

**Modified Policy/Proposal ref** Settlements - Ballater

**Response to Post Inquiry Modifications**

(Pages 70 to 72 inclusive of the local plan as proposed to be modified)

Proposals

BL/H1 Omission of a vision for Ballater

1. I object to the omission of a vision for Ballater which the Reporters recommended in their paragraphs 7.27, 48.43 and 48.44 should be devised and, according to their paragraph 48.44, should preface the proposals map. In the absence of that vision the proposals for Ballater H1 should be deleted from the plan and the labelling, colouring and delineation of the site should be removed from the map on page 72, for the following reasons:

a) the Reporters were very guarded in some of the language used about the suitability of the site and proposals and provision for the site: for example in their paragraph 48.28 they say "the requirements of the CNPP 2007, the policies of the emerging local plan, and the commitment to prepare a masterplan in consultation with all interested parties are sufficient to reassure us that development need not change irrevocably the identity of Ballater as characterised by its Victorian heritage nor necessarily lead to the suburbanisation of the strath to the north along the strath."; in their paragraph 48.39 they say "The difficulties presented by access to the site are challenges to be overcome when a specific proposal comes forward rather than insuperable obstacles to development. j" And in paragraph 48.17 "The deficiencies which we have identified in the overall calculations, and the allocations to particular settlements including Ballater, are serious deficiencies in the preparation of the CNPLP; and they should be rectified before the plan is progressed to adoption.", whilst their endorsement of BL/H1 in paragraph 48.53 was "subject to addressing all of the above reservations";

b) In view of the difficulties with access referred to by the Reporters in their paragraphs 48.39 and 48.40 they have been extremely, I would argue excessively, indulgent towards the local plan, bearing in mind that government policy in paragraph 16 of Scottish Planning Policy of February 2010 is "Investment in infrastructure may be required as a consequence of under provision and/or planned growth. These issues should be addressed in development plans and not left to be resolved through the development management process'.

c) the Reporters in their paragraph 48.44 said that the vision for the masterplan for BL/H1 and its immediate vicinity should flow seamlessly from the vision for Ballater which the Reporters had recommended should preface the proposals map but the National Park Authority in paragraph 1.4 on page 231 of their response rejected the Reporters' views and said "The development of a vision will therefore form in [sic] integral part of the stakeholder engagement on the Local Development Plan" and it follows therefore that, unless BL/H1 is deleted from the local plan, either the masterplan will be plotted before the vision is finally fixed on by the adoption of the Local Development Plan which is to supersede this local plan or the masterplan will not be approved until the Local Development Plan is adopted;

d) In paragraph 1.4 on page 231 of the Park Authority's response to the Reporters the Authority says that in the stakeholder engagement on the Local Development Plan "communities can have full and detailed input into the vision for their own settlement" but BL/H1 in its present form may be inconsistent with any vision that might result from such a process of community engagement: the vision ought to determine the nature of any expansion of the settlement rather than the vision have to be shaped around the allocation of a site for housing with a capacity for 250 new dwellings;

e) The plan ought to have contained a vision and long term sustainable settlement strategy for Ballater or its locality when it was prepared, in order to comply with paragraphs 28 and 88 of SPP3 of 2003 and paragraphs 33, 41 and 42 of SPP15 (Planning for Rural Development) of February 2005, for which the later and current references are paragraphs 56 and 62 of SPP3 of 2008 and paragraphs 17, 40, 77 and 93 of Scottish Planning Policy of February 2010;

f) as can be seen from paragraph 8(e) below the risk of flooding prevents an extension of H1 and provides further evidence that it would be contrary to the principle of sustainability to use H1 for market housing for which there is no need;

g) the Reporters in their paragraph 48.20 accepted that some of the houses to be built on H1 would be bought as second or holiday homes leaving some locally generated requirement unfilled and further skewing the demographic profile of Ballater towards the older age groups by in-migration;

h) as indicated in paragraphs 58 to 63 of my objections to the Housing Land Requirement the proposal for Ballater H1 does not conform to the structure plan.

The numbers of dwellings by 2016 is too many

2. As I mentioned in my objections to the new section on the Housing Land Requirement, that section and Appendix 2 to the local plan as proposed to be modified allocates 90 houses to Ballater up to 2016 but the first paragraph under the heading BL/H1 on the new page 70 provides for a total of 190 houses up to 2016. This inconsistency should be resolved. I would urge that if BL/H1 is not deleted from this local plan completely all mention of the further 100 houses should be deleted and the paragraph should consist of just the first two sentences. The numbers are also too great because they are in breach of the structure plan. Any mixed uses should be ancillary to housing

3. If the high hopes guardedly expressed by the Reporters are to be realised and there is, for instance, as said in their paragraph 48.31, to be a built environment more attractive than that which is currently available to visitors as their first impression of the built up area of Ballater, then the proposals should make it clear that the mixed uses must be ancillary to housing, especially in view of the difficulties for vehicular access referred to in the Reporters' paragraphs 48.39 and 48.40. I urge therefore that in the first sentence the word "ancillary" should be substituted for "mixed" so as to end that sentence with the words "for housing and ancillary use". Consequently item i) should be considerably reshaped. I suggest that the first sentence of item i) read "the area allocated is intended to provide a varied residential development with some possibility of some ancillary development that is compatible with residential development and with the character of the village". The second sentence ("There will be scope for etc...") should be deleted.

There should be specific protection for Monaltrie House's setting

4. The mere statement in item ii) that "Listed buildings including the B listed Monaltrie House and their settings will also be protected" is not sufficient protection for Monaltrie House. Professor Emeritus David M Walker OBE, LL.D, D Litt, FSA, FRSE, HFRIAS, in his letter of 25th January 2010 has asked that Ballater H1 be rethought and scaled down, stating that as it stands it severely compromises not only the setting and historic significance of Monaltrie House but also its future. The Cairngorms Landscape Capacity Study Final Report of August 2005 (CD7.19) was against housing on the elevated grass land between Monaltrie Avenue and Monaltrie House, as is made clear especially in section 2.3 of the report, because the park land quality contributes to the setting of Monaltrie House and offers a contrast to the other character types within the immediate locality. In section 2.2 of the report it is said that from the point of view of Landscape Character and Experience the elevated grass land is of very high sensitivity.

5. Dealing with the question of access to H1 by vehicles, the Reporters in their paragraph 48.39 say "In that connection we support the protection to be given to the elevated grassland to Monaltrie House, which may assist in meeting the particular concerns of the residents of Monaltrie Avenue and Monaltrie Close." If Professor Walker's advice is not to be followed I suggest the protection which the Reporters assumed would be given to the elevated grassland should be specified in the plan. I ask that the elevated grass area be coloured green and labelled ENV or, failing that, the text state that no development is to take place on the elevated grassland. I also ask that the text be amended to stipulate that views from Deeside Way to Monaltrie House be preserved.

Flooding

6. I object to the fact that the land on which building is not to be allowed is defined merely by height above sea level. The land not to be built on should primarily be indicated by a map on which the area not to be built on is clearly delineated and distinctively coloured. My reasons for urging this are as follows:

a) As there is no publicly available map showing the relevant contour lines a member of the public or interested party will need to finance a survey

or have the equipment and expertise to execute a survey, if he or she wishes to discover whether a particular spot is not to be built on.

b) Different surveys are liable to produce slightly different results which could render borderline areas uncertain and developing technologies could lead to changes in the absolute height of parts of the site even though the relative heights are unchanged.

7. I object to the wording of the second paragraph under the heading BL/H1 since it gives a misleading description of the risk of flooding. By stating that future development will be required to avoid the area at flooding risk it suggests that the rest of the site is free from risk of flooding. In fact the heading of the map from the consultants, WSP, who conducted the flood risk assessment, says that it shows the area identified by them as within the "200 year flood plain". Government policy treats land subject to an annual probability of watercourse/flooding greater

than 0.5% as at medium to high risk and as part of the functional flood plain. An annual probability of 0.5% is sometimes referred to as being equivalent to a frequency of once in every 200 years. It follows that H1, about 85% of which is a gently undulating plain, is over the whole of that 85% subject to a varying risk of flooding albeit not necessarily as high as 0.5% annual probability. Therefore in the second sentence of the second paragraph in place of the words "at flooding risk" there should be substituted the words "as subject to a risk of flooding with an annual probability of more than 0.5%" or, if appropriate "of at least 0.5%". I ask that the text incorporates the undertaking given on behalf of CNPA at the public hearing in Ballater on 27th May 2009 that a further flood risk assessment will be insisted upon if appropriate. It is government policy, now expressed in paragraph 202 of Scottish Planning Policy of February 2010, that "planning authorities should take a precautionary approach in taking decisions when flood risk is an issue." There are at least the following reasons why this local plan in taking a precautionary approach should not allow development on any of H1 that lies east of the footpath to the Pass of Ballater, namely the farmland that constitutes about 85% of 1-11:

- a) the whole of the farmland in H1 is part of a slightly undulating plain with small differences in elevation;
- b) in the letter from SEPA (Scottish Environment Protection Agency) dated 16th April 2009, which was put before the Reporters at the hearing at Ballater, it is said that SEPA will object if any landraising were to take place in forming any of the access roads which will lie within the flood plain and that any access road for general public access which is within the flood plain should be designed so that it floods and doesn't interfere with flow of water in the functional flood plain: however an earlier letter dated 2nd March 2009 from SEPA to the developer's consultants, WSP Development and Transportation, appears to state at paragraph 2.4 that reliance has been placed to some extent on the higher levels of the old railway line preventing flood water passing to the site: any access roads from the direction of the A93 would need to cross the old railway line and therefore, if SEPA's requirements were fulfilled, would allow flooding which the flood risk assessment apparently assumed would not take place;
- c) the flood risk assessment that led to SEPA's conditional withdrawal of their objection to Ballater H1 was not put in evidence before the Reporters (and the map put before them did not bear the same revision number as that referred to in the letter from SEPA of 16th April 2009 which was put before the Reporters) and so the Reporters were dependent on the judgement of SEPA and in effect rubber stamped SEPA's conditional withdrawal contrary to the principles in paragraphs 30 and 50 of the Code of Practice for Local Plan Inquiries (Circular 32/1996) and contrary to the principle that was inherent in paragraph 42 of SPP7 and is now implied in paragraph 204 of Scottish Planning Policy of February 2010 that the planning authority should weigh up the evidence involved including any flood risk assessment in applying the risk framework and calculating the probability of flooding: in deciding whether to persist in accepting the Reporters' conclusions on flooding it would be a breach of the rules of fairness and natural justice for the National Park Authority to have regard to the contents of the flood risk assessment (which I understand their staff hold) unless they sent a copy to every relevant objector to comment on (which section 46 of the Copyright, Designs and Patents Act 1988 allows);
- d) in wet weather big pools of water are seen on the farmland in Ballater H1
- e) there is evidence that big flooding took place in Ballater not only in the muckle spate of 1829 but in 1913, 1920, 1928, 1937 and 1993 and evidence of some of those floods is in the Press and Journal of 23rd and 24th January 1928;
- f) it seems that SEPA's conditional withdrawal is based on applying the terms of the risk framework from SPP7 in a literal way and that SEPA would consider the ideal decision to be that no development should take place on Ballater H1 in view of the fact that their letter of 16th April 2009 says that the requirement now in the proposed modification is an absolute minimum as also they say is their requirement that SEPA accepts (presumably at the time of a planning application) that freeboard exists to provide additional allowance for factors of uncertainty and climate change: moreover in their letter of 2nd March 2009 to the developer's consultants, SEPA in paragraphs 2.12 and 2.13 express the view that instead of the minimum requirement specified in their conditional withdrawal a wider area should be treated as not to be built on namely "the 1 in 200 plus climate change envelope". SEPA says this latter "envelope" should be adopted instead of the "1 in 200 year return flood event" in order to "mitigate the potential long term impacts of climate change". Paragraph 36 of SPP7 (Planning and Flooding) which applied in March and April 2009 said "...it is not national policy to add an additional allowance for climate change above the 0.5% probability but planning authorities may do so if it can be justified,"
- g) the map prepared by the developer's consultants, WSP Development and Transportation, which was put before

the Reporters by the Park

Authority at the hearing on 27th May 2009, shows the "200 year flood plain" covering virtually the whole of the strath north east of HI as far as Eastfield of Monaltrie and, in view of the fact that the Reporters in their paragraph 48.33 accepted that the only realistic direction for an extension to the built up area of Ballater is to the north, meaning on to HI, this provides further evidence that using HI now for market housing for which no need has been established is contrary to the principle of sustainability.

(In addition I would ask for abandonment of the Plan or alternatively abandonment of the proposal for Ballater H1).

#### **Brief summary of key issues**

The objection sets out in detail issues regarding BL/H1. In brief the key issues raised are

- the lack of vision
- the risk of flooding
- non-compliance with the structure plan
- the scale of development based on the local need
- the possibility of mixed use on the site
- the setting of Monaltrie House
- non-compliance with the landscape capacity study
- access to the site

The whole plan should be abandoned, or alternatively BL/H1 should be abandoned

#### **CNPA analysis and response**

The modification made to the supporting text for Ballater H1 is in accordance with the Reporters Recommendations and takes on board their suggested wording which is based on their assessment of all the issues affecting this site. CNPA has set out its response to the Recommendations of the Reporters. The matters raised by the objector have been previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector.

The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Ballater as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

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**Objector Ref** Mrs Aileen M Barbour

**Agent**

356

**Modified Policy/Proposal ref** Settlements - Ballater H1

**Response to Post Inquiry Modifications**

Reporters Report clause 48.34 stated 'elevated grassland which contributes to setting of Monaltrie House (1.28 hectares) should be deducted from total area for development'.

Reporters clause 48.39 stated 'we support the protection to be given to the elevated grassland to Monaltrie House which may assist meeting the particular concerns of the residents of Monaltrie Avenue and Monaltrie Close.

Local Plan post inquiry modification page 70 – proposal BL/H1 clause ii is not specific in stating that the elevated ground will not be developed as it remains zoned for development in the Ballater map on page 72.

Indicate what changes to resolve this objection -

My objection to the elevated ground being developed was the access to the site which would be achieved by extending Monaltrie Avenue passing my property at 38 Monaltrie Avenue where the road width is reduced to 4m 10 without an pedestrian pavement. The objection was on the grounds of road safety. The Local Plan BL/H1 site map should be revised deleting the elevated ground as a future development area as recommended by the Reporter.

**Brief summary of key issues**

Land passing 38 Monaltrie Avenue should not be developed as the access to the site on grounds of road safety. The proposals map should be amended to remove the elevated ground as recommended by the Reporters.

**CNPA analysis and response**

The modification made to the supporting text for Ballater H1 is in accordance with the Reporters Recommendations and takes on board their suggested wording which is based on their assessment of all the issues affecting this site. The matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Ballater as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

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**Objector Ref** Phillip John Swan  
462d

**Agent**

**Modified Policy/Proposal ref** Settlements - Ballater H1

**Response to Post Inquiry Modifications**

Subject of Objection: Area of 131-/H1 is excessive, maintained at 16.12 hectares  
Relevant Documents: Settlement Proposal for Ballater in pages 70 to 72 in the PIMs.  
Reporters' paragraphs 48.34, 48.39.

**Reasons for Objection:**

- a) the Reporters, in referring to the area of BL/H1 in their paragraph 48.34, state that: "From the total has also been subtracted areas to remain undeveloped because of flood risk (1.28 hectares) and the elevated grassland which contributes to the setting of Monaltrie House (1.28 hectares)." Also in their paragraph 48.39: we support the protection to be given to the elevated grassland to Monaltrie House"
- CNPA's persistent allocation of 16.12 hectares is clearly unjustified and it flouts the Reporters' specific understanding as expressed in at least two places in their report, as shown here. It appears that CNPA may have misled the Reporters.
- b) the reduction in housing numbers for Ballater H1 required to make it consistent with the latest information on housing projections (discussed above in 462/1, 2 & 3) should be accompanied by a commensurate reduction in the area of H1. The appropriate capacity of H1 is discussed in other parts of this objection (refer to 462/3).
- c) retention of the proposed area compromises the wildlife corridor between the river and Craigendarroch Hill.

**Required Changes:**

A very significant reduction in the area allocated to H1, to bring it into line with the proposals contained in CNPA report "Cairngorms Landscape Capacity for Housing Final Report" August 2005 (CD7.19).

**Brief summary of key issues**

BL/H1 is excessive and should be reduced to bring it in line with the Landscape Capacity Study for Housing. This should take into account the need to reduce the overall number of houses required. The retention of the whole site compromises the wildlife corridor that exists across the site.

**CNPA analysis and response**

The modification made to the supporting text for Ballater H1 is in accordance with the Reporters Recommendations and takes on board their suggested wording which is based on their assessment of all the issues affecting this site. The matter, including the relationship of the plan with the Landscape Capacity for Housing Report was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Ballater as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

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**Objector Ref** Graham Adams

**Agent**

531f

**Modified Policy/Proposal ref** Settlements - Ballater H1

**Response to Post Inquiry Modifications**

Subject of Objection - Area of BL/H1 is excessive, maintained at 16.12 hectares

Relevant Document - Settlement Proposal for Ballater in pages 70 to 72 in the PIMs

**Reasons for Objection:**

a - The Reporters, in referring to the area of BL/H1 in their paragraph 48.34, state that: "From the total has also been subtracted areas to remain undeveloped because of flood risk (1.28 hectares) and the elevated grassland which contributes to the setting of Monaltrie House (1.28 hectares)." Also in their paragraph 48.39: "we support the protection to be given to the elevated grassland to Monaltrie House"

CNPA's persistent allocation of 16.12 hectares is clearly unjustified and it flouts the Reporters' specific understanding as expressed in at least two places in their report, as shown here. It appears that CNPA may have attempted to mislead the Reporters.

b - The reduction in housing numbers for Ballater H1 required to make it consistent with the latest information on housing projections (discussed above in 462/1, 2 & 3) should be accompanied by a commensurate reduction in the area of 1-11. The appropriate capacity of H1 is discussed in other parts of this objection (refer to 462/3).

c - Retention of the proposed area compromises the wildlife corridor between the river and Craighendarroch Hill.

**Required Changes:**

A very significant reduction in the area allocated to H1, to bring it into line with the proposals contained in CNPA report "Cairngorms Landscape Capacity for Housing Final Report" August 2005 (CD7.19).

**Brief summary of key issues**

BL/H1 is excessive and should be reduced to bring it in line with the Landscape Capacity Study for Housing. This should take into account the need to reduce the overall number of houses required. The retention of the whole site compromises the wildlife corridor that exists across the site.

**CNPA analysis and response**

The modification made to the supporting text for Ballater H1 is in accordance with the Reporters Recommendations and takes on board their suggested wording which is based on their assessment of all the issues affecting this site. The matter, including the relationship of the plan with the Landscape Capacity for Housing Report was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Ballater as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

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**Objector Ref** M B Preston

**Agent**

543c

**Modified Policy/Proposal ref** Settlements - Ballater H1

**Response to Post Inquiry Modifications**

There does not appear to be any mention of protecting the elevated grassland near Monaltrie House from being built on, as recommended by the Reporter.

**Brief summary of key issues**

The elevated grassland near Monaltrie House should be protected.

**CNPA analysis and response**

This matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not include this change as a recommendation in their Report. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Ballater as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

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**Objector Ref** M B Preston

**Agent**

543d

**Modified Policy/Proposal ref** Settlements - Ballater H1

**Response to Post Inquiry Modifications**

Flood risk. The risk of flooding in the area of H1 would appear to be increased by breaching the railway embankment. This breaching would appear to be inevitable if road access to H1 is allowed.

**Brief summary of key issues**

The risk of flooding on H1 would seem to be increased by breaching the railway embankment. This seems inevitable if road access is allowed.

**CNPA analysis and response**

The issue of flooding on this site was considered by the Reporters, and information regarding this was received from SEPA which was presented as evidence to the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not include this change as a recommendation in their Report. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Ballater as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

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Objector Ref M B Preston

Agent

543e

**Modified Policy/Proposal ref** Settlements - Ballater H1

**Response to Post Inquiry Modifications**

This Local Plan will change permanently the size, appearance and character of Ballater. The Reporter recommended creating a "Vision for Ballater and the Park", "Vision of the Masterplan for BL/H1 and its immediate vicinity, should flow seamlessly from that". This cannot happen if the "Vision" is deferred into the next Local Development Plan, by which time building may have started, the view and the "Vision", lost forever.

**Brief summary of key issues**

The vision for Ballater should be prepared before the Masterplan.

**CNPA analysis and response**

CNPA has set out its response to the Reporters recommendations regarding the production of a vision for each settlement. The matter of settlement visions was considered by the Reporters at the Local Plan Inquiry. The allocation of land BL/H1 in Ballater was also considered, as was the issue of the production of a masterplan to guide any development on the site. The Reporters did not recommend a timeline as requested by the objector. The objection does not raise any new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the plan as published.

CNPA Decision - no change. Do not refer the objections to a second Local Plan Inquiry.

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**Objector Ref** Prof. David M Walker

**Agent**

544

**Modified Policy/Proposal ref** Settlements - Ballater H1

**Response to Post Inquiry Modifications**

I write to object to the boundary of BL/H1 as currently drawn as it adversely affects the setting of Monaltrie House and could prejudice its future. I am the Scottish Office historic buildings inspector who surveyed or resurveyed Aberdeenshire 1961-68; chief inspector of historic buildings 1988-93 and principal inspector in charge of listing and casework from 1976; expert adviser to the National Heritage Memorial Fund and Heritage Lottery Fund, 1980-99; Honorary Professor of Art History, the University of St Andrews 1994-2001; and founder-editor of the on-line dictionary of Scottish Architects since 2002.

Monaltrie House is a building of quite exceptional importance within the National Park. It was built in 1782 by James Robertson, an architect-builder, for Colonel Francis Farquharson of Monaltrie who had suffered financially from his involvement in the Jacobite rising of 1745-6. The associated wooded landscape was planted at the same date. It was built to provide upmarket accommodation for those visiting Farquharsons's mineral wells at Pannanich where, most unusually, the mid Georgian well structure and the double-row roadside inn are completely preserved. Although separated by the River Dee the two sites form a remarkably complete historic ensemble. All this is set out in Jane Geddes's *Deeside and the Mearns* (2001) and my own study of inns, hotels and related building types in *A Compendium of Scottish Ethology Volume 3: Scotland's Buildings* (2003).

As a purpose-built country house hotel or inn Monaltrie House was a pioneer and, so far as I know, unique building type at its date and thus a historic component of the National Park as an early tourist destination. Its purpose is reflected in its long low scale with relatively small rooms, not dissimilar to the contemporary buildings at Pannanich but dignified with crenellated end pavilions, central bow and piended roof with carefully balanced chimney heads, all marks of its higher status and possible future use as the Farquharson's family residence if the family fortunes recovered, as they did. Nevertheless the original small windowed, small-scale character of the house survived unaltered through Victorian and Edwardian times. It is thus a place of quite exceptional atmosphere and charm, still strongly evocative of the Farquharson family history in mid to late 18th century and its designed landscape down to the Dee was an essential part of the original concept, both aesthetically and functionally. The only other site which approaches it as an eighteenth century country house hotel is the rather later conversion of a late 17th century house at Drummonie, Bridge of Earn, to serve the spa at Pitkeathly, a development which appears to have taken Monaltrie as its model.

It therefore follows that any modern housing within what was Monaltrie's designed landscape is development affecting the setting of a listed building and in this case particularly damaging as diminishing its historic significance for the reasons set out above. In paragraph 48.50 of Mr Begg's report relating to BL/H1 it is stated 'We support the protection to be given to the elevated grassland at Monaltrie House, which I presume to be the area referred to at 2.2 of the landscape capacity plan and described as 'fine acidic grassland and mature trees,' and at 48.50 'listed buildings, including the B-listed Monaltrie House and their settings will also be protected'.

While the amended version of the Local Plan Post Inquiry Modifications refers to protecting the setting of Monaltrie House at (ii) of the proposals section on BL/H1 there is no indication that the elevated grassland site referred to above has in fact been excluded from BL/H1.

The zoning of BL/H1 where it extends over the south-western of the 'two cultivated fields' (as described in the 2005 plan) in front of Monaltrie House is quite simply incompatible with protecting the setting of Monaltrie House, enclosing it and shutting off its view to the south-east. I am profoundly shocked that this has not been recognized in the report, and that it can be claimed that Monaltrie's setting will be protected when plainly it will not be or only to an insignificant token extent. Such a proposal would be bad anywhere, but it is horrendously inappropriate in a national park diminishing its quality and historic interest.

I am therefore objecting to BL/H1 as currently proposed.

**Brief summary of key issues**

Objects to the allocation BL/H1 as it adversely affects the setting of Monaltrie House, a listed building. Supporting information provided on the history of the building.

**CNPA analysis and response**

This matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Ballater as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

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**Objector Ref** Mr George Inglis

**Agent**

053

**Modified Policy/Proposal ref** Settlements - Ballater H1 clause ii) page 70; Ballater settlement map page 72

**Response to Post Inquiry Modifications**

Reporters' Report Clause 48.34 stated - "elevated grassland which contributes to setting of Monaltrie House (1.28 hectares) should be deducted from total area for development".

Reporters' Report Clause 48.39 stated - "we support the protection to be given to the elevated grassland to Monaltrie House which may assist meeting the particular concerns of the residents of Monaltrie Avenue and Monaltrie Close".

Local Plan Post Inquiry Modifications Page 70 - Proposals BL/H1 - Clause ii) Is not specific in stating that the elevated ground will NOT be developed as it remains zoned for development in the Ballater Map on Page 72

Changes to resolve objection -

My Objection to the elevated ground being developed was the access to the site which would be achieved by extending Monaltrie Avenue passing my property at 25 Monaltrie Avenue where the road width is reduced to 4m10 without a pedestrian pavement. The Objection was on the grounds of road safety.

The Local Plan BL/H1 Site Map should be revised deleting the elevated ground as a future development area as recommended by the Reporter.

**Brief summary of key issues**

Land passing 25 Monaltrie Avenue should not be developed as the access to the site on grounds of road safety. The proposals map should be amended to remove the elevated ground as recommended by the Reporters.

**CNPA analysis and response**

The modification made to the supporting text for Ballater H1 is in accordance with the Reporters Recommendations and takes on board their suggested wording which is based on their assessment of all the issues affecting this site. The matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Ballater as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

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Modified Policy/Proposal ref Settlements - Ballater housing land allocation

**Response to Post Inquiry Modifications**

Subject of Objection: The settlement data and excessive allocations of housing numbers for Ballater in the period to 2016.

Relevant Documents - The Settlement Proposal for Ballater (pages 70 to 72 of the Post Inquiry Modifications). Appendix 2 of the PIMs, Tables 1 to 4.

Reasons for Objection:

a) Tables 1 to 4 of Appendix 2 show an allocation of 90 housing units for Ballater over the period to 2016. However, the first paragraph of the Settlement Proposal for Ballater (pages 70 to 72 of the Post Inquiry Modifications) states that the site H1 will have "90 dwellings envisaged for construction during the life of the local plan [2006-2011]. It is expected that a further 100 houses will be built in the period between 2011-2016 leaving capacity for 60 for the longer term". The inconsistency between these documents is a significant mistake that must be corrected, using appropriately revised housing numbers (as discussed above).

b) The Deposit Local Plan, as submitted to the Inquiry, indicates a total of 1639 housing units for the period to 2016, which CNPA now proposes to cut to 950, which is too high, as shown in my 2 other objections. However, based on CNPA's currently proposed Post Inquiry Modifications (specifically the Ballater Settlement Proposal), the housing total for Ballater in the same period remains unchanged at 190, with a total capacity of 250. This makes no sense, because Ballater's "share" of the total new housing numbers to 2016 has arbitrarily leapt from 11.6 to 20 per cent of the National Park total, based on the numbers proposed by CNPA's PIMs. Clearly, the distribution of effective housing land for the period to 2016 requires further attention.

c) Reporters' paragraph 7.27 states : "...as far as Ballater is concerned, it is a serious deficiency that CNPA has not explained briefly and clearly in the emerging local plan:

- why there is a combined requirement for 190 affordable and market houses over the period to 2016;
- what the impact would be on Ballater as a sustainable community of a large proportion of market houses within that total;
- why the need for affordable houses cannot be met by prioritising the development of windfall and brownfield sites..'

d) Reporters' paragraph 48.17 states: "The deficiencies which we have identified in the overall calculations, and the allocations to particular settlements including Ballater, are serious deficiencies in the preparation of the CNPLP; and they should be rectified before the plan is progressed to adoption." CNPA's response is that: "In considering the recommendations made in regard to H1 in Ballater, CNPA have already provided modified information regarding housing land supply, which has taken account of the requirements of SPP3. This criticism made by the Reporters is therefore dealt with in the analysis on General Housing Land Supply."

I can find no evidence to support this statement CNPA's comments in response to Reporters' writings on General Housing Land Supply contain no references to or explanation of CNPA's proposed actions to address serious deficiencies in the allocation of housing in Ballater. In fact, the contents of the CNPA's analysis of Reporters' findings on General Housing Land Supply do not include any mention at all of Ballater or BL/H1. Thus the deficiencies referred to still require correction.

Required Changes:

There should be a very significant downward adjustment in the total number of required new houses for the period to 2016. Evidence detailed in my other objections indicates a figure of 516 is appropriate. There should be a proportionate reduction for Ballater, from 190 to 60. Many of these should be developed from windfall and brownfield sites, as suggested in Reporters' paragraph 7.27. Thus, the required capacity of H1 to 2016 will be somewhat lower than 60.

**Brief summary of key issues**

Objects to inconsistency between the housing land supply tables and text regarding the projected development on BL/H1. The proportion of the total need for the Park is too great for Ballater and should be reduced in Ballater to reflect the overall reduced number. There has been no CNPA response to the Reporters criticisms regarding affordable housing need in Ballater. Nor is there a CNPA response to address the serious deficiencies in the allocations for Ballater H1. CNPA should not use the wording offered by the Reporters to support the case for the housing allocation in Ballater, nor should 950 be used as a figure for overall need. There should therefore be a significant downward adjustment in the total number of houses required up to 2016. Focus should be placed on the provision of needed affordable houses on windfall and brown field sites. Until such changes are made and the needs of affordable housing for local people is assessed no more private development in Ballater should occur.

**CNPA analysis and response**

The matter of housing land supply was previously considered by the Reporters during the Local Plan Inquiry. CNPA has set out its assessment of the Reporters recommendations and has revised its housing land supply information to address these. The wording and figures included in the published document reflects the current published effective housing land supply and also the findings of the Reporter in regard to the commissioned study on by the University of Manchester. CNPA has also set out its response to the Reporters recommendations regarding affordable housing, to allocations of land for development by settlement and also how this relates to the objectives of the National Park Plan. CNPA has also responded to the suggested wording of the Reporters.

Prior to the publication of the finalised document however all figures and text will be cross checked to ensure consistency and accuracy.

The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the policy as published.

CNPA decision - no change other than correction of typing errors and cross checking of figures. Do not refer the objection to a second Local Plan Inquiry.

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**Objector Ref** Dr A M Jones

**Agent**

400i(m) Badenoch and Strathspey Conservation  
Group

**Modified Policy/Proposal ref** Settlements - Boat of Garten

**Response to Post Inquiry Modifications**

Object to the former H1 allocation being included as white land.

Object to the settlement boundary not being redrawn so as to exclude the former H1 allocation from within the SB. The H1 allocation area should be excluded from the threat of development. It has been advised by SNH, and determined both by HC and a Reporter, that housing development in this woodland would increase disturbance to capercaillie, a protected species for which the UK government has international responsibilities. The Inquiry Reporters came to the same conclusion. The Inquiry Reporters provided clarity that housing development in the wood has significant potential for harm to capercaillie, and because of the high conservation status of capercaillie such disturbance is unacceptable. The Inquiry Reporters also were clear that the H1 allocation was not essential. The Inquiry Reporters also provide clarity that development of H1 would have a significantly negative impact on the landscape character of Boat of Garten.

To continue to include H1 within the SB and as white land opens the way for further applications within the white land area, as the area can be considered as potential housing windfall sites. This goes against the carefully considered planning decisions made for this site, that have repeatedly reached the same conclusion that housing development here is inappropriate.

The Reporters strongly criticised the CNPA (66.21) for inadequacies in explaining how settlement boundaries have been delineated such that they are sufficiently robust to endure into the medium term and provide some certainty about policy implementation. Retaining this SB at Boat of Garten exacerbates, rather than addresses, this criticism. We all (CNPA, developers, community, etc) need a LP to take forward that properly plans for settlements. The widely drawn SB and area of white land at Boat of Garten do not achieve this.

Change: Redraw the settlement boundary so as to exclude the former H1 allocation from within the SB. Omit the former H1 allocation as white land.

**Brief summary of key issues**

Object to land previously known as BG/H1 remaining within the settlement boundary.

**CNPA analysis and response**

The removal of site Boat of Garten H1 is in accordance with the recommendations of the Reporters. The matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Boat of Garten as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

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**Objector Ref** Davall Developments Ltd  
008 Muir Smith Evans

**Agent** Bracewell Stirling Consulting

**Modified Policy/Proposal ref** Settlements - Boat of Garten (site previously known as H1)

**Response to Post Inquiry Modifications**

I refer to the post inquiry modifications approved on 14 May by CNPA for further public consultation.

I write in relation to the above sites in Boat of Garten, previously identified as development land in the Highland Council Local Plan and subsequently in drafts of the Cairngorm National Park Local Plan.

There is a current planning application for the erection of housing and the provision of a primary school site within this land which previously accorded with the draft local plan. Bracewell Stirling. Consultancy represents Davall Developments Ltd, the current applicant.

It is noted that the officer recommendation to delete the site H1 was based on the recommendations of the Inquiry Reporter and founded on the perceived uncertain impact on natural heritage issues. The Reporter appeared to take the view that while Boat of Garten was a legitimate intermediate settlement, the allocation of housing land for future development was not essential in context of these potential uncertain impacts.

De facto, this now leaves Boat of Garten with no effective housing land supply over the period of the plan. This is at a time when the community has strong aspirations for a new primary school within the body of the settlement, and there is a clear demand for additional housing, including affordable housing in particular.

It is submitted that this is not a satisfactory or sustainable relationship for an intermediate community such as this. To deny any housing opportunity will seriously risk any prospect of new Ornergy school facilities and will deter economic opportunity, as well as landowner and developer investment, Given the present level of second home ownership and lack of housing opportunities, this will undermine and erode the vitality of the community in coming years, which in itself is surely contrary to the expressed aims of the National Park.

Further assessment work is being undertaken to characterize the potential impact of development on the ecological and wildlife interests of the area it is our view at this time that these impacts can be suitably controlled and mitigated to allow 'a sensible level of development to proceed in line with community aspirations, without serious impact on designations or relevant protected species.

If Boat of Garten is to safeguard land for a new primary school and to have a realistic opportunity of viable housing land for affordable and other housing purposes, then it is vital, in our view that the Local Development Plan should continue to identify and safeguard housing sites for development.

Consequently on behalf of Davall Developments Ltd, we OBJECT to the deletion of site HI from the Local Plan Post Inquiry Modifications, and request that site H1 is re-instated.

We would also request an opportunity to submit further evidence as required if additional local plan proceedings or CNPA consideration is to take place in due course.

**Brief summary of key issues**

Object to the removal of BG/H1. The removal of BG/H1 leaves Boat of Garten with no effective housing land supply for the plan period. This does not match with the aspirations of this intermediate community and could undermine its vitality. This could adversely affect the prospect of the development of a new school and future economic investment. The impact on ecological and wildlife interests of the area can be suitably controlled and mitigated to allow a sensible level of development to proceed. The site should be reinstated.

**CNPA analysis and response**

The removal of site Boat of Garten H1 is in accordance with the recommendations of the Reporters. The matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Boat of Garten as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

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**Objector Ref** Valerie Fairweather

**Agent**

092e Boat of Garten Community Council

**Modified Policy/Proposal ref** Settlements - Boat of Garten (site previously known as H1)

### **Response to Post Inquiry Modifications**

The Community Council opposes the decision not to continue the designation of the site previously marked 111. as for housing because

- a) the need to protect it for environmental purposes is overstated;
- b) the village's need for affordable housing is pressing;
- c) site H1 has the support of the village;
- d) the Park's rationale for the Plan as it stands is ill-founded and contradictory.

The remainder of this paper argues in more detail these four reasons given in summary. Quotations from the Report on the Local Inquiry are shown in italics.

## **6. SITE H1- THE ONLY SITE DESIGNATED FOR HOUSING IN BOAT OF GARTEN**

### **6.1. The need to protect it for environmental purposes is overstated**

6.1.1. We appreciate the importance of continuing appropriate protection for the capercaillie and have only recently applauded the 2010 publication by the Boat of Garten Community Company's Heritage Group of an Interpretation Plan that reaffirms our 'branding' as The Osprey Village and envisages cooperation with the RSPB to create a suitable festival/event to enhance environmental tourism. The capercaillie is on the 'red list' and we accept that the Boat of Garten woods, taken as a whole, contain significant habitat for the species.

6.1.2. The Local Inquiry, however, concluded H1 itself is little used by capercaillie, being close to the road and existing housing. The larger wood is thought to be mainly a 'stepping stone' between better, quieter habitats: Kinveachy Forest, Cairngorm, Abernethy and Craigmore Wood. The Reporters accept:

- \* BG/1-11 is not designated as having any particular outstanding intrinsic value;
- \* BG/H1 was little used by capercaillie;... the wood is not used extensively by capercaillie;
- \* capercaillie are unlikely to leave their [prime locations] just because of development on the site; ... the distance to the most sensitive part of the wood, i.e. the lek, is considerable;
- \* the proposal would not fragment their territory, although it would reduce the amount of roaming space albeit by only a limited proportion of the overall available area, ...

No evidence has countered these conclusions.

6.1.3. The number of capercaillie present in the Boat of Garten woodland as a whole was overstated when the Board made its decision to de-map H1. The Reporters demonstrated that RSPB and SNH used different factors to guesstimate total numbers based on actual sightings. The Seafield and Strathspey Estates, the owners of the wood (which is a commercially plantation) on 27 May 2010 challenged the RSPB assessment on the basis of information developed by their own Forestry Director - a copy of the Estates' letter to the CNPA, dated 27 May 2010, has been supplied to us. Again, it needs to be understood that observed capercaillie activity in the Boat of Garten woods is not related to H1 itself but is some considerable distance away.

6.1.4. All the evidence 7 even that of the RSPB - supports the conclusion that, while the woods as a whole are significant as a bridge between more favoured sites, 111 itself has no particular value for capercaillie. The Reporters therefore, in our view correctly, concluded: the impact of disturbance from noise and activity during construction ... is not likely to be significantly negative.

6.1.5. It was the more general longer-term impact of development that the Reporters stated was more concerning:

3. Disturbance from increased recreational use of the wood, which is of greatest concern to Scottish Natural Heritage and the objectors alike. ... In addition to this general Overall increase in the number of people and dogs using the wood, more people would make more use of the existing formal and informal paths that penetrate deep into the wood.

6.1.6. There are therefore some that argue against any increase in the size of the village, for wherever new housing is built, it is likely that there will be increased recreational use of the wood. This was the conclusion of a CNPA staff working paper, Landscape capacity for Housing Study, with which the Reporters agreed; seeing no obvious opportunities to expand Boat of Garten because the pine woodland is seen as a significant constraint.



6.1.7. That, however, is not the position actually taken by CNPA. During the meeting at which the current version of the Local Plan was approved, Don McKee had said that other potential sites in Boat should be explored, hence rejecting the argument that there could be no opportunity for the village to expand. Subsequently, the Development Plan Manager confirmed in writing that the site known as 111 remained within the demarcated settlement and therefore "any land within the settlement and not allocated for anything else could also be used, in theory, for affordable housing. This would include the land previously allocated as H1. This very issue was discussed at the Board meeting when the post inquiry modifications were approved by the Board, and we made clear to questions from Stuart Black that the land, previously H1, now not allocated, could be suitable for affordable housing, if a suitable scheme was developed which took account of the various constraints on the site." The CNPA has designated Core Paths that run through these woods. The CNPA is supporting the Heritage Group of the Boat of Garten Community Company in publishing a new Footpaths map that will encourage tourists to walk and cycle in these woods. We strongly resist the argument to oppose increased recreational use of the wood and are pleased that CNPA has not adopted it as official policy.

6.1.8. The CNPA itself has thus rejected the main argument against the designation of H1 as for housing - that any housing in this settlement would have unacceptable knock-on detrimental environmental results. The Plan even in its current form would allow for housing to be in this H1 itself: we therefore argue that it is wholly irrational not to designate it as appropriate for housing (always taking "account of the various constraints on the site.").

6.2. The village's need for affordable housing is pressing

6.2.1. In June 2008 this Community Council sponsored a Housing Need Surgery / Survey conducted by the Highlands Small Communities Housing Trust. A copy of the report was sent to CNPA on 7 August 2008 and a copy is, once again, attached to this current document as Appendix 1. The conclusion clearly identified the need for more affordable housing in Boat of Garten. Since that time our primary school roll has dropped as families with primary age children have been forced to seek accommodation elsewhere. Similar comments had been earlier made by The Boat of Garten Community Scoping Study published by the CADISPA Project, Faculty of Education, University of Strathclyde, in January 2004. In view of these reports and the sense that our area is losing its sustainability, this Community Council responded with support (and comments on some practical details) to the following application for planning approval on land coterminous with CNPA reference number: 08/272/CP Application number: 08/001881FULBS Development address: Land 200m West of Boat of Garten Football Field, Craigie Avenue, Boat of Garten.

On 5 October 2009 and 4 May 2010 the Community Council wrote again to CNPA to clarify and strengthen our support for affordable housing in our village and in this H1 site in particular.

6.2.2. It is wholly unacceptable that the Local Plan in its current form has no explicit area allocated for housing within this settlement.

6.2.3. The Local Inquiry Reporters accepted that all the [environmental] arguments accepted so far may be overcome if sufficient need for housing (and hence of a sustainable COMM7111/10 has been demonstrated: CNPA would need to show an overwhelming need for the housing that would comprise BG/111. This Community Council submits that such need has indeed been demonstrated; it is regrettable that the Reporters were unable to consider the reports itemized in 6.2.1 above.

6.3. Site H1 has the support of the village

6.3.1. We recognise that Don McKee's offer to assist with a search for alternative sites was well-meaning. It was, we presume, made in ignorance of the substantial history of local discussions about possible housing in this settlement - a history rehearsed by the Reporters, as various previous actual planning applications have been opposed by the Community Council on behalf of the village.

6.3.2. Site H1 is, as stated above, the object of a potential planning development by Davall Developments. An actual plan for 68 units, of which 40% would be affordable in a variety of modes, has been consulted on both by the Developers, who held a drop in meeting and by the Community Council: we held a special public meeting. Reports on these meetings were submitted to the CNPA, 7 August 2008, as part of our response to the Planning Application and are again submitted as Appendices 2 and 3 of this document.

6.3.3. On the basis of these actual meetings, we firmly believe that H1 has general support within our community as a site for housing in a way that no previously suggested site has had. It is, as far as we know, the only site of any size

available. If the CNPA is serious about offering opportunities for affordable housing, this is clearly the site that our history and location makes the prime opportunity: and it is a site that its owners are prepared to make available.

#### 6.4. The Park's rationale for the Plan as it stands is ill-founded and contradictory

6.4.1. The Reporters' rejection of H1 was cautious and measured: they went a long way towards accepting a) the weakness of the case for rejecting it on environmental grounds and b) to accepting that it had a potential for housing. They simply took the view that CNPA had not adequately justified the need to allocate housing there, and their precautionary principle then logically took them down the route they took. Their conclusion was carefully written and took a view based on a balance of issues, that the mapping had a potential to be appropriate in terms of SPP 3: Planning for Homes, Annex A, paragraph 17.

\* an allocation of housing land at this stage may be appropriate in principle

\* We conclude that BG/H1 can make a contribution to the effective land supply in terms of Annex 1 of SPP 3: Planning for Homes.

\* ... we accept that adequate safeguards can be put in place to secure an appropriate standard of development ...

\* However, to overcome all of the constraints ... CNPA would need to show an overwhelming need for the housing that would be accommodated in BG/H1. We cannot conclude that requirement has been satisfied.

6.4.2. In accepting the Reporters' recommendation as it stands without any attempt to examine the need for housing, the CNPA has shown a profound ignorance of and/or disregard for information it should have known about the needs of this community.

6.4.3. The current Plan is ill-founded because it gratuitously ignores information CNPA ought to know and that, if properly taken into account, could - as the Local Inquiry Reporters made clear - have justified the original mapping allocation.

6.4.4. It is contradictory because, despite the thrust of the Reporters' argument against any additional housing anywhere near the woodland, H1 is still accepted by CNPA as a potential site for houses, in that the current Local Plan includes this woodland site within the mapped settlement.

#### 7. Conclusion

7.1. This Community Council recommends that H1 be restored to the mapping of the 2010 Local Plan for Boat of Garten and accepts that it would be appropriate to add safeguards to limit both any further development into the woodland and to mitigate any disturbance arising from development within the site.

7.2. \* Clearly mark the line of woodland into which no further development will be permitted. \* In particular, build in the safeguards originally proposed by SNH, so that Boat of Garten woodland may be managed much as the RSPB manage their own Garten Wood.

1. No new direct access to the wood from BG/H1;
2. Operational conditions for construction activity;
3. Keeping trees around the edge of BG/H1 from screening;
4. Using signs to encourage people to stick to the paths and to keep their dogs on leads;
5. Increasing vegetation and cover for the lek to screen it from the paths;
6. All of this to be in place before the houses on BG/H1 are occupied.

If the opportunity of addressing the Board on this issue is available, we would be pleased to do so as the information conveyed in this paper is substantial.

#### Appendix 1 -

HIGHLANDS SMALL COMMUNITIES HOUSING TRUST Boat of Garten Surgery Results 17.06.2008

Here are the results of the housing "surgery" held by HSCHT staff, Di Alexander, Tom Hainey and Susan Hunter in the Boat of Garten Community Hall on 17th June 2008 at the request of the Community Council.

1. Pre-publicity - Registration of Interest Forms were hand delivered to local households by members of the Community Council. Posters advertising the surgery were placed in strategic local places such as the School, Post Office, Community Hall and shops. Follow up phone calls were made by HSCHT staff to respondents of the Registration forms and with people who have been in previous contact with the Trust with regard to housing in the area.

2. Attendance - 8 households attended the surgery

1 was interviewed by phone as they were unable to attend.

22 registration of interest forms were received in addition to those households who attended the surgery or took part in a phone interview.

The total number of responses was from 31 households.

The number of households who responded with real, live housing needs was 26.

The remaining 5 comprised:

3 households responded solely to highlight the need for housing for the elderly in the area and their own potential need for such provision.

1 who wished to move from Housing Association to low cost home ownership.

1 who was interested in a plot on the proposed development.

3. Local connection - All of the people surveyed live in the area or have a local connection with the local area through currently living there, employment or family.

4. Household ages -

Age 16 — 44 single - 4

Age 16 - 44 with family - 15

Age 16 — 44 couple - 5

Age 45 — 59 single

Age 45 — 59 with family- 2

Age 60+ with family - 0

Age 60+ - 4

Total households - 31 (This represents 80 individuals)

5. Household size and composition - 18 out of the 31 households have children, comprising: 22 children of school age and 9 children under 4 years old

6. Current accommodation

Homeowner - 5

H.A./Council house - 2

Private rented - 18

Living with parents - 4

Tied house - 2

Total - 31

Standard of current accommodation:

18 households are in private rented accommodation with insecure tenancies.

1 household commented that their accommodation was too big for their requirements.

15 households commented that their accommodation was too small for their requirements. 5 households had concern over dampness in their current accommodation.

8 households said that their heating system was inadequate for their needs, and poor insulation is a concern of 9 of the households.

7. Employment

Full time employed - 19

Part time employed - 9

Self employed - 7

Retired - 6

Unemployed/disabled - 1

Homemaker - 5

16 year olds and over (in full-time education) - 4

Adult dependants Status unknown - 2

The above reflects the total number of individuals of working age in the households which totals — 53

8. Average incomes

9 out of 29 households earn under £12k, 10 earn between £12k and £20k, 9 earn between £20k and £30k and 2 have an income of over £30k.

Even within the higher bracket incomes local households struggle to compete on the open market for local properties so require a publicly subsidised housing option to satisfy their housing needs and aspirations.

#### 9. Realistically preferred housing options

Respondents were given the current range of housing options potentially available from which to select their preferred housing within their present financial circumstances.

Affordable rented 1st preference 1- 8

Lift homestake 1st preference - 5

Lift Open Market Shared Equity - 2

RHOG self build - 2

Non rhog self build -1

Expressed potential future need for sheltered housing - 3

(RHOG = Rural Home Ownership Grant)

• Size of Affordable Rented homes required by respondents. (including allowance of one spare bedroom)

No of Bedrooms 1 Units required 0

No of bedrooms 2 Units required 7

No of bedrooms 3 Units required 5

No of bedrooms 4 Units required 5

No of bedrooms 5 Units required 0

No of bedrooms 6 Units required 1

10. Low cost home ownership (lcho) housing In line with the earnings, 18 households have expressed a preference for rented housing.

Five of the households are interested Lift "Homestake" housing (shared equity with a "golden share" of the equity retained by the relevant Housing Association providing the housing.

Two households expressed an interest in Lift "Off the shelf" housing. However, the benchmark set for properties through the Lift pilot scheme would make it very difficult to achieve. At the time of writing this report the cheapest property on the market was £155,000 for a three bed semi-detached house, the corresponding benchmark is £115,271.

Of these, 2 households are interested in the getting an affordable plot on which to self-build with support of the RHOG.

One household expressed interest in the self build plots which may be offered to local people by the Developers without RHOG.

11. Preferred location of any new, affordable housing provision (rented H.A. or leho). 1st choice.

Boat of Garten - 30

Carrbridge - 1

#### 12. Other findings

Most of those interviewed expressed their deep frustration at the apparent impossibility of their ever being able to secure an affordable home of their own in their own community.

The falling local school roll has resulted in the reduction from 3 teaching staff to 2.5.

Concern was expressed that young people were moving away from the community in order to access affordable housing. The loss to the community of its young people and the resulting effect on the community being able to care for its aging population was highlighted by a number of households.

HSCHT conclusions:

a) the tenure of affordable housing reflects household earnings and aspirations.

b) a mix of Rented (including housing suitable for older people), "Homestake", and affordable self build plot options, at a ratio of 21 : 7 : 3 would reflect the evidence of need gathered by HSCHT at this time.

c) there was a strong sense of community shown from the individuals who attended the surgery as well as a strong desire to remain in their community given the opportunity through affordable housing provision. All concerned wished to be part of a thriving community and see the retention of its young people.

Postscript from Susan Hunter of HSCHT by email, 28 July 2008:

Looking at the findings from the surgery with regard to the economic feasibility of shared equity:

Where the estimated cost is £130,000 at an equity share of 60% (£78,000) and a mortgage multiple of 3 — 3.5 times

income

Working on the premise that those with incomes of £12,000 - £20,000 will struggle to raise the required mortgage facility, unless they have access to private funds (through family for instance)

Of those expressing a preference for rented accommodation:

4 of the 18 could potentially afford a shared equity property. (Income of £20 — £30,000) Of those expressing a preference for shared equity:

3 of the 7 should be able to afford a shared equity property.

The remaining 4 may struggle to raise the required finance.

## APPENDIX 2

### BOAT OF GARTEN AND VICINITY COMMUNITY COUNCIL

Comments submitted at a Drop In meeting held by Davall Developments Ltd on 9 July 2008 at the Community Hall, Ilam - 8pm.

This report is compiled by Frank Bardgett, Secretary to the Community Council, on the basis of photocopies kindly supplied by Davall Developments Ltd,

Davall Developments Ltd. Have no responsibility for this report beyond making these copies available.

85 visitors attended the Drop-In. 21 comment forms were completed, 18 by named individuals.

Of those 18, 5 also appear to have attended the concurrent Listening Meeting of the Community Council.

The allocation of comments into the following three categories is down to my own judgment; all text has been copied except for statements of personal housing need or interest; or that might identify the respondent.

Comments assessed as yew or generally positive: 15

1. Well presented, informative and appears well laid out. Look forward to seeing/hearing about planning permission. Reassuring in many ways but hopefully not going down the second house route.
2. Good that development will begin with affordable housing.
3. Full support, given our urgent need for affordable housing!
4. The sooner the development begins the better. The Homestake and affordable housing for 'locals' will hopefully produce more families in the village which will eventually make the provision of a school more secure / sustainable. The sooner local young people know there is an opportunity to find a home in the village the better. Once they know it is in the pipeline they can get peace of mind that they don't need to move to another village. We have lost too many youngsters from the community already in the last two years. Good luck, Davall.
5. Hope it happens! I hope the economic climate does not stop the progress.
6. A nice day lay out. I hope you get the go-ahead but would like to see more self-built plots for locals.
7. Like 43V - hope there would be more of these than planned. Would like to see more self-build plots. What we do not need is more large properties for holiday homes. Our priority is young families with school age children.
8. Plans look good - glad to see some houses for renting. Also glad to see access road for Village Hall. Hope plans go through this time. We need young families to come to the village. Hopefully this will bring some here sooner rather than later.
9. I would agree that Boat of Garten is in need of more housing. The development is very impressive.
10. When are you getting started before all the young ones leave the village and we are left with the zimmer brigade and no kids, no school. No heart to the village. Good design of houses. A lot of good work in preparing drawings.
11. Layout looks good. Just what the village needs. I hope the locals get an opportunity of a home in their own village.
12. Access via houses to hall. Craigie Av. Access to hall blocked off, pedestrians only. Houses badly needed in village for younger people and families.
13. Impressive layout, will help to deal with housing shortage in Boat of Garten.
14. Confused about road just going to site boundary. Thought it would join up with the car park. Like the design of the houses. Ample numbers of each kind. Hope you'll get started soon. We need more houses to attract more families to the village - and more for our own kids. If not the community will be all aged and no young heart to the village. Boat accommodated Birch Grove (48 houses) and Muirton (?30) without any problem as inhabitants were phased in ie bought as holiday homes originally but then folk retired early and brought their skills to the village. Result: nearly all homes now lived in permanently. Forget the NIMBYs - this site's as good as any.

15. Like designs - particularly porched and dormer.

Comments that, while accepting, contain elements of criticism: 4

1. It seems to me that the affordable housing is very much shoved into a rear area of the land with a very small area of garden, casual-use etc compared to the % numbers. Access good though. Also, one plot self-built to one person (person), yes?
2. Build a skate park.
3. Bearing in mind the existing problems re water pressure in the village and in particular Kinchurdy Road will Scottish Water guarantee that pressure will be adequate in future to cope with additional developments such as this where {??} water systems are used in all these houses? (No header tanks - system shuts down if insufficient pressure.)
4. Main concern would be proximity of proposed school site to existing homes. Ensure tree planting scheme recognises importance of sourcing stock of local provenance. Carry out bat surveys on any areas of woodland to be removed.

Comments largely opposed: 2

1. I remain unconvinced that a development on this scale is needed or to the advantage of Boat of Garten. If programmed over a long period of time its impact might be less dramatic. Having said that, the site now earmarked is more acceptable and the site for the school is better. Access to the new Community Hall is not ideal - it would have been better if it led directly to the hall car park. The biggest worry is the extent, or lack of it, that the local community will have over the allocation of affordable housing. The village has not been without its 'social problems' over the past year and we do not want these made worse.
  2. a) The location is not right, spoiling a very popular woodland area for those who appreciate walks and wildlife - what is wrong with building an extension road to Church Drive and Muirton where there is open land and could accommodate many houses (as on the plan).  
b) the village at the moment has problems with water pressure especially on 'high days and holidays'.  
c) with the problems Boat has at the moment with young folks coming into the area and causing trouble, so much so that we have to have police presence - what will this number of houses add to this problem regarding youths inhabiting (in dens) these woods - this is a real worry!
- Diagram showing scatter of Drop In opinion, subjectively scaled 1 (opposed) to 10 (fully in favour) and listed in the order shown above, perhaps not wholly consistently! (diagram included in original objection submitted - available on request)

### APPENDIX 3

#### BOAT OF GARTEN AND VICINITY COMMUNITY COUNCIL

MINUTES of the Meeting held in the Community Hall, Wednesday 9 July 2008: 7.15 pm

1. CC members: Barbara (Barrie) Davison (Chairman), Gordon Grant (Vice-Chair), Willie Cruickshank (Treasurer), Heather Bantick, Mary Clark, with Frank Bardgett (Secretary) in attendance.
2. Participants: Susan Hunter of Highlands Small Communities Housing Trust; residents - Brodie of Falsyde, C. Cairns, C. Carter, J. Dunbar, P. Dunbar, K. Dzialach, S. Faircliff, V. Fairweather, D. Macpherson, K. Ridgewell, I. Turner, B. Woolsey.
3. Apologies for Absence: Audrey Martin had submitted a note of comments, which was circulated.
4. Agenda  
The meeting was called on the day that Davall Developments Ltd, in association with Cairn Housing, unveiled their plans for a development at Boat of Garten via a Drop In meeting in the Community Hall, 11 am — 8pm. BD welcomed Susan Hunter, representing the Highlands Small Communities Housing Trust, and present at this Listening Meeting of offer impartial advice on the principles governing the allocation of affordable or social housing within the Highland area.  
The meeting had no set agenda and proceeded by question, answer and discussion. Only those who initiated the more lengthy topics of discussion have been named; the minute records the sense of the meeting and does not attempt a verbatim account. It begins by setting out the situation as we understood it as the meeting began.
5. The situation

Of a proposed estate of 79 homes, it is proposed that 32 would be 'affordable': 16 rented and 16 'Homestake' (shared equity), to be offered through Cairn Housing. A further 6 sites would be offered for self-build, also on affordable criteria for an initial period of 3 months. 41 private homes (41 + 6 self-build private = 47) would form the majority of the estate.

As previously minuted, under the Housing (Scotland) Act 2001, social housing schemes must implement national policy. The Highland Council and area Housing Associations (including Cairn) since April 2008 operate the Highlands Common Housing Register which has an agreed Points system to prioritise need. The allocation of 'Homestake' shared equity houses is not governed by the 2001 Act and it is intended that the priority for these houses will be connection with postcode area PH24.

#### 6. The HSCHT Housing Surgery

SH offered her report of the Housing Surgery carried out in Boat of Garten on 14 June 2008. Key conclusions from questionnaires returned and interviews conducted were:

##### Other Findings

: most of those interviewed expressed their deep frustration at the apparent impossibility of their ever being able to secure an affordable home of their own in their own community.

: the falling local school roll has resulted in the reduction from 3 teaching staff to 2.5.

: concern was expressed that young people were moving away from the community in order to access affordable housing. The loss to the community of its young people and the resulting effect on the community being able to care for its aging population was highlighted by a number of households.

##### HSCHT conclusions:

: the tenure of affordable housing reflects household earnings and aspirations.

: A mix of Rented (including housing suitable for older people), "Homestake", and affordable self build plot options, at a ratio of 21 : 7 : 3 would reflect the evidence of need gathered by HSCHT at this time.

: There was a strong sense of community shown from the individuals who attended the surgery as well as a strong desire to remain in their community given the opportunity through affordable housing provision. All concerned wished to be part of a thriving community and see the retention of its young people.

#### 7. Discussion

a) C Cairns and C. Carter asked about the impact of priorities governing rental housing. SH indicated that experience suggested that applicants chose their priorities because of their existing associations. It was less likely that many from the central belt would apply and more likely that applicants would be from Badenoch and Strathspey as a whole. The points system did not allow for much priority within that area to those currently in Boat of Garten. It would allocate homes to those who applied with the highest score, wherever they were coming from,

b) Brodie of Falsyde and D. Macpherson expressed concern about the increasingly fractured nature of local community; it was now very difficult for young people brought up in the area to find homes.

c) S Faircliff and D. Macpherson expressed concern about the falling roll of Deshar School; the housing situation had led to local families with children moving elsewhere.

d) This discussion also added that, with younger people moving away, care and support for the remaining older population was lessened.

e) Brodie of Falsyde asked about opportunities for key workers to be allocated housing. SH replied that the various agencies that had once maintained key worker housing had now sold them. A need to work locally was allocated points within the Common Housing Register, but no houses were reserved outwith the general scheme. HSCHT itself owned a few homes in other communities that it offered to key workers, but none in Boat of Garten; it was unable to acquire and build.

f) Mary Clark asked whether the community might ask for an increase in the number of homes in the currently proposed scheme to be offered for rent. SH replied that, while not speaking for Cairn Housing, what often happened was that homes originally offered as 'Homestake' that did not sell might then be reallocated. The Housing Association had to consider its budget, however.

g) SH also added that the current Highlands Common Housing Policy was new and its effect as yet uncertain. Doubts about its contribution to sustainable community should be expressed primarily to the Ward Forum and the Ward councillors; and also to other elected representatives. Changes in the allocation of points might be agreed, within the framework of the Housing (Scotland) Act 2001 and any further primary legislation; but all the participants in the Policy would need to agree such changes. The next Ward Forum is due on 20 August 2008.

h) The Highland Council, unlike some other Councils elsewhere in Scotland, has not revived a programme of its own to build council houses but depends on schemes such as this to offer social housing.

A number of specific points:

- i) 'Homestake' houses being sold at typically 5% less than valuation, I. Turner commented on the inability of applicants to dispute or appeal the accuracy of the valuation.
- ii) If this development of 79 homes is approved, then Highland Council will need to consider additional social infrastructure for the village: police and fire cover, school size etc.
- iii) Noted that it was recognised that additional waste water/sewage capacity would be required and that this planning application and those of Scottish Water for a new Treatment Plant and Pumping Station were dependent on each other: neither would happen without the other.
- iv) Noted that Davall's application for 79 new houses had increased from a previous 68 and now exceeded the 70 specified in the CNPA Deposit Local Plan: however, it would be assessed under the existing Highland Council Local Plan.
- v) The design of the estate had been altered to provide protection for a number of well- established red squirrel drays following an environmental survey. It was suggested that SNH should be contacted to discover what information they might have about the woodland.
- vi) The size of the scheme should be mitigated by phasing the building - something we understood likely to happen, with the affordable element built first; and the private homes, as purchasers were identified.

#### 8. This particular Application for Planning Consent

The sense of the meeting [ie of those residents present, members of the Community Council reserving their own opinions] was that:

- : the size and location of the development was acceptable: it was the allocation of houses that was the issue.
- : most local need was for rented accommodation. It was unclear that the current plan (under current housing rules) could meet that need.
- : it was accepted that the 40% of affordable housing on offer was a relatively good offer under the current system.
- : the design of both the scheme and the houses was generally approved. It was well screened from the road.

Phasing the work would be helpful.

- : a change of estate layout had resulted in the through road to the Community Hall being moved to a much less convenient location - to the wrong side of the Hall. This should be flagged and changed. Ideally it should allow the road access from Craigie Avenue to the Hall to be closed to wheeled vehicles.

#### 9. Procedure

Once the Planning Application had been submitted and formally notified to the Community Council, its Planning SubCommittee would consider it and come to an opinion based on this meeting and any other reflections of local opinion submitted. A report would be made to the ordinary (public) meeting on 4 August, 7.30pm at the Community Hall.

Individual members of the community were entitled - and were encouraged - to submit their own comments or objections to the local Planning Office of the Highland Council:

Badenoch and Strathspey Planning and Building Standards Office

Andrew McCracken

Principal Planner

100 High Street

Kingussie

P1121 1HY

(phone number included)

It was important that comments of support as well as comments of criticism or objection were made. The chair added that a multi-signature petition carried less weight than letters from numerous individuals.

Those gathering information were encouraged to share it around the community via email and the CC's secretary's address: details provided



**Brief summary of key issues**

Oppose the decision to remove the site previously marked as H1 for housing. The need to protect the environmental purposes is overstated. The village needs affordable housing. The site has the support of the village. The rationale is ill founded and contradictory.

**CNPA analysis and response**

The removal of site Boat of Garten H1 is in accordance with the recommendations of the Reporters. The matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Boat of Garten as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

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**Objector Ref** Roy Turnbull  
390q

**Agent**

**Modified Policy/Proposal ref** Settlements - Boat of Garten H1

**Response to Post Inquiry Modifications**

With respect to:

2. CNPA Decision

2.1 Accept the recommendation to remove H1 from the Local Plan and amend the proposals map accordingly.

3. Changes to plan needed to address decision

3.1 Delete text associated with H1.

3.2 Delete the site identified on the Proposals map as BG/H1

I support these decisions by the CNPA. However, the area previously allocated as H1 should be removed from the settlement boundary so as to make clear that the area is no longer considered suitable for development.

**Brief summary of key issues**

The objection seeks that the land previously identified as BG/H1 should be removed from the settlement boundary.

**CNPA analysis and response**

The removal of site Boat of Garten H1 is in accordance with the recommendations of the Reporters. The matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Boat of Garten as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

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**Modified Policy/Proposal ref Settlements - Boat of Garten H1**

**Response to Post Inquiry Modifications**

The Reporter states that there should be scope for residential development at Boat of Garten, given that it is identified as an 'intermediate Settlement' and agrees that the size of the H1 allocation is acceptable. The removal of the designation appears to be largely based on the request by the Reporter to review the housing allocations and justify the numbers proposed. The removal of a housing allocation which will support the future of what has been categorised as an 'Intermediate Settlement' is of great concern. The original housing figures shown in the plan considered by the Reporters showed a requirement for 121 affordable houses a year. The reduction in the number of allocations across the National Park mean that this need is therefore unlikely to be met.

The removal of this allocation will mean that there are no effective residential designations in Boat of Garten over the lifetime of the Plan. It is important that some development does occur throughout the plan period to ensure that investment in the village continues, The Deishar Primary School roll will be particularly affected if no development was to occur. The school roll at Deishar Primary School is set to decline in coming years. Furthermore, there is demand for a new primary school to be built on the land adjacent to site H1. Without the opportunity for residential development to occur, investment in the village will be restricted, reducing the opportunities created through the provision of a new primary school.

Residential development will ensure that essential services such as the primary school are supported. This issue has been raised by the Community Council who have voiced concern over the lack of development in Boat of Garten and the impact that this lack of investment will have on the community in coming years.

A further concern of the Community Council is the lack of affordable housing in the village. There is a large proportion of second homes in the village and without any allocation over the plan period, the opportunity to provide a choice of housing will be lost.

Although a planning application for up to 1500 units at An Camas Mor has recently been approved, there are outstanding deliverability issues relating to the development of a new settlement that must be considered. Key infrastructure must be put in place prior to the development of any housing. Until this infrastructure is put in place, residential development will have to take place in other areas of the National Park to allow for housing demand to be met. Development in established settlements will allow for a greater choice of housing close to employment opportunities and support existing local services.

The area of land remains within the settlement boundary of Boat of Garten suggesting that a planning application for residential development would be supported under Policy 20: Housing Development within Settlement Boundaries. The policy states that proposals within settlement boundaries will be considered favourably where the development is compatible with existing and adjacent land uses and enhances the character of the settlement. Given the inclusion of this 'white land' within the settlement boundary and the absence of any other residential development opportunities, we suggest that the site is allocated for housing, giving the land owner and the community greater certainty.

Site H1 offers the most logical site for residential development in Boat of Garten and has been deemed appropriate for development in the Cairngorms National Park Deposit Local Plan.

Impact on the natural heritage value of the surrounding area is also raised as a concern although is entirely unfounded. The Reporter suggested that the H1 site be removed from the plan on a precautionary basis. The main reason cited for the removal of this site is the perceived impact on capercaillie. The H1 allocation sits between the fork of the core path LBS67, a well used pathway which runs through the woodland to within a few metres of a capercaillie lek elsewhere in the forest. Use of this footpath by the public will have a bigger impact on capercaillie than potential development at H1.

Surveys of the site and the surrounding woodland have shown that site H1 is well outwith the 1 km buffer zone around the Lek. No capercaillie droppings were found in or adjacent to site H1 and the adjoining ground was identified as a disturbed zone, little used by capercaillie. Mitigation measures have been offered to reduce any impact on the capercaillie population and these can be incorporated into the proposals.

Site H1 is immediately deliverable and can support the provision of services within the community. It is supported by the community who are keen to gain an appropriate level of development to support the declining school roll and

provide some affordable accommodation within the village. Natural heritage concerns relating to this site are entirely unfounded and should not restrict the allocation of the land.  
We would therefore request that the site H1 is allocated for residential development as shown in the enclosed plan.

**Brief summary of key issues**

The site known previously as BG/H1 should be reinstated into the plan. The objector sets out a number of arguments in support of this request.

**CNPA analysis and response**

The removal of site Boat of Garten H1 is in accordance with the recommendations of the Reporters. The matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Boat of Garten as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

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**Objector Ref** The Proprietors of Mar Centre  
394o

**Agent** Halliday Fraser Munro

**Modified Policy/Proposal ref** Settlements - Braemar

**Response to Post Inquiry Modifications**

The Post Inquiry Modifications do not propose any changes to the development allocations for Braemar. Our previous representations outlined our client's view that the Braemar Proposals should be altered to take a more forward-looking strategy, which identifies new business land for the area.

We do however support the additional text that refers to the requirement for the 'community to remain sustainable with improved facilities and housing provision to meet local needs'. The requirement for a masterplan approach is supported by our client.

The additional reference to supporting mixed uses which support sustainable communities is welcomed.

**Changes Required to Resolve the Objection**

As neither the settlement boundary nor the allocations have been altered in light of our last representations, the original objection is maintained.

**Brief summary of key issues**

The original objections are maintained seeking changes to the settlement boundary and to the allocations.

**CNPA analysis and response**

This matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the change sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Braemar as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

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**Objector Ref** Dr A M Jones

**Agent**

400i(n) Badenoch and Strathspey Conservation Group

**Modified Policy/Proposal ref** Settlements - Carrbridge

**Response to Post Inquiry Modifications**

Object to the CNPA not following the Reporters' recommendations in terms of deleting all of H1 but the Boys Brigade field from the LP.

Object to the CNPA including HI in Table 3 as 'effective' land, in spite of the Inquiry Reporters concluding that it was ineffective.

Object to the CNPA not allocating HI bar the Boys Brigade field as ENV, following the Reporters' statement that this could help to contain and define Carrbridge and create robust boundaries for the future.

The CNPA has not provided a justification for retaining the H1 allocation in its entirety. With respect to the CNPA's response to the Reporters' Report, it goes without saying that the Reporters were fully aware that the site had outline planning permission with conditions, and that they were also fully aware that the benefit of this permission is not removed by removing the allocation from the LP.

The Inquiry Reporters clearly state that biodiversity issues may render the outline permission incapable of implementation. This is borne out by the fact that the developer has failed to meet the conditions set by the Reporter who provided the outline permission, in spite of several surveys over many years.

The Inquiry Reporters also state clearly that the marketability and therefore also the effectiveness of H1 are at best doubtful, whereby they state, "we cannot conclude that H1 is effective".

Yet the CNPA have included H1, without reasoned justification, in Table 3 detailing effective land supply.

The high importance of HI in terms of ecology, landscape and amenity have been repeatedly demonstrated and clearly communicated (by a variety of people). The high importance of these attributes of 1-11 are not in dispute.

The CNPA, by retaining the HI allocation in its entirety in the LP, is failing to act in a way that is consistent with respecting these attributes, which are particularly pertinent in the context of the NP designation.

Change: Delete all of HI other than the Boys Brigade field from the LP. Designate this deleted area as ENV.

Modify Tables 1-4 accordingly.

**Brief summary of key issues**

Object to the retention of H1, its allocation appearing in the effective housing land supply, not allocating this land as ENV. The land should be deleted, and its allocation removed from Table 3, and the land designated as ENV.

**CNPA analysis and response**

The issue of housing land allocations in Carrbridge was considered by the Reporters at the Local Plan Inquiry and CNPA has set out the reasons for its decision not to accept the recommendation to amend the allocations accordingly. Table 3 of the Local Plan sets out the published information from the Local Authorities which replicates their agreed effective housing land supply data. It is provided for information purposes and has not been manipulated by CNPA. The site was established by the Local Authority as effective and included in their data set in 2007. The information is historical. The matter of the allocation was considered by the Reporters during the Local Plan Inquiry. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Carrbridge as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

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**Objector Ref** Roy Turnbull  
390r

**Agent**

**Modified Policy/Proposal ref** Settlements - Carrbridge H1

**Response to Post Inquiry Modifications**

I object to the following CNPA decisions:

2.1 CNPA does not accept the recommendation to remove CB/H1 with the exception of the Boys Brigade field from the plan as a housing allocation.

2.2 As a result CNPA do not accept the recommendation to designate much of the H1 site, with the exception of the Boys Brigade site as ENV.

**Brief summary of key issues**

The objection is against the CNPA decision not to accept the recommendations to remove CB/H1, nor to designate much of the site as ENV.

**CNPA analysis and response**

The matter of the allocation at CB/H1 was considered by the Reporters during the Local Plan Inquiry. In its analysis of the recommendations set out by the Reporters CNPA has set out its reasoning for not following their recommendations. The position of CNPA has not changed and the objection raises no new planning issues, nor has there been a material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Carrbridge as published.

CNPA decision - No change. Do not refer the objections to a second Local Plan Inquiry.

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**Objector Ref** Dr A M Jones

**Agent**

400i(o) Badenoch and Strathspey Conservation  
Group

**Modified Policy/Proposal ref** Settlements - Cromdale

**Response to Post Inquiry Modifications**

Object to the extent of white land. Object to the settlement boundary.

The area of white land within the settlement boundary is excessive. It amounts to about the same area as is built up presently in Cromdale. The CNPA agrees with the Reporters that H1 does not comply with strategic objectives, and that there is no requirement for H2 in the foreseeable future. It is therefore apparent that neither area is appropriate for housing within the lifetime of this LP, and probably the next. The CNPA should therefore provide clarity and exclude these areas of potential windfall sites.

The CNPA should be concerned with achieving the best possible LP. This cannot be achieved with unjustifiably excessive areas of white land and an unjustifiably extensive SB.

Changes: Omit the areas of white land.

Realign the settlement boundary so that the white land areas of former allocations are outwith the settlement boundary.

**Brief summary of key issues**

Object to land remaining within the settlement boundary which is no longer allocated for development.

**CNPA analysis and response**

The issue of housing land allocations in Cromdale was considered by the Reporters at the Local Plan Inquiry and CNPA has set out the reasons for its acceptance of their recommendation to amend the allocations accordingly. The matter was considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Cromdale as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

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**Objector Ref** Strathdee Properties Ltd  
453q

**Agent** Halliday Fraser Munro

**Modified Policy/Proposal ref** Settlements - Cromdale

### **Response to Post Inquiry Modifications**

Strathdee Properties Ltd previously made representations to have the 1.4 ha site immediately east of the proposed H2 site in Cromdale allocated for housing in the CNPA Local Plan. This site was zoned in the Highland Council's Badenoch and Strathspey Local Plan 1997 for residential use. In late 2009, the CNPA commissioned a development brief for the H2 site and the adjacent site. Our Client provided comments on the content of this, drawing on experience gained from previous planning applications on the adjacent site.

The Reporters recognise that CD/H2 is the superior housing site in Cromdale as it has more favourable characteristics than site CD/H1. The Reporters also note that the site our clients support from the adopted Local Plan should be developed to meet housing requirements in Cromdale. Part of the justification for the allocation of the H2 and adjacent site was to allow a cohesive, phased development that would have more than one access option. It is therefore disappointing to note the Post Inquiry Modifications following the Reporter's Recommendations to both remove the H2 housing allocation and not to allocate the adjacent site.

The CNPA have accepted that the adjacent site is suitable for residential development. Given the previous allocation of site H2, the whole site can be considered suitable for residential development.

### **Changes Required to Resolve the Objection**

The reinstatement of the allocation of the Cromdale, H2 site and the adjacent land to the east for residential development would be required before our client's objection could be removed.

### **Brief summary of key issues**

Site H2 in Cromdale and adjacent land to the east should be identified for residential development.

### **CNPA analysis and response**

The issue of housing land allocations in Cromdale was considered by the Reporters at the Local Plan Inquiry and CNPA has set out the reasons for its acceptance of their recommendation to amend the allocations accordingly. The matter was considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Cromdale as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

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**Objector Ref** Dinnet and Kinord Estate  
438a

**Agent** Bracewell Stirling

**Modified Policy/Proposal ref** Settlements - Dinnet

**Response to Post Inquiry Modifications**

While the sentiment in the modified paragraph is broadly welcomed insofar as Dinnet is recognised as a key entrance to the National Park and that there are opportunities to broaden the local economy and to consolidate the community, these advantages and possibilities cannot be easily realised while the boundary of the settlement remains tightly drawn with little credible opportunity to plan for additional residential accommodation to match the scale of the potential.

In our view therefore the Plan does not go far enough to establish a complementary residential component. A residential allocation may encourage an increased working population as well as supporting and investing in the traditional rural estate land uses and employment.

The inclusion of land clearly recognised in the Plan as residential would also greatly assist the viability of the tourist and recreational potential and particularly allow more confidence to developers and investors to commit to worthwhile projects.

If it is being simply assumed that there may be enough opportunity within the settlement boundary, to accommodate residential uses, that is stated here not to be clearly not the case, as past site searches for possibilities have been undertaken by the Estate.

To the extent that a clear residential component is not included in the modification is unfortunate and we therefore OBJECT to the modification on these grounds.

**Brief summary of key issues**

The Plan does not go far enough to establish options for residential development to support the community as well as investing in traditional rural estate land uses and employment. Land should be allocated for housing. There is not sufficient opportunity for growth within the settlement boundary.

**CNPA analysis and response**

The issue of possible inclusion of a housing allocation at Dinnet was considered by the Reporters at the Local Plan Inquiry. They considered the suggestion that land be allocated to meet the needs of Dinnet. The matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Dinnet as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

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**Objector Ref** Dr A M Jones

**Agent**

400i(h) Badenoch and Strathspey Conservation  
Group

**Modified Policy/Proposal ref** Settlements - Grantown on Spey

**Response to Post Inquiry Modifications**

Object to the former HI site at the Mossie being included as white land.

Object to the settlement boundary not being redrawn so as to exclude the former F11 allocation from within the SB.

Object to the former HI site not being designated as ENV.

Object to the new H1 site having been extended in area.

Retaining the former H1 site as white land and within the SB puts the site at major risk from irreversible, ecological damage which is out with any form of control.

Since the CNPA's decision to refuse the large planning application at the Massie, but keep the site available for development as white land, the owners Reidhaven Estate have seriously considered ploughing it, and fertiliser has been applied to it some weeks ago. Fertiliser is very damaging to this site, as would be ploughing.

The biodiversity value of the Massie is a major reason why the application was refused. The owner has every incentive to reduce the wildlife importance of this site. If the LP allocates the area as white land and therefore available for development, then during the entire lifetime of the LP this very real threat will be posed to the Mossie. The intention of the CNPA, through refusing planning permission and deleting the site from the LP, is undoubtedly to safeguard this important site for its wildlife, landscape and amenity value. By retaining the site as white land within the SB it is in practice impossible to achieve this. It is also an obstacle to seeking to designate the Massie as a Local Nature Reserve

The former H2 allocation, now HI, has a boundary extension which is discussed in the CNPA response to the Reporters' Report and is shown on the LP Post Inquiry Modifications settlement map. However in the Development Brief the boundary extension does not appear to be shown and the boundary change is not discussed in the LP Post Inquiry Modifications text. This creates a confusing situation that lacks clarity and perhaps lacks accuracy too. BSCG objects to an extension of the present H1 allocation boundary. Such an extension may reduce habitat available for waders. We have not found any reference by the CNPA to indicate that they have investigated, far less established, whether or to what extent this would be the case.

Changes: Redraw the settlement boundary so as to exclude all of the former H1 allocation from within the SB. Omit the former HI allocation as white land.

Designate the former HI allocation as ENV.

Reduce the area of the new H1 allocation to revert to the original size of the former H2 site.

**Brief summary of key issues**

Object to the land previously allocated as H1 remaining within the settlement boundary. The settlement boundary should be redrawn to exclude the site. The land previously known as site H1 should be designated as ENV.

Regarding site H1, object to its extension.

Supporting arguments are included.

**CNPA analysis and response**

The removal of the allocations at the Mossie (previously known as GS/H1) is in accordance with the Reporters recommendations who recommended that site H1 should be deleted.

The amendment to the new H1 site (previously H2) was also considered by the Reporters and the modification is in accordance with their recommendations.

Both matters were previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Grantown on Spey as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

**Objector Ref** Kelsey Tainsh

**Agent**

540a

**Modified Policy/Proposal ref** Settlements - Grantown on Spey

**Response to Post Inquiry Modifications**

Objections to

a - whilst there is provision in the CNP Local Plan Post Inquiry Modifications Consultation May 2010 document under Para 5.79 (i.e. in page 54) to cater for Economic Development, there is no provision for the CNPA to meet in full the 'sustainable economic and social development of communities' element of its 4th Aim, which I suggest should include social provision for the elderly.

b - there is a need to include text provision in the Grantown-on-Spey (page 73) and Map (page 74) to include the issues in Para 5 below (which are extracts from the Badenoch & Strathspey Local Plan 1997).

Changes to resolve objection - Inclusion of: Sustainable social development for the elderly and those in need of care. Text to reflect the Badenoch & Strathspey Local Plan 1997 provision for:

a - principles; Including provision for the elderly.

b - Grant House/Hospital 3.3.9 etc etc; Land adjoining these properties will be safeguarded from development for amenity purposes and to retain scope for expansion of facilities, should the need arise.

C - provision to incorporate the findings of the Scottish Government "Wider Planning for an Ageing Population - Housing and Communities" within the Local Plan Post Inquiry Modifications.

Additional information provided -

Introduction

The Department for Constitutional Affairs (DCA) document titled "A Guide to the Human Rights Act 1998 Third Addition" highlights that we all benefit from living in a society in which all public authorities deliver their services with Human Rights in mind. This document (under "Democracy" Para's 1.9 to 1.10) also outlines that "The Human Rights Act" requires our courts to respect laws passed by Parliament, which I understand includes the National Parks (Scotland) Act 2000 and the Local Government (Scotland) Act 1973.

I therefore conclude that unless there is some form of Secondary legislation which overrules our Human Rights with regards to the National Park (Scotland) Act 2000 and the delivery of its 4 Aims and the Local Government (Scotland) Act 1973, it is incumbent upon the CNPA, the five Local Authorities (Highland, Aberdeenshire, Angus, Moray, Perth & Kinross), and 25 Community Councils and Association's within the CNP, to act in accordance with these Act's of Parliament.

However, at a time when one might have expected that Human Rights and democracy and accountability was more than adequately protected by MP's, MSP 's, MEP's and CNPA Board Members. Recent events associated with the Mossie area and issues surrounding the Badenoch & Strathspey Local Plan 1997 for the Principles text "including provision for care of the elderly, and the 3.3.9 Land Adjoining" which is an integral element of the CNP Grantown-on-Spey Local Plan, have severely dented my colleagues' and my own confidence in the; CNPA Board, relevant political establishment(s), public personalities, and the Highland Council's ability and commitment to use best practice to protect local communities democratic wishes for these issues.

Percentage of Elderly in the CNP

I understand that there is an ever increasing proportion of residents in the CNP who are elderly, and for whom the CNPA Board will have to make adequate provision, as they are key factors in the future "sustainable economic and social development of communities" within the CNP.

Has the CNPA Board any; up to date, and forecasted, statistics of the number of elderly and those in need of care, which are living within the CNP?

The Scottish Government — Wider Planning for an Ageing Population — Housing and Communities

It is absolutely essential that the key findings of this Scottish Government "Consultation on the Workstream Report and its suggested action" (website publication date: 29 June 2010) is incorporated by the CNPA Board into the CNP Local Plan Post Inquiry Modifications.

For as outlined by Alex Neil MSP Minister for Housing and Communities:

- Scotland's population is undergoing significant change. In future years, older people will form a greater proportion of the population than ever before, with implications for housing, health and social care services. We need to be ready to meet the challenges ahead to ensure that older people who need support receive it at the right time and in the right way.

#### Scottish Demographics

As outlined in the above report:

- The number of people aged 75 and over is now predicted to increase by 23% between 2008 and 2018, and by 84% between 2008 and 2033. In the same 25 year period, the number of people aged 60-74 is projected to increase by 33%. The size of increase will vary across local authorities, with larger increases generally expected in more rural areas (i.e. the CNP). A decline in population is forecasted for all other age groups.

Parliament Invites Public to Nominate Laws, Pointless Regulation and Red Tape they wish to abolish

In the "Your Freedom" website the public has recently been invited by the Government to propose ways to get rid of Laws, pointless regulation and red tape as the Government wants members of the Public and local communities to "Tell us what you don't want us to do".

The rationale for this Government initiative is that it is in the interests of all members of all local communities, to get the balance of regulation right, regardless as to whether the objection/comment etc to the content of the Plan which is not the subject of a Post Modification, "are or are not" valid at this stage.

I therefore suggest that if the CNPA Board can not "deliver" its Statutory 4 Aims, or meet the full requirements of Acts like the Local Government (Scotland) Act 1973, and adequately ascertain, express and encompass the views of the community (i.e. which wishes to ensure adequate provision for the care of the elderly and retention of the 1997 Badenoch & Strathspey Local Plan "3.3.9 Land Adjoining" clause), then on behalf of all local communities within the CNP, it should advise the Government accordingly.

#### Changes to the Numbering of the Mossie Sites

To avoid confusion, I trust that all of the CNPA Board and all third parties involved in the Local Plan Post Inquiry Modifications Granttown-on-Spey plan as shown in the CNP Consultation document dated May 2010, are fully aware that some of the areas under discussion have been renumbered and that the:

- Former Mossie GS/H1 area is now shown as not having a number.
- Former GS/H2 area has now been renumbered as being the GS/H1 area.

#### CNP Local Plan Post Inquiry Modifications - Mossie Area of Concern: Granttown-on-Spey

I firmly believe that it is in the Public Interest that the following provisions (which appear to have evaporated against the wishes of the local community) that were made in the Badenoch & Strathspey Local Plan 1997, should be key components of the Local Plan Post Inquiry Modifications, and that the following text should be included in the Granttown-on-Spey Proposals for the Mossie area, which is now not numbered:

- Principles: The main objectives in Granttown are to upgrade the range of recreational and community facilities, including provision for the elderly.
- Grant House/Hospital 3.3.9 The Ian Charles Hospital and Grant House, recently refurbished for the elderly, occupy neighbouring sites on the northern fringe of town. Land adjoining these properties will be safeguarded from development for amenity purposes and to retain scope for expansion of facilities, should the need arise.

#### Case for Retention of Principles and Grant House/Hospital 3.3.9

My rationale for the above proposals is that as a young boy in the 1950's in London, many in the public and private sector did not fully appreciate that blitzed areas of land created during World War II, would subsequently become multi billion pound development sites.

I believe that it is predictable that a similar proportional situation will occur within the CNP, and that it is quite simply not in the Public Interest for the Principles provision for the elderly and Mossie "3.3.9 Land Adjoining" clause to be eliminated from the Granttown-on-Spey Local Plan Post Inquiry Modifications.

For post the recession, this attractive and central "3.3.9 Land Adjoining" site, or acquisition of an alternative

development site for future care home and medical/dental facilities, will almost certainly be subject to rising CNP development market forces, and involve a price tag which is beyond the scope of the Highland Council Public Purse or members of the local community in the private sector.

#### Highland Council Short Term Financial Expediency

There is also a danger that as a result of this recession and Highland Council budget cutbacks to achieve short term financial expediency. All of the CNPA and Highland Council budgets will also be subject to the additional Government "Doomsday" budget cuts of between 25% to 40%.

I trust that the CNP Board and Highland Council will be supporting and implementing these new budget cuts, which have been imposed by the "Chief Secretary to the Treasury" Danny Alexander MP, who is also our own Liberal Democrat MP for Inverness, Nairn and Badenoch & Strathspey and elements of the CNP.

#### Possible Highland Council Planning Staff & Office Cuts

I have recently been informed by a member of the Highland Council Planning Staff that some of their jobs and regional offices are at risk, which may not necessarily provide the desired results for those living within the CNP. For the private sector can not always provide a suitable alternative service.

#### Possible Sale of Public Land Assets

It is also possible that there will be a sale of Public land assets within the CNP, which may well have an adverse impact upon the long term sustainable economic and social development (i.e. especially the elderly) of communities within the CNP.

#### Future Provision of CNP Care Home Facilities in the Private Sector

If CNP aspirations to achieve a highly desirable "exemplar" status is to be fully realised. It is important that all future provision for CNP Public and Private sector care homes and other Wider Planning options, are also of an "exemplar design".

It is my opinion, that many past conversions and/or "Material Change of Use" of old and existing properties, which are all subject to important EU and Government regulation, have in most instances, not produced care homes which meets the key needs and wants of older people and their families.

I suggest that there is a need for the CNPA Board to ensure that all future care home provision within the CNP, is of an "exemplar" design.

#### Level Definition of 3.3.9 Land Adjoining

My colleague Mr Scobbie has advised me that the CNPA Planning Office had indicated that the CNPA accepted the following definition for the text in the 1997 Badenoch & Strathspey Local Plan for "3.3.9 Land Adjoining":

Shorter Oxford English Dictionary on Historical Principles Edition covering publication from 1933 to 1967 (i.e., which has a time line relevance to the Mossie 3.3.9 Land Adjoining area) is; To join, unite, to join as an adjunct or supplement, to be or lie close, contiguous, or to be in contact with.

If I recall correctly the CNPA Local Plan Planning Officer Alison Lax subsequently advised me on the 2<sup>nd</sup> July 2010 that:  
- she was not aware of any CNPA legal definition for the term of "Land Adjoining".

Note: As a matter of record for the future (i.e. does the CNPA Board have an acceptable legal definition of "adjacent") and Public interest, in the Local Plan Post Inquiry Modifications text for the new GS/H1 site, the text includes quote:

- A flood risk assessment for the adjacent H1 site has shown this site to be partially affected by flooding.
- who holds the legal title to the; Children's Park (listed as Env), Grant House Care Home, the adjacent field & Ian Charles Hospital/Dental areas.
- the curtilage boundary and ownership legal title of all the other "3.3.9 Land Adjoining" areas.
- she was not aware of any CNPA Board input to the Highland Council reference care of the elderly and the proposed new Grantown-on-Spey Public Care Home.
- the CNPA had plans to carry out an audit of CNP Public land in the next Local Plan (i.e. which I advised could be a time scale that was too late for today's Highland Council decisions for the Grant House Care Home, and/or any alternative options).

I suggest that until such time as the Grantown-on-Spey & Vicinity Community Council and members of the local community can be informed through legal council as to the exact boundary of the "Land Adjoining" (i.e. and any other Public land in Grantown-on-Spey), no decisions should be made by the CNPA on the future of this valuable local community asset.

Search of: Registers Direct — Land Register: View Title

I understand that it is in the Public and CNPA interest for a search of the Land Register to be carried out, to clarify ownership and title of the above areas, and the area previously referred to as "3.3.9 Land Adjoining".

I certainly fail to see how a sound CNPA Board decision can be made for these areas, without knowing the full range of options available, which will involve ownership and title.

I further suggest that it would also be extremely helpful to all concerned, if these details could be made public.

Impact of Recession on the CNP

As a committed supporter of National Parks worldwide, I am extremely keen that the CNP emerges in a strong position from today's recession and its unprecedented public and private sector financial challenges, and that in days to come is recognised as being an international model National Park example, of sustainable economic and social development.

Even in the best of financial climates, for the CNP to achieve this "exemplar status" through total commitment and by implementing a best practice policy of "openness, fairness and transparency" success can not be guaranteed. Especially if the CNPA Board does not possess an appropriate Public budget (i.e. that may well be subject to further Government cuts throughout this recession), that will facilitate the "delivery of all of its 4 aims".

It is therefore essential that the CNPA Board incorporates a large degree of common sense flexibility and makes adequate provision to accommodate full EU legal compliance, and reasoned modification (i.e. by Government inspired "Your Freedom" web site initiatives to circumvent pointless regulation and red tape), in order to achieve and incorporate all of the CNP 4 aim's, into the final Local Plan Post Inquiry Modifications decision making process. Any failure or delay, especially during this recession by the CNPA Board to adapt to meet the challenges of this fast changing world, is unacceptable to all local CNP communities.

Ward 21 Grantown-on-Spey Care Homes Public Meeting Grant Arms 14th June 2010

At this well attended and lively Public Meeting the four Ward 21 Councillors Jaci Douglas (Chair), Stuart Black, Gregor Rimell and Dave Fallows (who are also CNPA Board Members) outlined their concerns about the future of Grant House and provision of care for the elderly, and invited members of the public to make comment.

Public Meeting Question from Mr Donald Scobbie:

Mr Scobbie who is a Member of the Grantown-on-Spey & Vicinity Community Council and former Chair of the Grantown-on-Spey Grant House Action Committee, who has also been involved as a concerned member of the local community in the Highland Councils former plans to build 5 new care homes for the elderly across the region, raised the important question of adequate provision within the Grantown-on-Spey Local Plan Post Inquiry Modifications to:

- : safeguard the "Principles including provision for the elderly" & Grant House/Hospital "3.3.9 Land Adjoining" in the Badenoch & Strathspey Local Plan 1997, which despite being an extremely valuable local community asset, could be lost in the new Grantown-on-Spey Local Plan Post Inquiry Modifications.

Question Feedback Comment to Mr Scobbie from the 4 Ward 21 Councillors: If I recall correctly, the four Councillors all conformed:

- : that the Principles provision for the elderly and Para 3.3.9 "Land Adjoining" text might well disappear in the new CNP Local Plan Grantown-on-Spey Post Inquiry Modifications.

Public Meeting Issues & Question's from Mr Kelsey Tainsh:

Mr Tainsh who is a member of the local Grantown-on-Spey community raised the following issues and questions:

- : the CNP had been created by the National Parks (Scotland) Act 2000, and that under this Act and its 4th Aim (i.e. To promote sustainable economic and social development of the area's communities) responsibility for economic and social development of communities within the CNP had been devolved by the Scottish Parliament to the CNPA.
- : the CNPA were directly involved and had primacy in the decision making planning process for major developments throughout the CNP [i.e. 1500 houses at An Camus Mor (& any proposed future Care Homes)] which would