

Paper 1

Appendix 2

Letter of Representation

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Andrew Tait

CNPA Planning Office

Ballater

27.7.12

Dear Andrew Tait

Kart Track at Granish, Aviemore 2012/0188/DET (HC Ref 12/02275/FUL)

I am writing on behalf of BSCG to object to the above application and to indicate that BSCG wishes to speak at the CNPA planning committee meeting when this application is discussed.

BSCG's reasons for objecting include the following points which are presented in no particular order:

**Land Allocation in Local Plan**

The proposal site is not allocated for development.

**Outwith Settlement Boundary**

The proposal site is both outwith the settlement boundary of Aviemore in the current Local Plan and outwith the boundary in the settlement maps as currently proposed for the forthcoming Local Development Plan.

The proposals, which include a permanent building, would significantly reduce the defensibility of the settlement boundary.

The proposals would introduce, and therefore set a precedent for, a different, non-industrial type of development to the Granish area and introduce a permanent building for visitor use.

We consider that the location is undesirable for multiple reasons. These include issues of accessibility to customers and car use. In this context we note that the applicant may own land closer to Aviemore and that a previous Kart track operated within the settlement boundary.

We are concerned that the proposals would increase the likelihood of development extending northwards from Aviemore towards the proposal site and make it considerably harder for the planning authority to justify resisting this.

Northward expansion of Aviemore would continue a 'ribbon' pattern of development that has for long been considered inappropriate. The issue of northward expansion also applies to the application for a caravan site and associated permanent building at Granish, which adds to the pressure for the northward extension of built development into sensitive countryside. We note that further phases that would significantly extend the footprint of the proposed Granish caravan development are referred to in the caravan site application. We note that at Grantown on Spey the CNPA has proposed land allocations for housing close to the caravan site.

The HC Granish landfill site has had the former landfill area capped and this extensive, reinstated area is now in a phase of 'returning to nature'. The existing landfill area at Granish and any future landfill area can reasonably be anticipated to be destined to be reinstated also. The Granish area should not be considered "sacrificial".

The present landfill area had a projected life at its inception of some 20 years and we understand it has been filling up faster than anticipated. A future need may arise for further land take at Granish associated with waste management operations and the present application site might have potential merits as a location for future waste management or recycling facilities. In relation to this we note that the native woodland heathland and wetland adjacent to the currently developed area at Granish of the HC sites & Ritchies, is of higher ecological importance and, arguably, landscape importance, than the improved agricultural land that is the proposal site and adjacent agricultural land.

#### Detrimental Noise disturbance

Noise associated with the site at present identified by the applicant includes traffic noise from the B9152, railway noise and bird song. The proposals would increase the level of noise pollution in the general area and add a different type of noise, that some will find of a particularly aggravating or distressing nature.

The Noise Assessment concludes that the noise levels would not be likely to trigger complaints. However this does not mean that noise impacts are insignificant or acceptable at the anticipated levels at this location. Many members of the public would probably be doubtful about the efficacy of any complaint based on noise and be likely to endure adverse noise impacts rather than pursue potentially futile, onerous and costly complaints of uncertain outcome and with potential publicity that could adversely affect property price.

The proposed development would add noise at times when other operations at Granish are not working, given that according to the noise report operations are planned up to 2100 hours 7 days a week. Weekends and after work hours coincide with times when people are particularly seeking quiet enjoyment of the countryside. Noise from the proposals would reduce people's quality of experience. Aviemore is expanding at the expense of its green spaces and relatively peaceful areas, placing a higher premium on such remaining areas.

#### Human Receptors of Detrimental Noise Pollution

There are informal desire line paths as well as tracks (particularly between the two railway lines) that link Aviemore as well as other areas close to Granish. It is more difficult to experience a feeling

of being off the beaten track when surprised by the types of noise pollution that this development would inevitably generate. Having countryside where it is possible to escape the affront of such noise is a legitimate aspiration for users of a sensitive area for wildlife in a NP

#### Other Receptors of Detrimental Noise Impacts

We note that neither the ornithological survey nor the noise survey make any analysis of wildlife species vulnerable to noise impacts.

There are potential adverse impacts of noise on wildlife populations and it is increasingly being recognized that noise pollution can be disruptive to the breeding behaviour of wildlife such as songbirds.

#### Associated on-site infrastructure

The proposed building lacks distinction and arguably detracts from the quality of the area.

#### Lapwing a UK Red listed species

Lapwing are on the UK red list of birds of high conservation concern and are a characteristic breeding species of Strathspey that is mentioned in the Cairngorms LBAP. Grassland feeding and breeding habitat of lapwings has been lost and is under threat from built development in Badenoch and Strathspey. Lapwings are known to breed nearby and use the proposal site for feeding (see developer's supporting bird report). The proposal would reduce feeding habitat for lapwing, through direct loss of feeding habitat caused by the development footprint and by the impact of disturbance by people and their pets (including impacts from the proposed link path).

The proposal site and surrounding land that would be subject to disturbance associated with the development has the potential to provide breeding habitat for lapwing. Breeding within the area surveyed in 2011 cannot be discounted on the basis of observations in a single year.

#### Other birds of Conservation Concern

In addition to lapwing there are other birds on the UK red list of birds of high conservation concern for which the application site and adjacent area provides potentially significant feeding habitat. Starling, for example, are on the UK red list of birds of high conservation concern and require grassland (especially short grass as can be present on the application site after seasonal mowing for silage).

Conclusions from a bird survey undertaken in a single year need to be treated with caution. Certainly conclusions cannot reliably be drawn on potential adverse impacts on species at times of year when no survey was undertaken. There appears to have been no bird survey undertaken in late summer, autumn and winter. Thrushes, including redwing and fieldfare that are winter migrants, can feed in numbers in grassland, as can gulls such as herring gull (now on the UK red list and a species sometimes attracted to the Granish and River Spey area).

The bird survey for the developer was undertaken in daytime and meaningful conclusions cannot be drawn on potential adverse impacts on species that are crepuscular or nocturnal. The Woodcock for example is a species for which dusk observations are appropriate to investigate breeding status. It is

well known to exploit worms in grassland. It is a ground nesting species on the UK amber list and can be high on the wish list of visitors to Strathspey.

The Barn owl is an example of an often highly nocturnal species. It is included on the UK amber list of birds of moderate conservation concern. The importance of low ground in Strathspey for this species is potentially growing as warmer winters are anticipated as likely to become more frequent.

#### Mammals - Protected Species and UK Priority Species

The Highland tiger or Scottish wildcat is an EPS for which the Cairngorms area is considered to be a stronghold. There is Wildcat prey (in particular rabbits that are known to be an important wildcat prey) and suitable habitat (including hunting areas) on and around the proposal site. We note that wildcat have been caught on camera in low ground in the strath (e.g. Carrbridge) and in areas where there was no idea they were present (e.g. the Highland Wildlife Park). We also note that wildcat can travel considerable distances and that habitat connectivity has important bearing on their favourable conservation status within their natural range. The proposals would reduce the connectivity and permeability of the proposal site and its surroundings and would be detrimental to important efforts to restore wildcat populations to favourable conservation status in the Aviemore area.

Badger - Badger is another protected mammal species that would lose foraging habitat as a result of this proposed development. Lowland agricultural grassland habitat is well known to be an important habitat for badgers in the Cairngorms National Park. Badger habitat is under cumulative pressure from proposed developments, for example at Dalfaber and An Camas Mor. Badgers are one of the species that visitors come to the National Park to see.

Bats - The proposal site provides foraging habitat for bats. Given the presence of trees with suitable roosting habitats for bats nearby, the proposals could be damaging to the favourable conservation status of bats in this locality.

Brown Hare- Brown Hares are a UK Priority Species recorded in the relevant 10km square in the Nesbret Biomap. The proposal site is likely to provide habitat for brown hares. Such lowland strath habitat is under cumulative pressure from development in the Aviemore area.

#### High Invertebrate Interest

The proposal site is within the 'Strathspey' Important Area for Invertebrates in the Cairngorms (see p. 260-261 Rotheray and Horsfield in *The Nature of the Cairngorms*, 2006, HMSO). The Strathspey important area for invertebrates is the 2<sup>nd</sup> most important area in the northern Cairngorms and the 3<sup>rd</sup> most important in the whole of the Cairngorms area. This ranking of importance is according to the number of nationally important species. Nationally important species are defined as species with at least 10% of their UK range or population occurring in the area; or classed as Nationally Rare (occurring in fewer than 16 10-km squares in the UK); or nationally threatened; or whose presence in the Cairngorms is considered to be of international importance.

The Strathspey Important Area for Invertebrates overlaps with the Granish Invertebrates Register Site (e.g. SNH files December 6<sup>th</sup> 2001), which is another non-statutory designation.

Within these nationally important invertebrate areas there has been cumulative adverse impact around Granish, including direct loss of habitat due to expanding development footprint, for example with the expansion of the waste facilities of Highland Council and Ritchies.

In 2009 the CNPA welcomed Scotland's Invertebrate Conservation Strategy and stated that invertebrates are "one of the Cairngorms' special qualities" (see e.g. Sunday Herald 18.1.09). Buglife- the Invertebrate Conservation Trust has emphasised the very high importance of the Cairngorms for invertebrates, stating "More rare and threatened invertebrate species are found in the Cairngorms area than anywhere else in Scotland, or perhaps the UK". Buglife have also emphasised the threats from developments: "Current development plans are putting increasing pressure on these habitats and their wildlife, and there is a real risk that rare invertebrates could be lost for ever" (Sunday Herald 18.1.09).

#### Negative Impacts of Road Widening

There are aspen trees supporting the aspen bracket fungus (*Phellinus*) adjacent to the access road. This fungus, first discovered in the UK in Strathspey, is illustrated in the Cairngorms LBAP. These trees could be threatened (including over time) by the widening of access to the proposed development site. Such aspens may support other significant biodiversity interest.

#### Negative Impacts on Landscape

The proposals would impact negatively on an attractive landscape of natural woodland and lowland agriculture land with fine views.

#### Conflicts with the aims of the Park

The proposals conflict with the aims of the CNP.

1<sup>st</sup> aim: The proposals would impact negatively on the natural heritage and landscape of the proposed development site and the wider area.

2<sup>nd</sup> aim: The proposal would result in the further loss of lowland agricultural land, which is a finite resource that is subject to increasing pressures. Such loss should be viewed in the context of cumulative reduction of farmland of this type in Strathspey in recent years and in the context of developments in the pipeline.

4<sup>th</sup> aim: Allowing the proposed development would reduce options for expanding waste management facilities in this area as discussed above with implications for natural heritage as discussed above.

#### Conflicts with CNPA Policies

Policy 3: This development would add to noise disturbance within nearby woodland on the AWI,

Policy 4: This policy applies in relation to Wildcat & bats (as discussed above)

Policy 5: The proposed development would impact negatively on biodiversity, including potentially on a range of ecologically important species and species of national conservation concern. (see above)

Policy 6: The proposals would impact negatively on landscape

Policy 25B: The proposals conflict with this policy.

Policy 33: The proposals do not comply with this policy. In addition to the points made above, we note that landscape and biodiversity underpin eco-tourism.

Yours sincerely

Gus Jones  
Convener