
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

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DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: Variation to Condition 4 of Outline Planning Consent 03/00393/OUTBS insofar as it relates to the hold back distance from the B9153 and to the phased location of development at Land bounded by Crannich park, Rowan Park and Carr road, Carrbridge

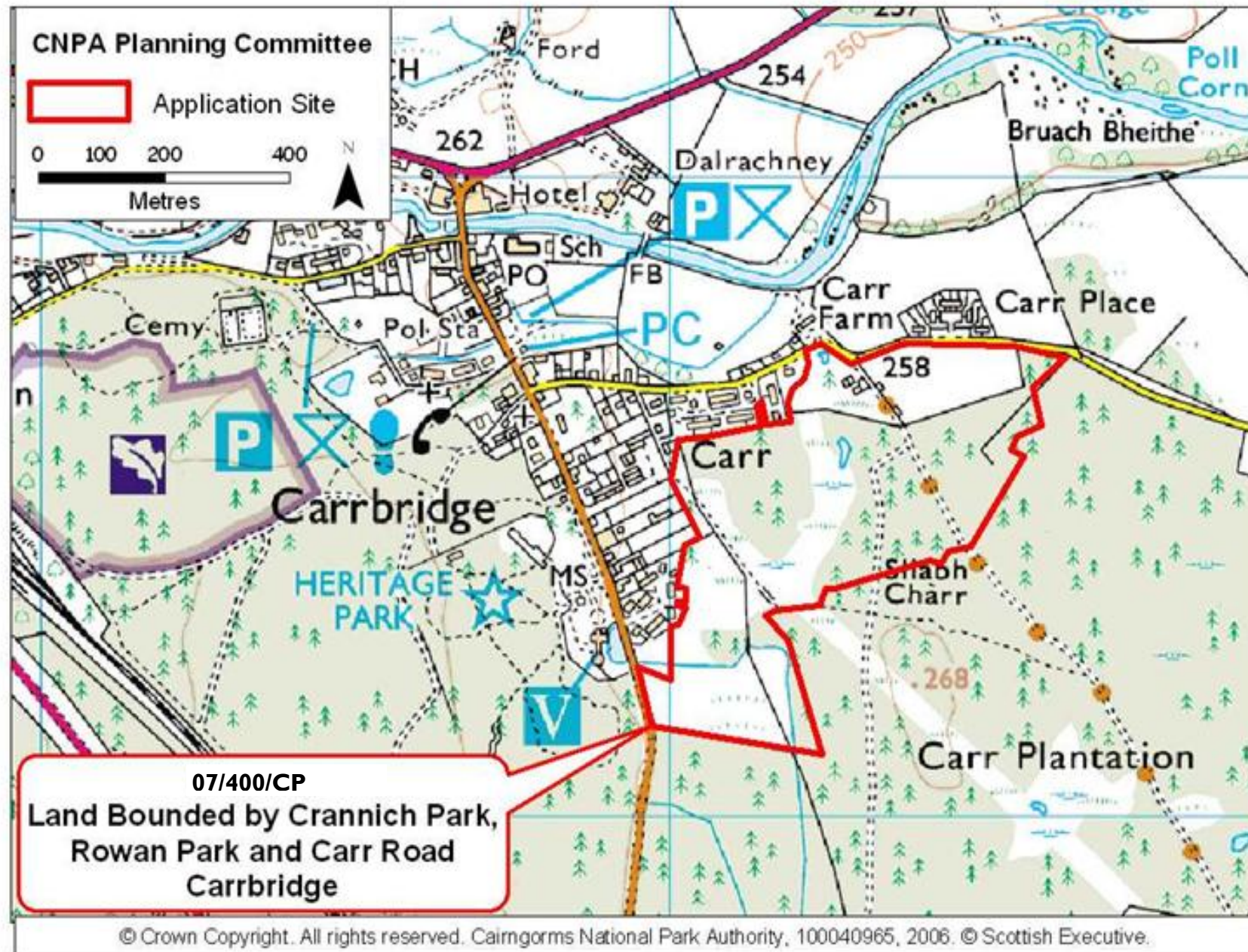
REFERENCE: 07/400/CP

APPLICANT: Aviemore and Highland Developments Ltd

DATE CALLED-IN: 19 October 2007

REASON FOR CALL IN: The application is directly associated with an application for a large scale housing proposal in Carrbridge which is currently being assessed by the CNPA. Given its linkages to that application the proposal is considered to raise issues of general significance to the collective aims of the Cairngorms National Park

RECOMMENDATION: REFUSE



SITE DESCRIPTION AND PROPOSAL

Plans and Documents

1. The plans and documents submitted by the applicant and under consideration for this application are identified in the table below and are available on the Cairngorms National Park Authority website at:

<http://www.eplanningcnpa.co.uk/online-applications/#searchApplications>

Title	Drawing Number	Date on Plan	Date Received
Carrbridge Indicative Layout Neighbour Notification	2467-008	Aug 2003	19 Oct 2007
Carrbridge Proposals Masterplan	2467-006 Rev D	Sept 2007	19 Oct 2007
Carrbridge Development Phasing Layout	2467-007 Rev C	17 Sept 2007	19 Oct 2007

Site and Development Proposals

2. This application seeks to vary planning conditions of an outline planning permission (now known as planning in principle) for housing in Carrbridge. It follows on from the previous item on the agenda for an application (Reference 05/495/CP) for 'approval of reserved matters' relating to this outline consent.
3. The overall application site comprises a mixture of commercial woodland, bog woodland, rough land and agricultural land with a core path running across the north east section. It is a large site running from the B9153 road south of Crannich Park round the back of the village over wetland towards Carr Place and Carr Road.
4. This 2007 application seeks planning permission to vary the terms of planning conditions attached to the 2003 consent which was granted at appeal in February 2005 for the erection of up to 117 houses and associated infrastructure at Carrbridge. (Reference 03/00292/OUTBS) A copy of this appeal decision is attached as **Appendix I**.
5. Two of the bullet points within condition 4 of this outline consent set out the following requirements:
 - (a) *Development shall be held back from the B9153 by at least 40 metres and it shall be laid out to improve its linkage with existing development to a greater degree than shown in drawing No 2467-0005 Revision A, with convenient pedestrian access from the southern part of the development being provided through Crannick Park. (The drawing referred to is illustrated in **Figure 2**)*



Figure 2 – Indicative layout illustrated with outline planning consent application.

- (b) A detailed phasing scheme for the entire development site together with any staged provision of infrastructure and landscaping etc. The development shall in any case proceed generally from the south 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 completions in any calendar year.
6. This current application seeks to amend the requirement for phasing to proceed in a south to north east direction, instead proceeding from north east to south west as shown in **Figure 3**. Affordable housing is shown within both phases 1 and 3.

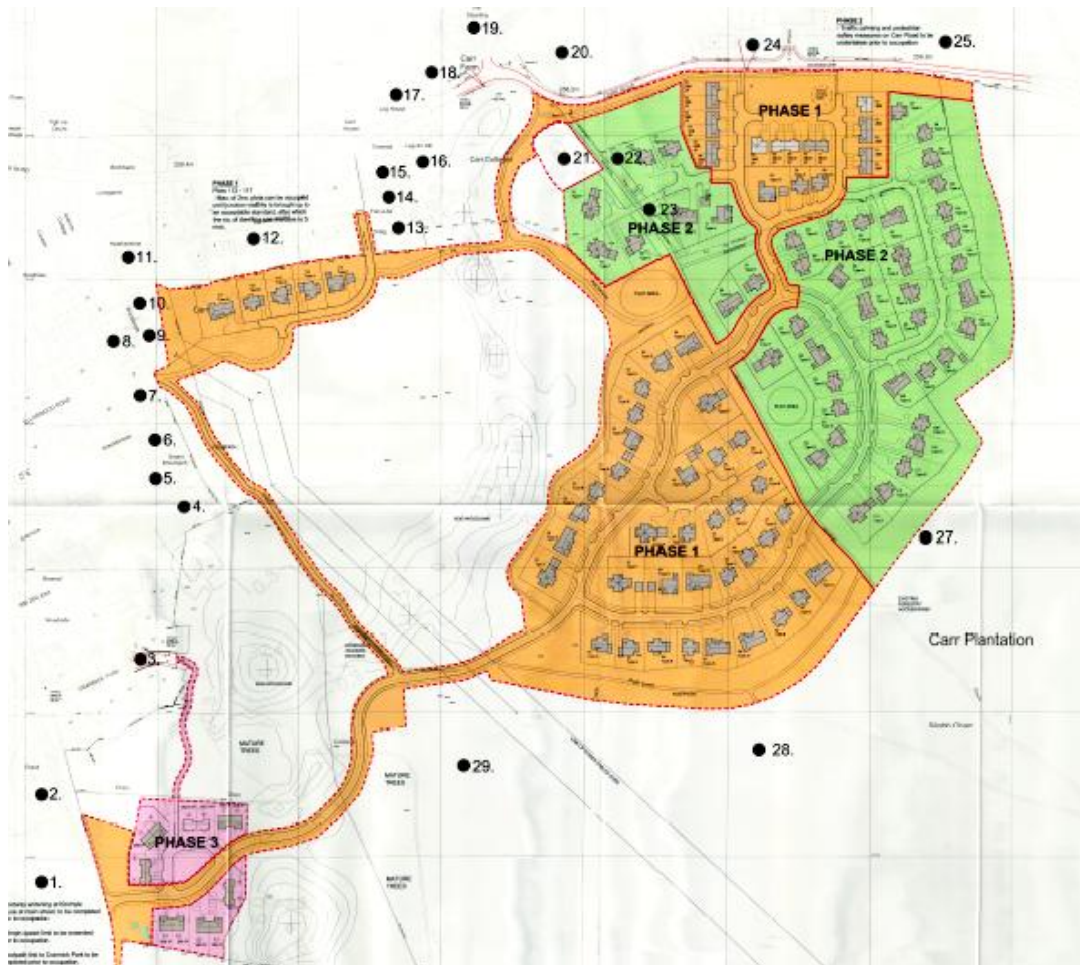


Figure 3 - Proposed Phasing Layout

7. The application also seeks to amend the requirement for development be held back by at least 40 metres from the B9153 (the road running past Landmark and Crannich Park) and allow development distances ranging from 20 to 30 metres of this road.
8. The reason for this current application was in the context of ongoing discussions relating to the 2005 approval of reserved matters application. These sought to address concerns raised regarding protection of the bog woodland to the east, thereby necessitating development being closer to the B9153 road on less sensitive habitat hence the request to amend the terms of the planning condition. A copy of the applicant's explanatory letter is attached as **Appendix 2** setting out that this proposed amendment will still secure a substantial landscaped strip whilst also achieving the objective of minimising impacts on bog woodland.
9. Associated to this, the applicants wished to commence their phasing with 16 affordable houses on the northern part of the site adjacent to Carr Road at the same time as commencing private development in the central part of the site as shown in **Figure 3** earlier which indicates the suggested phasing sequence comprising three separate phases. Phase 3 is shown as land beside Crannich Park and the plan indicates that footway widening at Kinchyle

House will be completed before occupation along with a footpath link to Crannich Park.

10. The application also refers to the master plan layout contained within application reference 05/495/CP (previous item on agenda) which contains revisions to the layout originally submitted in 2005. These revisions, made in 2007 following initial consideration of that application by the CNPA Planning Committee in March 2007 (refer to **Appendices 2 and 3** attached to the previous item on the agenda) involved re-aligning the access roadway; removing some houses on the southern part of the overall site; and revising the layout at the Carr Road end of the site and the Crannich Park end in order to achieve the same overall number of houses all as set out in the previous item on the agenda. This is the layout reflected in this current application.

Site History

11. There has been a lengthy planning history in this area. An application for “outline” planning consent (now known as planning in principle) for 117 houses was refused by Highland Council contrary to officer recommendation in June 2004 (Reference 03/00292/OUTBS). A subsequent appeal against this refusal was granted by the Directorate of Planning and Environmental Appeals in 2005.
12. This current application has been held pending since 2007 because discussions were ongoing regarding submission of a new application for full planning permission for the whole site. Various time extensions were agreed over the years to enable these discussions to continue. This ultimately led to the submission of a fresh application for full planning permission in 2013 (Reference 2013/0120/DET) which is the subject of the next item on the agenda.
13. This current application, together with the previous item (05/0495/CP) seeking approval for reserved matters (now ‘matters specified in conditions’), have been held pending because the applicant wished to keep the original outline consent “live” and intended to withdraw both applications if the fresh, full application was recommended for approval.
14. Application reference 2013/0120/DET for full planning permission is now in a position to be determined by Committee following the submission of additional information and officer recommendation is one of refusal. Accordingly the applicants do not therefore wish to withdraw this current 2007 application. Consequently, it is now necessary to determine this application in the light of current national and local plan policies which is the purpose of this report.

DEVELOPMENT PLAN CONTEXT

National policy

15. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances.
16. The SPP sits alongside four other Scottish Government planning policy documents:
 - (1) **National Planning Framework** (NPF) which provides the statutory framework for Scotland's long term spatial development. The NPF sets out the Scottish Government's spatial development policies for the next 20 to 30 years;
 - (2) **Creating Places**, the policy statement on architecture and place, containing the Scottish Government's policies and guidance on the importance of architecture and design;
 - (3) **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
 - (4) **Circulars**, which contain policy on the implementation of legislation or procedures.
17. SPP introduces a presumption in favour of development which contributes to sustainable development and outlines the need to achieve the right development in the right place. It highlights the need to give weight to economic considerations and to protect, enhance and promote access to nature heritage including green infrastructure and landscape. Within paragraphs 84- 86 it notes the four aims of the National Parks and the need to pursue these collectively, and highlights that where there is a conflict then first aim (to conserve and enhance the natural and cultural heritage of the area) shall be given greater weight with planning decisions reflecting this.
18. Within the SPP, the section entitled 'A Natural, Resilient Place' (paragraph 194) lists the 'Policy Principles' that the planning system should meet, including:
 - (a) facilitate positive change while maintaining and enhancing distinctive landscape character;
 - (b) conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities;

- (c) promote protection and improvement of the water environment including wetlands in a sustainable coordinated way
- (d) seek benefit for biodiversity from new development.
- (e) protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value;
- (f) support opportunities for enjoying and learning about the natural environment.

This section also highlights the need to assess likely effects on carbon dioxide where peat and other carbon rich soils are present.

- 19. Also relevant, as noted earlier, are the Scottish Government publications “Designing Streets” and “Designing Places” which emphasise the need to create communities with a strong sense of place. Designing Streets expressly sets out that street design must consider place before movement explaining that street design should meet the six qualities of successful places (as set out in Designing Places) these being : distinctive, safe and pleasant; easy to move around, welcoming, adaptable, and resource efficient and sustainable.
- 20. The need to create inclusive environments is stressed and the fundamental importance of designing development to make the most of its setting in the landscape and so avoid today’s common failing of looking and feeling as if the development could be anywhere.
- 21. Finally, paragraph 218 refers to the Scottish Government’s Control of Woodland Removal Policy, which includes a presumption in favour of protecting woodland. It states that removal should only be permitted where it would achieve significant and clearly defined additional public benefits and advises that where woodland is removed in association with development, developers will generally be expected to provide compensatory planting

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

- 22. The Cairngorms National Park Plan sets out the vision and overarching strategy for managing the Park and provides focus and priorities at a time of limited financial resources. The Plan also provides a strategic context for the Local Development Plan and shows how the four aims of the National Park can be achieved together. It sets out the strategic direction and priorities for the Park.
- 23. Three long term outcomes for the Park are set out as follows:
 - a) A sustainable economy supporting thriving businesses and communities;
 - b) A special place for people and nature with natural and cultural heritage enhanced; and

- c) People enjoying the park through outstanding visitor and learning experiences.

These outcomes address the interaction of the three main characteristics of the National Park these being that the Park is an internationally important area for nature conservation; a fragile rural economy, and an internationally known tourism destination. Recognising the relationship of these outcomes is at the heart of the National Park. A series of work programmes to help deliver the outcomes is set out in the Plan.

24. Policy 2.8 seeks to enhance the design and sense of place in new development; ensure new development contributes positively to the sense of place, promoting a high standard of sustainable design, supporting the retention and enhancement of local character and ensuring that road upgrades and improvements respond to local landscape character. Policy 2.3 seeks to enhance the special landscape qualities of the Park, with policies 2.4 and 2.5 seeking to conserve and enhance species and habitats.
25. The adopted **Cairngorms National Park Core Paths Plan 2010** is also relevant given that a core path runs through the site. This plan seeks to provide for a core paths network which is sufficient for the purpose of giving the public reasonable access throughout their area. A revised Core Paths Plan is currently moving towards adoption. A paper is being presented to the Board on 27 March 2015 recommending that the Board adopt the revised Plan, as directed by the Reporter. Both plans provide details of core paths in Carrbridge.

Structure Plan Policy

Highland Structure Plan (2001)

26. This set outs broad policies applicable to this type of development and highlights the importance of availability of quality housing to social and economic well being , with various policies (policies G2 and L4) setting out the importance of sustainable design, and maintaining and enhancing landscape character

Local Plan Policy

Cairngorms National Park Local Plan (2010)

27. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
<http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
28. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key

themes of the Park Plan to provide a detailed policy framework for planning decisions:

Chapter 3 - Conserving and Enhancing the Park;
Chapter 4 - Living and Working in the Park;
Chapter 5 - Enjoying and Understanding the Park.

29. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime.
30. The application site lies within the settlement of Carrbridge as defined in the Local Plan. The majority of the site is designated for housing under the designation H1 which states as follows *“this site has an outline planning permission for up to 117 dwellings and a detailed application is now with the CNPA for development of this number across the site. This will assist in providing housing for the Local Plan and its housing needs. The site is broken up by an area of bog woodland habitat and the entire area has a range of habitats and UK biodiversity action plan species that need to be safeguarded within the development”*. This designation is shown in **Figure 4**.



Figure 4 - Extract from Local Plan 2010 Settlement Statement

31. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
32. Policy 1 - Natura 2000 Sites: sets out that any development likely to have significant effect on a Natura 2000 site will be subject to an appropriate assessment and where this is unable to ascertain that the development will not adversely affect the integrity of the site, the development will only be permitted where there are no alternative solutions or there are imperative reasons of overriding public interest including those of a social or economic reason.
33. Where the site has been designated for a European priority habitat or species development will only be permitted where the reason for overriding public interest relate to human health, public safety, beneficial consequences of primary importance to the environment or other reasons subject to the opinion of the European Commission.
34. Policy 2 – National Natural Heritage Designations: seeks to ensure that new development does not have an adverse effect upon these designations, which include the National Park designation
35. Policy 3 - Other Important Natural and Earth Heritage Interests: states that development that would adversely affect an ancient woodland site or semi-natural ancient woodland site will only be permitted where it has been demonstrated that the objectives of the identified site and overall identity of the identified area would not be compromised or where any significant adverse effects on the qualities for which the area or site has been identified are mitigated by the provision of features of commensurate or greater importance to those that are lost
36. Policy 4 - Protected Species: states that development which would have an adverse effect on any European Protected Species will not be permitted unless there are imperative reasons of overriding interest, including public health or public safety; there is no satisfactory alternative solution; and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The policy is intended to ensure that the effects of development proposals on protected species are fully considered by the planning authority. Developers will be required to undertake any necessary surveys for species at their own cost and to the satisfaction of Scottish Natural Heritage and the planning authority.
37. Policy 5 - Biodiversity: states that development that would have an adverse effect on habitats and species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, will only be permitted where: (a) The developer can demonstrate that the need and justification for the development outweighs the local, national and international contribution of the area of habitat or population of species; and (b) Significant harm or disturbance to the

ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and / or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.

38. Policy 6 - Landscape: states that there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
39. Policy 12 - Water Resources: seeks to ensure that resources are used sustainably, connection is made to public sewers and surface water is treated in accordance with SUDS principles. There is a presumption against development which does not meet various criteria relating to flooding including the need to ensure that the ability of the functional flood plain to store or move flood waters is not adversely affected.
40. Policy 13 - Mineral and Soil/Earth Resources: sets out that all development must avoid unnecessary disturbance of soils, peat and any associated vegetation.
41. Policy 19 - Contributions to affordable housing: is intended to ensure the delivery of a wide range of housing options to a wide range of households in the Park. Policy 19 requires that developments of three or more dwellings will be required to incorporate a proportion of the total number of units as affordable and highlights that where public funding is available to help provide affordable housing between 25-40% of all units will be expected to be affordable Where less than one third of the total cost of the development is available through public funding the developer will be expected to provide 25% affordable housing on site Proposals for off site contributions will be considered when community needs assessments or similar assessments support this as a better way of meeting the housing needs of the community.
42. Policy 20 - Housing development within settlements: advises that new housing should be contained within the identified settlement boundaries. Housing proposals within the settlement boundaries will be considered favourably where the development (a) occurs within an allocated site identified within the proposals' maps; or (b) is compatible with existing and adjacent land uses, and comprises infilling, conversion, small scale development, the use of derelict or underused land or the redevelopment of land. All housing proposals are required to reinforce and enhance the character of the settlement, and accommodate appropriate amenity space, and parking and access arrangements within the development.

43. In the text supporting Policy 20 a range of expectations are referred to. The development of housing in settlements is expected to reinforce and enhance the character of the settlement; should not have any adverse impact on the features of the natural or cultural heritage importance within the settlement; should not result in the loss of amenity of surrounding land uses; and should provide a range of house sizes to reflect the needs of the community of the Park. Paragraph 4.54 states that the principle of achieving a sustainable balance of house sizes will apply to both affordable housing and open market housing.
44. Policy 29 - Integrated and Sustainable Transport Network: supports development where adequate consideration is given to maintaining or improving the sustainable transport network. This policy requires submission of transport assessment where impacts are considered to be significant. This should cover local transport impacts and construction impacts.
45. Policy 34 - Outdoor Access: encourages development which improves opportunities for responsible outdoor access. Development proposals which would result in a reduction of public access rights, or loss of linear access will only be permitted where an appropriate or improved alternative access solution can be secured to the satisfaction of the planning and access authorities.
46. Chapter 6 (Settlement Proposals): advises that development proposals for the identified sites must comply with the policies of the Local Plan. It advises in Paragraph 6.5 that the proposals must consolidate the existing urban form and not result in ribbon development or sprawl of development into the countryside. It advises that the proposals have indicative house numbers attached to each site that should be used as a guide to the capacity of the site. However, proposals should not be constrained by these figures and should seek to create attractive urban environments with a range of house designs working within the site. It refers to settlements having networks of open spaces, paths and recreational spaces that are not identified but that would be material considerations

Legal Challenge to the Cairngorms National Park Local Plan 2010

47. The challenge to the Cairngorms National Park Local Plan in the Court of Session has been unsuccessful on two occasions. The appeal against the original decision of Lord Glennie (which rejected the challenge on all of the advanced grounds) was refused by the Inner House on 3 July 2013. In delivering the judgment of the Court, Lady Paton concluded that “*It was open to the CNPA to adopt a Local Plan which relied on that [appropriate] assessment.*”
48. On 12 August 2013 the Appellants filed an appeal against the decision of the Inner House of the Court of Session to the UK Supreme Court. The Park Authority is defending the appeal. However, the fact that there is a continuing challenge to the adoption of the Local Plan is a relevant material

consideration to which regard must be had in determining this application. There remains a possibility that the parts of the Local Plan which refer to Carrbridge may be quashed.

49. The CNPA must have regard to the following factors in determining this application:
- (a) The possibility that the relevant parts of the Local Plan may be quashed in the event that the appeal to the Supreme Court is successful;
 - (b) How central the Local Plan is to the determination of this application;
 - (c) The effect of the relevant parts of the Local Plan being quashed
 - (d) The prospects of success for the current appeal
 - (e) The likely timescale for a decision of the Supreme Court in the current appeal;

Each of these factors is a material consideration in the determination of the application.

Supplementary Planning Guidance

50. In addition to the adoption of the Cairngorms National Park Local Plan (2010) on 29th October 2010, a number of Supplementary Planning Guidance documents were also adopted. Relevant to this case are the following :
51. Sustainable Design Guide which highlights the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance this distinctive character. The guide requires submission of a Sustainable Design Statement with planning applications.
52. Natural Heritage guidance which sets out how the natural heritage of the National Park will be taken into account when considering development proposals.
53. Water Resources which seeks to provide detailed advice and assistance to developers needing to carry out works which may affect the water resources of the National Park.

Proposed Cairngorms National Park Local Development Plan (LDP)

54. The Department of Planning and Environmental Appeals (DPEA) carried out an Examination of the proposed Cairngorms National Park Local Development Plan (LDP) over Spring and Summer 2014. The CNPA received the Report of the Examination on 8 September 2014. The CNPA Planning Committee approved post-examination modifications to the Proposed Cairngorms National Park Local Development Plan (Proposed LDP) on 21 November 2014. The CNPA has published notice of its intention to adopt the Plan and expects to adopt the Proposed LDP at the March 2015 Board Meeting, following on from the Scottish Government's consideration of this

intention to adopt. The Proposed LDP (as modified) is a material consideration and carries significant weight in planning decisions though it does not replace the adopted Local Plan until it is formally adopted.

55. There are no significant differences between the policies contained in the Proposed LDP (as modified) relating to the current application as compared to the 2010 Local Plan policies as summarised earlier. Key planning policies relevant to this current application are noted below with any changes highlighted.
- a) Policy 1.1 Housing in Settlements
 - b) Policy 1.5 Contributions towards Affordable Housing
 - c) Policy 3.1 Sustainable Design
 - d) Policy 4.1 International and National Designations
 - e) Policy 4.2 National Designations
 - f) Policy 4.3 Other important natural and earth heritage sites and interests
 - g) Policy 4.4 Protected Species
 - h) Policy 4.5 Other Biodiversity
 - i) Policy 4.6 All development – this policy sets out that where there is evidence that a habitat or species may be present on or adjacent to a site or could be adversely affected then the developer will require to undertake a comprehensive survey to assess the effect and submit a species/habitat protection plan
 - j) Policy 5 Landscape
 - k) Policy 8 : Sports and Recreation

 - l) Policy 10.1 Water Resources which seeks to also ensure no unacceptable detrimental impacts on the water environment addressing existing and potential impacts up and downstream of the development with appropriately sized buffer strips to be retained around all water features.
 - m) Policy 10.2 Flooding
 - n) Policy 10.3 Connection to Sewerage
 - o) Policy 10.6 – Carbon sinks and stores
56. There is however a difference in terms of the allocation of housing land in Carrbridge. The CNPA's proposed LDP settlement statement for Carrbridge showed the housing land allocation amended from the 2010 Plan to reflect the general boundaries of the 2013 planning application which removes land to rear of Rowan Park and to the south west of the core path. Subsequently however, the Directorate of Planning and Environmental Appeals (DPEA) recommended a further reduction of the housing designation to remove any allocation within Carr Wood, reducing the capacity of this area to 36 dwellings. This modification was agreed at the November 2014 Planning Meeting following full consideration of the implications.
57. Subsequent to this Scottish Ministers have now directed that the CNPA modify the plan back to the allocation as proposed by the CNPA originally.

A copy of the LDP settlement plan for Carrbridge as recommended by Scottish Ministers is shown in **Figure 5**.

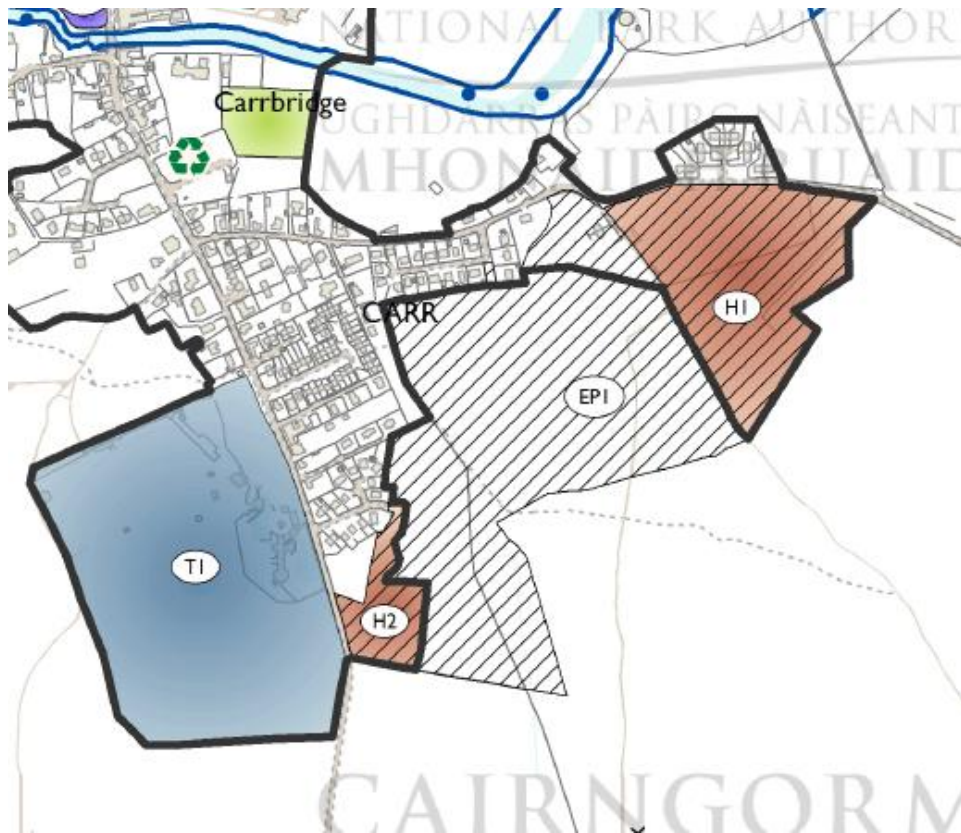


Figure 5 – Extract from Proposed Local Development Plan

58. On this plan land beside Carr Road is designated as H1 stating “*this site has capacity for 72 dwellings. The detail of any development proposals must take account of the woodland setting and should be designed in a way which promotes the highest standards of access, layout, building design, and public realm. There are areas of wet dwarf shrub heath on peat on the site. A NVC will therefore be required to accompany any planning application*”
59. Land to the south of Crannich Park is designated at H2 stating “*this site has capacity for 22 dwellings. The detail of any development proposals must take account of the woodland setting and should be designed in a way which promotes the highest standards of access, layout, building design, and public realm. A watercourse runs through the site which has historically been straightened. Space should be provided to allow restoration and development of natural processes in future. An appropriate buffer strip should be incorporated into the detailed design to allow for this. In addition there may be constraints due to the presence of wetland. A NVC survey will be required to accompany any development proposals for the site.*”
60. The accompanying settlement statement set out in detail the objectives for Carrbridge. These relate to the need to ensure new development is undertaken in a way which complements the sensitive woodland setting and

enhances its character and appearance as a tourism centre with the need to raise architectural and design quality and ensure the quality of surrounding woodland and sensitive valuable habitats is not compromised highlighted. It also highlights the potential for new development to have an effect on European designated sites and the consequent need for developers to submit necessary information to enable the Planning Authority to carry out an Appropriate Assessment in order to be confident that the development will not have an adverse effect either alone or in combination with other plans or projects. It is further noted that if the Planning Authority is unable to reach a conclusion on this the development will be judged not to accord with the Plan.

Habitats Regulation Assessment (HRA)

61. When the 2013 planning application was submitted a screening exercise was undertaken by the CNPA to look at which Natura sites may be affected by the development, what these effects may be and if there are any “likely significant effects” on Natura sites. This screening also considered the possible combination of effects between the proposed development and other plans and projects. It identified that there were likely significant effects in relation to the River Spey Special Area of Conservation (qualifying interests otter, atlantic salmon, sea lamprey and freshwater pearl mussels) and the Abernethy Forest, Anagach Woods, Cairngorms, Craigmore Wood and Kinveachy Forest Special Protection Areas. Qualifying interests relate to Capercaillie (impact upon other qualifying interest species was screened out at the earlier stage) with Strathspey being the most important area of woodland in the UK for capercaillie, holding around 75% of the population.
62. An Appropriate Assessment (AA) was then undertaken to consider in more detail the nature of the effects and to determine if there are any adverse effects upon the conservation objectives of the Natura sites and to then see if there was an adverse effect upon the integrity of the sites. This AA highlighted the importance of the Carrbridge woods to the meta population of capercaillie in Strathspey, functioning as a “stepping stone” for caperacaille to move between the various SPAs and improving genetic diversity. Accordingly increased recreational disturbance as a result of the increased number of residents arising from the new development (estimated at around 248 more people upon completion of the development) could render the woods unsuitable for capercaillie and connectivity between the SPAs could be impaired. The main focus for increased recreational use and dog walking is considered to be on the Docharn circular route and some of the forest tracks in Deshar wood. This issue was considered during the preparation of the HRA for the Proposed Local Development Plan when the need for a recreation management plan for capercaillie was highlighted.
63. The AA also highlighted the need to ensure there was no adverse impacts upon the River Spey SAC as a result of the construction works and any potential for pollution affecting the qualifying interest species and also the need to ensure the waste water treatment works have sufficient capacity for the around 35% increase in use arising out of the new development and that

it can meet the appropriate discharge standards in place at the time of construction.

64. The Appropriate Assessment was the subject of consultation with SNH and the RSPB and it concluded that there will be no adverse effect on the integrity of any Natura 2000 sites providing mitigation measures are implemented to ensure that the capercaillie in the woods around Carrbridge are not subject to an increase in disturbance and can continue to live and breed successfully. Mitigation measures are as summarised below:
- (1) Preparation by the applicants, and subsequent implementation, of a Recreation Management Plan to contain mitigation measures to manage the recreation activity of the area and to ensure no increase in disturbance to capercaillie. Physical measures within and outwith the development site to achieve this to be included, mechanisms for delivery and consideration of the management of the network of paths and the promotion of responsible behaviour
 - (2) Construction method statement to be approved to address risks to watercourses
 - (3) Details of SUDS to be approved which must demonstrate that flooding and particulate discharge to the river will be prevented
 - (4) Condition to be applied to prevent occupation of any dwelling house until the development is connected to the public waste water system and that it must be clearly demonstrated that this system is capable of handling additional wastewater and treating it to the required standards appropriate to freshwater pearl mussel at the time of construction
65. A Habitat Regulations Assessment was not carried out at the time of the 2005 application for Approval of Reserved Matters nor for this 2007 application to vary planning conditions. This matter has been revisited now in the light of current circumstances and a HRA has been carried out for the 2005 case, which involves 21 more houses, and this one. The conclusions are the same, namely there should not be adverse effects on the integrity of any Natura 2000 sites providing mitigation measures are implemented. A copy of the draft HRA is attached as **Appendix 4** to the previous item on the agenda. This is currently the subject of final consultation with Scottish Natural Heritage who have been involved with the ongoing process.

CONSULTATIONS

66. **Scottish Environmental Protection Agency** had no comments
67. **Scottish Natural Heritage** had no comments other than noting now that the current requirements for Habitats Regulation Assessment.
68. **The Highland Council Area and Community Works Manager** was consulted in respect of roads interests and had no comments
69. **Highland Council Housing Service** also had no comments.

REPRESENTATIONS

70. The application was advertised in 2007 and one representations was received which is attached as **Appendix 3**. This relates to the 2005 application too.
71. Key points raised relating to this current case were as follows:
- (a) Moving housing closer to B9153 welcomed as it would reduce encroachment into bog woodland although lack of clarity on proposals for build rate
 - (b) Revised phasing proposals will increase demand for immediate access from Carr Road - Recommend consideration be given to splitting the site into two and consider access from Carr Road and remove access across bog woodland.
 - (c) No consideration appears to have been made of Reporter's recommendation that house completions be limited to 15 per year and phasing proposals lack details and necessary clarity.
72. The applicants have formally requested to **address** the Planning Committee.

APPRAISAL

73. The principle of housing on this site has been established by the grant of outline planning permission at appeal. A current application for 'approval of reserved matters' (Application reference 05/0495/CP, the previous item on this agenda) was submitted timeously in relation to that consent. Therefore the outline consent remains live in relation to consideration of this current application. As such the principle of the development is considered to be established and whether or not it conforms to the allocated housing land boundaries in the adopted Local Plan or the emerging Local Development Plan (as modified) is not a matter for consideration.
74. The planning issues under consideration with this particular case is whether the request to vary the conditions of the outline consent is acceptable in relation to the requirements of current Local and Proposed Local Development Plan (which is now an important material consideration) policies, and not Local Plan or Local Development Plan allocations. These policies are as set out earlier in this report.
75. The application also requires to be considered in the context of the 2005 application (reference 05/0495/CP) as without that case proceeding this current application also could not proceed as it is predicated upon the layout put forward with the 2005 application. As that layout (as set out in the report on the previous item on the agenda) is not considered to be acceptable for a variety of reasons, including impacts upon hydrology, landscape and ecology it follows that it is not possible to support this current application for the same reasons.

76. Whilst there may be merit in seeking to amend condition 4 to allow development closer to the B9153 road and so provide a greater buffer zone to the wetland to the east, this proposal cannot be considered in isolation from the layout upon which it is based and which is not considered to meet current planning policies.
77. Similarly, in relation to the proposed revisions to phasing, once again this is based upon a layout which does not meet current planning policies. In addition, as noted by the objector there is no clear reference to how the phasing revisions address the Scottish Government Reporter's requirement for completions to be restricted to 15 per year, as set out in the conditions applied to the outline consent.
78. Overall therefore, for similar reasons as outlined in the previous report on this agenda (given that this application is dependent on a successful outcome for the 2005 application and layout) the proposal is not considered to meet with current local plan and Proposed Local Development Plan policies and refusal is recommended.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

79. The proposed development conflicts with this aim as there is insufficient information relating to the overall site layout proposals to demonstrate how the natural and cultural heritage will be conserved and enhanced.

Promote Sustainable Use of Natural Resources

80. The current proposal does not relate directly to this aim. However, it is dependent upon an overall proposal which conflicts with this aim in that natural resources (in terms of woodland and natural habitats) will be lost as a result of the proposed wider layout with no associated proposals for mitigation.

Promote Understanding and Enjoyment of the Area

81. The current proposal does not relate directly to this aim. However, it is dependent upon an overall proposal which conflicts with this aim due to the lack of information regarding handover of proposed community land. Also associated with that layout is a lack of information to properly consider impacts upon the local environment, habitats and species thereby having the potential to adversely affect the enjoyment of this area.

Promote Sustainable Economic and Social Development of the Area

82. The provision of a range of new housing within Carrbridge has the potential to support this aim in terms of providing housing choice. This aim is also further supported by the associated construction jobs associated with new housing development

RECOMMENDATION

That Members of the Committee support a recommendation to REFUSE planning permission for a variation to condition 4 of outline planning consent 03/00393/OUTBS insofar as it relates to the hold back distance from the b9153 and to the phased location the development at Land bounded by Crannich Park, Rowan park and Carr road, Carrbridge for the following reasons:

1. The proposed amendments are dependent on an overall housing layout which is contrary to Policy 12 Water Resources (as contained in the Cairngorms National Park Local Plan 2010) and Policies 10.1 and 10.2. Water Resources and Flooding as contained in the Cairngorms National Park Proposed Local Development Plan (as modified) in that it has not been satisfactorily demonstrated that:
 - (1) there not be any adverse environmental implications arising out of the arrangements for the disposal of surface water
 - (2) the ground conditions are suitable for disposal of surface water
 - (3) flooding has been adequately considered and mitigated with all development designed above the 1 in 200 year flood event level
 - (4) impacts upon groundwater dependent terrestrial ecosystems have been fully considered and mitigated
 - (5) adequate distances/buffer zones from watercourses and wetlands can be provided.
2. The proposed amendments are dependent on an overall housing layout which is contrary to Policy 13 Mineral and Soil Resources (as contained in the Cairngorms National Park Local Plan 2010) and Policy 10.6 Carbon Sinks and Stores as contained in the Cairngorms National Park Proposed Local Development Plan (as modified) in that it has not been satisfactorily demonstrated that disturbance to peat will be minimised with unnecessary disturbance avoided.
3. The proposed amendments are dependent on an overall housing layout which is contrary to Policies 1 Natura 2000 Sites; 2 National Natural Heritage Designations; 3 Other Important Natural and Earth Heritage Sites and Interests; 4 Protected Species 5: Biodiversity as contained in the Cairngorms National Park Local Plan 2010) and policies 4.1 International and National Designations; 4.2 National Designations; 4.3 Other Important Natural and

Earth Heritage Sites and Interests; 4.4 Protected Species: 4.5 Biodiversity and 4.6 All Developments, all as contained in the Cairngorms National Park Proposed Local Development Plan (as modified) in that insufficient information has been submitted to demonstrate that:

- (a) there will not be any adverse impacts upon protected species
 - (b) there will not be any adverse impacts upon biodiversity with no comprehensive surveys and species/habitat protection plan to assess the effects submitted
 - (c) that sufficient ecological enhancements will be implemented to mitigate the ecological impacts of the proposed development
 - (d) any adverse ecological and landscape impacts arising out of tree loss will be satisfactorily mitigated and compensated for
 - (e) there will not be any adverse impacts upon the hydrological regime
4. The proposed amendments are dependent on an overall housing layout which is contrary to Policy 6: Landscape (as contained in the Cairngorms National Park Local Plan 2010) and policy 5 Landscape (as contained in the Cairngorms National Park Proposed Local Development Plan (as modified) in that the development does not complement and enhance the landscape character of the National Park due to the proposed layout which does not:
- (a) respect the landscape character and setting of Carrbridge
 - (b) provide a suitable landscape setting for new development or use landscaping within the development to complement the setting
 - (c) provide sufficient detail of the future maintenance, management and handover of all landscaped areas provided
 - (d) include provision for sufficient green areas/woodland within the housing layout.
5. The proposed amendments are dependent on an overall housing layout which is contrary to Policy 16: Design of New Development and Policy 6 Landscape (as contained in the Cairngorms National Park Local Plan 2010) and policies 3.1 Sustainable Design and 5 Landscape (as contained in the Cairngorms National Park Proposed Local Development Plan (as modified) in that the proposed layout of the development does not reflect and reinforce the pattern and character of the surrounding area which is set by groups of houses set within well landscaped and wooded settings contributing to the overall character of Carrbridge as a “forest” village
6. The proposed amendments are dependent on an overall housing layout which is contrary to Policy 20 Housing Development within Settlements (as contained in the Cairngorms National Park Local Plan 2010) and Policy 1.1 Housing in Settlements, as contained in the Cairngorms National Park Proposed Local Development Plan (as modified) in that does not reinforce and enhance the character of Carrbridge which is set by housing set within a wooded setting as a result of insufficient landscaping and woodland proposals within the site and lack of information on mitigation and enhancement proposals and future maintenance/management of remaining land and landscape areas

7. Insufficient information has been provided with regard to the phasing of the housing development in terms of provision of a robust, clear case to explain how the proposed change in phasing will deliver the building rates sought by condition 4 of the outline planning permission (Reference 03/00292/OUTBS) or why a variation is acceptable.

8. The proposed amendments are contrary to Policy 29 Integrated and Sustainable Transport Network and Policy 34 Outdoor Access (as contained in the Cairngorms National Park Local Plan 2010) and Policies 3.1 Sustainable Design and 8 Sports and Recreation as contained in the Cairngorms National Park Proposed Local Development Plan (as modified) in that it has not been satisfactorily demonstrated in terms of submission of sufficient detail that:
 - (a) A satisfactory footpath link will be provided along the B9153 from the Crannich Park site back to the village with no details of this link provided
 - (b) A satisfactory footpath link can be provided to Rowan Place in terms of design and construction
 - (c) Details of access upgrading of junction of access track beside Carr Cottages onto Carr Road

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The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.