

# AGENDA ITEM 5

## APPENDIX 7(b)

2016/0158/DET

REPRESENTATIONS  
OBJECTION

## Badenoch & Strathspey Conservation Group

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Katherine Donnachie  
CNPA

Dear Katherine

2016/0158/DET | Erection of 6 dwellings, upgrade current access point and a new access track formed; private drainage (shared treatment plant and soakaway) | Land 175M SE Of Heatherbank Rothiemurchus Aviemore

BSCG wishes to object to the above application and we would like to request the opportunity to address the planning committee when they determine the application. We have the following comments on the proposal.

### 'Brownfield' Site

The Forestry Commission Scotland's recent Native Woodland Survey of Scotland (undertaken 2006-2013) categorises the site as 100% semi-natural and 100% native and considers it as part of a more extensive upland woodland area.

This description is at odds with the view that it is a brownfield site. The present highly scenic naturally wooded and wildlife-rich site, full of native flora and fauna is very different from what would come to mind as a brownfield site. And is a far cry from vacant land or land blighted by dereliction.

The majority of the site appears as natural, unspoilt woodland.

It is evident from the test pits associated with the withdrawn application that the soil profiles are mostly highly natural where development is proposed, providing further indication that this is a site of high naturalness.

Scottish Planning Policy 2014 clarifies the intention of the Scottish government in relation to brownfield sites, stating:

*'Planning should direct the right development to the right place'*

*40. This requires spatial strategies within development plans to promote a sustainable pattern of development appropriate to the area. To do this decisions should be guided by the following policy principles:*

*...Considering the re-use or re-development of brownfield land before new development takes place on greenfield sites;*

We consider that the proposal site, which is an area where nature, woodland and a sense of seclusion are key landscape characteristics, has far more in common with a greenfield site than a brownfield one.

### High Quality of Proposal Site

BSCG considers the area ranks as of exceptionally high landscape, amenity and natural heritage value. We look upon the safeguarding of such high quality countryside and habitats as fundamental to achieving a world class national park that is genuinely sustaining its natural capital, rather than depleting it.

#### Amenity Value

Viewed from the road the site looks entirely natural, with no indication of its former use evident.

The proposal site contributes significantly to the setting and beauty of this highly scenic and tranquil minor road.

The scale of the proposal would extend the developed nature of the ski road into this wilder and secluded setting. These are rare characteristics that make a significant contribution to the quality of experience for users of the road, and that would be adversely impacted by the intrusion of the proposed development.

#### Biodiversity Importance

BSCG has recorded the following species within the red line boundary (or close to it where indicated) :

- Serrated Wintergreen *Orthilia secunda* - BSCG recorded over 20 flowering spikes of this nationally scarce wintergreen in June 2016.
- Interrupted Clubmoss *Lycopodium annotinum* Annex V – an extensive patch occurs on the site.
- Aspen – in addition to the tagged tree there are regenerating suckers. Aspen, including young suckers, supports high biodiversity interest in the Cairngorms.
- Wintergreen *Pyrola media* – this is abundant on the site and is flowering prolifically.
- Creeping lady's tresses *Goodyera repens* – this orchid is present within the footprint.
- Chickweed Wintergreen *Trientalis europaea* – frequent on the site.
- Ostrich-plume Feather-moss *Ptilium crista castrensis* – this moss is described as an indicative species of old pinewoods (Mason et al, Forestry Commission 2004).
- Slender or Lemon slug *Malacolimax tenellus* – this slug is considered to be an indicator of long established woodlands.
- Brown Hare - Scottish Biodiversity List recorded using the site.
- Red squirrel - Priority species, individuals and dreys have been recorded on the site and feeding signs are currently abundant.
- Hedgehog – droppings considered to be hedgehog found in June 2016.
- Spotted flycatcher – recorded using the site, UK red list of birds of high conservation concern.
- Willow warbler – currently occupied nest in or close to the site, UK amber list of birds of medium conservation concern.
- Crested tit – recorded using the site.
- Slow worm - Protected under Wildlife & Countryside Act.
- Common frog
- Mountain Bumblebee – *Bombus monticola* Scottish Biodiversity List
- *Carabus glabratus* a large ground beetle – rarely recorded in Strathspey, unlikely to survive were the site to be developed.

- Formica wood ant nests – Three nests were recorded with winged sexuals in June 2016 within or close to the site.

#### Capercaillie

The proposal is immediately adjacent to the North Rothiemurchus Pinewoods SSSI, Cairngorms SAC and Cairngorms SPA. The Cairngorms SPA and North Rothiemurchus Pinewood SSSI both have capercaillie as an interest and are within the Capercaillie metapopulation area. Development of the site would introduce additional disturbance to the designated sites. Given the problems facing capercaillie, it is inappropriate to permit development right up to the boundary of a site designated for this sensitive species.

#### Inadequate Ecological Information

The ecological information provided is to a significant degree deficient, inaccurate and misleading. We consider that a more solid evidence base is required on which to base planning decisions, especially adjacent to designated sites and in AWI woodland, where high biodiversity can be anticipated.

Impacts on priority habitats and species, CNAP species and Scottish Biodiversity List species cannot be adequately identified nor evaluated from the ecological information submitted.

#### SSE power line

It appears that the SSE power line may impact directly on the designated site adjacent to the proposal, but further information is awaited. BSCG would value the opportunity to comment on this aspect of the development when the information becomes available.

#### Ancient Woodland Inventory (AWI) site

The application would result in the loss and damage to woodland on the Ancient Woodland Inventory designated as “1a Ancient woodland of semi natural origin” meaning that it is on the Roy military maps from the 1750s and on the OS 1<sup>st</sup> edition maps. AWI sites are a finite and irreplaceable resource that cannot be recreated or compensated for. There has been significant loss of AWI sites to development in Badenoch & Strathspey and accordingly there are issues of cumulative impact. Ancient woodland is renowned for its biodiversity interest and is one of the UK’s richest terrestrial wildlife habitats.

#### Forestry Commission Native Woodland Survey of Scotland

The site is included in this survey as part of a larger area of upland mature woodland of 100% nativeness and 100% semi-naturalness (as indicated above). These are important woodland attributes that add significantly to the value of the wood in terms of people’s enjoyment, landscape value and biodiversity value.

#### Policies and Plans

##### Scottish Planning Policy (2014)

The proposal does not conform with several relevant sections of Scottish Planning Policy.

Under the heading A Natural, Resilient Place - Valuing the Natural Environment, Scottish Planning Policy states (Section 194) that the planning system should:

*Conserve and enhance protected ... species, taking account of the need to maintain healthy ecosystems and work with the natural processes which provide important services to communities;*

*Protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value;*

Under the heading Delivery, Section 195 states:

*Planning authorities, and all public bodies, have a duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity. This duty must be reflected in development plans and development management decisions.*

CNP Local Development Plan

This Policy states:

*Development that would adversely affect an ancient woodland site, semi-natural ancient woodland site, ... will only be permitted where it has been demonstrated that:*

*a) the objectives of the identified site and overall integrity of the identified area would not be compromised; or*

*b) any significant adverse effects on the qualities for which the area or site has been identified are mitigated by the provision of features of commensurate or greater importance to those that are lost.*

The proposals do not conform with Policy 4. The proposal involves loss of woodland listed on the AWI; and no mitigation measures are proposed. In relation to mitigation we note that ancient semi natural woodland is identified by the Scottish Government as being an "irreplaceable resource" (SPP, 194), indicating that mitigation is not applicable.

Regards

Gus Jones  
Convener

**Roy Turnbull**  
**Torniscar**  
**Nethy Bridge**  
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**Dear Sir**

**27<sup>th</sup> June 2016**  
**2016/0158/DET Land 175M SE of Heatherbank, Rothiemurchus**

1. I have read the internal ecology response report on this proposed development  
( [http://www.eplanningcnpa.co.uk/online-applications/files/3265FD6D855B8AB8A49379D5A2FA713C/pdf/2016\\_0158\\_DET-CNPA\\_ECOLOGY\\_RESPONSE-100118392.pdf](http://www.eplanningcnpa.co.uk/online-applications/files/3265FD6D855B8AB8A49379D5A2FA713C/pdf/2016_0158_DET-CNPA_ECOLOGY_RESPONSE-100118392.pdf) ) and find that it provides ample evidence to support its conclusion that "The development would have significant impact on ecology and the compensation provided is insufficient."

2. Likewise, the Landscape Response report ( [http://www.eplanningcnpa.co.uk/online-applications/files/0D99DEC2D9FB79BB6C2EDF853F4B3CD1/pdf/2016\\_0158\\_DET-CNPA\\_LANDSCAPE\\_RESPONSE-100118393.pdf](http://www.eplanningcnpa.co.uk/online-applications/files/0D99DEC2D9FB79BB6C2EDF853F4B3CD1/pdf/2016_0158_DET-CNPA_LANDSCAPE_RESPONSE-100118393.pdf) ) finds that "The development in its current form raises issues in relation to landscape that are not capable of resolution."

The proposed development is thus contrary to Policy 4 Natural heritage and Policy 5 Landscape and consequently should be refused.  
I therefore object to this application.

Yours sincerely



**Roy Turnbull**