
CAIRNGORMS NATIONAL PARK AUTHORITY

Title: REPORT ON CALLED-IN PLANNING APPLICATION

**Case Officer: KATHERINE DONNACHIE
(PLANNING OFFICER,
DEVELOPMENT MANAGEMENT)**

DEVELOPMENT PROPOSED: Amended route of temporary haul road and siting of contractors compound for the servicing and construction of Phase 1 Housing Development of 37 plots and 18 affordable dwellings granted under Permission Ref PPA-001-2013 at land to north, east and west of Dunbarry Terrace and Kerrow Drive, Kingussie

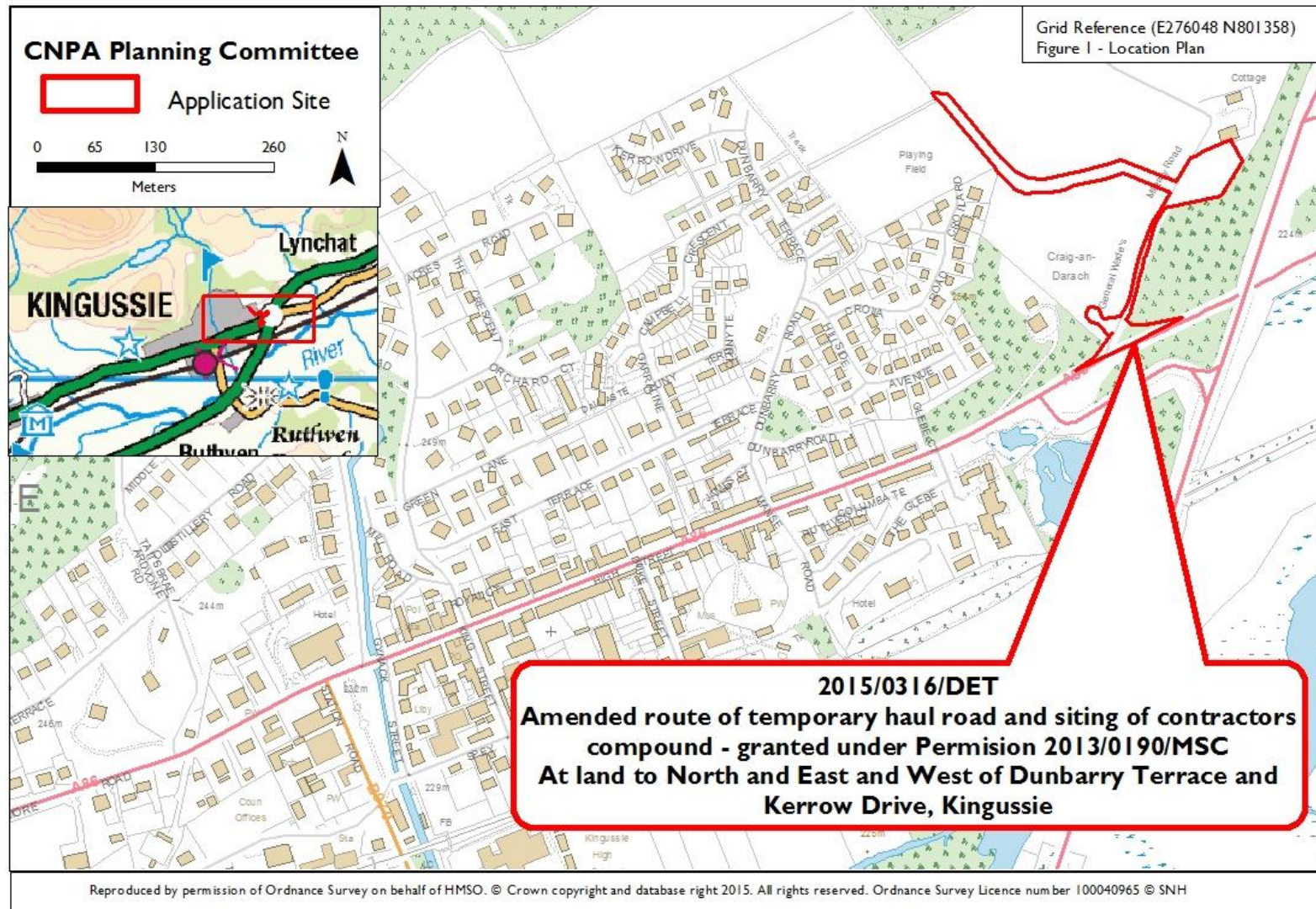
REFERENCE: 2015/0316/DET

APPLICANT: Davall Developments Ltd

DATE CALLED-IN: 28 September 2015

REASON FOR CALL IN: The proposed development is directly related to an application previously determined by the Cairngorm National Park Authority. It raises issues in relation to landscape impact, visual impact within a principle transport corridor, relates to a development with a high level of public interest and is considered to be of significance to the collective aims of the National Park

RECOMMENDATION: APPROVE subject to conditions



DEVELOPMENT PROPOSAL, SITE DESCRIPTION AND HISTORY

- I. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority (CNPA) website unless noted otherwise:

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

Title	Drawing Number	Date on Plan
Site Plan	PL002 Rev G	August 13
Location Plan	PL006 Rev C	November 15
Context Plan	PL007 Rev E	December 15
Landscaping Plan	PI008 Rev D	November 15
Sections	PL009 Rev C	November 12
Temporary Access Junction	PL10 Rev B	November 15
Phasing of re- contouring, construction and interim/temp uses	PL012	September 15
Construction Compound	PI011 Rev C	October 15
Soft Landscaping Implementation	PI013 Rev A	November 15
Planning approved general access	PL014	November 15
Temporary Access Junction Entrance	PL015	November 12
Phase I Soft Landscape Proposals	HLDK192-15-SLO1 Rev C	24 November 15
Construction Method Statement by GH Johnston Building Consultants Ltd		November 2015
Revised Planning Statement by GH Johnston Building Consultants Ltd		November 2015
Home owners soft landscape maintenance and management advice notes	HLD K192.15 Rev C	19 January 16
Proposed Soft Landscape Maintenance and management regime	HLD K192.15 Rev C	19 January 16
Soft Landscape Proposals	HLD K192.15 SLO2 Revision G	05 February 16
Safety Method Statement and Hazard risk assessment sheets	2110 sheets 01 and 02	24 November 15
Explanatory letter from GH Johnson enclosing additional plans and information		05 November 15
Explanatory letter from GH Johnson enclosing additional plans and information		24 November 15
Summary of response to Representations by GH Johnson	2110	24 November 15
Partial Soakaway Outlet Detail	917.2	05 February 16
Haul Road Swale Detail	917-2	05 February 16
Haul Road Drainage Outlet	918	11 February 16

Development Proposal and Site Description

2. This application seeks full planning permission to amend the route of a previously approved construction road to serve an approved housing and economic land development at Dunbarry Terrace/Kerrow Drive, Kingussie. A construction compound on land south of Kerrow Cottage is also proposed.
3. By way of background, planning permission in principle was granted (reference 09/048/CP) for an overall development of housing, economic and community uses at this site in Kingussie on 18 January 2013, following signature of a Section 75 legal agreement and consideration of an ongoing legal challenge to the Local Plan allocations at that time. This was followed by two further applications which were dealt with under the single reference 2013/0190/MSD and effectively within one application. The first part of the application under that reference was an application for approval of a number of the “matters specified in conditions” in planning permission in principle (09/048/CP) including a master plan for the whole site and details of layout and servicing of Phase I, which is located to the rear (north and north east) of Kerrow Drive and comprised a total of 55 residential units - 37 serviced plots and 18 affordable houses.
4. This MSD application included a construction haul road to the far east of Phase I of the overall site, with new junction onto the A86 trunk road and a proposal for residential access (post construction) for Phase I to be taken up Dunbarry Road/Dunbarry Terrace. CNPA refused this MSD application and the developers appealed to the Scottish Government Directorate for Planning and Environmental Appeals (DPEA) in 2014. The appeal was successful and the DPEA approved the MSD application subject to a number of conditions. A copy of the DPEA decision together with the report on the application to the CNPA Planning Committee is attached, together with a copy of the original planning in principle consent as **Appendix 1**. The DPEA’s decision meant that many, but not all, of the MSDs applicable to the planning permission in principle 09/048/CP had been approved.
5. The second part of the application submitted under reference 2013/0190/MSD was an application under Section 42 of the Planning Act for planning permission without compliance with condition 4 of 09/048/CP in order to permit access from the Dunbarry Terrace/Road and Kerrow Drive network. The CNPA refused that application and the developers appealed to the DPEA. That appeal was also successful and the DPEA issued a further planning permission in principle on 28 April 2014 under reference PPA-001-2013. This included a new Condition 4 which allowed the 55 houses within Phase I to be accessed from the Dunbarry Terrace/Dunbarry Road/Kerrow Drive network, but with access to the remaining phases to be taken via a single main access point onto the A86.
6. A more detailed summary of this planning history is contained in the site history section of this report. All the plan extracts, Figures 2 – 7, within this report are included within **Appendix 2**.

7. As noted above, at this time a construction access road for the entire development was shown taking access via a new junction to be formed onto the A86 trunk road to the east of Kingussie. This junction point was close to a private track (General Wade's road) serving Kerrow Farm. This track is also a designated core path leading to Tombaraidh Woods (LBS73).
8. The approved construction access/haul road followed the route of the final proposed access road, which would serve future phases of this development in due course and would be upgraded to the requisite standards. The first phase (55 houses) would only take access via Dunbarry Road once they were constructed. No construction access was permitted along Dunbarry Road.
9. This approved construction access road cut across the agricultural fields winding its way north west to phase I of the approved development site. This layout formed the basis of the masterplan which set out how future phases would be developed. A copy of the originally approved masterplan layout showing phasing and access arrangements is shown in **Figure 2**. Areas in green indicated the structural landscaping proposed then and Phase I is indicated in lilac.



Figure 2: Originally approved master plan layout, phasing and landscape framework

10. The applicants now wish to amend the line of this construction road, as shown in **Figure 3** which illustrates the route of the originally approved road (dashed line) and the currently proposed one (in red) for ease of comparison with **Figure 2**.

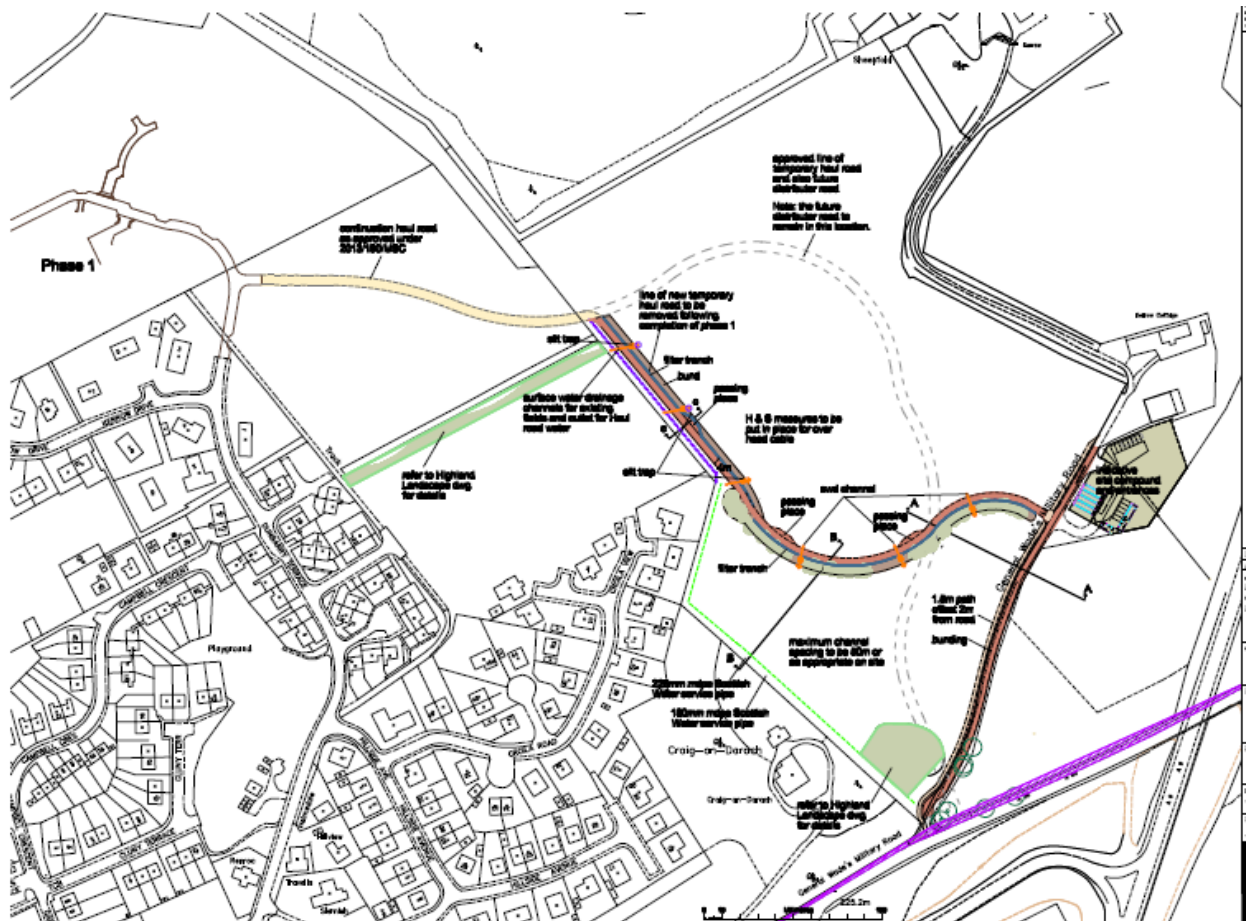


Figure 3: Proposed New Route of Haul Road

11. This new route will use the exiting private track junction onto the A86 Aviemore to Kingussie Trunk Road, using the exiting track/core path (General Wade road) which leads to Kerrow Farm and Kerrow Cottage for around 200 metres before heading northwest to join the originally approved route for Phase 1. A 1.5 metre wide footpath is proposed beside the existing track to allow for separation of pedestrian and vehicular traffic on this core path. The junction of the access onto the A86 will be upgraded to enable two vehicles to pass, together with some radii improvements, footpath provision and provision of visibility splays. This proposed junction arrangement is shown in **Figure 4** and the dashed line shows the existing route of the General Wade Road.

12. The new haul road and track will be of a minimum width four metres. It will be constructed from the hard ground exposed by the topsoil stripping with some hard core laid down in any softer areas and/or on steeper ground and an earth bund formed from the soil scrapings on the down (south) side of the track. This bund will be grassed for most of its length with some tree/shrub planting proposed over the steeper sections to help contain it visually. Supporting sections and topographical information indicate that there will be limited changes to ground levels to accommodate this new route.
13. The surface of the haul road is intended to be permeable with measures proposed to ensure that the existing field drainage system can continue to function with any water collecting on the haul road to be drained to the existing field drainage system. It is proposed to provide a series of channel strips around

50 metres apart; these being open channels constructed from timber batons set into the surface to allow water to flow downhill and through gaps in the earth bunds with a filter trench/roadside swale formed on the lower side of the haul road to divert any water from the road to the cross channel.

14. Silt traps and swale collection points are also proposed at strategic locations with any excess water discharged via a partial soakaway with overflow connecting into the existing field drainage system. It is advised that this system will be maintained regularly to ensure that it does not become blocked. At the upgraded junction onto the trunk road it is proposed to provide a roadside filter trench with discharge into a new off-site pipe to cross under the trunk road then run along southern verge of the A86 leading eastwards under the A9 to discharge to an existing ditch.
15. It is proposed to reinstate the new haul road once development starts in subsequent phases, with this revised haul road only being required for the works on Phase I. Thereafter, the originally approved route will be formed. A construction method statement (CMS) has been submitted to explain how this will be achieved. This CMS includes information on how existing users of the access track (General Wade road) will be notified of works and how the timescale of upgrading works to the junction and track will be minimised to reduce disruption. The CMS explains that the haul road will be removed and the land reinstated once Phase I is complete. In respect of works to the existing General Wade road (and presumably the accompanying footpath) the CMS states that “where appropriate, re-instatement works will also be carried out over the affected section of the Kerrow Farm access road” and in relation to the junction point states that “the vehicular access onto the A86(T) road will remain in place until replaced with a permanent junction to serve future development and considered for formal closure to vehicles under the appropriate legal procedure.”
16. The agents have within an accompanying application to vary the terms of the original MSC consent (2015/0317/DET) set out how, in the event of the revised haul road route being supported, the original planning conditions could be amended to enable this revised route to proceed. Key changes being sought to these planning conditions are dependent of the outcome of this haul road application as they relate to the access and landscaping arrangements. The key Conditions are 4 and 7 and this will be fully considered in the accompanying application 2015/0317/DET under Item 7 on this Agenda.
17. By way of background planning Condition 4 of the MSC consent granted by the DPEA read as follows: **(Appendix I)**

“No development shall commence on the development hereby approved until the new access from the A86 trunk road and the construction of the haul road have been completed in accordance with the approved plans; and a management plan detailing the measures to be taken to ensure that all construction vehicles access the development via the haul road has been submitted to and approved by the Planning Authority. Thereafter:

- (a) all construction vehicles (including vans) shall only access the Phase I site via the new haul road; and
- (b) all landscaping shown on drawing no. HLD 9028.08/SL-07 shall be implemented in the first planting season following completion of the new access and thereafter maintained in accordance with the approved maintenance details

For the avoidance of doubt, a plan for the closure of the existing General Wade's Military road access shall be submitted to and approved in writing by the planning authority, in consultation with the roads authority, before any work commences on the formation of the new access, and shall thereafter be implemented in accordance with the approved details."

18. If the current submission for a new haul road route, which does not involve a new junction onto the A86, were supported then the condition above would have to be changed. The agents suggest that this could be changed as follows:

No work shall commence on the development hereby approved until improvements to the existing access from the A86 Trunk road and the construction of the haul road have been completed in accordance with the approved plans; and a management plan detailing the measures to be taken to ensure that all construction vehicles access the development via the haul road has been submitted to and approved by the Planning Authority. Thereafter:

- (a) all construction vehicles (including vans) shall only access the Phase I site via the new haul road; and
- (b) all landscaping shown on drawing no. 2110 – PL008 shall be implemented in the first planting season following the formation of the haul road and thereafter maintained in accordance with the approved maintenance details

19. The agents are also applying to amend Condition 7 as applied by the DPEA as they do not consider advance planting to be required to the same extent. Condition 7 stated as follows:

"No work shall start on site until a revised landscaping plan, together with a fully detailed management and maintenance plan, have been submitted to and approved by the planning authority. All landscaping shown on the approved landscaping plans (including advance planting for future phases) shall be implemented in accordance with the approved management plan, and in the first planting season following completion of the haul road and associated ground works to form access roads and servicing of Phase I. Landscaping shall thereafter be maintained in accordance with the approved maintenance and management plan and timetable. "

20. At the time of consideration of the 2013 MSC application, the applicants submitted a proposal for advance planting which formed the basis of the landscape plan which was to be provided in fulfilment of condition 7. **Figure 6** shows the applicants proposed advance planting in the vicinity of the haul road location as proposed at that time. The areas outlined in green identified for advance planting.

21. The agents suggest amended wording for this condition in the accompanying application 2015/0317/DET to reflect their view that there is now no need to undertake the same level of advance planting given that the revised haul route will have less visual impacts.
22. With the current haul road application under consideration, the applicants initially proposed only planting in the former borrow pit to the west of the access point, some limited planting alongside the new haul road and to the north of the shinty pitch. Following ongoing discussion they have now agreed to increase the level of advance planting to include areas alongside the haul road, to the north alongside the track to Kerrow Farm, alongside the boundary to Craig an Darach, and increased planting to the Croila View boundary. This is as shown in **Figure 7**.

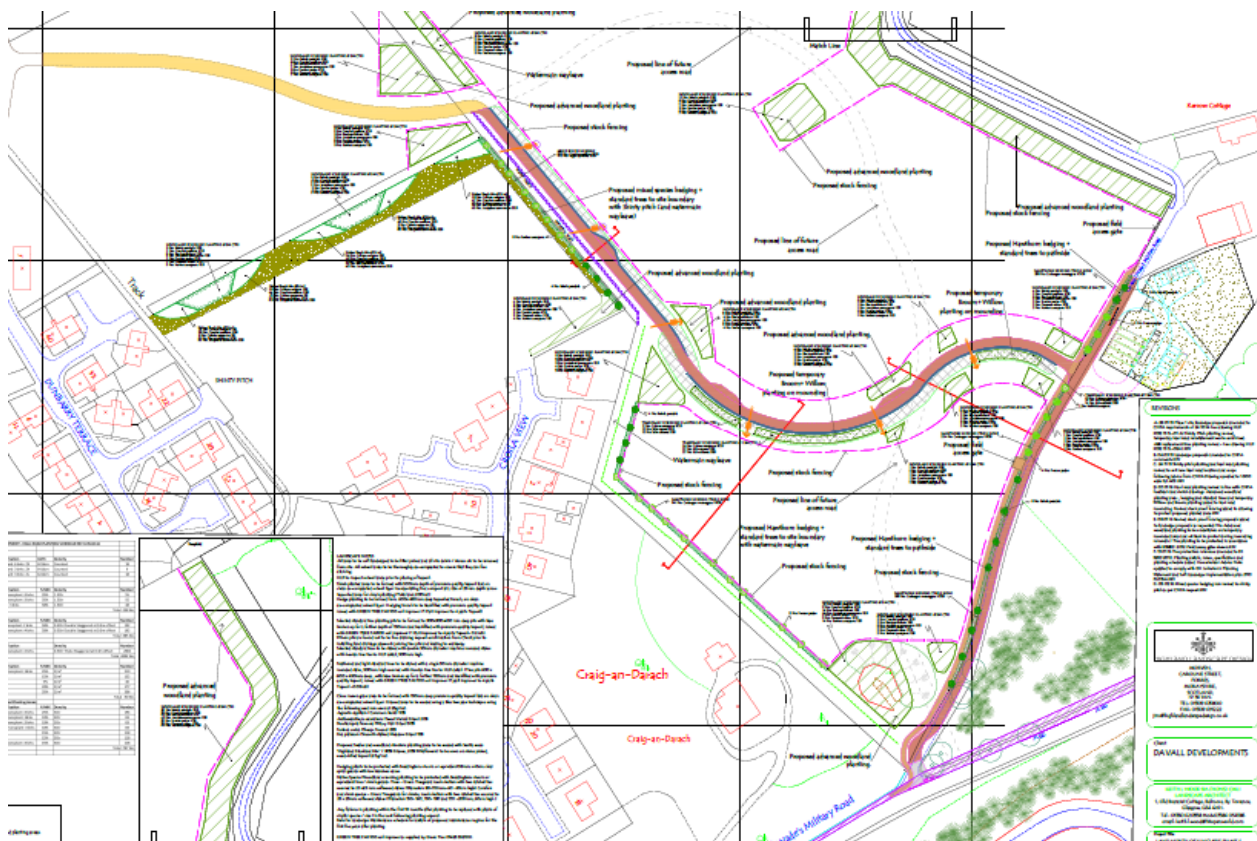


Figure 7: Planting currently proposed

23. In relation to potential noise and dust nuisance, the agents have set out that vehicles will be required to maintain a low speed and follow good driving practices. A safety method statement has now been submitted to provide more detail on those proposed measures, including speed limits and dust suppression proposals. It is also submitted that minimising gradients and inclusion of passing places will reduce noise from low gear manoeuvres on steeper sections.
24. The proposed construction compound will be located to the south of Kerrow Cottage on agricultural land, bounded to east by planting with direct access off the General Wade Road. The compound will be enclosed by 2.4 metre high boarding of colour to be agreed. The compound will include parking and turning space, welfare and office facilities, laydown/storage areas and wheel wash facility, with a further 40 metres of the General Wade road heading northwards to be used to facilitate articulated vehicle movements into and out of the compound. This track already appears to be in use by heavy vehicles at present related to forestry operations.
25. The reason for the applicants wishing to change the route of the construction/haul road is set out in detail in their agent's planning statement and this may be summarised as follows:-
 - a) Desire to retain agricultural fields in use and avoid splitting the fields by construction access
 - b) Need to reduce visual impact of the haul road thereby removing need for advance planting

- c) Reduced developer funding for re-contouring and servicing large areas of land
 - d) The need to avoid carrying out advance structural planting which would then require to be removed or may become damaged as future phases progressed
 - e) The pressing need to build the affordable housing component which is essential to the economic well-being of Kingussie, and the accompanying need to ensure all planning conditions and requirements are practical and feasible. This will enable a start to be made on site this year.
26. The agent has also set out the benefits of the revised access route as follows:
- a) The revised temporary route will not require removal of a significant amount of trees at junction onto A86 and the associated compensatory planting
 - b) Reduced visual impact
 - c) Less new haul road length will need to be formed, and an existing track may be used which is more practical and cost effective.
27. Following initial consideration of the application, Officers raised concerns with the agents regarding the limited landscaping proposals for mitigating visual and landscape impacts, along with concerns regarding the impacts of dust and noise on residential properties in the area and also requested clarification on a number of points including road access and visibility splays. Following ongoing discussion revised material was submitted which may be summarised as follows:
- a) Revised plans to show the separation of the footpath alongside the General Wade road and clarification that this will be a countryside style footpath constructed of crushed hard core finish
 - b) Details of the upgrading of the junction onto the A86 , together with clarification on extent of achievable, improved visibility splays
 - c) Further details on the surface water drainage arrangements and the arrangements for discharge via a pipe alongside the trunk road
 - d) Safety method statement outlining how dust and noise will be minimised
 - e) Revised landscape plan as shown in **Figure 7**
 - f) Updated planning statement and revised construction method statement to reflect these changes

Site History

28. There is a lengthy history associated with this site which has been referred to earlier. This may be summarised briefly as follows.

Planning in Principle Consent (09/048/CP)

29. An application seeking planning in principle for a masterplan for up to 300 houses, economic development uses, community uses including all infrastructure was originally considered at the CNPA Planning Committee meeting of April 2010. At this meeting it was agreed to approve the development subject to the signature of a Section 75 agreement. A further report was considered at the August 2010 Planning Committee meeting and proposed revisions to the planning conditions previously agreed at Committee were approved.

30. In November 2012, an update report was made to the Planning Committee to consider the application in the light of new material considerations, these being the legal challenge to the adoption of the Local Plan, and a report reflecting the 2010 Local Plan policies and supplementary guidance was considered. At this time it was agreed to grant planning in principle permission subject to registration of the Section 75 agreement and on 18 January 2013 planning in principle permission was granted subject to a series of conditions. These conditions included the requirement that; (a) a new construction haul road direct from the A86 trunk road be constructed and (b) notwithstanding the details of the application, no vehicle access to the site should be taken from the Dunbarry Terrace, Dunbarry Road, Kerrow Drive network with vehicular access to be via a single main access point onto the A86. There was also a condition attached requiring submission of a detailed landscape plan including extensive peripheral tree planting and proposals to maintain and protect the scenic integrity of the site and provide wildlife corridors.

Matters Specified in Conditions and Section 42 Application

31. In February 2013, an application (reference 2013/0058/MSC) seeking approval for matters specified in these above conditions was submitted and subsequently withdrawn to enable the applicant to address concerns raised by Officers relating to information submitted, including landscape provision.
32. Subsequent to this withdrawal, a further application (reference 2013/0190/MSC) seeking approval for matters specified in conditions 1, 2, 5, 10, 11, 16, 18, 27 and 29 was submitted in June 2013. Also submitted at the same time and under the same application reference number, was an application under Section 42 of the Act for planning permission without compliance with Condition 4 of 09/048/CP (planning in principle permission) in order to permit access from the Dunbarry Terrace/Road and Kerrow Drive network.
33. Both these applications (as contained within application reference 2013/0190/MSC) were considered at the September 2013 meeting of the CNPA Planning Committee.
34. Officer recommendation at this time was approval subject to the provision of a revised landscape plan to reflect all matters raised in the CNPA Landscape Officer's comments together with provision of an updated master plan and design code to take account of these amendments. At this time the need to achieve a layout which reflected the character of Kingussie and reduced the impact of the development on the wider landscape, creating a high quality internal structure within which housing could be developed was highlighted in order to provide a framework for an attractive addition to Kingussie. The importance of creating habitat corridors was also highlighted and the report emphasised the need to secure delivery of the proposed landscaping and structural planting at the earliest opportunity. The importance of avoiding the entire site appearing as a building site for years to come was stressed.
35. The Planning Committee refused these applications on the basis of being contrary to Local Plan Policy 16(g) on Design Standards for New Development

in that it failed to demonstrate that the use of Dunbarry Road would protect the amenity enjoyed by residents of Dunbarry Road and its associated road network. The applicants appealed against these decisions to the Scottish Government Directorate of Planning and Environmental Appeals (DPEA) On 28 April 2014 the DPEA upheld both appeals.

36. In relation to the MSC application appeal, the DPEA approved the MSC application subject to various conditions. The DPEA's approval of the MSC application meant that many, but not all, of the MSCs applicable to planning permission in principle 09/048/CP had been approved. The developer had until 18 January 2016 (3 years from the date of grant of 09/048/CP) to apply for approval of the remaining MSCs. As applications for approval of all remaining MSCs were not made within that timescale 09/048/CP is no longer capable of being implemented.
37. In relation to the Section 42 Appeal the DPEA effectively issued a further planning permission in principle on 28 February 2014 under reference PPA-001-2013. This included a new Condition 4 which allowed the 55 houses within Phase I to be accessed from the Dunbarry Terrace/Dunbarry Road/Kerrow Drive road network but with access to the remaining phases to be taken via a single main access point onto the A86. In addition, PPA-001-2013 was granted subject to all of the same conditions as originally applied to 09/048/CP but those MSCs which were separately approved by DPEA in relation to 09/048/CP were deemed also to be approved in relation to PPA-001-2013. The remaining MSCs in relation to PPA-001-2013 need to be applied for by 28 April 2017 (3 years from the date of grant of PPA-001-2013.) The DPEA decision is currently the only live planning permission for the site.
38. A copy of the committee report and the DPEA's decision are attached as **Appendix I** together with a copy of the planning in permission decision notice. Notable amongst the conditions attached to the DPEA decision is Condition 7 which set out the requirement for a revised landscape plan to be approved. The landscape plan was required to include advance planting for future phases and it was to be undertaken in the first planting season following completion of the new haul road. Condition 4 also set out the requirement for the new road junction onto the A86 trunk road and the haul road to be formed before any development started on site.

Pre application Discussions

39. Prior to submission of the current application and the accompanying application to vary conditions, there has been extensive discussion between officers, the applicants and their agents regarding how to best progress the development. Since May 2014 the applicants have expressed concern regarding the burdens imposed by the planning conditions attached to their MSC consent and in particular their concern regarding the requirement for advance structure planting as well as the level and amount of landscaping provision within the site.
40. Compromises were discussed and the applicants were advised of the level of landscaping considered appropriate in July 2014 and also advised that a "two

tranche” approach to advance planting could potentially be considered. This included carrying out some key advance planting with Phase 1 such as planting alongside haul road, at site entrance to A86, behind community playing fields, and at rear/north of site(west of Kerrow Farm), as these areas were unlikely to be disturbed by future re-contouring. Allied to this, areas could be identified for advance planting once the re contouring for future phases was undertaken,

41. Following on from these various meetings, landscape plans were prepared and discussed in terms of fulfilling Condition 7. In November 2014 officers advised that the material submitted did not meet the requirements of the condition, with detailed comments from the CNPA Landscape Advisor provided to assist in making a satisfactory submission.
42. During April - July 2015 there was ongoing discussion/meetings with the applicants and their agents to discuss the potential for revising the route of the haul road from the A86 in order to both reduce development costs and landscape impacts. An option of running a new haul road along the western edge of the fields was discussed along with appropriate levels of planting. The need to commit to some advance planting and to explain how future planting would be delivered for Phases 2-3 as soon as re-contouring took place was also highlighted. The current submissions are a further variation of these discussions.

DEVELOPMENT PLAN CONTEXT

National policy

43. **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.
44. The SPP sits alongside four other Scottish Government planning policy documents:
 - 1) The 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.
45. Scottish Planning Policy sets out the need to facilitate sustainable economic growth stressing the vital role of the planning system in delivering high quality places in Scotland demonstrating the six qualities of successful place, these being distinctive, safe and pleasant, welcoming, adaptable and resource efficient. Paragraphs 84- 86 refer to National Parks, highlighting the four aims of the Parks and that if there is any conflict between the first aim (to conserve and enhance the natural and cultural heritage) and any of the others, then the first aim must be given greater weight.
46. In terms of the natural environment, SPP sets out the need for the siting and design of new development to take account of local landscape character and to minimise adverse impacts through careful planning and design, considering the services the natural environment is providing and maximising the potential for enhancement. Emphasis is given to improving the quality of our places and spaces through integrated green infrastructure networks which can also attract investment and development. Paragraph 221 highlights that green infrastructure is an integral element of places from the outset of the planning process.

Strategic Policies

Cairngorms National Park Partnership Plan (2012-2017)

47. 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.
48. 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.
49. 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.
50. Specific policies of the Plan seek to promote and enhance the special qualities of the Park. Policy 2.3 seeks to conserve and enhance the special landscape qualities of the National Park, with a particular focus on enhancements that also

deliver habitat improvements, and enhancing opportunities to enjoy and experience the landscapes of the Park. Policy 2.4 seeks to conserve and enhance habitat quality and connectivity whilst Policy 2.8 seeks to enhance the design and sense of place in new development and existing settlements, specifically setting out the need for road upgrades and improvements to respond to local landscape character.

51. Also relevant is Policy 1.2 which seeks to enable sustainable patterns of settlement growth, infrastructure and communications by amongst other things, consolidating the role of the existing main settlements including Kingussie, whilst Policy 1.1 seeks to grow the economy of the National Park and to provide a housing land supply to meet demand.

Local Plan Policy

Cairngorms National Park Local Development Plan (2015)

52. All new development proposals require to be assessed in relation to policies contained in the adopted Local Development Plan. The full wording of policies can be found at:

<http://cairngorms.co.uk/uploads/documents/Park%20Authority/Planning/LDPI5.pdf>

53. The application site lies within the settlement boundary of Kingussie as defined in the Local Development Plan. This land is covered by the designation EPI which relates to land supply information, identifying this site as one with planning permission for 300 units. The settlement statement text for Kingussie sets out that this is the oldest settlement in Badenoch, a traditional Highland town, with the need for new development to be undertaken in a way that complements the existing town stressed, with a clear definition between town and country maintained.
54. General design guidance for Kingussie includes the need for all new development to ensure the quality of surrounding woodland and sensitive habitats is not compromised with the need to improve the woodland setting and structure highlighted. A landscape priority is to maintain and enhance the contribution of trees and woodland within the settlement and to maintain and enhance woodland access across the town, managing access corridors for both people and wildlife.
55. Key policies relevant to the proposed development are summarised below:
56. **Policy 1: New Housing Development** sets out support for proposals on identified sites and where the development reinforces and enhances the character of its surroundings. Along with other policies it seeks to ensure that development is well designed.
57. **Policy 2.3: Other Economic Development** supports development which supports or extends the economy providing it meets other policies of the plan,

is compatible with existing business activity in the area, and supports the vitality and viability of the local and broader economy of the Park

58. **Policy 3.1: Sustainable Design** sets out the need for new development amongst other criteria, to be satisfactorily serviced; sympathetic to the traditional pattern and character of the surrounding area; use materials and landscaping that will complement the setting of the development; make sustainable use of resources; promote sustainable transport methods; improve or add to existing public open space; maintain and maximise all opportunities for responsible outdoor access including links into existing path network; protect amenity enjoyed by neighbours including minimisation of disturbance caused by access to the development site; and create opportunities to further biodiversity and promote ecological interest.
59. **Policy 4.2: National Designations** (in respect of the National Park); **Policy 4.5: Other Biodiversity** and **Policy 4.6: All Development** set out how any heritage interests should be considered, protected, mitigated and enhanced with the key objective of ensuring that all development conserves and enhances the outstanding natural heritage of the National Park, protecting against adverse development and enabling enhancement
60. **Policy 5: Landscape** presumes against development which does not conserve and enhance the landscape character and special qualities of the National Park. This policy goes on to explain that development which does not complement and enhance the landscape character will only be permitted where any significant adverse effects are clearly outweighed by social or economic benefits of national importance and all adverse effects have been minimised and mitigated through appropriate siting, layout, scale, design and construction.
61. **Policy 9: Cultural Heritage** seeks to ensure that development affecting a site or feature of local or wider or cultural historic significance or its setting will protect or enhance the feature and its setting.
62. **Policy 10.1: Water Resources** and **Policy 10.2 Flooding** set out how new development should ensure the reduction in use of resources, ensure development is free from flood risk or increase the risk of flooding elsewhere, and to ensure there is no deterioration in ecological status or unacceptable impacts on the water environment.

Supplementary Guidance

63. The CNPA has prepared a suite of Supplementary Guidance (SG) which is part of the Local Development Plan and provides more detail about how to comply with the policies. There is also non-statutory Planning Guidance to help support the delivery of the Plan.
64. Key topics in this case are guidance on landscape, sustainable design, resources and natural heritage which outline key principles and requirements to help deliver policy as set out earlier. Guidance on Landscape sets out the role of landscaping works in the vicinity of a development to help strengthen/enhance

existing landscape features, provide a framework that improves the appearance of the development in its setting or provide some screening to help reduce adverse impacts.

65. The Cairngorms Core Path Plan 2015 is also a material planning consideration.

CONSULTATIONS

66. **Transport Scotland** was consulted as the access point which is proposed for upgrading is onto the A86 trunk road. They initially advised that conditions should be attached to any consent granted requiring that visibility splays measuring 4.5 metres by 160 metres to the right (west) and by 215 metres to the left (east) must be provided and maintained on either side of the access point.
67. They also required a condition that, following completion of the works, the trunk road footway must be reinstated in accordance with the requirements of the operating company. They also highlight that the granting of planning permission does not carry with it the right to carry out works in the trunk road boundary and consent from Transport Scotland will be required too.
68. Following receipt of additional material from the applicants' agents setting out the extent of visibility splays and road improvements they can achieve and explaining their case for the proposed level of upgrade Transport Scotland has confirmed that they are content to accept the visibility splays proposed and shown on Drawing No. 2110/PL010 Revision A. *(This has now been updated to Revision B to in order to show 1.5 metre wide footway beside the General Wade road as requested by CNPA Access Officers who considered a 2 metre wide path to be unnecessary).*
69. Transport Scotland were again re-consulted following receipt of additional material regarding the surface water drainage arrangements for the upgraded access point onto the A86 which involves a pipe crossing under the road then running along the road verge to connect to a watercourse. They have advised they have no objection to this proposal subject to the proviso that prior to any works commencing on site the applicant must liaise with the Operating Company to agree all details and obtain all permits required for the road crossing to the drainage outfall.
70. **Scottish Environment Protection Agency (SEPA)** was consulted in relation to the proposed arrangements for surface water drainage disposal by means of outfall to ditch and watercourse ultimately. They advise that they have no comments to make, noting this type of application is below the threshold where they would normally comment.
71. **The Highland Council Environmental Health Service** was consulted in relation to any impacts from noise and dust arising from the revised location. They advised that their concern would relate to any impacts upon sensitive receptors and in order to consider this they sought details of any dust

management protocols to be put in place, and details of mitigation measures for traffic noise, in particular hours of operation and prevention of vehicles idling in laybys on the road.

72. Further information submitted by the applicants' agent was provided for comment and they advise that this material is acceptable. They recommended that details of a 24 hour contact for complaints should be provided too as part of the traffic management procedures and to enable any residents' complaints to be dealt with promptly.
73. **The Highland Council Historic Environment Team** was consulted in relation to any impacts upon the General Wade road. They have noted that the proposed development will in part follow the route of the 18th century military road which is considered to be of local historic importance. Whilst the risk of impacts to any remains is not such as to warrant a full archaeological excavation, it is important that the nature and extent of any features should be identified and recorded before destruction. Any site clearance work should be carried out under archaeological supervision and a planning condition to this end is required to secure an archaeological watching brief.
74. **The Highland Council Roads Service and Flood Prevention Team** were consulted in relation to any surface water drainage issues arising from the revised route of the haul road and its associated surface water arrangements. The Roads Service confirmed that they had no comments on the proposals. The Flood Prevention Team initially advised that there was insufficient information provided in relation to impacts upon field drainage and drainage for the upgraded section of the General Wade road and objected to the application until such information was provided. Following ongoing discussion further information was provided by the applicants, as detailed earlier, on the proposed surface water drainage arrangements, with copies of previous drainage impact assessments submitted for earlier applications provided.
75. The Flood Prevention Team have now advised that the use of swales and partial soakaways will attenuate surface water from the haul road and overland flow, and due to the sloping topography here any excess water will be collected at the filter trench/swale on the lower section of the road. The proposal for the run off from the filter trench/swale to be discharged at a flow rate of 5 l/s is acceptable and should be secured by planning condition.
76. They also request a planning condition that all temporary drainage works be removed when the permanent drainage system for the site is implemented.
77. Finally they have noted that permission from Transport Scotland to discharge into the roadside drainage network must be sought and in the event that they are not prepared to accept this then the Flood Prevention Team must be re-consulted.

Note: as noted earlier Transport Scotland has no objection to the proposals.

78. **CNPA Outdoor Access Team** considered the initial submission and requested that information be provided on how continued safe pedestrian use of the General Wade road (core path) was being safeguarded. Further information supplied by the applicants has now been considered and the Team advise that the proposals for a separate, temporary pedestrian path alongside the core path are a satisfactory alternative to the use of the military road and will alleviate potential conflict in view of the additional traffic arising. They advise that the path may be 1.5 metre wide as opposed to the 2 metre width initially shown and that it must be level, free draining and maintained free from obstacles. *(Revised plans showing the reduction in footpath width have been now been provided)*
79. The Team also sought provision of additional material relating to cross sections, specifications, revised method statement to deal with pedestrian path/access road crossing point and signage. These matters could potentially be addressed by planning conditions in the event of the application being supported.
80. **CNPA Landscape Advisor** noted that the proposed change in layout of the new haul road may help to reduce the extent and intensity of landscape and visual impacts. However, without some advance planting the permitted access road will then in the future when constructed will be as prominent as if it were constructed today. The Advisor highlighted the need to for a minimum level of advance planting to be carried out, setting out the level required. This involved edge planting (narrow belts of trees/hedges and hedge row trees) and some limited internal copse planting, and planting alongside the shinty pitch. This would complement existing character and provide some landscape context for future development without compromising future preparatory earthworks for future phases.
81. The Advisor further noted that planting initially proposed by the applicants alongside the bunded area to be formed beside the proposed new construction/haul road would be located on the bund of material to be used for eventual reinstatement of this road. Accordingly, any such planting would be lost as part of this process. It was therefore recommended that trees be planted as a series of copses on the south side of the haul road, but off the bund, strategically located for long term retention and to reduce the effected of the temporary haul road upon local amenity. Also, in relation to the haul road route the need to undertake appropriate reinstatement works after Phase I is completed was highlighted in order to revert back to the low key nature/character of this historic road with an appropriate specification required for such works.
82. In relation to the access point onto the trunk road it was considered that there was still a need to have some landscaped planting at the site entrance by way of mitigation of the impacts of the upgraded access and haul road. *(Revised plans have now included this provision)*
83. Finally the Advisor raised queries about the material submitted in relation to the need for details of how the remaining agricultural land would be managed to clarify that it will be as existing, together with clarification on fence lines/gates.

(Comment was also provided on the landscape plan for Phase 1 which is not relevant for this current application for a new haul road.)

84. The applicants initially submitted further material which still provided limited advance landscaping and this was considered to be inadequate in terms of creating the beginnings of a long term landscape context and reducing the risk of future landscape impact in the National Park. It was also highlighted that the principle of the housing development being “compartmentalised” within advance structure planting was established in the masterplan and subsequent discussions/submissions. A minimum level of advance planting was set out by the Advisor and this led to the current submission which is considered to provide an adequate level of advance landscaping to meet the original aspirations and requirements, subject to planning conditions being imposed regarding implementation.
85. Finally, in relation to the proposed construction compound, the Landscape Advisor considered the location to be satisfactory, but recommended that the boundaries be planting up with rapid growing hedge species, much of which could be retained following removal of the compound. The applicants explained that this was not practical for access reasons and the Advisor has advised that in such circumstances the colour of the screen hoardings must be carefully chosen in consultation with the CNPA.
86. **CNPA Ecology Advisor** notes that the amended route of the haul road and the proposed construction compound are within semi-improved grassland with no trees to be removed. Previous ecology surveys did not note any protected species constraints here.
87. The Advisor notes that there are no proposals to reuse existing turf when creating bunding alongside the new track, with this bunding to be grass seeded. It is recommended that re-use of turfs is implemented instead. This would prevent the need for seeding and would ensure grassland species continuity. When the track is reinstated then the bunds can be removed and the turfs replaced on top of the route of the track. The advisor also supports comments made by the Landscape Advisor regarding the implementation of a series of copses rather than planting on the bunding.
88. The advisor has also provided input in response to the representations received relating to the ecological interest of the site and concludes, having considered previous survey material here, that the potential for the former borrow pit to be used by solitary bees/wasps is low with no flower rich habitat nearby. The site of the proposed compound is semi-improved grassland with the previous Phase 1 survey revealing no botanical interest. Given its size, temporary nature and location it is not considered to be of significant value to species mentioned by the writer.
89. **Kingussie and Vicinity Community Council** object to the variation of condition 4, noting that conditions were imposed for good reasons. Their comments are attached as **Appendix 3** and by way of summary the key concerns are as follows:

- a) The originally approved construction road junction was located to ensure that it was a safe distance from the A9 which is even more pertinent now the A9 is to be dualled. (Upgrading the existing access to Kerrow Farm instead is not in the interests of road safety as it is too close to the northbound junction of the A9.)
- b) The Kerrow Farm access is a public right of way and it is not clear how access for walkers and horse riders will be preserved whilst the proposed new haul road is being constructed
- c) Loss of amenity for householders (from visual noise and dust/dirt impacts) with no proposals now for associated landscaping
- d) Concerns whether construction of road will be sufficient in wet weather and if not then further hard core will be required – how will this affect final restoration/reinstatement works for haul road.
- e) Plans are insufficiently detailed to consider route of whole road.
- f) Applicants' economic case is not accepted and the Community Council conclude that the application appears to relate more to financial concerns than to creating a quality development with a lack of regard for existing residents' amenity evident.

REPRESENTATIONS

90. The application was advertised and 12 representations were received, all objecting to the application. These representations are attached as **Appendix 4** and two of these parties have requested to be heard at Committee. The key areas of concern are summarised as follows:
- a) The revised route is not in the interests of road safety and residential amenity – which were the reasons given for the original condition being attached.
 - b) Visual scarring
 - c) Access point is too close to A9 junction and will create larger barrier to wildlife movements
 - d) Track closer to existing housing with loss of amenity
 - e) No landscaping to protect existing properties from noise, dirt and dust whilst building works ongoing
 - f) Proposals are cost cutting measures - original conditions attached were to protect environment and people
 - g) Economic case for development not sound – funding issues and delays are due to developer wishing to vary conditions. Also if developer has limited funds this calls into question the ability to adhere to any landscaping commitments once development starts.
 - h) Drainage of haul road may be problematic with several springs in the area
 - i) There has been no change of circumstance since the original conditions were imposed
 - j) Insufficient consideration of environmental impacts with the revised site entrance bringing development closer to the Glebe Ponds causing disturbance to people enjoying this attraction
 - k) Existing borrow pit at Craig an Darach will be impacted with no survey for invertebrates such as mining bees evident and no mitigation proposed.
 - l) Lack of information on tree felling and habitat impacts

- m) Environmental impacts will be increased overall as a new junction onto the A86 will still need to be constructed in the future too
 - n) Construction compound will be visually intrusive and be constructed on area of establishing wildlife habitat
 - o) Adverse impacts upon Craig an Darach, due to proximity of access, visibility of construction compound, drainage difficulties and potential for gravel quarry collapsing due to heavy traffic close by. Concern is also raised that a better fence should be provided to ensure no encroachment by work related traffic into environs of Craig an Darach
91. A further letter of objection was received outwith the time period for commenting on this application. These did not raise any material planning issues which were not raised previously by other objectors or consultees.
92. The applicant's agent has submitted a request to be heard at Committee and has also provided a detailed response to representations made which is attached as **Appendix 5**.

APPRAISAL

Principle

93. The principle of changing the haul road arrangements to facilitate development of this important housing and economic development site is understood in terms of the applicants' rationale to try and keep initial set up costs down in order to move towards delivery of much needed affordable housing, and also to try and minimise initial visual intrusion and keep the surrounding land in agricultural use.
94. From the submission made it is appreciated that providing the alternative haul road route using the existing junction on the A86 will reduce costs by avoiding the need for forming a new junction and, if less visually intrusive than the originally proposed road, potentially reduces the amount of advance landscaping required. It may also reduce some costs by upgrading an existing track (General Wade road) rather than having to form totally new tracking as proposed originally, albeit the originally proposed haul road would have followed the route of the final proposed permanent access road which would have accordingly reduced ongoing/future site scraping work. In addition, reinstating the currently proposed haul road, its junction upgrade, surface water drainage arrangements and the associated footpath will also incur costs at a later stage.
95. However, accepting that the applicants will have costed out their site development finances and come to the conclusion that this is a more cost effective solution, it is considered, in principle, there is no land use planning reason to resist the principle of a revised temporary haul road. The proposals therefore comply with Policy 1: Housing and Policy 2.3: Other Economic Development in that the haul road will facilitate the delivery of this development. The key planning issues are to consider the detailed impacts of the proposal and how it is implemented on the ground, bearing in mind the terms of

the existing planning permissions and compliance with Local Development Plan policy.

Servicing Arrangement - Access

96. In respect of road access it is understood that, ultimately, the intention is to remove and reinstate the temporary haul road and to remove and reinstate the associated proposed upgrading works to the existing junction onto the A86, together with the accompanying footpath alongside the core path. However, this is not expressly detailed in the construction method statement at the moment. After this the development will progress using the originally approved permanent access arrangements involving formation of new access point onto the A86 with the construction road then leading up the hill and forming the final access route for Phases 2 and 3.
97. Transport Scotland has confirmed that they are satisfied with the proposals and with the details of proposed access upgrades onto the A86, including the proposals for surface water drainage which involve land on the road verge. Whilst it is noted that representations raise concern regarding the safety and suitability of the junction arrangements and its proximity to the turn off to the A9, this concern is not shared by our technical expert Transport Scotland. Accordingly it is considered that, subject to appropriate planning conditions being imposed in the event of the application being supported, the access arrangements are satisfactory in terms of road safety.
98. In respect of outdoor access, arrangements have been made for the continued use of the core path through provision of a proposed new path alongside the existing core path/General Wade Road. This will ensure that there is no conflict between construction vehicles and non-motorised users and is in principle satisfactory to the Outdoor Access Team. Various requirements regarding construction and securing of the path may be covered by appropriate planning conditions in the event of the application being supported.
99. In these circumstances the application is considered to be satisfactory in terms of compliance with Policy 3: Sustainable Design in relation to provision of appropriate access and links to existing path networks.

Servicing Arrangement - Drainage

100. In terms of drainage, surface water drainage is the only likely impact from the proposed route of the haul road and this has been raised by a number of objectors to the application in terms of how the new drainage arrangements will relate to the existing field drainage. The applicants have clarified how the surface water drainage for the track will work in terms of the channelling of surface water and connection to existing drains. This material has been considered by the Highland Council Flood Prevention Team who has confirmed the arrangements are satisfactory subject to conditions being imposed to ensure the discharge flow is as proposed.

101. In such circumstances the application as submitted is considered to comply with Policy 10: Water Resources, subject to the imposition of appropriate planning conditions. In this regard it is considered appropriate to secure confirmation of the arrangements for ongoing maintenance of the surface water drainage arrangements, particularly given that they could be in place for some time if development of Phase 1 is protracted.

Environmental Impacts – Ecology

102. It is considered that this proposal will not adversely impact upon existing ecological interests as noted in the consultation comments earlier. However, there are opportunities to enhance ecology and mitigate for any impacts of development. This can be achieved by re-using turves in reinstatement and also ensuring a sufficient level of landscaping and copse planting as recommended by the Landscape Advisor. This will help enhance and maximise biodiversity and create wildlife corridors. This additional landscaping has now been secured and re-use of turves can be secured by planning conditions in the event of the application being supported.

103. Accordingly the development is considered to comply with Local Development Plan Policy 4: Natural Heritage.

Environmental Impacts – Cultural Heritage

104. The proposed development involves works in the vicinity of, and on, the General Wade 18th century military road which is of cultural significance. The Highland Council Historic Environment Team have set out how any interest may be considered and potentially recorded by way of an archaeological watching brief and this approach is considered necessary to ensure compliance with Local Development Plan Policy 9: Cultural Heritage. Appropriate planning conditions would therefore require to be attached in the event of the application being supported.

Environmental Impacts – Residential Amenity

105. The protection of amenity enjoyed by neighbours including minimising disturbance caused by access to development is an important issue in relation to the re-siting of the construction haul road closer to residential properties. The currently proposed route is now some five metres away from the nearest house in Croila Drive (at its closest point to the garden) as opposed to the original submission which was over 100 metres away so there is likely to be potential for more impacts. This point has been emphasised in objections received from neighbours.
106. Aside from landscape impacts, which are considered later in this report, the key impacts upon neighbours are likely to arise from potential disturbance as a result of noise and dust from the use of the construction haul road. The applicants' agents have outlined how this disturbance may be minimised by good practice, control of traffic speeds, and dust control, all as noted earlier and they have

advised that the landscaping between the road and properties has been increased from the original submission. This material has been considered by the Environmental Health Service who is satisfied with the information provided.

107. In this case, given the proximity of the haul road to residential properties it is also considered appropriate to consider imposing a planning condition restricting the timing of use of the haul road in order to further minimise disturbance. In this regard there are already working hours restrictions in place on the overall planning permission here as imposed by the DPEA so it is considered entirely appropriate to re-state these requirements here.
108. On this basis, it is considered that this aspect of residential amenity may be satisfactorily addressed and the requirements of Local Development Plan Policy 3: Sustainable Design complied with. This view is subject to appropriate planning conditions being imposed to require the development to be implemented in accordance with the submitted safety statements and working hours restrictions.

Landscape Impacts

109. The existing character of Kingussie is set by houses located within well landscaped mature grounds/setting. This has taken many years to develop and it is essential to seek to reflect this with all future development in this attractive town. Accordingly, it is considered crucial to take steps towards creating such a setting with new development. The development of this large site provides the ideal opportunity to begin creating a setting in advance of new development across the whole site which will inevitably take many years to progress and conclude. Taking steps now to create a landscape setting will provide biodiversity and visual benefits for residents and the area in years to come.
110. Officers have identified the minimum advance planting required whilst recognising the understandable desire of the applicants to retain the agricultural use of the fields and avoid abortive work and expense in landscaping areas which may then be lost in the future when other phases take place. The applicants own masterplan has provided a basis for this approach.
111. Whilst it is considered that the proposed revised haul road route will have reduced visual impacts, as it will follow an existing track line for some extent, it will continue to cross the agricultural field creating a construction road across the field. Consequently it remains essential that sufficient mitigation is provided in order to;
- a) establish sufficient structural landscaping for when future phases come on line;
 - b) help ameliorate the impacts of the haul road;
 - c) mitigate any landscape impacts when the temporary haul road is removed and the new approved access road installed in the future; and
 - d) avoid the field appearing as an open construction site with no advance structure planting established.

This will ensure that the initial aims of the masterplan, original planning consents and Local Development Plan Policy 5: Landscape and Policy 3: Sustainable Design.

- I 12. The reason why advance planting is so important here is that this is a large scale, key housing site within Kingussie which will substantially increase the size of the settlement, and is likely to be ongoing for many years, given current building rates in the National Park.
- I 13. It is considered that the planting now being offered by the applicants does achieve these requirements, providing areas of planting which can be retained for the future and which help screen the site from residents once established, as well as providing a setting across this hillside. Planning conditions can be imposed to ensure the planting is implemented quickly once the construction road is formed and then it can become established to over time provide a setting for the future development here. It may be many years before development of future phases actually happens at this wider site so it will be to everyone's benefit, not least future and exiting residents, to have some level of structural planting established now.
- I 14. With regard to the construction compound aspect it is considered that this will sit acceptably in the landscape being related visually to the farm yard to the north and providing screen fencing is suitably coloured and maintained it should not be unduly intrusive.
- I 15. On this basis it is considered that the proposed development complies with Policy 5: Landscape.

Other Issues

- I 16. The majority of issues raised by objectors have been considered in this report.
- I 17. The remaining concerns are:
 - a) Regarding fencing of the boundary next to Craig an Darach are now covered in that the landscape scheme now shows planting on this boundary protected by stock proof fencing which in itself will control any spillage of works which was a concern of neighbours here.
 - b) Regarding, the use of Glebe ponds, this is not considered to be a significant land use issue.
 - c) Regarding the gravel pit slopes may collapse due to heavy traffic close by, it is not considered this event is any more likely as a result of the proposed re-routing which would appear to be further from the gravel pit than the original proposal.

CONCLUSION

- I 18. In these overall circumstances it is considered that the proposal to change the route of the haul road is acceptable on the basis of the advance planting now

proposed together with measures to minimise impacts upon neighbours. Servicing issues can be addressed to the satisfaction of the appropriate authorities and the application is considered to comply with Local Development Plan policies. Approval is therefore recommended subject to appropriate planning conditions.

IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK

Conserve and Enhance the Natural and Cultural Heritage of the Area

119. The proposed development supports this aim as appropriate levels of landscaping means that the development will over time conserve and enhance natural heritage in terms of landscape impacts and provision of biodiversity corridors.

Promote Sustainable Use of Natural Resources

120. The development generally supports this aim at present since although the proposals involve construction of tracking and paths which is required to be removed and then restored in the longer term, in the shorter term it will enable use of an existing track and access, which is inherently more sustainable than constructing a new track.

Promote Understanding and Enjoyment of the Area

121. The proposal for a separate path beside the General Wade Road will ensure that enjoyment of the area by walkers will be maintained which helps support this aim. In addition if the development is satisfactorily landscaped then it should not reduce the enjoyment of the area in terms of the special landscape qualities of the National Park.

Promote Sustainable Economic and Social Development of the Area

122. The proposed development supports this aim as it is understood to provide an economic option for the developers to reduce upfront development costs and help deliver housing and economic development land in Kingussie to the benefit of the community.

RECOMMENDATION

That Members of the Committee support a recommendation to GRANT full planning permission for Amended route of temporary haul road and siting of contractors compound for the servicing and construction of Phase 1 Housing Development of 37 plots and 18 affordable dwellings granted under Permission Ref PPA-001-2013 at land to north and east and west Of Dunbarry Terrace and Kerrow Drive Kingussie subject to the following planning conditions:

1. The haul road hereby approved shall only be used in connection with the housing development approved under the terms of planning permission reference 2015/0317/DET

Reason: In the interests of effective planning control and to ensure the phased planned delivery of housing land in accordance with Policy 1: New Housing Development of the Cairngorms National Park Local Development Plan 2015.

2. No development shall commence until a management plan detailing the measures to be taken to ensure that all construction vehicles access the development via the haul road has been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. Thereafter all construction vehicles (including vans) shall only access the Phase 1 site via the new haul road and in accordance with the approved management plan and the haul road shall only be used in connection with the purposes of serving the approved housing development

Reason: In the interests of road safety, residential amenity, effective planning control and to ensure safe access for construction vehicles in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

3. No development shall commence until a revised Construction Method Statement has been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority to include details of:
 - a) how turves will be stored and re-used in reinstatement
 - b) how the access upgrades, surface water drainage arrangements and temporary path will be removed and reinstated when the road is removed
 - c) how the path/access road crossing will operate to ensure ongoing safety of path users.

Reason: To ensure the development conserves and enhances the landscape, in accordance with Policy 5: Landscape and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

4. No development shall commence until proposals for an archaeological watching brief to be carried out during site clearance and excavation works has been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Historic Environment Team. The approved watching brief shall thereafter be implemented. A specification of the brief is attached.

Reason: To protect and record the archaeological and historic interest of the site in accordance with Policy 9: Cultural Heritage of the Cairngorms National Park Local Development Plan 2015.

5. No development shall commence until details of the design and colour of the proposed fencing around the construction compound have been submitted to

and approved by the Cairngorms National Park Authority acting as Planning Authority. Such details to reflect the requirement to minimise visual intrusion. The fencing shall thereafter be constructed and maintained in accordance with the approved details.

Reason: To ensure the development conserves and enhances the landscape, in accordance with Policy 5: Landscape and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

6. No development shall commence until details of the proposed temporary path alongside the military road have been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority including the following material:
 - a) Cross section drawing of the temporary path to demonstrate an appropriate construction design
 - b) Specification of design including of materials, depths and drainage measures
 - c) A pedestrian access signage plan illustrating signage to guide public pedestrian use of the temporary path (core path) including signage locations, design/layout and maintenance. The plan should include an annotated map.

The haul road shall not be brought into use until the temporary path and signage is provided in accordance with the approved details.

Reason: To ensure that safe, adequate public access is provided in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

7. No development shall commence until details of the maintenance regime for the surface water drainage have been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority. The surface water drainage system shall thereafter be maintained in accordance with the approved details.

Reason: To ensure that there are no adverse impacts on the environment and that the system is properly maintained in accordance with Policy 3: Sustainable Design and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

8. No development shall commence until a revised Safety Method Statement has been submitted to and approved by the Cairngorms National Park Authority acting as Planning Authority to include details of a 24 hour contact person for any complaints associated with the site. The development shall thereafter be implemented and operated in accordance with the measures detailed in the approved Safety Method Statement and Construction Method Statement.

Reason: To ensure the development protects the amenity of residents in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

9. Unless otherwise agreed in writing with the Cairngorms National Park Authority acting as Planning Authority the haul road and all associated works including surface water drainage arrangements shall be removed and the land reinstated to its previous use (all in accordance with the approved Construction Method Statement) within six months of completion of Phase I of the overall housing development (as defined in application reference 2013/0190/MSC/PPA – 001 - 2013) and before any work commences in subsequent phases

Reason: In the interests of effective planning control and to ensure the development conserves and enhances the landscape, in accordance with Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

10. All landscaping, planting and fencing shall be implemented in accordance with the approved landscape scheme (drawing no. HLD K192.15 SLO2 Revision G) in the first planting season following construction of the haul road hereby approved. The landscaping shall thereafter be protected and maintained in accordance with the approved “Home owners’ soft landscape maintenance and management advice notes” document no. HLD K192.15 Revision C.

Reason: To ensure the development conserves and enhances the landscape, provides a suitable landscaped setting and framework for future development, and protects amenity of residents in accordance with Policy 5: Landscape and Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

11. The amended haul road hereby approved shall not be brought into use until it is constructed in accordance with the approved plans and sections, with pedestrian path and surface water drainage arrangements provided and junction onto the A96 trunk road constructed all in accordance with the approved details and the following requirements:

Visibility splays as shown on Drawing No. 2110/PL010 Revision B shall be provided and maintained free from obstruction. Specifically in a vertical plane nothing shall obscure visibility measured from the driver’s eye height of between 1.05 metres and 2 metres positioned at the set- back dimension to an object height of between 0.26 metres and 1.05 metres within the visibility splays as shown on the approved drawing.

Following completion of the works, the trunk road footway must be reinstated in accordance with the requirements of the operating company.

Reason: To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road, and to ensure that the footway is returned to its original condition, all in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

12. No development shall commence until details of the arrangements for the operation of filter trenches, swales and filter traps (based upon details contained in email dated 5 February from Russell Gibb of Cameron Ross) have been

submitted to and approved by the Cairngorms National Park Authority, acting as Planning Authority in consultation with Highland Council Flood Prevention Team. The haul road shall not be brought into use until the surface water drainage arrangements have been implemented in accordance with the approved plans and with the requirement that the run off from the filter trench/swale shall be discharged at a flow rate of 5 l/s.

Reason: to ensure that there is no adverse impacts upon the water environment in accordance with Policy 10: Resources of the Cairngorms National Park Local Development Plan 2015.

13. The haul road hereby approved shall not be used by construction vehicles outwith the hours of 0800 hours to 1800 hours Mondays to Fridays, 0900 hours to 1300 hours on Saturdays or at any time on Sundays and Public Holidays.

Reason: To ensure the development protects the amenity of residents in accordance with Policy 3: Sustainable Design of the Cairngorms National Park Local Development Plan 2015.

INFORMATIVES

1. In accordance with section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended), this permission lapses on the expiration of a period of 3 years beginning with the date on which this permission is granted unless the development to which this permission relates is begun before that expiration.
2. The developer is referred to the attached specification for archaeological watching brief provided by the Highland Council Historic Environment Team to assist in complying with Condition 3.
3. The developer is advised to refer to SEPA standing advice for new development available on the following weblink:

<https://www.sepa.org.uk/media/136130/sepa-standing-advice-for-planning-authorities-and-developers-on-development-management-consultations.pdf>
4. The developer is advised that permission to discharge to the roadside drainage must be obtained from Transport Scotland.
5. The developer is referred to the detailed comments of Transport Scotland regarding the need to obtain their consent for all works and that the granting of planning permission does not carry with it the right to carry out works in the trunk road boundary and consent from Transport Scotland will be required too. The developer should also note that prior to any works commencing on site the Applicant must liaise with the Operating Company to agree all details and obtain all permits required for the road crossing to the drainage outfall.
6. Prior to the commencement of development, a notice of the intended date of initiation of development shall be submitted to the CNPA acting as Planning Authority and such notification shall contain the information set out in the

‘Notification of Initiation of Development Notice as appended, pursuant to Section 27A(1) of the Town and Country Planning (Scotland) Act 1997

7. Following the completion of the development, a notification of the completion shall, as soon as practicable, be submitted to the CNPA acting as Planning Authority and such notification shall contain the information as set out in the ‘Notification of Completion of Development’ Notice as appended, pursuant to Section 27B(1) of the Town and Country Planning (Scotland) Act 1997.

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