

APPENDIX C

Paper I - 08/272/CP

Community Council Responses

Julie Millman

From: Alison Fielding [REDACTED]
Sent: 16 December 2010 16:24
To: Planning
Cc: Mary Clark; Frank Bardgett
Subject: 08/272/CP Proposed Housing Development Boat of Garten

For the attention of Don McKee and Andrew Tait

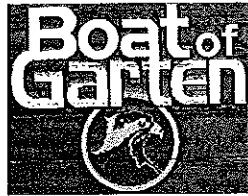
On behalf of the Boat of Garten and Vicinity Community Council, I write further to the submission sent to you by post and email on 10th December 2010.

I can confirm we have received the updated plans and Supporting Information Report of MBEC regarding the ecology and nature conservation for the proposed development by Davall.

On behalf of the Community Council, I can confirm that having considered this report and updated plans, we are satisfied with the ecological mitigation outlined. We continue to recommend that the proposed housing development proceeds.

Alison Fielding
Vice Chair
Boat of Garten and Vicinity Community Council

BOAT OF GARTEN AND VICINITY COMMUNITY COUNCIL

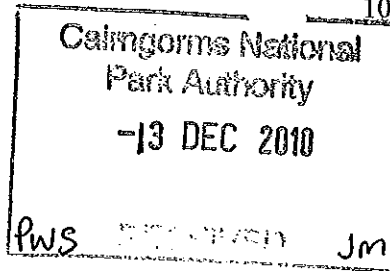


Please send letters by post to the Secretary, Tigh an Iasgair, Boat of Garten, Inverness-shire PH24 3BY.



Mr D McKee
Chief Planning Officer
Cairngorm National Park Authority
Albert Memorial Hall
Station Square
Ballater
AB35 5QB

10th December 2010



Dear Mr McKee

Re Planning Committee meeting scheduled for 7th January 2011
Application Reference CPNA ref : 08/272/CP
Proposed Housing Development for Boat of Garten

Please find enclosed the final response from Boat of Garten and Vicinity Community Council in respect of this application for planning consent. This response has been authorised by our most recent public meeting held on 6th December 2010 . I would be most grateful if you could ensure this response is brought to the attention of all members of the Committee.

This Community Council SUPPORTS this application.

We have been advised that we will be invited to speak to our response for 5 minutes at the meeting on 7th January. I hereby confirm that we wish to take up this offer and will be formally represented at this meeting by Alison Fielding, Vice Chair, and Samantha Faircliff, member, of the Community Council. Please advise Alison Fielding if any other action is required prior to the meeting to facilitate this. She can be contacted on 01479 831649, or email alisonannfielding@yahoo.co.uk

Please can you also confirm that we will receive any relevant papers either electronically or by post prior to the meeting ? Any postal information for this purpose should be sent direct to Mrs Fielding at the address below.

Yours sincerely



Alison Fielding
Vice Chair, Boat of Garten and Vicinity Community Council
Balvenie, Drumullie Road, Boat of Garten PH24 3BD

Encl :-

Chairman: Mrs Mary Clark



Secretary: Frank Bardgett



Treasurer: W.H.H. Cruickshank



Boat of Garten & Vicinity Community Council

CNPA reference: 08/272/CP

**Land 200m West Of Boat Of Garten Football Field Craigie Avenue Boat Of Garten
Highland**

**Erection of 73 houses; formation of 6 house plots; provision of primary school site;
associated amenity ground, roads and footways**

**The final response to this application for planning consent
authorised by the ordinary public meeting held on 6 December 2010**

1. **The Community Council supports this application because ...**
- 1.1. **The application is consistent with the newly adopted Local Plan and not inconsistent with the findings of the Local Inquiry;**
- 1.2. **The village's need for affordable housing is pressing;**
- 1.3. **The application has the support of the village;**
- 1.4. **The need to protect the site for environmental purposes has been overstated.**

The remainder of this paper argues in more detail these four reasons given in summary. Quotations from the Report on the Local Inquiry and from the Local Plan are shown in *italics*.

2. **The application is consistent with the newly adopted Local Plan**

2.1. **The Local Inquiry**

Following the Local Inquiry the Reporters' rejection of the designation of this site, formerly H1, as specifically for housing, was cautious and measured. They went a long way towards accepting a) the weakness of the case for rejecting it on environmental grounds and b) to accepting that it had a potential for housing. They decided, however, that CNPA had not at that point adequately justified the need to allocate housing there, and their precautionary principle then logically took them down the route they took. Their conclusion was carefully written and took a view, based on a balance of issues, that the mapping of this site for housing had a potential to be appropriate in terms of SPP 3: Planning for Homes, Annex A, paragraph 17.

** an allocation of housing land at this stage may be appropriate in principle*

** We conclude that BG/H1 can make a contribution to the effective land supply in terms of Annex 1 of SPP 3: Planning for Homes.*

** ... we accept that adequate safeguards can be put in place to secure an appropriate standard of development ...*

** However, to overcome all of the constraints ... CNPA would need to show an overwhelming need for the housing that would be accommodated in BG/H1.*

- 2.2. **We argue** that such an *overwhelming need for the housing* can be demonstrated. See point 3 below.

2.3. **The Local Plan**

The site is zoned within the settlement of Boat of Garten and as such is an area in which development may take place, provided it is compatible with other policies.

- 2.4. The Local Plan, as adopted, does not take an absolutist approach to the protection of environmental interests. It accepts that [3.9] *the precautionary principle should not be used to impede development unnecessarily*. It also states that [3.11] *mitigation measures to avoid effects on Natura interests (may be) be imposed as conditions on planning consent*.
- 2.5. The site in question is not, however, a Natura 2000 site and hence not within the scope of **Policy 1**. Nevertheless, developments impacting even Natura 2000 sites may be permitted

- under Policy 1 when a) there are no alternative solutions; and b) there are imperative reasons of overriding public interest, including those of a social or economic nature.
- 2.6. The site in question is not an SSSI, National Nature Reserve or National Scenic Area and thus is not within the scope of **Policy 2**.
- 2.7. It is accepted that this **traditionally woodland site comes within the scope of Policy 3**. This Policy allows for development to proceed provided [Policy 3 a)] *overall integrity of the identified (larger) area would not be compromised*. The Policy (3.26) recognises that not all Ancient Woodland sites are of equal value or equally sensitive. Our submission (point 5 below) argues that, indeed, this development need not fatally compromise this larger area of woodland.
- 2.8. It has been argued that this site comes under the remit of **Policy 4, Protected Species**, because of the postulated nearby presence of capercaillie. In the judgment of the Local Inquiry, this presence has been overstated. Again, see point 5 below. However, even when Protected Species are present, this Policy nevertheless allows development to proceed where *a) there are ... imperative reasons .. including those of a social or economic nature; b) there is no satisfactory alternative solution and c) the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range*. **We argue** that all these conditions are met by this application, for a) the provision of a high percentage of affordable housing in this community is an imperative social and economic reason; b) the Local Plan has identified no other area of Boat of Garten for housing (as recognised by the unique Working Group appointed by the CNPA); c) development in this site need not impact adversely on the use of the wider woods by capercaillie (again, point 5 below).
- 2.9. This application may also be assessed under **Policy 5, Biodiversity**. Here again, **we argue** that the conditions set to allow development under this policy may be met: *justification for the development outweighs the local, national or international contribution of the area of habitat or populations of species; and b) significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and/or management measures are provided*. The provision of a high percentage of affordable housing is, **we argue**, appropriate justification for the development; and the CNPA may set appropriate conditions to *minimise harm* and require *management measures*. During this planning process, SNH suggested the following would be appropriate, so that Boat of Garten woodland may be managed much as the RSPB manage their own Garten Wood.
1. No new direct access to the wood from the site;
 2. Operational conditions for construction activity;
 3. Keeping trees around the edge of the site for screening;
 4. Using signs to encourage people to stick to the paths and to keep their dogs on leads;
 5. Increasing vegetation and cover for the lek to screen it from the paths;
 6. All of this to be in place before the houses to be built are occupied.
- 2.10. We note that, in accord with **Policy 18, Developer Contributions**, land is proposed to be set aside for a potential new primary school for the village; the developer has also suggested allocating further woodland as Community Woodlands. We also argue that the Developer should be required to contribute to necessary mains and waste water infrastructure.
- 2.11. We note with approval that, under **Housing**, the Local Plan states [4.19] *The promotion of sustainable economic and social development of the Cairngorms National Park's communities is one of the aims of the National Parks (Scotland) Act 2000, and is borne out in the National Park Plan through the strategic objectives for Sustainable Communities and Housing. [4.20] To achieve the long-term vision for the Cairngorms National Park set through the National Park Plan, there is a recognised need for communities to be sustainable in social, economic and environmental terms. The need to ensure greater access to affordable and good quality housing is key to supporting these communities. We argue that*

Boat of Garten is very much a case in point and that recent reports have urged that *affordable and good quality housing is key to ensuring that this community remains sustainable*. See point 3 below.

2.12. The proposed and required allocation towards **affordable housing** should fully meet the criteria of **Policy 19**.

2.13. We trust that the Planning Authority take seriously the wording of **Policy 20, Housing Development within Settlements**, and *favourably* consider this proposal for a site mapped as within the settlement of Boat of Garten: *Housing proposals within these settlement boundaries will be considered favourably*.

3. **The village's need for affordable housing is pressing**

3.1. In June 2008 this Community Council sponsored a Housing Need Surgery / Survey conducted by the Highlands Small Communities Housing Trust. A copy of the report was sent to CNPA on 7 August 2008. The conclusion clearly identified the urgent need for more affordable housing in Boat of Garten. Since that time our primary school roll has dropped as families with primary age children have been forced to seek accommodation elsewhere.

Similar comments had been earlier made by The Boat of Garten Community Scoping Study published by the CADISPA Project, Faculty of Education, University of Strathclyde, in January 2004. In view of these reports and the sense that our area is losing its sustainability, this Community Council has already, and more than once, responded with support to this application for planning approval.

3.2. The Local Inquiry Reporters accepted that *all the [environmental] arguments accepted so far may be overcome if sufficient need for housing (and hence of a sustainable community) has been demonstrated*. This Community Council **submits** that such need has indeed been demonstrated; and that the CNPA itself accepted this need when it appointed its own unique Boat of Garten Housing Working Group.

4. **The site has the support of the village**

4.1. In connection with this application, a drop in meeting was held by the Developers and a 'listening meeting' was held by the Community Council. Reports on these meetings were submitted to the CNPA, 7 August 2008, as part of our response to the Planning Application.

4.2. On the basis of these actual meetings, we firmly believe that the site has general support within our community as a site for housing in a way that no previously suggested site has had. It is, as far as we know, the only site of any size available. If the CNPA is serious about offering opportunities for affordable housing, this is clearly the site that our history and location makes the prime opportunity: and it is a site that its owners are prepared to make available.

5. **The need to protect the site for environmental purposes is overstated**

5.1. We appreciate the importance of continuing appropriate protection for the capercaillie and have only recently applauded the 2010 publication by the Boat of Garten Community Company's Heritage Group of an Interpretation Plan that reaffirms our 'branding' as *The Osprey Village* and envisages cooperation with the RSPB to create a suitable festival/event to enhance environmental tourism. The capercaillie is on the 'red list' and we accept that the Boat of Garten woods, taken as a whole, contain significant habitat for the species.

5.2. The Local Inquiry, however, concluded that this site, then designated BG/H1, itself is *little used by capercaillie*, being close to the road and existing housing. The larger wood is thought to be mainly a 'stepping stone' between better, quieter habitats: Kinveachy Forest, Cairngorm, Abernethy and Craigmore Wood. The Reporters accept:

- * *BG/H1 is not designated as having any particular outstanding intrinsic value;*
- * *BG/H1 was little used by capercaillie;... the wood is not used extensively by capercaillie;*
- * *capercaillie are unlikely to leave their [prime locations] just because of development on*

the site; ... the distance to the most sensitive part of the wood, i.e. the lek, is considerable;
* *the proposal would not fragment their territory, although it would reduce the amount of roaming space albeit by only a limited proportion of the overall available area, ...*
No evidence has countered these conclusions.

- 5.3. The number of capercaillie present in the Boat of Garten woodland as a whole was overstated when the CNPA made its decision to de-map H1. The Reporters demonstrated that RSPB and SNH used different factors to guesstimate total numbers based on actual sightings. The Seafield and Strathspey Estates, the owners of the wood (which is a commercial plantation) on 27 May 2010 challenged the RSPB assessment on the basis of information developed by their own Forestry Director - a copy of the Estates' letter to the CNPA, dated 27 May 2010, has been supplied to us. Again, it needs to be understood that observed capercaillie activity in the Boat of Garten woods is not related to this particular site but is some considerable distance away.
- 5.4. All the evidence - even that of the RSPB - supports the conclusion that, while the woods as a whole are significant as a bridge between more favoured sites, this site has no particular value for capercaillie. The Reporters therefore, in our view correctly, concluded: *the impact of disturbance from noise and activity during construction ... is not likely to be significantly negative.*
- 5.5. It was the more general longer-term impact of development that the Reporters stated was more concerning: *3. Disturbance from increased recreational use of the wood, which is of greatest concern to Scottish Natural Heritage and the objectors alike. ... In addition to this general overall increase in the number of people and dogs using the wood, more people would make more use of the existing formal and informal paths that penetrate deep into the wood.*
- 5.6. There are therefore some that argue against **any** increase in the size of the village, for wherever new housing is built, it is likely that there will be *increased recreational use of the wood*. This was the conclusion of a CNPA staff working paper, *Landscape Capacity for Housing Study: seeing no obvious opportunities to expand Boat of Garten because the pine woodland is seen as a significant constraint.*
- 5.7. That, however, is not the position actually taken by CNPA. The Development Plan Manager has confirmed in writing that the site remains within the demarcated settlement and therefore "any land within the settlement and not allocated for anything else could also be used, in theory, for affordable housing. This would include the land previously allocated as H1. This very issue was discussed at the Board meeting when the post inquiry modifications were approved by the Board, and we made clear to questions from Stuart Black that the land, previously H1, now not allocated, could be suitable for affordable housing, if a suitable scheme was developed which took account of the various constraints on the site." The CNPA has designated Core Paths that run through these woods. The CNPA is supporting the work of the Heritage Group of the Boat of Garten Community Company and has published a new Footpaths map to encourage tourists to walk and cycle in these woods. We strongly resist the argument to oppose *increased recreational use of the wood* and are pleased that CNPA has not adopted it as official policy.
- 5.8. By leaving the site as mapped within the settlement, the CNPA itself has thus already rejected the main argument against the use of this site as for housing - that *any* housing in this settlement would have unacceptable knock-on detrimental environmental results.

6. Conclusion

- 6.1. This Community Council **recommends** that this application be approved and accepts that it would be appropriate to add safeguards to limit both any further development into the woodland and to mitigate any disturbance arising from development within the site: ie
- * Clearly mark the line of woodland into which no further development will be permitted.
 - * In particular, build in the safeguards originally proposed by SNH as listed above.

6.2. Further, the Community Council restates points made in its original comments on this application in 2008:

6.2.1. The proportion of homes and sites allocated to affordable housing is key to our approval of this application. The plans on which we were consulted were for:
The proposals are for 73 flats/houses and a further 6 plots available for purchase for self-build. Whereas current guidelines for developments require 25% to be 'affordable', this plan provides for 32 houses/flats or 40%, divided into 16 flats/semis/houses for rental and 16 'Homestake' flats/semis, also of assorted sizes: viz:

<u>Affordable rented</u>	<u>Affordable LIFT</u>
4 x 2 bed cottage flats	8 x 2 bed cottage flats
6 x 2 bed semis	4 x 3 bed semi-detached villas
4 x 3 bed semis	4 x 3 bed semi-detached chalets
1 x 4 bed house	
1 x 3 bed fully accessible bungalow	

Moreover it is proposed that the self-build plots will be first offered by the developer for a three month period at a 25% discount (on an independent valuation, accessed no more than 6 months in advance) and only to buyers qualifying under the same criteria as those to whom 'Homestake' houses would be offered. The self-built plots, once bought, would be owned outright.
No less a proportion should be acceptable.

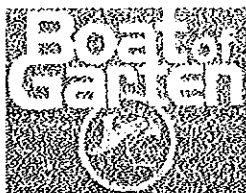
6.2.2. We understand that it is proposed that building of the estate is to be phased, in part as a response to market conditions. Consideration should be given to requiring the social / affordable housing is built first.

6.2.3. The new Community Hall and Play Park are adjacent to the housing development site. The clear need to re-route the car and delivery access to the Community Hall and Park through the new estate and away from Craigie Avenue has previously been acknowledged and agreed by the developers in correspondence. We welcome this as essential.

6.2.4. Also we welcome the recent confirmation from Scottish Water that if the development is approved, Scottish Water will proceed with the renewal of the Sewage Treatment Works and associated essential infrastructure in conjunction with the developers. If approval of this development was not forthcoming, Boat of Garten would lose, for the foreseeable future, the desperately needed renewal of this infrastructure.

6.2.5. The Boat of Garten and Vicinity Community Council thus recommends these plans be approved.

BOAT OF GARTEN AND VICINITY COMMUNITY COUNCIL

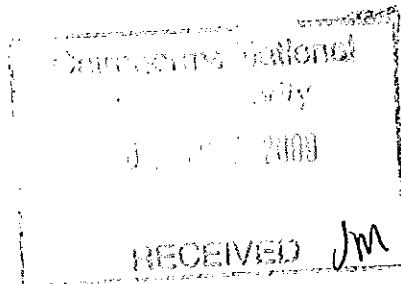


Please send letters by post to the Secretary, Tigh an Iasgair, Boat of Garten, Inverness-shire PH24 3BY.

[REDACTED]

Cairngorms National Park Authority
 Planning Team
 Albert Memorial Hall
 Station Square
 Ballater

[REDACTED]



7 October 2009

Dear Mr McKee

CNPA reference number: 08/272/CP

Application number: 08 00188 FULBS

Development address: Land 200m West of Boat of Garten Football Field, Craigie Avenue, Boat of Garten.

On 7 August 2008 we wrote in response to this application to offer our support, while calling attention to a number of practical issues needing resolution. On 5 October 2009 the Community Council (while not retracting its detailed comments) agreed to write again to clarify and strengthen our support, understanding that the application is still under consideration pending further environmental reports.

From the Parents Council of Deshar School we learn that, other things being equal, the roll may well reduce from the current 37 to 25 by August 2010. We believe that potential residents, when considering moving to the area and able to afford a house here, may be put off by the numbers in the school due to their children's social development needs. Families coming from larger settlements where a) there are no composite classes and b) there are more than 3-4 children of the same age are looking for their children to go to slightly bigger schools.

The provision of Affordable Housing is clearly a crucial issue: private rental of a 3-bedroomed house in Boat of Garten is in the region of £500 a month, often beyond the means of families with local employment.

Nethybridge, in the last 5 years, has seen 3 affordable housing developments that have significantly contributed to the increase in numbers at the Primary School. Due to the housing developments in Aviemore recently, any families on the HIR waiting lists currently either living with extended families or in privately rented accommodation have taken up the offers for housing in Aviemore and have therefore left our village even though their extended families live in Boat of Garten. Boat of Garten has a history as an active community with a good number and variety of groups now based in the Community Hall. The age-balance of our village is now becoming an issue, however, with older generations increasing and younger generations decreasing. This trend threatens the sustainability of the community.

We all support the environment of the Cairngorms National Park - Deshar School won a Eco School Award in 2007 - but we should also consider the legitimate needs of people and communities. We believe that the provision of new housing in Boat of Garten is now crucial to our community and we therefore strongly urge the Authority to approve this planning application.

Yours sincerely

F. D. Bardgett
 Secretary

[REDACTED]

THE BOAT OF GARTEN AND VICINITY COMMUNITY COUNCIL

Response to Planning Application by Davall Developments Ltd, called in by the Cairngorms National Park Authority.

CNPA reference: 08/272/CP
Application number: 08/00188/FULBS
Development address: Land 200m West of Boat of Garten Football Field, Craigie Avenue, Boat of Garten, Highland.

The Community Council has considered the plans carefully, particularly taking into account ...

- A report of the meeting of the Boat of Garten Strategy Group with representatives of Davall Developments Ltd [DDL] on 22 April 2008 *annexed*;
- A survey of housing need in Boat of Garten undertaken for the Community Council by the Highlands Small Communities Housing Trust [HSCHT] on the basis of surgeries held on 17 June 2008 *annexed*;
- Written comments submitted to DDL at their Drop In meeting on 9 July 2008 *annexed*;
- Discussion and points of view noted at the Community Council's own Public Listening Meeting on 9 July 2008 *annexed*;
- Further correspondence with DDL since 9 July;
- Comments made to the Community Council by residents and on behalf of the Boat of Garten Community Hall. The plans and a draft response to them have been displayed publicly for the last ten days.

In consequence the Community Council submits the following comments and objections to the Cairngorms National Park Authority.

1. From its formal and informal consultations the Community Council believes that this proposal has general support - but only on the basis that it will in fact offer homes of their own to existing residents, or else bring new families into the village as permanent residents. Boat of Garten has sufficient second or holiday homes at present; it is reluctantly accepted that this development, to be economically viable, will make substantially more available - besides further diminishing our surrounding woodland. These environmental and social 'costs' are significant. Critical to our acceptance of the project is the relative proportions of the different types of tenures to be offered, as the key to obtaining locally beneficial outcomes. The plans offer to those currently with a connection to PH24 and who can afford to invest their own capital in a house or plot *priority* over those with a similar residence qualification but without capital, by 22:16 (on the understanding that first-time buying residents within post-code PH24 will obtain a preferential offer of the self-build plots as well as for the shared equity).

The Housing Survey conducted by HSCHT in June 2008 on the basis of interviews and questionnaires independently recommended priority being given to an expressed local need for rental accommodation, on a ratio of 3:1, rented homes to shared equity.

Moreover on the income figures available to them, HSCHT doubts whether all those who in their surgeries opted for a share in equity will in fact be able to afford this. Their evidence thus strongly points to our local need for rental housing. The Community Council, after consultations with the Developers, has no reason to think that DDL's proposals have any founding in fact to make them preferable to those derived from the actual interviews and detailed questionnaires surveyed by HSCHT this June; and recommends as a condition of acceptance a compromise balance of 18: 20 - ie, 12 for shared equity and 6 for self-build; and 20 homes for rental.

2. The Community Council, moreover, is uneasy about whether the current provisions of the Highlands Common Housing Register will actually result in families local to Boat of Garten being awarded new homes to rent in this development - as residence in PH24 has only a low priority in the Highland Housing Register. It is our belief that the Highland Council needs to negotiate with Cairn Housing a 'Special Lettings Plan' for this scheme if it is to meet our aspirations - see the Highland Housing Register: appendix 1 - Allocations Policy - para. 8.15; or else to effect a general adjustment to the system of allocation of points to grant a better opportunity for those without capital to attain homes in their existing villages.

To avoid doubt, the Community Council states that we accept the prime three aims of the HHR:

To provide housing to those in the greatest need, dependant on individual circumstances.

To help to prevent and deal with homelessness.

To help create and maintain strong, balanced and economically viable communities.

Families coming from elsewhere will be welcome here. What we argue is that inadequate weighting is currently given to objective 3, unduly restricting the opportunities for younger people already here to obtain homes of their own.

3. Residents object that current plans for Boat of Garten make no provision for upgrading the network of sewers within the village. Following public meetings with representatives of Scottish Water Solutions on 3 March and 2 June 2008, the Community Council believes that Scottish Water's system of enumerating complaints has resulted in a significant understating of problems with the network: sewage has been observed overflowing when heavy rain has coincided with high summer residency. Water pressure is often low. We understand that, if this housing development is agreed, the decision will trigger the construction of a new Wastewater Plant, and we comment that it is essential that not only the plant but the entire sewage system is appropriately upgraded as part of the work - whether this is the responsibility of the developers or of Scottish Water is not our concern. The upgrading however, must not be allowed to fall between the various planning applications, and we look to the Planning Authorities to see that appropriate conditions are imposed.
4. We also note that the current plans on which Scottish Water Solutions are consulting offer additional capacity only for 70 homes, while recognising that their systems are presently operating beyond capacity (if not outside licence). The existing and planned capacities of essential infrastructure of fresh and waste water/ sewage appear to us to put a question mark over the total of 79 homes planned for this development - which by 22 April 2008 had increased to this number from the 68 on which DDL consulted us on 26 February 2007.
5. The Community Council notes that the map showing the layout of the estate contains two major errors. First, between Craigie Avenue and the proposed estate are shown "Car Park" and "Existing Car Park". This is highly misleading. Only the narrow loop shown off the

main road currently exists - it houses the Highland Council's local recycling units. Behind it is simply woodland. The section marked "Existing Car Park" is thus actually existing woodland - as is the section marked "Car Park" with its "Proposed Access". It should be noted that neither of these sections were included in the Environmental Survey instructed by the Developers. We have called this error to the attention of the Developers but as no revised plan has been forthcoming we find it difficult to assess what is planned. The Community Council formally objects to any elements of the proposals that might be dependent on this erroneous mapping.

6. Second and of yet more importance, we note that the main Plan does not show the current Boat of Garten Community Hall and Play Park - and this despite the fact that in all our consultations with the Developers we have insisted on, as a prime condition, the rerouting of car and delivery access to the Community Hall away from Craigie Avenue and through the new estate. This had previously been acknowledged and agreed to by the Developers in correspondence. Moreover this change was part of the conditions imposed by the Cairngorms National Park Authority when the construction of the Community Hall was approved. Both as the owners of the ground of the Playing Field on which the Community Hall stands, and as the Community Council, we enter a formal objection to the plans on the basis that the road connection to the Community Hall is entirely unsatisfactory, being based on erroneous mapping. The route of the main road through the proposed estate is not incidental but fundamental both to its overall layout and to the relation of the estate with the existing community.
7. As to the design of the homes, we find these satisfactory but note that no colour scheme has been proposed as yet - we understand from comments by DDL at their Drop In meeting that such colours as are shown are indicative only. DDL declined to discuss all such design issues with us in advance of submitting their plans for approval. We therefore comment that we wish to see such conditions attached as will require the estate to be appropriate not for a 'toy town' but a woodland setting, coloured neutrally rather than garishly.
8. We understand that it is proposed that building of the estate is to be phased, in part as a response to market conditions. It should be a condition of acceptance that the social / affordable housing is built first.
9. As part of the paperwork copied to the Community Council and provided as part of the Planning Procedure were two environmental assessments.
 - A survey instructed by the Developers for Red Squirrels dreys and badger sets. We are told that the layout of the estate circles round the larger established Red Squirrel dreys - all of which are 100% protected in law. No badger sets were detected in this survey. This survey did not investigate evidence for Capercaillie or Scottish Crossbills.
 - A Natura Appraisal conducted by Scottish National Heritage as part of its response to the Local Plan proposals of the Cairngorms National Park Authority to allow housing development in this section of woodland. Recalling that the previous appeal for housing in our adjacent woodland was refused by the Reporter on the grounds of likely disturbance to Capercaillie, SNH now suggest that development might be acceptable if measures to mitigate disturbance are taken: "avoid creating new paths in the woodland", "screen the housing from the wider woodland", "avoid noise and damage to the wider woodland". They look for the estate to be screened off from the woods and access to the

woods from its houses prohibited; they wish to see increased undergrowth spread in order to shield wildlife, leks and nesting areas from the paths.

The Community Council has not sought to comment on these environmental issues, beyond trusting that, if such measures as SNH recommended prove practical and are implemented, they will not increase fire risk to our community.

In summary, the Boat of Garten and Vicinity Community Council recommends that these plans may be approved but only subject to conditions or alterations regarding:

- A higher priority to be given for homes to be offered for rental as against for shared equity / self-build;
- Renewal of the essential infrastructure of fresh water / waste-water and sewage throughout Boat of Garten;
- The planned layout in relation to the woodland shown on the map as for proposed car parking;
- The proposed layout of the main road through the estate and its exit in relation to the Community Hall, the Boat of Garten Playing Field and associated paths and woodland; this must be subject to the agreement of the Community Council as the owner of the Playing Field and of the Community Hall Committee as our tenant;
- The overall colour design for the estate;
- The phasing of building;
- Whatever environmental conditions may be recommended by appropriate authorities.

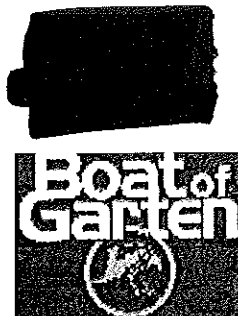
**Issued by authority of the Community Council meeting in public
on Monday 4th August 2008**

Documentation annexed:

1. Report of the meeting of the Boat of Garten Strategy Group with representatives of Davall Developments Ltd [DDL] on 22 April 2008;
2. Survey of housing need in Boat of Garten undertaken for the Community Council by the Highlands Small Communities Housing Trust [HSCHT] on the basis of surgeries held on 17 June 2008 *with* associated follow-up email;
3. Written comments submitted to DDL at their Drop In meeting on 9 July 2008;
4. Discussion and points of view noted at the Community Council's own Public Listening Meeting on 9 July 2008.

F D Bardgett
Secretary

7 August 2008



MINUTES of the meeting of the STRATEGY GROUP held in the Community Hall, Tuesday 22
April 2008: 7.00 pm

1. Present: Anna Barton (presiding); Mary Clark, Willie Cruickshank, Barbara (Barrie) Davison, Penny Dunbar, Samantha Faircliffe, Lorraine Macpherson with Frank Bardgett (Secretary) in attendance.
2. Visitors:
 Ian Chavasse (Property Management Consultant, Davall Developments)
 Mike Hamilton (Consultant, Davall Developments)
 Simon Campbell (Development Manager, Cairn Housing)
 Alison MacLeod (Development Officer, Cairn Housing)
 Di Alexander (Highland Small Communities Housing Trust)
3. Apologies: Gordon Grant.
4. Welcome
 AB opened the meeting, explaining that the Strategy Group as subcommittee of the Community Council should not be taken to represent the village or community opinion, but that we valued the opportunity to see the current housing development plans as part of the promised consultation process. A copy of the current draft of the plan was laid on the table.
5. MH & IC, for Davall Developments thanked the Group for the welcome. This development is proposed by Davall Developments as the owners of the only site of any size in Boat of Garten scheduled for housing under the current Deposit Local Plan.
 - 5.1. The proposals are for 71 flats/houses and a further 8 plots available for purchase for self-build.
 - 5.2. Whereas current guidelines for developments require 25% to be 'affordable', this plan provides for 32 houses/flats or 40%, divided into 16 flats/semis/houses for rental and 16 'Homestake' flats/semis, also of assorted sizes: viz:

<u>Affordable rented:</u>	<u>Affordable LIFT</u>
4 x 2 bed cottage flats	8 x 2 bed cottage flats
6 x 2 bed semis	4 x 3 bed semi-detached villas
4 x 3 bed semis	4 x 3 bed semi-detached chalets
1 x 4 bed house	
1 x 3 bed fully accessible bungalow	
 - 5.3. Moreover it is proposed that the self-build plots will be first offered by the developer for a three month period at a 25% discount (on an independent valuation, accessed no more than 6 months in advance) and only to buyers qualifying under the same criteria as those to whom 'Homestake' houses would be offered. The self-built plots, once bought, would be owned outright.
6. SC, for Cairn Housing, explained the criteria under which Cairn (a R.S.L. with similar experience elsewhere in Highland) would participate in the 'Homestake' element of the development.
 - a. The scheme has the acronym LIFT = Low cost initiative for 1st time buyers.
 - b. Under this, Cairn retains a 'golden share' (minimum 20% of purchase price), putting up capital in advance to fund early building; and requiring purchasers to make a minimum capital contribution of 60% (unless special circumstances could be advanced down to 51%). Equity in the homes is thus shared between Cairn and the purchaser; and on resale, the purchaser is required to sell back to Cairn at an agreed price. Cairn are thus able to control in perpetuity the LIFT conditions under which 'Homestake' houses remain 'affordable' and never come on the open market.
 - c. SC also explained that the rental homes within the development were required under the Housing Scotland Acts to be allocated on an approved allocation policy which is point based.
 - d. IC added that the homes would be designed and built to specifications agreed with Cairn, and their

cost would not exceed whatever benchmark was set at the time by the Scottish Government. No figures were made available to the meeting.

7. IC. for Davall Developments, affirmed that site marked 'School' on the plan would be gifted at no cost to The Highland Council. In the Deposit Local Plan this is site C1, 'community use'.

8. Questions

- e. Why had the number of proposed homes increased from 68 to 79 since the minute of the last meeting with the Developers? (26 February 2007)

Those now speaking for the Developers had no knowledge of the statement then made by Mr A Rennie, architect. 79 is the number of homes they have laid out in this plan, which has been based on their research of housing need and other normal criteria.

- f. Were the Developers aware that Scottish Water's current proposals for a new Treatment Plant assumed additional capacity for an additional 70 homes (only)?

The Developers are in discussions with SW and had had no indication that these current plans would be unacceptable in principle. SG members expressed concern that what the CC had heard at a recent meeting with Scottish Water Solutions had sounded less positive about the ability of the new plant to cope with new capacity beyond 70.

- g. What if any indications had the Developers received from Scottish Natural Heritage?

Again, the Developers had held discussions with SNH and understood that no objection would be raised in principle to housing in the area designed H1 in the Deposit Local Plan.

Of course nothing prevented both SW and SNH raising detailed objections once the Planning Application stage was reached.

- h. Timescale?

- It is hoped to make formal application for planning approval within the next 6 to 8 weeks. IC affirmed that the Developers were not waiting for the final approval of the new CNPA Local Plan but proceeding under the current Plan. No doubt the development would be called in by the CNPA and considered under their general objectives.
- As to building, Cairn require funding from the Scottish Government, which will not be available in this financial year. Assuming planning approval is given without undue delay, building would not start until summer 2009; and then would be phased over 2 financial years.
- SF expressed concern that younger people had already been waiting for some time for affordable housing to become available in Boat of Garten and that the longer the development took, the greater the drain of people from the community.

- i. Public Meeting?

The Developers proposed themselves to host a Drop-In day in the Community Hall on the day that the plans were submitted for planning permission approval. All agencies involved in the development would be represented. If the CC chose to hold a further Public Meeting (as had been promised) the Developers could not attend without prejudicing their rights under the planning system. The CC's position as a statutory consultee on behalf of Boat of Garten and Vicinity meant that a conflict of interest might arise.

- j. The proposed mix of the development?

- This had been developed by accessing a) those known by HC to be waiting for rented homes; b) those known by Cairn/Albyn, Housing to be waiting for 'Homestake' homes; c) HC's strategic housing analysis.
- Boat of Garten came 2nd highest in order of preferences in the 600 applicants known to HC throughout Badenoch and Strathspey. 21 had made BoG their first preference.
- The 40% offer of affordable housing (more than the normal requirement) was therefore

based on sound evidence - not all of this evidence was made available to the meeting; a promise was made that the waiting list figures for the LIFT scheme would be sent on.

- Moreover whereas the 'normal' mix for developments was 2/3rd rental and a 1/3rd Homestake, this plan was offered as 50% rental/shared equity, thus offering a better chance for local families - again on the basis of existing lists and analysis.

k. Who could access what, exactly?

- The LIFT scheme
1st time buyers only
AND
Already on the Common Housing Register (available from June 2008) OR
In an existing Council House or tenant of Housing Association
AND
An existing inhabitant of postcode PH24 or requiring to become so.
- The Self-Build plots
All the same criteria as the LIFT scheme
AND
a limit of one plot per applicant; to be built on typically within 2 years, to an approved design.
- The Rental homes
These must under law be allocated according to the standard points system, which prioritises social need and not localness.
- It was therefore recognised that local young people without considerable social needs, in order to find a home in this development, would require to find the minimum capital to part-purchase one of the 16 shared equity homes, or all of a self-build plot, or a private plot. [And of course qualify under the LIFT regs. for the 1st two of these.]
- As Housing Associations can choose how to allocate homes under their control, it was asserted that current applicants for HA housing would not disadvantage themselves (in terms of the LIFT allocation scheme) by turning down offers within 2nd preference communities, if they choose to prefer to wait for a home in Boat of Garten. 'Going to the bottom of the queue' was not how the new development would be allocated.

l. Design?

- The particular design of the proposed homes would be available on the plans to be submitted for approval. It was affirmed, however, that the scheme would be designed as a whole - the private 50% would not be in stark contrast to the others. Indeed, the CNPA already had a track record of carefully policing such issues.
- It was noted that the plan on the table locates the rental housing beside area C1, the potential school site, with the LIFT housing next to it - and the self-build at the diagonally-opposite corner. It was explained that the motives for this planning had been questioned by Cairn Housing, but they were satisfied that tenants might well prefer to be closer to the village and community facilities; and also that these homes would be built first, and hence could not easily be scattered one by one across the site.
- Members of the SG again affirmed that it was firm community policy to insist that the road from the new development to the Community Hall be open to vehicles, adequately wide for two-way traffic, and pavement-ed. MH said this was recognised by the Developers and would be the case if approved by the planning authority.

m. Community Benefit / Planning Gain

MH for Davall Developments explained that the Developers (which include the Reidhaven Estate) own the larger section of land/forestry that had been subject to the earlier proposals. They now offered to convey title to all the land not forming part of the current plans as Community Woodland for £1.00 under condition that a) it be fenced and b) should any development ever be permitted, title would automatically revert. The SG heard this offer with interest but made no formal response. (See item 4, above)

Anna Barton left the meeting at this point

n. What opportunity is there to persuade the Developers to alter the plan?

- IC for Davall Developments affirmed that their offer of 40% affordable was generous in exceeding the previous 25% norm and they and other developers would resist attempts to secure a 50% affordable proportion. Also, the self-build sites were to be offered at a discount and under the LIFT criteria - IF they could be considered as 'affordable', then the scheme offered 50% 'affordable' on broad definition.
- What might be discussed, on submission by the CC, was the balance of 16 homes for rent and 16 under LIFT - though a) Cairn believed their analysis justified this balance and b) the LIFT percentage was already higher than usual and c) while Cairn could finance the current plans, increasing the LIFT percentage would need new money - not, perhaps, impossible, but by no means certain either.
- It was admitted that analysis based on existing lists and general statistics could understate need - CC members present knew personally of examples.

o. Is a Housing Survey therefore needed?

- DA, for HSCHT, present by invitation of the Chair of the Community Council, explained that though they had assisted with a previous BoG housing survey by questionnaire, they no longer followed that procedure. Rather, they laid on a drop-in housing-questions-event that allowed for personal discussion, including assessment of possible household finances. This system had the advantage of allowing particular questions to be answered; and if conducted might offer a way of checking the proposed allocation. His Trust could not offer to conduct such a survey before the early summer.
- There was debate as to whether it was appropriate to involve another Housing Trust in discussions on the proposals; and also on whether such a survey could be conducted in time for its results to be considered as part of the planning process.
- There seemed to be general agreement that, if the CC instructed such a survey via HSCHT, then it could run in parallel to the planning process because a) the allocation of houses on the map to the 4 ownership schemes was still changeable; b) adjustment might be required in talks with HC/CNPA planners; c) even after the homes were built, their allocation might be altered if demand appeared slack / higher than expected. In favour of using HSCHT was a) Cairn's belief in its own method of analysis and that it did not offer such a personal approach; b) SG members appreciated that potential tenants might appreciate the confidentiality offered by consultation with an independent agency.
- Whatever decision was made on the question of a survey, DA urged the SG/CC not to be afraid to place before the Planning Authority what they believed were the needs of the village.

HIGHLANDS SMALL COMMUNITIES HOUSING TRUSTBoat of Garten Surgery Results17.06.2008

Here are the results of the housing "surgery" held by HSCHT staff, Di Alexander, Tom Hainey and Susan Hunter in the Boat of Garten Community Hall on 17th June 2008 at the request of the Community Council.

1. Pre-publicity

Registration of Interest Forms were hand delivered to local households by members of the Community Council. Posters advertising the surgery were placed in strategic local places such as the School, Post Office, Community Hall and shops. Follow up phone calls were made by HSCHT staff to respondents of the Registration forms and with people who have been in previous contact with the Trust with regard to housing in the area.

2. Attendance

8 households attended the surgery

1 was interviewed by phone as they were unable to attend.

22 registration of interest forms were received in addition to those households who attended the surgery or took part in a phone interview.

The total number of responses was from 31 households.

The number of households who responded with real, live housing needs was 26.

The remaining 5 comprised:

3 households responded solely to highlight the need for housing for the elderly in the area and their own potential need for such provision.

1 who wished to move from Housing Association to low cost home ownership.

1 who was interested in a plot on the proposed development.

3. Local connection

All of the people surveyed live in the area or have a local connection with the local area through currently living there, employment or family.

4. Household ages

Age 16 – 44 single	- 4
Age 16 - 44 with family	- 15
Age 16 – 44 couple	- 5
Age 45 – 59 single	- 1
Age 45 – 59 with family	- 2
Age 60+ with family	- 0
Age 60+	- 4
Total households	- 31 (This represents 80 individuals)

5. Household size and composition

18 out of the 31 households have children, comprising: 22 children of school age and 9 children under 4 years old

6. Current accommodation

Homeowner	- 5
H.A./Council house	- 2
Private rented	- 18
Living with parents	- 4
Tied house	- 2
Total	- 31

Standard of current accommodation:

18 households are in private rented accommodation with insecure tenancies.

1 household commented that their accommodation was too big for their requirements.

15 households commented that their accommodation was too small for their requirements.

5 households had concern over dampness in their current accommodation.

8 households said that their heating system was inadequate for their needs, and poor Insulation is a concern of 9 of the households.

7. Employment

Full time employed	- 19
Part time employed	- 9
Self employed	- 7
Retired	- 6
Unemployed/disabled	- 1
Homemaker	- 5
16 year olds and over (in full-time education)	- 4
Adult dependants Status unknown	- 2

The above reflects the total number of individuals of working age in the households which totals – 53

8. Average incomes

9 out of 29 households earn under £12k, 10 earn between £12k and £20k, 9 earn between £20k and £30k and 2 have an income of over £30k.

Even within the higher bracket incomes local households struggle to compete on the open market for local properties so require a publicly subsidised housing option to satisfy their housing needs and aspirations.

9. Realistically preferred housing options

Respondents were given the current range of housing options potentially available from which to select their preferred housing within their present financial circumstances.

	Affordable Rented	Lift "Homestake"	Lift - Open Market Shared Equity	RHOG Self-Build	Non Rhog Self-Build	Expressed Potential future need for "sheltered housing"
1 st Preference	18	5	2	2	1	3

RHOG = Rural Home Ownership Grant

- Size of Affordable Rented homes required by respondents. (including allowance of one spare bedroom)

No of Bedrooms	1	2	3	4	5	6
Units Required		7	5	5		1

10. Low cost home ownership (lcho) housing

In line with the earnings, 18 households have expressed a preference for rented housing.

Five of the households are interested Lift "Homestake" housing (shared equity with a "golden share" of the equity retained by the relevant Housing Association providing the housing.

Two households expressed an interest in Lift "Off the shelf" housing. However, the benchmark set for properties through the Lift pilot scheme would make it very difficult to achieve. At the time of writing this report the cheapest property on the market was £155,000 for a three bed semi-detached house, the corresponding benchmark is £115,271.

Of these, 2 households are interested in the getting an affordable plot on which to self-build with support of the RHOG.

One household expressed interest in, the self build plots which may be offered to local people by the Developers without RHOG.

11. Preferred location of any new, affordable housing provision (rented H.A. or lcho). 1st choice.

Boat of Garten - 30
Carrbridge - 1

12. Other findings

Most of those interviewed expressed their deep frustration at the apparent impossibility of their ever being able to secure an affordable home of their own in their own community.

The falling local school roll has resulted in the reduction from 3 teaching staff to 2.5.

Concern was expressed that young people were moving away from the community in order to access affordable housing. The loss to the community of its young people and the resulting effect on the community being able to care for its aging population was highlighted by a number of households.

HSCHT conclusions:

- a) The tenure of affordable housing reflects household earnings and aspirations.
- b) A mix of Rented (including housing suitable for older people), "Homestake", and affordable self build plot options, at a ratio of 21 : 7 : 3 would reflect the evidence of need gathered by HSCHT at this time.
- c) There was a strong sense of community shown from the individuals who attended the surgery as well as a strong desire to remain in their community given the opportunity through affordable housing provision. All concerned wished to be part of a thriving community and see the retention of its young people.

Postscript from Susan Hunter of HSCHT by email, 28 July 2008:

Looking at the findings from the surgery with regard to the economic feasibility of shared equity:

Where the estimated cost is £130,000 at an equity share of 60% (£78,000)

and a mortgage multiple of 3 – 3.5 times income

Working on the premise that those with incomes of £12,000 - £20,000 will struggle to raise the required mortgage facility, unless they have access to private funds (through family for instance) ...

Of those expressing a preference for rented accommodation:

4 of the 18 could potentially afford a shared equity property. (Income of £20 – £30,000)

Of those expressing a preference for shared equity:

3 of the 7 should be able to afford a shared equity property.

The remaining 4 may struggle to raise the required finance.

Comments submitted at a Drop In meeting held by Davall Developments Ltd on 9 July 2008 at the Community Hall, 11am - 8pm.

This report is compiled by Frank Bardgett, Secretary to the Community Council, on the basis of photocopies kindly supplied by Davall Developments Ltd.

Davall Developments Ltd. have no responsibility for this report beyond making these copies available.

85 visitors attended the Drop-In. 21 comment forms were completed, 18 by named individuals. Of those 18, 5 also appear to have attended the concurrent Listening Meeting of the Community Council.

The allocation of comments into the following three categories is down to my own judgment; all text has been copied except for statements of personal housing need or interest; or that might identify the respondent.

Comments assessed as very or generally positive: 15

1. Well presented, informative and appears well laid out. Look forward to seeing/hearing about planning permission. Reassuring in many ways but hopefully not going down the second house route.
2. Good that development will begin with affordable housing.
3. Full support, given our urgent need for affordable housing!
4. The sooner the development begins the better. The Homestake and affordable housing for 'locals' will hopefully produce more families in the village which will eventually make the provision of a school more secure / sustainable. The sooner local young people know there is an opportunity to find a home in the village the better. Once they know it is in the pipeline they can get peace of mind that they don't need to move to another village. We have lost too many youngsters from the community already in the last two years. Good luck, Davall.
5. Hope it happens! I hope the economic climate does not stop the progress.'
6. A nice lay out. I hope you get the go-ahead but would like to see more self-built plots for locals.
7. Like 43V - hope there would be more of these than planned. Would like to see more self-build plots. What we do not need is more large properties for holiday homes. Our priority is young families with school age children.
8. Plans look good - glad to see some houses for renting. Also glad to see access road for Village Hall. Hope plans go through this time. We need young families to come to the village. Hopefully this will bring some here sooner rather than later.
9. I would agree that Boat of Garten is in need of more housing. The development is very impressive.
10. When are you getting started before all the young ones leave the village and we are left with the zimmer brigade and no kids, no school. No heart to the village. Good design of houses. A lot of good work in preparing drawings.
11. Layout looks good. Just what the village needs. I hope the locals get an opportunity of a home in their own village.

12. Access via houses to hall. Craigie Av. access to hall blocked off, pedestrians only. Houses badly needed in village for younger people and families.
13. Impressive layout, will help to deal with housing shortage in Boat of Garten.
14. Confused about road just going to site boundary. Thought it would join up with the car park. Like the design of the houses. Ample numbers of each kind. Hope you'll get started soon. We need more houses to attract more families to the village - and more for our own kids. If not the community will be all aged and no young heart to the village. Boat accommodated Birch Grove (48 houses) and Muirton (?30) without any problem as inhabitants were phased in ie bought as holiday homes originally but then folk retired early and brought their skills to the village. Result: nearly all homes now lived in permanently. Forget the NIMBYs - this site's as good as any.
15. Like designs - particularly porched and dormer.

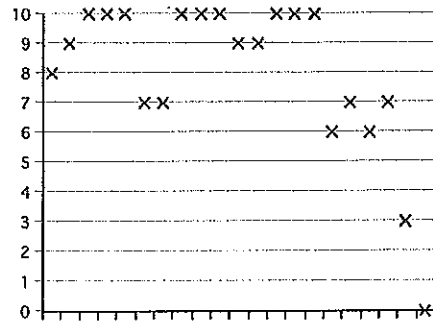
Comments that, while accepting, contain elements of criticism: 4

1. It seems to me that the affordable housing is very much shoved into a rear area of the land with a very small area of garden, casual-use etc compared to the % numbers. Access good though. Also, one plot self-built to one person (person), yes?
2. Build a skate park.
3. Bearing in mind the existing problems re water pressure in the village and in particular Kinchurdy Road will Scottish Water guarantee that pressure will be adequate in future to cope with additional developments such as this where [??] water systems are used in all these houses? (No header tanks - system shuts down if insufficient pressure.)
4. Main concern would be proximity of proposed school site to existing homes. Ensure tree planting scheme recognises importance of sourcing stock of local provenance. Carry out bat surveys on any areas of woodland to be removed.

Comments largely opposed: 2

1. I remain unconvinced that a development on this scale is needed or to the advantage of Boat of Garten. If programmed over a long period of time its impact might be less dramatic. Having said that, the site now earmarked is more acceptable and the site for the school is better. Access to the new Community Hall is not ideal - it would have been better if it led directly to the hall car park. The biggest worry is the extent, or lack of it, that the local community will have over the allocation of affordable housing. The village has not been without its 'social problems' over the past year and we do not want these made worse.
2.
 - a) The location is not right, spoiling a very popular woodland area for those who appreciate walks and wildlife - what is wrong with building an extension road to Church Drive and Muirton where there is open land and could accommodate many houses (as on the plan).
 - b) The village at the moment has problems with water pressure especially on 'high days and holidays'.
 - c) With the problems Boat has at the moment with young folks coming into the area and causing trouble, so much so that we have to have police presence - what will this number of houses add to this problem regarding youths inhabiting (in dens) these woods - this is a real worry!

Diagram showing scatter of Drop In opinion, subjectively scaled 1 (opposed) to 10 (fully in favour) and listed in the order shown above, perhaps not wholly consistently!



MINUTES of the Meeting held in the Community Hall, Wednesday 9 July 2008: 7.15 pm

9. CC members: Barbara (Barrie) Davison (Chairman), Gordon Grant (Vice-Chair), Willie Cruickshank (Treasurer), Heather Bantick, Mary Clark, with Frank Bardgett (Secretary) in attendance.
10. Participants: Susan Hunter of Highlands Small Communities Housing Trust; residents - Brodie of Falsyde, C. Cairns, C. Carter, J. Dunbar, P. Dunbar, K. Dzialach, S. Faircliff, V. Fairweather, D. Macpherson, K. Ridgewell, I. Turner, B. Woolsey.
11. Apologies for Absence:
Audrey Martin had submitted a note of comments, which was circulated.

12. Agenda

The meeting was called on the day that Davall Developments Ltd, in association with Cairn Housing, unveiled their plans for a development at Boat of Garten via a Drop In meeting in the Community Hall, 11am – 8pm. BD welcomed Susan Hunter, representing the Highlands Small Communities Housing Trust, and present at this Listening Meeting of offer impartial advice on the principles governing the allocation of affordable or social housing within the Highland area.

The meeting had no set agenda and proceeded by question, answer and discussion. Only those who initiated the more lengthy topics of discussion have been named; the minute records the sense of the meeting and does not attempt a verbatim account. It begins by setting out the situation as we understood it as the meeting began.

13. The situation

Of a proposed estate of 79 homes, it is proposed that 32 would be 'affordable': 16 rented and 16 'Homestake' (shared equity), to be offered through Cairn Housing. A further 6 sites would be offered for self-build, also on affordable criteria for an initial period of 3 months. 41 private homes (41 + 6 self-build private = 47) would form the majority of the estate.

As previously minuted, under the Housing (Scotland) Act 2001, social housing schemes must implement national policy. The Highland Council and area Housing Associations (including Cairn) since April 2008 operate the Highlands Common Housing Register which has an agreed Points system to prioritise need. The allocation of 'Homestake' shared equity houses is not governed by the 2001 Act and it is intended that the priority for these houses will be connection with postcode area PH24.

14. The HSCHT Housing Surgery

SH offered her report of the Housing Surgery carried out in Boat of Garten on 14 June 2008. Key conclusions from questionnaires returned and interviews conducted were:

Other Findings

- Most of those interviewed expressed their deep frustration at the apparent impossibility of their ever being able to secure an affordable home of their own in their own community.
- The falling local school roll has resulted in the reduction from 3 teaching staff to 2.5.
- Concern was expressed that young people were moving away from the community in order to access affordable housing. The loss to the community of its young people and the resulting effect on the community being able to care for its aging population was highlighted by a number of households.

HSCHT conclusions:

- d) The tenure of affordable housing reflects household earnings and aspirations.
- e) A mix of Rented (including housing suitable for older people), "Homestake", and affordable self build plot options,

- at a ratio of 21 : 7 : 3 would reflect the evidence of need gathered by HSCHT at this time.
- f) There was a strong sense of community shown from the individuals who attended the surgery as well as a strong desire to remain in their community given the opportunity through affordable housing provision. All concerned wished to be part of a thriving community and see the retention of its young people.

15. Discussion

- a. C. Cairns and C. Carter asked about the impact of priorities governing rental housing. SH indicated that experience suggested that applicants chose their priorities because of their existing associations. It was less likely that many from the central belt would apply and more likely that applicants would be from Badenoch and Strathspey as a whole. The points system did not allow for much priority within that area to those currently in Boat of Garten. It would allocate homes to those who applied with the highest score, wherever they were coming from.
- b. Brodie of Falsyde and D. Macpherson expressed concern about the increasingly fractured nature of local community; it was now very difficult for young people brought up in the area to find homes.
- c. S. Faircliff and D. Macpherson expressed concern about the falling roll of Deshar School; the housing situation had led to local families with children moving elsewhere.
- d. This discussion also added that, with younger people moving away, care and support for the remaining older population was lessened.
- e. Brodie of Falsyde asked about opportunities for key workers to be allocated housing. SH replied that the various agencies that had once maintained key worker housing had now sold them. A need to work locally was allocated points within the Common Housing Register, but no houses were reserved outwith the general scheme. HSCHT itself owned a few homes in other communities that it offered to key workers, but none in Boat of Garten; it was unable to acquire and build.
- f. Mary Clark asked whether the community might ask for an increase in the number of homes in the currently proposed scheme to be offered for rent. SH replied that, while not speaking for Cairn Housing, what often happened was that homes originally offered as 'Homestake' that did not sell might then be reallocated. The Housing Association had to consider its budget, however.
- g. SH also added that the current Highlands Common Housing Policy was new and its effect as yet uncertain. Doubts about its contribution to sustainable community should be expressed primarily to the Ward Forum and the Ward councillors; and also to other elected representatives. Changes in the allocation of points might be agreed, within the framework of the Housing (Scotland) Act 2001 and any further primary legislation; but all the participants in the Policy would need to agree such changes. The next Ward Forum is due on 20 August 2008.
- h. The Highland Council, unlike some other Councils elsewhere in Scotland, has not revived a programme of its own to build council houses but depends on schemes such as this to offer social housing.
- i. A number of specific points:
- i. 'Homestake' houses being sold at typically 5% less than valuation, I. Turner commented on the inability of applicants to dispute or appeal the accuracy of the valuation.
 - ii. If this development of 79 homes is approved, then Highland Council will need to consider additional social infrastructure for the village: police and fire cover, school size etc.
 - iii. Noted that it was recognised that additional waste water/sewage capacity would be required and that this planning application and those of Scottish Water for a new Treatment Plant and Pumping Station were dependent on each other: neither would happen without the other.
 - iv. Noted that Davall's application for 79 new houses had increased from a previous 68 and now exceeded the 70 specified in the CNPA Deposit Local Plan: however, it would be

- assessed under the existing Highland Council Local Plan.
- v. The design of the estate had been altered to provide protection for a number of well-established red squirrel drays following an environmental survey. It was suggested that SNH should be contacted to discover what information they might have about the woodland.
 - vi. The size of the scheme should be mitigated by phasing the building - something we understood likely to happen, with the affordable element built first; and the private homes, as purchasers were identified.

16. This particular Application for Planning Consent

- j. The sense of the meeting [*ie of those residents present, members of the Community Council reserving their own opinions*] was that:
 - The size and location of the development was acceptable; it was the allocation of houses that was the issue.
 - Most local need was for rented accommodation. It was unclear that the current plan (under current housing rules) could meet that need.
 - It was accepted that the 40% of affordable housing on offer was a relatively good offer under the current system.
 - The design of both the scheme and the houses was generally approved. It was well screened from the road. Phasing the work would be helpful.
 - A change of estate layout had resulted in the through road to the Community Hall being moved to a much less convenient location - to the wrong side of the Hall. This should be flagged and changed. Ideally it should allow the road access from Craigie Avenue to the Hall to be closed to wheeled vehicles.

17. Procedure

- 17.1. Once the Planning Application had been submitted and formally notified to the Community Council, its Planning SubCommittee would consider it and come to an opinion based on this meeting and any other reflections of local opinion submitted. A report would be made to the ordinary (public) meeting on 4 August, 7.30pm at the Community Hall.
- 17.2. Individual members of the community were entitled - and were encouraged - to submit their own comments or objections to the local Planning Office of the Highland Council:

Badenoch and Strathspey Planning and Building Standards Office
Andrew McCracken
Principal Planner
100 High Street
Kingussie
PH21 1HY
Tel: (01540) 661 700
Fax: (01540) 661 001

- 17.3. It was important that comments of support as well as comments of criticism or objection were made.
 - 17.4. The chair added that a multi-signature petition carried less weight than letters from numerous individuals.
 - 17.5. Those gathering information were encouraged to share it around the community via email and the CC's secretary's address: tigh@bardgett.plus.com
18. Date of next ordinary meeting: Monday 4 August 2008 at 7.30pm, the Community Hall.

BOAT OF GARTEN AND VICINITY COMMUNITY COUNCIL
MINUTES of the Meeting held in the Community Hall, Monday 4 August 2008: 7.30 pm

1. CC members: Barbara (Barrie) Davison (Chairman), Gordon Grant (Vice Chairman), Willie Cruickshank (Treasurer), Mary Clark, with Frank Bardgett (Secretary) in attendance.
2. Participants: Cllr. Stuart Black, Karen Derrick.
3. Apologies for Absence:
Heather Bantick; Anna Barton, Kevin Derrick, Penny Dunbar, Lorraine Macpherson.
4. Agenda:
A slightly updated version of the previously circulated agenda was agreed, with two additional items of correspondence.
5. Confirmation of Minutes
Gordon Grant moved, Mary Clark seconded and it was agreed to confirm the minutes of the meetings of 7 and 9 July 2008.
6. Matters arising from previous meetings
 - 6.1. 'No Alcohol Order'
 - 6.1.1. FB read a circular sent to all CCs in the Badenoch & Strathspey Ward, requesting opinions on the imposition of No Alcohol orders a) in our own community; b) throughout the Ward; c) and to indicate on a map the proposed boundaries for our area.
 - 6.1.2. GG commented that the zone should include the moorland (ie where the Fireworks have been held) and that the Estate's consent could be needed. The CC supported proposals for a Ward-wide application of the restrictions because of the ease of communications between, and apparent mobility of, those who had caused disturbances. The CC agreed with Northern Constabulary that such orders would be an important means of curbing antisocial behaviour.
 - 6.1.3. The Community Council unanimously and warmly • agreed to repeat their resolutions at the June and July meetings, viz formally to request the Highland Council for a No-Alcohol By-Law for Boat of Garten, and • asked the Secretary to draft and circulate an answer for discussion at the meeting in September, delaying response to HC until after that meeting.
 - 6.2. Further disturbances
 - 6.2.1. GG and Karen Derrick reported disturbances on each of the last two weekends. GG had phoned the police about a group congregated in front of his house between 6 and 10 last weekend, drinking cans of Carlsberg and from a box of wine. A police car arrived soon after the group had departed on the last bus. KD added that she and her husband had phoned the police about disturbances in Kinchurdy Road the previous Saturday, but there was no apparent response. Similarly GG had, the same weekend, also reported a disturbance in the centre of the village without any police response.
 - 6.2.2. The CC were concerned at these reports and especially at the failure of Northern Constabulary to respond effectively. We recalled CI Donald Henderson's comment that it was important to 'nip in the bud' such antisocial behaviour and have no wish to see the previous cycle of aggravation recurring, nor any repetition of the previous policing, well after the event and hence wholly ineffective either to deter or to disrupt.
 - 6.2.3. • Agreed to write to CI Donald Henderson to call attention to these incidents, which had been reported as they occurred, and to express our concerns. Cllr Stuart Black also agreed to add his representations to Northern Constabulary.
- 6.2. CNPA: Modified Deposit Local Plan
FB confirmed that he had submitted the comments and objections as agreed.

6.3. Proposed housing development

6.3.1. A report from the Planning Sub-Committee, already circulated, was discussed together with: a copy of an objection entered by Iain Murray relating to the road to the Community Hall; further information from HSCHT relating to their surgery; correspondence with Davall Developments Ltd on the offer of Community Woodland and in relation to the mapping of car parks and the Community Hall in the proposed Plans; and correspondence to Fergus Ewing MSP from Cairn Housing and to the CC from the Highland Council, both relating to the Highlands common Housing Register.

6.3.2. The Proposed Development

- No adverse comments having been received, it was • agreed to enter comments and objections to the Plan in terms of the report of the Planning Sub-Committee, in brief:
- The Boat of Garten and Vicinity Community Council recommends that these plans may be approved but only subject to conditions or alterations regarding:
 - A higher priority to be given for homes to be offered for rental as against the total for shared equity & self-build;
 - Renewal of the essential infrastructure of fresh water / waste-water and sewage throughout Boat of Garten;
 - The planned layout in relation to the woodland shown on the map as for proposed car parking;
 - The proposed layout of the main road through the estate and its exit in relation to the Community Hall, the Boat of Garten Playing Field and associated paths and woodland; this must be subject to the agreement of the Community Council as the owner of the Playing Field and of the Community Hall Committee as our tenant;
 - The overall colour design for the estate - not 'toy-town' or garish;
 - The phasing of building in favour of the social housing;
 - Whatever environmental conditions may be recommended by appropriate authorities.

6.3.3. Community Woodland?

Replying to a request for a formal offer to support the minuted and verbal suggestions of a gift of Community Woodland, the Developers and the Reidhaven Estate had replied that they would not proceed further until Planning Approval is granted. However the Estate also added that, while they could not foresee any income stream arising from the forest in question, neither would they require a full stock-proof fence but only a fence adequate to mark any agreed boundary. • Agreed to take no further action on this for the time being.

6.3.4. The Common Highland Housing Register

Noted that, in their reply to Fergus Ewing MSP, Cairn Housing had asserted that a Special Letting regime would be inappropriate for this development - but gave no reasons for their statement. Noted that Clr Stuart Black had discussed section 8.15 of the HHR ("*From time to time, any of the HHR landlords (singly or jointly) may consider using a 'special lettings plan' for a particular community if this is found to be necessary after assessing the community's needs*") and that HC's Head of Housing had indicated that evidence that a system was not working would be needed before any problems might be addressed. The CC commented a) that this was not what the section said and b) that such an approach was inappropriate to what appears to be the final development of social housing in Boat of Garten for the foreseeable future. • Agreed to pursue the case for a Special Letting Plan, in the first instance through Clr Stuart Black's promised intervention with the Housing Committee.

6.4. The Playing Field

6.4.1. Relocation Karen Derrick reported that the new goal posts had arrived. FB added that HC had agreed that their staff could undertake the work, but that payment up to £500 would be required. Before taking up this option, the CC accepted an offer from GG to assist members of the Club to do the work provided the goalposts were supplied with the necessary sleeves. • Agreed, therefore, to leave this in the hands of KD (on behalf of the

Club) and GG. KD also offered, on behalf of both the CC and the Club, to follow up any opportunities to apply for grants towards whatever costs might be incurred, and this offer was accepted with gratitude.

6.4.2. Parking FD had been unable to obtain a response from George Cunningham (1 Birch Grove) on the requested quotation for a sign to be painted. Asked to keep trying.

6.4.3. Hog in the Bog Gala Day At its meeting in February 2008 the CC had reserved the field for the Gala Day for Hog in the Bog, though final arrangements then had yet to be made. The Events Group of the Community Company now formally requested consent for the Gala, with the erection of associated marquees. • Agreed to this. On GG's comment, the CC added that it might be suitable for the HD bikes to be parked on the playing field and thus make space in the car park for any four-wheeled vehicles. Cars and lorries should not be parked on the pitch, however; and, in the light of the use of the pitch by Speyside United, it was essential that the pitch be thoroughly cleared of all rubbish.

6.4.4. FB reported that HC had granted full relief for the pitch under the new non-domestic rates scheme.

6.5. Milton Loch

In HB's absence, this item was deferred.

6.6. Crow Nuisance

BD reported that HC's Pest Officer did not deal with birds. He recommended the use of Larson traps, or shooting. WC offered to assist; GG also identified men who might assist in the spring to disrupt nests. As the season had progressed, we heard, the original nuisance had in fact lessened.

6.7. B&S Area Sports Council

FB reported that he had sent in the paperwork to renew our membership as agreed, but that their Treasurer had phoned to insist that no payment had been received from us for this year. WC agreed to contact her to discuss the situation.

6.8. Data Protection Act

FB reported that the CC was now registered as a Data Controller with the Information Commissioner's Office under the number Z1398566.

6.9. CNPA: Draft Core Paths Plan

No further correspondence had been received.

6.10. Fireworks 2008

KD had contacted the full Parents Council, and also informed them that both herself and Kevin would be away at the appropriate time. It seemed unlikely that the Council would agree to run the event but they meet next on 2 September, when a final decision will be taken.

7. Financial Matters and Statement for the meeting of 4 August 2008

7.1. Financial Statement

<u>Income</u>	£	£
Bank of Scotland Interest General Current Account	1.28	
Bank of Scotland Interest Milton Loch Account	0.57	
Bank of Scotland Interest Footpaths Account	3.64	5.49
Ads. in BoG Standard:		
Danny Alexander MP		15.00
Angela Tudhope donation		20.00
Highland Council grant 2008-09		1,358.10
		<u>1,398.59</u>

<u>Expenditure</u>	£
Registration with Information Commissioner's Office as Data Controller	35.00
Highland Council insurance premium	166.95
Secretary's honr.: Frank Bardgett	250.00
B&Q Compost	<u>10.00</u>
	<u>461.95</u>
<u>Balances on Accounts</u>	
General Current Account	2,360.13
Milton Loch Account	1,678.22
Footpaths Account	4,652.04
National Savings Bank General	<u>534.21</u>
	<u>£9,224.60</u>

7.2. BoG Standard: noted that the Summer Edition was on the brink of production.

8. Planning

8.1. Planning applications (report of business handled by sub-committee)

8.1.1. Davall Developments Ltd - referred to the full CC, see above 6.3.

8.1.2. BoG Golf Club - request for 5 year licence for a shed by the practice area - commented that the alternative site would be preferable.

9. Reports

9.1.1. Electoral Reform Society

BD had been contacted by the Electoral Reform Society who are surveying opinion on the new system of voting in local authority elections: by transferable vote for multi-councillor wards. She had offered an individual reply, that the system was not well understood. In discussion the point was made that it did appear to encourage contested elections, so that councillors (unlike Community Councillors) were reassured that, having been positively voted into office, they had democratic credibility.

10. Other Correspondence:

10.1. Action may be needed:

10.1.1. Scottish Government consultation: "Safeguarding Rural Schools and improving school consultation procedures." By 19 August. Referred to KD for Parents' Council

10.1.2. HC: Community Council grants 2008-2009: award of £1,191.15, net of £166.96 insurance premium: see Financial Statement above. FB had forwarded the necessary statements after the AGM.

10.1.3. HC: Financial Advice Note to Community Councils: referred to WC.

10.1.4. Cairngorms Outdoor Access Trust: request to affiliate as a CC: • agreed before the meeting to meet the deadline of 30 July.

10.1.5. HSCHT - AGM 13th September and Retirement Party, 12th September: BD would attend the AGM, and perhaps MC.

10.1.6. NHS Highland Annual Public Review, Inverness 27 August, 2pm. Noted.

10.1.7. Assoc. Scot. Com. Councils - national ballot, by 30 September, on a new constitution. FB to ask for paperwork for all members to be sent.

10.1.8. Next Ward Forum, 20 August, Dalwhinnie 7pm - focus on Roads.

10.2. Received:

10.2.1. Coaching Highland: offer of Child Protection Officer Workshops for sports clubs.

10.2.2. NHS Highland: Team Update issue 48, July 2008.

10.2.3. HIE Review

10.3. Emails already forwarded:

10.3.1. emails: Gregor Grant, relocation to BoG.

10.3.2. CNPA Micro Hydropower Installations Training Course

10.3.3. CNPA & Development Trusts Association Scotland: seminar on Right to Buy.

11. Date of next Ordinary meeting: Monday 1 September 2008, the Community Hall, 7.30pm.