

Birchfield  
Nethybridge  
Inverness-shire  
PH25 3DD

one cottage and upgraded the other two at a cost exceeding £50,000. The upgrade investment has not been recouped yet. It was made on the basis of a settled plan for the area. None of the planning objections raised on the previous designation of the land in my letter have been adequately addressed. The first draft of the CNP deposit local plan took the land outwith the village boundaries, but it has recently been modified presumably following representations by the applicant and may be re-modified following further representations. I should be disappointed if the historical planning designation of the land were changed just to permit this development. In Benidorm relentless development has destroyed the very holiday business it purported to enhance. If that happens I would be entitled to expect a similar planning relaxation to enable me to sell housing plots on land here to recoup my losses in my business.

As to the indicative plans, the Edwardian villas introduced to the Strath in the inter-war years during the last big building boom are by no means traditional highland build as first mooted, and are more appropriate to the suburban central belt. There does not appear to be anything particularly sustainable in the design as proposed in paragraph 4.3 of the September statement. One and a half stories were imposed for new build for the four new houses to the East five years ago which would be appropriate in this case but also grey harl with slate roof and white paintwork as with the extension to Duack Lodge would be less intrusive to the setting of the traditional adjacent buildings. It is noted that the informal parking area on the plan would be ten feet or more above the track and dominates the approach to the existing buildings.

I respectfully repeat that even with the paperwork produced there remains insufficient detail to justify an outline approval for this sensitive site, at this stage.

Yours faithfully,



J.A. Collins (Mrs.)

## Notes on a supporting Planning Statement

- 1.1. Previous applications have been made by Thomas Ronald Dunn presumably the same person as the applicants.
- 1.2.
- 1.3. Part of the application site was sold by Mr. and Mrs. Dunn in November 2004, to Mr. and Mrs. Edis-Blewitt of Wolverhampton who have since used it as a holiday home.
- 1.4. The site was previously owned by John Hall who planted no trees. Prior to that it was part of the Reidhaven Estate. The mature trees at the Western end of the site were probably self seeded contemporaneously with the construction of the railway line. Younger trees to the south may be the children of those older trees or planted.
- 1.5. The first sentence is vague and should be specific. The application is for a single dwelling. Small is relative but building regulations have minimum standards, and the number of stories is not even mentioned. The planning process already requires the setting of the stone Georgian B listed Birchfield to be considered. Duack Lodge, Feorag and Malvern are all stone-build Victorian houses. Is a stone built house being proposed? What one person considers sympathetic to the remains of the woodland setting is very subjective. Most of the trees on site are tagged and paragraph 5.1 states that a tree constraints survey has been undertaken. It should have been lodged with the application with an explanation of what is considered a woodland management scheme and enhancement of biodiversity given the applicants' destruction so far.
- 1.6. The T.P.O. relates to the trees remaining after the six substantial trees have been felled. The amenity value of the woodland having been already degraded each remaining tree removed would have a significantly greater negative impact than might otherwise be the case. The removed trees have already opened up the site making a house even more visible from the B970 and neighbouring houses.
- 1.7. Whilst the Forestry Commission permits commercial felling to an unrefered maximum without formal licence, they stopped the felling because that had been exceeded by then. One tree which had a tree surgeon's hawser on it was then permitted also to be felled. A Tree Preservation Order then became necessary to preserve what was left of the amenity.

A tree now tagged 035435P was badly damaged in the felling.

A granny pine tagged 034535P was partially undermined by the excavation of a pit on the Nethy Games day 2004 but so far seems to have survived.

- 2.1. The principle of development on the site has not been considered acceptable other than for occupation in conjunction with the ownership of and access from Duack Lodge.

There is no indication that Council Members thought a house would ensure better management of the trees. The reverse is true. The draft S.50 terms prohibited topping, lopping or felling trees and required a management agreement to protect the trees.

- 3.2. The site is not within a built-up area of the village.
- 3.3. There is no location of the dwelling in the application. Any building will impact (may even bisect) on the integrity and amenity value of the remaining woodland.
- 4.1. The Local Plan is the major current material consideration until Cairngorm National Park Authority Plan is adopted.
- 4.2. No dwelling has been proposed and it is prima facie contrary to Policy 1 of CNPA and would make no positive contribution to it.
- 4.3. A design and specification has not been submitted, making these effusions meaningless.
- 4.4. Duack Lodge is not the subject of the application, neither is the site garden land. The Park's boundary is entirely logical encompassing the land affected by the T.P.O. with the rear garden of Malvern to the west which also backs onto the disused railway line.
- 4.5. There is no pedestrian way on the track to the west or the B970 to the south which is unsafe.
- 5.1. With 6 of the best trees felled in anticipation of this application it is not surprising few are left. All the more reason to protect each one. The number of less worthy trees in fact preserve the area's amenity as woodland. No definition of unavoidable tree loss is offered. The 94/347 application site plan shewed 8 trees felled. If something similar is now proposed that leaves two more for the house and many more of the better trees at risk for bell mouth's site lines, surface and foul water drainage.
- 5.2. The screen is already less effective as a result of felling and would become negligible with more. Birch trees offer very little screening in winter.
- 5.3. Insofar as there is access from Rothiemoon track this is because a small strip was not fenced by the applicants when the rest of the site was. It has been used by the applicants since they sold Duack Lodge in 1994 to get at the sheds and trailers stored there and for tree felling operations. There is no indication of previous owners accessing the site at this point within living memory.
- 5.3. repeated. The Council makes a point of saying that the background or motives of the developer cannot be considered as valid objections. Presumably such matters when raised by the applicants as here can be rebutted.

The applicants obtained a grant to develop a commercial kitchen in Duack Lodge. Commercial deliveries were made, cooked produce was prepared and loaded into

various vans and trailers parked at the side of the house, and staff came and went for cleaning the vehicles and so on. Whilst neighbours were discomforted by an obvious commercial business being carried on in a residential area no one wished to ask for enforcement proceedings to be taken against them whilst they were bringing up a young family. The sale of Duack Lodge was most welcome, even if as a holiday home.

The restaurant is in Aviemore and the applicants have rented two houses in Nethy Bridge since selling Duack Lodge and shew no inclination to leave. There seems to be no overriding social need to justify an inappropriate application.

To the Planning Officer  
Cairngorm National Park

Proposed house site on land west of Duack Lodge, Nethybridge

We are residents of the Duack Bridge area of Nethybridge and we wish to comment on the above proposal as we are deeply concerned.

There will be disruption to wildlife involved in the building work and this is an area where the red squirrel lives, woodpecker, crested tit, voles and pine martin have been seen.

The house would appear to be outside the Local Plan area.

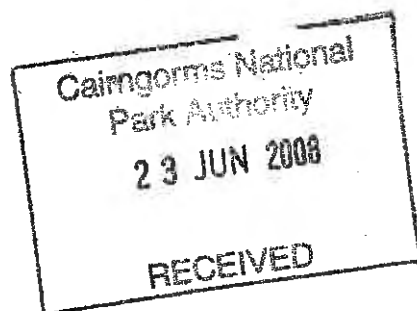
The intended occupant of the house littered the garden when living at Duack Lodge which we see has now been cleared up by the new owner. There is no reason to think there will not be a similar problem at the new house.

We should all be concerned when every space is filled with housing. This area should be different otherwise why will the tourists visit.

There is a need to safeguard the village from continued sporadic development and maintain the character which has of course given it the name 'The WOODLAND VILLAGE'.

Please consider this proposal carefully as this will downgrade this beautiful area.

*not acted -  
due to no name  
or address.*



Highland Council  
Badenoch and Strathspey  
Planning and Building Control Service

- 5 NOV 2007

Received

TODDAR BEAR  
METHY BRIDGE,  
PH25 3DE.  
1-11-07

Dear Area Planning Control (Kingussie),

With regard to planning application —  
07/00275/OUT BS (By Mr and Mrs Dunn).  
Erection of House in Woodland west of  
Duck Lodge.

I would be Grateful if you could note my  
objection.

Methy Bridge is a Forest village. If we keep  
removing the trees it will become just a  
village of Houses and in time a small town.

In the time it takes to grow these magni-  
ficent Scots pines many properties could  
be put up! I feel we overvalue Houses  
and under value trees.

This natural balance can very quickly tip  
as more Houses creep in. I feel it is  
the duty of our planning people to keep  
the natural character of this village so  
the next generation can enjoy the Forest  
too.

Yours Sincerely

Cairngorms National Park Authority

Planning Application No. 07/408/CP

REPRESENTATION

ACKNOWLEDGED 12 11 07

2. Land west of track  
7/00 275/out BS.

Highland Council  
Badenoch and Strathspey  
Planning and Building Control Service  
- 6 NOV 2007  
Received

FEORAG  
NETHY BRIDGE  
INVERNESS-SHIRE  
PH25 3DB

4.11.07

Dear Sir

Five previously rejected or abandoned applications and a tree preservation order indicates that this semi natural wooded embankment, conspicuous from the B970, is a valuable amenity. (Regional plan 1991)

"Scotland's Squirrel population is in crisis" National Trust magazine, Winter 07. My house name means squirrel so this area has been the habitat for a strong colony for years and can be seen consistently.

Further felling or interference would also affect a rookery, young owls & woodpeckers bred here. Bats roost nearby.

The woodland softens the effect of very heavy farm & contractor traffic on Rothiemoon Road where there is much reversing & turning at the junction with the B970.

This relatively unspoilt area with fine

Stone houses affords pleasure for numerous visitors with cameras & binoculars, as befitting a National Park.

Anyhouse, with a parking area for private and presumably commercial catering vehicles and equipment such as the car outside Snack Lodge for years, would deface the landscape; therefore I oppose the plan.

At an earlier full site meeting the application was rejected on every count in this wooded area which has a TPO on three adjacent properties.

Yours faithfully



<b>Cairngorms National Park Authority</b>
Planning Application No. 07/408/CP
<b>REPRESENTATION</b>
ACKNOWLEDGED 12 11 07



Highland Council  
Badenoch and Strathspey  
Planning and Building Control Service

- 6 NOV 2007

Received

Jarvis  
Dell Road,  
Nethy Bridge  
Inverness-shire.  
1st. November 2007

Dear Area Planning ( Kingussie ) Officer,

Regarding out-line planning permission, to  
erect a dwelling house for Mr and Mrs Dunn in  
Nethy Bridge. May I register my objection to this.

This land has been woodland for as long as I can  
remember and I don't understand why it should now  
become Building land. There is a lot of wild-life  
in the woodland, Squirrels, many nests, etc -  
why should these be ousted in favour of a house.

Please take my objection into consideration,  
and hopefully we will be able to keep it for  
the Squirrels and the Birds.

Yours sincerely,

[Redacted Signature]  
P.A.C.S.

Cairngorms National Park Authority

Planning Application No. 07/408/CP

REPRESENTATION

ACKNOWLEDGED 12 11 07

Ref: 87/408/CP.

FEORAG  
NETHY BRIDGE  
INVERNESS-SHIRE  
PH25 3DB

Dear Mr. McCree.

Re: Land to rear of Snack Lodge.  
Nethy Bridge.

The environmental report on this wooded area has been submitted by a very close friend of the applicants.

Mr Jones is well known for his prolific letters to the local newspaper about every conservation issue for a crisis - except, notably, this one.

The trees and granite villas break the line of development at Kimberley, and the four new houses east of Snack Lodge.

This application has been

rejected for twenty years, and  
the trees in my garden also have  
a T.P.O. on them.

Yours Sincerely,

(ms) Jennifer Staffer



**Cairngorms National Park Authority**  
Planning Application No. 07/408/CP  
**REPRESENTATION**  
ACKNOWLEDGED 12 11 07

Birchfield  
Nethybridge  
Inverness-shire  
PH25 3DD  
2<sup>nd</sup> November 2007

Area Planning and Building Control Manager  
Badenoch and Strathspey,  
The Highland Council  
100 High Street  
Kingussie  
PH21 1HY

Highland Council  
Badenoch and Strathspey  
Planning and Building Control Service  
  
- 5 NOV 2007  
  
Received

Dear Sir,

Re: Land to the side of Duack Lodge, Nethybridge

I write to object to the above proposal. In respect of his previous four applications Mr. Dunn has on occasion kindly explained his intentions. That has not happened with this agent's application which is so vague one wonders if there is any clear idea of what is proposed. Perhaps it is not intended to be taken seriously. I have to counter many possibilities which I might not be notified of during the planning process in the following general terms.

1. Trees

- 1(1) Six substantial Scots pine have been felled in anticipation of development contrary to the Town & Country Planning Act.
- 1(2) The land has been designated Amenity Woodland since the first draft of the Highland Regional Council Plan in 1991.
- 1(3) A substantial Scots pine was felled and an exotic pine reduced in 2005 on land taken by the new purchasers of Duack Lodge but now appearing on the applicants' site plan. The applicants had felled 4 substantial Scots pines of a diameter of around 2 feet. Work was stopped by the Forestry Commission who subsequently permitted one further substantial tree of 16 inches or thereabout to be felled. (The applicants had told the planning department in April 2005 that they intended making an application for residential use in response to an enquiry about three sheds stored on the land.)
- 1(4) The best of the woodland has been degraded by the applicants. The land is now subject to a Tree Preservation Order made 2006.
- 1(5) The trees form a setting to the approach to the village from the west defining Nethy Bridge as a forest village supported by the Local Interpretive Plan 1996 defining local amenity. They are seen to the left entering past the 30 mph sign and with other trees not included in the amenity woodland designation but covered by the T.P.O. form an inviting gateway immediately before the open space and bridge forming the heart of Nethy Bridge.
- 1(6) No development is possible without further degradation of the woodland.

## 2. Planning History

- 2(1) No permission has previously been granted despite 5 applications.
- 2(2) The land, with adjacent land up to the garage at the rear of Duack Lodge, is coloured blue and designated amenity woodland on the current Highland Council Local Plan.
- 2(3) The land is outwith the village boundaries as demonstrated by the Cairngorms National Park Deposit Local Plan 2007. Development would be contrary to conserving and enhancing both the cultural and natural heritage of the area, the principal objective of the Park.
- 2(4) Previous owners' applications.

By John Hall, formerly of Feorag and Feorag Cottage (2 and 3 on the application plan):

By the applicant:            refused 89/151  
                                      refused 92/198  
                                      refused 93/256  
                                      incomplete 94/347  
                                      abandoned 96

2(5) 94/347 was a dissimilar application in that access was proposed through Duack Lodge in the way that permission has recently been given for a dwelling for family members at the rear of Malvern (number 4 on the application plan) maintaining the integrity of the site through strict conditions and a binding agreement. Duack Lodge now being in separate ownership denies comparability.

2(6) 93/347 was considered possible subject to the completion of a S.50 agreement containing 13 conditions mostly inimical to the current application.

## 3. Access

3(1) The proposal is contrary to Highland Council Adopted Regional Policy which requires access serving more than four dwellings be brought up to adoptable standard. The following are in separate ownership and served by the track – Feorag, Feorag Cottage, Birchfield (including holiday cottages Birch Croit, Birch Mhor and Birch Beag), Ben Aiglas Mhor, Rothiemoon Farm (including Farm Cottage, Dornoch Cottage and one other).

3(2) At Rothiemoon, in addition to farming, agricultural contracting is carried out with 2 or 3 diggers, 4 or more tractors, a 6-wheeled grab lorry, several vans and assorted balers, wrappers, trailers, spreaders. Forty foot articulated lorries and shorter rigid ones deliver goods to the farm. I have counted 38 vehicle movements between 8.30 and 9.30 on a summer morning.

It is sometimes necessary for large vehicles to reverse into the B970, and indeed domestic cars, when meeting in opposing directions as there is no room to turn near that road.

3(3) Physical constraints in the form of the undulating site at the shoulder of the entrance to the track and 8 – 10 mature trees adjacent to the track with the curvature and proximity of

buildings to the west would mean further substantial tree felling to provide visibility splays from the site onto the track and the track onto the road. Such trees have a side canopy when viewed from the road and removal would lead to the remainder just showing a top canopy and revealing buildings beyond.

3(4) There is no separation of pedestrians from traffic on either the B970 at this point or the track. Condition 7 of the unconsummated S.50 agreement proposed for incomplete application 94/347 requires the erection of a 1 metre fence along the entire boundary with the track to discourage its use for access to the site.

3(5) The "existing" agricultural access onto the site is very steep and would need to be levelled for domestic use. It was not used for access before the applicants sold adjacent Duack Lodge, indeed access could be taken by pedestrians at any point along the track until a wire fence was erected by the applicants in about 1994 but leaving a gap in what is now apparently claimed as an established access but not so considered with 94/347.

3(6) The removal of soil and trees would result in any new building being very visible from the B970 making the village a little less attractive for tourism.

#### 4. Effect on Existing Buildings

4(1) S.7 of the application form states that there is no affect on existing buildings. Without an indication of whether a house or a bungalow is proposed, and where it is to be sited, it is difficult to assess such an assertion. It might impact on my holiday accommodation business.

4(2) Assuming a building would face the track it would then look onto the kitchen window of Feorag. Following the felling of an exotic fir tree on the north east corner of the site four or so years ago that corner is less sheltered by trees in the railway cutting and the present three sheds are intrusive, seen from the upper bedrooms at Birchfield, and an entire dwelling would be more so. The fir hedge on the south side of Birchfield is topped every three or four years meaning the cottages will overlook the site from time.

4(3) Unsympathetic building or the smell of the applicants' Caterco cooking business, noise from connecting its trailers and movement of vehicles at irregular hours at the site would be detrimental to the existing holiday accommodation business at Birchfield.

4(4) The plot is about 55 feet from the boundary of Birchfield. Birchfield is B listed and the effect of a new building on the setting of a listed building is a material planning consideration under TCPA.

4(5) Ground levels, facing and roofing materials, window aspects and so on are critical to the effect on the setting if a building were to be constructed.

5. Drainage. The absence of any drainage proposals (S.10 of the application form) makes further felling of trees a real probability to join on the main sewage system. A cesspit arrangement cannot be envisaged, the land being bounded by the track, the railway cutting and the B970. The road gulleys outside Duack Lodge are frequently blocked and soakaways for surface water on the proposed site are likely to undermine the remaining trees' root systems.

6. Bio diversity. The underwood was strimmed in the summer of 2004 and is not rich in flora. The land is regularly patrolled by red squirrels, roe deer, voles and stoats. Buzzards hunt through it in winter, sparrow hawks and owls all year and a host of small birds. It houses a rookery with jackdaws breeding on the edges. In 1997 it was an autumn roost for the mad male Capercaillie of Nethy. It is not just a visual amenity, but an island wildlife habitat with a corridor effect leading up the disused railway to cross the B970 and on into the nature reserve Dell Wood to the south, likely to be destroyed by human habitation. This would be contrary to the objectives of the Strategic Environmental Assessment 2005 for the Cairngorm Local Plan.

#### 7. Site Plan

7(1). The plan supplied is confusing. It neither relates to the position on the ground nor the title of the owners as I understand them.

The eastern side of the plot is presently identified by registered title no. INV10038 relating to Duack Lodge and new fence posts 35 feet from the western drive entrance running at right angles to the road B970 indenting to 30 feet to the westernmost corner of Duack Lodge and continuing almost due north. Previous applications shew a straight line running back at right angles to the road, i.e. following the 1994 application plan. I enclose a plan shewing the land at Duack Lodge coloured red and part of the amenity land sold to the present owners coloured yellow, with the remainder of the applicants' land coloured blue. It could be the applicants intend swapping some of the blue land against the railway line to retrieve some of the yellow land against the road with the recent purchasers Mr. and Mrs. Edis-Blewitt. If so, one would expect them to require contemporaneous planning permission for the blue amenity land to be changed to garden land, but I am not aware of any such application.

7(2). No position of the proposed dwelling is marked on the plan.

This confusion makes understanding what might be proposed very difficult.

For these reasons I think that as this is a sensitive sit, outline planning permission should be refused. The issues I have raised could only be dealt with in a full application for detailed permission.

I enclose comments to be read with the supporting planning statement submitted by agent Joyce Hartley.

Yours faithfully,

  
M. I. Collins



LAND REGISTER  
OF SCOTLAND

Officer's ID / Date

4841  
12/1/2005

TITLE NUMBER

INV10038



ORDNANCE SURVEY  
NATIONAL GRID REFERENCE

NH9920 NJ0020

Scale

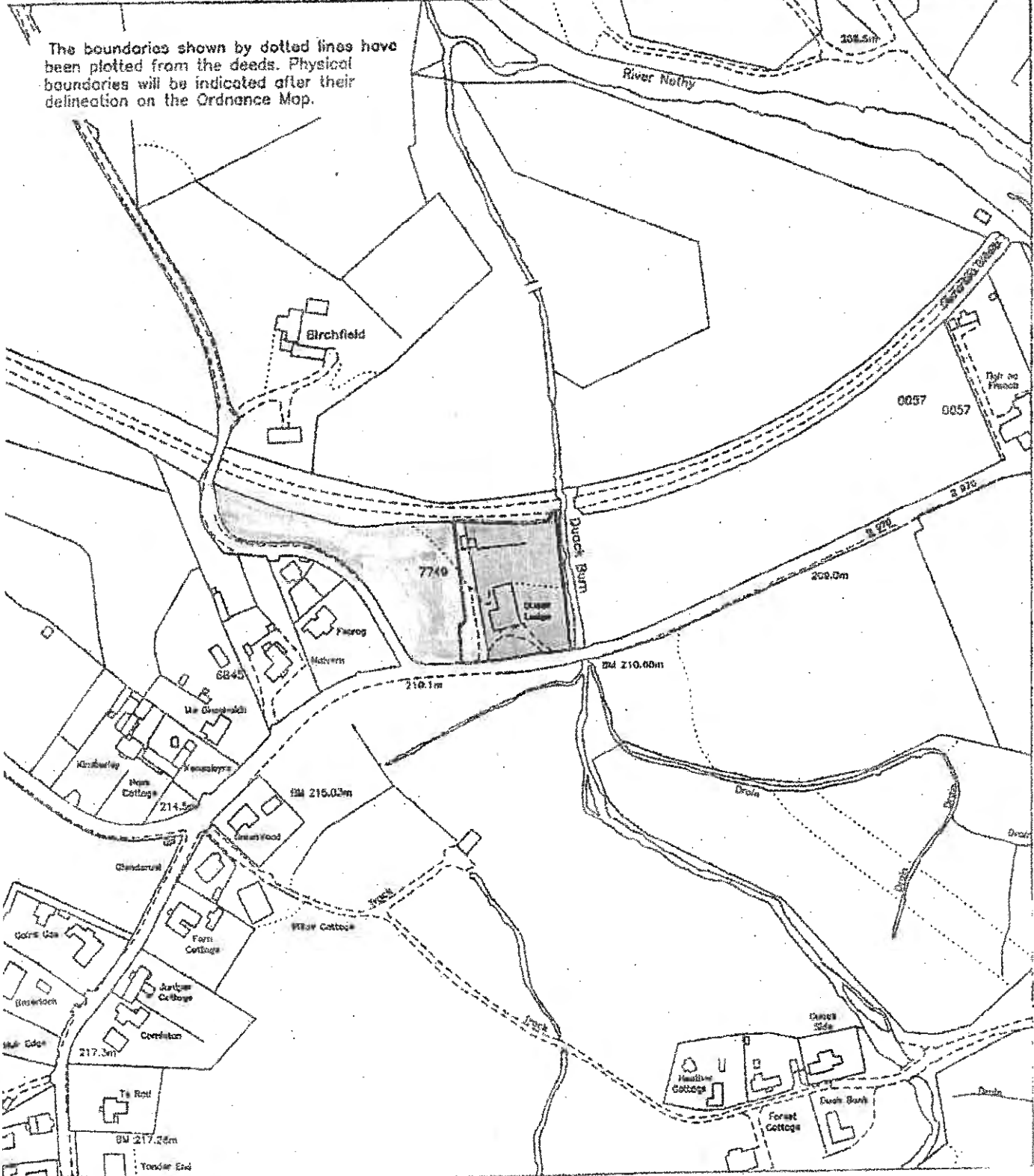
1/2500

Survey Scale

1/2500

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**Lyn Joynson**

**From:** [REDACTED]  
**Sent:** 09 October 2007 21:50  
**To:** Planning - Badenoch&Strathspey  
**Cc:** 'Thelma Blewitt'  
**Subject:** Outline planning application - West of Duack Lodge, Nethybridge

Dear Mr McCracken

With reference to the outline planning application for a dwelling house on land to the west of Duack Lodge, Nethybridge (2 page fax copy attached), I would like to make the following points.

1. I do not object in principal to a single dwelling, however its location would need to be confirmed as much of this land is on a hill overlooking my property.
2. The ground plan submitted by Ms Joyce Hartley on behalf of Mr Dunn appears to be inaccurate with reference to my property boundary, and this gives me concern as some of my land is included in the outline planning application.

Attached is a fax copy of the land that form the grounds of Duack Lodge from the Land Register of Scotland, dated 12/01/2005. The boundary in question is the west side from the old railway line (North) to the B970. This is a straight line for approximately three quarters of the boundary, running almost parallel to the garage, with two further straight boundaries to encompass the hollow to the west of the property. This is clearly marked on site by 5 fence posts that were erected when the land was divided prior to my purchase of Duack Lodge.

Attachments:  
r dunn plans Oct2007.tif (2 pages from Ms Hartley)  
duack lodge land registry 120105.tif (1 page)

Please can you accept this email as my written response to this application as a letter by post is unlikely to arrive by the required date due to current postal actions.

Regards

Nick Edis-Blewitt  
Duack Lodge  
Nethybridge  
PH25 3DB

<b>Cairngorms National Park Authority</b>
Planning Application No. 07/408/CP
<b>REPRESENTATION</b>
ACKNOWLEDGED 12 11 07

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<http://www.netintelligence.com/email>

Highland Council Badenoch and Strathspey Planning and Building Control Service
10 OCT 2007
Received

10/10/2007

THIS NOTICE IS SERVED ON YOU BY  
OF

\*(a)  
\*(b)

JOYCE HARTLEY (AGENT)  
105 KETTILSTOUN MAINS  
LINLITHGOW  
WEST LOTHIAN EH49 6SJ

TO WHOM IT SHOULD BE RETURNED IN THE EVENT OF NON-DELIVERY

NOTICE FOR SERVING ON NEIGHBOURS

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
(SCOTLAND) ORDER 1992

Notification of and information on application for planning permission

Proposed development at \*(c) LAND TO WEST OF  
BLACK LODGE, NETHYBRIDGE

NOTICE is hereby given that -

1. Application is being made to the Highland Council by  
\*(d) MR & MRS R DUNN  
\*(e) for planning permission to ERECT A DWELLINGHOUSE  
(IN OUTLINE)
2. A copy of a plan showing the situation or location of the development is attached.
3. The application, plans and other documents submitted may be inspected at all reasonable hours in the register of planning applications kept by the Planning Authority at the Area Planning and Building Standards Office at,  
\*(f) 100 HIGH ST, KINGUSSIE PHALIHY and also at  
PLANNING OFFICE  
during the period of 14 days beginning with the date of this notice; and
4. Any person who wishes to make representations to the above-mentioned Council about the application should make them in writing within that period to the Council at the address of the Area Planning and Building Standards Office given above.

Signed

\*On behalf of

Date

JOYCE HARTLEY

(AGENT ON BEHALF  
OF APPLICANT)

MR & MRS R. DUNN

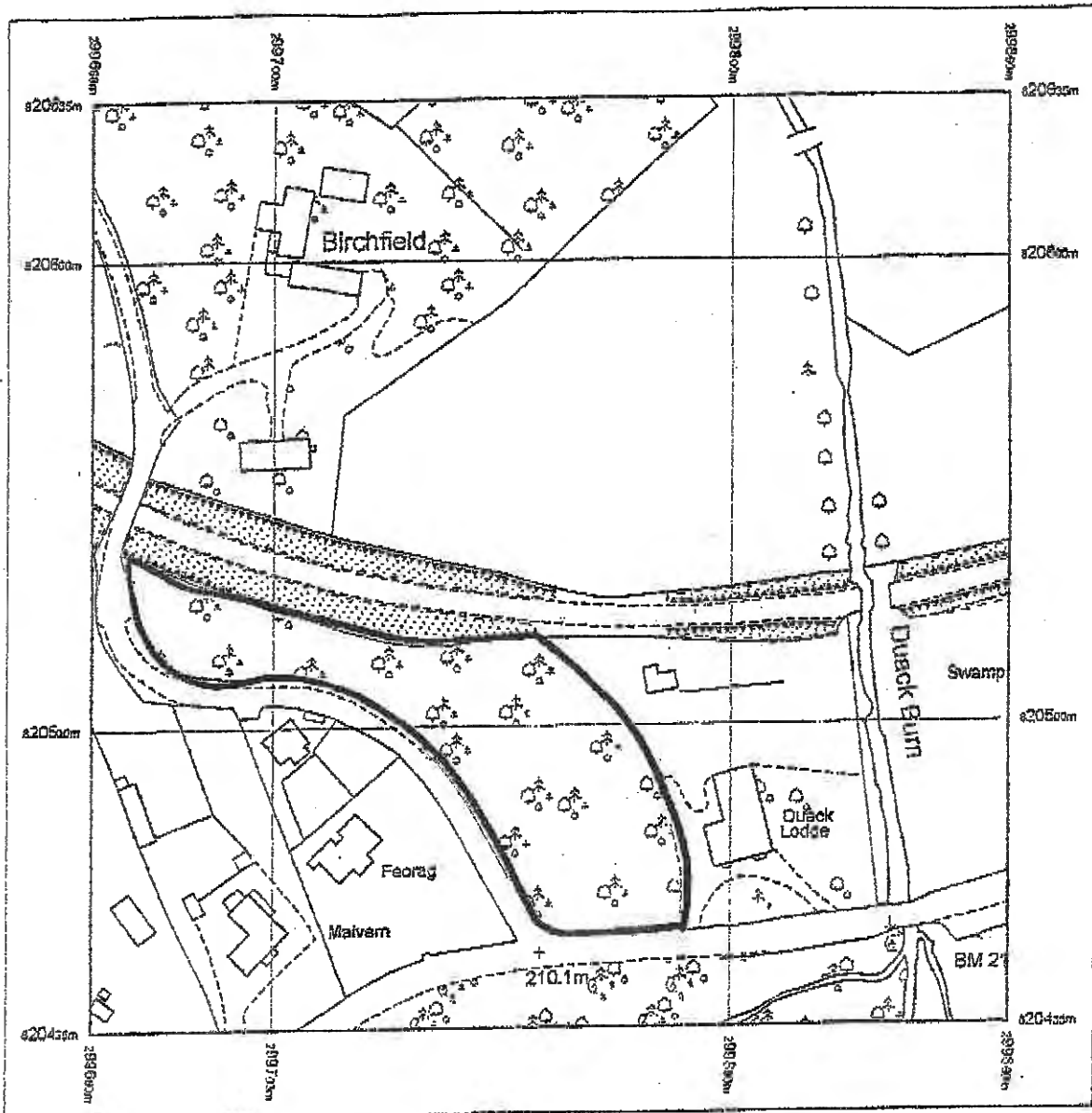
27 SEPTEMBER 2007

(\*Delete where appropriate)

- \*(a) Insert name of person serving this Notice
- \*(b) Insert address of person serving this Notice
- \*(c) Insert address or location of proposed development
- \*(d) Insert name of applicant
- \*(e) Insert description of proposed development
- \*(f) Insert other address in the locality at which plans etc. may be inspected (Applicants should ask the Area Planning and Building Standards Office for advice regarding this point)



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 <b>LAND REGISTER OF SCOTLAND</b>	<b>Officer's ID / Date</b>	<b>TITLE NUMBER</b>
	4841 12/1/2005	<b>INV10038</b>
	<b>ORDNANCE SURVEY NATIONAL GRID REFERENCE</b>	<b>Scale</b>
	NH9020 NJ0020 NH92SE NJ02SW	1/2500
		<b>Survey Scale</b>
		1/2500

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