

# **Agenda Item 7**

## **Appendix 3**

**2024/0005/DET**

**Representations – objection**

[REDACTED]  
[REDACTED]  
[REDACTED]

30.01.2024

To whom it may concern,

RE: Planning **objection** to [2024/0005/DET | Erection of 6no. houses \(3 blocks of semidetached\) | Land 65M South Of 22 Kerrow Drive Kingussie \(eplanningcnpa.co.uk\)](#) (Relevant also to: [2020/0013/DET | Erection of 22 apartments, formation of access road, SUDS, landscaping | Land 65M South Of 22 Kerrow Drive Kingussie \(eplanningcnpa.co.uk\)](#))

I am one of the owners of [REDACTED] immediately adjacent to the proposed development. My background is in environmental science and infrastructure development. I am writing to object to the above planning application/amendment as it stands.

### Objection themes

- Challenge to EIA screening opinion
- Surface water, drainage, subsidence
- Designing streets guidance, housing density, accessibility
- Ecological impact

### Summary

The density of housing proposed in a small area would have negative impacts in terms of drainage, flood risk, increased risk of subsidence, environmental/ecological impacts, and community cohesion and wellbeing. I do not believe that all the features of the field or impact on the surrounding houses have been adequately surveyed. New housing should maintain existing landscape features, maximise natural drainage opportunities, provide plenty of natural greenspace, and be accessible to residents with diverse requirements. At present, it appears the developer is trying to maximise the return on investment by fitting as many properties as is allowable within a very confined space. Knowing the field well, it does not appear practically achievable to fit 6 houses into the lower third alone (where further houses and a block of flats are proposed within the same field) without causing significant damage. Specific requests for consideration are listed at the end of this document.

In general comment, while I am not opposed to new housing, I feel that to achieve the goals of the national park in preserving the natural and cultural environment, developers should be dissuaded from developing on greenfield sites, which are currently treated like a blank canvas, while brownfield sites, areas of underutilised amenity and dereliction are overlooked. While I acknowledge land surrounding Campbell Crescent, Kerrow Drive, and Dunbarry Terrace is zoned for housing development within the local development plan (from which authorities can choose to depart), this should not encourage developers to pack new housing densely into very small areas, as in the above application.

To support my objection, I have attached the below map (Fig. 1) indicating within blue polygons (1) boggy area with wetland vegetation, white polygon (2) drystone wall and **existing fence line**, red polygon (3) scrub and existing path,

and existing trees which have not already been marked on site layout plans.



Figure 1: Site features

### Challenge to EIA Screening opinion

There are several “No” responses indicated by the developer on the EIA screening opinion form which I would challenge.

- **5.1** *Are there any water resources including surface waters, e.g. rivers, lakes/ponds, coastal or underground waters on or around the location which could be affected by the project, particularly in terms of their volume and flood risk?*

Surface and ground water collects in the boggy areas indicated in Fig 1., no.1. The vegetation mitigates the impact, but they are relatively deep (~30-50cm) and have overflowed into surrounding gardens. The increased hardstanding and removal of vegetation would worsen this.

- **6.2** *Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, e.g. for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?*

There are several protected species either definitely or potentially using the site, and within 200m of the site, as indicated in the table attached in this document.

- **8.1** *Are there any areas or features which are protected for their cultural heritage or archaeological value, or any non-designated / classified areas and/or features of cultural heritage or archaeological importance on or around the location which could be affected by the project (including potential impacts on setting, and views to, from and within)? Where designated indicate level of designation (international, national, regional or local).*

The drystone dykes surrounding the site, while not identified on Canmore mapping, are of local significance. The drystone dyke to the south, immediately adjacent to my property, is likely to have been built circa 1892, with more recent walls built by Kingussie residents. They all have additional ecological importance due to

being little disturbed.

- **10.1** Are there existing land uses or community facilities on or around the location which could be affected by the project? E.g. housing, densely populated areas, industry / commerce, farm/agricultural holdings, forestry, tourism, mining, quarrying, facilities relating to health, education, places of worship, leisure /sports / recreation.

There is existing housing on all sides of the site which, while not currently densely packed, would become so following new housing construction on the site. The site itself is currently heavily used recreationally, along with Tom Baraidh to the north, as indicated by the Strava heatmapping below.

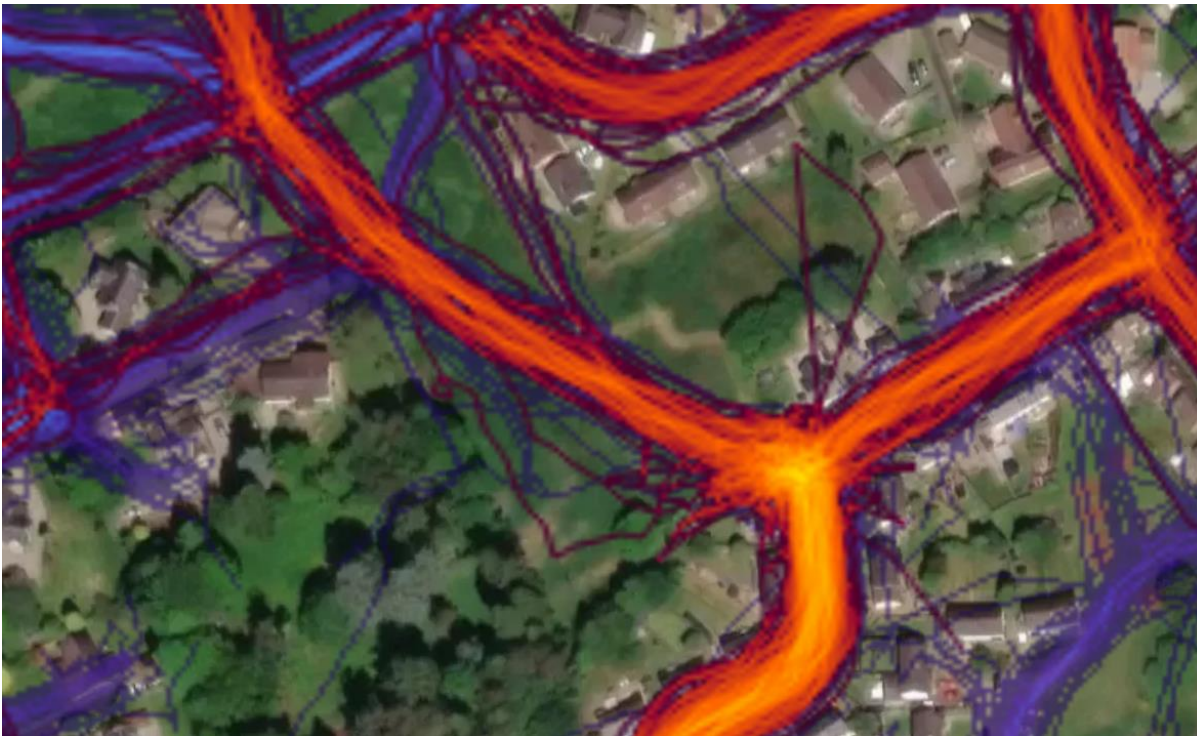


Figure 2: Strava heatmap of site

### **Surface water, subsidence, and drainage**

The field is on a significant gradient, varying from 11-23% slope between my property and Tom Baraidh. Significant earthworks will be required to grade this out, which presents an increased risk of subsidence into surrounding properties, as well as potentially impacting the existing drainage.

The overland flood analysis provided does not appear to take full account of this gradient. With the increase in hard standing, surface water is highly likely to overwhelm what has been characterised as an “existing field drain” but is a remnant drystone wall (Fig.1, no.2) with a heavily vegetated boggy area. The surface water is also likely to run off via the proposed whin dust path through the scrub vegetation (Fig. 1, no.3). The attenuation tank proposed is not sited to receive the surface water run-off from the 6 houses to the south. It is also unclear into what system the attenuation tank itself would drain. There appears to be an overreliance that run-off will discharge via existing field, garden, and road drainage. The French drainage systems in gardens are limited, frequently blocked by leaf litter, and reliant on retaining walls in the gardens of 29 and 31 Campbell Crescent. The previous owners of 31 Campbell Crescent required to install additional channel drainage as a result, under the present circumstances. Neighbours have reported that flood events have occurred which led to surface water run off entering their garden and undermining their garage because of houses built further uphill. Over time, these impacts are likely to have been somewhat mitigated by an increase in wetland/bog vegetation indicated in Fig.1, no.1. This natural mitigation would be compromised by the new buildings and increased hard standing.

The sewer system is also very old and narrow, with us and our neighbours having experienced multiple blockages. We experienced a sewer blockage which required pressure cleaning on several occasions.

I note the response from Scottish Water reads: *“For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.”*

### **Designing Streets guidance**

Several aspects of Scottish Government’s Designing Streets guidance would not be met by the proposal.

- **Block structure** – *“[...] should be distinctive with landmarks and vistas which provide good orientation and navigation of the area.”*

The current proposal creates a new, potentially dominating, block of housing which would block the existing vistas to the north, reducing opportunities for passive surveillance, and decreasing a sense of safety for some residents. The proposed road access is long and convoluted. Due to the gradient, and existing street layouts, navigation to neighbouring streets would be hidden from view. The proposed design of footpaths to neighbouring streets is likely to be damaged by surface water and vegetation within a year. Distinctive features appear to be proposed for removal.

- **Orientation** – *“Orientation of buildings, streets and open space should maximise environmental benefits”*

The current orientation of the buildings removes the environmental benefits of the existing grassland. This could be mitigated by reducing the number of buildings proposed in the small area.

- **Drainage** – *“Streets should use appropriate SUDS techniques as relevant to the context in order to minimise environmental impacts”*

The amount of hard standing currently proposed will increase surface water run off drastically but removes opportunities for appropriate SUDS. The current grassy/boggy area functions as natural drainage over a gradient, preventing surface water run off into the houses and gardens to the south. Any increase in surface water run off is likely to flood our own house, especially with the impact of climate change.

- **Planting** – *“Street design should aim to integrate natural landscape features and foster positive biodiversity”*

The current plans seem to indicate planting would occur; however, this would be new planting, rather than integrating the existing landscape. A reduced number of buildings in this small area could maintain more of the existing grass and scrub and reduce the impact on the underlying soil mycorrhiza which has developed over hundreds of years. This should not be turned into “amenity grassland” which has little ecological value, but the existing vegetation classification should be maintained.

- **Street lighting** – *“Street lighting should be as discreet as possible, but provide adequate illumination”*

New street lighting is likely to impact bats who use the grassland for feeding. I don’t believe any new lighting specifications are clear from the plans, and therefore cannot be assessed for appropriateness for bats.

- **Context and character** – *“Opportunities should be taken to respond to, and to derive value from, relevant elements of the historic environment in creating places of distinctive character”*

The current design boundary appears to remove the existing drystone wall which, from historical mapping, may have been present since ~1890. Such features should be retained. The wall also has substantial

ecological value, clarified elsewhere in this document.

- **Backs and fronts** – *“In general, it is recommended that different treatments are employed in the design of the fronts and backs of houses and other buildings. The basic principle is 'public fronts and private backs'.”*

While the proposal would create private garden space at the back of the new buildings, it would impact the privacy of the existing housing. This would be exacerbated by the new buildings being higher up a gradient, overlooking existing housing. New two-storey houses would be dominating, especially coupled with a new block of flats per separate planning application, and directly overlook into our bedroom which due to the height difference would not be prevented by privacy fencing.

- **Height** – *“It is therefore recommended that the height of buildings is in proportion to the width of the intervening public space to achieve the level of enclosure appropriate to the character and function of the street. Where building height is increased, it is important to avoid creating spaces with an oppressive or claustrophobic nature.”*

As discussed above, the gradient will significantly increase the appearance of building height from below. This will certainly create an oppressive and claustrophobic nature.

- **Squares and spaces** – *“A street and block structure can be enhanced with punctuations of public space. This may take the form of parks, green edges or formal and informal squares. The introduction of small, informal squares in a residential area can support navigation, provide social areas for people to gather and children to play, slow traffic speed and create positive character.”*

Given that planning applications already dominate much of the surrounding area, it would seem appropriate to retain the acreage covered by this application for six houses instead as a small, informal public space, maintaining the existing vegetation for its ecological benefits and perhaps upgrading the existing desire line to connect into Tom Baraidh.

- **Variety** – *“Character can be enhanced and emphasised by variety in the streetscape. Punctuating key views with landmarks or green edges can provide visual cues that aid navigation as well as helping to develop areas of individual character within the overall urban structure.”*

The proposed development does not increase variety in the streetscape. Put simply, the proposed housing looks exactly the same as housing which is being rolled out across the Highlands. This increases uniformity and reduces local, individual character.

- **Street patterns** – *“Short culs-de sac may occasionally be required because of topography, boundary or other constraints. Caution must, however, be exercised when planning for culs-de sac, as they concentrate traffic impact on a small number of dwellings, require turning heads that are wasteful in land terms and lead to additional vehicle travel and emissions, particularly by service vehicles.”*

The excessive parking proposed (2 spaces per house, both on and off-street, in addition to further spaces in adjacent developments) creates a requirement for additional road space for a turning head and adds additional width to the road itself. No provision for cycle parking has been made. This would be mitigated by reducing the number of parking spaces per house to one (or providing space for two vehicles in one private driveway), or by reducing the number of houses proposed, or both. 63% of residents in the National Park area have one or fewer cars or vans, according to the last available census data: No cars or vans: 1,276. One car or van: 4,108. Two or more cars or vans: 3,060

On the topic of **accessibility** for people using wheelchairs or mobility aids, the current point of egress will be the proposed road only. The windust private access paths via Campbell Crescent and Acres Road do not meet an adoptable standard for footpaths. Windust paths which take additional surface water and have not been adopted

for maintenance are highly likely to become damaged, uneven, and overgrown very quickly. Some people with disabilities, pushchairs or buggies, or limited mobility would be limited to accessing their home via car, assuming they are able to drive, or would be otherwise put off by the additional 500m route via Kerrow Drive and Dunbarr Terrace. If this housing is intended to be affordable, there is a significant risk of increasing social isolation by making it difficult for people to leave their homes. This may contravene the Equality Act 2010.

## Ecological Impact

As there appeared to be few documents relating to ecological impacts attached to the application 2024/0005/DET, I also looked at 2020/0193/DET and 2020/0013/DET for any additional information. Between these three, a full Preliminary Ecological Appraisal or study of similar depth does not appear to have been carried out, resulting in oversight of several protected species using the area. The Phase 1 habitat survey available on the planning portal does not cover the site proposed in this planning amendment, and additional surveys do not all cover the area concerned in 2024/0005/DET, except for a reptile survey, see Table 1 below. Myself and my partner have observed reptiles on site which counters the findings of the survey.

Myself, my partner, and my neighbours have all directly observed multiple other protected species on or directly adjacent to the site, in addition to reptiles, and there are different habitats available on the site as compared to the higher fields covered by 2020/0193/DET. Table 2 contains a list of direct observations of protected species occurring since June 2023, and an assessment of whether the site may provide suitable habitat for others.

**In Fig.1, polygon no. 2, is indicated an area of drystone remnants, trees and scrub which clearly provide important habitat for multiple protected species, as we have directly observed. This area of the field should be removed from the site extents entirely.**

Several of the protected bird species are ground feeders, relying on scrub and grassland vegetation, such as that found on the site, especially at the fringes which act as an edge habitat. We have observed protected bird species actively using these with 100+ birds of 16+ species visible daily. We have also observed species hunting and using the site for dust bathing including kestrels, owls, and buzzards. The drystone walls provide suitable “commuting” for mammals and reptiles.

I would urge the Authority to fully enact the precautionary principle outlined in the Local Development Plan 2021 (4.69).

Table 1: Ecological surveying extents

Publicly available document related to ecological impact	Does it cover the area mapped in 2024/0005/DET?
<a href="#">2020_0193_DET-DUNBARRY TERRACE PHASE 1 HABITAT SURVEY-100165719.pdf (eplanningcnpa.co.uk)</a>	No
<a href="#">2020_0193_DET-TREE SURVEY REPORT-100165812.pdf (eplanningcnpa.co.uk)</a>	No
<a href="#">2020_0193_DET-REPTILE PROTECTION METHODOLOGY-100167360.pdf (eplanningcnpa.co.uk)</a>	No, and a full reptile survey has not occurred, as written in the document itself
<a href="#">2020_0193_DET-CONDITION 5 - GREATER BUTTERFLY-ORCHID SURVEY REPORT-100175096.pdf (eplanningcnpa.co.uk)</a>	No
<a href="#">2020_0193_DET-PROTECTED TERRESTRIAL MAMMAL SURVEY REPORT-100165717.pdf (eplanningcnpa.co.uk)</a>	No
<a href="#">2020_0013_DET-CONDITION 2 REPTILE SURVEY-100177413.pdf (eplanningcnpa.co.uk)</a>	Yes, but findings countered by direct observations

**Table 2: Protected species and habitats on/near 2024/0005/DET**

The table is provided to highlight the unknowns and evidence the need for the precautionary principle. It includes direct sightings of protected species since June 2023, as well as a high-level assessment of whether the field including periphery could potentially provide suitable habitat for others. Due to the time available for response (31<sup>st</sup> January from neighbour notification by post) I have not covered lichens, mosses, or liverworts in the habitat assessment. Habitat assessments are informed by multiple resources and datasets including NatureScot, BSBI, Butterfly Conservation, Bat Conservation Trust, Wildlife Trusts, Highland Biological Recording Group, NBN Atlas, Froglife, iNaturalist, and others.

Taxon	Taxon name	Common name	Observation on or within 200m of site (direct, indirect) within past 8 months	Possible suitable/supporting habitat (on site, within 20m, within 200m)
Amphibian	<i>Rana temporaria</i>	Common frog	Yes - direct observation	On site
Amphibian	<i>Bufo bufo</i>	Common toad	Yes - direct observation	On site
Amphibian	<i>Triturus cristatus</i>	Great crested newt	Unknown	On site
Amphibian	<i>Triturus helveticus</i>	Palmate newt	Unknown	On site
Amphibian	<i>Triturus vulgaris</i>	Smooth newt	Unknown	On site
Bird	<i>Turdus merula</i>	Blackbird	Yes - direct observation	Within 20m of site
Bird	<i>Fringilla montifringilla</i>	Brambling	Yes - direct observation	Within 20m of site
Bird	<i>Pyrrhula pyrrhula</i>	Bullfinch	Yes - direct observation	Within 20m of site
Bird	<i>Fringilla coelebs</i>	Chaffinch	Yes - direct observation	Within 20m of site
Bird	<i>Gallinago gallinago</i>	Common snipe	Unknown	On site
Bird	<i>Parus cristatus</i>	Crested tit	Unknown	Within 200m of site
Bird	<i>Loxia</i> spp	Crossbills (all species)	Unknown	Within 200m of site
Bird	<i>Prunella modularis</i>	Dunnock	Yes - direct observation	Within 20m of site
Bird	<i>Turdus pilaris</i>	Fieldfare	Unknown	On site
Bird	<i>Pluvialis apricaria</i>	Golden plover	Unknown	On site
Bird	<i>Carduelis carduelis</i>	Goldfinch	Yes - direct observation	On site
Bird	<i>Accipiter gentilis</i>	Goshawk	Unknown	Within 200m of site
Bird	<i>Carduelis chloris</i>	Greenfinch	Yes - direct observation	Within 20m of site
Bird	<i>Anser anser</i>	Greylag goose	Unknown	On site
Bird	<i>Pernis apivorus</i>	Honey buzzard	Unknown	On site
Bird	<i>Corvus monedula</i>	Jackdaw	Yes - direct observation	On site
Bird	<i>Garrulus glandarius</i>	Jay	Yes - direct observation	Within 200m
Bird	<i>Carduelis cannabina</i>	Linnet	Yes - direct observation	Within 20m
Bird	<i>Anas platyrhynchos</i>	Mallard	Unknown	On site
Bird	<i>Falco columbarius</i>	Merlin	Unknown	On site
Bird	<i>Falco peregrinus</i>	Peregrine falcon	Unknown	Within 20m of site
Bird	<i>Coturnix coturnix</i>	Quail	Unknown	On site
Bird	<i>Milvus milvus</i>	Red kite	Unknown	Within 200m of site
Bird	<i>Carduelis flammea</i>	Redpoll	Unknown	Within 200m of site
Bird	<i>Turdus iliacus</i>	Redwing	Unknown	On site
Bird	<i>Carduelis spinus</i>	Siskin	Yes - direct observation	Within 20m of site
Bird	<i>Turdus philomelos</i>	Song thrush	Yes - direct observation	On site
Bird	<i>Sturnus vulgaris</i>	Starling	Yes - direct observation	On site
Bird	<i>Carduelis flavirostris</i>	Twite	Unknown	On site
Bird	<i>Columba palumbus</i>	Woodpigeon	Yes - direct observation	Within 20m of site
Butterfly	<i>Coenonympha tullia</i>	Large heath	Unknown	On site
Butterfly	<i>Cupido minimus</i>	Small blue	Unknown	On site
Mammal	<i>Meles meles</i>	Badger	Indirect observation - calls, tracks and signs	Within 20m
Mammal	<i>Plecotus auritus</i>	Bat - Brown long-eared		On site



Mammal	Pipistrellus pipistrellus	Bat - Common pipistrelle	Yes - direct observation - however, without the correct equipment it is hard to distinguish species.	On site
Mammal	Myotis daubentonii	Bat - Daubenton's		On site
Mammal	Myotis nattereri	Bat - Natterer's		On site
Mammal	Pipistrellus pygmaeus	Bat - Soprano pipistrelle		On site
Mammal	Erinaceus europaeus	Hedgehog	Yes - direct observation	On site
Mammal	Martes martes	Pine marten	Unknown	Within 200m of site
Mammal	Sciurus vulgaris	Red squirrel	Yes - direct observation	Within 20m of site
Mammal	Arvicola terrestris	Water vole	Unknown	On site
Reptile	Vipera berus	Adder	Unknown	On site
Reptile	Anguis fragilis	Slow worm	Unknown	On site
Reptile	Zootoca vivipara	Viviparous lizard	Yes - direct observation	On site
Vascular Plant	Hyacinthoides non-scripta	Bluebell	Unknown	Within 200m
Vascular Plant	Woodsia ilvensis	Oblong woodsia	Unknown	On site
Vascular Plant	Saxifraga hirculus	Yellow marsh saxifrage	Unknown	On site

### Requests for consideration

- Amend the site boundary to existing fence line (see Fig. 1, dotted line).
- Significantly reduce the number of houses proposed in this very small area, and design as to reduce their uniformity. This will enhance permeability, ecological opportunities, and community wellbeing.
- Alternatively, remove the proposed houses and flats to the south from the development plans, and retain much or all of the field as a natural amenity.
- Employ the precautionary principle in terms of ecological impact. Undertake more extensive and specialised ecological surveying, at the appropriate times of year per CIEEM guidance, and use construction methods which assume grassland and scrub species are present regardless of survey findings.
- Retain all young trees and scrub vegetation on the field peripheries, as indicated in Fig. 1.
- Retain heritage features such as drystone walls, including remnants as indicated in Fig 1, no.2.
- As far as practical, reinstate existing grassland species within new garden areas, as opposed to replacing with amenity grass/turf or grass species not native to the area.
- Ensure appropriate drainage, informed by hydrogeological surveying, for run-off and groundwater mitigation to prevent impacting surrounding gardens, house foundations, roads, or footpaths, and as far as possible retain or improve existing wetland vegetation.
- Undertake any surveying required to ensure the sewer system will not become compromised by increased wastewater from new houses.
- Undertake ground investigations and propose mitigations against the risk of subsidence.
- Footpaths should be designed to adoptable standards, as well as to accessible standards in terms of gradients, per [Inclusive Mobility](#) or [Roads for All guidance](#).
- The footpath (Fig. 1, no.3) between 31 Campbell Crescent and 33 Campbell Crescent should use a low/no-dig method and avoid or minimise scrub removal as this currently provides privacy for houses, and habitat for birds and small mammals.
- Non-material request to developer re: construction noise – there are people who work from home and who work night shifts in the immediate area, and the construction method must take this into account – no generators overnight, no constant beeping from heavy plants, no radios, etc.
- Non-material request to developer: Beyond the usual defects period, the developer as principal designer should be liable for making good any damage to the surrounding houses arising from the design, such as from flooding, damage to drains, subsidence, etc.

Many thanks for your consideration of the above.