

AGENDA ITEM 5

APPENDIX 7

05/495/CP

SNH
RESPONSE
19 NOVEMBER 2007



Andrew Tait
Cairngorms National Park Authority
Ground Floor
Albert Memorial Hall
Station Square
Ballater
Aberdeenshire
AB35 5QB

Your ref: 05/495/CP
Our ref: CNS/DC/HI/BS/
Carrbridge Housing Development

19 November 2007

Dear Mr Tait

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997: 05/495/CP – PLANNING APPLICATION AT LAND BOUNDED BY CRANNICH PARK, ROWAN PARK AND CARR ROAD, CARRBRIDGE

Thank you for your letter of 1 October 2007, in which you ask two questions relating to the planning application for housing at Carrbridge. We note that the planning application was called-in by the Planning Committee of the Cairngorms National Park Authority at their meeting of 2 December 2005, and that your letter relates to additional information provided by the applicants.

The two questions are addressed in the order that you raised them:

Do SNH now feel that the proposal complies with condition 4 of the Reporter's outline planning consent for the site?

The comments below are limited to SNH's remit and the comments we made in previous responses to this planning application.

Condition 4 states that: "the reserved matters required by conditions 1 and 2 above shall comply with the following points including additional details where indicated:-"

Condition	Does the proposal comply with the condition?
A full landscaping scheme for the entire site including details of; (1) how retained natural habitats are to be protected;	There is no landscaping scheme which shows how the retained natural habitats are to be protected.
(2) outer perimeter fencing and details of how access or trespass into surrounding woodland is to be limited in a way that will limit additional wildlife impacts outside the site;	The Construction Method Statement says that temporary fencing protecting the bog woodland... will be erected. There are no details of permanent outer perimeter fencing or of how access into the surrounding woodland is to be limited to reduce additional wildlife impacts outside the site.



<p>(3) tree planting on the B9153 to the rear of visibility splays, designed to extend the wooded frontage from the south across the site entrance as far as practical;</p>	<p>Tree planting is shown on the Carrbridge Proposals Masterplan drawing number 2467-006, dated August '03. No information is provided on the species of trees, or spacing, or aftercare.</p>
<p>(4) footpath links and a tree belt immediately south of Carr Road along the lines indicated in drawing No 2467-005 Revision A but with an area of enclosed open space on Carr Road opposite Carr Place, and;</p>	<p>We recommend that comments on the footpath links should be sought from the CNPA's Outdoor Access Team. The tree belt is not an issue that SNH expressed a view about and we suggest that comment should be sought from the Natural Heritage Group of the CNPA.</p>
<p>(5) a management scheme – with the option of ownership being transferred to an appropriate body by agreement – covering the aftercare of all landscaped areas, retained natural habitats etc. and how these are to be maintained and managed in perpetuity.</p>	<p>No information is provided on a management scheme or the option of transferring ownership to an appropriate body by agreement, nor on how the habitats are to be maintained and managed in perpetuity.</p>
<p>A hydrological study of the site indicating how the behaviour of and levels of all surface and ground water are to be regulated and maintained in perpetuity, in a way that will: (1) avoid any variation of surface or ground water levels that would be detrimental to existing natural habitats, or;</p>	<p>A Hydrological and Hydrogeological Assessment is provided, along with a Construction Method Statement. The reports give proposals to avoid any variation of surface or ground water levels that would be detrimental to existing natural habitats and SNH is generally satisfied with these proposals. We do recommend that maintenance of all site plant, including engine or gearbox oil changes, should be carried out away from the bog woodland as well as watercourses. We also recommend that the channel created by the piles is refilled and compressed to make good the seal in the clay and fines (section 5.2 – removing the plastic piles). SEPA may have additional expertise to comment on ground water issues.</p>
<p>(2) avoid exacerbating flood risks within the site and on any neighbouring or downstream property. In the light of this study, which shall be used to inform the final layout, all dwelling houses will be designed to at least a 1-in-200 year level of flood protection, except with the prior written agreement of the planning authority in consultation with SEPA.</p>	<p>Flood risk to housing is an issue for SEPA and the Highland Council to comment on, not for SNH.</p>
<p>A detailed survey of the entire site – to establish the presence of Badger setts, Wood Ant nests, and the habitats of any other species of</p>	<p>A survey was carried out by Dr Phillip R Ratcliffe, dated 12 July 2007. This includes survey for badgers and wood ant nests. In our view, the conservation management proposals are reasonable. SNH</p>

<p>notified natural heritage interest. This survey shall specify all mitigation measures. In the event of any conflict emerging, the outcome of this survey shall override all other detailed considerations.</p>	<p>recommends that any translocated ants' nests should be monitored up to 5 years after the translocation, and that the ants' nests in the bog woodland should be monitored once construction is substantially complete. We recommend that an ecologist should supervise the works during the development, in particular the road construction and the translocation of the ants' nests.</p>
<p>Development shall be held back from the B9153 by at least 40m and it shall be laid out to improve its linkage with existing development to a greater degree than shown in drawing No 2467-005 Revision A, with convenient pedestrian access from the southern part of the development being provided through Crannick Park.</p>	<p>The issue of the distance of the development from the B9153 is one that the Natural Heritage Group of the CNPA has commented on, and SNH would defer to their view on this issue. Likewise, the Outdoor Access Team of the CNPA have commented on the footpaths, and we do not wish to add to any comments that they have made.</p>
<p>A detailed phasing scheme for the entire development together with the staged provision of infrastructure and landscaping etc. The development shall in any case proceed generally from the south west to the north east. Except for the 24 affordable units indicatively shown in the south western part of the site and which shall be among the earliest completions, the development shall not exceed a rate of 15 house completion in any calendar year.</p>	<p>A map has been produced showing the development in three phases – drawing number 2467-007, dated August 2003. The rate of completion of affordable housing is not an issue within SNH's remit.</p>

Do SNH feel that the scheme would breach nature conservation legislation referred to in Dr Ratcliffe's Report in paragraph 5 and appendix 1?

Paragraph 5 relates to the responsibility of the Cairngorms National Park Authority in terms of the Nature Conservation (Scotland) Act 2004. The report goes on to state that the Act requires public servants to 'further the conservation of biodiversity', having regard for the Scottish Biodiversity Strategy and any strategies designated under the United National Environment Programme Conventions on Biological Diversity.

Appendix 1 lists the Wildlife and Countryside Act 1981 (as amended), the Nature Conservation (Scotland) Act 2004, and The Conservation (Natural Habitats, & c.) Regulations 1994 (the "Habitats Regulations").

The question of whether or not this scheme meets legal requirements is not one that SNH is able to advise on. This role, in relation to the law, is beyond our remit and expertise so if the CNPA wish to explore this, we suggest that qualified legal advice should be sought.

Please let me know if you need any further information or advice from SNH in relation to this proposal. I would be grateful if you could let us know of the Park Authority's decision in due course, or of any further changes to the proposal which would be relevant to our interests.

Yours sincerely

A handwritten signature in cursive script that reads "Anne Elliott".

Anne Elliott
Area Officer
Strathspey and Nairn