

AGENDA ITEM 8

APPENDIX 3A

2019/0215/DET

**REPRESENTATIONS
OBJECTIONS**

BSCG
info

From: BSCG info
Sent: Thu, 9 Jan 2020 23:47:23 +0000
To: Planning; Stephanie Wade
Subject: 2019/0215 Comments

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Dear Stephanie Wade

2019/0215/DET | Demolition of house, erection of 9 houses, formation of access track and path | Tigh Mhuileann Boat Of Garten Highland PH24 3BG

BSCG objects to the above proposal and requests the opportunity to address the planning committee when the application is determined.

The proposal is not allocated in the LDP and accordingly the public have not had the opportunity to comment on the suitability of this site through the development plan process.

The immediate surroundings of the proposal site are of high ecological value. The woodland is identified in the Native Woodland Survey of Scotland as upland birchwood of very high nativeness and naturalness. The woodland is dominated by birch, aspen and willow and includes a few unusually large individual birch and willow trees as well as valuable fallen and standing dead wood of these species. Much of the willow is growing in wet conditions with seasonally extensive standing water, in this wet, riparian woodland. Recent observations have established that the willows support a significant population of the Scarlet Splash fungus (*Cytidia salicina*). This species was identified in the 'short list' as in need of urgent and focused conservation action in the CNPA's Cairngorms Nature Action Plan 2013-2018.

We note that the same CNAP refers to aspen being "a very rare component of woods" and emphasises that the CNP is "the UK stronghold for aspen" and that "these woods support many rare and scarce moths, flies, fungi, lichen and mosses that occur nowhere else in the UK" (p40). The CNAP also emphasises the importance of Strathspey's wet and riparian woodland, recognising that this habitat "is probably unsurpassed in a UK and, in some cases, European context".

We disagree with SNH's appraisal that additional houses at this location would not increase disturbance to capercaillie in Boat wood, and regard SNH's reasons as unrealistic.

SNH's claim that a distance of 1.5k is a significant deterrent to people using the woods stretches credulity, especially given the rising popularity of running, cycling and e-biking, all of which regularly involve far greater distances. SNH makes the opposite argument to Seafield Estate's claim when the Estate was seeking permission for the now completed new housing within what was part of the woods, not many years ago. The Estate then claimed that people use the wood for recreation and it doesn't matter where the houses are, they will still use the woods for their own recreation and dog walking. Arguably, this more closely agrees with our knowledge of use of woods for recreation. People drive considerable distances to access Boat woods (and other local woods) for their own recreation and for dog walking.

The alternative walking areas closer to the proposal site that SNH cite are very different in nature and length to the routes in Boat wood, and it is reasonable to consider they would be used in addition to, rather than instead of the woods.

SNH's reference to the addition of 12 households being a small number compared to the total number of households in Boat fails to take account of both cumulative impacts and tipping points.

In addition, residents of the proposal will be driving through Boat for many reasons (school, shop, activities in the hall) and can combine this with walking, running, cycling, dog walking, etc in the woods.

We are concerned at the use of a septic tank, which we look upon as regressive and an option that should only be considered as an absolute last resort. There is clearly a realistic option, albeit costly, of the proposal connecting to the main sewage system.

The burn running through the woodland is connected to the River Spey SAC; in addition it is apparent that the burn is of ecological importance in its own right. BSCG is concerned at the vulnerability of the burn to pollution from the septic tank and soakaway. We note that SNH has said an Appropriate Assessment is required due to a likely significant effect unless the design of the waste water treatment can ensure that no negative impacts on the burn or SAC could occur.

We have a major concern that weaknesses will not be apparent until it is too late. This view is supported by experience from other sites in Strathspey. For example, at Boat's WWTW many problems and acknowledged failures continue to come to light, and are proving difficult to resolve as has recently been acknowledged in the current court case, that has involved allegations critical of SEPA, Scottish Water and others.

BSCG is also concerned at the proposal for road drainage and surface drainage from the properties to be discharged to the burn in large flow conditions, so providing a route by which pollutants can enter the burn. Such pollutants could include chemical fertilisers and weed killers that may be used both on people's gardens and in the community areas of landscape planting.

We note that the septic tank and soakaway are located outside the red line boundary and query whether this is in line with planning norms.

It is not clear as to whether delivery of the proposed path connecting the development to the village is guaranteed, and if so how. The path is not part of this application and BSW and Seafeld Estate have apparently indicated they intend to seek outside funding towards the cost of the path and bridge. We are concerned that the path and bridge need to be sensitively and thoughtfully located to avoid significant negative impacts on the burn and woodland, as well as potentially on wildlife restoration and management projects at Milton Loch. We note that at Boat WWTW there have been problems with the public path, including unforeseen wildlife impacts.

We have considerable concerns about the planting plans and proposed post-construction management regimes.

Salix fragilis, *Viburnum opulus* and *Acer campestre* are inappropriate species in the context of this area of Strathspey, and especially in proximity to woodland areas of high nativeness and naturalness.

Introducing Gorse to the site is far less appropriate than allowing Juniper to flourish on the site. Also Gorse could introduce a fire risk.

The aspen in the vicinity is suckering vigorously in places and its natural spread should be fostered.

The beat up replacement period of apparently only 3 years may be too short to ensure successful establishment of significant numbers of trees.

Some houses are significantly too close to existing trees and this is likely to result in felling of trees. We consider that there should be a substantially greater hold back distance between existing trees and the houses and their curtilages.

The houses are described as affordable rental properties yet the residents will have to pay for the maintenance of their private road access to their houses. It seems questionable whether this is in line with the 4th aim of the park, “To promote sustainable economic and social development of the area’s communities”, or economically sustainable in the longer term.

Yours sincerely
Gus Jones
Convener