

# Agenda Item 5

## Appendix 2

**PRE/2024/0026**

**Pre-application response  
(PRE/2024/0015)**

## CAIRNGORMS NATIONAL PARK AUTHORITY PRE-APPLICATION RESPONSE FORM

For completion and return to the relevant Local Planning Authority for incorporation in detailed response to applicant. Any relevant CNPA Planning Advice Notes should be enclosed or attached to this response.

All applicants should be advised that CNPA encourages the completion of Processing Agreements with all planning applications. These will be provided by the planning case officer following Call in by CNPA. It will set out timescales for the processing of the application and target committee date.

All comments are based on the information submitted and are made without prejudice to any decision CNPA may make in the future. Additional issues may arise as a result of detailed analysis of any submitted application and associated plans and documentation.

<b>CASE DETAILS</b>	
Reference number LPA	<b>24/02097/PREAPP</b>
Reference number CNPA	<b>PRE/2024/0015</b>
Site Address/Location	Land 160M South of Lynstock Park Nethy Bridge
Details of Proposal	35 unit housing development in vacant field at outskirts of Nethy Bridge
Date of Site visit (if applicable)	19/06/2024

<b>SITE DESIGNATIONS &amp; CONSTRAINTS</b>	
Cairngorm National Park	
Nearby constraints:	
<ul style="list-style-type: none"><li>- River Nethy to west is part of River Spey Special Area of Conservation (SAC.) The River Spey is also a SSSI This will require further consideration by the applicant.</li><li>- Cairngorms Special Area of Conservation (SAC) and Abernethy Forest Special Protection Area (SPA) are within 5 km of the site</li><li>- Electricity infrastructure/line crosses the site.</li><li>- The western part of the site is identified in SEPA's flood maps as being at risk from river flooding.</li><li>- There are no listed buildings of architectural and historic importance evident within the immediate vicinity of the site.</li></ul>	
<b>RELEVANT PLANNING POLICIES AND GUIDANCE</b>	
National Planning Framework 4 Scotland 2045 (NPF4)	Policy 1: Tackling the climate and nature crises

<p>Available on this link  <a href="#">national-planning-framework-4.</a></p>	<p>Policy 2: Climate mitigation and adaptation  Policy 3: Biodiversity  Policy 4: Natural Places  Policy 5: Soils  Policy 6 Forestry woodland and trees  Policy 9: Brownfield, vacant and derelict land and empty buildings  Policy 12: Zero Waste  Policy 13: Sustainable Transport  Policy 14: Design, Quality and Place  Policy 15 Local Living and 20-minute neighbourhoods  Policy 16 Quality Homes  Policy 18 Infrastructure First  Policy 20: Blue and green infrastructure  Policy 21: Play recreation and sport  Policy 22: Flood risk and water management  Policy 23: Health and Safety  Policy 25: Community Wealth Building</p>
<p>Cairngorms National Park Local Development Plan Policies  Available on this link  <a href="https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf">https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf</a></p>	<p>Policy1 New Housing Development  Policy 3: Design and Placemaking  Policy 4: Natural Heritage  Policy 5: Landscape  Policy 10: Resources  Policy 11: Developer Obligations</p>
<p>Supplementary Guidance  Available on this link  <a href="https://cairngorms.co.uk/planning-development/ldp-2021/">https://cairngorms.co.uk/planning-development/ldp-2021/</a></p>	<p>Housing Supplementary Guidance  Design and Placemaking Non-Statutory Guidance  Natural Heritage Non-Statutory Guidance  Landscape Non-Statutory Guidance</p>

	Resources Non-Statutory Guidance Developer Contributions Supplementary Guidance
<p>Cairngorms National Park Partnership Plan also sets the strategic framework for the Local Development Plan (LDP) the policies of which reflect the aims and objectives of the Partnership Plan and is referenced in the LDP, Plan available on this link. <a href="https://cairngorms.co.uk/working-together/partnershipplan/">https://cairngorms.co.uk/working-together/partnershipplan/</a></p>	
<b>LIKELY CONSULTEES (CNPA &amp; EXTERNAL)</b>	
<p><b><u>Cairngorms National Park Authority (CNPA)</u></b></p> <ul style="list-style-type: none"> <li>• Ecology Officer</li> <li>• Landscape Officer</li> <li>• Outdoor Access Team</li> </ul> <p><b><u>Local Authority – The Highland Council</u></b></p> <ul style="list-style-type: none"> <li>• Transport Team</li> <li>• Flood Risk Management Team</li> <li>• Contaminated Land</li> <li>• Waste Management</li> <li>• Developer Obligations Team</li> <li>• Regional Archaeologist if constraints maps indicate any archaeological interest.</li> <li>• Housing Team regarding housing needs assessment</li> <li>• Outdoor Services – for landscape/play advice</li> </ul> <p><b><u>Other External</u></b></p> <ul style="list-style-type: none"> <li>• SEPA - in respect of flood risk, mitigation and management proposals</li> <li>• Nature Scot – in respect of potential impact on any designated sites in particular the River Spey SAC</li> <li>• Scottish Water – in respect of capacity of existing water supply and wastewater infrastructure if proposing to join and drainage provision</li> <li>• Community Council</li> <li>• Spey Fishery Board</li> <li>• Scottish and Southern Energy – in relation to electricity infrastructure crossing the site.</li> <li>• Police Community Safety Officer</li> </ul>	
<b>SUMMARY OF LIKELY ISSUES</b>	

## **Call In**

Any application would be submitted to the Highland Council for validation. The Cairngorms National Park Authority (CNPA) would be notified of the application by the Council. At that stage a decision would be made as to whether any application would be called in. Due to the scale of the development (more than 5 houses within a settlement) and the fact that is likely to be a major application under the terms of the Scottish Government's hierarchy of development any such application would be called in – more detail on this link below on call in criteria. This development would constitute a type 1 development -highly likely to called in.

<https://cairngorms.co.uk/wp-content/uploads/2022/09/2022-PAN-Applying-for-Planning-Permission.pdf>

If the red line application site was more than 2 hectares in size then the development would constitute a major application. This would appear to the case as areas of landscaping, drainage and access would require to be included within the red line application site.

## **Principle of Development**

The principle of development is considered against the relevant policies and guidance as contained within the Development Plan. This now comprises the Cairngorms National Park Local Development Plan 2021 (LDP) and the National Planning Framework 4 (NPF4). Where there is conflict between policies, NPF4 policies will be used.

### Policy Background – Designation in Local Development Plan

The proposed development site lies partly within the settlement boundary of Nethy Bridge as designated in the Local Development Plan – more detail on page 170 - 173 on this link <https://cairngorms.co.uk/hted/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

The settlement statement for Nethy Bridge explains it is a small woodland village and an attractive destination for visitors with a good range of community facilities and an extensive local path network. It also sets out that the objectives are to support the delivery of housing that supports local needs and to increase and enhance flood management and resilience. It highlights that all developments should include 25% affordable housing and that planning obligations will be sought towards increasing capacity at strategic community leisure facilities serving Nethy Bridge.

Part of the site lies within an area designated for housing as H1 – Lettoch Road. The southeastern part of the site- plots 12-16 of the submitted layout- lie outwith the designated settlement boundary as do some of the westernmost plots, SUDS basin and green area towards the river. The H1 designation sets

out that there is an indicative capacity for 20 dwellings and that any proposals must take account of, and complement, the nature of the woodland opposite, views towards the Cairngorms, and the nature of nearby development. It specifically states that semi-detached and terraced dwellings in a similar pattern to Lynstock Crescent (which lies further northwest into the village set back from the road with green area in front) is desirable here. The statement also highlights that there is medium to high probability flood risk adjacent to the site whereby a Flood Risk Assessment may be required to determine the developable area. It also highlights that the site will need to take account of and respond to the wider landscape context particularly views towards the Cairngorms plateau. It also outlines specific ecology study requirements and notes that water infrastructure runs through the site.

The relevant Local Development Plan policy is *Policy 1: New Housing Development* part 1.1 which explains that new housing proposals will be supported where they are located on an identified allocated site or within an identified settlement boundary and meet the requirements for the settlement as outlined in the community information section and reinforce and enhance the character of the settlement. Also part of the Development Plan is National Planning Framework *Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings* which states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. Similarly, NPF *Policy 16 Quality Homes* sets out that development proposals for new homes on land allocated for housing in the LDP will be supported.

Set against this background the *principle* of housing development on the *designated* site is established subject to the details of layout, landscaping and servicing being satisfactory. However, a considerable part of the development lies *outwith* the designated area whereby the development as proposed constitutes a departure from the Development Plan and would require to be advertised as such. If it were supported then the Planning Authority would require to set out the reasons for departing from policy.

For the avoidance of doubt, in relation to this policy background, part of the application site is greenfield and not allocated for development. NPF4 Policy 9 essentially requires that the application demonstrates that it is supported by the policies of the Cairngorms National Park Local Development Plan. This is presently not the case given that the site is not all allocated for development and as such is contrary to LDP policies.

#### Issues of principle to be addressed.

In these circumstances any application would need to clearly explain why it is considered necessary to develop outwith the designated area so that we could consider the case for departing from policy. Whilst there may be some rationale for extending the site in order to provide a good, landscaped setting

for development and achieve sustainable urban drainage objectives, the reasoning for additional housing outside the designated boundaries would need to be explained as this is not obvious particularly as extending the development further up Lettoch Road means it is further away from the village core.

### **Affordable Housing**

*NPF Policy 16 Quality Homes* requires that new housing development makes provision for affordable homes to meet an identifiable need. It also sets out under point (c) that developments which improve affordability and choice by being adaptable to changing and diverse needs and addressing identified gaps in provision will be supported with a list of housing types that could be considered included. Similarly, *LDP Policy 1: New Housing Development* states that developments of four or more dwellings should include provision for affordable housing. In Nethybridge 25 % of the total number of dwellings proposed must be affordable.

Any application will need to demonstrate compliance with these policies and set out the type of affordable housing provision to be delivered here along with the means of delivery. At present 9 affordable units are indicated on site which would comply with the 25% requirement. If there is a proposal to provide the affordable housing elsewhere in the village this must be fully explained and justified together with clear explanation of the means of delivery. It is understood that the developer has discussed housing requirements with the appropriate housing authorities/providers and any supporting affordable housing statement should summarise those discussions.

### **Siting and Landscape Impacts**

#### Policy Background

*NPF4 Policy 4: Natural Places* sets out that development proposals which affect a National Park will only be supported where the objectives of designation and the overall integrity of the area will not be compromised and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. *Policy 5: Landscape* of the Cairngorms Local Development Plan 2021 sets out similar objectives with a presumption against any development that does not conserve or enhance the landscape character or special landscape qualities of the Cairngorms National Park

*NPF4 Policy 14: Design, Quality and Place* also states development proposals should improve the quality of an area and be consistent with the six qualities of successful places. It also sets out that proposals which are poorly designed and detrimental to the amenity of the area will not be supported. This echoes the requirements of *Policy 3: Design and Placemaking* of the Cairngorms Local

Development Plan 2021 which also sets out principles of sustainable design to be met with new development including requirements to ensure that new development is sympathetic to the traditional pattern and character of the surrounding area whilst encouraging innovation in design and material, minimising the effects on climate change in terms of siting and construction and using materials and landscaping to complement the setting of development.

As noted earlier the settlement statement for Nethy Bridge expressly sets out the various requirements to be met here in relation to taking account of and complementing the nature of the woodland opposite, views towards the Cairngorms, and the nature of nearby development

#### Consultee Feedback

The CNPA Landscape Advisor has considered the proposed layout and notes that the proposal comprises 35 housing units located on the southeastern edge of Nethy Bridge, bounded by the River Nethy to the southwest and Lettoch Road to the northeast. Existing housing on the edge of the village lies to the northwest while the southeastern boundary comprises rising ground culminating in a more complex knolly outcrop. The advisor notes that the submission does not include a supporting statement setting out the siting and design objectives of the proposed development.

It is noted that the proposed development is sizeable and would increase the extent of the settlement of Nethybridge to the southeast and be located some distance from the core of the settlement and key facilities including the shop, bus stops and school. The proposed site is however allocated for housing in the LDP with capacity for 20 units stated and the highest quality of design required, along with the need to reinforce and enhance the character of the settlement. It is also noted that the lower part of the site adjacent to the River Nethy is proposed to be kept free of development for reasons of increased flood risk.

The advisor considers that the proposed layout of the development and design of buildings gives an impression of a rather suburban character unlike some of the more interesting housing within Nethybridge which relates well to the woodland setting, for example, by using timber in construction. The openness of the site also contrasts with the 'forest village' feel which is a distinctive characteristic of Nethybridge. It is noted that two 'wildlife corridors' are proposed across the site linking the River Nethy with an existing woodland on the north-east side of Lettoch Road. Tree planting is indicated within these corridors on the site layout plan and an existing area of juniper scrub is also proposed to be retained. Trees within these corridors should, in time, create a more wooded setting to the development, but are unlikely to replicate the denser woodland surrounds which partially screen housing either side of the lower section of the River Nethy closer to the core of the settlement.



The advisor also notes that plots 12-16 are located on higher ground and are likely to be more visually prominent. It will be important that these housing units do not intrude on key views from Lettoch Road towards the Cairngorms Plateau. It is therefore recommended that consideration be given to omitting these units in favour of planting native woodland on higher slopes with the aim of creating a robust settlement edge to Nethybridge. It is recommended that the proposed design of the housing is of high quality and makes a positive contribution to the character of Nethybridge. It is also advised that planting of Scots pine and birch should be undertaken in a more widespread manner across the site with the aim of replicating the distinctive character of the settlement and filter views of built development.

Issues to be addressed.

It is considered that there is an ideal opportunity on this site to create a high quality housing development with good landscaped setting around and within the plots, all as required by policies. This opportunity does not appear to be being fully taken with the current layout, but it is considered that it could be achieved with some amendments/reconsideration.

It is recommended that the layout be amended to remove plots 12-16 which are located on the rising ground which forms a clear backdrop to the wider site. Removing these plots and reconsidering the layout would avoid expensive cut and fill on this land, enable views of the Cairngorms plateau to be retained and also reduce the intrusion outwith the settlement boundary. It would also anchor the development visually with the small woodland copses and vegetation pattern to the southwest further up Lettoch Road outside the site. This would result in a development more likely to comply with LDP policies and settlement objectives.

It is also recommended that further consideration be given to the following aspects in order to ensure that new development fits in with the very attractive existing character of Nethy Bridge, reflects the requirements of the housing designation here and achieves the Development Plan objective of conserving or enhancing the landscape character and special landscape qualities of the Cairngorms National Park:

1. Careful consideration of how the treatment of the housing which backs onto Lettoch Road will be dealt with to avoid a “dead” visual appearance of timber screen fencing facing this road. Further towards Nethy village the houses face the road with picket fencing and/or planting between housing and road creating an attractive rural feel and this could act as a design cue here
2. Strengthened planting along this Lettoch roadside boundary would also help reflect the woodland opposite and over time create a very attractive aspect along Lettoch Road.

3. Use of native planting through the site, within plots and around the development could help to create the desired woodland setting here
4. Reconsideration of house types to consider, for example, inclusion of terraced housing which could provide more units to compensate for loss of units at the south end of the site. If new housing was designed sympathetically to include timber features and was set in good quality landscaped grounds/setting then the scale/mass of housing could be more readily be absorbed to perhaps allow denser development on the core lower designated land.
5. Siting of houses *within* plots could be varied to avoid an overly formal layout too.
6. Consideration of the potential for siting of play area more centrally within the site or justification of choice of location. Full details of the play area including equipment and future maintenance will be required.

Further guidance on the landscape character here is available on the following link which may help to provide further context.

<https://cairngorms.co.uk/planning-development/landscape-toolkit/>

With any future submission a Design and Access Statement will require to cover these issues. It is recommended that this Statement includes

- sections and visualisations to show how the new development will sit in the landscape.
- information on how the development has been designed to take account of all users. There is useful information provided by the Sensory Trust [Sensory Trust guide to writing an access statement](#). Local Authorities (in this case the Highland Council) have Access Panels who may give some input dependent on what type of project it is– more information here ([Access Panels | Equality and diversity contacts | The Highland Council](#))

## **Natural Heritage and Biodiversity Issues**

### Policy Background

*NPF4 Policy 3: Biodiversity* requires that development proposals contribute to the enhancement of biodiversity including where relevant restoring degraded habitats and building and strengthening nature networks and the connections between them. They should also integrate nature-based solutions where possible. Developments for major development, as is likely to be the case here, will only be supported where it is demonstrated that the proposals will conserve, restore and enhance biodiversity including nature networks so they are in a demonstrably better state than without intervention. A list of criteria to be met is set out. *NPF4 Policy 4: Natural Places* does not support development which will have an unacceptable impact on the natural environment, or which will have a significant effect on European Site designations which include Special Areas of Conservation and Sites of Special Scientific Interest.

Similarly, Policy 4: *Natural Heritage* of the Cairngorms Local Development Plan 2021 requires new development to have no adverse effects on the integrity of designated sites, the National Park or on protected species or habitats. Policy 3 Design and Placemaking also requires development to create opportunities for further biodiversity and to promote ecological interest.

#### Issues arising

The CNPA Ecology Officer has commented on the application and has highlighted that the following *European designated sites* are all within 5km of the site and may have the potential for connectivity, so this is likely to require further consideration by the applicant:

- River Spey Special Area of Conservation (SAC) designated for its Atlantic salmon, freshwater pearl mussels, sea lamprey and otter interests.
- Cairngorms Special Area of Conservation (SAC) designated for habitat and otter interests.
- Abernethy Forest Special Protection Area (SPA) designated for capercaillie, osprey and crossbill interests.

Consequently, sufficient information should be submitted to allow an assessment of the development on the above internationally important sites and if necessary to enable the Planning Authority to undertake a Habitat Regulations Appraisal in consultation with Nature Scot.

With regard to *nationally* important areas for nature conservation, in accordance with the NatureScot/National Parks casework agreement (available via <https://www.nature.scot/doc/agreement-roles-advisory-casework-between-naturescot-and-scottish-national-park-authorities>), NatureScot lead on providing advice in relation to effects on Sites of Special Scientific Interest (SSSIs) and National Nature Reserves at this stage in the planning process. However, we would take the opportunity to highlight that the below sites may have the potential for connectivity and are likely to require further consideration by the applicant:

- Abernethy Forest SSSI
- Abernethy NNR

In terms of *biodiversity* in order to comply with NPF4 Policy 3 Biodiversity a Statement demonstrating enhancement for biodiversity should be submitted with any application. This should include an assessment of the current value of the site and clear proposed details on the value after the development. NatureScot have guidance on common measures which can be used to enhance biodiversity in the proposed development site - <https://www.nature.scot/doc/developing-nature-guidance>

In terms of *Protected species* a Protected Species Survey (ecological constraints) will be required and appropriate species buffers provided (in line

with NatureScot guidance available via <https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species>

The results of the survey should be factored into timescales and used to inform siting, design and any mitigation required. Based on the available information, at this stage, species such as (but not limited to) breeding birds, otter, badger are likely to be present in the area. However, the advice of a suitably experienced ecological surveyor should be used to inform which protected species need to be surveyed for

In terms of *Habitats/Species* a Phase 1 Habitat survey will be required and the report submitted with any future application. A number of species/habitats identified as Cairngorms Nature Action Plan (CNAP) priority species, Birds of Conservation Concern (BOCC) red or amber list species, and/or on the Scottish Biodiversity List as requiring conservation action or the avoidance of negative impacts are likely to be present in the area. For example (but not limited to): Pinewood mason bee, dark bordered beauty moth and waxcaps. The siting and design process must include consideration of all the potential direct, indirect and cumulative effects of the proposed development on the biodiversity interests identified in the CNAP, BOCC and Scottish Biodiversity lists.

Finally in terms of the *Water environment*, given the proximity to a drainage feature and the River Nethy which flows into the River Spey, an outline Construction Environmental Management Plan should be submitted with any future application to demonstrate that any impacts from the proposed development can be adequately mitigated. Further comments on the water environment and potential links with biodiversity and landscape will be covered in the next section.

## **Flooding, Drainage and Servicing Issues**

### Policy Background

*NPF4 Policy 22: Flood Risk and Water Management* creates a presumption against all development at risk from flooding and seeks to ensure that there is no risk of surface water flooding to others, and that all rain and surface water is managed through sustainable urban drainage systems (SUDS) with area of impermeable surfaces minimised. It also explains that development proposals within a flood risk area will only be supported where they are for essential infrastructure, water compatible uses, redevelopment of an existing building or site for an equal or less vulnerable use, or redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use. *NPF4 Policy 20: Green and Blue Infrastructure* is also of some relevance. This supports development which incorporates new or enhanced blue and/or green infrastructure with proposals for their future management to be included. *Policy 10: Resources of the Cairngorms Local Development Plan 2021* requires development to minimise the use of treated

and abstracted water, treat surface water in accordance with the SUDS manual, ensure no adverse impacts on private water supplies, and ensure no detrimental impacts on the water environment as well as to be free from flood risk and not increase the risk of flooding elsewhere.

Part of the application site lies within an area designated on SEPA's flood maps as being at risk of flooding and the development does not appear to fall into any of the exception criteria set out in NPF Policy 22 Flood Risk and Water Management. The Nethybridge settlement statement also highlights that the designated housing site lies adjacent to an area of medium to high probability flood risk whereby a Flood Risk Assessment may be required to determine the developable area. The site as proposed extends towards this area and a draft FRA has been submitted with this pre application inquiry. Consequently, the views of SEPA and the Highland Council Flood Risk Management Team will be crucial to inform the future layout here. The settlement statement also highlights that water infrastructure runs through the site and this will need to be identified and considered in consultation with Scottish Water

Issues to be addressed.

As noted above Highland Council Flood Risk Management, Scottish Water and SEPA will be able to advise on the requirements for any future planning application in terms of flooding and public drainage/water supply/water infrastructure issues.

Details of how surface water is to be managed and maintained in a sustainable manner will be required together with any supporting Drainage Impact Assessment. This should take into account any watercourses in the area, cover any new surfacing and the implications of any ground changes in terms of cut and fill operations. Highland Council Flood Risk Management Team will be able to advise further on requirements.

Meantime we have discussed this case with our Conservation Officers and consider that this development offers an ideal opportunity to design surface water drainage arrangements which could help to greatly enhance biodiversity interests, landscape and overall layout of the development.

It is noted from the submitted plans that a SUDs attenuation feature is proposed in the western part of the site. It is considered that there is potential to use the two landscape corridors which cross the site from Lettoch Road towards the river to provide SUDs features to connect to the attenuation pond. Rather than using underground piping there could be potential to develop rain garden features in this area which could deal with surface water more naturally. If the ground conditions are suitable for infiltration here, then this could be a very cost-effective solution by creating, for example, shallow swales or connected small rain gardens. Areas of around 6 square metres have been used in other developments to good effect. This would effectively operate as wet swales. If

planted with suitable species these could provide an extremely attractive feature which would also benefit biodiversity and encourage other species into the area. They are also low maintenance and could form part of the landscaping maintenance in any event.

There could also be potential for using similar rain garden solutions within individual plots too. There are numerous examples of how this has been planned and achieved elsewhere and some examples are set out below to illustrate this.

- Housing Expo site Inverness link to case study here [inverness expo](#)
- 1000 rain gardens Scotland site
- <https://www.bing.com/ck/a?!&&p=690aff36451e0f95JmltdHM9MTcxODkyODAwMCZpZ3VpZD0wMzljMTc3Yi02YmVkLTZlYzEtMmZhYi0wNDA2NmFjYTZmMTUmaW5zaWQ9NTIxMw&ptn=3&ver=2&hsh=3&fclid=039c177b-6bed-6ec1-2fab-04066aca6f15&psq=examples+of+rain+gardens+scotland&u=a1aHR0cHM6Ly93d3cuMTBrcmFpbmdhcmRlbnMuc2NvdC8&ntb=1>
- City of Edinburgh guidance  
<https://www.bing.com/ck/a?!&&p=e4e6b2a22bedaeabbJmltdHM9MTcxODkyODAwMCZpZ3VpZD0wMzljMTc3Yi02YmVkLTZlYzEtMmZhYi0wNDA2NmFjYTZmMTUmaW5zaWQ9NTMyMA&ptn=3&ver=2&hsh=3&fclid=039c177b-6bed-6ec1-2fab-04066aca6f15&psq=examples+of+rain+gardens+scotland&u=a1aHR0cHM6Ly93d3cuZWVpbmJ1cmdoLmdvdi51ay9kb3dubG9hZHMvZmlsZS8zMDEwMC9zdXN0YWluYWJsZS1yYWIud2F0ZXItbWVudlBvVWVudC1ndWlkYW5jZS1mYWw0c2hlZXQtdzMtcmFpbi1nYXJkZW5z&ntb=1>

Some more local examples are:

- Countesswells /cults development [Cults Burn Park | Optimised Environments \(op-en.co.uk\)](#)
- Case study of rural rain garden attached.

Finally with regard to servicing details of any waste management provision including promotion of recycling and the move to zero waste will be required.

## **Transport and Public Access Issues**

### Policy Background

*NPF4 Policy 13: Sustainable Transport* supports new development where it is in line with the sustainable transport and investment hierarchies and where appropriate provides safe links to local facilities via walking, wheeling and cycling networks, is accessible by public transport, provides low or zero emission charging points and secure cycling parking, is designed to incorporate safe crossing for walking and wheeling and reducing the speed of vehicles, and takes account of the transport needs of diverse groups and adequately mitigates any impact on local public access routes. *Policy 3: Design and Placemaking* of the Cairngorms Local Development Plan 2021 also requires

development to have an appropriate means of access, parking and promote sustainable transport methods and active travel. It also requires new development to maintain and maximise all opportunities for responsible outdoor access including links into the existing path network and ensuring consistency with the Cairngorms National Park Core Paths Plan.

#### Issues to be addressed

Highland Council Transportation Team will advise on any transport/access issues. It is noted that the site is adjacent to the existing settlement whereby it is well located in relation to services and amenities, but there will need to be safe connections made to that network. Care will need to be taken to avoid any overly urban solutions with paths.

The CNPA Outdoor Access Officer has also been consulted and has noted that the new development should connect to existing path networks / active travel routes wherever possible. The officer has highlighted that it is not clear if a pavement is provided from the proposed development turn-off to link to existing pavements – this will need to be clarified.

Finally details of the finishes, drainage and maintenance arrangements for paths within the site should be provided with any future application. Consideration could also be given to promotion of links to the riverside as appropriate to create attractive walks.

#### **Developer Contributions**

*NPF Policy 18 Infrastructure First* sets out that the impacts of developments on infrastructure must be mitigated. Similarly, *Policy 11 – Developer Obligations* of the Cairngorms Local Development Plan sets out where development generates a need to increase and improve public services or infrastructure or to mitigate adverse effects, the developer will be required to make a fair and reasonable contribution, in cash or kind, towards the additional costs or requirements.

With any application the CNPA Planning Policy team will consider the requirement for any developer contributions / planning obligations for any proposal in line with our policies and guidance. These will be proportionate and related to the impacts of the development. More information in this link <https://cairngorms.co.uk/wp-content/uploads/2022/09/LDP-Developer-Obligations-Supplementary-Guidance-.pdf>

As noted earlier the settlement statement for Nethy Bridge highlights that planning obligations will be sought towards increasing capacity at strategic community leisure facilities serving the village.

## Sustainability and Climate Change

### Policy Background

The National Planning Framework 4 highlights that the global climate emergency and the nature crises have formed the foundations of the strategy as a whole. This is reinforced by NPF4 *Policy 1: Tackling the Climate and Nature Crises* which applies to all development and sets out that when considering all development proposals significant weight will be given to the global climate and nature crises. *NPF4 Policy 2: Climate Mitigation and Adaptation* also seeks to ensure that development is sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to be able to adapt to climate change risks. *Policy 3: Design and Placemaking* of the Cairngorms Local Development Plan 2021 also requires new development to minimise the effects on climate change in terms of siting and construction. The NPF recognises the need to minimise waste with *NPF Policy 12 – Zero Waste* seeking to encourage, promote and facilitate development that is consistent with the waste hierarchy and *Policy 5 Soils* seeking to protect soils. Similarly, ***Policy 3 Design and Placemaking*** of the Cairngorms Local Development Plan also requires new development to make arrangements for storage, segregation and collection of recyclable materials and provision for composting, and to make sustainable use of resources including minimisation of waste and energy usage. *Policy 10 Resources* of the Cairngorms Local Development Plan also seeks to ensure minimisation of waste during construction and life of developments.

### Issues to be addressed

Any future application should explain how these objectives are being met and consider how to minimise use of resources. For example:

- siting of houses to maximise solar gain.
- using contours of site to accommodate development and reduce cut fill.
- minimise soil movement – reuse of soil on site for landscaping etc.
- consider how the development is designed and operate to minimise energy use etc.
- use of sustainable materials



## CONCLUSION

In general terms housing development in Nethybridge is welcomed subject to any application here addressing *all* the issues set out earlier in this report. In particular the layout should be guided by landscape, flooding, biodiversity and drainage issues with any departure from the settlement boundary as designated in the Local Development Plan fully explained and justified.

It is not considered that the present layout meets the policy requirements as set out throughout this report. Recommendations made in this report set out how policy could be more readily met. In essence key recommendations are as follows:

1. Stopping built development in southeast part of site at the knoll area as going further southeast as shown would mean housing on the top of the slope removing the visual enclosure and backdrop to this site all as set out earlier. We have less concerns about breaching the settlement boundary towards the river provided there are no flooding issues as this would not raise the same visual impacts. The reasoning for housing here would however still require to be fully justified.
2. Omit the 6 southernmost houses (plots 12-16) so avoiding cutting into the slope and provide landscaping here instead in order to reinforce the setting.
3. Consider amendments to house design, layout and visual relationship to Lettoch road to avoid overly formal feel and better reflect the rural woodland village organic character of Nethybridge.
4. Avoid underground attenuation for surface water and look at more natural solutions such as rain gardens which could also help deliver necessary biodiversity enhancements.

## Process

If the site were larger than 2 hectares, then any development would constitute a major application under the Scottish Government's hierarchy of development so appropriate pre application consultation with the community would require to be undertaken as well as submitting a Proposal of Application Notice to the Highland Council prior to submission of any application. More information on the proposal of application process may be found on this page near the foot of the page here. The CNPA also reports such notices to our Committee.

<https://www.bing.com/ck/a?!&&p=a4e402a4992a6d78JmltdHM9MTcyMTM0NzlwMCZpZ3VpZD0wMzljMTc3Yi02YmVklTZlYzEtMmZhYi0wNDA2NmFjYTZmMTUmaW5zaWQ9NTQ1Mw&ptn=3&ver=2&hsh=3&fclid=039c177b-6bed-6ec1-2fab-04066aca6f15&psq=major+applications+highland+council&u=a1aHR0cHM6Ly>

[93d3cuaGlnaGxhbmQuZ292LnVrL2luZm8vMTgwL3BsYW5uaW5nXy1fYXBwbGljYXRpb25zX3dhenJhbnRzX2FuZF9jZXJ0aWZpY2F0ZXMvNTc5L21ham9yX2RldmVsb3BtZW50cy8y&ntb=1](https://www.gov.uk/guidance/93d3cuaGlnaGxhbmQuZ292LnVrL2luZm8vMTgwL3BsYW5uaW5nXy1fYXBwbGljYXRpb25zX3dhenJhbnRzX2FuZF9jZXJ0aWZpY2F0ZXMvNTc5L21ham9yX2RldmVsb3BtZW50cy8y&ntb=1)

As the site lies within the Cairngorms National Park (which is a “sensitive area” in terms of the Environmental Impact Assessment Scotland regulations) the proposal will require to be screened to establish if Environmental Impact Assessment (EIA) is required. The applicant should make any such request to the Highland Council who would consult with the Cairngorms National Park Authority (CNPA).

Any planning application would be submitted to Highland Council for validation. Thereafter once valid, as noted earlier, the CNPA would be consulted as to whether we would call in the application for determination. As outlined earlier we would look to call in such an application.

When called in CNPA would then offer a processing agreement setting out a timetable towards determination and identifying which Planning Committee it would be considered at. All applications determined by the CNPA are decided at Committee. The CNPA would welcome ongoing discussion on the proposals prior to submission of an application.

#### **POTENTIAL PLANNING OBLIGATIONS OR LEGAL AGREEMENTS**

CNPA Planning Policy team will consider the requirement for any developer contributions / planning obligations for any proposal in line with our policies and guidance. These will be proportionate and related to the impacts of the development. The mechanism for delivery of obligations would be considered during assessment of any application – for example a legal agreement.

#### **PLANS AND DOCUMENTATION REQUIRED WITH PLANNING APPLICATION SUBMISSION**

**All standard plans** to be provided including details for any buildings, access roads, infrastructure, boundaries, and drainage.

**Site Sections** - to show existing and proposed ground levels across the site which should take account of any proposed upfilling to achieve floor levels required by Flood Risk Assessment.

**Visualisations** to illustrate how the new development will sit in the landscape.

**Landscape plan (to scale) and details**, including proposed boundary treatments, any drainage, ground levels, surfacing and planting (including sizes, numbers, planting distances, locations). This information should be prepared to meet BS EN ISO 11091. Any vegetation to be retained should be shown along with means of protection e.g. juniper on knoll. Plan to reflect

comments made earlier in report. Details of finishes of paths and surfacing should be included.

### **Landscape management and maintenance proposals**

**Site Specific Construction Method Statement**, including information on the method of groundworks, soil excavation and storage, and ground and vegetation restoration. This should also demonstrate how the development will be implemented to take account of any environmental issues identified. It should include a soil management plan.

**Protected Species Survey** – as outlined in natural heritage section of report.

**Habitat and Biodiversity Surveys** - as outlined in natural heritage section of report.

These ecological surveys should contain sufficient information to inform any Habitat Regulations Appraisal that the Planning Authority may require to carry out.

**Details of Biodiversity Enhancements** - as outlined in natural heritage section of report.

**Drainage Impact Assessment** as per the requirements of technical consultees. It is recommended that this includes information on foul and surface water drainage arrangements. Also that it reflects the need for SUDS to be used to maximise biodiversity and landscape enhancements. Information on maintenance to be included.

### **Flood Risk Assessment**

**Affordable housing Statement** including information as set out earlier in report.

**Details of Lighting** – to reflect location of site on edge of village with consideration of lighting being downwards facing to avoid light spillage and kept to the minimum necessary.

**Details of waste management proposals** – including construction waste management plan.

**Design and Access Statement** – including information as set out earlier in this report.

**Applicant's case for departing from policy in terms of designated allocation boundary** – this could be potentially included in the Design and Access Statement.

**Details of public access connections** - this could also be potentially included in the Design and Access Statement.

**Pre application consultation report**- if the application constitutes a major application.

**Details of play area, equipment and future maintenance**