

AGENDA ITEM 5

APPENDIX 3

2017/0086/DET

09/155/CP
DECISION NOTICE

DECISION NOTICE



An Camas Mòr LLP
c/o John Grant of Rothiemurchus
Rothiemurchus Estate Office
Aviemore
Inverness-shire
PH22 1QH

12 March 2014

Application Reference: 09/155/CP

Type of Application: Major – Planning Permission in Principle

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997, AS AMENDED
BY THE PLANNING ETC (SCOTLAND) ACT 2006
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (SCOTLAND) REGULATIONS 2008**

**The Cairngorms National Park Designation, Transitional and Consequential
Provisions (Scotland) Order 2003**

National Parks (Scotland) Act 2000

CNPA in exercise of its powers under the above mentioned Act and Regulations

GRANTS conditioned Planning Permission in Principle for:

**DEVELOPMENT OF NEW COMMUNITY (UP TO 1500 RESIDENTIAL UNITS (SUBJECT
TO REGULAR REVIEW); ASSOCIATED BUSINESS, COMMUNITY FACILITIES AND
PROVISION OF INFRASTRUCTURE)**

at;

An Camas Mòr, Aviemore, Highland.

and in accordance with the particulars contained in the accompanying application form and the following plans/drawings:

| Title | Reference | Date on Plan* | Date Received |
|------------------------------------|-------------------------|----------------------|----------------------|
| An Camas Mòr Application Site Plan | GABTA | 01/05/09 | 29/05/09 |
| Indicative An Camas Mòr Block Plan | FIGURE I.I ISSUE NO: 01 | 27/04/09 | 29/05/09 |

*Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.

Subject to compliance with the following condition(s):

- 1 No development beyond 630 residential units shall commence until the developer has undertaken a review of the impact of the development to that stage on landscape and ecology, that review has been completed and submitted to the CNPA acting as planning authority for approval in writing and such approval has been given.

- 2 No development shall commence until a Masterplan has been submitted to and approved in writing by the CNPA acting as planning authority. The Masterplan shall (i) conform to the Landscape and Ecology Masterplan required under Condition 3 and the mitigation of impacts on Natura sites as identified within the Habitat Regulations Assessment; and (ii) shall be the subject of wide community consultation of a type and extent to be agreed in writing with the CNPA as planning authority prior to any consultation being carried out. The Masterplan shall include the following:
 - a. Statement of Community Consultation.
 - b. Sustainable Design Guidelines for the development including layout: residential, business and community uses; building forms and proportions; densities; building heights, orientation, materials and colour; private and community spaces, and surface and boundary treatments.
 - c. Detailed phasing plan and a mechanism for regular review and update of that phasing plan (such phasing plan and the mechanism for review and update to take into account the need, prior to each phase of development, for the developer to undertake a review of the impact of the development to that stage on landscape and ecology, which review will be submitted to CNPA and used in consideration of the application for each phase).
 - d. A strategy for delivery of the development and long term management of the settlement at An Camas Mòr and a mechanism for implementing that strategy.
 - e. A statement of the specific participation and financial contribution to be made by the developer in the course of the development at An Camas Mòr to assist the community led partnership to ensure delivery of a direct foot/cycle path link to central Aviemore via a bridge over the River Spey in tandem with the development of the initial phase.

- f. Mechanisms for providing the number and mix of housing types and tenures, including affordable housing to meet local needs throughout the period of development and provision for regular review.
- g. A strategy setting out details of how the development will provide opportunities for individuals /self build and local small scale builders and a mechanism for implementing such strategy.
- h. Details of how the level of second and holiday home ownership and use within the development will be managed.
- i. A strategy for the provision of employment opportunities, shops and other facilities and services to meet the needs of the community throughout the period of development and a mechanism for implementing such strategy.
- j. A strategy for the conduct of and submission to CNPA of regular surveys by the developer during the period of development to monitor the impact of the development on services, retailing and employment in surrounding settlements and a mechanism for implementing such strategy.
- k. A strategy to identify and deliver opportunities to provide for further and higher education as part of the development.
- l. Details of how the development will be accessible to persons of all abilities, including design of buildings, road and path surfaces and edges, lighting, audio and visual information at bus stops, employment and facilities for young and older people in consultation with a qualified Access Consultant.
- m. Provision for a school site, playing fields, community hall and health facility.
- n. Street Hierarchy Proposals to accord with, as a minimum, the principles of Scottish Government Policy contained in Designing Streets 2010.
- o. A strategy to minimise light pollution, including on water courses to avoid impacts upon qualifying species of the River Spey SAC which strategy will include measures to ensure that no direct light will fall onto the water surfaces as specified in the Habitats Regulation Assessment
- p. Provision for treatment and disposal of sewage on site or details of connection to the public sewerage system to the satisfaction of SEPA, Scottish Water and SNH (regarding impacts upon the River Spey SAC) to include provision for waste water treatment to agreed standards at each phase of development and a mechanism to ensure that no residential unit is occupied before the statutory authorities are so satisfied.
- q. An assessment of the presence of contaminated land and measures to deal with any identified.
- r. Provision for a SuDS Scheme which demonstrates that the flooding and particulate discharge into the river from the development will be prevented and have no adverse effect upon the integrity of the River Spey SAC and which is to the satisfaction of SEPA.
- s. Provision for water and electricity supplies to meet the needs of the community, including a water storage system for commercial premises.
- t. An Environmental Management Plan with arrangements for storage, segregation and collection of waste including location, access, maintenance arrangements and screening to the satisfaction of SEPA.
- u. A Sustainability Statement including measures for carbon reduction, energy

- conservation, generation of renewable energy (including a district heating system), water conservation, waste recycling and disposal and the local sourcing of materials and labour.
- v. Provisions for a high specification of telecommunications technology connections to all properties and premises.
 - w. A Green Transport Plan including provision for applications for each phase to include details of all infrastructure involved, the provision of an accessible year round bus service and arrangements for funding.
 - x. Mechanisms for directing and managing the impact of construction traffic on the surrounding road network.
 - y. Details of how the development will deliver a mix of residential, employment and community uses in each phase to be approved as part of the phasing plan submitted with the Masterplan application in order to ensure that the development at An Camas Mòr functions as a living and working community.

Following approval of the Masterplan the development shall be implemented in accordance with the Masterplan, unless otherwise agreed in writing by CNPA acting as the planning authority.

- 3 No development shall commence until a Landscape and Ecology Masterplan has been submitted to and approved in writing by the CNPA acting as planning authority. The Landscape and Ecology Masterplan shall take full account of the Environmental Statement and include the following:
- a. Proposals for; the retention of woodland, new planting, street trees and open space, formal and informal footpaths, potential desire lines, links into potential and actual routes accessible from the development, the integration with proposals for surface water drainage and lighting.
 - b. An evidence-based and objective-driven Landscape Method Statement which underpins the Landscape and Ecology Masterplan and includes: a survey of tree cover and associated vegetation existing on the site before commencement of development; a soil survey, on-site management and the retention, storage or reuse of soil during development; proposals for site protection during and after construction; proposals for planting (specifying the species and ground preparation); proposals for maintenance during the period of establishment and a long term management plan.
 - c. Strategies for each phase of development to mitigate the potential impacts from the development and the increased human disturbance upon local habitats.
 - d. Details of the survey and monitoring regime for habitats and species with provision for ongoing monitoring and specific surveys to be carried out before and after each phase of development.
 - e. A monitoring regime including assessments of delivery and effectiveness of the off-site compensatory habitat that is to be provided in accordance with the Compensatory Habitat Management Scheme specified in the Planning Obligation and demonstrating that progress on provision of off-site compensatory habitat is commensurate with progress of development on site.

- f. Details of the surveys to be undertaken throughout the period of development which shall be carried out during the optimum survey period, by recognised specialists in the particular species field and to take account of protected species, the Scottish Biodiversity List, the Cairngorms Local Biodiversity Action Plan and the Cairngorms Nature Action Plan.
- g. A programme of topic specific detailed surveys covering habitat and botany (including lichen and bryophytes), invertebrates, mammals, birds (breeding and winter), fungi, reptiles and amphibians and Freshwater Pearl Mussel to be undertaken in accordance with methodologies and reporting mechanisms to be agreed in advance in writing with CNPA. The survey results will be provided to CNPA for consideration in the approval of the applications for approval of matters specified in conditions.
- h. Detailed proposals for the retention of existing planting and new planting to be undertaken on and around the west side of the site in order to create an area of woodland linking the plantations to the north of the site, the ancient and semi-natural woodland in the south, and the semi-mature plantation in the south west corner, to deliver both acceptable landscape screening and a robust woodland network providing for recreational needs, ecological connectivity, species dispersal and resistance to fragmentation of the woodland.
- i. Proposals for the retention of the area of the existing lowland heath in the south west corner of the site and for the augmentation of the habitat with measures to encourage expansion of that area westwards.
- j. Proposals for the retention of kettle holes as natural systems along with the existing peripheral vegetation in order to ensure a resilient habitat.
- k. Detailed proposals for the retention of the existing planting and for new planting in and around the site in order to create, establish and maintain a woodland corridor adjacent to the B970 to link the woodland to the north and south of the site and to deliver both acceptable landscape screening and a robust woodland network providing for recreational needs, ecological connectivity, species dispersal and resistance to fragmentation.
- l. Detailed proposals for the retention and for new planting of woodland in and around the site in order to create two north-south woodland corridors and one east-west woodland corridor that all dissect the site and link the proposed areas of open green space, to deliver both acceptable landscape screening and a robust woodland network providing for recreational needs, ecological connectivity, species dispersal and resistance to fragmentation.
- m. Proposals for the creation of a wetland area of habitat in the marsh area within the fields to the west of the development area.

In addition the Landscape and Ecology Masterplan will adhere to the concepts and principles of biotope strips, peripheral planting and management of existing woodlands, green crossings and back garden nature reserves as described in the application. Following approval of the Landscape and Ecology Masterplan the development shall be implemented in accordance with the Landscape and Ecology Masterplan, unless otherwise agreed in writing by CNPA acting as the planning authority.

- 4 No development shall commence until the following have been submitted to and approved in writing by the CNPA acting as planning authority:
 - a. A construction procedures handbook for delivery of the landscape method statement and a management plan which have been agreed. This must take account of the Environmental Statement and include a Construction Method Statement that demonstrates procedures to ensure there will be no adverse impact upon the integrity of the Natura Sites and/or the European Protected Species (and the development shall be completed in accordance with such construction procedures handbook and management plan unless otherwise agreed in writing by CNPA).
 - b. Evidence satisfactory to CNPA that the Landscape and Ecology Masterplan, the Landscape Method Statement and the Recreational Management Plan form part of a contractual obligation with developers on site and shall be included in the title conditions.
 - c. Evidence that all necessary legal structures and agreements are in place for ongoing site management, including ongoing management and maintenance of all non-private, public and communal spaces.
 - d. Details of measures to be put in place to the satisfaction of CNPA at each phase of the development to ensure appropriate site restoration by the developer should the proposals be abandoned or delayed for a protracted period (and the development shall be completed in accordance with such measures unless otherwise agreed in writing by CNPA).
 - e. Evidence that appropriately qualified and experienced landscape and ecology professionals have been and will continue to be retained for the duration of the development to ensure implementation and compliance with the Landscape and Ecology Masterplan, the Landscape Method Statement, the construction procedures handbook and all other conditions of any planning permission.
 - f. Details of measures during construction and the life of the development to ensure that invasive non-native species are not introduced to the site either in their own right or within contaminated topsoil (and the development shall be completed in accordance with such measures unless otherwise agreed in writing by CNPA).
- 5 Notwithstanding that it is shown in the submitted application, no approval is given for the realignment of the B970 Coylumbridge junction. No residential unit in An Camas Mòr shall be occupied before completion of the upgrade of the existing Coylumbridge junction and the B970 leading to the main development site to the satisfaction of the CNPA acting as planning authority in consultation with the Highland Council TEC Services. Thereafter the upgraded road and junction can be used as the means of access for no more than 200 residential units.
- 6 No development beyond 200 residential units shall commence until a new distributor road from the substation site to the east of Rothiemurchus Fisheries has been provided in accordance with details to be submitted to and approved in writing by the CNPA acting as planning authority in consultation with the Highland Council TEC Services. In addition,

on completion of 200 residential units a review of all then and future site access and road arrangements, including impact on the existing surrounding road network, shall be undertaken by the developer and the review shall be submitted for the consideration of the CNPA acting as planning authority in consultation with the Highland Council TEC Services.

7 No development (other than the construction road) shall commence until the construction road into the site on the line of the proposed distributor road leading from the substation site to the east of Rothiemurchus Fisheries has been completed in accordance with the Construction Method Statement and the details to be submitted to and approved in writing by the CNPA acting as planning authority in consultation with the Highland Council TEC Services. All construction traffic shall use the completed construction road.

8 No development shall commence until each and all of the detailed design and construction methods for the bridge (including culverts for backwater channels) over the River Druie, along with a flood risk analysis, compensatory storage scheme, pre-construction surveys for European Protected Species, a species protection plan that details all required measures for protection of European Protected Species during and after construction, arrangements for an ecological Clerk of Works, Construction Environmental Management Plan (including the management of run-off from construction in accordance with SEPA pollution prevention guidelines PPG's 05-06), timescales for construction activity have been submitted to and approved in writing by the CNPA acting as planning authority in consultation with Scottish Natural Heritage and SEPA.

The bridge (over the River Druie) shall be completed within such timescales and in accordance with such detailed design and construction methods, flood risk analysis, compensatory storage scheme, species protection plan and Construction Environmental Plan.

9 No development shall commence until a programme of works for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development, including a timetable for investigation, all in accordance with the submitted specification, has been submitted to and approved in writing by the CNPA acting as planning authority. The agreed works shall be implemented all in accordance with the agreed timetable.

10 No development shall commence until a Recreational Management Plan conforming to all the criteria within the Habitat Regulations Assessment and demonstrating that there will be no adverse effect upon Capercaillie has been submitted to and approved in writing by the CNPA acting as planning authority. The Recreational Management Plan must include (i) mechanisms for implementation of the Recreational Management Plan, (ii) mechanisms for review at five yearly intervals and implementation of resulting updated requirements and (iii) provisions for monitoring (a) Capercaillie populations and (b) the levels and patterns of recreation throughout the development period and beyond.

The National Park Authority's reasons for imposing these conditions are:

- 1 Based on the conclusions of the Environmental Impact Assessment; the site has been demonstrated to have capacity for 630 residential units without having a prolonged significant adverse impact on the landscape and it is considered that a development of between 630 - 1500 residential units can be achieved without prolonged significant adverse impact on the landscape; however, this is dependent on the successful implementation of the landscape measures required by the conditions of this Planning Permission in Principle.
- 1 To ensure that the development complements and enhances the landscape character of the National Park in accordance with Policy 6 of the Cairngorms National Park Local Plan.
- 1 To ensure that there are no negative effects upon the integrity of any Natura Sites and to ensure protection of European Protected Species
- 2 To ensure that adequate control is retained over the development.
- 3 Permission is granted in principle only to ensure that;
 - (i) A clear landscape and ecology framework, taking into account the Environmental Statement, is identified for the future development of the new community; and
 - (ii) There is no adverse effect upon the integrity of the Natura Sites identified within the Habitat Regulations Assessment and/or the European Protected Species.
- 4 To ensure that development proceeds in accordance with these conditions generally, paragraphs a), d) and, f) above in particular and that there are relevant and effective mechanisms to ensure there is no adverse impact upon any of the Natura Sites identified within the Habitat Regulations Assessment and/or European Protected Species and to ensure adequate control over the development.
- 5 The works to provide a realigned junction are not acceptable due to potential damage to habitats and protected species and alternative access is required to service the new community (such alternative access only providing access for up to 200 residential units).
- 6 To ensure that the new distributor road is available to service the new community and to minimise disturbance to residents at Coylumbridge during construction and after completion of the development.
- 7 To ensure adequate control over the development, that the construction road is completed before other development begins and to minimise disturbance to the residents of Coylumbridge and Inverdrue during construction of the development.
- 8 To protect the integrity of and ensure there is no adverse impact on the integrity of the River Spey Special Area of Conservation and European Protected Species.

- 9 To safeguard any archaeological and historic interest on the site in accordance with the first aim of the National Park.
- 10 To protect the integrity of and ensure that there is no adverse impact on the integrity of the Natura Sites identified in the Habitat Regulations Assessment and/or European Protected Species.

Variations:

During the processing of the application the following variations were made to the proposal:

Under Condition 5 the realignment of the Coylumbridge junction shown on the submitted drawing is **not approved** and access to the development is as prescribed by the conditions on this Planning Permission in Principle.

Section 75 Obligation:

An obligation in terms of Section 75 of the 1997 Planning Act relates to this development. The terms of the Section 75 are as follows:

- Arrangements for the delivery of affordable housing;
- Provision of land and financial contributions for education;
- Provision of land and financial contributions for healthcare;
- Provision of a community facility and financial contributions;
- Requirement to provide a lease for land and access for Aviemore Countryside Park;
- Provision of land and financial contributions for a foot/cycle bridge over the River Spey;
- Provision of financial contributions for mitigation measures on Grampian Road, Aviemore and improvement of Dalfaber Drive and Grampian Road, Aviemore;
- Submission and implementation of a Compensatory Habitat Management Scheme.

The full Section 75 Obligation can be inspected at the local planning office.

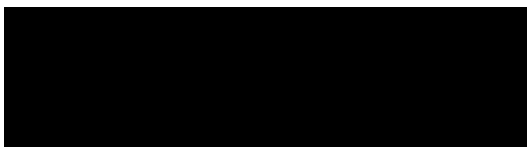
- Reason(s) for approval**
1. The proposal is considered to accord with the Statutory Aims of the Cairngorms National Park.
 2. The proposal complies with the relevant provisions of the development plan and there are no material considerations either individually or collectively of sufficient weight to indicate otherwise.

Informatives:

- 1 Unless development is started within 2 years from the grant of the last approval of matters specified in conditions attached to the Planning Permission in Principle, the Planning Permission expires.
- 2 Application for such approval must be made within 3 years from the grant of planning permission in principle, or, if later, within 6 months from when an earlier approval for the same matters was refused or dismissed on appeal. Only 1 application, in relation to any matter, for approval of matters specified in conditions can be made after 3 years from the grant of Planning Permission in Principle.

3. Emergency overflow from any pumping station requires authorisation under the Water Environment (Controlled Activities) (Scotland) Regulations 2005 and an application for a water license must be submitted to SEPA.
4. Road Construction Consent will be required in respect of all areas intended for adoption by Highland Council, as roads authority; only roads serving more than 4 dwellings, designed and constructed in compliance with the requirements of Council Guidelines will be considered for adoption; also only strategic pedestrian/cycle links satisfying Council Guidelines will be considered for adoption.
5. Planning permission does not guarantee a connection to the service – application and appropriate details must be made to Scottish Water for this and should include a Development Impact Assessment.
6. The developer is advised to discuss deviation and undergrounding options with SSE in relation to existing plant in and around the area.
7. Upon receipt of detailed plans BT will issue proposals to the developer where the developer would be required to lay all boxes/duct etc. within the site.
8. Scottish Natural Heritage is to be consulted on any proposals for the construction of a bridge over the River Spey or other adjacent works. In addition, SNH is to be consulted regarding the provisions within the Recreational Management Plan required by Condition 10.

Dated: 12 March 2014



Don McKee - Head of Major Projects & Housing

For details of how to appeal to Scottish Ministers regarding any aspect of this Decision Notice please see the attached notes.

**THIS IS A LEGAL DOCUMENT -
PLEASE RETAIN WITH YOUR TITLE DEEDS**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997, AS AMENDED
BY THE PLANNING ETC (SCOTLAND) ACT 2006
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (SCOTLAND) REGULATIONS 2008**

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission in respect of the proposed development, or to grant permission or approval subject to conditions, he may appeal to Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 within three months of the date of this notice. The appeal should be addressed to the Chief Reporter, Directorate for Planning and Environmental Appeals, 4 The Courtyard, Callendar Business Park, Falkirk FK1 1XR.

- 2 If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out any development which has been or would be permitted, he may serve on the planning authority a purchase notice requiring the purchase of his interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

NOTES

It should be understood that this permission does not carry with it any necessary consent from the Buildings Authority or Scottish Environment Protection Agency, or approval to the proposed development under other statutory enactments.

It should be understood that this permission does not imply

- that there are no physical restrictions upon development, such as overhead or underground services, diversion or protection of which will be the developer's responsibility, with the prior consent of the appropriate supply authority;

- that the mains water, drainage or other public services are, or will be available: or

- that financial assistance from public funds is available towards the cost of provision of services or any aspect of the development.

Enquiries should be directed to the appropriate supply authorities.