



KINGUSSIE AND VICINITY COMMUNITY COUNCIL

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Replies to:
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3rd July 2013

Dear Mr McKee

Ref: 2013/0190/MSC

Matters specified in Conditions 1, 2, 5, 10, 11, 16, 18, 27 & 29 of Permission In Principle 09/048/CP relating to submission of revised Master Plan etc.

General Comments

1. While being pleased to hear that the number of properties proposed for this development has been reduced to 130 (although we still consider this number to be too many) we would feel more confident had we been given a definitive figure. As it is, we were advised that this number is likely to increase should market conditions improve. The fact that we were also advised that high density housing originally proposed for the area to the rear of the old Shinty pitch has still not been ruled out indicates why we remain sceptical.

2. With regard to the proposed Kingussie Design Code submitted by the applicants. While generally happy with this we have several concerns:

- (a) We note that on page three there is an allusion to high density housing. We would argue that Kingussie has neither the need nor wish for this type of housing which would be much better suited to an urban setting, rather than a small traditional highland town.
- (b) Page four talks about "*privacy in the garden at ground level at the front can be accommodated by sheds, fences and to the rear with hedges and similar*". What happened to the use of natural materials such as drystone dyking/willow hurdles/hedging etc, which we had previously been assured would be implemented to avoid urbanisation? And sheds in *front* gardens? The same page also mentions the housing/plot ratio saying that: "*the building footprint should not exceed 25% of the plot area. However, this could vary according to the form of development proposed and the character of the surrounding properties*". We are concerned at the implication that buildings could end up covering significantly more than 25% of their plot giving rise to over-development of the site as a whole, instead of it being well-proportioned and spacious. We would feel happier if the statement just said: "the building footprint should not exceed 25% of the plot".
- (c) Page five indicates that: "*buildings should not exceed two storeys*" when we were previously assured that buildings would not exceed one and a half storeys in order to fit in with existing adjacent properties.
- (d) Page 12 states that: "*Development on building plots within a serviced plot layout can extend into several years. You will therefore have to accept that building sites and activity may be*

disruptive as long as sites remain vacant. There is nothing that the Planning Authority can do to ease this problem". **While accepting that this is likely to be the case for the new builds on the site, we would like to see a condition attached to any detailed planning consent requiring the applicant to carry out buffer zone planting around the perimeter of the site prior to any development taking place. The reason for this would be to protect the amenity of existing homes from the noise and disruption which will inevitably come with a building site which could take up to 20 years to complete. Ideally this should have been carried out years ago, enabling trees to become established and reach a reasonable height before building operations commence.**

Condition 4

3. We fully support the Cairngorms National Park Authority's decision to attach condition four to the original planning permission in principle and continue to register our objections in the strongest possible terms to any removal or variation of this condition, owing to the serious impact it would have on the amenity of existing homes on Dunbarry Road and its immediate surrounds. As we have previously said, the only reason we can see for changing or removing this condition would be for the developer's convenience, as it would certainly not be for the convenience or benefit of existing residents. In fact there is no doubt that it would be to their detriment. We objected to the use of Dunbarry Road as a general access to the proposed development as far back as 2009, citing the fact that it had been running at capacity for many years. In 2002 the development of Croila View off Dunbarry Road was only permitted on condition that the proposed number of dwellings was reduced, and traffic calming measures installed on Dunbarry Road. The only thing which has changed since then is the Highland Council Roads Manager, and the construction of a further ten dwellings on Kerrow Drive. Should condition four be removed allowing traffic from the first phase of the development to use Dunbarry Road, this will set a precedent which would be very difficult to overturn and would then open up the possibility of the whole development being accessed via the Dunbarry Road network, which is completely unacceptable.

4. The first phase of this proposed development indicates parking provision for 147 vehicles, which implies a huge number of extra vehicles using Dunbarry Road on a daily basis. In our view this is likely to be a conservative estimate as we believe the real number to be nearer 200, and this does not include maintenance or delivery vehicles etc. We note that a previous civil engineers report commissioned by the developers indicates that from its junction with East Terrace, Dunbarry Road/Terrace currently serves 100 houses, but that: *"a further 100 houses could also be served if the necessary upgrades were made to the road/footpaths"*. We would argue that these figures are erroneous, as they do not take into account the properties situated on Dunbarry Brae, St James Court, East Terrace itself, and the roads off East Terrace, all of which use Dunbarry Road for access.

5. A STAG Appraisal from Waterman Boreham commissioned by the applicant in April 2009 on the basis that the development would comprise "300 residential units" mentioned that Council guidelines indicate that Dunbarry Road can serve up to 200 residential units. We would argue that it already does so, serving as the main access for housing on Kerrow Drive, Dunbarry Terrace, Dunbarry Road, Hillside Avenue, Croila Road, Croila View, Dunbarry Brae, East Terrace, and the roads running off East Terrace: Garraline Terrace, Cluny Terrace and Campbell Crescent. We would also point out that many of the homes at these locations possess more than one motor vehicle.

6. The third paragraph on page five of the applicants supporting statement which attempts to justify the removal of condition four says: *"From the outset of planning this development the Roads Authorities have advised that with appropriate road design/safety measures for the existing network provided at the developers' expense they would be prepared to allow the smallest proportion of the overall development to be accessed via this network. This was on the understanding that the majority of houses had to await the building of a new access from the A86"*. We would argue that the fact that such "appropriate road design/safety measures for the existing network" are even being considered shows how deeply unsuitable Dunbarry and its adjacent roads are for carrying the extra amount of traffic which will be generated by this development. We would ask which "Roads Authority" made

such a statement and on what facts was it based? No matter how it is dressed up by the findings of professionally sourced reports and surveys, we still concur that Dunbarry Road is unsuitable to carry the amount of extra traffic proposed. The supporting statement goes on to indicate that consideration could be given to Dunbarry Terrace/Road being used as a: *“continuous bus route through the land from Dunbarry Terrace to the A86”* which again, indicates the likelihood of a permanent connection between Dunbarry Terrace and the rest of the site, as there is certainly no room for buses to turn at the top of Dunbarry Road. The fact that three further extra traffic calming islands are being proposed continues to illustrate the unsuitability of the road to carry extra traffic.

7. One of the “appropriate road design/safety measures” being proposed by the applicants is a “raised shared table” surface at the junction of Dunbarry Road with High Street. We believe that this would be inherently unsafe, as drivers already tend to cut the corner at this junction when turning from High Street onto Dunbarry Road. If Dunbarry Road were to be made into a shared surface for pedestrians *and* motor vehicles, we can foresee someone being seriously injured or killed when a motorist sees what appears to be a widened area of carriageway and is tempted to cut the corner even further. We note that a pedestrian guard railing is deemed necessary on the western side of the junction to: *“protect pedestrians from the level difference between the shared area and private driveway”*. In other words, to protect people from falling down into the drive way of 105 High Street. Again, this illustrates how completely inappropriate these proposed measures are. Furthermore, no attention seems to have been paid to the fact that Dunbarry Road runs up a very steep hill. It is not on the priority list for gritting during the winter months and although we note that a non-skid surface is specified for the proposed shared surface, it will be useless when buried under a layer of ice and snow. As it is, many residents no matter how carefully they drive, have found themselves unable to stop during icy weather and ended up skidding straight out onto the High Street. We believe that it is purely down to good luck that there has not been a fatality at this junction. The dangers to and from resident motorcyclists using this road on a regular basis should also be taken into account.

8. The location of three further proposed traffic calming islands on Dunbarry Road are also questionable. Traversing Dunbarry Road from the top of the hill, we note that the first traffic calming island proposed for Dunbarry Road is on the nearside carriageway prior to its junction with Dunbarry Terrace. Not only will this preclude on street parking by residents, it will also obscure visibility to the right for drivers wishing to exit Dunbarry Terrace and turn left onto Dunbarry Road. Difficulties may also be encountered by drivers wishing to turn right, such as delivery vehicles and especially drivers of large maintenance vehicles such as refuse lorries and gritters, due to the reduced width of Dunbarry Road at this point. The location of the second proposed traffic calming island is no better, being sited on a nearside bend almost on top of the junction with Hillside Avenue. This is a busy junction, serving some sixty houses located on Hillside Avenue, Croila Road and Croila View. The third proposed traffic calming island also situated on the nearside, is on a steep part of Dunbarry Road a few metres away from its junction with Garraline Terrace. Again, this is another busy junction serving the numerous houses on Garraline Terrace, East Terrace, Cluny Terrace, and Campbell Crescent. We also wish to point out that several emergency service workers live on or near Dunbarry Road. It is imperative that they are able to access and negotiate Dunbarry Road as quickly and safely as possible, whether it be driving an ambulance or driving to an emergency call-out at the fire station. We believe that the proposed “improvements” outlined in this traffic assessment will actually impede safe progress. While recognising that the junction of Dunbarry Road and High Street is in need of improvement, we would argue that improvements made to enable a significant amount of extra traffic are not improvements at all.

9. The road safety audit carried out on behalf of the applicants reported that: *“during the site visit traffic flows were ‘very low’ and the audit team consider the principle of using a shared surface arrangement to be a safety improvement to the current arrangement”*. This audit took place between Monday 27th May and Wednesday 29th May 2013, but the report does not indicate at what times. This being the case, we are not certain as to whether the numerous children who use this route when walking to school were taken into the equation.

10. We also have concerns regarding the proposed traffic calming measures for East Terrace, which runs off Dunbarry Road. East Terrace is a narrow road without any pavements, and a dangerous blind junction with a traffic restriction where it joins Ardbroilach Road. It is heavily used by children making their way to and from school on foot. Due to the nature of the road we cannot see how the proposed “improvements” can be of any benefit, and are concerned for the safety of the children and other pedestrians using the road should it be inundated with extra traffic generated by the proposed development.

11. Pages 7 – 8 (4.5) of the Revised Transport Assessment June 2013 mention the Scottish White Paper, and quotes some of its objectives. One of these was to: *“improve safety of journeys by reducing accidents and enhancing the personal safety of pedestrians, drivers, passengers and staff”*. Given the above comments we have already made, we fail to see how Dunbarry Road can be seen as a suitable candidate for compliance with the aims of the Scottish White Paper.

12. This transport assessment also asserts that: *“Given the location and attractiveness of public transport facilities in the vicinity of the site, it is considered that the estimated additional demand associated with the development proposals can be accommodated within the existing provision. Services available provide access to the surrounding areas of employment.”* This is completely inaccurate. We would argue that the provision of public transport in Kingussie is such that for most people living here, a car is a necessity. Final Revision A of the applicant’s Transport Assessment mentions the City Link M91 service. This states that the earliest City Link bus reaches Kingussie at 9.30am and does not arrive in Inverness until 10.35am, which is of no use to anyone commuting to Inverness for work or study. As this service does not reach Aviemore until 09.52 it is not much use for people working there either. The survey also mentions the Stagecoach service number 32 which leaves Kingussie at 8.40am (having completed its inbound journey as a school bus) and does not reach Aviemore until 9am. It reaches Inverness at 10.15am. Again, this service is of no use to commuters or students. **We note that of the eight bus services quoted in the assessment, five of them are actually school bus services which is somewhat misleading, to say the least.**

13. Which brings us to train services: the earliest train to Inverness is the London - Inverness sleeper service. This arrives at Kingussie at approximately 7.20am but can be weather dependent, so it is not always reliable. It reaches Inverness at 8.36am (assuming it is on time) which does not give commuters or students much time to get to their place of work/college, assuming that they start at 9am. These comments relating to public transport provision show how nonsensical the assertions made in the Waterman Final Rev A Transport Assessment are: *“It is considered that the available public transport within Kingussie will provide residents and commuters with an alternative option to the private car with timetables accommodating commuter travel”* (paragraph 5.31 page 18). Vehicle numbers will patently not be reduced, for as we have said previously: for most people living in Kingussie a car is a necessity.

14. A traffic survey commissioned by the applicants was carried between 07:00 – 10:00 and 15:30 – 18:30 on Wednesday 6th February 2013. We would make the following comments regarding the accuracy of this report:

- (a) We ascertain that the figures given in this survey are flawed. On the day of the survey the weather was extremely poor. There had been heavy snow, and the roads were icy, leading to hazardous driving conditions. This resulted in several road traffic accidents including a jack-knifed lorry on High Street at its junction with Ruthven Road, which effectively blocked the road. Drivers able to put off their journeys would have been likely to do so.
- (b) Wednesday is half day closing in Kingussie, so tends to be the quietest day of the week.
- (c) The school timetable for Kingussie Primary School is: P1, 2 and 3 - Monday to Friday 09.00 to 14.45
- (d) P4, 5, 6 and 7 - Monday to Friday 09.00 to 15.15. This means that although the survey would have picked up pupils walking to school in the morning, it would have failed to include them upon their return. The High School hours are Monday to Friday 08.55 to 15.30 so although

these pupils would have been recorded, there is no indication as to whether this included pupils walking along East Terrace to Jonathan's Brae/Ardbroilach Road. The number of other pedestrians making their way along Dunbarry Road out-with the survey times will not have been recorded at all.

- (e) With regard to vehicular movements: we note that this survey took place between: "AM Peak Hour 08:15 – 09:15; and PM Peak Hour 16:45 – 17:45". We would point out that many people travelling to work would have commenced their journeys well before the start of the survey period. These would be trades people who have an early start, or those commuting long distances up to Inverness or down to Perth. The survey times do not make any reference to the rest of the day, when delivery and other vehicles are using Dunbarry Road.

15. We also have serious concerns as to the viability of the existing foul sewer system, which currently serves Dunbarry Rd/Terrace and surrounding streets. Most of Kingussie is served by what can only be described as a rather elderly sewer system, much of it dating back to the time when the town was first developed. From what is already known regarding the existing sewer on Dunbarry Road, we believe it to be completely inadequate to service a further 55 houses, and are dismayed that this is even being considered.

16. We understand the applicant's concern that Condition 4 is not acceptable as they do not consider it to be cost effective nor conducive to the building of much needed affordable and open market housing, but would point out that for many years the local plan has indicated that any new development on this site was to be accessed from a permanent new link road off the A86. As this application has been made by a highly experienced property development company, we would have expected the cost of a permanent road link from the A86 to have been factored into their original figures. If they are now stating that the construction of a permanent road will impact on the viability of their development, we do not think it is reasonable that our community should suffer a considerable loss of amenity as a consequence. Given these concerns, we have serious doubts as to whether the construction of a permanent link road would ever be carried out once the temporary haul road has served its purpose, and that its completion will be left to become the responsibility of another developer.

17. We reinforce this point by citing **Condition 12**, which currently requires the applicant to submit details of frontage treatment along the A86 trunk road boundary to the CNPA for their approval prior to the commencement of any development. Although previously indicating that this condition will be complied with, the applicant was obviously unhappy as their supporting statement at that time said: "as the initial use of this access will be by construction traffic it may be wasteful to implement proposals for the frontage treatment until completion of the early phases. However, prior to the commencement of any development details will be submitted for approval". This suggests to us that as little as possible will be done to ensure that the road frontage presents an attractive aspect from the A86 while construction is on-going, which could be for many years.

18. Further reasons for the retention of Condition 4 are:

- (a) The culverted burn lying directly beneath Dunbarry Road. We remain to be convinced that this former crofter's road is strong enough to take all of the proposed extra traffic without major strengthening works being carried out.
- (b) The numerous junctions leading onto Dunbarry Road.
- (c) There is a children's play-park on Campbell Crescent next to private land which slopes down onto Dunbarry Road. The slope is in regular use by children at play, becoming especially popular during the winter months for sledging. The bottom of the slope is not currently fenced off from Dunbarry Road and should condition 4 be removed, the safety of the children who play there will undoubtedly be compromised.
- (d) Numerous children from primary school age upwards use Dunbarry Road every day when walking to and from school, and in places there are no pavements.

19. As we have continually stated, our preference would be for this development to commence from a new access road taken from the A86. This way development could be carried out incrementally with minimal disturbance to the rest of Kingussie, while negating all of the current access issues. The extra costs likely to be incurred by the construction of a new access road would be off-set by not having to pay for “appropriate road safety/design measures” on Dunbarry Road.

Condition 1

Proposal for local needs housing

20. We are pleased to note that part of the first phase of the proposed development comprises 18 dwellings and that the proposed design has been improved. We would feel happier if we could be confident that these will ultimately be offered to local people, but understand that this is not within the remit of the developer or the planning authority. We completely refute the assertion that they must be positioned off Kerrow Drive with their access coming from Dunbarry Road as we believe that they can be accommodated just as easily off a new access road leading from the A86. As there is already existing council housing in this vicinity, to say that the new housing would be isolated from the rest of the town is incorrect and they would only be a ten minute walk (on the flat) as opposed to a ten minute walk (down a very steep hill if sited off Kerrow Drive) from the centre of the town. We understand current policy indicates that affordable housing should be indistinguishable from private open market housing, and should be distributed throughout a development rather than all being sited in one place, which is a further reason for it not being sited off Dunbarry Road.

Condition 3

21. We note that the applicant’s statement indicates that as a result of the geological constraints of the site and the need for structural landscaping it is likely that there will be a significant reduction in the number of houses. While welcoming this, both the Mammal Survey and Arboricultural Implications assessment gave figures for the phasing of the development indicating to the contrary. Assuming that the figures were obtained from the applicant and are current this gives us grounds for deep concern, as the total number of dwellings indicated here for all three phases add up to a maximum of 300 rather than the 130 maximum which the developers are now quoting. In our opinion this number is still too high to be sustainable for our small highland town.

Arboricultural Implications Assessment

22. We are still concerned to note the large number of trees that have been identified for removal (150) in order to facilitate a new access road off the A86. We accept that if this is to be used as the main route into the development, tree removal will be necessary. However we were concerned that no specific mention appears to have been made as to how many trees will need to be removed to form the area zoned for economic development.

Mammal Survey

23. The original Mammal Survey Report stated that Wild Cat, Bats, Red Squirrel and Badgers were all recorded as having been present within 2km of the site. However as this survey was only conducted over a period of just one day, we are not surprised that the only protected species it identified were Red Squirrels. We know that regular local users of Tom Baraidh Woods (immediately adjacent to the site) have reported sightings of Pine Marten. Roe Deer are to be seen in these woods and in the fields adjacent to it, which form part of the proposed site. The woods are also home to Greater Spotted woodpeckers and many other bird species.

24. It seems that the shortcomings of the original survey were addressed by only one extra day's survey which was again carried out in daylight hours, on Monday 27th May 2013. Notwithstanding the previous survey's findings, it would appear that nothing has been done to address the possibility of Scottish Wild Cat residing in the area despite our having drawn this to the attention of the CNPA Board on 30.4.10 at their determination meeting for the planning permission in principle relating to this site. At that meeting we advised them that Wild Cat had recently been caught on a camera trap at the Highland Wildlife Park, apparently attracted to females in captivity. The Wildlife Park is only four miles north of the proposed development site, which is no distance for a Wild Cat. The type of habitat conducive to them is adjacent to this site, and we believe that only the most basic surveys have been commissioned in order to comply with planning application requirements. We were surprised that no camera traps were deployed to make absolutely certain that the development will not pose a threat to Scottish Wild Cat, and that a more in-depth survey was not carried out over a longer period of time. We know that the site is used by domestic cats from nearby houses, but no sign appears to have been noted of them. Logically it could be argued that if domestic cats are using the site, why not wild ones? As the presence of protected species is a material consideration, surely appropriate steps need to be taken to make absolutely certain that this is not an issue?

Hydrological Survey

25. We note that a hydrological survey was carried out for the applicant late July 2008 during bright dry weather with no rain. It goes on to say that: *"No ground water was encountered in any of the trial pits with the exception of TP 11 where very slight water ingress was recorded at a depth of 1.85m below ground level. Although it should be noted that the presence and amount of ground water may vary due to seasonal and other factors"*. This gives us cause for concern, as anecdotal evidence indicates that there are springs on this steeply sloping site and the terrain on much of the site does tend towards boggy, as indicated by the existing flora. Although the same report says that: *"There are no known incidences of flooding occurring within the site and the proposed development of the site will not heighten the risk of same occurring"*, due to the sloping nature of the site, we are not completely reassured that existing properties below it will be affected by the inevitable water run-off that such a development is likely to create, despite the amendments made to the previously proposed S.U.D.S scheme.

26. We note that in a previous developer's Statement of Community Consultation regarding this site, there is an appendix showing a screening opinion from the Highland Council dated February 2009, indicating that they have considered this proposed development in accordance with the Environmental Impact Assessment (Scotland) Regulations 1999 and as a result, have decided that: *"the proposal is not Environmental Impact Assessment Development"*. Given that this screening opinion is likely to reflect the Council's interpretation of the legislation, and given the permanent effect this potentially huge development is likely to have on Kingussie, we find this to be nothing short of astonishing.

Potential Community Uses

27. With reference to the small areas of land designated for community use. At present we do not have any suggestions for this land nor do we have the resources enabling us to provide any sort of maintenance for a community owned asset. This being the case, we suggest that the areas of land in question are planted with indigenous tree species in order to add to the landscaping already proposed for the site. This will keep the land available to the community should a need be identified at a future date.

28. Given the mud and dirt that the construction and subsequent use of the haul road is likely to cause we would ask that a condition be attached to any planning consent, requiring the installation of a wheel wash in order to minimise the amount of mud and dirt being transferred to the A86 by construction vehicles.

28. Kingussie & Vicinity Community Council would like the opportunity to address the Planning Committee at the determination meeting for this application.

29. We would conclude by saying that while accepting the principle of development on this site, we believe that it should only be of the highest quality, and not developed in such a way that it would be detrimental to the rest of Kingussie.

Yours Sincerely

Alan Davidson
Chairman, Kingussie & Vicinity Community Council