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## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title: REPORT ON CALLED-IN PLANNING APPLICATION**

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(PLANNING OFFICER,  
DEVELOPMENT MANAGEMENT)**

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**DEVELOPMENT PROPOSED:** Erection of 96 houses, associated roads & footways at Land Bounded By Crannich Park Rowan Park And Carr Road, Carrbridge

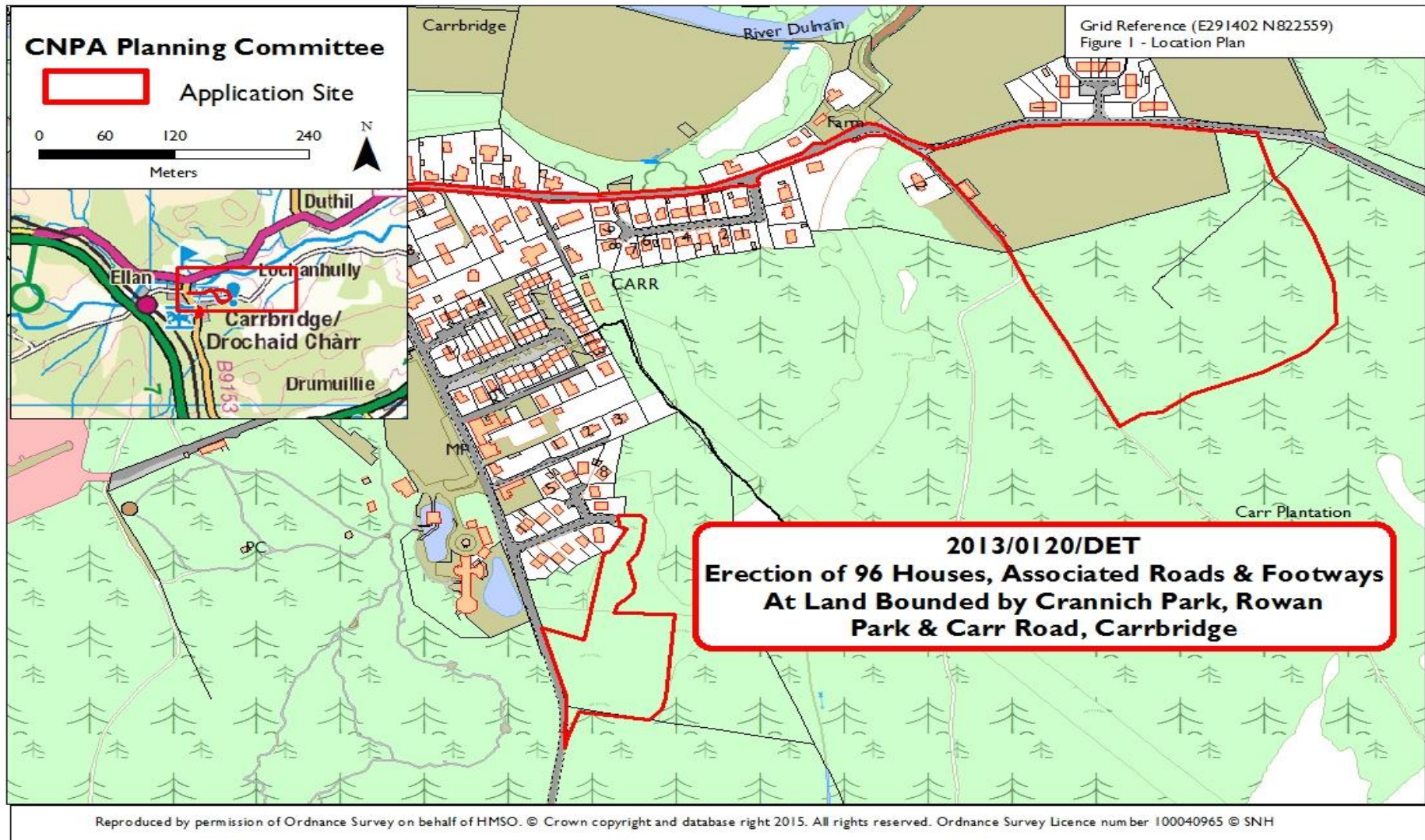
**REFERENCE:** 2013/0120/DET

**APPLICANT:** Aviemore & Highland Developments Ltd

**DATE CALLED-IN:** 22 April 2013

**REASON FOR CALL IN:** The proposed development is for a housing development of significant scale which is of linked significance to a previous application considered by the Park Authority. Designations in this area include ancient woodland, rights of way and core paths. The proposed development is considered to raise issues in relation to natural heritage, environment and recreation, together with the sustainable economic and social development of the area, including the provision of affordable housing. It is considered to raise issues of general significance to the collective aims of the National Park

**RECOMMENDATION:** REFUSE



## **SITE DESCRIPTION AND DEVELOPMENT PROPOSALS**

### **Plans and Documents**

- I. 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>

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan</b>
Ecological survey report by mbec	V2	January 2013
Supporting Statement including design and sustainability statement by Bracewell Stirling		5 April 2013
Drainage Statement by HGA	2407 Issue 1	5 April 2013
Location Plan	2467/01/01	4 April 2013
Proposed Layout Overall Site (now superseded)	2467/01/02 Rev H	March 2013
Proposed Layout Affordable Site (now superseded)	2467/01/03 Rev H	March 2013
Proposed Layout Carr Road (now superseded)	2467/01/04 Rev H	March 2013
Arran House Type	2467/01/10	21 March 2013
Avon House Type	2467/01/11	21 March 2013
Cairngorm House Type	2467/01/12	21 March 2013
Cedar House Type	2467/01/13	15 March 2013
Convial House Type	2467/01/14	15 March 2013
Harris House Type	2467/01/15	21 March 2013
Kildonan House Type	2467/01/16	21 March 2013
Kilmoray House Type	2467/01/17	21 March 2013
Kilmoray House Type Carport option	2467/01/18	21 March 2013
Macdui House Type	2467/01/19	21 March 2013
Three bed bungalow house type	2467/01/20	15 March 2013
House Type 3B5PVCh semi detached chalet villa	2467/01/35	15 March 2013
House Type 2B4PV semi detached villa	2467/01/30	15 March 2013
House Type 2B4PV terrace villa plots 5-7 and 12-14	2467/01/31	15 March 2013
House Type 2B4PV terrace villa plots 15-19	2467/01/32	15 March 2013

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House Type 3B5PB detached bungalow	2467/01/34	15 March 2013
House Type 2BB3P semi detached bungalow	2467/01/33	15 March 2013

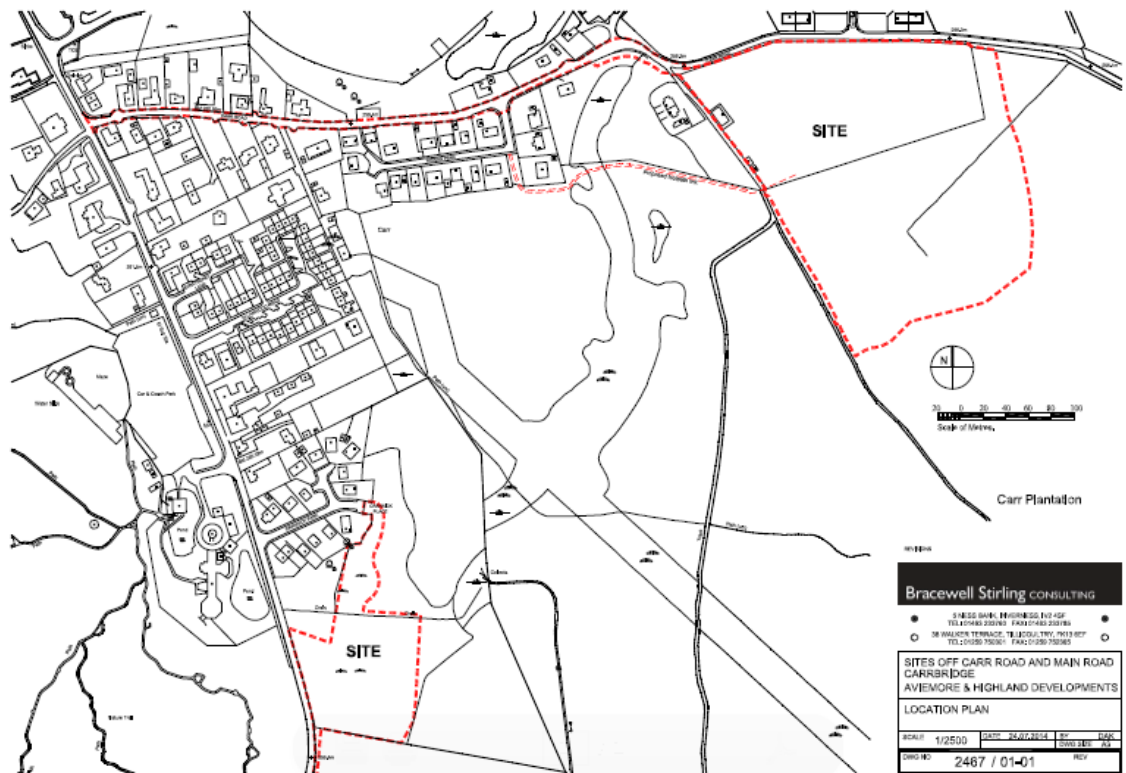
Additional information provided is as detailed below:

<b>Title</b>	<b>Drawing Number</b>	<b>Date on Plan</b>
Drainage Statement by HGA	2407 Issue 2	28 July 2014
Carrbridge Proposed Development Ecology and Nature Conservation Report by mbec	V2	March 2014
Transport Assessment by SIAS	75676	18 June 2014
Carr Road Photographs by Bracewell Stirling		
Arboricultural Assessment by Scottish Arboricultural Services	CNPI80913	2 October 2013
Soft Landscape Proposals Carr Road – Keith Wood	HLD K138/13.SL-01 Revision B	11 October 2014
Soft Landscape Proposals Crannich – Keith Wood	.HLD K138/13.SL-02 Revision A	11 October 2014
Drainage Schematic Private Housing Carrbridge -HGA	2407.210. Revision A	April 2013
Drainage Schematic Affordable Housing Carrbridge HGA	2410.210. Revision A	April 2013
Play Area Carr Road Sutcliffe Play Scotland	Revision A	May 2014
Sustainability Checklist		26 June 2014
Proposed Layout Overall Site by Bracewell Stirling overmarked with photographs.	No. 2467-002 Revision M	May 2014
Proposed Layout Affordable Site Bracewell Stirling	2467-003 Revision M	May 2014
Proposed Layout Carr Road Site Bracewell Stirling	2467-004 Revision M	May 2014
Extent of Development within woodland Bracewell Stirling	2467-009 Revision M	May 2014
Photographic Study of Existing and Site Sections of Proposed - Bracewell Stirling	2467-010 Revision M	May 2014
Location Plan Drawing No.	2467-01-01	24 July 2014

Site Management Plan Carr Road and B9153 Carrbridge		29 November 2013
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### Site Description

- This application seeks full planning permission to erect 96 houses at Carrbridge on two separate sites, which are connected by land within the applicant's ownership. **Figure 2** illustrates the location of the two sites in the village.



**Figure 2 - Overall location of Site**

- The site itself is a large one which is bounded to the north by Carr Road and Carr Place, and to the far west by the B9153 which runs south out of Carrbridge past the Landmark centre located on the west side of the public road. Access is proposed off both the B9153 and Carr Road to serve the two distinct development areas. There is no connecting vehicular access proposed between the two development areas. The intervening land is also under the applicants' control. This land wraps around the south of Rowan Place and is a mixture of bog woodland and mature pine woodland. The overall site is bounded to the south and east by mature woodland.
- The site is not covered by any specific environmental designations but is in the vicinity of the River Spey Special Area of Conservation (SAC) with any watercourses which cross the site ultimately feeding into the Dulnain Water which is part of the River Spey SAC (qualifying interests are otter, atlantic salmon, sea lamprey and freshwater pearl mussels). Also of relevance in the wider area are the Abernethy Forest, Anagach Woods, Cairngorms,

Craigmore Wood and Kinveachy Forest Special Protection Areas (SPA) where relevant qualifying interests relate to capercaillie. It should also be noted that bog habitat is identified in the Cairngorms Biodiversity Action Plan as a priority habitat with part of the application site involving/abutting bog woodland. It is also an action contained in the Cairngorms Nature Action Plan 2013-2018 to identify sites for creating or expanding bog and wet woods.

5. One of the proposed development areas is located at Carr Road where it is proposed to fell woodland on the southern part of the site within the Carr Plantation in order to accommodate around 32 houses. The front (north) part of this site is currently a field used for grazing and also accommodating a Boys Brigade building.
6. The other proposed development area is located to the south of the existing housing at Crannich Park and is presently rough grassland crossed by a watercourse on its northern edge, with bog habitat to the east.
7. A network of existing well used footpaths and core paths cross the intervening land between these proposed development sites, with some existing footpath connections to the village through Crannich Park, Rowan Park and Ellanwood Road. Sustrans Route 7 (Core Path LBS53) runs along Carr Road and then heads south at Carr Cottages through the woods. Core path Carr Plantation Path (LBS122) joins this route back into the village through the woods and this intervening land for a shorter walk. This overall setting is illustrated in **Figure 3**. **Figure 4** shows the core path network.



Figure 3 - Site setting within Carrbridge

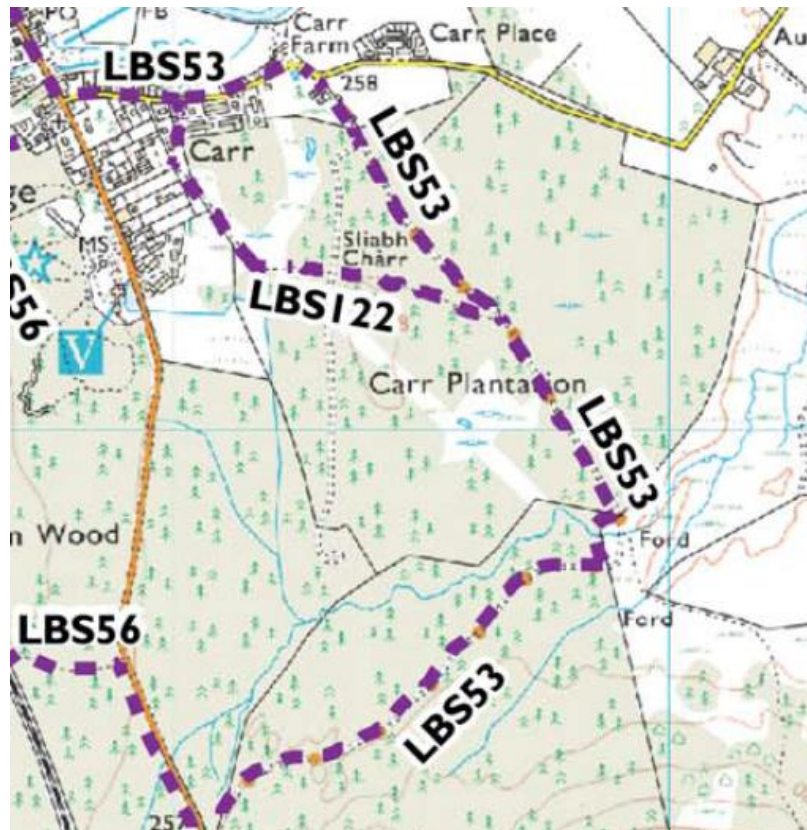


Figure 4 – Core Path Network

#### Development Proposals

8. The proposal is to erect a total of 96 dwellinghouses of mixed design and size throughout the site with associated access, drainage and landscaping proposed. The site is split as follows:
  - (a) land to south of Carr Road and Carr Place where a total of 72 private houses are proposed with access off Carr Road via two main junctions plus a total of six individual house accesses
  - (b) land to the south of Crannich Park and east of the B9153 road where 24 affordable houses are proposed taking access of new single access point onto the B9153

This overall layout is shown below in **Figure 5**.





Figure 5 - Overall Site Layout

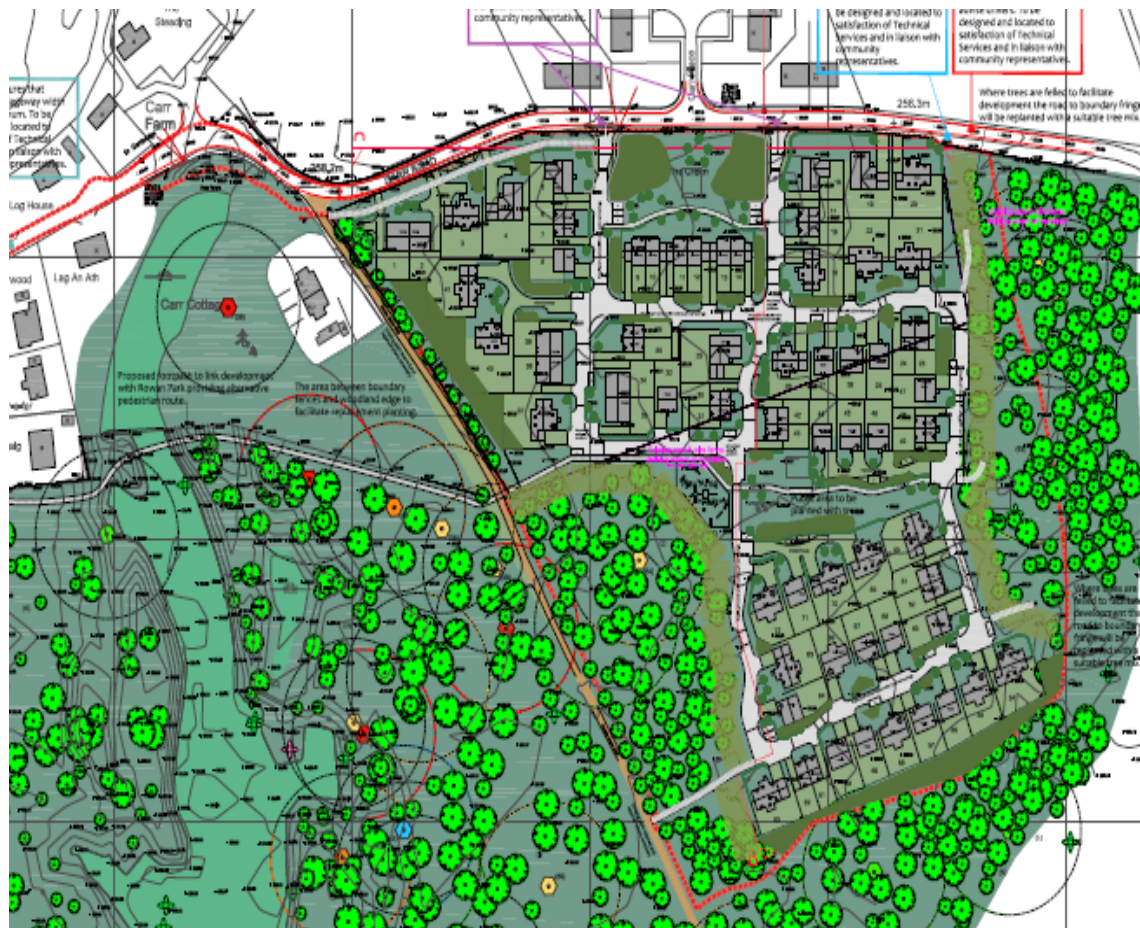
Carr Road Site

9. As noted above it is proposed to access 72 private houses off Carr Road. Traffic calming improvements are proposed to Carr Road including two “build outs” which are proposed to be designed to retain the rural nature of the roadway and to avoid an overly engineered solution with kerbs and upstands. A photomontage to show how this may look was submitted as part of the applicants’ transport assessment as shown in **Figure 6**.



Figure 6 - Indicative Traffic Build Outs on Carr Road

10. The northern part of the site is characterised by a road network “wending” through to serve blocks of houses with a central “green” area facing towards Carr Place, which is 6a small crescent type area of housing presently detached from the main village.
11. The development within the Carr plantation will be created by felling the trees with some planting then proposed around the edges to try and soften the transition into the woodland. An area of woodland around the built up area is also proposed to be retained for this purpose. The housing in this part of the site will be serviced by a continuation of the above road network to serve the remaining blocks of houses, including a row of ten houses at the southernmost part of the site. An area of landscaping is proposed in the middle of the site which will also contain a children’s play area.
12. In terms of servicing, a pumping station is also proposed (within the central landscaped area) and a series of soakaways for surface water drainage which will be located in the woodland around the site.
13. A new footpath link is proposed from the site across bog woodland to Rowan Place. This will involve crossing undulating land and areas of wetland/ponding. No details of construction have been provided at this stage other than commentary that it will be unlit and of boardwalk construction. A further footpath link is shown from the southern part of the site leading west to join onto the existing core path/forestry track which leads south from Carr Road into the plantation. Other internal footpath connections are proposed across the open spaces and also a link along the Carr Road frontage set back from the road and running through front gardens here to effectively provide an off road footpath. The proposed layout is shown in **Figure 7**.

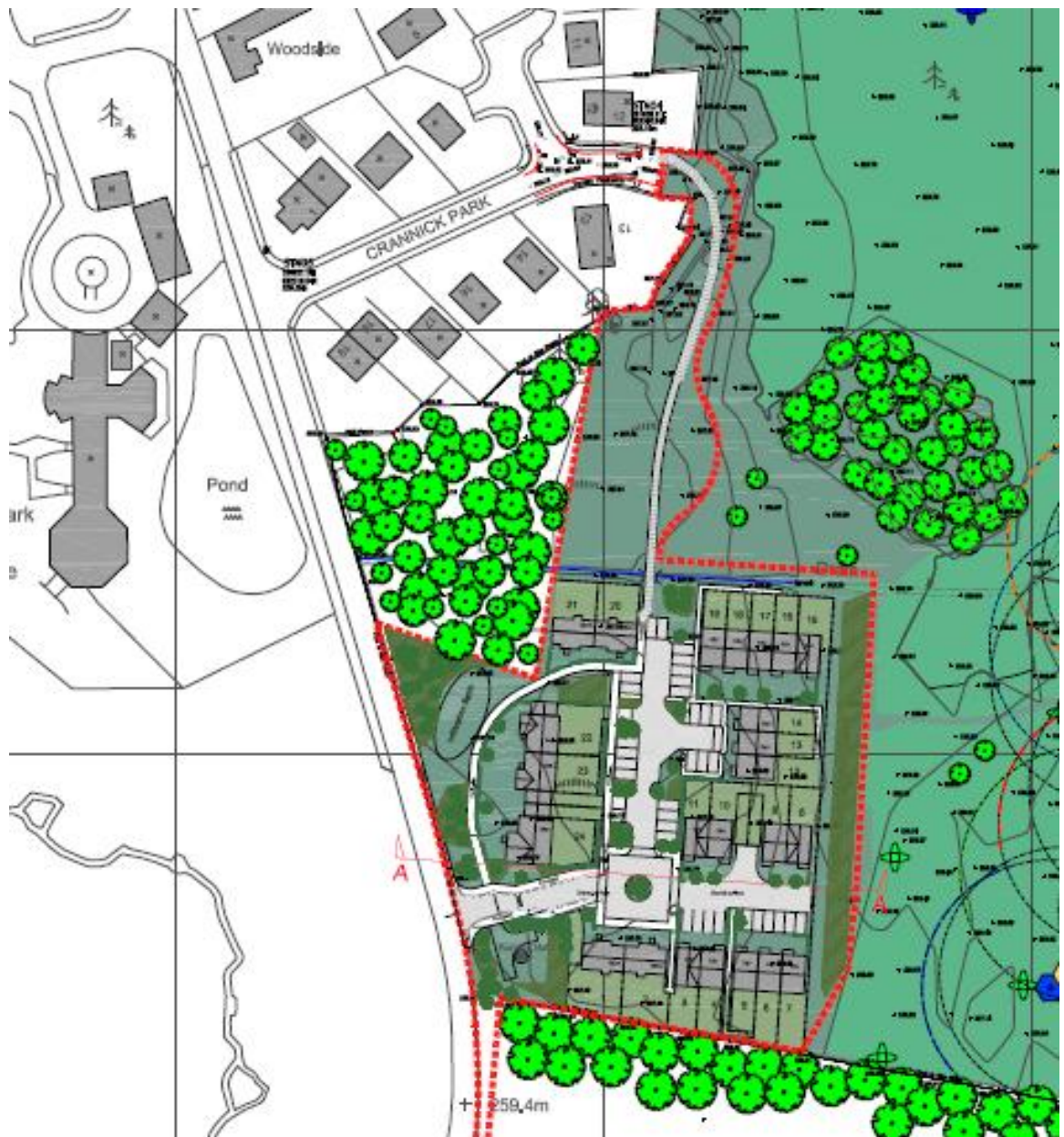


**Figure 7 - Proposed Site Layout Carr Road Private Housing**

14. The proposed layout on the Carr Road site comprises a mixture of house types, all featuring wooden features, tiled roofs and harled walls. These house types are illustrated in **Appendix I(a)**.

Crannich Park Site

15. As noted earlier it is proposed to develop 24 affordable houses on this site to the south of Crannich Park with a new access formed onto the B9153 road. This access will lead into a courtyard type central area with some landscaping and communal parking serving the new houses which will be arranged around this area.
16. An area of landscaping will be formed between the housing and the public road. Footpath links will be provided across this landscaped area to link round the rear of the houses, and also from the site north to Crannich Park across the watercourse which is situated at this end of the site. A “buffer” zone is indicated to the east of the housing to the bog woodland habitat here. Surface water will be drained to a proposed infiltration basin to the west of the housing and a new pumping station is proposed to the south of the access point. This proposed layout is shown in **Figure 9**.



**Figure 9 - Proposed Site Layout Affordable Housing**

17. A mixture of house types is proposed all featuring wooden detailing, tiled roofs and harled walls as shown in **Appendix I(b)**
18. Due to the site size and number of houses (more than 50) this application is classed as a “major” application under the Scottish Government’s hierarchy of development. As such pre-application consultation with the community was undertaken prior to submission of the application and the results of this consultation are contained within a supporting statement which also contains the design and access statement required for major applications.
19. The application was initially supported by a drainage statement and ecology study. No transport assessment was submitted and a variety of additional information was required in order to fully consider the application. This was sought in July 2013, and additional information was submitted in July 2014.

20. This additional information was advertised publicly, consultees re-consulted, neighbours re-notified and additional neighbours at Rowan Park, Carrbridge were notified given that it is now proposed to form a footpath link from the Carr Road site to Rowan Park.

21. The additional material supplied included the following:

Site Management Plan outlining delivery vehicles will be timed to avoid conflict with school opening and closing times. This also outlines that the main construction compound would be sited at the Carr Road site and it sets out proposals for routing of traffic to the site to avoid approaching Carr Road from the east. Also proposals are outlined for the regular cleaning/brushing of the roads serving the construction site.

Photographs of Carr Road to illustrate the existing character and road configuration

Revised Site Layout plans for Carr Road Site which sought to reflect concerns raised regarding lack of green area. The layout is largely unchanged with some minor modifications; the key one being a proposed footpath link from the site to Rowan Park. The positions of squirrel dreys are indicated on plan. A children's play area is shown within the site adjacent to a central planted area with details of the play equipment provided. A system of cellular soakaways is shown throughout the scheme for surface water drainage and a pumping station. The plans indicate for the Carr Road site that where trees are to be felled to facilitate development the road to boundary fringe will be replanted with a suitable tree mix. It is also indicated that a village gateway feature at the Carr Road site (eastern approach) will be designed and located in agreement with roads and community representatives. A number of "build outs" along Carr Road are indicated on plan. Again the design is to be agreed with roads and community representatives. As noted earlier indicative sketches illustrate that these will be of an informal nature to reflect the rural nature and character of Carr Road (**Figure 6** earlier refers) A supporting plan also shows the extent of the intrusion of the development into the woodland (**Figure 3** refers)

Revised Site Layout for Crannich Park Site showing a 5 metre buffer to the wetland to the east, with plot boundaries here shown as being 10 metres from the edge of the site. A SUDS infiltration basin is shown to the west of the proposed new housing, between the housing and the B9153 road. Position of squirrel dreys are indicated on plan, all outwith the site. (**Figure 7** refers).

Site Sections and Visualisations to illustrate how the development may appear.

Landscaping and Maintenance details landscape plans for both sites have been provided to show details of planting

Sustainability Checklist explaining that the proposals have been drawn up to reflect “designing streets” and to group new housing into neighbourhoods of recognisable scale with key landscaping to act as focal points. The checklist also notes that the properties will meet current building standards in terms of energy efficiency.

Drainage Statement together with Drainage Schematic Plan explaining that foul water will be connected to the Scottish Water system with the Agency confirming that there was sufficient capacity to the applicants in 2008. Both sites will require pumping stations. Surface water will be treated by an infiltration basin with the affordable housing site (Crannich Park) and a series of soakaways for the Carr Road site located in open space areas, with discharge by infiltration. Scottish Water will be asked to adopt the soakaways etc and maintenance of the public open spaces will be by a factoring arrangement. It is stated that there are no flooding issues on the sites.

Transport Assessment (TA) covering the transport implications of increased use of Carr Road to serve the Carr Road site. The TA describes this road as being lightly trafficked, lit, rural in nature and varying in width from 4.28 metre to 7.3 metres with limited facilities for pedestrians who share the surface with vehicles, with signs at various points highlighting this shared use. The TA describes how pedestrian access will be provided off road via a new footpath link to Rowan Park and that other alternatives are outwith the applicant’s land control. The TA concludes that the site is well located in terms of accessibility for cyclists, walkers and to public transport services (train and buses) which are within ready reach of the site given its rural location. Surveys of road usage were carried out to establish traffic volumes, usage and speed (250 vehicle movements maximum over 24 hours and average speed 23mph). The conclusion of the TA is that the road network is suitable for the increased use arising from the proposed development and that the continuation of the shared surface usage by all users is appropriate. Measures are proposed to help ensure traffic speeds remain low and to achieve road safety objective. These include introduction of a 20 mph speed limit; raised tables at new junctions into site; road surface treatment to highlight new 20 mph speed limit areas; footpath link to Rowan Park; and traffic calming measures to narrow the carriageway in two locations by providing “build outs.”(Figure 6 refers)

Ecology Report covering botanical, mycology, ornithology, invertebrate and animal studies of the site (including the route of the proposed footpath link to Rowan Park) with red squirrel surveys having been carried out previously in 2012. The Report notes that the current proposals have developed as a result of consideration of the ecological impacts of the original proposals for a connecting road over the wetland area to link the two sites and a larger number of houses. This consideration led to the current design iteration which is considered to reduce the environmental impacts and risks. The report concludes that the impact of the proposed development would not be significant providing further mitigation is included to incorporate moving the development boundary on the Crannich Road site some 10 metres westward

to protect adjacent land and hydrological integrity; undertake pre construction checks and surveys for bats and red squirrels in particular; engage the services of an Ecological Clerk of Works; protect the tooth fungi onsite; ensure no vegetation removal during the bird breeding season unless otherwise agreed with Ecological Clerk of Works; protection of existing hydrological regime in the wetland to the north east of Crannich Park and improvement of hydrological regime to east of Crannich Park by increasing its wetness; prevention of garden waste tipping at Crannich Park and provision for robust site enclosures to reduce “garden creep” and finally ecological enhancement through management of the remaining land in the applicant’s control. The report sets out that it is proposed to transfer the remaining land which is outwith the development site and within the applicants’ control (**Figures 3 and 5** shows this land) to the Woodland Trust or a similar conservation body who could take on enhancement and conservation work such as thinning of woods to create glades, deadwood retention and possible improvements to path network.

Arboricultural Report which considers the characteristics of the various areas of woodland both within and adjacent to the sites and makes recommendations for tree protection during construction, future management and landscaping. The report also includes proposals for improved public access and the need to ensure that drainage from the sites does not impact upon the bogland or woodland. It is recommended that there is no tree planting along the boundary of the proposed new housing at Crannich Park and the bog to the east to ensure that there are no adverse impacts upon the bog land, and that new planting (10 metre wide strip) is undertaken at the exposed woodland edge of the Carr Road site to soften the edge between the cleared site and the woodland beyond and to establish a wind firm edge. A management schedule covering the next five years is included in the report.

The applicants’ agent has also submitted two supporting letters which explain the background to submission of this information and why they consider the additional information has addressed all issues raised by CNPA officers, including the specific comments from the CNPA Landscape Officer. These are attached as **Appendix 2**.

### **Site History**

22. 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. The site at this time included development of land to the west of the Sustrans route that crosses the land together with land to the rear of Rowan Park, as well as the Crannich Park and Carr Road ends of the site. The indicative layout at this time showed the site accessed by a single access point off the B9153 with a distributor road to be constructed leading

eastwards to the Carr Road end of the development. Five plots to the rear of Rowan Park were proposed to be accessed off Rowan Park.

23. Following on from this grant of outline consent, an application for “Approval of Reserved Matters” consent (now known as Matters Specified in Conditions) was submitted in 2005 and called in for determination by the Cairngorms National Park Authority (CNPA) (Reference 05/495/CP). This application was for 117 houses and associated infrastructure and roads. It is the subject of an earlier item on the agenda. It was originally considered at the March 2007 meeting of the CNPA Planning Committee, when it was deferred to enable a site visit to take place and also for further information to be gathered in relation to hydrology, ecology and affordable housing. Additional information was submitted later in 2007 and neighbours were re-notified; consultees re-consulted; and the application re-advertised.
24. That 2005 application was not reported back to Committee until now as during the course of ongoing discussions relating to that case the applicants began work on preparing a new submission which was intended to address concerns and issues raised at that time. During ongoing preparation of a revised application it was agreed to hold the 2005 application pending until such time as a fresh application for full planning permission was submitted. The applicants indicated throughout that if the fresh application (the subject of this current report) was to receive a favourable recommendation then the 2005 application would be withdrawn. Until then they did not wish to withdraw the 2005 application as it was effectively keeping the original outline consent “live.”
25. Associated with the 2005 application, an application was submitted in 2007 (and called in by the CNPA) to amend conditions of the outline consent relating to phasing and to the distance the housing development is set back from the B9153 road to the south of Crannich Park and opposite Landmark. This application was required in order to facilitate changes to the layout contained in the 2005 original submission and again has been held pending awaiting submission and agreement of a fresh application for development here. (reference 07/400/CP)
26. Following on from the ongoing discussions related to submission of a revised application to address concerns raised with the previous applications, the applicants had to comply with the requirements of the new 2009 planning legislation regarding pre-application consultation with the community as due to its size (over 50 houses) and scale the development constituted a “major” application under the terms of the Scottish Government hierarchy.
27. Consequently the applicants carried out pre-application consultation as detailed earlier in this report and attended a major applications meeting held by the Highland Council in May 2011. CNPA officers input to this ongoing process and provided advice which highlighted amongst other issues raised, landscape and amenity issues, the need to provide for development within a wooded setting, provide detail on delivery of affordable housing and for the



future management of land earmarked for handover to the community, and to investigate the options for handover before submission of an application.

## DEVELOPMENT PLAN CONTEXT

### National Policy

28. **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.
29. 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.
30. 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.
31. 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.

- 32. 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.
- 33. 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.
- 34. 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)**

- 35. 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.

36. 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.

37. Policy 2.8 seeks to enhance the design and sense of place in new development and to ensure that 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.
38. 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)**

39. 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)

40. The Cairngorms National Park Local Plan was formally adopted on 29<sup>th</sup> October 2010. The full text can be found at :
- <http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
41. 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.
42. 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.
43. The application site lies within the settlement of Carrbridge as defined in the Local Plan and 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 11**.



**Figure 11 – Extract from Local Plan 2010 Settlement Statement**

44. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
45. *Policy 1 - Natura 2000 Sites:* sets out that any development likely to have a 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 that are no alternative solutions or there are imperative reasons of overriding public interest including those of a social or economic reason.
46. 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.
47. *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.
48. *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.

49. 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.
50. 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.
51. 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.
52. 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.

53. Policy 13 - Mineral and Soil/Earth Resources: sets out that all development must avoid unnecessary disturbance of soils, peat and any associated vegetation.
54. Policy 16 - Design Standards for Development: requires that all proposals are accompanied by a Design Statement that sets out how the requirements in relation to climate change, innovative design reflecting local traditions, materials and landscaping, sustainability, waste management, reducing the need to travel, protection of amenity, design standards and palette of materials have been met.
55. Policy 18 - Developer Contributions: states that development which gives rise to a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, will normally require the developer to make a fair and reasonable contribution in cash or kind towards the additional costs or requirements.
56. 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. This policy 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.
57. 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.
58. 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.

59. 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 the submission of a transport assessment where impacts are considered to be significant. The assessment should cover local transport impacts and construction impacts.
60. 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.
61. Policy 36 - Other Open Space Provision: sets out support for development which improves or adds to public/amenity open space and highlights that development of all housing sites identified in the proposals maps will be required to contribute space or commuted sum towards provision of open space within the site or affected community.
62. 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**

63. 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.*”
64. 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.

65. 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**

66. 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.

Sustainable Design Guide highlights the unique nature and special quality of the Cairngorms National Park and the consequent desire to conserve and enhance this distinctive character. It requires the submission of a Sustainable Design Statement with planning applications to demonstrate how standards set out in the Sustainable Design Checklist will be achieved.

One of the key sustainable design principles referred to in the document is that “*future development in the Park should be sensitively located, reflect existing development pattern and setting, and respect the natural and cultural heritage of the Park.*” Developments are also required to reflect traditional materials and workmanship, and take on board innovation, contemporary design and the emergence of modern methods of construction. The Sustainable Design Guide is realistic in recognising that new developments do not need to be copies of past styles in order to fit into the National Park. It does however advise that “standard off-the-shelf house designs” will increasingly erode the unique characteristics for which the Park is renowned.

Natural Heritage sets out how the natural heritage of the National Park will be taken into account when considering development proposals. The following is an extract from the Natural Heritage Supplementary Planning Guidance which sets out the six key principles used to assess planning applications in relation to natural heritage:

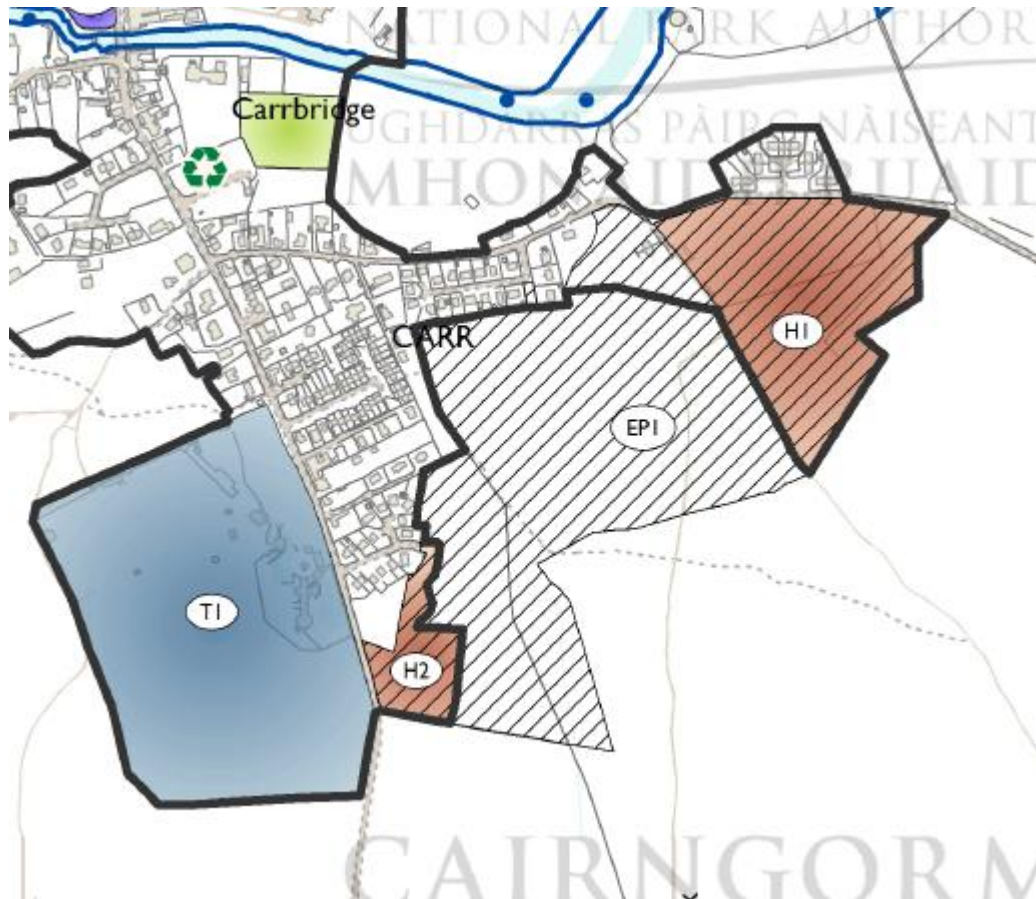
- a) Principle 1 – development should result in no net loss of natural heritage interest of the Cairngorms National Park. This includes natural heritage interest which may be outside the boundaries of the development site;
  - b) Principle 2 – in any situation where loss of, or damage to, natural heritage interest is unavoidable then the loss of damage will always be minimised as far as possible;
  - c) Principle 3 – if the loss or damage to the natural heritage is unavoidable then it will be fully mitigated on the development site;
  - d) Principle 4 – if full mitigation is not possible on site then it should be completed with a combination of on-site mitigation and off -site compensation;
  - e) Principle 5 - where full mitigation or compensation measures are not possible, financial compensation will be required. This will be used to benefit natural heritage within the National Park;
  - f) Principle 6 - Calculation of compensation will take into account the quality of outcomes over time.
67. Reference is also made to the need for applicants to provide natural heritage information. The required details include a description of the natural heritage on the site, and possibly in the surrounding area, including its significance and value. An assessment on any effect on the natural heritage is also required. If adverse effects are found within the assessment it will then be necessary to provide details of mitigation and compensation measures.
68. Affordable Housing defines affordable housing as 'housing of a reasonable quality that is affordable to people on modest incomes'. It provides guidance about how proposals for affordable housing will be assessed and explains the system of financial contributions and off-site contributions. Furthermore, it states that all applications for full planning permission must be accompanied by details of the number of affordable units, how this has been calculated, and details of who will provide the affordable housing units.
69. Water Resources 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)**

70. 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 a Board Meeting on 27 March 2015. The Proposed LDP (as modified) is therefore a material consideration and carries significant weight in planning

decisions though it does not replace the adopted Local Plan until it is formally adopted.

71. 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 3.1 Sustainable Design
  - (c) Policy 4.1 International and National Designations
  - (d) Policy 4.2 National Designations
  - (e) Policy 4.3 Other important natural and earth heritage sites and interests
  - (f) Policy 4.4 Protected Species
  - (g) Policy 4.5 Other Biodiversity
  - (h) 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
  - (i) Policy 5 Landscape
  - (j) 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
  - (k) Policy 10.2 Flooding
  - (l) Policy 10.3 Connection to Sewerage
  - (m) Policy 10.6 Carbon sinks and stores
  - (n) Policy 12.11 Developer Contributions
72. 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 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.
73. 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 12**



**Figure 12 – Extract from Proposed Local Development Plan**

74. 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”
75. 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.”
76. The accompanying settlement statement sets 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)**

77. 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 are 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.
78. 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. The 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.
79. 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 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.

80. The Appropriate Assessment was the subject of consultation with SNH and the RSPB and it concluded that there will be no adverse effect 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
  - (5) The full HRA document has been included as **Appendix 3**.

## CONSULTATIONS

81. **Royal Society for Protection of Birds (RSPB)** originally raised concern regarding the impacts upon capercaillie as a result of recreational disturbance, which they considered had not been assessed in the submission, including disturbance from residents of the new development and from the displacement of people who currently use the woods into other woodland and SPAs supporting capercaillie. They highlight the need for the CNPA to undertake a Habitats Regulations Assessment and request the opportunity to be **heard** at Committee.
82. In response to the additional information they note that the Ecology and Conservation Report stated that there are no capercaillie signs either within or around a 500 metre buffer zone. However recent evidence shows that capercaillie has used this area, and the information can be made available to the developer. There is no mention of mitigation measures and accordingly the RSPB objects to the application. *Note: the RSPB have input to the Habitats Regulations Assessment carried out by the CNPA*

83. **Scottish Environment Protection Agency (SEPA)** has objected to the application on the grounds of lack of information relating to groundwater dependent terrestrial ecosystems (GWDTE), development on peat and surface water drainage. If their objections are addressed then they recommend a range of planning conditions to be attached to any consent granted. The Agency has also highlighted the need for the CNPA to consider whether, in the event of proposing to grant planning permission contrary to SEPA's advice on flood risk, the application would require to be referred to Scottish Ministers under the Notification of Applications Direction 2009. *(Note: This direction sets out that where a Government Agency objects to a planning application the application will require to be notified to Scottish Ministers in cases where the Planning Authority proposes to grant permission – a specific category relates to “Flooding - development which has been the subject of consultation with the Scottish Environment Protection Agency ( SEPA) under article 15(1)(h)(i) of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 where SEPA has advised against the granting of planning permission or has recommended conditions which the planning authority does not propose to attach to the planning permission.”)*
84. The basis for SEPA's objection relates to the following points:
- (1) The submitted Ecology and Nature Conservation report has demonstrated that there are large areas of ground waters dependent terrestrial ecosystems in the area of the development at the Crannich Park site, some of which are highly groundwater dependent. Development, including garden ground, should avoid such areas and especially should not occur in areas of wetland which have a direct point connection to groundwater. It is not clear from the submission if the development does avoid such areas especially with regard to garden ground. In addition, a buffer zone may be required between garden ground and such habitats which may necessitate a modification to the layout. The Agency have requested further hydrology information which would be necessary to fully consider this aspect of the proposal.
  - (2) A site specific hydrology survey is required in order to assess the acceptability of the proposed development, layout and mitigation. The Agency have set out the minimum requirements of such a survey which includes requirements to consider off-site compensation for the loss of any groundwater dependent terrestrial ecosystems and demonstrating that the ground water will be protected. In addition, a study should consider the impacts of the proposed new footpath from Carr Road to Rowan Park, which crosses a groundwater dependent terrestrial ecosystem and the need to ensure that hydrological connectivity is maintained. SEPA have highlighted that the applicants' Ecology and Nature Conservation Report has also noted the need for advice to be taken from a qualified hydrologist to ensure the status quo at the wetlands is maintained and enhanced as appropriate

- (3) Further information is required in respect of impacts on peatland and reuse of excavated peat in the form of a peat management plan. Although mention is made in supporting reports of peat deposits (around 2- 3 metres deep), the specific location and depth of peat is unclear and the Agency are therefore unable to assess the impacts upon peatland or advise on issues relating to re-use or disposal of peat. They further highlight that Scottish Government guidance is clear that surveys should be submitted as part of the planning application process. SEPA go on to detail the level of information required
  - (4) The proposed surface water drainage arrangements are inadequate with no percolation test results included to demonstrate that the site conditions are suitable for infiltration. In addition only one level of treatment appears to be proposed. Two levels of treatment would be required. Further advice on level of information required is provided
  - (5) SEPA have considered hydrology studies submitted in 2005 and 2007 which concluded that no development at the Crannich Park site should be undertaken below the 256.5metre AOD level which allowed for the 1 in 200 year return period flood event from the unnamed watercourse – this level lay above that of the adjacent wetland where the estimated maximum level was 256.2metre AOD. From comparing the layout plan and the topographic survey contained within the Drainage Statement this illustrates that the house on plot 15 may lie slightly below the estimated 1 in 200 year flood level. SEPA therefore object unless a condition is attached to ensure **all** development is situated on ground which is at an existing level of at least 256.5 metres AOD. ( This would include any ground re profiling) This requirement may result in a modification to the site layout and SEPA recommend that the Planning Authority considers whether this modification can be achieved before granting planning consent. The Agency also highlight that should further modification be required, flood risk must be fully considered to ensure all development is outwith the 1 in 200 flood plain. Further details of the construction of the proposed bridge crossing to ensure there is no obstruction to the 1 in 200 year flow and construction will be required too.
85. The Agency has also noted with regard to drainage of foul effluent to the public system that the current Carrbridge sewage treatment works are compliant with its consent, the new standards came into force at the end of 2013 and SEPA are not aware of any concerns regarding this stretch of watercourse. Scottish Water should be consulted to confirm that there is capacity at the sewage treatment works for this new development and if upgrades are necessary these should be in place before any occupation.
86. **Scottish Natural Heritage (SNH)** advised that the proposed development was likely to have a significant effect on capercaillie in four nearby Special Protection Areas and on freshwater pearl mussels in the River Spey Special Area of Conservation. In their responses SNH also summarised the history of the site and highlighted that since the previous applications were considered, other work at Boat of Garten has shown that



there is more impact on capercaillie from recreational disturbance than previously appreciated and this has now been taken into account.

87. Accordingly they advised that the CNPA is required to undertake an Appropriate Assessment of the impacts and provided information to assist in this assessment. In this regard SNH carried out an appraisal of the likely impacts upon natural heritage interests and concluded that the development could be progressed with mitigation measures and highlighting that they would object if the development is not made subject to the mitigation measures. Recommended mitigation measures are as follows:
- (a) Preparation of recreation management plan
  - (b) No development to commence until it has been demonstrated that there is sufficient capacity in the local waste water treatment works to remove pollutants to a level where there will be no adverse affects on freshwater pearl mussels
88. In response to re consultation on the additional information provided they advise that their previous comments still stand. (*Note: These issues are covered in the Habitats Regulations Assessment which SNH was consulted on*)
89. **Scottish Water** have no objections to the application and have now noted that this does not however guarantee a connection to their infrastructure – the applicants will require to make a separate application to the Agency if consent is granted. They further note that the proposal for an infiltration type SUDS scheme does not comply with their specification so they would wish it to be revised to a detention type basin with outflow to watercourse.
90. **Highland Council Flood Prevention Team** had no objection subject to conditions being applied to ensure that (a) any proposed culverts are designed to accommodate the 1 in 200 year flows plus an allowance for climate change. Details of sizing should be forwarded for approval prior to construction commencing and (b) no development to take place within 6m of the top of bank any land drains or watercourses within the vicinity of the site, in order to allow access for maintenance and assessment, to aid water and ecological quality and to ensure bank stability. For the avoidance of doubt, boundary walls/fences should be erected outwith this buffer strip and this should be reflected in the plans. These comments remained unchanged following consideration of the additional information supplied.
- On checking the implications of point (b) with the Flood Prevention Team it became apparent that this would necessitate a change to the layout at the Crannich Park, as the current layout lies just over 1 metre from the ditch/watercourse which crosses to the north.
91. **The Highland Council Forestry Officer** originally noted that the loss of trees at the Carr Road site is contrary to the Scottish Government's control of woodland removal policy, with no professional assessment provided of the trees or the impact upon retained trees. The Officer has highlighted that the felling would expose approximately 450 metres of non firm woodland

edge around the site thus increasing risk of wind throw, and also highlighted the need for a greater separation distance between retained trees and development (at least 20 metres) The Officer concludes this development does not co-exist with woodland, it is at the expense of woodland, with no integration between the development and the woodland and limited compensatory planting proposed. Given the edge of settlement location lower density housing with greater proportion of landscaping is recommended.

92. In relation to the Crannich Park site the Officer is concerned that there is again no professional assessment of trees or the impact of development upon existing with inadequate separation (10 metres) between the trees to the south and the development site
93. The Officer's response to re-consultation on the additional information is awaited at the time of writing.
94. **The Highland Council Housing Service** was consulted and initially advised verbally that the affordable housing proposals were identified as a possible "slippage" project should funds become available – for 15 affordable units (10 social rented and 5 shared equity). They have now advised the CNPA Housing Officer that there is a requirement for affordable housing within Carrbridge both from rent and low cost home ownership. Highland Council have been in discussion with the applicants on the basis that there would be a 25% affordable element within the overall development, more recently within the southern part of the site and the site remains in their funded programme.
95. **The Highland Council Roads Service** advises that the initial submission was deficient in terms of impacts upon Carr Road in particular. They set out the need to provide a Transport Assessment and Road Safety Audit with full details of any traffic calming measures provided. They also requested more detailed plans, detailed information on flooding and drainage and highlighted the need for the roadside footway at the Crannich Park junction to be extended to the new site access point.
96. In response to the additional information provided, which included a Transport Assessment, they have set out a range of detailed points that require to be addressed including requirements for full details of all roads layouts, footpath links, provision of bus stops and shelters close to the affordable housing site, new enlarged bus shelter at public car park, and a financial contribution towards the provision of enhanced local bus service.
97. Some concern is expressed regarding the layout of the affordable housing site and that the Transport Assessment did not consider impacts arising from the Crannich Park site. They have also noted in respect of SUDS arrangements that a fully detailed scheme and flood routing exercise will be required along with confirmation that Scottish Water will adopt the scheme.

98. In respect of the proposed footpath link from Carr Road to Rowan Park roads, Officers advise that this should be constructed to adoptable standards, suitable for all conditions with appropriate street lighting and positive drainage as required. It is also recommended that the existing footpath linking the west end of Rowan Park to Carr Road is enhanced and upgraded. They also welcome provision of the remote path between the western vehicular access point and the Carr Cottages access track ( just south of Carr Road) However, given the character of Carr Road beyond this point, in the interests of safety they recommend that a roadside footway be provided between the access track and the boundary of Lag an Ath. They advise that it should be possible to reduce the width of the main road carriageway over this length as necessary to facilitate provision of a 2 metres wide footway.
99. Otherwise they generally accept the findings of the Transport Assessment relative to Carr Road noting that it has been demonstrated in principle, and subject to introduction of suitable mitigation, including a 20 mph speed limit and that it should be possible to safely accommodate the additional vehicular and pedestrian traffic. They have expressed disappointment that the TA has concluded that a footpath link from Carr Road site to the primary school is not feasible.
100. They have concluded that there is no objection to the principle of the development subject to further information and/or clarification to satisfactorily address the various points raised.
101. **The Highland Council Waste Management Service and Education Service** was consulted and has not provided any comments to date.
102. **Aberdeenshire Council Planning Gain Team** undertook an assessment of the impact of the proposed development upon local services and amenities. This concluded that developer contributions towards community facilities (village hall); strategic landscaping and open space ( ancillary recreation provision and playing fields); and recycling facilities and dog fouling bins as well as the affordable housing provision of 24 units already identified in the application proposals. It is understood that the developers are generally agreeable to this approach.
103. **CNPA Access Officer** advised that, overall residents should have opportunities for recreation within a very short distance from where they live. The on-going capacity of Carr Plantation to provide short walks (as is the case at present) is critical to alleviate any extra pressure that might otherwise build on further away and more sensitive sites like Docharn, especially if access is curtailed immediately to the south and east of the development. Consequently the Officer advised that a new crossing over the bog wood area be developed to link the existing track adjacent to the Carr Road development and the informal paths next to Ellanwood Road. A link path should also be constructed between Crannich Park and the southern development site. This would significantly increase the capacity for access near the development and support the management of access away from the

sensitive site. The officer also recommended that provision for cycle storage be made at the affordable housing site at Crannich Park.

104. In response to the additional information provided, the Officer notes that the plans indicate good linkages onto the nearby promoted path networks although further detail on the construction of the paths to Rowan Park and Crannich Park. They would expect the paths to be at least 1.2 metres wide with whin dust bound surface, with all attempts made to choose a line which minimises gradients to make the paths as accessible as possible and maintenance arrangements included in any factoring fees.
105. **CNPA Ecology Officer** commented on the original submission, highlighting the need for considerable further information relating to ecology, habitat and vegetation surveys including surveys for/further information on breeding bird surveys, invertebrates, European Protected species, badgers and fungi as well as mitigation information. All of this information was necessary in order to assess the impact of the development at both construction and operational stages.
106. In response to the additional material provided (in terms of the Ecology and Nature Conservation Report) the Officer has highlighted conditions to be applied in the event of consent being granted and the need for an Ecological Enhancement Plan to cover, amongst other matters:
- (a) A reduction in the size of garden areas on the southern boundary of the Crannich Park site in order to provide a protective buffer zone from adjacent woodland
  - (b) Provision of wildflower meadow to replace loss of grassland habitat at Carr Road - which could potentially be incorporated in the green space provision identified on the layout plans
  - (c) Compensatory planting (on 3 to 1 basis) or management of wider area to provide greater biodiversity planting in order to compensate for trees lost through development taking place.
  - (d) Information on the micro siting of the proposed footpath from Rowan Park to the Carr Road site to ensure protection of areas containing hydnellum fungi also required along with a number of pre construction surveys.
107. Further public representations were received in respect of ecology issues, following the re-advertisement of additional material. These highlighted the presence of a number of species which the applicants' ecology surveys had not identified (orchids, fungi and field gentian) The Ecology Officer considers that this highlights the need for further survey work so that the impact and any necessary mitigation can be assessed. The Officer has also highlighted that surveys of the boys brigade building for bat roosts and any mature trees identified for removal are required before the application is approved given that bats are a European Protected Species. A species protection plan for wood ants is also required at this stage. This information along with compensatory plans as highlighted in the above paragraph is required in order to assess compliance with policy.

108. **CNPA Economic Development Manager** highlighted the need to promote home working and broadband connections and welcomed the provision of affordable housing to help retain young families in the area, which is essential to continued sustainability of a small village such as Carrbridge. The development is also considered to offer the opportunity for a positive impact upon the local construction industry and benefits to local employers through addressing the shortage of appropriate affordable housing in the area.
109. **CNPA Housing Officer** has highlighted that there is no explanation or justification of the approach to affordable housing provided ( e.g. type of units , why site is split from mainstream housing, delivery mechanism)
110. **CNPA Landscape Officer** commented on the original proposals for both development sites as follows:
111. Crannich Park Site:
- (1) The site is low lying, slightly higher in the middle than at the edges (where the ground is poorly drained and water logged) with some trees close to the boundary
  - (2) The wider open pine woodland within which this site is located is important to local landscape character, experience and landscape setting of the village (as referred to in the 2005 Carrbridge Landscape Capacity for Housing Study)
  - (3) The existing settlement pattern on this approach to Carrbridge is characterised by Victorian cottages and villas along the roadside, Landmark centre and more recent cul de sacs of around 10-20 units with a significant number of pine trees retained which as they have matured gives the feeling of being in clearings or at the woodland edge.
  - (4) Substantial modifications to ground levels will be required which, together with visibility splay provision, is likely to have repercussions for off-site drainage and vegetation and for future landscaping with the site
  - (5) Pedestrian use requires to be planned for
  - (6) Proposed layout is a compact footprint with little internal planting, reading as a small estate rather than as part of the village.
  - (7) The officer concluded that whilst there was capacity for 24 houses here there was insufficient information that the detail will achieve the objective of integrating the development into the landscape. The officer provided a list of issues to be addressed including need to incorporate some structural planting and further detail on landscaping proposals, management, tree protection and footpath links
112. With regard to the additional information submitted, the Officer considers that the revised landscape plan showing wooded areas and garden hedges generally reflects the wooded approaches to the village and in time the planting will provide an entrance which does not impact severely upon the sense of arrival. It is considered that the additional material has demonstrated that the development in landscape terms could complement

the landscape as required by the original comments made. Care will be required in respect of lighting, signage and urban detailing. Some recommendations are made for more pine planting and use of transplants/whips rather than feathered trees with. Further information is still required on ground works and drainage and a long term landscape maintenance and management plan.

113. Carr Road Site:

- (1) The site is located within open pasture and pine plantation woodland and is generally level
- (2) This woodland around Carrbridge provides a well established, consistent backdrop wrapping around the settlement and giving the village a coherence (as referred to in Carrbridge Landscape Capacity for Housing Study 2005). The development is therefore important in terms of its contribution to the local landscape character and setting of the village
- (3) Substantial felling and ground works will be required and this may have an adverse effect upon retained trees around the site. Pedestrian use of woodlands will also require to be planned for.
- (4) Existing settlement on this approach to Carrbridge is characterised by grass verges, eclectic variety of fencing behind which sit Victorian cottages, 20<sup>th</sup> century bungalows and more recent infill developments with the pervading character being of a well treed quiet country road
- (5) The new development will have an impact upon the sense of arrival into Carrbridge with a sharp urban/rural transition experienced at both west and east ends of the development. Whilst development here will help balance the Carr Place development opposite the level of new access provision will generate a suburban character as could any works to Carr Road
- (6) Proposed development is removed from the main settlement and has a condensed settlement form. It would increase the size of the village by around one third
- (7) Measures to enhance landscaping along Carr Road and within the development could assist in reducing the apparent scale,
- (8) to achieve this a redistribution of open space, provision of substantial internal structural planting and retention of trees, and possible loss of some plots would be necessary in order to create a sense of place within the development

114. The Officer concludes that whilst there is scope for substantial housing development on this edge of Carrbridge, there is insufficient information with this submission to ensure that the development will integrate into the landscape. The officer provided a list of issues to be addressed including need to amend layout to reduce combined impact of multiple accesses along Carr Road, and include strong structure of tree planting/landscape corridor along northern edge of site; detail of works along Carr Road which should reflect its rural character; revised layout plan and landscape proposals for whole site to include several sizeable areas of structural tree planting and at least one area of retained trees; plus further detail on landscaping proposals, management, tree protection and footpath links.

115. With regard to the additional information submitted the Officer does not consider that this fully addressed the various points raised previously. Key points made are that, although some hedging is shown along the Carr Road frontage which will help reduce the suburban feel, there is lack of detailed information on the works along Carr Road and still a large number of access points onto Carr Road.
116. Whilst the retained trees on either side of the site and the two areas of proposed birch/pine screen planting will help give a wooded backdrop, the arrangement of housing on the part of the site containing plots 50 -72 (southern part of Carr Road site) creates a hemmed in feel. This part of the layout should be revised to include more internal planting and less dense arrangement of housing to better reflect the spacious and well treed character at the edge of the settlement elsewhere.
117. Other points are raised for resolution relating to detail of SUDS provision, walking provision within the site, use of central area for children play rather than planting with trees and need for fully detailed landscape plan and management /maintenance details.
118. **Carrbridge Community Council** objected to the original submission and requested the opportunity to **address** the Committee. The Community Council arranged a drop in meeting in order to elicit the community views, and this was attended by over 90 people. In addition residents approached individual community councillors and their comments have been distilled into the Community Council response.
119. The key points made are as follows:
- (1) It is accepted that new development is needed but size is considered to be out of proportion
  - (2) Affordable housing should be spread throughout the development not “tucked away”
  - (3) Major concern of most residents relates to use of Carr Road for access – at both construction and operational stage. Concerns regarding conflict with other users, particularly children and inadequacy of road for increased traffic
  - (4) Concerns regarding integrity of environmental reports which does not adequately assess the special nature of both fields which are proposed for development nor adequately consider the wide variety of species and habitats which will be affected
  - (5) Concerns regarding ongoing building on site for many years as proposal is to build according to demand
120. Their views remain unchanged by the submission of additional information and they remain concerned regarding roads issues not just with Carr Road, but Crannich Park too. They also highlight the Directorate of Planning and Environmental Appeal Reporter’s recommendation to reduce number of houses to be built and exclusion of woodland querying how this will impact

on the current planning process. A copy of their comments on both the original submission and additional information are attached as **Appendix 4 (a) and (b)**

## REPRESENTATIONS

121. When the application was first submitted in April 2013 a total of 167 representations (around 60 of these were in the form of pro-forma letters) were received which are attached as **Appendix 5(a)**. These raised the following concerns. The majority of writers raise concern regarding the suitability of the roads network.
- a) Carr Road is unsuitable for increased use in road safety and visual terms. At present it is a rural road where vehicle and pedestrian use can safely co exist (used as safer route to school). There are no footpaths and a poor junction onto main road.
  - b) No traffic assessment has been submitted to fully consider suitability of Carr Road which was previously considered to be unsuitable to serve more housing with previous applications
  - c) Proposed footpath routes not safe for children
  - d) No phasing plan – ongoing disturbance and road safety impacts for residents as construction proceeds
  - e) Developments will be accessed off roads which are recognised as Sustrans cycle routes raising safety issues as a result of increased traffic
  - f) Improvements to Carr Road would destroy its attractive rural character
  - g) Footpath should be provided alongside public road to Crannich Park site
  - h) Size and layout of development out of character with village, increasing the size of the village by around one third
  - i) Density too high, plots too small with character of houses urban
  - j) Land at Crannich Park too wet for development
  - k) Amount of private housing may result in it being used as second homes to the detriment of the village – or as commuter accommodation as no employment opportunities in village for new residents.
    - l) Existing amenities and facilities of village (including sewage treatment works) cannot cope with scale of development
  - m) Ecological studies do not take into account full impacts upon wider habitats and species including impacts as a result of increased dog ownership and recreational use of woods in area
  - n) Contrary to Local Plan as development intrudes onto land designated for environmental safeguarding - not all land at Crannich Park is designated for housing
  - o) Loss of important flow rich meadows and pine woodland will adversely affect special qualities of National Park
  - p) Thorough hydrological survey is required
  - q) Contrary to policies of National Park Partnership Plan and aims of the National Park
  - r) Cumulative impacts with other proposed developments in Park



- s) List of important species found on site provided which have not been surveyed for
  - t) Impacts upon Special Protection Areas in vicinity and capercaillie
  - u) Inadequate ecological surveys
  - v) Proposed development will have an adverse effect upon adjacent ancient woodland due to proximity, light pollution – recommend buffer zone of natural vegetation between new development and woodland is provided.
  - w) Environmental Impact Assessment should have been undertaken
  - x) Affordable housing for sale in the area is available along with sites which could be redeveloped (e.g. Struan House Hotel) - no need for this scale of new development
  - y) Affordable housing should be located at Carr Road site beside previous Council housing ( Other writers raise concern regarding the social acceptability of grouping affordable housing in single location on wider site)
  - z) Loss of Boys Brigade field
122. The applicants' agent requested the opportunity to **address** the Committee, as have two consultees (Carrbridge Community Council and the Royal Society for the Protection of Birds) and a total of seven objectors.
123. Following submission of additional information in 2014 the application was re-advertised and a further 40 representations were received which are attached as **Appendix 5(b)** These raise the following key concerns:
- (1) No proper consideration of alternative route for children to school, noting that path to Rowan Park will be unsuitable for children if not lit.
  - (2) Not all areas in ecology report have been surveyed nor has the report considered the impact upon fresh water mussels as a result of increased detergents in the river system, nor have its mitigation measures been reflected in the site layout.
  - (3) Inadequate surveys which do not take consideration of all species and habitats in area ( detailed information on deficiencies provided)
  - (4) Concern regarding loss of boys brigade field with suggestion that Boys Brigade move into the woods raising further environmental issues
  - (5) Proposals to mitigate impacts should be reflected now in revised design and layout
  - (6) DPEA reporter has now recommended reduction in number of houses and exclusion of woodland and this requires to be considered
  - (7) Lack of play area provision and unsuitable surfaces
  - (8) Pavement along Crannich Park frontage is required
  - (9) Consultation period should be extended to take account of Capercaillie Framework work
  - (10) Applicant has misrepresented the impact upon schools
  - (11) Importance of bog habitat not fully considered with footpath crossing it
  - (12) Cumulative impacts with other developments not fully considered
  - (13) Phasing should be more strictly controlled with no building taking place until evidence of sales

- (14) Inadequate sewage and ground water provision at present – this will be aggravated
  - (15) Mitigation measures proposed for Carr Road are out of character to rural nature
  - (16) Transport Assessment inadequate
124. Finally, a query regarding the applicants' legal right to take pedestrian access via Rowan Park was submitted after the expiry of the representation period. This was passed onto the applicants' agent given that it raised legal issues which could affect the validity of the application. In response to this point the applicants' agent advised that they would look into this matter, highlighting that the title deed information provided by the inquirer illustrates that there is space to take pedestrian access outwith the inquirer's landholding with the route well established by public use at present. The agent considers that this matter could be addressed by planning conditions and has not come back with any further comments on the legal position.

## APPRAISAL

### Principle

125. The principle of development generally complies with the current adopted 2010 Local Plan where the majority of the application site is designated for housing development. There is, however, an area of land in the south west corner of the site (to the immediate south of Crannich Park) where the proposed housing layout intrudes into an area designated as "Env" in the Carrbridge settlement plan. In this regard the settlement statement sets out that a number of open spaces and land that contribute to the setting of Carrbridge will be protected from development. Accordingly the development does not wholly comply with the adopted Local Plan designation.
126. This particular point was amended in the Proposed Local Development Plan (LDP) where the boundaries at the Crannich Park end of the site were drawn to accord with this current application which had been submitted by the time the LDP was being drawn up. Set against this overall background, the *principle* of housing may be generally acceptable as a technical departure from the adopted Local Plan if the overall impacts of the Crannich Park end of the site were not considered to have an adverse impact upon the environmental designation overall. This particular aspect will be considered later in the report.
127. In respect of the Proposed Local Development Plan, as outlined in the planning policy section earlier, Scottish Ministers have now directed the CNPA to modify the Plan to the housing allocation originally proposed by the CNPA at Carrbridge. This accords with the boundaries of the current application whereby there is no allocation conflict with the Local Development Plan, which is at present of considerable weight in decision making.

128. The detail of the application is also required to fully comply with all Local Plan policies relating to layout, design, servicing, landscaping, ecology, affordable housing and developer contributions etc all as set out in the policy section of the report and these matters along with any other material considerations will now be considered. In this regard, as noted earlier, the policies of the Proposed Local Development Plan (as modified) are a material consideration and these policies are largely similar to those of the Local Plan.

### **Landscape and Visual Impacts**

129. Local Plan Policy 6 Landscape presumes against new development which does not complement and enhance the landscape character of the National Park and in particular landscape setting. This is reinforced in Policy 16 Design Standards for New Development which seeks to ensure that all new development reflects and reinforces the traditional pattern and character of the surrounding area and create environments which can be enjoyed by everyone, and again by Policy 20 Housing Development within Settlements which requires new proposals to again reinforce and enhance the character of the settlement. It is therefore clear that policy requires all new development to enhance and complement both the National Park and the character of the settlement itself, using landscaping to complement the setting. These requirements are echoed in the Proposed Local Development Plan Policies 1.1, 3.1 and 5.
130. In this regard the character of Carrbridge is set by the woodland setting with housing development currently set within this woodland to create a very attractive setting and village. Complementing and enhancing this character has been the core objective when considering new development at Carrbridge and this could be achieved by a suitably laid out housing development which enabled wooded and green areas to come through the new development and respect the transition from development to woodland. This is particularly important given the edge of settlement location of the site. Advice on the need to achieve this was provided at both the pre-application and application stage, it being considered that the originally submitted layout failed to achieve these objectives.
131. As noted earlier revised layouts and additional information was submitted in July 2014 along with a response provided from the applicants' agents to the points made by our Landscape Officer (**Appendix 2** refers). However, no meaningful changes were made to the layout of the proposed development on the Carr Road site to take on board comments made regarding the need to ensure sufficient landscaping within the site to reflect the character of the area. In particular the southern part of this site remains dense and suburban in appearance with plot layout largely unchanged. Plots 54 to 63 in particular appear as a suburban row of new housing, with distances between houses being only 3 metres in some cases and little intervening landscaping to create the effect of a "forest village" which characterises much of Carrbridge.
132. The Crannich Park site is located to the south of an existing pattern of new development and an effort has been made to provide some landscaping

between the new housing and the public road (B9153) and some street planting within the development. However some concern, as expressed by the Highland Council Forestry Officer, remains that the housing may compromise the future viability of woodland to the south. There are issues raised by other technical consultees regarding the need to ensure gardens are set back from the watercourse to the north of the site and concerns from the Ecology Officer regarding proximity of gardens to woodland to the south. The result of this is that the Crannich Park garden layouts would need to be re-visited with subsequent impacts on the housing layout which would be of concern if this led to increased density and less open space.

133. With regard to the wider landscape setting, as noted previously, the applicant controls the intervening land between the two distinct housing sites and this could provide an opportunity to consider landscape mitigation measures and also improved management and maintenance of this area which is of considerable recreational, amenity and landscape importance to the village. However, there is no detail on future proposals for this land. Whilst the various supporting information supplied by the applicants makes reference to future management of this area, which is welcomed, there are no firm proposals for its future use or indication that any party is prepared to take on this land, or an indication of how it will be managed and made available for public use if no external party does take it on. Nor are there firm proposals for compensatory planting relative to the loss of trees arising from the proposed development. Whilst this could potentially be addressed through developing a Section 75 legal agreement and planning conditions, at this stage (and given that this has been previously raised as an issue to be resolved) more certainty would be required to take such an approach forward.
134. In addition, whilst a reduction in the number of plots or re-design of the overall layout, could potentially address layout concerns, coupled with provision of more landscaping and information on mitigation/ future management, it is necessary to determine the application on the basis of the package of information submitted. In these terms it is considered that the development does not comply with the requirements of Local Plan Policies 6, 16 and 20 and Proposed Local Development Plan Policies 1.1, 3.1 and 5.
135. In terms of design of the houses, there is a reasonable variety of house types proposed and it is considered overall that the house types are satisfactory in relation to the character of Carrbridge which is already set by a wide variety of housing styles. However it is the configuration of the houses within their proposed setting, or lack of setting in some parts of the proposed development, that fails to comply with policy and reflect the character and qualities of the village; all as described earlier.

### Environmental Impacts - Ecology

136. Local Plan Policies 1 Natura 2000 Sites; 2 National Natural Heritage Designations; 3 Other Important Natural and Earth Heritage Interests; 4 Protected Species; and 5 Biodiversity all seek to ensure that there are no adverse effects upon these interests. This is also reflected in Proposed Local Development Plan Policies 4.1, 4.2 4.3, 4.4, 4.5 and 4.6.
137. The application site is of considerable environmental interest and importance in terms of the habitat qualities of the grazing field at Carr Road, the woodland to the rear (Carr Plantation) and the intervening bog woodland which leads from Carr Road to the Crannich Park site as well as any impacts from the development upon the qualities of the Special Protection Areas (SPAs) in the area which are designated for their capercaillie interest, and also the River Spey Special Area of Conservation.
138. The Habitats Regulations Assessment undertaken by the CNPA (**Appendix 3** refers) has demonstrated that, subject to appropriate mitigation, there should not be an adverse impact upon Natura sites. This is however subject to detailed mitigation and the details of this would require be agreed. These relate principally to suitable SUDS schemes and recreation management plans both of which will be considered in more detail later in this report, as well as ensuring there is sufficient capacity within the public sewage treatment network to treat effluent to the required standards. If there is an indication that the mitigation cannot be implemented the development would not comply with policy on Natura sites. Hence it is important to establish now that the SUDS scheme is acceptable in principle and similarly that recreation management can be delivered.
139. In relation to European Protected Species, bat surveys of the Boys Brigade building and any mature trees identified for removal remain outstanding and are required before any consent could be granted.
140. In relation to other biodiversity interests a species protection plan for wood ants, together with surveys of orchids, fungi and field gentian, are also required in order to demonstrate that there will not be any adverse impacts and to inform the overall housing layout including footpath links, and any mitigation required including ecological enhancements
141. Finally, in relation to mitigation and enhancement no details in relation to mitigation for tree loss have been provided other than general information contained within the applicants' ecology studies.
142. In these overall circumstances it is considered that the development fails to comply with the relevant planning policies in both the Local Plan and Local Development Plan (listed above in paragraph 136) due to lack of information provided to demonstrate compliance at this stage.

### **Environmental Impacts – Hydrology, Peatland and Flooding**

143. Local Plan Policy 12 requires surface water to be treated in accordance with SUDS principles, with a presumption against development which does not meet criteria related to flood prevention. Similarly the Proposed Local Development Plan Policies 10.1 and 10.2 seek to ensure that there are no unacceptable impacts upon the water environment with appropriately sized buffer strips retained around all water features.
144. Impacts upon the water environment arise at the Carr Road site as a result of the proposed footpath link to Rowan Place across wetland; at the Crannich Park site, which is bounded to the north by a watercourse; the bogland beyond; and to the east by bog woodland beyond the proposed buffer area. There is insufficient information submitted to fully assess the impacts of these proposals upon this water environment as noted earlier in the consultations section.
145. Specifically, as noted by key consultees (SEPA and Highland Council Flood Prevention Team) amendments will be required to the housing layout at Crannich Park to ensure that requirements regarding final levels of houses relative to 1 in 200 year flood events and also distances from watercourses are met. In addition, as noted by SEPA, further information is required to assess the impact of the new footpath proposal upon ground water dependent terrestrial ecosystems, and also a requirement for a site specific hydrology study to assess the acceptability of the development in relation to the ground water dependent terrestrial ecosystems in the vicinity of the site as well as evidence that the SUDS proposals will work in terms of infiltration. This point is echoed by Scottish Water who do not favour an infiltration proposal.
146. In these circumstances the proposed development does not comply with the requirements of Local Plan and proposed LDP policies (as listed in paragraph 143). It should also be noted that if the application were to be approved without attaching conditions requested by SEPA relating to flooding, the application would require to be notified to Scottish Ministers - see consultations section earlier.
147. SEPA have also raised concerns regarding impacts upon peatland which have also not been addressed in the submission. Consequently, it has not been demonstrated that the application will not have a detrimental effect on peat resources as required by Local Plan Policy 13 on Mineral and Soil Resources and Proposed Local Development Plan Policy 10.6 on Carbon Sinks and Stores.

### **Servicing and Access Issues**

148. The principle of developing new housing in Carrbridge has been established in general terms by the housing allocations in the Local Plan and Local Development Plan, whereby the general ability of services within the village to

cope with additional development has been considered at that time. More specifically an assessment of the direct impact of the proposed development upon the services and amenities of Carrbridge has been undertaken by the Planning Gain Unit who have concluded upon which areas require developer contributions to be made. It is therefore the detailed servicing of the site which is now considered.

149. As noted earlier it has not been demonstrated that satisfactory arrangements for disposal of surface water have been made as required by Local Plan policy 12 Water Resources and Local Development Plan Policy 10.1. Local Plan Policy 12 Water Resources and Proposed Local Development Plan Policy 10.3 also require that all development should be connected to the public sewerage network subject to a number of caveats outlined in the policy. In this regard in relation to foul effluent, Scottish Water have no objections to the development noting that the developer will be required to obtain the consent of Scottish Water for connection aside from any planning consent granted.
150. The other key servicing issue is that of access with Local Plan Policy 29 on Integrated and Sustainable Transport Network and Proposed Local Development Plan Policy 3.1 on Sustainable Design requiring the local transport impacts of new development to be fully considered. Whilst there has been considerable local objection to the use of Carr Road for access, the Roads Service is now satisfied in general terms that the road is suitable for the increased use subject to mitigation measures as outlined previously (20 mph limits, traffic calming, new footpath link to Rowan Park etc). However there remains a lack of detail on these proposals and on proposals for bus shelters etc and officers have sought further clarification.
151. Similarly at the Crannich Road site there is a lack of detail in the submission which does not show the footpath link along the B9153 back into the village which has been consistently sought by the Roads Authority.
152. Consequently, whilst the development is capable of being serviced satisfactorily in terms of road network there is a lack of detail on the final arrangements. This could potentially be overcome by the submission of further information. However, as noted earlier, Officers are now at a stage where the application is required to be determined as submitted, following the submission of additional information which still does not provide the necessary level of detail.
153. In relation to pedestrian access both sites are well located in relation to the village and to existing footpath networks with a number of new connections proposed which in principle could contribute towards improving access opportunities thereby potentially complying with Local Plan Policy 34 Outdoor Access and Proposed Local Development Plan Policy 3.1 on Sustainable Design. However there is again a lack of detail on the proposed footpath links, in particular the link from the Carr Road site to Rowan Park across undulating wetland where the issues of environmental impacts and safety of use by children (e.g. lighting/surfacing) have not been resolved.

154. In relation to servicing Local Plan Policies 36 and Proposed Local Development Plan Policy 3.1 requires the provision of public open within new development. Children's play areas are shown although as noted earlier the overall layout does not accord with planning policies on landscape.
155. Accordingly, overall it is considered that it has not been adequately demonstrated that the development as proposed will be satisfactorily accessed and serviced contrary to the above mentioned policies in both the Local Plan and Proposed Local Development Plan.

### **Affordable Housing**

156. Local Plan Policy 19 on Contributions to Affordable Housing and Proposed Local Development Plan Policy 1.5 sets out the need for 25% provision of affordable housing within new development. This level has been achieved in the proposed development and whilst there are no full details of delivery and timetabling of the affordable element, the Highland Council Housing Service has confirmed that there is a requirement for affordable housing in Carrbridge and that the southernmost site is within their programme of funding.
157. Whilst there has been some local objection to the provision of affordable housing on a separate site from the private housing there is no fundamental policy reason to support insistence that the housing tenures be interspersed. There is also evidence of similar division of housing types elsewhere in new developments approved in the National Park, it being understood that it may be easier to develop and build new affordable homes in "packages" like this and so assist speedier delivery. In these overall circumstances it is considered that the proposed development generally complies with policy.

### **Developer Contributions**

158. The applicants have indicated general agreement to the principles outlined in the Planning Gain Units' response and as such it is considered that the development could accord with Local Plan Policy 18 and Proposed Local Development Plan Policy 12.11 on Developer Contributions subject to an appropriate legal agreement being drawn up in the event of the application being supported. This view is also subject to further consideration of the points made above relating to potential developer contributions relating to the loss of the Boys Brigade facility.

### **Other Issues Raised by Objectors**

159. There has been a substantial amount of local objection to this proposal with nearly 200 written submissions made in a village where the population was around 800 in 2011. This level of opposition is considered to be a material planning consideration. The majority of issues raised by the objectors have been covered in this report and it is considered that their concerns regarding



the lack of environmental information and landscape character impacts are indeed substantiated in this case.

160. Whilst there is a lack of detail on servicing, it is not however considered that the concern regarding use of Carr Road represents a land use planning reason for refusal given that the Roads Service are generally satisfied that the case has been made that the road could be made suitable (subject to the mitigation outlined in the applicant's Transport Assessment) for the proposed use.
161. Other issues raised by objectors relating to the legal issues of land control for pedestrian access off Rowan Park would appear to be capable of resolution as noted earlier by the agents and have been raised with previous submissions at Carrbridge.
162. Concern has also been raised regarding the loss of the Boys Brigade building which is located on the site and it is understood is still actively used by the Boys Brigade. The applicants' agent has outlined in their supporting letter (**Appendix 2** refers) that there is no legal arrangement regarding this use. They would however be prepared to make land available in the adjacent woods for relocation of the Boys Brigade operations subject to relevant consents being obtained.
163. There is no policy position to protect and replace this facility and it is not noted as a requirement under the settlement statement for the site. The relocation of this use is not a matter which can be addressed under the terms of this application as this would require separate planning permission. The merits of and any resultant environmental issues which may arise as a result of any such future planning application for new premises for the Boys Brigade would require to be considered and assessed at that time. In such circumstances, a future alternative site for the Boys Brigade cannot readily be delivered by the land use planning system through planning conditions as is being suggested by the applicants and is rather a matter for resolution between the two parties. Consequently, whilst the loss of the facility is regrettable it is considered that the only obvious planning recourse would be through developer contributions should the application be supported.
164. Other matters raised by objectors relate to the scale of the development which is largely established now by the existing Local Plan and Proposed Local Development Plan designations. Concern related to phasing of development and the impacts upon the area of a large construction site for many years could potentially be addressed in the event of the application being supported by requiring a phasing plan to be submitted. At present there is no indication of phasing other than effectively working to demand. Another related concern raised by objectors is that of future occupancy of the houses as second homes. Whilst appreciating this concern, it is not possible to reasonably control occupancy through planning legislation and in this case affordable housing as required by policy is proposed for delivery which in principle is welcomed.
165. Finally, some objectors have queried the requirement for an Environmental Impact Assessment (EIA) to have been carried out with this development. Any

screening for EIA and conclusion on the requirement for EIA is undertaken by the Local Authority when an application is submitted and in this case an EIA was not sought. The application has however been accompanied by environmental information as noted throughout this report.

## CONCLUSION

166. It is considered that whilst there is some support for the principle of development, on balance, and taking all the relevant policy considerations into account, the application as submitted fails to comply with Local Plan and proposed Local Development Plan policies in a number of significant areas as follows:
- (a) Environmental impacts have not been fully assessed and mitigated, contrary to Local Plan Policies 1, 2, 3 4 and 5 and proposed Local Development Plan Policies 4.1, 4.2, 4.3, 4.4, 4.5 and 4.6;
  - (b) The development does not reinforce and enhance the character of the village nor complement and enhance the landscape, contrary to Local Plan Policies 6, 16 and 20 and proposed Local Development Plan Policies 1.1, 3.1 and 5;
  - (c) Insufficient information has been provided to demonstrate that the site can be satisfactorily serviced in terms of surface water drainage arrangements and the detail of access arrangements contrary to Local Plan Policies 12, 29 and 34 and proposed Local Development Plan Policies 3.1, 10.1 and 10.2;
  - (d) Impacts on the water and peatland environment have not been fully assessed contrary to Local Plan Policies 12 and 13 and proposed Local Development Plan Policies 10.1 and 10.6;
  - (e) Due to the environmental impacts there is no case to support a technical departure from the adopted Local Plan in respect of intrusion into the Environmental designation of the Carrbridge settlement statement.
167. There are no material planning considerations which, either individually or collectively, are considered to be of sufficient weight to override our conclusion that the proposals are more generally inconsistent with the terms of the development plan in this instance.
168. Whilst it is fully appreciated that the applicants have worked to address concerns and issues raised with earlier applications at Carrbridge and to seek to reduce impacts upon the environment, in particular the bog habitats, the information supplied falls short of what was sought following initial assessment of this application in July 2013. It is acknowledged that this site could potentially be developed in a manner which meets all local plan policies, but CNPA as Planning Authority is obliged to consider the proposals as submitted. Accordingly refusal is recommended for a range of reasons relating to Local Plan and Proposed Local Development Plan policies.
169. Finally to assist in the preparation of any future application for this site, by way of summary, some key areas which would require to be addressed are as follows:

- (a) Provision of a useable footpath link/safe route to school to the village from the Carr Road site which addresses all environmental and safety issues with full consideration of all potential alternatives
- (b) Undertaking of full ecological assessment of species and habitats to help inform the layout and mitigation of any impacts prior to drawing up a development layout – with any older surveys updated as necessary
- (c) Undertaking full hydrological and drainage assessment of the impacts of development upon the bog habitat and watercourse at the Crannich Park end of the site ( as well as the impacts of the new footpath link to Rowan Park) prior to drawing up a development layout and including all mitigation measures in the submission together with evidence that ground conditions are suitable for SUDS scheme to work
- (d) Drawing up housing layouts which reflect the need for tree retention/replacement/mitigation planting which ensures that the objective of creating a development within green space/woodland is achieved reflecting the character of Carrbridge as a “forest” village and that sufficient separation from existing woodland is maintained.
- (e) Resolution of the future use and management of the land which lies between the two sites, including enhancement of footpath links and an overall ecological enhancement plan
- (f) Provision of full details relating to road access requirements, details of all footpaths and traffic calming proposals

It is suggested that the above detail is incorporated within an informative on the decision notice.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

170. The proposal is not considered to enhance the natural and cultural heritage of the area, but rather detracts from it as a result of the proposed layout, inadequate landscaping, impacts upon hydrology and ecology of the area and lack of mitigation proposals. It does not reinforce and complement the character of Carrbridge or indeed the special qualities of the park. Insufficient information has been submitted to demonstrate that the natural heritage of the area will be conserved and enhanced. The development is therefore contrary to this aim.

### **Promote Sustainable Use of Natural Resources**

171. There is potential to comply with this aim if the house designs are sustainable with regard to energy use and materials. However the loss of trees with no full compensation/mitigation measures proposed undermines this aim.

### **Promote Understanding and Enjoyment of the Area**

172. The development as proposed does not support this aim. It has not been demonstrated that the impacts upon ecology and hydrology in the area can be satisfactorily mitigated including the bog woodland area which is of considerable recreational value to the area. In addition there are insufficient details of clear footpath enhancements and ecological enhancements. Finally, a development which does not reflect the character of the village will reduce the enjoyment of visitors to the area in terms of the adverse landscape and visual impacts.

### **Promote Sustainable Economic and Social Development of the Area**

173. The provision of a range of new housing within Carrbridge has the potential to support this aim in terms of providing housing choice and the provision of affordable housing to attract and retain people in the area. This aim is also further supported by the associated construction jobs associated with new housing development and the potential for construction materials and work to be locally sourced.

### **RECOMMENDATION**

**That Members of the Committee support a recommendation to REFUSE full planning permission for the erection of 96 houses, associated roads & footways at Land Bounded By Crannich Park Rowan Park And Carr Road Carrbridge for the following reasons:**

1. The proposed development 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 development is 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 Policy 3.1 Sustainable Design, 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) the proposed footpath link from the Carr Road site to Rowan Park is a suitable safe route to school for all users due to lack of information on construction, maintenance and design for a path which crossed undulating topography and wetland
  - (b) 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
  - (c) Public transport improvements (e.g. bus shelter provision) will be provided
  - (d) The detail of improvements and traffic calming to Carr Road may be implemented.
3. The proposed development 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.
4. The proposed development 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 (in particular the southern area of the Carr Road site) which does not respect the landscape character and setting of Carrbridge and does not provide a suitable landscape setting for new development or use landscaping within the development to complement the setting.
5. The proposed development 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 development 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 it does not reinforce and enhance the character of Carrbridge, which is set by housing located within a wooded setting, as a result of insufficient landscaping and woodland proposals within the site coupled with the density of layout in parts of the development and lack of information on mitigation and enhancement proposals and future maintenance/management of intervening land between the two housing areas.

7. The proposed development 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 Development (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 specifically bats, including bats and wildcats
  - (b) there will not be any adverse impacts upon biodiversity in particular the requirement for submission of surveys of orchids, fungi and field gentian; wood ant species protection plan
  - (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
8. The proposed development does not comply with the housing allocation for Carrbridge (H1) as contained in the Cairngorms National Park Local Plan 2010 as part of the site at Crannich Road intrudes into the environmental designation with no satisfactory evidence being provided to demonstrate that there will not be any adverse impacts in order to justify a departure from this allocation.

**Informatives:**

- I. The applicant is advised that to assist in the preparation of any future application for this site, by way of summary some key areas which would require to be addressed are as follows:
- (g) Provision of a useable footpath link/safe route to school to the village from the Carr Road site which addresses all environmental and safety issues with full consideration of all potential alternatives
  - (h) Undertaking of full ecological assessment of species and habitats to help inform the layout and mitigation of any impacts prior to drawing up a development layout – with any older surveys updated as necessary
  - (i) Undertaking full hydrological and drainage assessment of the impacts of development upon the bog habitat and watercourse at the Crannich Park end of the site ( as well as the impacts of the new footpath link to Rowan Park) prior to drawing up a development layout and including all mitigation measures in the submission together with evidence that ground conditions are suitable for SUDS scheme to work

- (j) Drawing up housing layouts which reflect the need for tree retention/replacement/mitigation planting which ensures that the objective of creating a development within green space/woodland is achieved reflecting the character of Carrbridge as a “forest” village and that sufficient separation from existing woodland is maintained.
- (k) Resolution of the future use and management of the land which lies between the two sites, including enhancement of footpath links and an overall ecological enhancement plan
- (l) Provision of full details relating to road access requirements, details of all footpaths and traffic calming proposals

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**Date: 2 March 2015**

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