

# APPENDIX I

**Paper 2 - 09/052/CP**

Letter to Applicants (1 December 2009)

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1 December 2009

Dear Sir,

**09/052/CP – ERECTION OF 30 HOUSES; 10 AFFORDABLE HOUSE PLOTS; 8 SMALL BUSINESS UNITS AND ASSOCIATED INFRASTRUCTURE AND LANDSCAPING (APPROVAL OF RESERVED MATTERS) AT LAND AT SCHOOL ROAD AND CRAIGMORE ROAD, NETHYBRIDGE FOR INVERBURN LTD..**

I refer to the above proposal that is currently under consideration by the Cairngorms National Park Authority. I regret the delay in responding to you on this. However it has been necessary to engage in discussions with a number of external consultees and await the consultation responses. I have now received the majority of the consultation responses and some issues have arisen on which further information is required.

- I. One of the key factors in assessing the potential impacts of the proposed development of the site is on the ecology of the area. The subject site is designated as Ancient Woodland and due to the species and age of the woodland it is likely to support rich biodiversity. Much of the woodland also has an understory of juniper. There are also numerous squirrel dreys in evidence on the site and several trees have the potential to support bat roosts. In light of all of the foregoing site attributes, it will be necessary to undertake an ecological assessment of the proposed site, covering the following : -

- Mammals – including a detailed squirrel drey survey and bat survey of the woodland area;
- Botanical survey, including a moss survey;
- Entomology;

- Mycology; and
  - Breeding birds.
2. The proposed housing, house plots and business unit sites are within pine woodland which forms the visual backdrop and setting to the settlement of Nethy Bridge. It is a strategic objective of the Cairngorms National Park Plan that new development in settlements and surrounding areas should complement and enhance the character, patterns and local identity of the built and historic environment.

In order to maintain the woodland setting of Nethybridge there is a need to lessen the impact of any new buildings through design and partly through the partial screening provided by roadside trees. The on-going management of the trees is critical in providing this screen, and would also provide the opportunity to create an avenue effect that could emphasise the entry to the settlement. The woodland strip in question is between the identified site area and the road, and is not included within either application site. In order to address the landscape concerns it will be necessary to undertake the following :

- Ensure that all site boundaries relating to the two portions of the site in this current application are consistent with and accurately reflect the site boundaries permitted in the outline planning permission, including incorporating the woodland strips if appropriate;
  - In the event that the aforementioned woodland strips are outwith the originally permitted site boundaries it will be necessary to provide evidence that a legally binding management agreement is in place to retain and manage the strips of woodland in perpetuity.
3. The outcome of the ecological assessment required in item no. 1 of this letter will be significant in determining the layout of the proposed sites and the following information should only be provided when the ecological impacts have been fully considered : -
- A revised site layout plan demonstrating that the ecology and landscape concerns expressed in item no's 1 and 2 of this letter have been fully taken account of. The layout should be based on the concept of the housing located within the woodland and continuing to maintain a woodland setting. Other considerations in devising the layout include cognisance of the need for the careful placement and orientation of each individual house in order to optimise solar gain and allow for the retention of the maximum number of trees possible;
  - A detailed landscaping plan should be provided in conjunction with a revised site layout plan, with landscaping proposals utilised to enhance the woodland setting. In order to achieve this, the majority of internal planting should be birch, with rowan and juniper. Any boundary treatments proposed for the overall site area should not result in the creation of a 'hard' visual edge;

- A landscape method statement should be provided, detailing proposals for the on-going management of all landscaped areas and retained woodland on the proposed site.
4. Condition no. 4 of the outline planning permission (Highland Council planning ref. no. 02/00045/OUTBS) required that the development of the two housing areas generally accord with the illustrative principles shown on a plan submitted as part of that outline planning application. The indicative plan showed a mix of detached and semi-detached houses. In contrast the currently proposed site layout plan shows detached dwelling houses only. In the interests of catering for a wider social and demographic mix within the proposed development please include proposals on the revised site layout plan (and supported by all relevant elevation drawings etc.) for the introduction of a wider mix of house types and sizes. In this regard please note that evidence in many areas of the national park suggests that there is a need for more modest sized houses, which would be affordable to the local population.
  5. The extent of the application site identified around the proposed business units is very restricted, with minimal separation distance shown between the proposed building footprint and the identified site boundary. This is likely to be impractical in terms of any future construction activity, as the proximity of such works could result in damage to the adjacent woodland edge. Please submit detailed proposals to address this concern, including where necessary the repositioning of the proposed business units and / or a reduction in the size of the units.
  6. Please submit detailed SuDs proposals, which should accord with Planning Advice Note 61 (PAN 61) "Planning and Sustainable Urban Drainage Systems" and section 3 of the Domestic Technical Handbook.
  7. The consultation response from Scottish Natural Heritage makes reference to European Protected Species and notes that otters are known to occur on the Caochan fheurain immediately adjacent to the development proposal. It is likely that they will move along and between the river systems, including the burn on the east side of the development proposal along School Road. SNH note that there has not been an otter survey carried out. It will be necessary to submit a construction method statement in order to demonstrate that there will be no impact on otters during the construction period. The method statement should include the following points :
    - Proposals to amend areas of the proposed development in order to avoid destroying an otter holt;
    - Where an otter holt will unavoidably be lost to development, a minimum of one replacement artificial otter holt must be constructed at least six months prior to the licensed destruction of a natural holt;

- Water quality should be safeguarded, in conjunction with any advice provided by SEPA;
- Provision should be made to inform construction workers on the site of the presence of otters and guidance should be provided on what to do in the event that any otters are found on the site;
- Proposals to secure the end of open pipes in order to prevent otters entering and getting trapped;
- Proposals to cover open excavations at night to prevent otters from being trapped, or providing a means by which any animal which falls into the excavation can escape; and
- Measures to ensure that otters cannot become entangled and that otters have free and safe access to any nearby open water throughout the duration of the proposed works.

Please note that a license may be required from SNH before undertaking some types of survey for otters which result in disturbance.

8. Please submit details of the affordable housing provision on the site, including details of the involvement of a Housing Association and the intended mechanisms for delivery of the housing / provision and development of the identified affordable housing plots. All proposals should be consistent with the terms of the Section 75 legal agreement which was signed prior to the issuing of the outline planning permission.
9. Submit details of the sustainable design credentials of the proposed development.
10. Please submit details of the proposed phasing arrangement for the overall development, having regard to the stipulations set down in clause 10 of the Section 75 legal agreement and also having regard to the need to deliver the identified affordable housing plots in accordance with the terms of that agreement. Details should also be included to clarify whether it is intended to develop the proposed open market housing through the sale of single plots for individual construction or as a developer completed development.
11. The proposed site layout plan shows a footpath on the School Road periphery of the site, immediately adjacent to the public road. The existing footpath is on the verge of the woodland and set back significantly from the roadside. Given that the proposed path is outside the site boundary (as identified by the broken red line), please submit the following:
  - Details to explain why the existing path, which is in keeping with the woodland setting in this area of Nethy Bridge, is not proposed for retention and is instead to be replaced by a standard roadside footpath;

- Proposals to incorporate the path into the site boundaries (if consistent with the boundaries identified in the outline planning permission which has been granted on the site); or
- Detailed proposals including evidence of consent etc. from the relevant landowner, for the construction of the new path, outside the defined site boundaries.

12. Some concern has been expressed by Nethy Bridge and Vicinity Community Council regarding the fact that the proposed access road to the School Road site crosses the path referred to in item no. 11. Please submit details of all measures intended to be incorporated at this point on the site to ensure the safe movement of path users across this road, bearing in mind that the existing path is extensively used by children as a route to the nearby school.

13. As with earlier comments regarding the woodland strip adjacent to the School Road and Craigmore Road, as well as the footpath shown adjacent to School Road, other paths are proposed in the vicinity of the site that are outside the site boundary identified by the red line. Please submit details to address this, either by way of amended site boundaries or evidence of permission from the relevant landowner to undertake the works. In addition, the following points should also be addressed : -

- (a) The proposed path which is shown running parallel to the rear of the properties in Dirdhu Court deviates from the existing route which is evident on the ground – the existing route is approximately 8-10 metres from the rear boundaries of the existing properties and offers greater protection of privacy than the new path which is proposed immediately adjacent to the garden boundaries. Please submit proposals to show the new path more closely following the existing route which is evident on the ground;
- (b) The path running parallel to the rear of the School Road site crosses some low lying wet ground. In order to address this, please submit detailed proposals to show the path either repositioned to drier ground somewhat closer to the red line boundary or proposals to confirm that the path is built to an appropriate standard. For example “floating” the path on geotextile could be considered;
- (c) The element of the development proposed on Craigmore Road would result in an existing promoted path being built upon. While it is recognised that the site layout plan makes provision for a partial woodland path to the rear of this area of the site, it is imperative that it is extended westwards to link up with the existing promoted path to the west of the proposed business unit site. Please show proposals on a revised site layout plan.

14. Having regard to the location of the proposed site in a woodland setting on the edge of a rural village, the proposed layout displays many signs of excessive urbanisation, particularly resulting from some of the proposed road features –

examples include the large turning circles serving serving a small number of plots in the east and west of the residential element on Craigmere Road; the turning circles at the northern and southern ends of the School Road site; and the split carriageway at three locations within the School Road site. In preparing the revised layout in response to a number of the foregoing items the opportunity should be taken to create a more rural residential environment, appropriate to its proposed woodland setting.

Having regard to condition no. 4 of the outline planning permission which required "a single access road designed in such a manner as to be capable of adoption by the Roads Authority as public highway", it would be beneficial for you to discuss the matter with the TEC Services department of Highland Council prior to submitted amended plans.

15. While it is acknowledged that outline planning permission exists on the site for affordable housing plots, with the remainder of the units being open market, there has been increased awareness in recent times of the need for housing to accommodate the local population, many of whom may fall outside eligibility criteria for formal affordable housing. In light of this and having regard to the requirements which have been imposed on other residential developments within the national park, please submit details to clarify if the applicant is agreeable to marketing a proportion of the open market properties specifically to the local market at a reduced selling price, for a period of time.
16. The findings of the ecological assessment, together with the need to address other matters raised in this letter including landscape setting, general layout and design principles, and paths and access issues, are all likely to necessitate significant alterations to the currently proposed layout. In light of this, and in the interests of clarity, please show on the revised site layout plan (or on a separate landscaping plan, perhaps superimposed on the site layout) all trees / groups that are proposed for retention. In conjunction with this, please also include comprehensive details of all protection measures to be put in place to retain and protect the trees during construction and in perpetuity.

In response to concerns raised in a number of letters of objection and the apparent lack of clarity on the extent of trees that would be retained, it may be beneficial and helpful to the understanding of the general public in particular, to mark on site the trees / groups of trees which are proposed for retention. Please inform the CNPA of any system of marking which may be devised in this regard.

Please note that the consultation response received from Scottish Water indicates that the Blackpark Water Treatment Works may have capacity to service the proposed development and similarly that the Nethy Bridge Waste Water Treatment Works may have capacity to serve the development. Scottish Water

does not object to the planning application, but advises that any planning approval granted by the Planning Authority does not guarantee a connection to Scottish Water infrastructure. In some circumstances it may be necessary for the developer to fund works on existing infrastructure in order to enable development to connect. It is advisable to contact Scottish Water directly to discuss this matter.

Please also note that no comment has been made at this stage on the design of the proposed residential or business units, as modifications are likely in order to meet the requirements of various aspects of this letter. Further comment will be made on design issues at a later stage in the assessment of the overall proposals.

In the event that you wish to discuss any aspect of the application in more detail, please feel free to contact me.

Yours sincerely,

**Mary Grier,  
Planning Officer, Development Management.**