Guiding human processes so that the area and its resources are protected, managed and capable of evolving in a sustainable way – and natural and cultural values are thereby maintained and enhanced.

Para 2.2.5 Fig. 4 – Category V Protected Area – Typical dominant land uses – Tourism (*i.e. the camping site*).

Para 2.4 - Key characteristics of Protected Landscapes (*are all relevant to this issue*).

Conclusion and Recommendation

It is outlined in the CNP Plan (under Principle 8) that; *When there is irreconcilable conflict between the objectives of management, priority should be given to retaining the special qualities of the area.*

Therefore, in the interests of the local people, the wider public, and Scottish National Parks, and to ensure that the planning process is dealt with fairly, justly and openly. I request that prior to the deciding body making a decision on the proposed Muir Homes development:

The Chair of the CNPA Called-in meeting, confirms to local people and the wider public attending that; the Chair is satisfied that all Board Members are fully conversant with, and have a legally reasoned and competent understanding of Reference A, with regards to the full implications of the proposed Muir Homes development.

Yours most sincerely



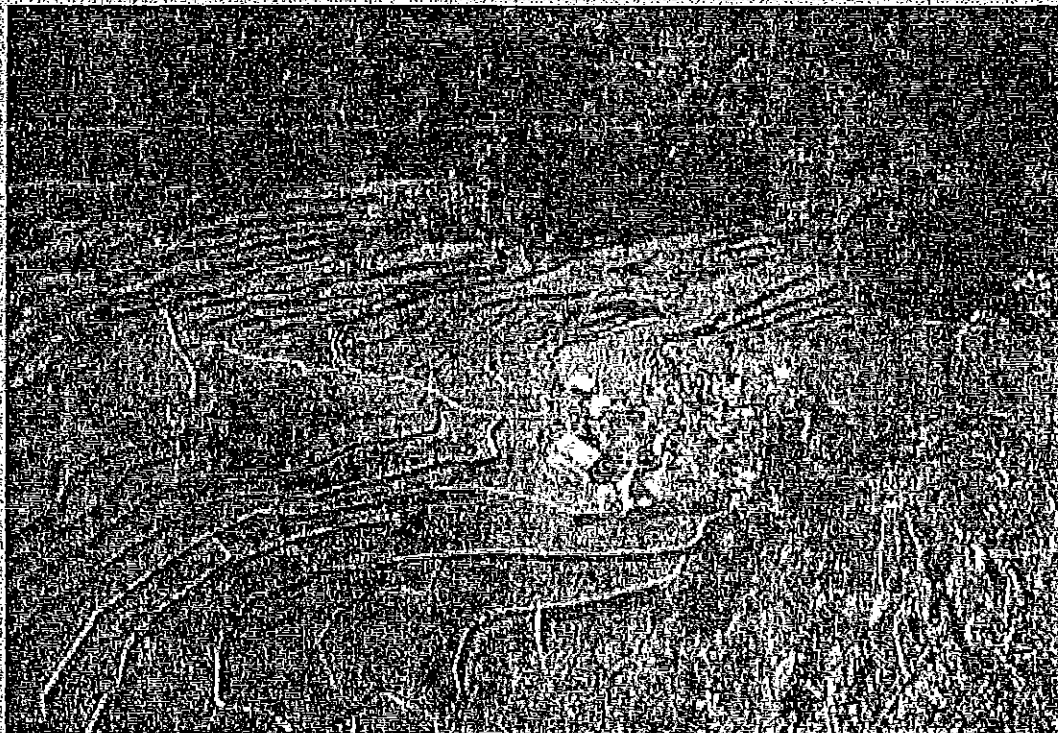
Enclosure:

1. Extract from Reference A (Page's 69 to 71).

World Commission on Protected Areas (WCPA)

Management Guidelines for IUCN Category V Protected Areas Protected Landscapes/Seascapes

Adrian Phillips
Author and Series Editor



Best Practice Protected Area Guidelines Series No. 9



5.4.2 Zoning in land use plans

Land use plans will normally need to contain a set of geographically-based policies for different parts – or zones – of the Protected Landscape. Zoning policies of this kind will indicate what forms of building, land use change etc. will be acceptable in which parts of the designated area. Some areas may be zoned for a concentration of tourism development for example, or for the expansion of a settlement; policies in other zones will be much more restrictive. It will be found much easier to make such zonal policies ‘stick’ if the authorities operating the control system are not obliged to pay compensation for a refusal of permission. On the other hand, restrictions imposed without compensation will cause resentment unless there is a high level of public understanding and acceptance of the purposes of the protected area. As an alternative to, or complementing, zoning policies, another approach is criteria-based decision-making, under which all economic development is screened for its environmental and other impact. This then provides the basis for granting consent, or for rejection.

5.4.3 Proposals for small- and large-scale development

Given the very wide range of possible forms of land use development that might occur within a Category V protected area, it is difficult to establish general policies for universal application. However, some general guidance can be offered in relation to a) small-scale development projects (such as individual houses, small recreational schemes, local agricultural and forestry infrastructure, local social provision), and b) proposals for large-scale development (such as a new mine, a large dam, a new highway or a defence establishment).

In respect of small-scale proposals, the key test is whether the scheme will enhance the objectives of the protected area and meets the requirements of sustainability – whether it is “fit for the place and fit for the purpose”. Box 17 offers some guidelines of this kind.

Box 17. Guidelines on the suitability of small-scale development in Category V protected areas

The following check list may help to establish the suitability of small-scale projects for inclusion within a Category V protected area (only a few of the factors listed below will be relevant to most schemes):

Environmental factors:

Scale: does the project conform to the general scale of other buildings and that of the landscape around?

Design: is the design sympathetic to its surroundings in term of its environmental impact?

Materials: are these of local origin, and used in a way that reflects traditional construction techniques?

Landscaping: has thought been given to the planting of trees and shrubs, to accommodate the building in the landscaping?

Cont.

Box 17. Guidelines on the suitability of small-scale development in Category V protected areas (cont.)

Off-setting benefits: has the potential to gain compensating benefits through the development, e.g. new wildlife habitat, been considered?

Location: is the location appropriate in relation to other buildings, servicing etc? are there better alternative sites?

Technologies and resource consumption: is the scheme designed to minimise use of resources (water, energy, waste, sewage, effluent, noise, light etc.)? has thought been given to using low impact technologies (either modern or traditional)?

Green practices: will the managers of the scheme follow green purchasing, use biodegradable products, seek to minimise use of private transport etc.?

Social factors:

Relationship with community: has the scheme got the support of local people?

Impact on the community: will the scheme cause an unacceptable rate of social change, threatening coherence of local communities or swamping their interests?

Impact on cultural traditions: Will the scheme support or undermine cultural traditions that identify the community, e.g. social space, circulation patterns?

Support for community: will the project underpin the community and meet its needs (e.g. for affordable housing, education or shops)?

Diversity: will the project support a diverse social community (young and old, men and women, rich and poor, various ethnic groups, and various skills and professions)?

Economic factors:

Resource users: does the project support sustainable resource use in the area, e.g. in farming or forestry? Does it deplete non-renewable resources?

Employment: will the project employ local people and use local skills?

Produce: will the project make a demand for local goods and products, especially those produced in sustainable manner?

Servicing: will the scheme make reasonable demands on public services, e.g. water and transport, which must be paid for locally?

In general, large-scale developments are not appropriate within a Protected Landscape on the grounds of environmental impact and their incongruous character and scale. However resisting such proposals may not be easy, especially when it is argued that they meet a national need. Some suggested guidelines are offered below (Box 18) to help determine if a particular activity is acceptable within a Category V protected area or should be resisted as far as possible.

Box 18. Guidelines for determining the acceptability of large-scale development in Category V protected areas

The following check list – to be applied sequentially – may help to establish if a large-scale development should be accepted within a Category V protected area:

- Establish **environmental impact** through a thorough EA, preferably along lines agreed with stakeholders, and document this. This includes arrangements for monitoring operations and safeguards over such matters as (i) pollution, where there should be an effective monitoring and compliance system, and (ii) in the case of extractive industries, credible plans and secured funding for restoration and after-use treatment to remove the threat of polluted land or water. If, as a result, it appears that the development would fail to meet, or undermine, the purposes of the designated area, resist it;
- Establish if the project really serves an over-riding **national need** and is in the public interest – if it fails to meet this test, argue for its rejection;
- Determine if there is an **alternative way** of meeting the expressed need, either by (i) a different type of scheme (e.g. energy conservation can be an alternative to new generating capacity), or (ii) a different location or route outside the area – if so, argue for this alternative;
- If the scheme passes the above tests, mitigating or compensating measures should be adopted as a condition of its approval.

There is a wealth of experience in many countries in operating land use planning systems in sensitive environments. Case study 18 draws on the experience of the UK national parks: despite their name, these are in fact Category V protected areas. Case study 19 is a more site-specific example from Brazil of how land use planning has been used for conservation purposes.

CASE STUDY 18.

Land use planning in the UK system of national parks

All land in the UK, including the national parks, is covered by comprehensive land use planning legislation, dating from 1947. All significant building developments etc., or changes in land use, are controlled by the local planning authority (LPA), which has to prepare a development plan for its area. In England and Wales (and so far in Scotland) the national park authority (NPA) is the LPA (see also Box 2).

At the national level, policy advice on land use planning is provided by central government through formal guidance. This guidance advises that...*“major development should not take place in the National Parks....save in exceptional circumstances...proposals must be subject to the most rigorous examination.”*

Development Plans are prepared to cover all national parks in the UK, either by the NPA alone or jointly with the local authority. Plans include both strategic policies for land use and development, and much more detailed policies reflecting local needs and circumstances. Development plans, which normally have a 15-year horizon and are reviewed every 5 years, are usually adopted after a public inquiry.

Cont.

Cairngorms National
Park Authority
23 APR 2008

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Cairngorms National Park Authority
Planning Application No. 06/320/CP
REPRESENTATION
ACKNOWLEDGED 23/4/08

████████████████████
22nd April 2008

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GRANTOWN-ON-SPEY CULTURAL HERITAGE MINERAL WELL
LOCAL PEOPLE - WIDER PUBLIC INTEREST
PROPOSED MUIR HOMES DEVELOPMENT

Reference:

A. Grantown-on-Spey Map Surveyed in 1867 Revised in 1903-4 Reprint 30 / 38.

Introduction

In my search for archive information as to the precise location of the ancient Grantown-on-Spey 'Mineral Well', I had the honour of speaking today in the Grantown Museum & Heritage Trust, to the eminent local historian Mr George Dixon. Who provided me with valuable background information, on the origins of, and Cultural Heritage details, of this ancient Mineral Well.

I believe that by using Reference A, I have successfully located this Mineral Well, which if I am correct, lies alongside Meadow Burn, and is capped by a very large and heavy flagstone.

Cultural Heritage & Historical Background Information

When the Court House was built in 1868, and to ensure that it was not subject to any form of dampness, it was decided to divert the Grantown-on-Spey burn (which I understand is now named Medow Burn) which ran across the Mossie, into the Kylintra Burn.

My research to date, has been unable to identify if this 'Mineral Well' was in existence prior to the diversion of the Mossie Burn.

Mr George Dixon advised that whilst he did not have a copy of the original Ordnance Survey map at hand, the Mineral Well was recognised as being fully functional (with an surrounding stone type apron) in 1903-4, as shown in Reference A.

Cultural Heritage - The Right of Public Access - Historical Tourism

I understand from Mr George Dixon that:

The Local Community and Wider Public were afforded full public access to the Mineral Well. It is therefore highly likely that under Scottish Common Law; the Local People and Wider Public, had a Right of Access to use the Mineral Well, which I feel for strong Cultural Heritage reasons, should be fully researched.

This Mineral Well was recognised as being a major tourist-resort-attraction, and promoted as such, by the local Grantown-on-Spey people.

The Mineral Well was also used historically as a health spar, by those with a variety of ailments and health problems.

In addition, although not as famous as the Mineral Wells at Strathpeffer and Ballater, this Mineral Well was enthusiastically used throughout the full duration of the Victorian Period.

Tomorrow's Tourism and Wider Economic Development and Regeneration

I therefore feel that it is absolutely essential for both tomorrow's tourism, and the wider economic development and regeneration of Grantown-on-Spey, that this Mineral Well which has significant Cultural Heritage value, is fully restored to its former glory, and that any Scottish Common Law access to it, is retained.

In addition, if this Mineral Well is restored and carefully marketed, I have no doubt whatsoever that it has the potential to enhance; the CNP and towns standing, the camping site, and towns potential to create a variety of attractive, lucrative and beneficial income streams, and possibly even a new brand of Grantown-on-Spey 'Spring Mineral Well' bottled water.

Cultural Heritage Preservation Recommendations

In my opinion, it is in the interests of the CNP and Cultural Heritage to:

Ensure that the proposed Muir Homes development does not encroach upon, or have any form of adverse impact upon, this ancient Mineral Well, which has significant Cultural Heritage value.

Carry out urgent research, and seek the assistance of relevant agencies, to promote and finance, the restoration of this ancient Mineral Well.

Ensure that the area around this ancient Mineral Well is preserved for future generations, and that any nearby development and landscaping, serves to compliment its future restoration, regeneration and further development.

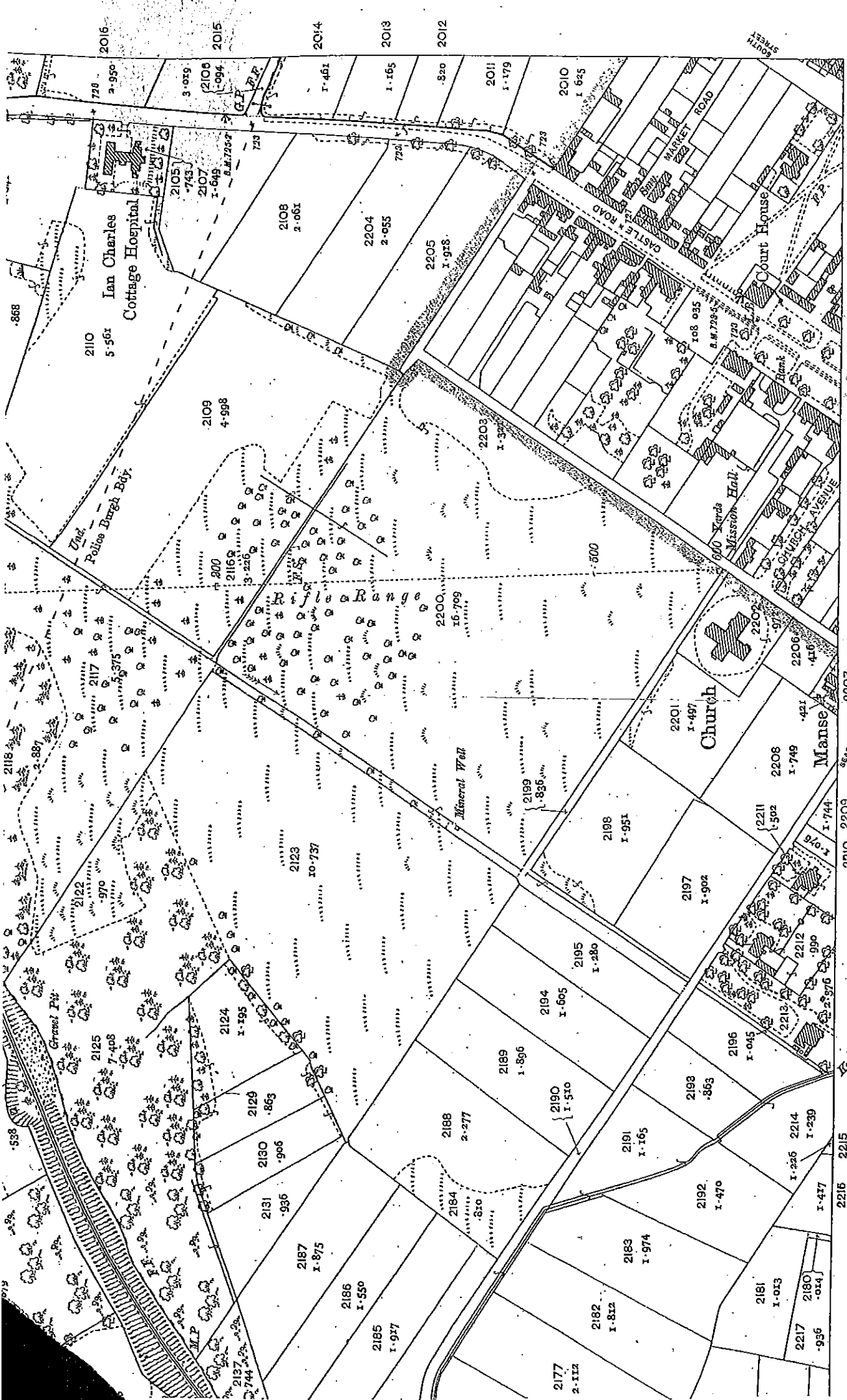
Yours most sincerely

A large black rectangular redaction box covering the signature of the sender.

Enclosure:

1. Extract; Grantown-on-Spey Map Surveyed in 1867 Revised in 1903-4 Reprint 30 / 38.

Copy to: Jim Beverage Community Councillor.



GRANTOWN-ON-SPEY

Surreyed in 1867. Revised in 1903-4.
Reprint 30/38.

Scale 2500 being 25.344 inches to a Statute Mile or 208.33 Feet to One Inch.

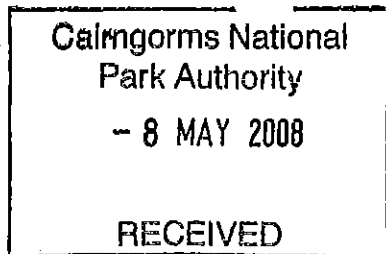
N.B.—The representation on this map of a Road, Track, or Footpath is no evidence of the existence of a right of way.

Links 100 0
Rods 100 0

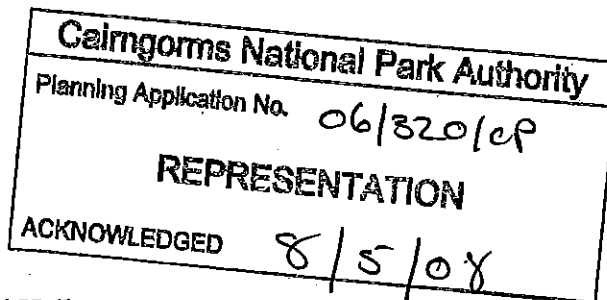
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PRICE NET.



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[REDACTED]
4th May 2008

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**WIDER PUBLIC INTEREST - STANDARDS COMMISSION FOR SCOTLAND
PROPOSED MUIR HOMES DEVELOPMENT**

References:

- A. The Scottish Government - Code of Conduct for Councillors.
- B. COSLA Advice for Councillors Dealing with Planning Matters Para 2.
- C. Standards Commission for Scotland Guidance Note to Local Authorities In Scotland (May 2007).

Introduction

I have spoken to a variety of other concerned members of the wider public, who all have severe reservations and concerns, as to the likelihood of the adverse consequences, if the proposed Muir Home Development is approved.

It is quite apparent that many people in the local community, feel that they have not been adequately informed, and that their many concerns, have not been prioritised and/or raised in a Public Forum, where all could contribute to the debate.

Whilst the public acknowledges that the area concerned may have already been zoned for housing, wider issues have emerged which many believe challenge the wisdom of this decision.

There is also a general lack of knowledge as to requirements for any development to be consistent with existing buildings, who owns the land, what were the terms of sale when the land was bought, and are there any 'locked legal terms involved' if the land is sold on.

There is also the question of cultural heritage (Mossie mineral well), and landscaping commensurate with the Cairngorms National Park Plan 2007 for wildness and dark nights etc, and the CNPA Strategic Plan for un-managed and managed campsites.

Local Councillors

I have been given copies of 2 emails which indicates that 3 of our Ward Councillors who are also CNPA Board Members, have advised that with regards to this issue:

Extract from Email to me from a member of the public who spoke with 3 Ward Councillors: *We, the public and constituents, may speak to them but they can't make any comment. We can send them written objections which they can read.*

Extract from Email copied to me from a Ward Councillor: *However as I (and the 2 other local councillors who are on the CNPA Board) will be part of the committee that determines the application, none of us can offer any comment with regards to the application. If we did this, we would have to declare an interest and not be able to take part in the discussion and determination.*

However, I believe myself (and the other cllrs if desired) can meet with residents to hear their views, but it is advised that this is done with a planning officer present to ensure correct protocol is followed.

The Scottish Government - Code of Conduct for Councillors

I note the following in Reference A (Section 2: Key Principles of the Code of Conduct Para's 2.1) that:

Selflessness *You have a duty to take decisions solely in terms of the public interest.*

Openness *You have a duty to be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.*

As Councillors are elected, and I understand receive approximately £15,000 per annum for carrying out their duties, I fail to see how the 3 Ward Councillors previously mentioned, have declined to deal with this matter in accordance with the guidelines set out in Reference B; fairly, justly and openly.

Furthermore, advice from councillors who are CNPA Board Members and who provide the following written advice: 'I believe myself (and the other cllrs if desired) can meet with residents to hear their views' are I feel somewhat inadequate, and hardly give the public any form of confidence, that their reservations and concerns, are being 'openly' addressed.

Standards Commission for Scotland

I also feel that this overall matter has been inadequately dealt with, for having read Reference C (Para's 17 & 18); I feel that there has been a gross breach of the European Convention on Human Rights.

In addition, at Reference C (see Para's 112 to 114), The Standards Commission for Scotland has made provision for a councillor who is also a member of the CNPA that;

The Commission, having considered the matter, is of the view that it would – in certain circumstances – be in the public interest to grant dispensations to allow such councillors to participate in discussion and voting on certain issues.

In my opinion the proposed Muir Homes development is most definitely in the wider public interest, on both an international context (*Note: the Cairngorms National Park Plan 2007 outlines that all Scottish National Parks fall within the IUNC Category V Protected Areas*) and on a local scale.

I therefore feel that Ward Councillors have a constitutional and democratic duty, to speak to their constituents openly, and without planning officers being present.

In an attempt to clarify the small print of Reference C, I have raised this issue with our local MSP Fergus Ewing. For I have grave concerns that some Councillors who are also CNPA Board Members, are not fully familiar with Reference C, and that the public deserves legally definitive, and well informed fair play.

I suggest that it would be in the public interest if; all councillors who are CNPA Board Members, and the wider public, were provided with a Noddy Guide produced by the CNPA, outlining in accordance with Reference C:

Who makes the decision; in certain circumstances – be in the public interest.

Exactly what rights a member of the public has when dealing with councillors who are also CNPA Board Members.

Cairngorms National Park Plan 2007

If I understand correctly, the Cairngorms National Park Plan 2007, which fully incorporates the IUCN Management Principles for Category V Protected Areas, has been endorsed by the Scottish Parliament.

As such, and taking into consideration that Grantown-on-Spey is effectively the capital of Strathspey. I believe that any form of deviation taken by the CNPA Board Members with regards to the proposed Muir Homes development, no matter how minor, of the Cairngorms National Park Plan 2007 (*and its altruistic aspirations*), should be called in for further scrutiny by the Scottish Parliament.

Note: I would appreciate it if the CNPA could provide me with clarification on this particular issue, prior to the relevant CNPA Board Members meeting.

Public Perception of Growing Unease and Dissatisfaction with CNPA

I feel that this is an appropriate time to inform the CNPA, that I certainly detect a growing feeling of unease and dissatisfaction(s), in the way that this particular issue (and a variety of other diverse issues), are being dealt with by the CNPA.

Whilst the CNPA may well wish to ignore my own and other members of the public's comment's on the proposed Muir Homes development, as possibly being irrelevant, unfounded and frivolous, or find a means to circumvent them (i.e. desire to provide more affordable housing).

I suggest that if the CNPA wishes to ensure that the CNP achieves its Cairngorms National Park Plan 2007 visions for the future, the CNPA should seek independent verification (by a professional body) on:

The public's merits of the proposed Muir Homes development.

The wider popularity of the CNPA operations and performance to date.

Public Interest – The Way Ahead

I feel that it is in the Public Interest that the CNPA:

Convene a series of Public Meeting(s) to highlight all the various issues raised to date over the proposed Muir Homes development.

In the interests of this issue being dealt with fairly, justly and openly; provide all members of the Public who have already contributed to the debate, with a concise CNPA Executive Summary of:

The public's concerns.

The CNPA view of these public's concerns.

Any relevant wider issues.

Invite feedback comment on the CNPA executive summary.

In view of the fact that the public will only have approximately 10 minutes to speak to Board Members at the relevant CNPA meeting.

Seek the approval of the public for; a suitable volunteer and/or a Ward Councillor (who retains their right to vote at the relevant CNPA Board Members meeting), to coordinate, articulate, and prioritise, all of the wider public's concerns.

Provide a suitable forum, and/or allocate additional time, for any other member of the public to speak, and make their case heard by the CNPA Board Members.

Yours most sincerely



Enclosure:

1. Extract from: Standards Commission for Scotland Guidance Note to Local Authorities In Scotland (May 2007) – Para's 17 & 18, 112 to 114.

ENCLOSURE 1



Guidance Note To Local Authorities In Scotland (May 2007)

Standards Commission for Scotland

Page 3 of 13

European Convention on Human Rights

17. The Code itself - including its key principles - is compliant with and subject to the provisions of the European Convention on Human Rights as applied by the Human Rights Act 1998.

18. The main ECHR provisions which are relevant in relation to the interpretation and application of the Code include -

- Article 8 - right to respect for private and family life.
- Article 9 - freedom of thought, conscience and religion.
- Article 10 - freedom of expression.

Decisions on Planning Applications where a Councillor is also a Member of the Cairngorms National Park Authority ("CNPA")

112. Decisions on planning applications taken by a Council (that is a Council within the area of the CNPA) where a councillor is also a member of the CNPA and the CNPA have submitted comments to the Council or are considering calling-in the applications raise issues relating to conflict of interest.

113. The Commission, having considered the matter, is of the view that it would - in certain circumstances - be in the public interest to grant dispensations to allow such councillors to participate in discussion and voting on certain issues.

Decisions on Planning Applications where the CNPA have submitted comments to the Council

114. (i) In terms of paragraphs 5.20 and 5.21 of the Code, the Commission grants a dispensation to any councillor who is also a member of the CNPA where the CNPA have submitted comments, representations or objections to the Council in relation to a planning application so as to enable the councillor to take part in the consideration and discussion of, and to vote upon, the determination of the planning application by the Council.

(ii) This dispensation only applies where the councillor has not participated in the decision to make comments,

representations or objections and has not attended during the item of the relevant CNPA meeting to decide on the comments, representations or objections to be submitted.

(iii) This dispensation applies to meetings of the Council and of any committee or sub-committee of the Council and to other meetings as referred to in para 5.4 of the Code to deal with the planning application.

8

Cairngorms National
Park Authority
- 3 JUN 2008
RECEIVED

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1st June 2008

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Cairngorms National Park Authority
Planning Application No. 06/320/cp
REPRESENTATION
ACKNOWLEDGED 3/6/08

PROPOSED MUIR HOMES DEVELOPMENT - INDIVIDUAL DISPENSATIONS
WIDER PUBLIC INTEREST - COMPOSITION OF THE CNPA
NATIONAL CONVERSATION ON CHOOSING SCOTLAND'S FUTURE

Reference:

A. Standards Commission for Scotland – Guidance Note to Local Authorities in Scotland (May 2007) Para's 116 to 118.

Please pass on my thanks to Jane Hope for her letter dated 20th May 2008, in which she made reference to the Member's Code of Conduct for the CNPA. However, whilst this Code may well ensure that a CNPA Board Member's impartiality is not called into question, it hardly compensates local members of the public, for the loss of representation by individual councillors/Board members, who were democratically elected by local citizens to represent them.

Moreover, it is certainly not in the public interest, and disconcerting to some of my fellow citizens (who are all deeply concerned about the proposed Muir Homes development), to find that some of our democratically elected councillors, who have subsequently been appointed by the 4 local authorities to become CNPA Board Members, as such are now excluded from meeting their, and the wider local public's, CNP interests and needs.

Some of my colleagues and I have already submitted letters (seeking answers to questions) to the CNPA reference the proposed Muir Homes development, and received standard format and non committal reply(s), which fail to answer the questions. After which; there is no notification of what action has been taken by the CNPA reference these letters, and we are not included on any distributions lists for information purposes, and have difficulty in tracking any subsequent CNPA non confidential correspondence.

My colleagues and I are also concerned that a major project like the proposed Muir Homes development will inevitably generate a large volume of complex correspondence. It is hard to believe that all CNPA Board Members will be able to fully digest, and as required carry out their own research, immediately prior to a CNPA Board Members planning meeting.

Furthermore, I note that the Standards Commission for Scotland would appear to have made a small commonsense provision in Reference A, for councillors to have the opportunity to seek Individual Dispensations as follows:

In addition to the general dispensations described above, individual councillors may wish to apply for a dispensation to allow them to take part in the discussion of, and voting on, a matter where, in terms of the Code, they might otherwise be prohibited from taking part.

As the CNPA are now a direct and central link in the planning chain, surely the local public have a democratic and legal right, to expect that CNPA Board Members are granted the same opportunities and rights to seek Individual Dispensations, as those granted to councillors by the Standards Commission for Scotland?

As the public can not speak to councillors/Board Members, it is therefore highly desirable that some innovative way should be found by the CNPA, for Board Members to be able to 'effectively communicate' and speak 'off the record', and/or to provide the local public with an alternative point of contact, which can assist them with their concerns over controversial planning issues within the CNP, such as the proposed major Muir Homes development.

A Community Council meeting (scheduled for 12th June 2008) reference the proposed Muir Homes development is planned, to enable the public to raise their concerns. However, whilst my colleagues and I are grateful for, and welcome the opportunity to, attend this meeting and raise our concerns with the Community Council. We do not feel that this is an adequate substitute forum, to raise all of our concerns. For it is highly unlikely that the Community Council possess the necessary skills set, experience and knowledge, to address all of the various questions for the proposed Muir Homes development, or any other future major development proposals.

Request for CNPA Confirmation

After taking all of the above comments into account, could the CNPA confirm that:

The CNPA: Members Code of Conduct is compatible and up to date with the terms and provisions of Reference A (especially Para 116 & Individual Dispensations), which is dated May 2007.

The CNPA Board Members, and Standards Commission for Scotland, are comfortable with the fact that as outlined in the CNPA Members' Code of Conduct (Section 7 Taking Decisions on Individual Applications Para 7.3), which outlines that in order; *to reduce the risk of planning decisions being legally challenged*, the wider local public to all intents and purposes are:

- Being subjected to unwarranted amounts of CNPA user-unfriendly red tape, inadequate communication Codes of Conduct and restrictions.

Arguably, that the wider public is being denied their fundamental basic democratic and legal rights of representation, by elected councillors/Board Members.

Request to CNPA to Advise and/or Nominate a Suitable and Knowledgeable CNP Alternative Point of Contact

As members of the local public are excluded from talking to councillors/Board Members in general terms about the proposed Muir Homes development. Could the CNPA advise and/or nominate; who they consider to be is a suitable and knowledgeable CNP alternative point of contact, through which the public can talk to in general terms, reference the proposed Muir Homes development?

Suggested Alternative and Knowledgeable CNP Point of Contact Major Projects

As the CNPA councillors/Board Members can not talk to the wider public. Perhaps the CNPA would give due consideration to the following:

The creation of a new and independent CNPA appointment, with an appropriate independent line manager, who is authorised to talk to the wider public, on CNPA planning and other issues.

That if absolutely necessary, the CNP CEO, who I understand does not take part in the CNPA decision making planning process, and who has access to an extensive outer office, and considerable, if not almost unlimited resources to carry out relevant research etc. Could be authorised by the CNPA, in the interests of Scottish Ministers, the CNPA and the international wider public:

To become an alternative and knowledgeable CNP point of contact to provide; open, fair and transparent advice, and wholesome answers, to the public's concerns and questions.

Where appropriate be authorised by the CNPA, to nominate an alternative and knowledgeable CNP point(s) of contact, to cater for individual planning applications.

Questions for the CNPA

I would appreciate it if you could provide me with answers to the following questions reference the proposed Muir Homes development, prior to the Community Council public meeting on the 12th June 2008:

Is the CNPA aware that the public is concerned that as they can not talk to councillors / Board Members, they do not have access to a suitable and knowledgeable point of contact, to address their concerns?

If the CNP Plan 2007 has been approved by Scottish Parliament & Scottish Ministers, must any deviation involving the proposed Muir Homes development 'no matter how small' from the CNP Plan 2007, have to go to the Scottish Parliament & Scottish Ministers for further scrutiny and approval?

Taking into effect future global warming, does the proposed Muir Homes development encroach upon, or have any likely hood of an adverse impact upon, any part of a flood plain, from the Mossie, and along the length of the Medow & Kilintra Burns, to the River Spey?

Composition of the CNPA - National Conversation on Choosing Scotland's Future

Finally, if the CNPA can not find a suitable way ahead to permit adequate and user friendly; open, fair and transparent lines of communication between the CNPA and wider public. Perhaps it is time for members of the Public to; raise this issue with their MSP's, and to contact the Scottish Parliament and Ministers. In order to request a review of the composition of the CNPA Board, with further parallel representation being made to The Scottish Government and First Minister Alex Salmond, as part of the National Conversation, on Choosing Scotland's Future.

Yours most sincerely



Copy to: Grantown-on-Spey Community Council - Jim Beveridge.

Cairngorms National Park Authority
- 3 JUN 2008
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2nd June 2008

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Cairngorms National Park Authority
Planning Application No. 06/320/CP
REPRESENTATION
ACKNOWLEDGED 3/6/08

PROPOSED MUIR HOMES DEVELOPMENT – CNPA AFFORDABLE HOUSING

Reference:

A. The Press and Journal Saturday May 31 2008 article; Cairngorms authority builds in measures for affordable housing.

I found reference A interesting reading, and wondered what impact it would have on the proposed Muir Homes development at Grantown-on-Spey. I would therefore appreciate it if you could advise on the following, reference the proposed Muir Homes development:

Is there any public money involved in this proposed development?

What % of affordable houses will be involved in this development?

Will the Muir Homes development be subject to all the reference A criteria?

What is the cost ceiling to be for a CNP approved affordable housing.

Whilst the CNPA policy for large scale development must involve local builders, how will each project be calculated, and many local builders will be involved?

Information for

In addition, it would be appreciated if the CNPA could also provide advice on the following:

The requirement for a sound, and legally enforceable, CNPA Legal Definition of CNP approved affordable housing.

Will this definition make provision for affordable housing, which is deemed suitable for the disabled?


What exactly is the charge of a 'Cash Payment' towards affordable housing for, as this charge in effect would appear to be some form of Tax, and as I believe that the CNPA does not possess any form of tax raising powers:

Is this 'Cash Payment' legal?

Has this 'Cash Payment' been approved by the Scottish Parliament and Scottish Ministers?

Will details of a CNPA Legal Definition for affordable housing and this 'Cash Payment' be included in the Scottish Planning policy (SPP) Planning for Rural Development – Planning Consultation?

Yours most sincerely



IN BRIEF
North food and drink festival scoops award

The biggest food and drink festival in the north scooped the Food Tourism Award at the CIS Excellence Awards 2008 on Thursday.

The awards ceremony in Glasgow saw the festival beat off competition from other finalists including The Outer Hebrides Food Producers' Association and The Selkirk Arms Hotel to take the prestigious title.

Highland Feast takes place every weekend in September this year will see a variety of events take place including Battle of the Chefs at Eden Court, Inverness; Living Food at Cawdor Castle and The Real Ale Festival at the Castle Tavern and Clachnaharry Inn, Inverness.

Youth faces attempted murder charge

A Lewis teenager has appeared in court over a charge of attempted murder.

Christopher Morrison whose address was given as 6 Cearn Fhloaidh, Lewis, is accused of stabbing another person at Stornoway on May 20.

The 18-year-old made no plea when his case was heard in private at Stornoway Sheriff Court yesterday.

He was fully committed to trial.

Sheriff David Sutherland refused an application for bail and he was remanded in custody.

Contractor faces environment charges

A far north contractor is facing two environmental charges.

John Gunn & Son is accused of forming an earth bund on the bed of Wick River which it is alleged caused silting of the water.

It is also accused of pumping water contaminated with cement in an operation liable to pollute the river.

The Lybster-based firm is alleged to have committed the offences at the road bridge at Watten on August 29 and September 1 last year.

The case at Wick Sheriff Court was continued without plea until June 27.

Police warning over lost medication

Police have issued a warning after reports of the loss of medication, which includes a 40ml bottle of Methadone and diazepam and temazepam tablets in the Parade area of Fort William on Thursday at around 2pm.

Police say these items should not be consumed by anyone to whom they are not prescribed and should be handed in to the town's police station or the nearest pharmacy.

Cairngorms authority builds in measures for affordable housing

LOCAL PLAN MODIFIED TO OBLIGE DEVELOPERS TO PROVIDE HIGHER QUOTA

BY NEIL MACPHAIL

Measures to tackle the shortage of affordable housing for new and young families in the Cairngorms National Park area were approved yesterday.

The planning committee of the Cairngorms National Park Authority (CNPA) met at Ballater to agree modifications to their local plan that will see developers obliged to provide a higher percentage of "affordable" homes in the area compared with other local authorities. The CNPA will seek a minimum 40% affordable housing quota where public funding has been secured towards a housing development. Where no public money is involved the proportion will be 25%.

Developments of one or two open market houses in the park will also be required to make a cash payment towards affordable housing, a principle already in practice in Aberdeenshire. It could mean a home worth £200,000 contributing about £1,000.

Yesterday's move was triggered by a 2006 study which found that only 29% of new and young households in the park would be able to afford to buy a home. The report concluded that the situation was very serious indeed.

CNPA board convener David Green said: "There is a real need for affordable housing for people living and working in the park and the local plan sets out a requirement to ensure this is achieved."

"However, there is still market demand for a wide range of homes so it's important to strike the correct balance to ensure developers provide affordable housing while giving them enough incentive to develop the land."



HOUSES NEEDED: There is a shortage of affordable homes in the Cairngorms National park

CNPA planning committee convener Duncan Bryden said a number of modifications had been made in response to comments from local builders and those involved in the development industry.

"We have included a policy which will allow for small-scale infill development within settlements, rewritten another policy which will allow for housing development where there is a group of three or more existing houses, and we have also taken measures to ensure that new large-scale housing developments must involve a variety of people including small-scale, local builders and not given over solely to large-scale builders," he added.

Man dies in mountain fall

A MAN died yesterday after falling from a Skye mountain.

The incident happened at around 12.30pm in the Whispering Wall area of the Cullins range.

The man, believed to be from the Tayside area, fell some 80ft down a gully known as Deep Gash and received a serious head injury.

His male companion contacted the emergency services and the incident was

attended by police, Stornoway Coastguard and Skye Mountain Rescue Team.

A police spokesman said the casualty was conscious and breathing when his companion got to him.

He died by the time emergency services arrived at 2pm. His body was flown to Broadford Hospital.

A police spokesman said the man's identity would not be released until relatives were informed.

A VANISHING POINT and NATIONAL THEATRE OF SCOTLAND co-production
in association with the Citizens' Theatre.

LITTLE OTIK

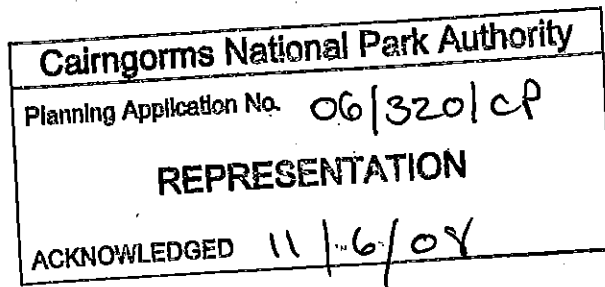
Based on the film by Jan Svankmajer

"A collision between Little Shop of Horrors and the Brothers Grimm"
★★★★ The Times

"A captivating production"
The Daily Telegraph

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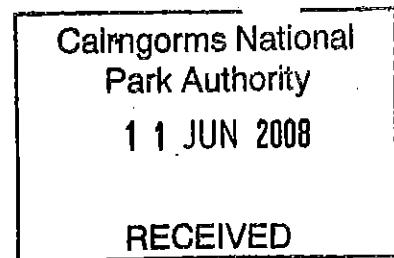
www.myspace.com/littleotik08



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8th June 2008

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**GRANTOWN-ON-SPEY CULTURAL HERITAGE MINERAL WELL
PROPOSED MUIR HOMES DEVELOPMENT**

Reference:

- A. My letter; Grantown-on-Spey Cultural Heritage Mineral Well dated 22nd April 2008.
- B. Grantown-on-Spey Map Surveyed in 1867 Revised in 1903-4 Reprint 30 / 38.

Introduction

Further to my letter at reference A, I can now confirm that what I believe to be is the mineral well, as shown located at reference B, is still in existence as you will see from the photograph at Enclosure 1.

Once located, I successfully managed to clear the undergrowth, which had completely covered this ancient mineral well, to reveal a substantial structure, in remarkably good condition.

Ancient Mineral Well Structure

As you will see from the photograph at Enclosure 1, it is a large structure, mainly made of concrete, with two descending steps to provide access into the base area of the mineral well. At its head, there is a bore hole pipe surrounded by four metal bolts, which must have secured a large hand water pump in place. *Note: I do not know what sort of concrete the mineral well is made of, but understand that Portland cement was invented in 1824.*

There are in fact two separate structures to this mineral well, and whilst it is not clear to me what the primary function of the other structure was (which lies next to the burn). I suspect that it provided a platform to the original ancient well, and possibly rising spring water. Alternatively it could have been something to do with the flax industry. However, it certainly has a sandstone platform, and there is a solid base underneath the downstream side, which extends some 18 inches below the surface area out into the burn area, now covered with aquatic vegetation and silt.

As outlined at reference A, this diverted burn was created in 1868, when the Court House was built, and the Grantown-on-Spey George Dixon has subsequently confirmed to me that the mineral well is marked on the First Edition Map created as a result of the 1867 Ordnance Survey. It is quite obvious that the mineral well was in existence and well established for many years prior to the diversion of the burn. For the burn runs in a straight line to the mineral well, is diverted around the mineral well area, and then runs in a straight line again, until it joins Kylintra burn (see Enclosure 2).

As previously explained at reference A:

- a. This Mineral Well was recognised as being a major tourist resort attraction, and promoted as such, by the local Grantown-on-Spey people.
- b. The mineral well was also used historically as a health spar, by those with a variety of ailments and health problems.
- c. In addition, although not as famous as the mineral wells at Strathpeffer and Ballater, this mineral well was enthusiastically used throughout the full duration of the Victorian Period.

Strategic Vision – Tourism Marketing and Economic Regeneration

I am convinced that with strategic vision, and choice targeted quality marketing, this ancient mineral well once renovated and reinstated, could once again become a major tourist attraction, which would undoubtedly help in the economic regeneration of the CNP and Grantown-on-Spey, throughout the twenty-first century and beyond.

I envisage the mineral well becoming a central town focal point, linked by a path suitable for disabled wheelchair access, with bench seating and some form of information kiosk, and mossie view point, with provision for a variety of wildlife habitats

Interestingly, and by sheer coincidence I happened to talk to one of the town's senior lady citizens, and former owner of the Craig Lynne, Nethy Bridge and Cairngorm Hotels. Who advised that; tourists came to Grantown-on-Spey in the twentieth century, and stayed in their three hotels, specifically to visit and use this mineral well.

As previously outlined, George Dixon advised that this mineral well was a major tourist attraction throughout the Victorian era, and it would certainly be interesting to find out if it was actually visited by Queen Victoria herself in 1860.

I have also been informed by local senior citizens and their dependants that:

- a. There were benches sited around the area surrounding the mineral well.
- b. Some of their parents collected water from this mineral well.
- c. It was also used as a wishing well.
- d. It was an important and central focal point of the town.

Historic Scotland and The Royal Commission on the Ancient and Historical Monuments of Scotland

I trust that the CNPA will:

Now take this ancient mineral well into serious consideration, especially when evaluating the merits of the proposed Muir Homes development.

Urgently notify; Historic Scotland and The Royal Commission on the Ancient and Historical Monuments of Scotland, and any other relevant interested parties, of the actions to be taken by the CNPA, to ensure that the mineral well is secured and protected for future generations.

Mineral Well Renovation and Landscaping

I feel that it is of paramount importance that any decisions whatsoever as to who should renovate and landscape the mineral well, should be reserved by the CNPA, until such time as Historic Scotland and The Royal Commission on the Ancient and Historical Monuments of Scotland, and the Community Council, have all completed their research, and if appropriate made formal recommendations.

However, a fund could be set up to help raise the necessary funds for restoration, and interested parties could be invited to make financial contributions, without any form of legally binding commercial, business or other commitment, by either party.

Damage & Contamination to Mossie Water Catchments Area & Sub Surface Water Courses & Aquifer

I notice that this ancient mineral well is not in the CNP Deposit Local Plan OS1 Protected Area, and appears to lie in the darker area (see Enclosure 3), which has been zoned for housing. Furthermore, in a plan of the proposed Muir Homes development I was shown by the Grantown-on-Spey Community Council, I noted with considerable alarm that this ancient mineral well is situated dangerously close to:

- a. A proposed access road, to be built to gain access to other parts of the proposed Muir Homes development.
- b. Proposed Muir Homes houses, sited on the mossie (see Enclosure 3).

It would be an absolute catastrophe if the proposed Muir Homes development were to 'damage and/or contaminate in any way' the surrounding mossie and water catchments area, especially the sub surface water courses and aquifer.

Historic View from the Mineral Well

The present historic view from the mineral well, over the mossie is spectacular and quite breathtaking, and it is in everyone's interests that this historic view should be retained, and remain unspoiled by any form of high or low density modern housing development.

Preservation Order

I trust that the CNPA will immediately seek to have the mineral well (and its surrounding area) protected as a listed building, and have a preservation order placed upon it, to ensure that it is not 'unintentionally and/or intentionally' damaged in any way.

Cultural Heritage

There can be no doubt that; this ancient mineral well is a structure of immense cultural heritage value, and that its history should be fully researched, and the mineral well be restored to its former glory, in the economic regeneration interests of Scotland, the CNP and residents of Granttown-on-Spey.

Yours most sincerely



Enclosures:

1. Photograph of the Granttown-on-Spey Mineral Well.
2. Plan of proposed Muir Homes development near Seafield Avenue.
3. Cairngorms National Park Deposit Local Plan.
4. Extract from the 1867 Ordnance Survey Map Revised in 1903-4 Reprint 30/38.

Copy to:

Jim Beverage Community Councillor.
Historic Scotland.
The Royal Commission on the Ancient and Historical Monuments of Scotland.
Kingussie: The Highland Council Planning and Development Service.