

# **AGENDA ITEM 5**

## **APPENDIX 4**

**2018/0183/MSC & 2018/0184/MSC**

**REPRESENTATIONS  
OBJECTIONS**

**From:** Sarah Hobbs  
**Sent:** 8 Jun 2018 11:54:46 +0100  
**To:** Planning  
**Subject:** Comments on proposals South & North West of Dalfaber Farm

FAO Emma Wilson

**Objection to the Proposals: Applications to satisfy the Conditions of planning permission PPA-270-2126 and PPA-270-2127 for residential units at Land North West and South Of Dalfaber Farm Dalfaber Drive Aviemore Highland**

We wish to object to the design of the development on the following grounds. Some of my original comments (submitted for the previous application) still stand as they have not been addressed. The fact that the developer has now split the development into two separate applications makes no difference to the issues below.

We also note that residents did not receive letters notifying them of the amends to application PPA-270-2126, only PPA-270-2127.

**1. Housing need**

There is a severe housing shortage in Aviemore for those who live and work in the area. On average wages are lower and house prices are higher than surrounding areas, as the CNPA's own research documents.

Having looked at the plans for the development, and compared the planned sizes of houses to existing housing, it is clear the houses are huge: 2-4 times the size of existing houses on Corrou Road for example. This does not fit the demographic of those who are in need of homes in the Aviemore area.

The reduced number of houses than originally planned we assume will compensate for the 'loss' in income to the developer, the cost of which will fall far beyond the financial capacities of those who live and work in the area, which is where the need for housing actually lies. As luxury or holiday homes, they will not meet the needs of the community, and this development should never be seen as such. None of Aviemore's housing needs will be met with this development. It will merely worsen the issue.

**2. Protection of woodland habitat in Aviemore**

Losing any wooded area in Aviemore, particularly of native broadleaf woodland, when we have so little, seems to contravene the CNPA Local Development Plan 2015, where it states "All new development will, where appropriate: ...ensure the quality of surrounding woodland, and sensitive valuable habitats is not compromised. This should include improvements to the woodland setting and woodland structure for Aviemore" (16.5).

This woodland habitat is by default valuable as there is so little of it. No recent appropriate environmental report which fully considers ecology, biodiversity and protected species on site has been submitted by the developer. We are not the only ones to use these woods. The developer hasn't shown any knowledge and appreciation for the habitat, nor plan for conserving or even improving the environment for protected species e.g. red squirrels.

I would very much support sensible developments which don't reduce the quality of life for those already living here, and that developments are of a size and position commensurate with

the surrounding environment, and which add to and do not destroy valuable habitat, and which truly fulfil a need of the local area.

Woodland and green space has much more value than a development of expensive holiday homes.

Yours sincerely,

Sarah Hobbs & Tom Banks  
32 Corroun Road

# Comments for Planning Application 2018/0183/MSC

## Application Summary

Application Number: 2018/0183/MSC

Address: Land South Of Dalfaber Farm Dalfaber Drive Aviemore

Proposal: Application to satisfy the conditions of Planning Permission PPA-270-2127 for residential units at land to the South of Dalfaber Farm

Case Officer: Emma Wilson

## Customer Details

Name: Mrs Alice Marten

Address: 90 Corroul Road Dalfaber Aviemore

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application due to the severe adverse impact of the design, layout and overall location of the proposals and that it does not improve the existing amenity open space. This is a very prominent site and as proposed will be a permanent blot on the landscape. This cannot be outweighed by any nationally important social or economic benefit. In actual fact it will have a negative economic impact on the nationally renowned Spey Valley Championship Golf Course.

# Comments for Planning Application 2018/0183/MSC

## Application Summary

Application Number: 2018/0183/MSC

Address: Land South Of Dalfaber Farm Dalfaber Drive Aviemore

Proposal: Application to satisfy the conditions of Planning Permission PPA-270-2127 for residential units at land to the South of Dalfaber Farm

Case Officer: Emma Wilson

## Customer Details

Name: Mr Bill Lobban

Address: Pawprinta Dalfaber Aviemore

## Comment Details

Commenter Type: Councillor

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application on the grounds that the design, layout and appearance of the proposed dwellings are incompatible with the existing accommodation of the surrounding area. The application is contrary to Policy 1(b) of the CNPA LDP 2015 in that it fails to demonstrate how it reinforces and enhances the character of the landscape by way of its prominence in the landscape.

Further contrary to Policy 3(g) of the same LDP in that it fails to demonstrate that it will improve or add to an existing public amenity open space.

Further contrary to Policy 4, 4 in that it will have an adverse impact on amongst other species, a colony of red squirrels

Further contrary to policy 5(b) in that this development fails to demonstrate how it would conserve and enhance the landscape and special qualities of the National Park due to its setting and that these adverse impacts are not outweighed by appropriate siting, layout, scale and design.

Whilst this is an application to satisfy conditions the condition decided upon by the Reporter requires a full planning application which is what this application is. Therefore the Planning Authority would be quite within their rights to refuse the application at this stage as they have consistently done over the last 12 years.

Additionally this application will have a significant adverse economic impact on the Spey Valley Championship Golf Course

# Comments for Planning Application 2018/0183/MSC

## Application Summary

Application Number: 2018/0183/MSC

Address: Land South Of Dalfaber Farm Dalfaber Drive Aviemore

Proposal: Application to satisfy the conditions of Planning Permission PPA-270-2127 for residential units at land to the South of Dalfaber Farm

Case Officer: Emma Wilson

## Customer Details

Name: Mrs Jennifer Lobban

Address: Pawprints Dalfaber Aviemore

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this application primarily on the basis that the design, location and external appearance is incompatible with the existing area. This is no ordinary location given its prominence in the landscape in particular when considering Plots 5 through 28.

Given that the principle of development has been established following a succession of Reporter's decisions, the last of which calls into question the competence of the individual involved, this remains the most prominent development site within the Aviemore settlement boundary. It is no place for 'rabbit hutch' architecture. These proposals are a significant over development of an allocated site.

This application is contrary to Policy 1(b) of the CNP LDP 2015 in that it fails to reinforce and enhance the character of the settlement by way of its prominence in the landscape.

and

Contrary to Policy 3(b) in that it fails to demonstrate that it is sympathetic to the traditional pattern and character of the surrounding area which is predominately low rise tourist accommodation and that it fails to utilise innovative design.

and

Contrary to Policy 3(g) in that it fails to improve or add to existing public and amenity open space. The provision of a play area is woefully short of what should be provided given the potential number of children who may be accommodated.

and

Contrary to policy 4, 4 in that it will have an adverse impact on a colony of red squirrels, a European protected species, by way of removal of their habitat due to the construction of plots 1,2,36 and 37 (pictures of the squirrel colony forwarded separately).

and

Contrary to Policy 5(b) in that this development does not conserve and enhance the landscape

and special qualities of the National Park due to the setting of the development and that these adverse impact are not outweighed by appropriate siting, layout, scale and design.

Given that Aviemore Primary School and Kingussie High School are approaching their maximum capacity serious consideration must be given to the provision of significant developer contribution to provide additional education facilities

# Comments for Planning Application 2018/0183/MSC

## Application Summary

Application Number: 2018/0183/MSC

Address: Land South Of Dalfaber Farm Dalfaber Drive Aviemore

Proposal: Application to satisfy the conditions of Planning Permission PPA-270-2127 for residential units at land to the South of Dalfaber Farm

Case Officer: Emma Wilson

## Customer Details

Name: Mr John Nethercott

Address: 38 Callart Road, Aviemore, Highland PH22 1SR

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Reasons

This development as outlined is contrary to a number of the Cairngorms National Park Policies, and will be detrimental to the area.

### Details

One long term outcomes of the Local Development Plan 2015 states: "(The National Park is to be) a special place for people and nature with natural and cultural heritage enhanced".

This outcome is not upheld in these proposals.

These proposals make no mention of the red squirrel population and the roe deer populations in these woods.

Paragraph 3.6 states (Approval will be given to) "opportunities for the right type of housing, in the right place, that makes a positive contribution to local communities." The proposals do not show that the development in these woods is the "right place" for such development, and do not show how this development makes a positive contribution to the local community.

The proposals do not show how the development will "reinforce and enhance the character of the settlement" ( Local Development Plan, Policy 1b, pg.17). The development of this wooded area can be seen to be the very opposite of this. The developers have not shown how their plans would support this policy.

This development will have a bad effect on the Spey Valley Championship Golf Course - one the

major features of which are the scenic beauty of its situation. CNPA LDP 2015, para 3.7 states "All new development should reinforce and enhance the character of its surroundings. This application fails to show how this will be preserved.

On these bases the proposals should be rejected.

# Comments for Planning Application 2018/0183/MSC

## Application Summary

Application Number: 2018/0183/MSC

Address: Land South Of Dalfaber Farm Dalfaber Drive Aviemore

Proposal: Application to satisfy the conditions of Planning Permission PPA-270-2127 for residential units at land to the South of Dalfaber Farm

Case Officer: Emma Wilson

## Customer Details

Name: Ms Maureen Malone

Address: 20 Corrou Road Dalfaber Aviemore

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to the proposed development on the grounds of lack of information on possible flood risk to surrounding, and according to the Highland Council Flood Risk Team (HCFRT), proposed residents of the site.

A number of years ago SEPA's flood risk maps, as interpreted by an Insurance company, resulted in a house insurance application by a resident adjacent to the application site being refused. This was subsequently resolved in the applicant's favour, and, as far as I am aware, no further issues have arisen in this regard.

However, it is an indication, with continued global warming, of the possibility of flooding in this general area, as occurs regularly within Aviemore, to the south of Dalfaber. In December 2015, for example, the Spey burst its banks to the south of Dalfaber, with the result that the Practice Area and Holes 1 and 18 of the Spey Valley Champion Golf Course were flooded to a significantly high level. (I have a few photos). It is therefore with considerable concern that I read the response of THCFRT where they object to the application on the grounds of inadequate information and I would reserve the right to comment once all the information required by the HCFRT is provided. May I suggest in this regard that cross-sections of all parts of the site be provided in order to show existing and proposed ground levels and thus better indicate the relationship of the proposed development to existing and surrounding land forms. I note, for example, that the new housing development in Boat of Garten has been considerably built up at its western end in order to provide a level site, which is easier to develop.

I note that demountable bollards are to be provided along the lane to the rear of properties on Corrou Road and Callart Road and at the side of a property on Spey Avenue. Who is to hold the keys to these bollards for access by residents for servicing and repair purposes?

[REDACTED]

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From: [REDACTED]  
Sent: 28 Jun 2018 22:31:11 +0100  
To: Emma Wilson; Planning  
Subject: 2018/0183/MS, 2018/0184/MS

**Badenoch & Strathspey Conservation Group**  
Fiodhag, Nethybridge, Inverness-shire PH25 3DJ

[REDACTED]  
Scottish Charity No. SC003846  
Email [info@bscg.org.uk](mailto:info@bscg.org.uk)  
Website [bscg.org.uk/](http://bscg.org.uk/)

Emma Wilson  
CNPA

28 June 2018

Dear Emma Wilson

**2018/0183/MS | Application to satisfy the conditions of Planning Permission PPA-270-2127 for residential units at land to the South of Dalfaber Farm | Land South Of Dalfaber Farm Dalfaber Drive Aviemore AND**  
**2018/0184/MS | Satisfy the Conditions of Planning Permission PPA-270-2126 for residential units | Land North West Of Dalfaber Farm Dalfaber Drive Aviemore Highland**

BSCG objects to the above applications. We request the opportunity to address the committee when they consider these applications.

Appropriate Assessment

We are concerned that this proposal has reached its current stage without an Appropriate Assessment having been undertaken. The proposal site is close to Natura sites for which the Annex 1 species capercaillie is a designated interest as well as the River Spey SAC. Harmful effects, alone or in combination, could prove to be fatal constraints. With Strathspey now supporting some 85% of the Scottish population of capercaillie, it is a vital stronghold for capercaillie in Scotland. The future of capercaillie in Scotland relies on the ongoing suitability of habitat in these woods. A significant area of otherwise suitable habitat for capercaillie in local woods is avoided by capercaillie due to disturbance from people.

Various factors are resulting in a permanent increase in the numbers of people taking recreation in Strathspey. These factors include the increase in numbers of houses promoted by the CNPA in past, present and future Development Plans; dualling of the A9; promotion of active lifestyles; and promotion of outdoor recreation.

The proposal would result in a significant increase in the population in this part of Aviemore with consequent increased recreational usage of the surrounding area and predictable increased disturbance to capercaillie. The application site is within a short walk or cycle of several woods that support the Strathspey metapopulation of capercaillie. It is noteworthy that the proposal site would be close to the anticipated new bridge over the Spey which it can reasonably be assumed would provide a popular route to the Glenmore corridor. The new bridge and continuing loss of recreational and dog walking areas around Aviemore are among factors altering recreational patterns in ways that could add significantly to disturbance in capercaillie habitats.

Recreational impacts on capercaillie do not appear to have been considered during the assessment of the previous planning applications for this development. It is therefore necessary to consider recreational impacts upon the local populations of capercaillie in an appropriate assessment for this application.

We consider that it is necessary that the CNPA as competent authority carries out an appropriate assessment to determine the implications of the development for conservation objectives of Natura sites. In relation to this, the CNPA needs to take a realistic approach to what is likely to be achievable in terms of modifying people's recreational behaviour. As one example of the difficulties: the CNPA's 2015 Capercaillie Framework identifies that in Glenmore Forest there has been growth of unregulated single-track mountain bike trails in capercaillie habitat (Fig 11). Nevertheless, as far as we are aware, there has been negligible, if any action (e.g. by FCS or CNPA) to secure any modification of this activity at Glenmore.

#### Native Woodland

The existing birch-dominated woodland within the site is classified as 100% native and 100% semi-natural in the Native Woodland Survey of Scotland. This is the highest category of both 'nativeness' and 'semi-naturalness'. The existing woodland is of high landscape value. Its high degree of naturalness contributes significantly to its attractiveness in the wider landscape as well as in terms of people's enjoyment and appreciation.

We do not consider that the proposed planting does justice to the quality of woodland and wider landscape at this site. We consider there should be careful consideration over how to enable and ensure the 100% naturalness and nativeness to be meaningfully reflected in the new planting. We consider that here is an opportunity for the CNPA to deliver on the 1<sup>st</sup> aim of the Park and to help sustain the special, natural features of the Aviemore area. To this end, we consider that native trees of local provenance should be required and the species composition should be similar to the existing woodland and reflect the local expression of the National Vegetation Classification Birch-dominated woodland types of W11 and W17. Birch-dominated woodland is a feature of Aviemore, with the notable woodlands of Craigellachie and Milton Wood as well as those of Dalfaber. We understand that historically the birch woodlands of Dalfaber were close to being designated as a SSSI and part of Milton Wood was previously part of the Craigellachie site before this was bisected when the A9 was constructed. There has been loss of birch-dominated woodland in various parts of Aviemore and surrounds. Birch has special importance for various rare species, including invertebrates, which are an important element of the natural capital of the National Park.

Field maple *Acer campestre* (in Block K hedgerow) should be removed from the schedule of trees to be planted. It does not occur naturally this far north and is not native to the Cairngorms.

#### Small Scabious Mining Bee *Andrena marginata*

This rare bee has been recorded within the red line boundary. It is on the Scottish Biodiversity List and on the Cairngorms Nature Action Plan shortlist and has been viewed as the bee potentially most likely to go extinct in Scotland. It is one of the species featured in the Rare Invertebrates of the Cairngorms project. This bee has been recorded at very few locations in Scotland and most known locations are in Strathspey within the Cairngorms National Park. The ease with which its habitat, including nesting holes, can be inadvertently destroyed needs to be fully taken account of. This bee is a particularly effective pollinator of Devils Bit Scabious that supports high biodiversity interest.

The proposal site supports the key food plant Devil's Bit Scabious *Succisa pratensis* alongside nesting habitat. However, some areas of habitat for this bee would be lost beneath the footprints of built development and associated construction activity, making the guaranteed retention of areas of suitable habitat that are not zoned for built development all the more important. We are extremely concerned that the CNPA should put in fail safe requirements that will ensure that the areas of potential feeding and nesting habitat that are not within the footprint of built development, are not impacted in any way during construction (e.g. by vehicles, storage of materials, earth moving, etc.). The area of ground to the south east of Heather Cottage (bounded by existing road/tracks to the south east and north east, and by gardens to the north west and south west) is the most significant of such areas, but not the only one.

There could also be potential to treat transformed parts of the development site in such a way that some higher quality habitat could be reinstated (e.g. by storing and reusing turfs). This species is very easily missed in surveys and the above protective measures should be put in place regardless of whether the bee is recorded in surveys for this development.

Cumulative Impacts: The CNPA needs to take account of cumulative impacts of development on this bee. The Small Scabious Mining Bee was recorded within the red line boundary of the Granish caravan site (2012/0188/DET). In spite of the CNPA being made aware of this prior to the application being determined, no provision for safeguarding the bee was made and this apparently particularly productive site has now been destroyed as a result of development.

#### Environmental Information

The site has a particularly complex history and the environmental survey work that pertains to the current applications is no longer included in the list of documents on the planning portal under the current application reference numbers. We are concerned that this does not make for clarity either for the public, the CNPA staff nor the CNPA Board members regarding the scope, date and findings of surveys. All the ecological surveys are now significantly out of date according to accepted criteria. Without up to date survey information there is real risk of reckless damage. We consider that a full suite of appropriately timed surveys, including herptiles, is necessary. We note that mitigation measures may require allocating some land.

The site supports red squirrels for which surveys would be required. Red squirrels are known from Strathspey to locate their natal dreys in birch trees. The site is wholly within the Strathspey Important Area for Invertebrates (Nature of the Cairngorms, Shaw and Thomson, Chapt. 15).

### Landscape

The proposal site is extensive in area, in a prominent location and it would impact on one of the most classic views in the National Park: over the Spey, across Glenmore and Rothiemurchus to the high tops on the horizon.

The proposal fails to comply with any part of LDP (2015) Policy 5.

The proposal fails to demonstrate how it would “conserve and enhance the landscape character and special qualities of the Cairngorms National Park ... and in particular, the setting of the proposed development”.

The proposal further fails to comply with Policy 5 that states: "Proposed development that does not complement and enhance the landscape character of the Park and the setting of the proposed development will be permitted only where: a) any significant adverse effects on the landscape character of the Park are clearly outweighed by social or economic benefits of national importance; and b) all the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design". The proposal does not meet the criteria set out in either a) or b).

### Affordable Housing

We consider it fundamental that genuinely affordable housing should be an integral part of this proposal. We note that the Condition states “the provision of affordable housing units amounting to not less than 25% of the dwellings” and strongly recommend that the percentage should be substantially above 25%. We are concerned that this aspect of the proposal has not yet been finalised and that there is no indication provided as to what ‘alternative arrangements’ might refer to.

Yours sincerely

Gus Jones  
Convener

# Comments for Planning Application 2018/0184/MSC

## Application Summary

Application Number: 2018/0184/MSC

Address: Land North West Of Dalfaber Farm Dalfaber Drive Aviemore Highland

Proposal: Satisfy the Conditions of Planning Permission PPA-270-2126 for residential units

Case Officer: Emma Wilson

## Customer Details

Name: Ms Maureen Malone

Address: 20 Corroul Road Dalfaber Aviemore

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to the proposed development on the grounds of lack of information on possible flood risk to surrounding, and according to the Highland Council Flood Risk Team (HCFRT), proposed residents of the site.

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