
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: RESPONSE ON CONSULTATION FROM HIGHLAND COUNCIL ON THE PROPOSAL FOR RESIDENTIAL DEVELOPMENT (INCLUDING PRIMARY SCHOOL AND COMMUNITY USE SITES) LAND TO THE SOUTH OF DEISHAR ROAD, BOAT OF GARTEN (AMENDMENT TO PREVIOUS SUBMISSION)

Highland Council Reference: (02/00230/OUTBS)

Applicants: Aviemore and Highland Developments Ltd.

Prepared by: Neil Stewart: Planning Officer
(Development Control)

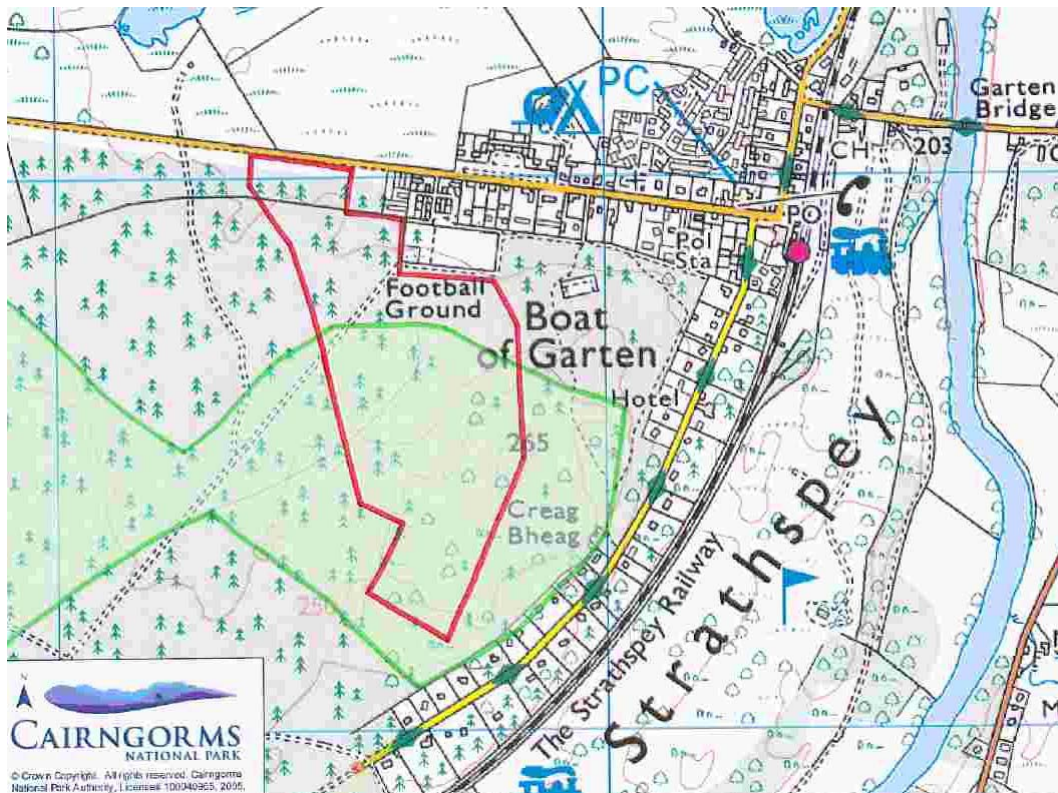


Figure 1: Location Plan

BACKGROUND

1. The original outline planning application for this site was submitted to Highland Council in July 2002. Determination has been delayed due to environmental investigations (capercaillie habitat), as well as concerns about the capacity of the Waste Water Treatment Works (WWTW). This original application contained proposals for housing, business/commercial uses, replacement lorry parking, and community uses on a site of approximately 7.7HA lying in woodland to the south-west of Boat of Garten, with access from Deishar Road (see attached Fig. 2, Original Proposal). On 11 March 2005, Highland Council sought a consultation response from the CNPA and the Planning Committee considered a report at their meeting on 8 April 2005. The report's recommendation was that the application should be refused and the Committee supported the recommendation but added that an Environmental Assessment of the site and the wider area, and a supportive statement should be submitted. Further to this, the applicants have revised their proposals and submitted an amended "masterplan" to Highland Council for their consideration. This amendment is accompanied by a supporting statement and a capercaillie survey report. This amended proposal is the application which Highland Council have now requested another informal consultation response.

SITE DESCRIPTION AND CURRENT PROPOSAL

2. The site lies in a wooded area to the south-west of the settlement and in an area to the direct south of the existing Boat of Garten playing field where the new Community Centre is proposed. Part of the woodland is registered under the Ancient Woodlands Inventory and the area and capercaillie are known to be in the area. It is also used for informal recreational uses with several paths traversing the area. (see Fig. 1 Location Plan)
3. The revised proposal has retained the "red line" boundary of the original outline application but reduced the actual area of development by slightly less than half. The remainder of the "red line" site to the south is shown as undeveloped and, although shown within the application site, it is presumed that this will remain in its natural wooded state.
4. The indicative masterplan shows a layout of 41 affordable houses in the areas closest to Deishar Road and 62 private houses laid out in an approximate grid pattern around some amenity/play areas further to the south. The total number of houses shown is 103. To the east of the private houses, sites for a primary school and community bowling green are indicated (see attached Fig. 3, Revised Proposal).

Development Plan Context

5. The **original proposal** exactly matched the zoning and allocations provided in the **Badenoch and Strathspey Local Plan 1997** which indicated a phased development of approximately 120 houses extending southwards into the woodland, with two smaller sites for business/industry and commerce/tourism located at the north end of the site adjacent to Deshar Road.
6. The site, of course, remains as an allocation in this extant Local Plan. However, the **CNPAs consultative draft Local Plan** is about to be issued for consultation. Due to the loss of habitat, the weight of community concern about development on this site following the Local Plan community consultation process, and the general concern about the need and appropriateness for housing development of this scale adjoining a Highland village, **the proposed site is not allocated as a development opportunity**. Smaller scale housing sites are indicated elsewhere in Boat of Garten.

Appraisal

General

7. In terms of procedures, Highland Council have accepted the revisions as an amendment to the original proposal and as far as I am aware, re-notification of neighbours and re-consultation exercises have taken place. It could be argued that the changes now proposed are significant enough to merit a requirement for a new planning application. This is particularly the case, when you consider the changes in the area, density and pattern of development now proposed, the omission of the business, industrial, commercial and tourism proposals, and the addition of the affordable housing elements.
8. However, this has been a judgement for Highland Council and the proposal has been accepted as a revision to the original.

Issues and the Aims of the Park

9. The revisions have made attempts to overcome some of the issues that have been raised before. However, there are still a number of matters which require assessment and which lead to my recommendation. **Nevertheless, it is prudent to state that my conclusion is that the CNPA should continue to maintain an objection to the principle of a development of this scale and type in this location.**
10. One of the main issues at the time of the original was the impact of the proposal on the integrity of capercaillie habitat. The applicants have undertaken a capercaillie survey of the area in question. The report concludes that capercaillie are clearly using parts of the wood in this location but the south and eastern parts of the wood are the favoured areas. As such, the report advises that capercaillie conservation will be the primary objective

in the southern part of the woodland. However, the report also advises that the erection of the houses in the north-eastern part of the woodland, as proposed in the revision, is unlikely to impact directly on the capercaillie population.

11. SNH had submitted a formal objection to the original proposal and have been invited to withdraw their objection following receipt of the capercaillie survey report. However, SNH considers that the evidence provided in the survey report, whilst useful, is not sufficient to justify an amendment to their position with respect to the revised housing proposal. They say that the report has confirmed that the woodland is important for capercaillie, and holds a nationally significant number of birds. They reiterate that any impacts on the population of birds using Boat of Garten Wood could affect the integrity of populations in the nearby Special Protection Areas (SPAs) at Kinveachy Forest, Abernethy and Craigmore Wood. SNH therefore maintain their objection **which is statutory. If the application is approved then it would have to be referred to Scottish Ministers.**
12. While the applicants have made attempts to overcome the capercaillie habitat issue, there is continued concern about the impact of the development on this important species and the integrity of the habitat and the wider area.
13. In addition to capercaillie habitat, one of the concerns before was the impact of the development on woodland which is registered under the Ancient Woodlands Inventory. It is conceded that much of the revised development is outside this designation now. However, approximately one quarter of the development area now proposed remains within this designation. The rest of the site which is to be developed, is typical Scots Pine plantation with heather type ground cover. While not designated, this habitat is still viewed as valuable and any development of the scale and type proposed is considered to be detrimental in general terms to the natural heritage integrity and value of this resource. On this basis, the revised development proposal is still viewed as being significantly negative in terms of the first and second aims of the National Park in relation to the conservation and enhancement the natural heritage of the area and the promotion of the sustainable use of natural resources.
14. In terms of the revised layout, it is not now in accordance with the extant Local Plan allocations. The Local Plan indicated a more linear layout extending into the woodland which, it could be argued, in principle, accords with the general pattern of development in Boat of Garten. However, considering the natural habitat importance of the woodland, a development extending further into the woodland area, would not now seem to be the best solution. The revised masterplan layout now provides a higher density development with housing generally grouped around some landscaped squares and close to the proposed "community facilities" and the approved new community centre. In principle this seems logical. However, the need to reduce the physical area of development because of the natural habitat constraints seems to have resulted in this solution, rather than any other reason, and the result is a proposed layout which, in general terms, does not fit with the overall more

linear pattern of development in Boat of Garten. The approach taken in the CNPA draft Local Plan is to form smaller development sites in a more linear form “hugging” the edges of the existing settlement boundaries.

15. From this, the conclusion is that the constraints on the site have resulted in a form, scale and density of development which does not seem appropriate for an extension to Boat of Garten and that the principle of any development of this scale and type onto a Highland Village is questionable. In this context, it can be argued that the development does not conserve or enhance the cultural heritage of this part of the Park. As stated in our response on the original proposal, although the number of residential units has been reduced, the scale of the development is not how we envisage the Park’s communities growing. The forthcoming Local Plan seeks to have smaller-scale and lower impact development of the Park’s settlements.
16. In terms of the implications for the third aim of the Park, it remains the case that the woodland area is well-used for informal recreational use. The reduced area of development has obvious benefits in this regard because it will allow more of the woodland to be retained for this purpose. The indicative masterplan layout also does show footpath provision around the boundaries. There are of course issues in relation to potential conflict between recreational users and natural habitats. However, as stated above, because of the fundamental concerns about the principle of developing this site with this scale of development, my position is that, in effect, the status quo should remain and that informal access should continue as it does at present.
17. There are several issues in relation to the Park’s fourth aim of promoting the sustainable economic and social development of the area. Boat of Garten remains constrained by a lack of capacity at the WWTW. The preferred option is for an upgrade of the existing works although pumping to Aviemore is not ruled out as an option by Scottish Water. The existing water supply serving the area also remains inadequate. The applicants have been looking at ways to overcome these constraints (developer contributions to help upgrade infrastructure and improve water leakage control) and this could allow for some phased development on the site. However, while these are potential solutions, the technical constraints remain at present.
18. In the previous response, the CNPA expressed some concern about the business/industrial sites at the entrance to the development adjacent to Deishar Road. They were not viewed as particularly appropriate as a “gateway” to the development. These sites are allocated in the existing Local Plan. The revised proposal has now removed these allocations. There are no industrial/business proposals in the development. The CNPA draft Local Plan has earmarked one business site adjacent to the existing lorry park adjacent to Deishar Road with a view to promoting a sensitively designed but modest scaled development, possibly for starter units. The loss of this potential business allocation is therefore viewed as negative to the economic development of the area.
19. The proposal does include a high percentage of affordable housing, in excess of the 25% required by Highland Council policy. As I understand it, the

applicant has been in discussions with Communities Scotland. This is, in principle, welcomed and is viewed as generally positive in terms of the social and economic development of Boat of Garten. However, if the development is to go ahead, then it would be vital that the phasing of the affordable element is carefully controlled in order to achieve its timeous delivery in relation to the other housing.

20. The proposals for community facilities (primary school site and bowling green) are in principle welcomed but it is not clear how these would be delivered and whether or not these fall in line with the general desires of the community. The CNPA draft Local Plan does indicate a need for a new primary school but because it does not view the proposed site as an appropriate one for the expansion of Boat of Garten, it does not, in principle, support the siting of a primary school in this location. Sites for community facilities are earmarked elsewhere in a configuration closely associated with existing settlement boundaries. In addition, while indicative only, the masterplan layout submitted does not show a form of vehicular access to the proposed community centre approved by the CNPA in a position adjacent to the existing playing field. At the time of consideration of this proposal, access via Craigie Avenue was an issue and while found to be, on balance, acceptable, it was always the view that if development was to take place on the proposed housing site, the opportunity should be taken to provide a better access to serve the community centre.

Conclusion and Recommendation

21. The revised proposal does provide some improvements to the original development. However, there remains considerable concern about the principle of developing this site, and with developing it with a development of this scale and type. For information purposes, we are in receipt of two representations (which have been submitted to Highland Council and copied to us) which both express concern about the development. These are attached.
22. **This is an informal consultation but my recommendation is that the CNPA continue to object to the revised proposal and the principle of development, on the following grounds:**
 1. **The development of the site will continue to have an adverse impact on this woodland area which is an important valuable natural heritage resource and habitat, all of which would be negative to the first and second aims of the National Park which are to conserve and enhance the natural heritage of the area and promote the sustainable use of natural resources.**
 2. **The proposal represents a sizeable development which is not viewed as being of an appropriate scale, density and type in relation to the scale, structure, character and pattern of development in Boat of**

Garten. As such it is viewed as having negative implications for the cultural and built heritage of the area.

- 3. The development is viewed as being premature to the publication and proper consideration and development of the forthcoming CNPA Local Plan which also seeks to further the aims of the National Park.**
- 4. The development does not provide for any business/industrial allocation which is viewed as having negative implications for the fourth aim of the National Park part of which is to promote the economic development of the area.**

**Neil Stewart
3 October 2005**

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Figure 2: Site plan for the original development.

KEY:





-  Areas of Housing
-  Service business and replacement lorry parking
-  Commercial use
-  Woodland/ planting/ amenity



Figure 3: Revised proposal