
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Prepared by: KATHERINE DONNACHIE
(PLANNING OFFICER,
DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: Development for 117 dwellinghouses with associated infrastructure, roadways, and footpaths on land bounded by Crannich Park, Rowan Park and Carr Road Carrbridge

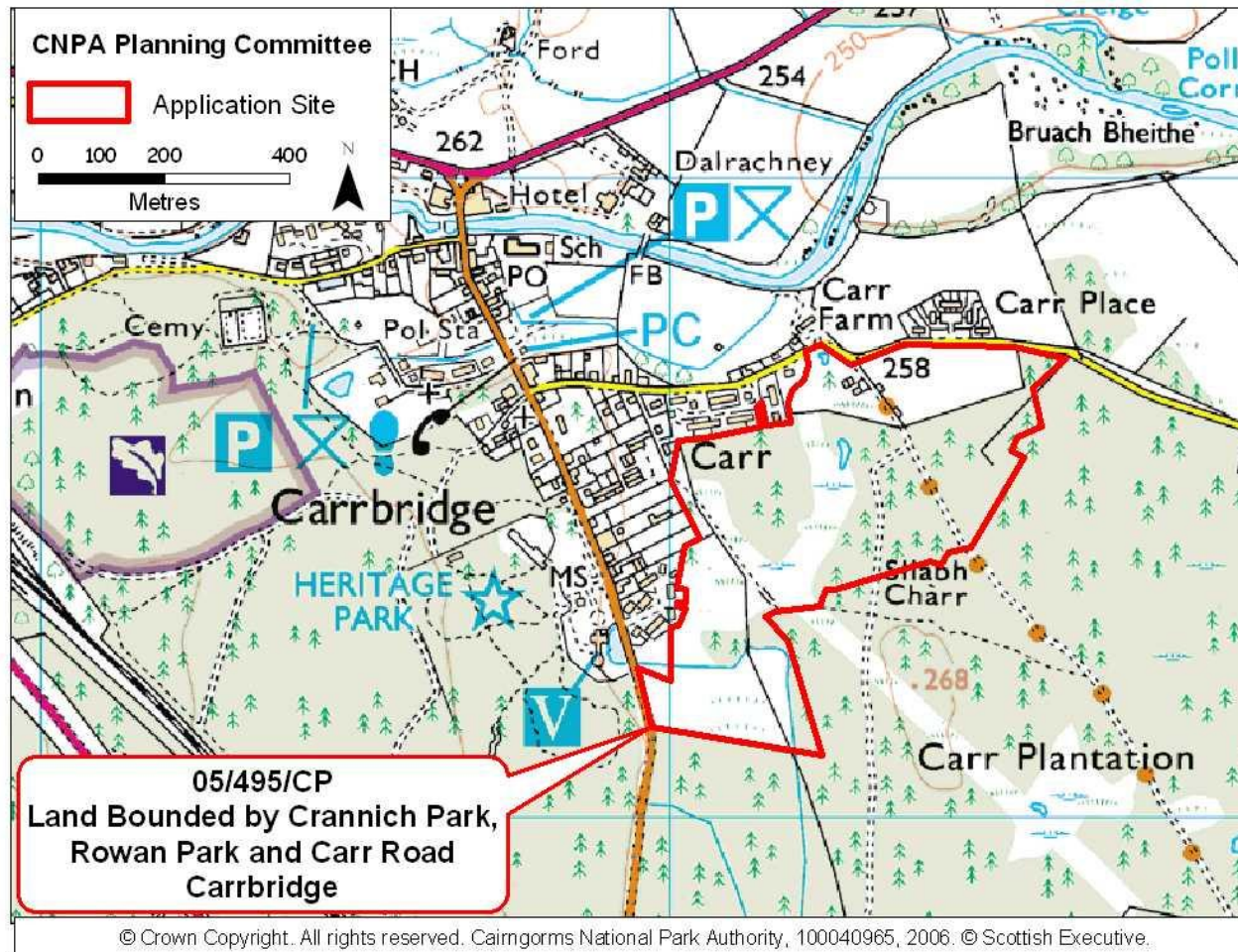
REFERENCE: 05/495/CP

APPLICANT: Aviemore and Highland Developments Ltd

DATE CALLED-IN: 2 December2005

REASON FOR CALL IN: While recognising that the site has outline planning permission, the scale of the proposal, together with the prominence of the site on open pasture and woodland raises issues in relation to natural heritage, sustainable use of natural resources as well as issues regarding the provision of affordable housing and the overall social and economic development of the area. Consequently, the proposal is considered to raise issues of general significance to the collective aims of the National Park.

RECOMMENDATION: REFUSE



SITE DESCRIPTION AND PROPOSAL

Plans and Documents

- I. The plans and documents submitted by the applicant and under consideration for this application are identified in the table below – the second table identifies the additional plans submitted in September 2007. Plans and documents are available on the Cairngorms National Park Authority website at:

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

Plans and documents considered at March 2007 Planning Committee

Title	Drawing Number	Date on Plan
Report on the status of Formica Exsecta in and around Carr Plantation by Jonathon Hughes Ecological Consulting (<i>ants nests</i>)		Nov 2005
Report on Survey to assess presence of badgers, red squirrels, and common wintergreen with additional comments on wood ants by Dr Philip R Ratcliffe, Bidwells		29 July 2005
Construction Method Statement by A F Cruden Associates		Feb 2007
SUDS Statement by A F Cruden Associates		March 2006
Hydrological and Hydrogeological Assessment Report by A F Cruden Associates	Job No. 11682j	May 2005
Carrbridge Proposals Masterplan (1:1250 scale)	2467-005 Revision H	1 March 2007
Carrbridge Development Phasing Proposals	2467-007 Revision A	22 Feb 07
Carrbridge Neighbour Notification Plan	2467-009	Nov 05
Proposed Site Layout	2467-010 Revision D	1 March 07
Carrbridge Proposals MasterPlan (1:500 scale)	2467-011 Revision C	1 March 07
Carrbridge Proposals Tree Protection Plan	2467-015 Revision A	22 Feb 07
2 bed chalet 4P and 3 bed bungalow 5P Plots 23 and 24	2467- 101	Nov 05
2 bed chalet 4P plots	2467- 102	Nov 05

CAIRNGORMS NATIONAL PARK AUTHORITY
Planning Committee Agenda Item 5 13/03/2015

9,10,13,14,19 and 20		
3 bed chalet 5P Plots 17 and 18	2467- 103	Nov 05
2 bed bungalow 3P plots 2-8, 11,12, 15,16,21, and 22	2467- 104	Nov 05
2 bed 4P and 3bed 5P chalet Plots 09,10,13, 14 19 and 20	2467- 105	Nov 05
House Type A 3 bed villa with integral garage	2467- P -110	June 06
House type B 4 bed villa with integral garage	2467- P -120	June 06
House Type C – 4 bed villa with integral garage	2467- P -130	June 06
House Type D – 4 bed villa with integral garage	2467- P -140	June 06
House Type E – 4 bed villa with integral garage	2467- P -150	June 06
House Type F – 4 bed villa with integral garage	2467- P -160	June 06
House Type G – 4 bed villa with integral garage	2467- P -170	June 06
House Type H – 4 bed villa with integral garage	2467- P -180	June 06
Existing Burn Crossing	CA2433/150	8 Feb 2006
Details of Traffic Calming on Carr Road	CA2433/05	8 Nov 2005

Additional plans and documents -submitted September 2007

Title	Drawing Number	Date on Plan
Carrbridge Development Phasing Proposals	2467-007 Revision C	17 Sept 07
Carrbridge Site Layout I- 500 sheet 1 of 2	2467-010 Revision F	Sept 07
Carrbridge Site Layout I- 500 sheet 2 of 2	2467-011 Revision D	April 07
Carrbridge Proposals Tree Protection Plan	2467- 015 Revision A	April 07
A F Cruden Sewers for Adoption by Scottish Water Layout 1 of 2	CA2433/10 Revision A	Sept 07

A F Cruden Sewers for Adoption by Scottish Water Layout 2 of 2	CA2433/11 Revision A	Sept 07
A F Cruden Carrbridge Housing Longitudinal A Sections 3 of 5	CA2433/14 Revision A	7 Sept 07
A F Cruden Carrbridge Housing Longitudinal Sections 4 of 5	CA2433/15 Revision A	7 Sept 07
A F Cruden Carrbridge Housing Longitudinal Sections 5 of 5	CA2433/16 Revision A	7 Sept 07
Report on Conservation Status of important species at Rowan Park Woodland by Ecological Land Use Consultancy		17 April 2007
Construction Method Statement by A F Cruden Consulting Engineers		Sept 2007
Report on the Conservation Status and management of important species at the proposed housing development at Carrbridge by Ecological Land Use Consultancy and Jonathon Hughes Ecological Consultancy		12 July 2007
Hydrological and Hydrogeological Assessment by A F Cruden Associates		September 2007
Carrbridge Proposals Masterplan	2467-006 Revision D	Sept 07

Site and Development Proposals

2. This application seeks approval of reserved matters consent (now known as 'matters specified in conditions') relating to an outline planning consent (now known as 'planning in principle') which was granted on appeal in February 2005 for residential development with amenity woodland, roads, cycleways and ancillary works in Carrbridge with main vehicular access shown from the B9153 leading south out of Carrbridge close to Landmark. (Reference 03/292/OUTBS) Some houses were proposed to be accessed via Rowan Place. The Reporter's decision is attached as **Appendix I**. The site

comprises a mixture of commercial woodland, bog woodland, rough land and agricultural land with a core path running across the north east section. It is a large site running from the B9153 road south of Crannich Park round the back of the village over wetland towards Carr Place.

3. The site is not covered by any specific environmental designations itself, 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 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 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.
4. Some members may recall that this application was considered by the Cairngorms National Park Authority (CNPA) Planning Committee at their meeting of 9 March 2007. A copy of the report to Committee outlining the background and recommendation at that time is attached as **Appendix 2**. The application was supported by various studies in addition to overall masterplan, layout and plans of house types all as set out in the original report to Committee **Figure 2** shows the layout proposed at that time.



Figure 2 – Site Layout considered at March 2007 Planning Committee Meeting

5. In addition to this above information, in November 2006, a report was submitted relating to the interface between the bog woodland area and the development area which sought to illustrate that the water table within the development site was below that of the bog woodland, with a hydraulic gradient away from the bog woodland which is perched in nature. Accordingly, the report concluded that there would be no effects upon the bog woodland site arising from the drainage proposals for the proposed development.
6. At the March 2007 meeting, Members deferred consideration of the application to enable a site visit to be undertaken, and to allow for additional information to be gathered regarding affordable housing phasing, hydrological assessments and natural heritage issues. A copy of the Committee minutes is attached as **Appendix 3**.

7. A committee site visit was held in May 2007. Following this in September 2007, the applicants' agents submitted a revised package of information which they considered addressed the Committee's concerns and also more closely reflected the Reporters' decision. This included the following information:

- a) Revised Layout Plan - which showed the housing beside Crannich Park closer to the B9153 road, (thus moving it further away from the bog woodland); the overall site road realigned further north; only 14 plots (all affordable) at the Crannich Park end of the site; 12 plots to the immediate east being removed with more housing provided at the Carr Road end of the site, including provision of 16 affordable housing units, and the phasing altered. Essentially, the number of houses at the Crannich Park end of the site was reduced and a higher density of houses introduced at the Carr Road end. The total number of houses remained unchanged at 117 as did the proposal for 5 plots taking access of Rowan Place. There also remained a mix of house types including two, three and four bedroom properties of various styles and scales including mix of single storey, one and a half storey detached and semi detached units. The revised layout is as shown in **Figure 3**.



Figure 3 - Revised Layout

The revised phasing layout is as shown in **Figure 4** with the Crannich Park site as being the last phase.

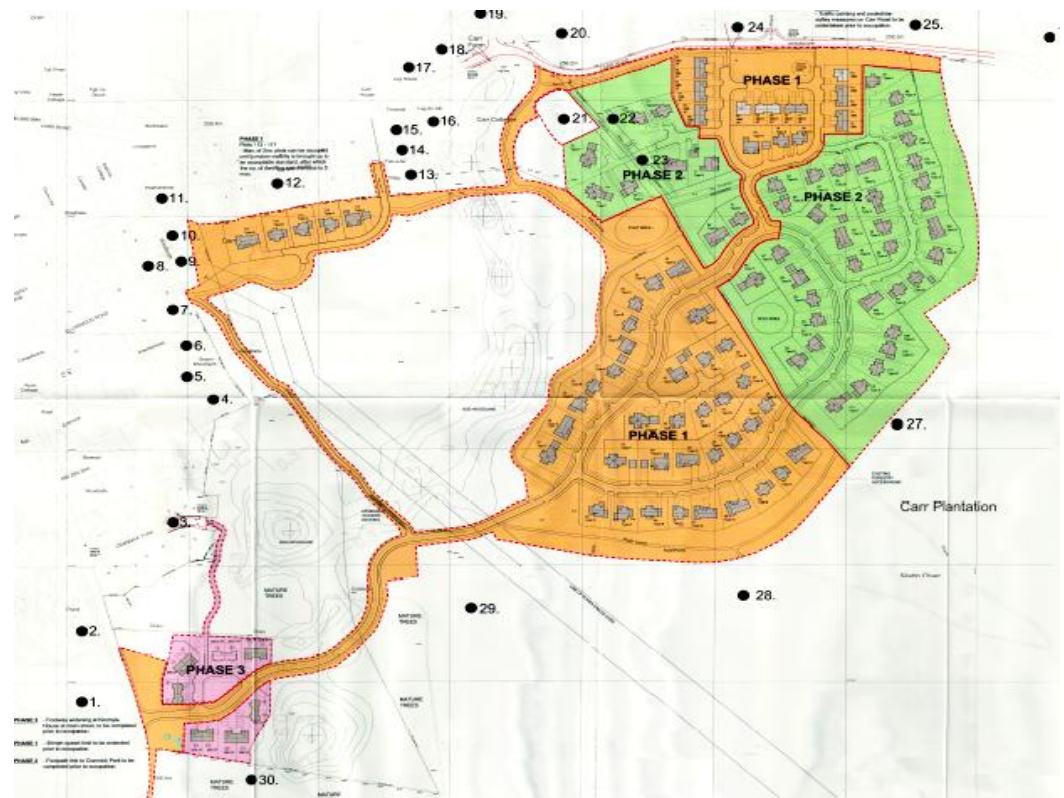


Figure 4 - Revised Phasing Layout

b) Updated Hydrological and Hydro-geological Assessment which sought to address the terms of planning condition 4 of the outline consent which set out the requirement for a hydrological study of the site” *indicating how the behaviour and levels of all surface and ground water was to be regulated and maintained in perpetuity to avoid any detriment to natural habitats and exacerbation of flood risk*”. The submitted report was based upon additional site information and refinements to the site layout as outlined above. It concluded that, with suitable mitigation, there would be no adverse impacts. Mitigation included ensuring no development takes place below the 256.5 metres AOD contour to allow for the 1 in 200 year return period flood event from the burn which runs from the Landmark centre across the site feeding into the wetland areas in the centre of the site. The report also concluded that there was little hydraulic connectivity between the development site and the wetland which was indicated in earlier reports as being a “perched” water table. Mitigation proposals as follows were recommended:

1. Maintaining a buffer zone between the wetland and the development with the access road routed to pass through shallowest area of wetland to minimise disturbance, with careful construction techniques employed
2. Avoiding constricting or concentrating surface water flows with SUDS measures adopted

3. Management of construction phase with carefully located stockpiles and construction practises to avoid run off
 4. Maintaining groundwater recharge characteristics through careful construction, use of SUDS regime and potential future re-vegetation.
- c) Construction method statement which set out in more detail how some of the above objectives could be achieved at the construction stage.
- d) Report on the conservation status and management of important species at the proposed housing development that explained the work done to date on considering species on the site. However, it did not go into detail as to the surveys carried out or the methodology employed.
8. This additional information was re-advertised in September 2007 and the applicants re-notified all neighbours.

Site History

9. 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.
10. At the same time as the additional information being received for this 2005 application, the applicants submitted a further application (Reference 07/400/CP) which is the subject of the next item on the agenda. This application sought to:
- (1) revise the phasing layout, which was set out in condition 4 of the outline consent as proceeding from south west to north east, instead seeking to proceed from north to south. **Figure 4** earlier shows the currently proposed phasing layout
 - (2) amend the requirements of condition 4 regarding the distance which development could be from the B9153 road.

The need to seek to amend the outline planning conditions arose as a result of the changes now proposed in the revised housing layout plan.

11. Both applications (Reference 07/400/CP & 05/0495/CP) have been held pending since 2007 as the applicant was preparing submission of a new application seeking full planning permission for a revised layout intended to address all environmental concerns raised.
12. A new application for full planning permission was submitted in April 2013 (Reference 2013/0120/DET) and is the subject of a later item on the agenda.

13. It was agreed to hold these two older applications pending until such time as the new application for full planning permission was determined. This is because the applicants wished to keep the original outline consent “live” and intended to withdraw the applications if a favourable recommendation were received on the application for full planning permission.
14. Application 2013/0120/DET is now in a position to be determined by Committee following submission of additional information and officer recommendation is one of refusal. Accordingly, the applicants do not therefore wish to withdraw this 2005 application. Consequently, it is now necessary to determine this application in the light of current national and local planning policies. This is the purpose of this updated report.

DEVELOPMENT PLAN CONTEXT

National policy

15. **Scottish Planning Policy** (SPP, revised 2014) sets out national planning policies that reflect Scottish Ministers priorities for the operation of the planning system and for the development and use of land. Under planning law, planning applications must be determined according to the development plan unless material considerations indicate otherwise. The content of SPP is a material consideration in planning decisions that carries significant weight. The SPP promotes consistency in the application of policy across Scotland while allowing sufficient flexibility to reflect local circumstances.
16. The SPP sits alongside four other Scottish Government planning policy documents:
 - (1) **National Planning Framework** (NPF) which provides the statutory framework for Scotland’s long term spatial development. The NPF sets out the Scottish Government’s spatial development policies for the next 20 to 30 years;
 - (2) **Creating Places**, the policy statement on architecture and place, containing the Scottish Government’s policies and guidance on the importance of architecture and design;
 - (3) **Designing Streets**, a policy statement putting street design at the centre of placemaking. It contains policies and guidance on the design of new or existing streets and their construction, adoption and maintenance; and
 - (4) **Circulars**, which contain policy on the implementation of legislation or procedures.
17. SPP introduces a presumption in favour of development which contributes to sustainable development and outlines the need to achieve the right development in the right place. It highlights the need to give weight to economic considerations and to protect, enhance and promote access to nature heritage including green infrastructure and landscape. Within paragraphs 84- 86 it notes the four aims of the National Parks and the need to pursue these collectively, and highlights that where there is a conflict then

first aim (to conserve and enhance the natural and cultural heritage of the area) shall be given greater weight with planning decisions reflecting this.

18. Within the SPP, the section entitled 'A Natural, Resilient Place' (paragraph 194) lists the 'Policy Principles' that the planning system should meet, including:
- (a) facilitate positive change while maintaining and enhancing distinctive landscape character;
 - (b) conserve and enhance protected sites and species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities;
 - (c) promote protection and improvement of the water environment including wetlands in a sustainable coordinated way
 - (d) seek benefit for biodiversity from new development.
 - (e) protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value;
 - (f) support opportunities for enjoying and learning about the natural environment.

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

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

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

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

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

24. Policy 2.8 seeks to enhance the design and sense of place in new development 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.
25. The adopted **Cairngorms National Park Core Paths Plan 2010** is also relevant given that a core path runs through the site. This plan seeks to provide for a core paths network which is sufficient for the purpose of giving the public reasonable access throughout their area. A revised Core Paths Plan is currently moving towards adoption. A paper is being presented to the Board on 27 March 2015 recommending that the Board adopt the revised Plan, as directed by the Reporter. Both plans provide details of core paths in Carrbridge.

Structure Plan Policy

Highland Structure Plan (2001)

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

Local Plan Policy

Cairngorms National Park Local Plan (2010)

27. The Cairngorms National Park Local Plan was formally adopted on 29th October 2010. The full text can be found at :
- <http://www.cairngorms.co.uk/parkauthority/publications/results.php?publicationID=265>
28. The Local Plan contains a range of policies dealing with particular interests or types of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan to provide a detailed policy framework for planning decisions:
- Chapter 3 - Conserving and Enhancing the Park;
Chapter 4 - Living and Working in the Park;
Chapter 5 - Enjoying and Understanding the Park.
29. Policies are not cross referenced and applicants are expected to ensure that proposals comply with all policies that are relevant. The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6. These proposals, when combined with other policies, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime.
30. The application site lies within the settlement of Carrbridge as defined in the Local Plan 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 5**.



Figure 5 – Extract from Local Plan 2010 Settlement Statement

31. The following paragraphs list a range of policies that are appropriate to consider in the assessment of the current development proposal.
32. *Policy 1 - Natura 2000 Sites:* sets out that any development likely to have 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.
33. Where the site has been designated for a European priority habitat or species development will only be permitted where the reason for overriding public interest relate to human health, public safety , beneficial consequences of primary importance to the environment or other reasons subject to the opinion of the European Commission.
34. *Policy 2 – National Natural Heritage Designations:* seeks to ensure that new development does not have an adverse effect upon these designations, which include the National Park designation

35. Policy 3 - Other Important Natural and Earth Heritage Interests: states that development that would adversely affect an ancient woodland site or semi-natural ancient woodland site will only be permitted where it has been demonstrated that the objectives of the identified site and overall identity of the identified area would not be compromised or where any significant adverse effects on the qualities for which the area or site has been identified are mitigated by the provision of features of commensurate or greater importance to those that are lost
36. Policy 4 - Protected Species: states that development which would have an adverse effect on any European Protected Species will not be permitted unless there are imperative reasons of overriding interest, including public health or public safety; there is no satisfactory alternative solution; and the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. The policy is intended to ensure that the effects of development proposals on protected species are fully considered by the planning authority. Developers will be required to undertake any necessary surveys for species at their own cost and to the satisfaction of Scottish Natural Heritage and the planning authority.
37. Policy 5 - Biodiversity: states that development that would have an adverse effect on habitats and species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, will only be permitted where: (a) The developer can demonstrate that the need and justification for the development outweighs the local, national and international contribution of the area of habitat or population of species; and (b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and / or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.
38. Policy 6 - Landscape: states that there will be a presumption against any development that does not complement and enhance the landscape character of the Park, and in particular the setting of the proposed development. Exceptions will only be made where any significant adverse effects on the landscape are clearly outweighed by social or economic benefits of national importance and all of the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
39. Policy 12 - Water Resources: seeks to ensure that resources are used sustainably, connection is made to public sewers and surface water is treated in accordance with SUDS principles. There is a presumption against development which does not meet various criteria relating to flooding

including the need to ensure that the ability of the functional flood plain to store or move flood waters is not adversely affected.

40. Policy 13 - Mineral and Soil/Earth Resources: sets out that all development must avoid unnecessary disturbance of soils, peat and any associated vegetation.
41. Policy 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.
42. Policy 19 - Contributions to affordable housing: is intended to ensure the delivery of a wide range of housing options to a wide range of households in the Park. Policy 19 requires that developments of three or more dwellings will be required to incorporate a proportion of the total number of units as affordable and highlights that where public funding is available to help provide affordable housing between 25-40% of all units will be expected to be affordable Where less than one third of the total cost of the development is available through public funding the developer will be expected to provide 25% affordable housing on site Proposals for off site contributions will be considered when community needs assessments or similar assessments support this as a better way of meeting the housing needs of the community.
43. 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.
44. 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.

45. Policy 29 - Integrated and Sustainable Transport Network: supports development where adequate consideration is given to maintaining or improving the sustainable transport network. This policy requires submission of transport assessment where impacts are considered to be significant. This should cover local transport impacts and construction impacts.
46. 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.
47. 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 in space or commuted sum towards provision of open space within the site or affected community.
48. 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

49. 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.*”
50. 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.

51. 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

52. 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.
53. 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.
54. 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.
55. 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 or 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.
56. 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.
57. Affordable Housing which 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. It advises 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.
58. Water Resources which seeks to provide detailed advice and assistance to developers needing to carry out works which may affect the water resources of the National Park.

Proposed Cairngorms National Park Local Development Plan (LDP)

59. The Department of Planning and Environmental Appeals (DPEA) carried out an Examination of the proposed Cairngorms National Park Local Development Plan (LDP) over Spring and Summer 2014. The CNPA received the Report of the Examination on 8 September 2014. The CNPA Planning Committee approved post-examination modifications to the Proposed Cairngorms National Park Local Development Plan (Proposed LDP) on 21 November 2014. The CNPA has published notice of its intention to adopt the Plan and expects to adopt the Proposed LDP at the March 2015 Board Meeting, following on from the Scottish Government’s consideration of this intention to adopt. The Proposed LDP (as modified) is a material consideration and carries significant weight in planning decisions though it does not replace the adopted Local Plan until it is formally adopted.

60. There are no significant differences between the policies contained in the Proposed LDP (as modified) relating to the current application as compared to the 2010 Local Plan policies as summarised earlier. Key planning policies relevant to this current application are noted below with any changes highlighted.
- (a) Policy 1.1 Housing in Settlements
 - (b) Policy 1.5 Contributions towards Affordable Housing
 - (c) Policy 3.1 Sustainable Design
 - (d) Policy 4.1 International and National Designations
 - (e) Policy 4.2 National Designations
 - (f) Policy 4.3 Other important natural and earth heritage sites and interests
 - (g) Policy 4.4 Protected Species
 - (h) Policy 4.5 Other Biodiversity
 - (i) Policy 4.6 All development – this policy sets out that where there is evidence that a habitat or species may be present on or adjacent to a site or could be adversely affected then the developer will require to undertake a comprehensive survey to assess the effect and submit a species/habitat protection plan
 - (j) Policy 5 Landscape
 - (k) Policy 8 Sports and Recreation
 - (l) Policy 10.1 Water Resources which seeks to also ensure no unacceptable detrimental impacts on the water environment addressing existing and potential impacts up and downstream of the development with appropriately sized buffer strips to be retained around all water features.
 - (m) Policy 10.2 Flooding
 - (n) Policy 10.3 Connection to Sewerage
 - (o) Policy 10.6 Carbon sinks and stores
61. There is however a difference in terms of the allocation of housing land in Carrbridge. The CNPA's proposed LDP settlement statement for Carrbridge showed the housing land allocation amended from the 2010 Plan to reflect the general boundaries of the 2013 planning application which removes land to rear of Rowan Park and to the south west of the core path. Subsequently however, the Directorate of Planning and Environmental Appeals (DPEA) recommended a further reduction of the housing designation to remove any allocation within Carr Wood, reducing the capacity of this area to 36 dwellings. This modification was agreed at the November 2014 Planning Meeting following full consideration of the implications.
62. 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 6**.

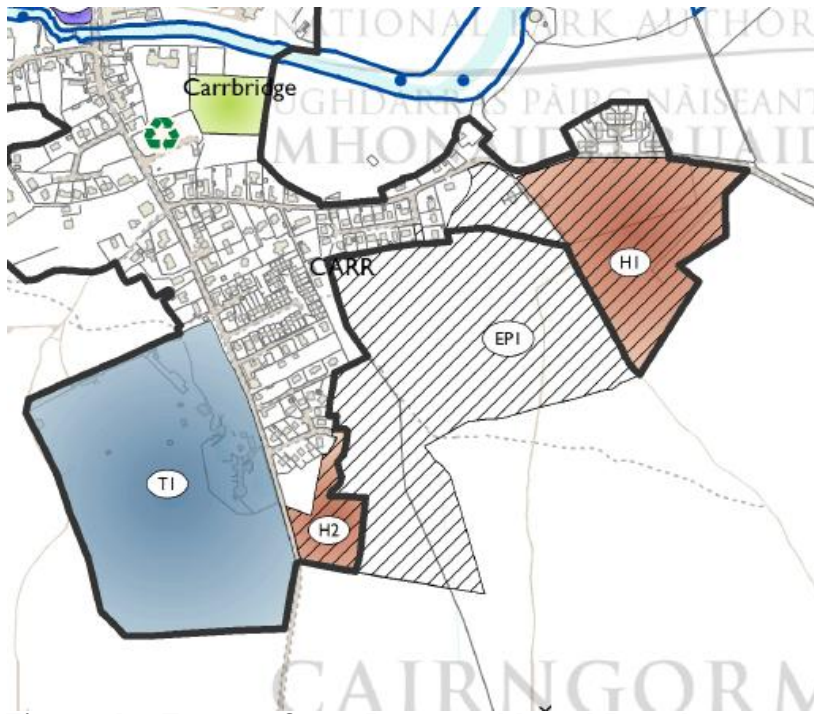


Figure 6 – Extract from Proposed Local Development Plan

63. On this plan land beside Carr Road is designated as HI 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*”
64. 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.*”
65. The accompanying settlement statement set out in detail the objectives for Carrbridge. These relate to the need to ensure new development is undertaken in a way which complements the sensitive woodland setting and enhances its character and appearance as a tourism centre with the need to raise architectural and design quality and ensure the quality of surrounding woodland and sensitive valuable habitats is not compromised highlighted. It also highlights the potential for new development to have an effect on European designated sites and the consequent need for developers to submit necessary information to enable the Planning Authority to carry out an Appropriate Assessment in order to be confident that the development will

not have an adverse effect either alone or in combination with other plans or projects. It is further noted that if the Planning Authority is unable to reach a conclusion on this the development will be judged not to accord with the Plan.

Habitats Regulation Assessment (HRA)

66. When the 2013 planning application was submitted, a screening exercise was undertaken by the CNPA to look at which Natura sites may be affected by the development, what these effects may be and if there are any “likely significant effects” on Natura sites. This screening also considered the possible combination of effects between the proposed development and other plans and projects. It identified that there were likely significant effects in relation to the River Spey Special Area of Conservation (qualifying interests 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.
67. An Appropriate Assessment (AA) was then undertaken to consider in more detail the nature of the effects and to determine if there are any adverse effects upon the conservation objectives of the Natura sites and to then see if there was an adverse effect upon the integrity of the sites. This AA highlighted the importance of the Carrbridge woods to the meta population of capercaillie in Strathspey, functioning as a “stepping stone” for caperacaille to move between the various SPAs and improving genetic diversity. Accordingly increased recreational disturbance as a result of the increased number of residents arising from the new development (estimated at around 248 more people upon completion of the development) could render the woods unsuitable for capercaillie and connectivity between the SPAs could be impaired. The main focus for increased recreational use and dog walking is considered to be on the Docharn circular route and some of the forest tracks in Deshar wood. This issue was considered during the preparation of the HRA for the Proposed Local Development Plan when the need for a recreation management plan for capercaillie was highlighted.
68. The AA also highlighted the need to ensure there was no adverse impacts upon the River Spey SAC as a result of the construction works and any potential for pollution affecting the qualifying interest species and also the need to ensure the waste water treatment works have sufficient capacity for the around 35% increase in use arising out of the new development and that it can meet the appropriate discharge standards in place at the time of construction.
69. The Appropriate Assessment was the subject of consultation with SNH and the RSPB and it concluded that there will be no adverse effect on the integrity of any Natura 2000 sites providing mitigation measures are

implemented to ensure that the capercaillie in the woods around Carrbridge are not subject to an increase in disturbance and can continue to live and breed successfully. Mitigation measures are as summarised below:

- (1) Preparation by the applicants, and subsequent implementation, of a Recreation Management Plan to contain mitigation measures to manage the recreation activity of the area and to ensure no increase in disturbance to capercaillie. Physical measures within and outwith the development site to achieve this to be included, mechanisms for delivery and consideration of the management of the network of paths and the promotion of responsible behaviour
- (2) Construction method statement to be approved to address risks to watercourses
- (3) Details of SUDS to be approved which must demonstrate that flooding and particulate discharge to the river will be prevented
- (4) Condition to be applied to prevent occupation of any dwelling house until the development is connected to the public waste water system and that it must be clearly demonstrated that this system is capable of handling additional wastewater and treating it to the required standards appropriate to freshwater pearl mussel at the time of construction

70. As a HRA was not carried out at the time of this 2005 application it has been revisited now in the light of current circumstances. A HRA has been carried out for this case which involves 21 more houses. The conclusions are the same; namely there should not be adverse effects on the integrity of any Natura 2000 sites providing mitigation measures are implemented. A copy of the draft HRA is attached as **Appendix 4**. This is currently the subject of final consultation with Scottish Natural Heritage who has been involved with the ongoing process.

CONSULTATIONS

71. A summary of the consultations on the original submission is contained in the March 2007 Committee report (**Appendix 2** refers). Consultation was carried out on the additional information supplied in late 2007 and the results are detailed below. Re-consultation with relevant consultees has also been undertaken now (2015) given the time that has lapsed (in excess of 8 years in some cases) since the consultees' original comments, to ensure that their comments still stand.
72. **Scottish Environment Protection Agency (SEPA)** was consulted on the additional information in 2007 and noted that the proposed access road crosses a watercourse with a bridge and this proposal was registered with SEPA in January 2007.
73. Following recent re-consultation SEPA has outlined that they are aware this is a historic application which they previously commented on and they are now being re-consulted to provide an updated response. They highlight that there have been many internal and external policy changes since their original comments in 2005 and 2007 and there are some aspects of the

environment which they did not assess previously and upon which they are now commenting. They are also aware of the 2013 application which has also helped to inform their position.

74. Set against this background, the Agency now **object** 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.”*)
75. The basis for SEPA's objection relates to the following points:
- (a) *There is insufficient information to determine the impacts upon ground water dependent terrestrial ecosystems (GWDTE) - They do not consider the proposals to meet the requirements of condition 4 of the outline consent. There are various references to bog woodland and/or wetland on the site however no National Vegetation Classification has been submitted to confirm the presence or absence of GWDTE. They also note that the Ecology and Nature Conservation report submitted with the 2013 application does not include the whole area covered by the current 2005 application. They highlight the need for a National Vegetation Classification (NVC) survey to be carried out with the results overlain on the site layout plan to clearly demonstrate the location of the development relative to GWDTE and how impacts have been minimised. 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 and the access road. In addition a buffer zone may be required between the development and such habitats which may necessitate a modification to the layout.*
 - (b) *Hydrological Impacts - A hydrological survey is required in order to assess the acceptability of the proposed development, layout and mitigation. The Agency acknowledge that a hydrological survey has been produced for the central portion of the site surveyed as “bog woodland” however this is not sufficient to allow a full assessment of impacts to be made. In*

particular it is unclear how other wetland habitats on site, within the development area, will be impacted. Dependent on the results of the above mentioned NVCs survey the hydrological survey may need to cover a wider area than solely the Crannich Park site, so the Agency recommend that the NVC survey be carried out first in order to inform the scope of the hydrology survey. SEPA set out in their response 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 they recommend that any study should consider the impacts of the proposed footpath link from Carr Road to Rowan Park which crosses a groundwater dependent terrestrial ecosystem and the need to ensure that hydrological connectivity is maintained, also any footpaths proposed within the centre of the site. SEPA have also highlighted the need to maintaining the hydrological regime in the surrounding wetlands with measures to improve the wetlands considered. Concern is raised regarding potential excavation into the impermeable layer of clay/sediment which is retaining the peat basin and ensuring this does not occur. The need for full study also applies to the new access road to ensure hydrological connection is maintained and pollution avoided. SEPA also note that there is reference in the documents to a protective “bund” for the area of bog woodland. They have been unable to locate this on the plans and require further information, noting this could also affect issues relating to flood risk.

- (c) *Impacts upon Peatland* – They note that reference is made to peat in the submitted studies and that deep areas of peat will be avoided which is welcomed. However there are no specific details on peat probing and it is unclear if the whole site has been probed to full depth. Due to lack of detail SEPA cannot fully assess potential impacts on peatland or provide advice on reuse and 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.
- (d) *Surface water Drainage Arrangements* – Are inadequate in terms of water treatment, with no percolation test results included to demonstrate that the site conditions are suitable for the proposals. SEPA also highlight that the outputs from the GWDTE and hydrology information required may need to be considered when drawing up a surface water drainage scheme and may require a modification to the layout. Further advice on level of information required is provided.
- (e) *Flooding Information* – There is no apparent fluvial flood risk for phases 1 and 2 of the development (Carr Road and Rowan Park sites). However there are some areas of pluvial flooding shown on SEPA’s flood maps and this requires to be considered. In relation to phase 3 (Crannich Park) SEPA require that all properties meet the requirement for sufficient freeboard and the applicant’s hydrology studies recommendation that all development be above 256.5 metres AOD. It is

not clear from the plans if this is being met and SEPA object to the application unless planning conditions are attached to ensure this is the case and that all development (including land re profiling) is situated on ground which is at an existing level of at least 256.5 metres AOD. To achieve this requirement, a modification to the layout may be required. They also advise that the two proposed crossings over watercourses (one for footpath to north of the Crannich Park site and one for the link road) must be designed to have a capacity to pass the 1 in 200 year flow and that construction follows SEPA guidance.

76. The Agency has also noted with regard to drainage of foul effluent to the public system that 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.
77. A copy of SEPA's full response is attached as **Appendix 5**.
78. **Scottish Natural Heritage** was consulted on the additional 2007 information and asked to comment specifically on whether they considered the application to now comply with condition 4 of the original outline consent and whether they considered the scheme as submitted would breach nature conservation legislation. A copy of their response is attached as **Appendix 7**. This sets out continued deficiencies in the submission, including in relation to information to demonstrate how retained natural habitats will be protected; future management and information on the option of transferring ownership to an appropriate body; or how wildlife impacts outside the site will be limited. They advised that in general terms the hydrology study was generally satisfactory and recommended it be further considered by SEPA and Highland Council's Flood Prevention Unit. Finally SNH also note that the matter of breaching conservation legislation is one for legal consideration.
79. Following re-consultation, SNH have replied to say they would refer to their more recent comments on the 2013 application as an up to date position. In these comments they advised that 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 and highlighted that since the original submission in 2005, work at Boat of Garten has shown that there is more impact on capercaillie from recreational disturbance than previously appreciated. This has now been taken into account.
80. Accordingly SNH 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 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 effects on freshwater pearl mussels

81. These issues are addressed in the Habitats Regulations Assessment.

82. **Scottish Water** had no objections when consulted on the additional 2007 information, but noted that any planning approval granted did not guarantee connection to their infrastructure and the developer should contact them direct. Following recent re-consultation no further comments have been made.

83. **Highland Council Flood Prevention Team** has been consulted now as they did not appear to have been consulted on the original submissions and their views on flooding and drainage issues are considered to be important today. They advise that:

- (a) Any proposed culverts crossing the watercourse (named Burn A) should be designed to accommodate the 1 in 200 year flows plus an allowance for climate change. Appropriate level of freeboard should be allowed for, nominally 0.6 metres. Details of sizing should be forwarded for approval prior to construction commencing
- (b) No development should be allowed within the 1 in 200 year flood extents (plus an allowance for climate change and 0.6 metres freeboard) rather than the 0.3 metres freeboard above the 1 in 200 year flood extents (with no allowance for climate change) expressed in the additional hydrology Information to SEPA
- (c) 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 out with this buffer strip.

On checking the implications of point (c) with the Flood Prevention Team it became apparent that this would necessitate a change to the layout at the Crannich Park due to the proximity of development (around 1 metre) to the ditch/watercourse which crosses to the north.

84. **Highland Council Housing Team** commented on the original submission seeking 25% provision of affordable housing. Following recent re-consultation no further comments have been made although when consulted on the 2013 application the Team 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 current 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.

85. **Highland Council's Area Roads and Community Works Manager** had no additional comments on the additional 2007 information, recommending that previous conditions recommended in their earlier consultation be attached to any consent issued including traffic calming measures at Carr Road and Kinchyle House, upgrading of present forestry access at Carr Cottages and provision of a roadside footway between Crannich Park and the site access. They further noted that approval should be sought from SEPA and Scottish Water in respect of drainage and flood alleviation measures and if there are any concerns regarding the long term effects of the development on the hydrology of the area then consideration should be given to long term ground water monitoring at the site.
86. Following recent re-consultation no further comments have been made other than to highlight the need for maintenance responsibilities for the SUDS scheme to be confirmed and agreed with any roads and paths to be considered for adoption to be suitably designed and constructed. Also that any traffic calming measures will require to the subject of consultation and staged safety audits.
87. **CNPA Access Officer** commented on the original submission raising no adverse comments to the principle of the proposals but made comment on final finishing and the need for paths to provide for all users including horse riders. Officers have no further comments to make on the additional submission.
88. **CNPA Heritage Team** advises that ecology information is a summary of historic records rather than an ecological survey in its own right. The survey information submitted is insufficient in terms of details, methodology and extent to demonstrate that there will be no adverse impacts upon European Protected Species, habitats, or biodiversity. Furthermore, those surveys undertaken are now out of date including those for red squirrels. Only survey work for ants would have been of a suitable standard.
89. The Team also advise that the impacts upon the bog woodland have not been fully assessed in terms of the loss of this habitat which will occur as a result of the formation of the new roadway which will result in loss of peat and bog. Proposals for compensation have not been included.
90. **CNPA Landscape Officer** highlights that it is the dense and mature woodland surrounding Carrbridge which provides the visual backdrop and setting for the village, and which, to a large extent, defines its distinctive local character and identify. Much of the existing housing to the south is arranged around cul de sacs of around 10-20 houses with a significant number of pine trees retained in gardens and as street trees which over time has given the feel of development being in clearings at a woodland edge.
91. New development is required to complement and enhance this character if it is to comply with Policy 6 Landscape. However, it is considered that the layout does not respond to the character and amenity value of the village with specific issues being loss of accessible woodland; condensed settlement

form; lack of retention of trees to alleviate dominance of built form; narrow peripheral landscaping; visual and physical intrusion of proposed access road; and infilling and raising of ground levels to accommodate development.

92. These issues could be mitigated by giving consideration to the following:
- (1) Reduction in number of houses and reconfiguration of layout so that woodland remains the prevailing characteristic through use of substantial areas of retained, new and enhanced woodland extending into the development areas
 - (2) Minimising the impact of the distributor road by careful routing, construction and landscaping of edges and ensuring as narrow a carriageway as possible
 - (3) Adopting a scale for “sub units” within the development that relates to those typical of the existing settlement.
 - (4) Designing the development so that enough woodland is retained to provide a consistent visual backdrop and robust edge to the settlement for both existing and new housing.
 - (5) Adopting an approach that reflects and respects the fragility of the environment by maintaining areas of intact habitat
 - (6) Building on higher areas of land where infill not necessary
 - (7) Developing programme of management so that woodland areas can meet multiple objectives of access, amenity and habitat provision.
 - (8) Widening belt of trees between B9153 and development to create clear entry point to village
 - (9) Creating more substantial landscaping in north east corner of site to give strong natural edge to development and reflect the low key rural character of this approach to the village.
93. **Carrbridge Community Council** responded to the re-advertisement to object to the proposals. They also provided a further response following on from the site visit which is attached as **Appendix 6**. This highlights their lack of confidence in hydrological work at that time and their concern regarding the first phase of affordable housing not serving the best interests of the community, preferring instead that the affordable housing be phased throughout the development. *(Note: this point was made with the original submission and considered in the committee report at the time in March 2007.)*

REPRESENTATIONS

94. Representations received when this application was initially submitted and considered were attached to the Committee report at the time. These were split into representations on original (six objectors) and amended plans at that time (five objectors). Letters from the Community Council and supporting letters from the applicant were also contained in this information package. This package of representations is attached as **Appendix 8(a)**.
95. As noted earlier, the application was re-advertised in September 2007 following the submission of additional information in late 2007. A further 12 representations were received which are attached as **Appendix 8(b)**.

These representations raised the following points in addition to comments made at the original submission stage.

- a) Data and surveys unsatisfactory
 - b) Lack of meaningful community consultation
 - c) Hydrological monitoring, mitigation proposals and study remain inadequate with subsequent adverse potential impacts upon European priority habitat at bog woodland which will be encircled by development. Report underlines there is a connection between the bog habitat and the development site and it is not a closed system as previously suggested
 - d) Inadequate surveys which do not reflect range of species including squirrels, fungi, invertebrates, crossbill, adders etc
 - e) Species identified in the UK Biodiversity Action Plan would be adversely affected including their foraging areas – this has not been addressed (e.g. narrow headed ant and Cousin German moth)
 - f) Development breaches European and national environmental law in terms of biodiversity and European protected habitats
 - g) Increased number of residents would have impact upon facilities of village that should be considered.
 - h) Environmental Impact Assessment should have been undertaken
 - i) Loss of woodland which both Scottish Executive and CNPA policy is to protect
 - j) Moving housing closer to B99153 welcomed as it would reduce encroachment into bog woodland although lack of clarity on proposals for build rate
 - k) Revised phasing proposals will increase demand for immediate access from Carr Road - Recommend consideration be given to splitting the site into two and consider access from Carr Road and remove access across bog woodland.
 - l) Inadequate information on footpath/access arrangements and on impacts upon trees – plans do not reflect this clearly
 - m) Access proposals unclear with particular reference to how the existing pathways at Snaky Bridge will operate during construction
 - n) Development too large for village, facilities, infrastructure and road network
 - o) Lack of assessment of impacts upon capercaillie
 - p) Land proposed for access from Rowan Place does not belong to the applicant and is required to be resolved. (*Note: this point was raised at the time of the original application for outline planning permission when the principle of development was established.*)
 - q) Lack of information on landscape maintenance or information on amenity areas which all falls short of the requirements of the Reporter's decision.
 - r) Requirements of outline consent have not been met
 - s) Reduction of amenity woodland and loss of scarce habitats (bog and woodland)
96. One of these parties requested to be **heard** at Committee (Badenoch and Strathspey Conservation Group). The applicants also formally requested to **address** the Planning Committee.

APPRAISAL

Principle

97. The principle of housing on this site has been established by the grant of outline planning permission at appeal. As this current application for 'approval of reserved matters' was submitted timeously in relation to that consent, the outline consent remains live in relation to consideration of this current application. As such the principle of the development is considered to be established and whether or not it conforms to the allocated housing land boundaries in the adopted Local Plan or the emerging Local Development Plan (as modified) is not a matter for consideration.
98. Consequently, consideration has to be given as to; (1) whether the application details meet the individual requirements of the relevant conditions on the outline consent and (2) whether the details submitted comply with the requirements of current detailed Local Plan and Local Development Plan policy (not allocations).
99. By way of background, with regard to compliance with Local Plan policies, it should be noted that when the application was first considered by the Planning Committee some 8 years ago at the March 2007 meeting it was considered in relation to compliance with Local Plan policies at the time; these being the policies contained in the Badenoch and Strathspey Local Plan. Now it requires to be considered in relation to current Local Plan policies and also the policies of the Proposed Local Development Plan (as modified) which is a significant material consideration. These policies are as set out earlier in the report.

Compliance with Requirements of Conditions of Outline Consent

100. The outline consent specifically required that information be submitted to cover the following details;
- a) siting
 - b) design
 - c) play/amenity areas
 - d) landscaping (including maintenance);
 - e) footpath links
 - f) open space provision
 - g) hydrological study
 - h) detailed site survey including the habitats of species of notified natural heritage interest
 - i) development held back 40 metres from B9153;
 - j) phasing plan
 - k) traffic calming measures.

(Conditions 1, 4 and 11 refer - see **Appendix I**)

In addition condition 7 required submission of details of delivery of affordable housing to be submitted with any application for reserved matters consent. (see **Appendix I**)

101. Following deferral at the March 2007 Planning Committee meeting the applicants submitted additional information which sought to address all of these conditions and the information requirements of the Planning Committee as set out earlier in this report.

Site Survey – Species & Habitats

102. Condition 4 bullet point 3 expressly set out the requirement for a detailed survey of the site to establish the presence of badger setts, wood ant nests, and habitats of any other species of notified natural heritage interest, going on to explain that the survey should specify all mitigation measures and that in the event of any conflict emerging then the outcome of the survey should over ride all other detailed considerations. In this case, as noted in the consultations section, the surveys submitted are not considered to be sufficient and do not address all these issues, do not specify mitigation measures and finally are now well out of date in any event. Accordingly the proposed development does not comply with the requirements of condition 4 bullet point 3.

Landscaping and Management

103. Condition 4 bullet point 1 requires submission of a full landscaping scheme for the entire site including details of how retained natural habitats are to be protected and a management scheme (with the option of ownership being transferred to an appropriate body by agreement) covering the aftercare of all landscaped areas, retained natural habitats etc and how these are to be maintained and managed in perpetuity.
104. Such information has not been provided; with the landscape information providing no detail as to whom the land will be handed over too and how it may be maintained in perpetuity. Full detail on retained habitats and their management is not included; simply regimes for checking tree planting, litter control and general maintenance. Accordingly it is not considered that this aspect of the outline consent has been complied with.

Hydrological Study

105. Condition 4 bullet point 2 set out the requirement for submission of a hydrological study of the site indicating how behaviour and levels of all surface and ground water are to be regulated and maintained in perpetuity in a way that would: (1) avoid any variation in surface or ground water levels that would be detrimental to existing natural habitats, and (2) avoid exacerbating flood risks within the site and on any neighbouring or downstream property. It was also highlighted that the study should be used to inform the final layout, with all dwellinghouses designed to at least a 1 in 200 year level of flood protection.
106. This was a key issue which formed one of the reasons for the Planning Committee's deferral of this application in 2007, and is considered later in this report in relation to the additional information provided. It should however be noted here that failure to provide the necessary hydrology information would again mean the application fails to comply with the terms of the outline consent.
107. Some of these above mentioned issues were considered to be acceptable (albeit subject to additional planning conditions) when the application was reported in 2007. However, experience has shown that it is important to ensure that all the necessary information is submitted when applications are made for consent for approval of matters specified in conditions. Further conditions requiring the later submission of key information should not be applied. In addition Scottish Government and Local Plan policy and guidance now all points to the importance of ensuring that all environmental issues are fully and properly addressed with this type of submission. These aspects are considered in more detail later in this report.

Affordable Housing

108. Condition 7 highlighted that not less than 24 dwellings, amongst the earliest to be completed, should consist of affordable housing with precise details of the mechanisms for providing these units and arrangements for retaining them within the social sector, to be submitted with any application for 'approval of reserved matters.' In this regard the current submission now provides for 30 affordable units spread over two areas of the site, 16 of which are identified for phase 1 of the development, and the remaining 14 for phase 3. The units within phase 1 are part of a large phase and it is not clear from the submission as to the timing or indeed the mechanism for delivery. It is therefore considered that the full requirements of condition 7 have not been met.

Phasing Plan and Build Rate

109. Condition 4 bullet point 5 required submission of a detailed phasing scheme for the entire development together with staged provision of infrastructure, landscaping etc. This has been provided showing a different phasing

sequence, with the next application on the agenda (07/400/CP) seeking to specifically revise this condition. The condition also set out that except for the 24 affordable houses which were to be among the earliest completions the development shall not exceed a rate of 15 houses per year. There is no clear information in the submission to explain how the phasing will work in relation to this requirement for build rate and accordingly the submission does not fully meet the terms of this condition.

Traffic Calming and Pedestrian Safety

110. Finally in relation to compliance with the terms of the outline consent, condition 11 required submission of information on traffic calming and pedestrian safety measures along Carr Road. Such information was submitted and considered satisfactory by the Roads Service.

Environmental Information and Compliance with Local Plan policies

111. 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 and the intervening bog woodland 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.
112. 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 the Proposed Local Development Plan policies 4.1, 4.2, 4.3, 4.4, 4.5 and 4.6.
113. The Habitats Regulations Assessment undertaken by the CNPA (**Appendix 4** 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 as well as ensuring there is sufficient capacity within the public sewage treatment network to treat effluent to the required standards. Clearly if there is an indication that the mitigation cannot be implemented the development would not comply with policy on Natura sites.
114. As noted earlier, information submitted in 2005 and 2007 does not represent the level of survey information which is expected and required for planning applications today. The surveys are now out of date; do not cover all species and habitats required; and there is no information on methodology, time/range of surveys etc including surveys for European Protected Species.

115. There is considered to be insufficient information to properly consider the impacts of the proposed layout, including the impacts of the access road upon the natural heritage interests not only of the site itself but the wider potential impacts upon the River Spey SAC in terms of discharges and hydrology.
116. In addition, due to this basic lack of information there are no proposals for compensation or mitigation for loss of, or impacts upon, species and habitats in the area.
117. Accordingly the detail of the proposed development fails to comply with planning policies, as listed in paragraph 112 of this report. It also fails to comply with the terms of the original outline consent which required submission of a detailed survey covering habitats of species of notified natural interest and mitigation all as outlined earlier in this report.

Hydrology Information and Compliance with Local Plan policies

118. Local Plan Policy 12 - Water Resources 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 LDP 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.
119. 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, and bogland beyond and to the east by bog woodland beyond the proposed buffer area; and as result of the new road link between the two sites. There is insufficient information submitted to fully assess the impacts of these proposals upon this water environment as noted earlier in the consultations section.
120. Specifically, as noted by key consultees (SEPA and Highland Council Flood Prevention Team) amendments may 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 with the current layout showing garden areas within around 1 metre of the watercourse. In addition, as noted by SEPA, further information is required to assess the impact of the proposed access road and new footpath proposal upon ground water dependent terrestrial ecosystems, and also a requirement for a National Vegetation Classification Study and 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.

121. Accordingly the information submitted is not considered to fully demonstrate that there will not be an adverse effect on the surrounding bog woodland habitat and the water environment, with SEPA setting out in detail the further information required. In these circumstances the proposed development does not comply with the requirements of Local Plan and proposed LDP policies. 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)
122. Furthermore the impacts of the new road crossing and of the development itself upon peatland require to be fully considered. SEPA have raised concerns regarding impacts upon peatland which have 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.
123. In these circumstances, it is considered that the proposed development fails to comply with local plan and local development plan policies. The proposals also fail to comply with the requirements of the outline consent in relation to the lack of submission of full hydrological information to demonstrate that surface and ground water will be regulated in a way which will avoid any detriment to existing natural habitats and also avoid exacerbating flood risks within the site and on any neighbouring or downstream property.

Technical Servicing Information and Compliance with Local Plan policies

124. The principle of developing the site has been established in general terms by the grant of outline planning permission and also by the various housing allocations over the years, whereby the general ability of services within the village to cope with additional development has been considered previously. It is therefore the detailed servicing of the site which requires to be considered with this application.
125. As noted earlier it has not been demonstrated that satisfactory arrangements for disposal of surface water have been made. In relation to foul effluent, Scottish Water has previously raised no objections to this application. However, should the application be supported the developer would need to ensure that they obtained the consent of Scottish Water for connection.
126. The other key servicing issue is that of access with Local Plan Policy 29 on Integrated and Sustainable Transport Network requiring the local transport impacts of new development to be fully considered. Proposed Local Development Plan Policy 3.1 on Sustainable Design also applies in this regard. The road layout in terms of access from the B9153 is generally set by the outline consent and this leads to the long access road across the bog woodland. Comments from the Roads Service relating to footpaths etc could

be incorporated as planning conditions in the event of the application being supported, although at present not all matters are shown on plan. It is however considered in general terms that access arrangements are satisfactory.

127. In relation to pedestrian access, the site is well located in relation to the village and to existing footpath networks with a number of new connections proposed which in principle which could contribute towards improving access opportunities thereby potentially complying with Local Plan policy 34 on Outdoor Access and Proposed Local Development Plan Policy 3.1 on Sustainable Design. However there is a lack of detail on the proposed footpath links, in particular the link from the Carr Road site to Rowan Park across undulating wetland and the impacts upon the environment here; all as highlighted by SEPA.
128. Accordingly overall, it is considered that it has not been satisfactorily demonstrated that the development as proposed will be adequately serviced.

Site Layout and Landscape implications

129. Local Plan Policy 6 on 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 on 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. In addition, national planning policy places emphasis upon placemaking and the principles of designing streets
130. Carrbridge is characterised by its woodland setting with housing development currently set within this woodland to create a very attractive setting and village. Much of the existing housing to the south is arranged around cul de sacs of around 10-20 houses with a significant number of pine trees retained in gardens and as street trees, which over time has given the feel of development being in clearings at a woodland edge.
131. Whilst the principle of a development of up to 117 houses is established on this site, it is essential that the detail of the new development reflects the character of the village and the requirements of policy. The comments of CNPA's Landscape Advisor set out the key issues of concern with the current proposal, particularly in relation to achieving the policy objective of complementing and enhancing character. These key concerns relate to:

- (a) loss of accessible woodland;
- (b) condensed settlement form;
- (c) lack of retention of trees to alleviate dominance of built form;
- (d) narrow peripheral landscaping;
- (e) visual and physical intrusion of proposed access road;
- (f) infilling and raising of ground levels to accommodate development

CNPA's Landscape Advisor has set out in the consultation response how these issues could be potentially overcome.

132. Against this background it is considered that the current layout of a looped access road configuration coupled with a housing layout which does not allow for green areas and woodland to expand into the development in recognition of its woodland situation fails to comply with current and proposed policies. In summary, it is considered that the proposed layout does not fit within the context of the existing character and amenity value of the village.
133. With regard to the wider landscape setting, there is an opportunity to consider landscape mitigation measures and also improved management and maintenance of undeveloped areas which are of considerable recreational, amenity and landscape importance to the village. However there is no detail on future proposals for this land or landscape mitigation measures.
134. In these terms it is considered that the development does not comply with the requirements of Local Plan policies 6, 16 and 20 and Local Development Plan Policies 1.1, 3.1 and 5 or with the requirements of the outline planning conditions which emphasised the need for full landscape and maintenance/management details to be submitted as outlined earlier in this report.
135. In terms of design of the houses, there is a reasonable variety of house types proposed. However, it is the overall layout and setting that fails to comply with policy and reflect the character and qualities of the village all as described earlier.

Affordable Housing Provision and Developer Contributions

136. 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. The revised layout now shows a total of 30 affordable houses spread over two areas of the site, and as such meets the aspiration of 25% provision which was sought in the previous Committee report, and complies in principle with Local Plan and Proposed Local Development Plan policy.
137. In general terms this increased provision, which includes provision at the Carr Road end of the site, is welcomed. Highland Council Housing Service has recently confirmed that there is a requirement for affordable housing in

Carrbridge and that the southernmost site (Crannich Park) is within their programme of funding. However, there is little information within the application submission on delivery mechanisms and timings and the requirements of the specific conditions of the outline consent have not been met, as outlined earlier in the report. Accordingly, it is considered that the current submission does not fully accord with planning policies or the terms of the outline consent.

138. With regard to developer contributions and compliance with Local Plan Policy 18 Developer Contributions and Proposed Local Development Plan Policy 12.11, as this is an application for Approval of Reserved Matters following on from the grant of outline consent which approved the principle of the development of this site for 117 houses, it is not considered appropriate or relevant to re-visit this topic.

Other Issues Raised in Representations

139. Comments made by objectors to the additional information received generally do not raise any new issues that have not been covered in this report or the previous committee report.
140. Specific queries regarding the need for an Environmental Impact Assessment to have been carried out with this development. In this regard any screening for EIA and conclusion on the requirement for EIA is undertaken by the Local Authority when an application is submitted.

CONCLUSION

141. The principle of housing development here is established by the outline consent. However, it remains 10 years on from that consent being granted that it is necessary to assess the layout against current national and local planning policies. It is necessary to determine whether the detail of the proposed development complies with current planning policies as contained in both the adopted 2010 Local Plan and the Proposed Local Development Plan (which is approaching adoption and is a material planning consideration of significant weight in this case.)
142. Having assessed the detail of this submission against these policies, all as set out earlier, it is considered that the proposed development fails to comply with Local Plan and proposed Local Development Plan policies in a number of significant areas as follows:
- (a) Insufficient information has been supplied to consider the impacts of the layout upon natural heritage interests. As a result 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 contrary to Local Plan Policies 12 Proposed Local Development Plan policies 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 policy 10.6.
 - (e) The detail of the submission does not meet the terms of the outline planning permission in relation to the hydrology, landscape, affordable housing and environmental survey information submitted.
143. Whilst it is appreciated that a favourable recommendation on this application was made in 2007, it is now necessary to consider the proposal against current planning policy and in that context it fails to comply. There are no material planning considerations of sufficient individual or collective weight which would indicate a reason why the CNPA should depart from the policies of the Development Plan in this instance. Refusal is therefore recommended.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

144. The proposed development conflicts with this aim as there is insufficient information to demonstrate how the natural and cultural heritage will be conserved and enhanced. 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.

Promote Sustainable Use of Natural Resources

145. There is potential to partly comply with this aim if the house designs are sustainable with regard to energy use and materials. However, natural resources in terms of woodland and natural habitats will be lost as result of the proposed layout and there are no proposals for mitigation.

Promote Understanding and Enjoyment of the Area

146. 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. 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

147. 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 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 permission for Approval of Reserved Matters for development for 117 dwellinghouses with associated infrastructure, roadways, and footpaths on 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 13 Mineral and Soil Resources (as contained in the Cairngorms National Park Local Plan 2010) and Policy 10.6 Carbon Sinks and Stores as contained in the Cairngorms National Park Proposed Local Development Plan (as modified) in that it has not been satisfactorily demonstrated that disturbance to peat will be minimised with unnecessary disturbance avoided.
3. The proposed 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, all 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 (all as contained in the Cairngorms National Park Proposed Local Development Plan (as modified) in that insufficient information has been submitted to demonstrate that:

- (a) there will not be any adverse impacts upon protected species
 - (b) there will not be any adverse impacts upon biodiversity with no comprehensive surveys and species/habitat protection plan to assess the effects submitted
 - (c) that sufficient ecological enhancements will be implemented to mitigate the ecological impacts of the proposed development
 - (d) any adverse ecological and landscape impacts arising out of tree loss will be satisfactorily mitigated and compensated for
 - (e) there will not be any adverse impacts upon the hydrological regime
4. The proposed 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 which does not:
- (a) respect the landscape character and setting of Carrbridge
 - (b) provide a suitable landscape setting for new development or use landscaping within the development to complement the setting
 - (c) provide sufficient detail of the future maintenance, management and handover of all landscaped areas provided
 - (d) include provision for sufficient green areas/woodland within the housing layout.
5. The proposed 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 does not reinforce and enhance the character of Carrbridge which is set by housing set within a wooded setting as a result of insufficient landscaping and woodland proposals within the site and lack of information on mitigation and

enhancement proposals and future maintenance/ management of remaining land and landscape areas

7. The proposed development is contrary to Policy 19 Contributions to Affordable Housing (as contained in the Cairngorms National Park Local Plan 2010) and Policy 1.5 Contributions towards Affordable Housing as contained in the Cairngorms National Park Proposed Local Development Plan (as modified) and the supporting Supplementary Planning Guidance on Affordable Housing in that insufficient information has been provided regarding the delivery mechanism and timetabling of affordable housing on the site.
8. The proposed development does not comply with the terms and conditions of the original “outline” planning permission (reference 03/00292/OUTBS) in that insufficient information has been submitted in terms of surveys, landscaping, affordable housing, housing build rate and hydrology to meet the requirements of conditions 4 and 7.
9. 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 Policies 3.1 Sustainable Design and 8 Sports and Recreation, as contained in the Cairngorms National Park Proposed Local Development Plan (as modified) in that it has not been satisfactorily demonstrated in terms of submission of sufficient detail that:
 - (a) A satisfactory footpath link will be provided along the B9153 from the Crannich Park site back to the village with no details of this link provided
 - (b) A satisfactory footpath link can be provided to Rowan Place in terms of design and construction
 - (c) Details of access upgrading of junction of access track beside Carr Cottages onto Carr Road

Officer Name: Katherine Donnachie

planning@cairngorms.co.uk

Date: 3 March 2015

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