

AGENDA ITEM 10

APPENDIX 2

14/03675/S42

14/03676/S42

CONSULTATION RESPONSES

**aviemore & vicinity
community council**

"Stand fast, Craigellachie"



10th January 2015

ePlanning,
ePlanning Centre,
Glenurquhart Road,
Inverness.
IV3 5NX

Dear Sir,

**14/03676/S42 | APPLICATION UNDER SECTION 42 TO VARIATION TO
CONDITIONS 1, 11, 12, AND 21 ON PERMISSION REF PPA/001/2000
(07/93/OUTBS(07/144/CP)) | LAND NORTH WEST OF DALFABER FARM
DALFABER DRIVE AVIEMORE**

**14/03675/S42 | APPLICATION UNDER SECTION 42 TO VARY CONDITIONS 1,
12, 13 AND 22 OF CONSENT PPA/001/2001(07/94/OUTBS (07/145/CP)) | LAND
NORTH WEST AND SOUTH OF FORMER STEADINGS DALFABER FARM
DALFABER DRIVE AVIEMORE**

I refer to the above applications and have to inform you that Aviemore and Vicinity Community Council wish to object to both applications on the basis that the planning applications underlying the two Section 42 applications have lapsed due to fact that not all the applications for Matters Specified in Conditions have been submitted within the required (three year) period in accordance with the timescales given in the Town and Country Planning(Scotland) Act 1997 as amended. We are of the opinion that the applications are therefore not competent and should be dismissed.

Chairman: John Grierson Vice-Chairman: Alastair Dargie

Secretary: Ray Sefton Treasurer: Lorna McGibbon

Also, notwithstanding our assertion in the previous paragraph, we wish to comment on the variations of conditions applied for;

1. Variation to Condition 1 - both applications: We cannot see where the ambiguity arises. The present conditions are clear and unambiguous and do not need to be changed. It could lead to a piecemeal approach to the development.
2. Variation to Condition 11 in PPA/001/2000 and Condition 12 in PPA/001/2001 - We do not agree that a north to south phasing would raise any more significant health and safety issues that a south to north phasing would cause. In fact there would be less health and safety issues. When built from the north it will only be the few residents of the northerly plots that will have to drive through a 'building site'. That drive through will actually be on a public road through the houses being built. There will also be less and less construction traffic in the area as the building progresses. In a south to north phasing occupants of the new houses will be subject to construction traffic until the development is finished. Experience in Aviemore, at the moment, e.g. High Burnside, is that the development will take some time so more people will be exposed to the Health and Safety issues posed by construction traffic for longer if the south to north phasing is agreed. Building further into the site does not segregate the public from the construction site, more the opposite. The applicant is being disingenuous using the Health and Safety as a reason and we feel that this requested change in phasing direction is actually going to cause Health and Safety issues and is more to do with economics than safety.
3. Variation to Condition 12 in PPS/001/2000 and Condition 13 in PPA/001/2001 - as already indicated we do not see any ambiguity. The present conditions are clear and unambiguous and do not need changed.

In conclusion, Aviemore and Vicinity Community Council object to both applications for reasons of competency.

Yours faithfully,



John Grierson
Chairman

Chairman: John Grierson

Vice-Chairman: Alastair Dargie

Secretary: Ray Sefton

Treasurer: Lorna McGibbon

From: [Deirdre Straw](#)
To: [Epc](#)
Cc: [Planning - Badenoch&Strathspey](#)
Subject: RE: The Highland Council. Consultation on Application 14/03675/S42
Date: 22 December 2014 14:09:41

Good afternoon,

I refer to your email below and the Consultation Request Notification for 14/03675/S42.

The planning application will not be included in our "Outcome of Call-in" until the 5th January, 2015, so we will be unable to reply to your Consultation request until after the 2nd January, 2015. (The response date given in your consultation request) I do believe the 21 day period does not end until 8th January, 2015.

Kind regards,

Dee.

-----Original Message-----

From: epc@highland.gov.uk [<mailto:epc@highland.gov.uk>]
Sent: 19 December 2014 13:01
To: Planning
Subject: The Highland Council. Consultation on Application 14/03675/S42

Please find attached details of a new application. Please respond to us by:02/01/15. Responses should be sent to: epc@highland.gov.uk.

Unless related to the business of The Highland Council, the views or opinions expressed within this e-mail are those of the sender and do not necessarily reflect those of The Highland Council, or associated bodies, nor does this e-mail form part of any contract unless so stated.

Mura h-eil na beachdan a tha air an cur an cèill sa phost-d seo a' buntainn ri gnòthachas Chomhairle na Gàidhealtachd, 's ann leis an neach fhèin a chuir air falbh e a tha iad, is chan eil iad an-còmhnaidh a' riochdachadh beachdan na Comhairle, no buidhnean buntainneach, agus chan eil am post-d seo na phàirt de chunnradh sam bith mura h-eil sin air innse.

Listening * Open * Valuing * Improving * Supporting * Partnering * Delivering Èisteachd *
Fosgailte * Luach * Leasachadh * Taic * Com-pàirteachas * Libhrigeadh

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Mr Andrew McCracken
The Highland Council
100 High Street
Kingussie
PH21 1HY

14th January 2015

CAIRNGORMS
NATIONAL PARK AUTHORITY
ÙGH DARRAS PÀIRC NÀISEANTA A'
MHONÀIDH RUAIDH

14 The Square
Grantown-on-Spey
Moray
PH26 3HG

t: 01479 873535
f: 01479 873527
enquiries@cairngorms.co.uk
www.cairngorms.co.uk

Dear Andrew

**Re: Land Northwest and South of former steadings at Dalfaber Farm, Aviemore, THC
Ref No. 14/03675/S42**

Thank you for your recent consultation on landscape and Ecological matters for the above application.

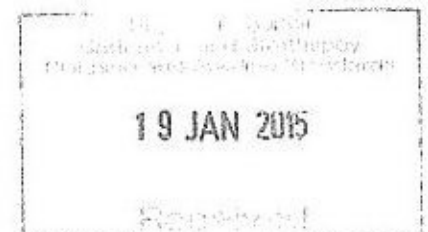
Application 07/144/CP has lapsed due to fact that not all the applications for Matters Specified in Conditions have been submitted within the required period. As a consequence, this Section 42 application to vary the permission is not competent. It would therefore be inappropriate for CNPA to make comments on the merits of such an application.

Yours sincerely



Matthew Hawkins

Landscapes and Ecology manager



MEMORANDUM

To: EPC, Development & Infrastructure Service, HQ (email only)
Cc: Andrew McCracken
From: Contaminated Land, Community Services, 38 Harbour Road, Inverness IV1 1UF
Subject: Application under Section 42 to vary conditions 1, 12, 13 and 22 of consent PPA/001/2001 (07/94/OUTBS (07/145/CP))
Date: 19/12/14
Our Ref: 14/03675/S42
Please ask for: Scott Barclay Tel: (01463) 228730

There is no comment from the Contaminated Land Team regarding this planning application concerning the above site.

Community Services

The Highland Council, 38 Harbour Road, Inverness, IV1 1UF
Tel: 01463 228700 Fax: 01463 223723 E-mail: Land.Contamination@highland.gov.uk

From: [Andrew Puls](#)
To: [Andrew McCracken](#); [Epc](#)
Subject: 14/03675/S42 & 14/03676/S42 consultation response
Date: 22 December 2014 15:31:42

Hello Andrew,

14/03675/S42 & 14/03676/S42 Dalfaber Farm, Dalfaber Drive, Aviemore

From what I can tell neither of these applications seek to vary conditions which relate to historic environment matters. Accordingly, we have no comment to make on either.

Thanks

Andrew

Andrew Puls | Historic Environment Team | Development and Infrastructure | Highland Council |
Glenurquhart Road | Inverness | IV3 5NX

Tel | 01463 702505

HER | Historic Environment Record | <http://her.highland.gov.uk>

Facebook | www.facebook.com/HighlandHER

Our ref: PCS/137737
Your ref: 14/03675/S42

Andrew McCracken
The Highland Council
Area Planning & Building Standards
(Badenoch & Strathspey)
100 High Street
Kingussie
PH21 1HY

If telephoning ask for:
Clare Pritchett

5 January 2015

By email only to: epc@highland.gov.uk

Dear Mr McCracken

Town and Country Planning (Scotland) Acts
Planning application: 14/03675/S42
Application under Section 42 to vary conditions 1, 12, 13 and 22 of consent
PPA/001/2001(07/94/OUTBS (07/145/CP)
Land North West And South Of Former Steadings, Dalfaber Farm, Dalfaber Drive,
Aviemore

Thank you for your consultation email of 19 December 2014 specifically seeking our advice in relation to flood risk in connection with the above application. It is not clear why SEPA has been consulted on this application as it appears that none of the conditions and proposed variations relate to flood risk.

We have **no objection** to this application in terms of flood risk.

If you have any queries relating to this letter, please contact me by telephone on 01224 266609 or e-mail at planning.aberdeen@sepa.org.uk.

Yours sincerely

Clare Pritchett
Senior Planning Officer
Planning Service

Copy to: Agent – Halliday Fraser Munro bob.reid@hfm.co.uk

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue.



Chairman
David Sigsworth
Chief Executive
James Curran

Aberdeen Office
Inverdee House, Baxter Street
Torry, Aberdeen AB11 9QA
tel 01224 266600 fax 01224 896657
www.sepa.org.uk

From: [SOUTH HIGHLAND](#)
To: [Epc](#)
Subject: FAO: Mr Andrew McCracken
Date: 05 January 2015 16:36:12

Dear Mr McCracken

Thank you for your recent communication regarding planning authority reference 14/03675/S42 Dalfaber Farm. Our response is given below.

We do not intend to offer formal comment on this proposal as it falls below our threshold for consultation as outlined in our [Service Statement for Planning and Development](#).

Advice for planners and developers can be found on our [website](#).

In the interests of greening, and also to speed up the process of logging and responding to casework, we would be grateful if you could re-send this case, and all future cases, to us in an electronic format rather than by post.

Scottish Natural Heritage
Anancaun Field Station
Kinlochewe by Achnasheen
Ross-shire
IV22 2PD

01445 760254

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homecomingscotland.com

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Please note that for business purposes, outgoing and incoming emails from and to SNH may be monitored.

Tha am post-dealain seo agus fiosrachadh sam bith na chois diomhair agus airson an neach no buidheann ainmichte a-mhàin. Mas e gun d' fhuair sibh am post-dealain seo le mearachd, cuiribh fios dhan manaidsear-siostaim no neach-sgrìobhaidh.

Thoiribh an aire airson adhbharan gnothaich, 's dòcha gun tèid sùil a chumail air puist-dealain a' tighinn a-steach agus a' dol a-mach bho SNH.

Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

**The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2008 S.I. 2008 No 432 (S.25)**

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To THE HIGHLAND COUNCIL	Council Reference:-	14/03675/S42
	TS TRBO Reference:-	NW/2/2015

Application made by Reidhaven Estates per Halliday Fraser Munro, Bob Reid Carden Church 6 Carden Place Aberdeen AB10 1UR and received by Transport Scotland on 05 January 2015 for planning permission for application under section 42 to vary conditions 1, 12, 13 and 22 of consent ppa/001/2001(07/94/outbs (07/145/cp)) located at Land North West And South Of Former Steadings, Dalfaber Farm, Dalfaber Drive, Aviemore affecting the A9 Trunk Road.

Director, Trunk Roads Network Management Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

In issuing planning permission the applicant should be informed that the consent does not carry with it the right to carry out works within the trunk road boundary (see overleaf for details of any works to be carried out within the trunk road boundary) and that permission must be granted by Transport Scotland, Trunk Road and Bus Operations. To obtain permission contact the Route Manager through the general contact number below. The Operating Company have responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-	Route Manager (A9) 0141 272 7100 Network North, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Operating Company:-	BEAR
Address:-	Bear House, Inveralmond Road, Inveralmond Industrial Estate, Perth, PH1 3TW
Telephone Number:-	0845 4130200
e-mail address:-	NWplanning@bearsotland.co.uk

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

Transport Scotland Response Date:- 08-Jan-2015

Transport Scotland Contact:- Fred Abercrombie

Transport Scotland Contact Details:-

Trunk Road and Bus Operations, Network Operations - Development Management

Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF

Telephone Number: 0141 272 7382

e-mail: development_management@transportscotland.gsi.gov.uk

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Trunk Road and Bus Operations, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.