

AGENDA ITEM 6

APPENDIX 2

2013/0119/DET

REPRESENTATIONS

KATHERINE
CARINGTONSMITH

From: KATHERINE CARINGTONSMITH
Sent: 23 Oct 2014 10:17:32 +0100
To: Planning
Subject: 2013/0119/DET
Importance: Normal

2013/0119/DET Erection of 58 houses, associated roads & footways |Land At School Road And Craigmore Road, Nethy Bridge.

Dear Sirs,

2013/0119/DET Erection of 58 houses, associated roads & footways |Land At School Road And Craigmore Road, Nethy Bridge

I write to reiterate my previous objections to the above planning application (a copy of my previous objection email is attached below), as nothing has changed to improve the application and indeed, the Scottish Government Reporters examining the new Local Development Plan recommended in September 2014 that the School Road site (ie between Dirdhu Court and the primary school) should be **completely removed** from that plan, and also that that part of School Wood should be removed from the Nethy Bridge settlement boundary – meaning that in effect it would then be **protected from any development**.

The present application is contrary to the adopted Local Plan, being for 58 houses rather than 40, and straying outwith the area allocated within that plan. As such it represents a density of housing which is not seen elsewhere in the village and is completely out of character in the setting of Nethy Bridge and its character as the 'Forest Village'.

The proposed development would impact on the landscape and woodland setting of the Forest Village at two important entrances to the village and both previous and present Reporters have informed the CNPA that Nethy Bridge does not need the large number of houses allocated in the CNPA Local Plan, indeed, these would most likely be sold into the holiday home market thereby increasing the strain on local amenities (roads, sewerage, water supply) to a greater extent than if they were lived in year round (holiday properties typically are set up to accommodate twice the number of occupants than would normally be

living in a property). No local people will be able to afford even the so-called affordable housing (if there is to be any) on the site and Nethy Bridge is already overstocked with "second" (holiday) homes.

School Wood is an important amenity enjoyed by many locals and visitors and the proposed development would cause safety issues for pedestrians and cyclists, including children going to school and also increase the risks from traffic accidents for wildlife.

School Wood is important for wildlife and is home to some of Scotland's nationally and even internationally important species. These include red squirrel, otter, wildflowers such as orchids and wintergreens, rare woodland fungi and one of Scotland's and Europe's rarest mosses (Green Shield Moss).

School Wood is listed in the Ancient Woodland Inventory as Long Established semi-natural origin. Section 194 (Policy Principles) of **Scottish Planning Policy** (June 2014) states that the planning system should **"protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods ..."** That policy applies to all of Scotland but should clearly be most strictly enforced within national parks.

It has come to my attention that the previous Scottish Government Reporters (in 2009) recommended **that there should be a moratorium extending for the lifetime of the local plan on all housing and economic developments in Nethy Bridge.** Had that recommendation (that at that time was not mandatory) been followed, then the present application would not now exist.

For all the reasons given here and in my previous submissions I object to any part of this development, particularly as the proposals stand, and urge you to reject the application in its entirety.

Yours sincerely,

Katherine Carington Smith
30 Lynstock Crescent
Nethy Bridge
PH25 3DX

[REDACTED]

Previous email from 15th May 2014 -

Katherine Carington Smith
30 Lynstock Crescent
Nethy Bridge
PH25 3DX
15th May 2014

Comments for Planning Application 2013/0119/DET

Dear Sir / Madam,

With regard to the above development.

School Road – the proposed density of housing on this site is completely out of character with the village of Nethy Bridge and represents an unacceptable increase in the number of properties originally envisaged for the site.

The clear felling of the centre of this site will be seriously detrimental to species known to use the woodlands, squirrels, capercaillie, otters in particular are protected species under European law and these are the very species which will be disrupted by this development. All the objections pointed out in my previous communication are still relevant and must be taken into account.

The sheer number of properties to be built in this plan will also be extremely detrimental to the character of the village as they are almost guaranteed to be largely sold as holiday houses. Thus the village will become completely swamped by holidaymakers through much of the year. Whereas a two bedroom home would be expected to contain up to three occupants, a holiday home of the same size will typically accommodate twice as many people.

The strain on the current infrastructure of this massive increase in population will show in water shortages, more effluent than the existing system can handle and seriously increased traffic on the road leading to the school as well as other roads in the village, with a resulting likelihood of increased risk of accidents, particularly in relation to children travelling to school.

Craigmore Road – the proposed clear felling of the site is inappropriate and will disrupt the wildlife of the area. The wildlife in this area is as above for School Road.

There can be no doubt that the properties to be built as shown in the proposal will increase traffic and strain on amenities as outlined above re School Road.

As at School Road, the majority of these properties will end up being holiday houses. The increased number of people using a holiday house also brings an increase in vehicular use, often more than two cars per property. The roads around the village are not designed for this sort of volume of traffic.

In general -

Of course, all the roads in the village could be upgraded, meaning the destruction of many trees and probably demolition of existing properties, but that would entirely destroy the character of Nethy Bridge.

I contend that is exactly what a development on the scale proposed will do to the village.

I cannot stress my objection to the current proposals strongly enough. For all the reasons listed above I believe the proposal is completely unacceptable in its current form and will damage not only the wildlife of the area but also the quality of life of the existing population.

Nowhere in the village is there a development of this size or density. The proposal is potentially extremely destructive to the village as a whole.

Katherine Carington Smith



From: [REDACTED]
Sent: 23 Oct 2014 16:03:05 +0100
To: Planning
Subject: OUR OBJECTIONS ARE SUSTAINED - Ref 2013/0119/DET

Dear Sirs

Erection of 58 houses, associated roads and foot ways
Land at School Road and Craigmore Road, Nethy Bridge

John Clube and I wish to make it clear that our objections to the above development are sustained.

In addition to the original objections, the Scottish Government Reporters examining the new Local Development Plan recommended that the School Road site should be completely removed from that plan and from the Nethy Bridge settlement boundary. It seems unreasonable to accept this application at the last minute, against the new plan, rather than adopting the new Local Development Plan NOW.

Kind regards

John and Mary Clube

Sent from my iPad

From: John Clube
Sent: 28 May 2014 13:34:19 +0100
To: Planning
Subject: Application 2013/0119/DET, 58 houses at School Road/Craigmore Road, Nethy Bridge

Dear Sirs

Objection

Application 2013/0119/DET, 58 houses at School Road/Craigmore Road, Nethy Bridge

We wish to object to the planning application and the content of the additional documents referred to in your letter of 15 May 2014.

The number and layout of the houses would impair the character of the village, which is made up of scattered housing with trees. There is a balance to be struck between housing and the attractiveness of the whole area. The area relies heavily on tourism, and if it becomes less attractive there will be less business in it. As there will not be 58 extra jobs in the area, many of these will presumably be holiday homes.

The access road is narrow, and may give rise to concerns about the safety of the primary school children who go to school along it daily. If parents have to drive their children to school there will be a disproportionate increase in traffic, quite apart from destroying the village institution of walking the children to school.

Yours faithfully

John and Mary Clube
23 Dirdhu Court, Nethy Bridge

Craigmore House

Nethy bridge

PH25 3ED

12th May 2014

CNPA

Planning Office

Albert Memorial Hall

Station Square

Ballater

AB35 5QB

Planning Application reference 2013/0119/DET

Dear sir/madam

Thank you for your letter 1st May 2014 advising us of the submission of additional documentation concerning the above referenced planning application.

Despite this additional information we still wish to register our objection and request the application be turned down.

Clearly although the proposed units on the Craigmore Road would be less visible from the road further incursion into the woodland will obviously cause much more ground disturbance and the area is outwith the Local Plan.

The developers wish to pursue an application for 58 units in total over the 2 areas continues to assume that the Local Plan is not to be taken seriously. The proposal is for an increase of approximately 45% over that agreed in the Local plan. The construction of the proposed number of units on School Road would appear to create a very cramped development and over populate the site. I am not aware of any assessment being undertaken to justify the need for housing.

There is still no intention to supply self build plots which was the basis on which the original application was being suggested.

The Forestry Report dated 17/05/13 correctly identifies the whole site as being designated Ancient Woodland whereas the CNPA Landscape adviser refers to

the land as pine plantation. That is not correct and the proposed development would impact on the site and would appear contrary to CNPA policy.


Comments in our earlier letter dated 9th May 2013 are still relevant and we would wish them to be taken into account without the need to reiterate them here. However, we would say again that this application seems to be based now on an economic stance hence the need to ride roughshod over the 40 units originally suggested. Please do not allow developers to make handsome profit by altering the character of the "Forest Village" with inappropriate construction.

There is much legislation to hand to allow the application to be rejected.

Finally, despite your letter dated 1st May inviting comment by 15th May your website suggests the period to submit comment is now closed and in your last paragraph on page 1 your planning reference number relates to a site at Tomintoul. A typographical error no doubt but planning and the long term effects are to my mind highly serious issues requiring a high level of care.

Yours sincerely,

Robert & Linda Greenwood.

Firwood
Nethybridge
Inverness-shire
PH25 3DE


Simon Harrison,
Planning Office
Albert Memorial Hall
Station Square
Ballater
AB35 5QB

12/05/2014

Dear Mr Harrison,

Proposal: ERECTION OF 58 HOUSES, ASSOCIATED ROADS & FOOTWAYS LAND AT SCHOOL ROAD AND CRAIGMORE ROAD, NETHYBRIDGE

Planning application: 2013/0119/DET

Thank you for your letter of 1 May 2014. I write in reference to the planning application above, particularly with regard to the submission of additional documents.

I give my reasons for continuing to object to this application below and request that the Park Authority turns it down.

Document - CNPA LANDSCAPE RESPONSE by Francis Thin Landscape Advisor
I find it hard to understand the purpose of this document as it appears to me to be a list of objectives that the developer would have to meet as the project progresses rather than providing reasons why the application should be rejected.

Landscape

"The sites are within pine plantation woodland on the north side of Nethybridge". This statement needs documentary evidence that this is plantation woodland, the inference being that pine plantation has a lesser value than "natural" woodland. The native species element of this woodland has been categorised as an "Ancient woodland site supporting woodland of plantation character" (SNH 2002) and to visit the site it is very obvious that even though large areas of the Scots pine woodland is of similar age, little of it has the characteristics of a "commercial" plantation woodland. There is no ploughing in the native woodland stands, trees are not in rows and few have the characteristic even spacing of a woodland planted for commercial forestry. The mix of native trees also indicates a woodland of natural origins. It is known that fellings in the original woodland took place during the Second World War but there are Scots pines, birches and willows currently on the proposed development site that

all pre-date that period. It would appear that some planting took place in the 1960s, but I would suggest that this was planting of areas that hadn't regenerated naturally between the 1940s and 1960s with seed from the older trees that survived the earlier fellings. This would account for the irregular distribution of the Scots pines that are of a similar age. With little intensive management to date, this woodland has all the characteristics of a naturally thinning native woodland.

Landscape Priorities & Opportunities for Nethybridge section:

Please could the CNPA Planners read through this section and match up a "very compact (development) with small houses", "viewing spots", "forest village in its landscape context", "narrow, framed or glimpsed views" with the destruction of the woodland to create these sound-bite aims. Ditto for entries under *Potential impacts on interests, including evidence of impacts:*

Appraisal of impacts:

I would suggest the woodland management proposed in the AA (Arboricultural Assessment) would have the totally opposite effect to that promoted by Frances Thin. The loss of two areas of 2 ha and 1.7 ha, plus the mass intervention in the surrounding buffer zones of 10m plus 10m will have a devastating effect converting a naturally thinning mixed species woodland to one of almost parkland quality. The acceptance alone of the removal of "poorer quality, dead, diseased and dangerous stems" shows a complete lack of understanding of the importance of this woodland as it exists at the moment. The rest of this section reads more like a design brief for the developer than an appraisal of the impacts of the development. Another suggestion that again shows a complete lack of understanding of the importance of this woodland is the suggestion of the introduction of an invasive species like ivy as a screening species, a plant species which is quite rare in a pine/broadleaved woodland like School Wood.

Concluding Advice:

Why not be honest in this section and admit that this is the wrong development in the wrong place rather than try and gloss over with suggestions of "sensitive management" and the challenge of "The compact and dense nature of the proposed development" and "contributes positively to a sense of place" as written. The sensitive management should be aimed at maintaining this woodland area as an amenity area for the residents of this part of Nethybridge and to the wildlife it supports.

Document - Arboricultural Report listed under Arboricultural Assessment

2.2 Character

As mentioned earlier in this letter, I have to take issue with the assumption that "the bulk of the woodland is planted rather than natural". That it "was established around 50 years ago" might be partly correct, but as detailed earlier the native species woodland has all the characteristics of having originated mainly by natural means. The reference to 50 years ago probably refers to some infill planting that took place by the estate to add to the trees that had regenerated naturally between the 1940s and the 1960s. I can but suggest that it is "very convenient" to say the woodland was planted when linking the reason the report was written to the woodland destruction planned by the planning application. If this area was a

typical ploughed and planted commercial woodland I doubt there would have been the level of objections to the planning proposal. See also my earlier comments about the natural qualities of the woodland. I also recommend that you look at the photos accompanying the Compartment assessments to see that the woodland has all the qualities of a self-thinning mainly naturally regenerated woodland.

Comments on the individual "Compartment comments and recommendations".

Can I say from the outset that the whole of the report appears to have been written from a commercial forestry perspective including many terms and suggestions that I thought had disappeared from commercial forestry practices.

3.1 Compartment A

This compartment deals with the woodland affected by the "the compact and dense" School Road housing proposals.

- Condition is given as Fair-Poor, but Fair-Poor for what? As woodland habitat I would suggest the Condition should be given as Good to Excellent.
- Life Expectancy (Yrs) is given as 20-40 years. I have to assume that this again is a commercial foresters assessment with clear-fell and replant between 80 and 100 years. Left alone this woodland has a life expectancy of hundreds of years, in keeping with its Ancient Woodland status.
- Recommendations. This section contains the most damaging proposals from tree removal to conversion of the semi-natural woodland to an almost parkland woodland by heavily restructuring the 30m "buffer" zone. One of the most valuable components within a semi-natural woodland is the accumulation, over time, of the deadwood element and yet in all 3 areas of the buffer these are the trees targeted for removal. One of the real benefits of this woodland being "overdue (a) thinning" is that the woodland has not been systematically "racked" (trees removed, in lines, about every 20m across the wood to facilitate tree harvesting machinery) with the resulting damage to the ground by the felling and extraction machinery. However, without protection or designation this woodland could be managed like this in the future.

3.3 Compartment C

This compartment deals with the woodland affected by the Craigmore Road housing proposals.

- I am assuming that the Comments and Recommendations proposed here also covers the management of those sections of Compartments D, E and F lying within the boundary of Compartment C.
- Recommendations. My comments as for Compartment 3.1 but with additional proposals to remove the "Rare" goat willows and aspens. The Age Class OM has been given for the goat willow (assuming Over Mature) a convenient designation when recommending clear felling of the site. Mature aspens and goat willows add hugely to the biodiversity richness of this woodland and this value, particularly for the willows can't easily be replaced by planting a few new trees in the buffer strips. Again, removal of dead trees is specified.
- This mixed species woodland has all the attributes of an ancient woodland, the goat willows being the "gems" and the mosaic of old birches, aspens and younger Scots

pinetrees creating a woodland worthy of nature reserve status. It would be a criminal act of the highest order for the bulk of this woodland to be removed and similar trees removed within the "buffer" zones to install a modern housing estate.

Compartments D, E and F.

I'm confused as to how these three compartments link with Compartment C. Compartment D has its own outline map and within this area are some of the ancient trees as well as many trees which have obviously grown naturally, many older than the suggested planting date for the woodland as a whole. Under 3.4 Compartment D, there is no mention of clear felling, but two-thirds of this Compartment is within Compartment C, the clear fell area. The goat willows in Compartment D, are classed again as "over mature specimens" and "some in a state of collapse". This is how many goat willows grow, but despite the collapsed state of some, all are still alive and continue to provide a rare mix of habitats from root-plates, dead branches and new young shoots. These trees typically provide the habitat requirements for two of the CNPA Nature Action species – the Scarlet Splash fungus (*Cytidia salicina*) and the Green Shield-moss (*Buxbaumia viridis*), and if this area of woodland is lost to housing the Park might as well tear up its Cairngorm Nature Action Plan as a meaningless document.

To add a little weight to my suggestion that the ancient willows or birches for that matter might provide habitat for the green shield-moss, I have recently found two small populations of this moss in adjacent Norway spruce woodland (NJ0114 2087 & NJ0119 2081 - 8th May 2014).

Why also is there a suggestion for "planting goat/eared willow and alder in place of birch"? All of the birch in this woodland has to be of natural origin comprising young to ancient trees, a very valuable component of the woodland overall, a rare mix in other surrounding pine dominated woodlands. I'm not sure that alder is a natural component of this section of the woodland currently.

General Comments

Throughout this report there are many management suggestions that are very damaging to this natural/native woodland stand, all based I would suggest on trying to portray the woodland as being in only a "fair to poor" state. My comments earlier refute this assumption. Perhaps the one repeated suggestion of removing suppressed, broken, dead and diseased trees sums up the very commercial forestry view of the value of this area of mainly natural woodland (excluding small areas of exotic tree species). The deadwood element in this woodland is a very valuable component highlighted by the recent find of two green shield-moss populations. A short extract below from a Forestry Commission booklet highlights the value of deadwood and dispels the myth that dead and "diseased" trees are a threat to the woodland:-

Dead wood and old trees

Try to resist the urge to 'tidy up' the wood; dead wood and dying trees are very useful as homes for a large range of wildlife like bats, fungi, lichens and mosses. Around a third of woodland bird species nest in holes in trees, insects such as the rare violet click beetle are found in hollow trees, and birds such as woodpeckers feed by seeking out insects under bark. Dead wood is not a threat to the health of the remaining trees. FC Booklet "So you own a woodland - 2009.

[http://www.forestry.gov.uk/pdf/so-you-own-a-woodland.pdf/\\$FILE/so-you-own-a-woodland.pdf](http://www.forestry.gov.uk/pdf/so-you-own-a-woodland.pdf/$FILE/so-you-own-a-woodland.pdf). Reading the last sentence from the extract above shows how commercially minded this report is, suggesting as it does outdated management practices when, under 7.0 Windthrow Assessment the report author writes: "It is standard silvicultural practice to remove the damaged trees as they can act as a foothold for pests and pathogens that may spread to the remaining healthy stand".

The CNPA Planners have a huge decision to make regarding this woodland. My letter of objection in May 2013 highlighted many problems linked to the surveys carried out in this woodland, and these have not been addressed prior to this new application being made. The discovery of *Buxbaumia viridis* within the wider woodland adds to the value of the woods in natural history terms and again indicates a woodland of native origins and natural character. A visit to the woodland shows this is not a plantation but a wood that has grown mostly from natural seed sources with specimens of most of the native trees showing woodland occupying the site for well over a hundred years. The amenity and natural history value of the woodland is immense and is of nature reserve quality and should be retained as woodland to benefit the local community and adjacent school. It would be a criminal act to damage and destroy the ancient trees threatened by housing in Compartment C and the threat of converting this area of woodland into a housing estate should be removed for ever. The CNPA should work with SNH, the Scottish Government and the local community to ensure this woodland is retained for the benefit of people and wildlife and should reject this planning application in its entirety.

Yours sincerely

Stewart Taylor MBE

Copy to: Fergus Ewing MSP
Danny Alexander MP
Nethybridge Community Council

Appendix

Photo evidence to support Ancient Woodland status



Orange ladybird on old goat willow
Until recently an ancient woodland indicator
Not found on invertebrate survey, photo May 2014



Green shield-moss (*Buxbaumia viridis*)
Two populations found School Wood May 2014



Ancient aspens



Ancient Goat Willows and birches



Ancient birches

Stewart Taylor
12 May 2014

Comments for Planning Application 2013/0119/DET

Application Summary

Application Number: 2013/0119/DET

Address: Land At School Road And Craigmore Road, Nethy Bridge

Proposal: Erection of 58 houses, associated roads & footways

Case Officer: Fiona Murphy

Customer Details

Name: Mr Ray Cranfield

Address: Monadh Ruadh Dirdhu Court, Nethy Bridge, Highland PH25 3EG

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The increase, by 40%, of the number of houses, the increased building density and proposed "clear felling" of the building sites means this application is even less acceptable than any of the previous ones.

This development would be totally out of character with the rest of the village and should be rejected.

Ray & Barbara Cranfield

Comments for Planning Application 2013/0119/DET

Application Summary

Application Number: 2013/0119/DET

Address: Land At School Road And Craigmore Road, Nethy Bridge

Proposal: Erection of 58 houses, associated roads & footways

Case Officer: Fiona Murphy

Customer Details

Name: Mr Ray Cranfield

Address: Monadh Ruadh Dirdhu Court Nethy Bridge

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We remain very strongly opposed to this planning application, for all the reasons given in our earlier submissions, and responses to the previous planning applications relating to School Wood over the past 10 years.

These include:

- 1) "clear felling" of the trees.
- 2) Loss of habitat for protected species that include: Red Squirrels, Pine Martens and Owls. See www.monadh.uk
- 3) High density of housing is out of keeping with the rest of the village.
- 4) Safety of children having to cross the proposed new road to access school.

In addition we also support the numerous other reasons, submitted by individuals and organisations, on why this application should be rejected.

We note that following the Examination of the proposed Caimgorms National Park Local Development Plan by the Department of Planning and Environmental Appeals that the Reporter's recommendation was that the proposed School Wood site should be removed from the Plan.

We trust that the Reporters recommendations for School Wood will be accepted, and that this application will be rejected.

Ray and Barbara Cranfield

From: Ray Cranfield
To: sPlanning
Subject: Re: Planning application Ref. 13/01280/FUL
Date: 04 May 2013 14:19:17

Re: Planning application Ref. 13/01280/FUL

We accept the need for low cost housing in the area , but object to this application on the following:

- 1) The number of properties proposed is excessive, and would be out of keeping with other developments in the village.
- 2) There appears to be nothing that will stop these properties being sold as cheap "Holiday Homes" and hence defeating the object of providing affordable housing for local owner occupation.

Ray & Barbara Cranfield

Monadh Ruadh
Dirdhu Court
Nethy Bridge

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Deirdre Straw

From: Derek Young [REDACTED]
Sent: 20 October 2014 10:42
To: Planning
Subject: Application Number: 2013/0119/DET

Categories: Contributions

Please note that my original objection to this planning application is sustained since the cause of my objection has not been removed.

Thank you.

Derek Young

This email is free from viruses and malware because avast! Antivirus protection is active.
<http://www.avast.com>

From: Margaret Smith
Sent: 5 May 2014 14:09:07 +0100
To: Planning
Subject: FW: Erection of 58 houses, associated roads & footways | Land At School Road And Craigmore Road, Nethy Bridge

See below

Margaret Smith
PA to Grant Moir, Chief Executive and Duncan Bryden, Convener

Cairngorms National Park Authority
14 The Square
Grantown-on-Spey
PH26 3HG
Tel: 01479 873535
Tel: 01479 870502 (direct dial)

www.cairngorms.co.uk

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<http://www.johnmuir100.com/>

From: David Dean [REDACTED]
Sent: 03 May 2014 12:30
To: Mail Manager
Subject: Erection of 58 houses, associated roads & footways | Land At School Road And Craigmore Road, Nethy Bridge

from David Dean
Badanfhuarain Nethy Bridge PH25 3ED

3rd May, 2014

Erection of 58 houses, associated roads & footways | Land At School Road
And Craigmores Road, Nethy Bridge

Dear Sirs.

I have two conflicting messages from you. One is that comments on this development are being welcomed up to and including 15th May, 2014. The other is that consultation is now closed. Given that the latest contribution to the process:-

CNPA Application Ref. No. 2013/0119/DET

Nethy Bridge School Wood

INTERNAL SPECIALIST RESPONSE

Internal Specialist (Name & Job Title):Frances Thin Landscape adviser 1/5/2014

was not available until 1st May, 2014 I imagine I am correct in making comment to CNPA at this juncture.

I live a short woodland stretch away from the proposed Craigmores Road development and have watched carefully the development proposals for both School Wood and Craigmores Road over much of the 40 years we have had Badanfhuarain as our home. While not strictly pertinent to the Frances Thin Report the question has again to be asked regarding the requested increase from 40 houses to 58 on the two sites. It was 40 houses which received the original permission. Under the stewardship of CNPA with its more wide ranging opportunities and obligations to the nation, it is surely permitted to ask how such an increase can be contemplated.

With regard to the mostly excellent analysis by Frances Thin may I strongly reinforce the environmental points she makes with regard to the density of the School Wood application. This level of density almost certainly has been arrived at as a result of financial consideration by the applicant rather than the quality of life to be experienced by the eventual residents.

This proposal is for an urban development within a most distinctive Nethy Bridge forest village setting and therefore both out of context and inappropriate. Arguably a similarly incongruous decision was made in earlier years by the layout permission and fencing arrangements for the housing scheme at Balnagowan Brae, Nethy Bridge. This development can, even in the next 50 years, hardly mature enough to make anything but a notable urban contribution to the rural nature of the village. So, I fear will it be with the School Wood proposal.

What Frances Thin's brief seems almost to have been is to work to a decision already made in favour of the applicant and then find ways of lessening its adverse impact on the village. If, in so many words, this is the case she has done a good job but a responsible CNPA will have the courage to ensure the applicant constructs fewer houses on a footprint which enhances, not constrains the human condition. Already the UK has probably the smallest square footage per room record in current European building standards. It is time we ceased to celebrate this distinction.

Pertinent other points I would ask CNPA to consider are:-

1. Within the sites there are venerable, native goat willow trees aged 150 years and more and other species which in the original papers suggested that CNPA would require to be protected. This now seems to be of secondary interest. Root ball planting at the roadside is no substitute for the loss of such giants.
2. The Caochan Fuaran burn flows also through our ground as well as being immediately adjacent to the Craigmores Road site. Otter regularly circuit from the River Spey via the Alt Mor burn, returning down the Caochan Fuaran leaving their prints in the snow at our fence or even managing on occasion to enter and carry away one or more of our ducks. Otter presence is therefore, for us, not in question. We are though glad they have replaced the mink population of former years. Quite what the impact of the likely increased human and dog population from 58 houses in the already quite well used and popular woodland tracks on the ground of both these sites and adjacent woodland can only be imagined. The resultant disturbance to the otter is inevitable.
3. When, in 2011, we were granted permission for what has become the CNPA Design Award winning Woodman's Hut, in woodland adjacent to the Craigmores Road site that permission was given only on the understanding that we ask our guests there to draw the curtains whenever the hut lamp is lit. This provision seemed to us at the time rather perrickety but we have been happy to comply as the sound, if not often the sight, of capercaille are reported regularly by our more experienced bird interested visitors. Given the current consideration being given in most quarters to the capercaille this has to be a consideration in CNPA decision making.
4. To imagine that contractor's perimeter fencing especially in the case of the proposed cramped development at School Wood is likely not to be breached wherever it is convenient to householders is fanciful. Ample evidence of this understandable practice is available in this and probably most such settlements fortunate to have such pristine and enviable walking immediately to hand.
5. Then there is dumping of rubbish. Again, in this village we have an area of rubbish strewn woodland adjacent to housing which is so dense with hazardous material that in a recent tree thinning exercise by the landowner the contractors refused to take their chainsaws and other machinery into that part of the wood. The result is that the trees are now so over shadowing the gardens that current residents have for years been campaigning to have them removed. Stalemate.

I much hope that any proven need there is for affordable housing made available to primarily local people can be achieved. The nature of quite busy, rural settlement in Nethy Bridge in the last 100 years and more has favoured self build plots of land which have then, for better and worse, taken on the character of their owners. Responsible guidelines and sympathetic enforcement practice could though revive this way forward, making it more sound and, I imagine, have been very well received by the public CNPA is attempting to serve. Currently this seems not to be one of the options. Why not?

Finally, I regret I did not make a submission at the last consultation call. I was hospitalised, out of action and for much of the year unable to play a part in a process over which, like others, I feel very strongly. If I have strayed into areas here which strictly are now not open for discussion I apologise. Others though I ask CNPA to consider.

Yours sincerely

David Dean

David
Dean

From: David Dean
Sent: 21 Oct 2014 08:52:37 +0100
To: Planning
Cc: Valery Dean
Subject: 2013/0119/DET Erection of 58 houses, associated roads & footways. Land At School Road and Craigmole Road, Nethy Bridge.

**2013/0119/DET Erection of 58 houses, associated roads & footways.
Land At School Road and Craigmole Road, Nethy Bridge.**

Dear Sir,

I would like to object formally to the above planning application.

Having previously written with regard to developments in School Wood and having witnessed and read the most recent history of what have been long and protracted proceedings I would like to say that my earlier objections still stand.

Significantly, this particular application is for 58 houses rather than for 40 as in the Adopted Local Plan and also strays beyond the existing development boundaries. Add to this the fact that Government Reporters previously recommended in 2009 that there should be a moratorium on all housing and economic developments in Nethy Bridge for the lifetime of the local plan, based on need for houses.

In addition, they have in September 2014 recommended that in the forthcoming Local Development Plan which is understood to be due for adoption early in 2015, the section between Dirdhu Court and the Primary School should be removed from development, thus protecting the forest environment, the local landscape and the safety of children. There would seem therefore to be very strong material considerations for refusal of this application with reference to the New Local Plan.

I made clear in my earlier submission that there may well be a case for a limited number of self build plots being made available to local families where one or both partners are eager to continue working in the area, seeing their children grow up in this special environment and to support the local economy. Further to that I would suggest that such provision were it to be made would attract considerable local support as it is in line with the traditional development of Nethy Bridge where an element of self sufficiency is in our culture. With some financial incentive it should be possible for the authorities to give guidance and be in a

position to require compliance on the matter of design and use of such plots. They are not for second home or self catering accommodation. They are for local working people who could be very enthused by being given the opportunity to create their own small spaces as did their forbears.

The proposals as they stand are wearisome in their persistence to seek to suburbanise this traditional forest village which already has accommodated significant development, some of it, as in the case of Birchfield Court, quite excellent and others quite poor in their concept of good design and scheme layout.

If indeed there is a proven need for this provision in the village, as I suspect there may be, then the Craigmore Road site might accommodate say five such units, each with an appropriate piece of garden ground to allow for the said element of sustainable living.

To go any further than this in an area of ancient woodland which in its large, pictorial display on the village notice board the CNPA heralds proudly that Nethy Bridge is surrounded by precious ancient woodland, intimating its value to the National Park and to the village would lay the CNPA open to a charge of double speak and disingenuous operating.

Notwithstanding my comment in the above three paragraphs I would like to emphasise that the National Park has a special and undeniable responsibility to protect all ancient woodlands that lie within its boundaries, for reasons set out in Section 194 (Policy Principles) of Scottish Planning Policy (June 2014). These principles apply throughout Scotland and must therefore be carried out to the letter within Scottish National Parks where visitors to the area will expect to encounter unique habitats as well as recognisable human/cultural landscapes. In law then it would seem there is no case open to CNPA for allowing housing development on either the School Road or the Craigmore road sites.

If allowed to go ahead, this housing development would impact very significantly on the cultural landscape of Nethy Bridge for ever. With closely built homes and the inevitable clear felling required, it would alter completely the traditional character of the Forest Village at two of its entrances, remove an important amenity enjoyed by many, locals and visitors alike, and compromise the survival of a unique wildlife habitat with nationally and some internationally important species within its boundaries.

All of this would run counter to the guiding principles of the Cairngorms National Park.

Yours faithfully,

David Dean
Badanfhuarain
Nethy Bridge
PH25 3ED

Comments for Planning Application 2013/0119/DET

Application Summary

Application Number: 2013/0119/DET

Address: Land At School Road And Craigmore Road, Nethy Bridge

Proposal: Erection of 58 houses, associated roads & footways

Case Officer: Fiona Murphy

Customer Details

Name: Mr Alan Drever

Address: Druim Diomhain Achnacloich Isle of Skye

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to the planning application to erect 58 houses within School Wood, Nethybridge. I have had a long association with Badenoch and Strathspey, including professional involvement in nature conservation. I am familiar with School Wood, and have been involved specifically in native woodland restoration for 28 years.

Such a development would greatly damage this native woodland remnant, which is on the Ancient Woodland Inventory. The fact that part of the site is a plantation on an ancient woodland site (PAWS) does not reduce the value of this woodland, which embodies all the characteristics of a long established native woodland site.

The development would also be considerably out of character with Nethybridge, which would be immediately adjacent to it.

It would also negate the current well established public access within School Wood with its associated footpaths, for especially local people, and also visitors to the area.

The development would also be contrary to the Scottish Government's Scottish Planning Policy, and also their Control of Woodland Removal Policy.

The development would also be contrary to policies within the Cairngorm National Park's Woodland and Forest Framework, regarding both ancient and semi-natural woodlands and PAWS.

Yours sincerely

Alan Drever MBE

Comments for Planning Application 2013/0119/DET

Application Summary

Application Number: 2013/0119/DET

Address: Land At School Road And Craigmore Road, Nethy Bridge

Proposal: Erection of 58 houses, associated roads & footways

Case Officer: Fiona Murphy

Customer Details

Name: Mr David Duncan

Address: Pineacre West Terrace Kingussie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Ms Murphy

I am writing to object to this planning application, proposing to build 58 houses on the land at Nethybridge known as 'School Wood'.

This land lies within an area which appears in the Ancient Woodland Inventory and consists of Scots Pine, Birch, Juniper, Willow sp. and Aspen and is of considerable environmental importance. Species which will be affected by this proposal include:- crested tit, red squirrel, otter, pine marten and the bee, *Osmia unicata*. I also understand that the rare and endangered Green Shield Moss (*Buxbaumia viridis*) has been found within the proposed development site.

I hope you will take these factors into account and refuse this application.

D.W. Duncan

FRANK
ANDERSON

From:FRANK ANDERSON

Sent:22 Oct 2014 20:56:56 +0100

To:Planning

Subject:School Wood Consultation

Importance:Normal

Dear Sir/Madam,

I have previously objected to Planning Application Reference: 2013/0119/DET Erection of 58 houses, associated roads & footways/Land at School Road and Craigmore Road, Nethybridge.

I would like to confirm that my objection to this application is sustained.

I read with interest that the Scottish Government Reporter examining the new Local Development Plan recommended in September 2014 that the School Road site should be removed from the New Local Development Plan.

I totally agree.

I hope the CNPA follow the Reporters recommendations and see fit to refuse any application for development in School Wood.

The threat of development in School Wood should be completely removed by removing it from the New Local Plan.

Again I confirm my objection is sustained and hope the CNPA remove School Wood from the New Local Plan as a site for development and also refuse any application before the New Local Plan is adopted.

Thank you.

Frank Anderson
Tigh na Siris
14 Dirdhu Court
Nethybridge
PH25 3EG

Gus
Jones

From: Gus Jones
Sent: 13 May 2013 23:31:51 +0100
To: Planning; Mary Grier
Subject: School Wood Objection

Badenoch & Strathspey Conservation Group
Fiodhag, Nethybridge, Inverness-shire PH25 3DJ

Tel [REDACTED]

Scottish Charity No. SC003846

Email info@bscg.org.uk

Dear Mary Grier

Ref 2013/0119/DET Erection of 58 houses, associated roads & footways on Land
Bounded By School Road And Craigmere Road, Nethybridge

I am writing to object to the application for 58 houses etc at Nethybridge.

BSCG wishes to address the CNPA committee at the meeting when this application is
discussed

BSCG's reasons for objecting not listed in any order of priority include the following:

Standard of supporting information on natural heritage

The maps provided by MBEC for their surveys etc do not correspond to the present proposal footprint. This makes the locational information provided unreliable and on occasions incorrect.

We have concerns about various aspects of the standard of the supporting information on natural heritage. These include adequacy of survey undertaken and validity of conclusions reached, in

the MBEC Ecology and Nature Conservation report.

Amongst these concerns are for example ones relating to squirrels:

MBEC's Squirrel surveys don't follow the Mammal Society 2012 guidelines that have been endorsed by SNH and IEEM (Gurnell and Lurz in Cresswell 2012) and this document is not referred to. This 2012 guidance does not refer to survey of squirrel dreys involving categories of squirrel dreys, e.g. 1-5 as used by MBEC.

Cone feeding surveys appropriate for conifer woodland outlined by Gurnell and Lurz involve walking a transect 1m wide and 25m long and removing cone remains every few weeks to assess how much squirrel feeding has taken place. This survey method is considered moderately good for estimating squirrel densities. MBEC did not undertake such transects or provide adequate information on search effort.

BSCG has always found obvious squirrel feeding signs on visiting School Wood when looking for such cones. MBEC found no squirrel eaten cones (3.6.7) No squirreled cones (feeding remains) were seen on the woodland floor in the summer of 2011 within either of the study areas. The pine trees did not have a high cone crop in 2011, but some were present. This may reflect inadequate search effort, although without information on this, this is uncertain.

BSCG showed CNPA staff a map with over 100 dreys documented in early April 2009, when on a site visit in May 2009, when CNPA staff saw numerous dreys and squirrel feeding signs (BSCG letter to M Hawkins 8 May 2009).

BSCG has found otter spraints by the Caochan Fuaran since 2001 and so are surprised that MBEC failed to find any signs. BSCG considers the claim of "no effect" on otter if this development is built, lacks a credible evidence base. MBEC's example of the unnamed burn in Aviemore is vague and too imprecise to establish if any meaningful comparison is justifiable.

Impacts on Scottish crossbill

Scottish Crossbill is an Annex 1 species and is the UK's only endemic species of bird. BSCG agrees with the MBEC report that the proposal site could provide breeding habitat. It can be concluded that the proposal would reduce potential breeding habitat as well as foraging habitat.

Fungi including SBL species

BSCG is concerned that the proposals had considerable potential to have adverse impacts on mycological interest including SBL fungi. For years on or near the proposal site BSCG has recorded tooth fungi, e.g. *Sarcodon* (for example on Oct 7th 2011). Both *Sarcodon* species are on the SBL. The MBEC survey did not record any tooth fungi on the site or indicate that in some years fruiting bodies may not be produced, so that reliance on searches for fruiting bodies can lead to the presence of a species in any one year can result in presence on a site being under recorded. Tooth fungi are known to be vulnerable to soil changes caused by dog mess, which would predictably increase in the wood away from the development footprint. The proposals would predictably have adverse impacts on fungi both on the site where habitat would be directly lost and off the site where habitats could become altered.

Impact on Vascular plants

We have recorded the woodland orchid creeping ladies tresses *Goodyera repens*, and *Pyrola minor* and *Lycopodium annotinum* on and near the proposal site. BSCG note that Amphlett 2010 makes special reference to such species "The native plants, along with many widespread species, include some that are nationally scarce, northern in distribution or are declining. These include such species as .. *Goodyera repens* (Creeping Lady's-tresses), *Lycopodium annotinum* (Interrupted Clubmoss), *Pyrola minor* (Common Wintergreen) and *Viola canina* (Heath Dog-violet)."

MBEC do not refer to the *Lycopodium annotinum* 8m wide patch and possibly misidentified this (reported in the local paper when found) as *Polytrichum commune*.

Coralroot orchid *Corallorhiza trifida* is highly vulnerable to trampling and changes in hydrological regime. It has been recorded near the site since 2001. BSCG is concerned that this Red listed Vulnerable and Nationally Scarce species may easily be lost due to the added recreational pressure and potential hydrological changes that would result from the proposals.

Impacts on Invertebrates

BSCG is concerned that the MBEC invertebrate survey has overlooked significant invertebrate interest on this site. However, we note that it recorded some species of high interest that would be vulnerable to habitat loss. These include the spider *Chubiona subsultans* that is associated with native pinewood, and the hoverfly *Chamaesyrrhus scaevoides*, which is also associated with pine and has a restricted distribution in Scotland. BSCG has found *Chamaesyrrhus scaevoides* within the footprint of the development proposal.

The MBEC survey failed to record the Cousin German moth, a UK Priority species that BSCG has documented within the current footprint of the development; and the Green Hairstreak butterfly that BSCG noted on the proposal footprint in May 2009 on a site visit with CNPA staff. The blaeberry bumble bee *Bombus monticola* appears not to have been recorded by MBEC. BSCG has recorded this bee within the development footprint visiting a range of foodplants, including blaeberry, clover and birds foot trefoil.

Amongst spiders of note that have been recorded by BSCG on the proposal site and that are typically associated with Caledonian pinewood habitat in Scotland, are *Diplocephalus* the Gallows spider and the Small mesh weaver *Dictyna pusilla*.

The MBEC survey does not mention the rare mason bee *Osmia uncinata* (SBL) that is long known from School Wood (as known to SNH) and is predictably vulnerable to habitat change and loss both within the woodland and at the woodland edge.

Significance of impact of housing on ancient woodland

School Wood is on the Ancient Woodland Inventory.

We see no reference in the MBEC report to the 2008 review ☐ Impacts of nearby development on the ecology of ancient woodland ☐ by Smithers et al.

We note that this Woodland Trust publication in its summary states that ☐ Ancient woodland dates back hundreds of years and supports more threatened species than any other habitat in the UK ☐ and that ☐ It is a functionally irreplaceable resource for biodiversity that is also an important part of our cultural heritage ☐. It notes that major disturbances can be generated by for example ☐ housing development ☐ and ☐ leisure and sport ☐.

We have drawn this 2008 review (that is supported by more recent work on extinction debt for example) to the attention of the CNPA who will therefore be aware that ☐ Ecological impacts may not be immediately apparent following project completion and may only be detected after substantial periods of time and that the combined impacts of chemicals, disturbance, fragmentation and invasion by non-native plants are inadequately covered in published literature ☐. The CNPA will be aware of its advice regarding ☐ avoiding new development close to ancient woodland or creation of new movement barriers between woods ☐.

The reference to an invasive species in the MBEC report is a further example of this and adds to other invasive species, associated with the adjoining Dirdhu Court development, that BSCG pointed out on a site visit with some CNPA staff to School Wood in 2009.

Importance of Soils

We see no reference to BSCG ☐s June 2001 report ☐ New observations on the Natural Heritage Interest of School Wood. This contradicts MBEC ☐s claim that they have reviewed BSCG ☐s past observations and comments.

This BSCG report provides authoritative information on soils based on a reconnaissance undertaken in June 2001 by Alexander D Walker, former officer in charge of the Grantwon office of the Macaulay Institute for Soil research [now subsumed within the Angus Hutton Institute] a pre-eminent expert on soils of Speyside. This report (p2) noted that ☐ The Wood has an assemblage of soils (and plant communities to match) that are highly characteristic of eastern Caledonian pinewood. ☐ It explained that ☐ These provide compelling undeniable evidence of the ancient woodland status of the site ☐. It

further recognized that □ A remarkable feature of the soils in this wood, given its proximity to the village, is the occurrence of natural profiles over most of the area, reflecting some 12000 years of undisturbed natural development. □ From this it was able to conclude □ This finding is particularly important, because it provides strong field evidence that this has been a woodland site since the last ice age. □

Implications for Annex 1 Capercaillie

Authoritative information was provided in BSCG's 2001 report with respect to capercaillie. On habitat quality this is contrary to the vague unsubstantiated reference to □ generally suboptimal habitat □ in the 2012 MBEC report.

On disturbance it was noted in the 2001 BSCG report (p11) for example □ Disturbance from people □, and their dogs has adverse effects on capercaillie. □ The report recognised that housing in School Wood would lead to □ increased disturbance from people, and their dogs and cats. □ The report warned that □ Increased numbers of dogs in homes in School Wood would also increase the pressure for people to walk their dogs in nearby Craigmore Wood so increasing disturbance in that wood too. □ In this context it added □ This was pointed out by the forest manager of Craigmore [this was prior to the acquisition of Craigmore by RSPB] .

We disagree with MBEC's opinion that

□ The proposed development is not likely to increase disturbance significantly within the whole of the wood □. We consider it predictable that 58 households and their pets will have significant recreational disturbance and other impacts on the rest of School Wood. In addition there will be displacement effects e.g. of dog walkers leading to additional disturbance.

We consider that there are predictable knock on effects of increased recreational impacts in both Craigmore and Abernethy SPAs which are nearby. We consider that Appropriate

Assessment should be carried out by the CNPA as the competent authority, given the potential adverse impacts arising from recreational impacts, loss of habitat connectivity and loss of habitat.

The adopted Partnership Plan states the park holds 80% of the UK capercaillie population and recognizes that in the short term there are challenges facing this particular species. It also identifies a significant challenge to bring designated European networks into favourable condition and in this context mentions climate change impacts.

In a letter dated May 14 2001 addressed to former Nethybridge resident (who provided a copy to BSCG) the recognized foremost UK authority on capercaillie made comment on likely consequences for capercaillie of development proposed at land at School Road and Craigmore Road Nethybridge then an outline planning application for 48 dwellings (ref BS/2001/10.).

This letter explains how habitat suitable for capercaillie in Scotland is heavily fragmented into areas of forest that are small relative to the birds' ancient habitat and how It is unlikely that capercaillie in any single block of woodland are able to sustain themselves in the long term. It outlined how apparently separate groups of capercaillie in separate woods are linked by movements among woodlands, so forming a potentially viable system or 'metapopulation' and how this implies that the viability of the entire Scottish metapopulation depends to some extent upon the integrity of each separate patch of woodland. Referring to Article 3 (of 79/409/EEC) it further explained obligations about habitat management 'in accordance with the ecological needs of habitats inside and outside the protected zones'. Through this there is a responsibility to maintain areas outwith SPAs in favourable condition particularly applying to this site. The authority considering the location in a strip of woodland connecting Abernethy and Craigmore commented that 'it seems obvious' that development at this location 'will inhibit the birds natural movement between two important capercaillie woods'. Seeing it in turn as another nail in the coffin of the Scottish capercaillie metapopulation and to be an application in relation to which 'SNH should have invoked the precautionary principle'.

It is recognised that the capercaillie *Tetrao urogallus* population has to increase, not merely remain static, in order to achieve national goals.

The CNPA recognizes that Strathspey is the last refuge of the species containing c.75% of the UK population, with populations still in decline in all other areas. The national population is still small and its range is contracting significantly (CNPA Appropriate Assessment for LDP MIR 24 Feb 2012).

The UK BAP target for capercaillie, an Annex 1 and Cairngorms priority species, was 5000 birds by 2010 and this target has not been met by a huge margin with the national population having been estimated at 1285 birds (Ewing et al in prep., see CNPA Appropriate Assessment for LDP MIR 24 Feb 2012; Cairngorms 2002 LBAP).

The CNPA's same Appropriate Assessment correctly identifies that the Strathspey capercaillie population is crucial to the long-term survival of the species in the UK and that the population elsewhere in Scotland is now extremely vulnerable.

The UK BAP target for capercaillie requires that the population is very substantially increased. Realistically this has to happen in Strathspey. Outside Strathspey capercaillie populations are more fragmented, numbers are lower and breeding success poorer (CNPA Appropriate Assessment for LDP MIR 24 Feb 2012).

Woodland Management

BSCG considers that MBEC overstates the potential benefits of forest management in School Wood outwith the proposal site. Management can reduce biodiversity (whether intentionally or otherwise) and open up areas to increased human disturbance as well as interfere with natural processes. Deadwood, which is valuable to wildlife, can be reduced where it is accessible to removal by more people living nearby.

The application does not comply with the current Local Plan (CNPLP).

The north eastern part of the Craigmore Road proposal is outwith the area allocated for housing in the CNPLP and outwith the settlement boundary provided in the CNPLP.

Plan-Led development

It is BSCG's understanding that the SG wishes development to be Plan-led. The present proposals do not comply with the CNPLP and do not therefore demonstrate that they are compliant with a Plan-led approach.

Reporter's recommendations

The Reporters in their 2009 Findings saw no logic in extending the settlement boundary East of School Road thereby violating the area of woodland adjacent to Balnagowan wood East of School Road. They recognized that this would provide nothing at all by way of an easily recognizable robust and defensible boundary.

Consistent with concerns spelt out to the CNPA in the 2009 Reporters' findings is the mismatch between the footprint of the present application and the settlement boundary that the 2009 Report correctly noted was lacking in logic.

Introducing uncertainty into the planning process

The CNPA have claimed to take seriously the findings of the 2009 Inquiry into the Local Plan which provided advice to assist the CNPA in producing the current (2010) LP. One issue the 2009 Inquiry addressed was whether the delineated settlement boundaries are robust and defensible. On this the Reporters commented .. we can see some logic in extending the

boundary of the settlement to incorporate the component of NB/H2 which lies to the east of School Road. That would link the built up area to the south with the primary school to the north while accommodating the existing path and cycle track. Given our findings above and the view that we take elsewhere regarding the adjacent Balnagowan Wood we suggest that the area be identified as ENV in the proposals

map. However in the context of the location of this application it is important to note that they considered We can see no similar logic in the extension of the settlement to

the east thereby violating a further piece of School Wood□ and providing nothing at all by way of an easily recognisable robust and defensible boundary

Loss of Park□s special qualities

The proposal site is composed of native Scots pine woodland on the Ancient Woodland Inventory

Such habitat is a special quality of the CNP. The first paragraph of the Foreword to the CNPLP states that the CNPLP will protect □the Park□s special qualities□.

Setting of Nethybridge

The proposal site contributes very positively to the setting of Nethybridge.

The application does not conform to overarching principles in the CNP Partnership Plan (CNPPP)

Scottish National Park Principles state □The conservation and enhancement of the environment is central to National Parks achieving their purpose. It underpins delivery of all four aims (see page 7) and is integral to the sustainable development needed to support

communities and businesses to protect and enhance these areas for future generations□. The application undermines this principle rather than supports it.

Under the heading □What success looks like□ (p13) the CNPPP states that our three long-term outcomes address the interaction of three characteristics of the National Park:

- The Cairngorms National Park is an internationally important area for nature

conservation;

- ☐ The Cairngorms National Park is a fragile rural economy;
- ☐ The Cairngorms National Park is an internationally known tourism destination.

The present proposals would undermine these characteristics that the CNPA has identified as important. The loss of important and threatened biodiversity at sites within the Park undermines the first characteristic as well as the attractiveness of the NP as a tourist destination; and the large scale of the proposals and their impact on the setting and character of Nethybridge undermines the attractiveness of the NP as a tourist destination.

Proposals out of proportion with scale Nethybridge

The proposals are out of scale with the present size of the village and would impact negatively on the setting and character of the settlement.

Lack of affordable or social housing

No affordable or social houses are included in the proposal. BSCG understands from the CNPA (9.5.13) that discussions are ongoing over any financial assistance that may be provided to potential householders. No information is provided about how the houses may be allocated and whether there will be any arrangements for financial assistance beyond the first sale. These are fundamental questions that the public should have information on at the time they can make comments on the proposal.

Lack of justification for open market housing

A principle justification for this proposal is the provision of social or ☐affordable☐ housing for people with a reason to live in the CNP who are not in a position to access housing on the open market. The loss of important habitats and species and the multiple benefits they bring to people, to provide open market houses, is unjustifiable.

At the time of writing, there are over 70 properties for sale in Nethybridge, Boat of Garten and Grantown on Spey alone. The asking price of these properties starts at under £90,000 and it is clear from the date on which the properties first became available, that many are not selling fast. There is no shortage of open market housing for sale at a wide range of prices.

Yours etc

Gus Jones

Convener

From: [REDACTED]
To: [SPICING](#)
Subject: Housing Plan Nethybridge
Date: 02 May 2013 20:07:51

To whom it may concern:

I would like to register my objection to the following application:

Reference Number: 13/01280/FUL.

Land at School Road and Craigmore Road, Nethybridge.

When we purchased our house in 1998, the Local Plan had these sites marked for a total of 40 houses.

This application should be refused as it asks for far more than this.

As our garden has matured over the years, we are very fortunate in that the garden is visited by red squirrels, pine marten and a wide variety of birds. I object to this development which might threaten the rare and common species that live in this wood. The plan splits the two developments into totally low cost small size units in one area and larger more expensive properties in the other. No thought for integration.

Finally I have always thought this a poor decision for an area for housing within an established wood, access only by a single entrance, which on School Wood site, cuts across a very safe path which children use on their way to school.

Could you please email an acknowledgement of receipt of this objection.

Yours

Frank Anderson

SCHOOL WOOD DEVELOPMENT – NETHY BRIDGE

Reference: 2013/0119/DET

Alternative reference: 13/01280/FUL

Comments prepared by S N Broyd

<u>Issue</u>	<u>Comments</u>
Procedure	<p>I am glad that the Cairngorms National Park Authority has written directly to residents regarding the publication of the proposed Local Development Plan (letter dated 11th April). This states that the plan is available for viewing until 5th July which is also the deadline for representations on the plan.</p> <p>How can we be given until July to make comments on the Development plan whilst at the same time, be given only until 12 / 13th May to comment on these specific proposals? I believe that no decisions should be taken until after 5th July when a true picture of the views of local residents can be ascertained.</p> <p>Additionally, I understand that the whole concept of development within National Parks has been the subject of recent legal challenges. What account is being taken of this and of any decisions that have been made / are soon to be made?</p> <p>My view is that any decisions on the School Wood development should be taken only after these other issues are clear – and certainly not until the local consultation period for the development plan has completed.</p> <p>The comments below should be taken to refer explicitly to the proposed development of School Wood along the School Road site but many of my comments also refer to the proposed development at Craigmare Road.</p>
Wildlife	<p>The maps displayed at the Community centre in 2012, showed squirrel dreys located outside of the proposed development area. A lot were concentrated just beyond the gardens of Dirdhu Court. Because the corridor between these gardens and the development only appears to be 50 – 60 metres, the disruption caused during building and afterwards (when houses are occupied) is likely to seriously disturb this habitat. The likely increase in dogs and cats that will result when the houses are occupied, will also mean a drastic reduction in wildlife (birds, insects and mammals) as will the dramatic increase in traffic (see below) using the road.</p> <p>The surveys attached to the application are out of date – some being completed nearly two years ago. It is therefore not clear that they provide an accurate summary of the actual species currently living in and using the wood. The number of Pine Martens has increased during the past two years; therefore it is quite likely that there are now dens in the wood where previously none were found. An up to date independent survey is needed.</p> <p>The Cairngorms plan states as an objective, the need for reforestation and an increase in wildlife corridors. The School Wood development is directly in opposition to these objectives. The fact that the corridor between Dirdhu Court gardens and the development is so small and that the builders recognise there are squirrel dreys in that corridor, means that they are directly putting these squirrels at risk, let alone the other species that use the area. One option would be to greatly increase this space – to say 200 metres. This would move the development nearer to the school which would be safer for the children walking to and from the development and would provide greater assurance that the squirrel dreys near Dirdhu Court gardens were protected and there was a safe area for wildlife to pass through the wood.</p> <p>I note from the developers' papers that they say they will replant areas where trees have to be felled to enable building work. It is essential that trees are not felled in the corridor between Dirdhu Court gardens and the site – this would mean wildlife destruction – once the trees are gone it would be many years before new ones provide the right habitat. Given the disruption that will be experienced for some years, it is likely that the wood would become a sterile place – deserted by most of the species that the Park Authority wishes to protect.</p> <p>A last point on birds such as the Crested Tit. I am aware that the developers would not be</p>

	<p>allowed to fell trees used during the breeding season – but what about the following years? Extreme disruption, greater noise levels and over use of the wood will mean that these birds may never return. The same will be true of Otters, Wild Cats and Pine Martens. It seems inconceivable that the Park Authority would want this as an outcome?</p>
<u>Number of Houses</u>	<p>The Cairngorms plan recognises that affordable housing is necessary. However, it does not list Nethy as one of the centres of development (it does recognise that outline approval already exists for housing however). But when the outline approval was given, the economic situation was very different. Given the new pattern of work and development in the park, the real need in Nethy should be reassessed. Even if there is need for local affordable housing, the developments at Aviemore and Grantown will satisfy this. These areas already have most of the infrastructure needed – school places, services such as doctors, dentists etc. Nethy does not have sufficient services. If 44 affordable houses were built, it is very likely that the school could not accommodate the additional children etc. Thereby putting unbearable pressure on local services and increasing the carbon footprint as people travel out of the village to satisfy these needs.</p> <p>I gather that one definition of "affordable" is that houses are sold at reasonable prices to first time buyers and the like. At a public consultation last year, one of the developers' representatives referred to a housing development elsewhere where prices started at about £130,000. Even if this figure were lower for the Nethy development, it is likely that existing families renting accommodation in the village would not be able to afford them. To get a mortgage for £100k the salaries involved would need to be significant (even with help from the Government), so it seems most likely that the people who buy these houses would not be from the village and would probably commute for work.</p> <p>The Cairngorms plan includes considerable information about predicting local housing needs but have the developers assessed any specific need in Nethy? There is really very little work in the village so anyone who moves to the development is likely to work elsewhere. There may be a case for building 20 houses but until the builders can show this by reference to local employment, services etc. even this is not clear.</p>
<u>Traffic</u>	<p>The additional traffic on School Road and elsewhere will pose a threat to the environment and to people. At the public consultation last year, I was told that School Road was able to accommodate up to 3000 cars per hour! I would imagine that each of the new houses would have at least one car and some may have two. An additional 44 – 88 cars using School Road during peak hours would lead to many wildlife deaths; would be extremely dangerous for children going and coming from school and would increase carbon emissions unacceptably.</p>
<u>Layout / design of houses</u>	<p>The layout and design whilst not appearing unpleasant is very tightly packed in with allotments being provided, presumably to satisfy the need for gardens that cannot be accommodated next to the houses. If families move in, then their children are likely to play near the road and elsewhere in the wood. This poses a danger to the children and a further disruption to the wildlife. Building fewer houses would allow larger gardens that could provide a safer environment for families. Also, the Cairngorms plan states that housing development should take account of the nature and culture etc. of the local environment. It also presumes that houses should be scattered within woodland, screened etc. The builder's plans do not take this into account at all.</p>
<u>Tourism</u>	<p>The area is a haven for tourists and the main reason they choose to stay here is the peace and tranquillity of the area, the beautiful ancient forest and woodland and the general culture and feel of the village. The plans for School Wood threaten this. Whilst recognising that some affordable houses may be needed – for those born and bred in the village only, the current plans are for far too many houses which if built, will change the nature of the village forever. Tourists may then decide to stay elsewhere. This would be detrimental for the local economy.</p>

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: 1001/011/001 | Extension of 30 houses - associated roads & footways | Land At School Road And
Craigmore Road, Nethy Bridge
Date: 05 May 2013 20:23:31

Sirs

I wish to register the strongest possible objection to the above application.

Nethy Bridge is known as the Forest Village and is in the Cairngorm National Park, yet still the planning authority seem determined to approve the further decimation of the village's wild life, there are red squirrels, crested and long tailed tits, crossbills and pine martins resident in School Wood.

This development will further ruin of the village's character and charm and will not meet, follow or comply, with any of the aims of the national park.

Just some of your own stated aims:

National Parks (Scotland) Act led to the designation of Loch Lomond & The Trossachs and Cairngorms National Park. The Scottish National Parks have four aims:

- 1. To conserve and enhance the natural and cultural heritage of the area.
- 2. To promote sustainable use of the natural resources of the area.
- 3. To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public.
- 4. To promote sustainable economic and social development of the area's communities.

And special features

- A special place for wildlife - and one in four of the UK's endangered species live in the Cairngorms National Park - The Park is made up of a unique mosaic of habitats of very high quality, and exceptional size and scale. It is a stronghold for British wildlife, including many of the UK's rare and endangered species - like golden eagles.

And this

- Forests have evolved from woodland that's been here thousands of years. They make up the largest area of native woodland in Britain and are a key part of the Park's character. They're also home to core populations of wildlife that's scarce in the rest of Britain, like red squirrels, crossbills and capercaillie.

Will not be true for long if you continue to approve these mad schemes for inappropriate development.

Terry & Lynne Sayer

T & L Sayer
Burach Beag
Dirdhu Court
Nethy Bridge
Inverness-shire
PH25 3EG

[REDACTED]



Comments for Planning Application 2013/0119/DET

Application Summary

Application Number: 2013/0119/DET

Address: Land At School Road And Craigmore Road, Nethy Bridge

Proposal: Erection of 58 houses, associated roads & footways

Case Officer: Mary Grier

Customer Details

Name: Mr & Mrs George & Anne McGeachie

Address: 9 Dirdhu Court Nethy Bridge

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Having recently received the aims & objectives of the CNPA, we are now at a loss to see how this development meets the main criteria. The constant loss of woodland & its impact on the wildlife & amenity is steadily destroying the unique character of Nethy Bridge, the "Forest Village". We have given our objections at length in response to past proposals & these are still valid.

The School Road development in particular is much worse than any earlier plans & is more like an army barracks rather than a tasteful, small housing layout.

In any case, 58 additional houses is a significant increase for a small village & is simply far, far too many.

ROBERT
GREENWOOD

From: ROBERT GREENWOOD
Sent: 22 Oct 2014 10:19:56 +0100
To: Planning
Subject: Planning Ref 2013/0119/DET. Erection of 58 houses, associated roads & footways. Land at School Road and Craigmore Road, Nethy Bridge
Importance: Normal Dear Sir/Madam

I refer to above referenced application, my earlier letter and your recent letter to me.

We still object to the application for the reasons previously mentioned and request the application be declined in its entirety.

We fully support the Reporters recommendation to remove the School Road site from the local plan and request that the Craigmore Road site be removed as well.

In 2009 the Reporter at that time recommended a root and branch review of housing development in Nethy Bridge and I would suggest now would be an appropriate time for that suggestion to be implemented. Both that Reporters report and the current (September 2014) report have advised the CNPA that Nethy Bridge does not need the large number of houses allocated in the Local Plan.

Please therefor decline the pending planning application and remove the whole area from the local plan.

Yours sincerely

Robert & Linda Greenwood

Craigmore House
Nethybridge
PH25 3ED

9th May 2013

CNPA
Planning Office,
Albert Memorial Hall
Station Sq.
Ballater
AB35 5QB

Planning application reference 2013/0119/DET

Dear Sir/Madam

I refer to the planning application referenced above.

I wish to object to this application in its entirety and request that it be turned down.

There can be no justification for a development of this magnitude within the village other than simply developer profit. Despite an earlier proposal in 2009 being turned down and dismissed on appeal it now seems the developer can hoodwink the CNPA into agreeing to a much larger project. It simply beggars belief that such a project should be considered and shows contempt by the developer.

There are many reasons why this application should be dismissed and there is a Reporters Report produced following an earlier application clearly outlining many reasons for objection. It would appear that CNPA would be failing in its own objectives were this present case to be granted permission. I am sure the Reporters Report will be available to you but should you require a copy please let me know.

The Environmental report produced and submitted with the current application is seriously flawed.

1. Otters do use the Coochan Fuaran burn (CF burn) and are a species protected under European Law. There are otter spraints on boulders by the burn by way of evidence. Otters also use the Aultmore Burn, a burn granted a Special Area of Conservation status, forming part of the river Spey catchment and a breeding habitat for salmonids. These salmonids in turn provide food for otter and the otter tracks can be seen to be leading from the Aultmore Burn to the Coochan Fuaran burn (which in turn flows into the Spey).
The CF burn will be less than 450 metres away from the Aultmore Burn at the Craigmore road site of the development proposed.
MBEC found no evidence of otter use on the CF burn (4.3, 4.3.1 of their report). This is simply incorrect and evidence is there.

2. The proposed mitigation and developers offers to enhance the remaining woodland for wildlife and leisure are "a cop out" a carrot to obtain permission. There has been no active management since the owners acquired the wood. The wildlife within the wood needs leaving alone and it has been doing well. Additional housing, traffic and disturbance would surely have a very negative effect and the number of properties proposed has not been justified. The fact that 58 units are now proposed shows only that the exercise is based on greed. I assume it would also be quite possible for the developer to "disappear" following any construction.

3. Red Squirrels and Development (SNH 2012). All squirrels and their dreys are legally protected. There are numerous squirrel dreys within the proposed site and it is illegal to "deliberately or recklessly obstruct access to a red squirrel drey or otherwise deny a squirrel the use of its drey" (Wildlife & Countryside Act (1981) and strengthened by the Nature Conservation (Scotland) Act 2004
I fail to see how this legislation could be adhered to. Also please see point 66.8 of the earlier mentioned Reporters Report.

4. Nethy Bridge (The Forest Village) thrives on tourism and wildlife tourism in particular.
The woodland proposed for development not only is home to red squirrel but also crested tit, many rare plants and insects. The type of things tourists come here to see and CNPA should be ensuring that the wildlife and natural places are protected. The proposal would in my view adversely affect the community and village culture. It is time that committees within the Authority had the foresight and bravery to stand up to developers who seek to ride roughshod over important legislation. It is clear for all to see that this planning application is not about local need but developer need. In 2001 Outline PP was refused for 48 houses on the basis of it being too many. To the best of my knowledge there has been no review of local housing need since 2002.
This scheme proposed is against the CNPA local plan which was based on no more than 40 units including 20 self-build plots. The scheme proposed in 2009 with 30 units and 10 self-build plots was refused. How can it be right to possibly agree a scheme for 58 house and no self-build plots?
Our village settlement, both environmentally and structurally should not suffer as a result of economic constraints on the developer. If it is not economical to build fewer units incorporating some 20 self-build, the developers gamble in acquiring the land has not paid off. It should be their loss not down to the local community to suffer large scale development.
Proposed development of some sort has been mooted since 1992 and causes worry, division and uncertainty within the community. Whatever the outcome, although I hope the application is rejected, there should be a moratorium once and for all time that the remainder of the woodland remain fully protected against further development.

5. Why would anyone considering this application have faith in the intention or accuracy of the information?
The MBEC report starts with an obvious introduction (1.1) and then in 1.1.1 refers to a number of units totally different in number to that now proposed by Argyll Developments.
If such lack of care can be taken at the most important stage in my view that doesn't show much respect for the recipients.
6. For MBEC to suggest that the future of the woodland would only be protected by some form of development is erroneous and assumptive. There may well be funds available locally for the purchase and long term management of the entire woodland in perpetuity should the proposal be declined and the woodland offered for sale. Again in my view this is a clear attempt to pressurise the decision makers to agree a scheme wholly without merit.

Please reject this proposal outright.

Yours sincerely



Robert Greenwood and Mrs Linda Greenwood

From: Grace M Yoxon
Sent: 10 May 2013 15:54:36 +0100
To: Mary Grier; Planning
Subject: School Wood housing development 2013/0119/DET

I refer to the above application and would comment that the environmental impact survey with respect to otters does not seem to have been done adequately.

There are records of otters using the area for 10 years and at least two sprainting sites, which were not found. In addition a cub was disturbed by a dog walker and actually attacked by the dog. So clearly there is breeding in the area and incidents such as the dog attack on the cub will be more frequent.

he environmental impact survey says the Nethy river provides a more "suitable" route. Surely we cannot say what is more suitable as the otters will use whichever route THEY find most suitable.

In view of the above we feel that the otter survey should be repeated by qualified otter surveyors and that no planning permission should be granted until this is done.

Yours faithfully

Grace M Yoxon

Join our IOSF mailing list: <http://eepurl.com/bLTvv>

International Otter Survival Fund
Wildlife Conservation Award Winner, British Animal Honours 2013
IFAW Animal Action Award Winner 2012

7 Black Park, Broadford, Isle of Skye
IV49 9DE, Scotland
Tel/FAX: ++1471 822 487
www.otter.org

The International Otter Survival Fund - working to save the world's otters



5/5/2014

Cairngorm National Park
Planning Committee
Ballater
AB35 5QB

Planning Application 2013/0119/DET
“ “ 2013/0019/DET closing date the 15/5/2015

Dear Sirs,

I refer to the plans for private and affordable housing at the Causer area of Nethybridge.

I would like to express my concern regarding the building of these new houses. They price locals out of the market and are afforded only by business people and retirees who buy them as holiday homes or as investments. This prevents families from moving to the area to work and live. Do you know most of them close down for the winter and the owners go South to their main house and a third of Nethybridge becomes vacant. The latest trend is two families buy one house to share as a holiday home, it is never rented out, or sold and is only used to short breaks. The families come fully loaded and spend little money in the local area.

It seems a shame to destroy natural woodland and wildlife to build these new houses when there are alternative sights in the village that would be better suited, such as near the Railway Station. This land has been disused for years and has an excellent central location in the village close to local amenities.

What we'll have in the future is a ghost village and fewer local people. If this plan is passed I will invite you all to come see the (Nethybridge Forest Village) signs being taken down, in the end this will affect tourism which provides money and jobs for the real locals.

I object to these plans and suggest they are rejected, alternative locations should be considered and then erhaps one day we will be proud of the Park and what you are doing. At the moment your falling a long way short, it was working better without the authority.

Harry Jamieson (40 year resident)
Craigmore Mill



CMA
Jones

From: CMA Jones
Sent: 28 May 2014 20:05:53 +0100
To: Planning
Subject: Letter of objection 2013/0119/DET

Dear Sir / Madam

I am writing to object to the erection of 58 houses, associated roads and footways at School Wood on the land at School Road and Craigmore Road, Nethy Bridge (reference number: 2013/0119/DET)

During my childhood I walked through these woods every day to get to and from school as I grew up in Nethy Bridge and attended Abernethy Primary School for the whole of my primary education. School wood provides a fantastic educational resource that is diverse and engaging. As I myself now work in education I have a deeper appreciation of the richness that these woods contributed to our learning environment and experiences from P1 to P7. They are undoubtedly an invaluable educational resource to the primary school, and I was delighted on a recent visit to Abernethy Primary School to see that they still played a key role in children's learning, right from Nursery, particularly through their participation in initiatives such as Forest School. I strongly believe this housing development would be a deep and irreplaceable loss to the school and to the community as a whole. The most precious thing about Nethy Bridge is in its name : Forest Village. The Cairngorms National Park needs to be safeguarding these precious, beautiful and invaluable woodlands and protecting the wildlife within. I feel this development is breaching the local plan and policies and goes directly against the parks first aim "To conserve and enhance the natural and cultural heritage of the area"

Yours Sincerely

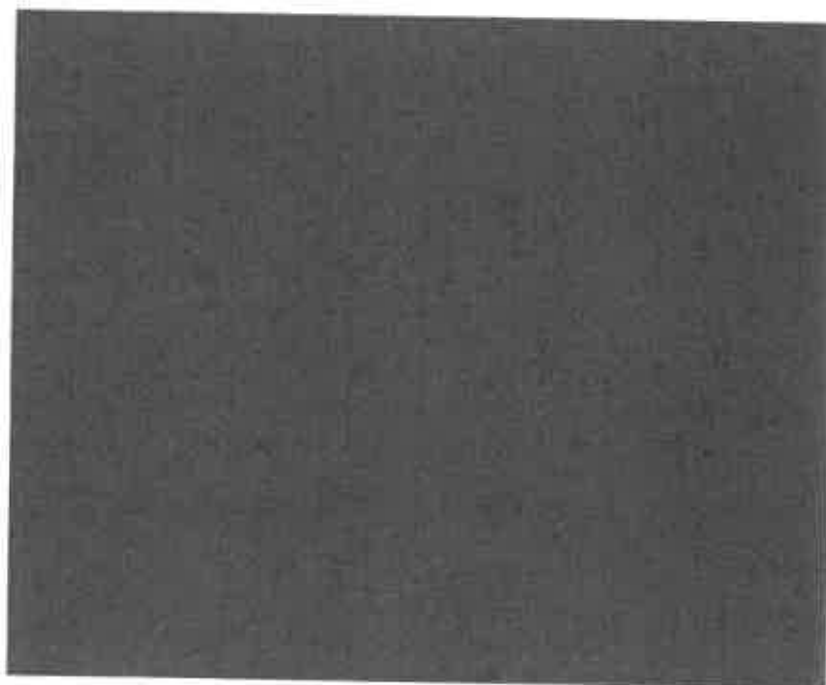
Coryla Jones
151 Allison Street
Flat 3/1
Glasgow
G42 8RY

From:Tamin Jones
Sent:28 May 2014 21:23:11 +0100
To:Planning
Subject:2013/0119/DET Erection of 58 houses, associated roads & footways Land At School Road And Craigmore Road, Nethy Bridge

Dear Sir/Madam,

I'm writing to object to the proposed development to School wood (2013/0119/DET). As a former pupil of Abernethy primary I have fond memories of walking through this majestic woodland and am deeply saddened to think that future generations will be denied the chance to enjoy it. Walking through an ancient pine forests to school is a very unique and special experience and Nethybridge as the forest village should do all it can to preserve this for future generations.

Kind regards
Tamin Jones



From:KATHERINE CARINGTONSMITH
Sent:15 May 2014 16:27:32 +0100
To:Planning
Subject:Comments for Planning Application 2013/0119/DET

Katherine Carington Smith
30 Lynstock Crescent
Nethy Bridge
PH25 3DX
15th May 2014

Comments for Planning Application 2013/0119/DET

Dear Sir / Madam,

With regard to the above development.

School Road – the proposed density of housing on this site is completely out of character with the village of Nethy Bridge and represents an unacceptable increase in the number of properties originally envisaged for the site.

The clear felling of the centre of this site will be seriously detrimental to species known to use the woodlands, squirrels, capercaillie, otters in particular are protected species under European law and these are the very species which will be disrupted by this development. All the objections pointed out in my previous communication are still relevant and must be taken into account.

The sheer number of properties to be built in this plan will also be extremely detrimental to the character of the village as they are almost guaranteed to be largely sold as holiday houses. Thus the village will become completely swamped by holidaymakers through much of the year. Whereas a two bedroom home would be expected to contain up to three occupants, a holiday home of the same size will typically accommodate twice as many people.

The strain on the current infrastructure of this massive increase in population will show in water shortages, more effluent than the existing system can handle and seriously increased traffic on the road leading to the school as well as other roads in the village, with a resulting likelihood of increased risk of accidents, particularly in relation to children travelling to school.

Craigmore Road – the proposed clear felling of the site is inappropriate and will disrupt the wildlife of the area. The wildlife in this area is as above for School Road.

There can be no doubt that the properties to be built as shown in the proposal will increase traffic and strain on amenities as outlined above re School Road.

As at School Road, the majority of these properties will end up being holiday houses. The increased number of people using a holiday house also brings an increase in vehicular use, often more than two cars per property. The roads around the village are not designed for this sort of volume of traffic.

In general -

Of course, all the roads in the village could be upgraded, meaning the destruction of many trees and probably demolition of existing properties, but that would entirely destroy the character of Nethy Bridge.

I contend that is exactly what a development on the scale proposed will do to the village. I cannot stress my objection to the current proposals strongly enough. For all the reasons listed above I believe the proposal is completely unacceptable in its current form and will damage not only the wildlife of the area but also the quality of life of the existing population.

Nowhere in the village is there a development of this size or density . The proposal is potentially extremely destructive to the village as a whole.

Katherine Carington Smith



Comments for Planning Application 2013/0119/DET

Application Summary

Application Number: 2013/0119/DET

Address: Land At School Road And Craigmore Road, Nethy Bridge

Proposal: Erection of 58 houses, associated roads & footways

Case Officer: Fiona Murphy

Customer Details

Name: Mr Neil Mackenzie

Address: Garradh Beithe Gorthleck Inverness-shire

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the proposal to construct 58 houses in an area of ancient woodland. Ancient woodland sites, even if partly of plantation origin, are a valuable and threatened resource which cannot ever be replaced. There is also a high proportion of semi-natural habitat in School Wood which would be threatened and partly destroyed by the construction of so many houses.

The scale of this development is out of character with the concept of Nethy Bridge as a forest village. Destroying the closest woodland to the village will be to deny the existing residents access for casual recreation in a woodland setting. The development is essentially a high density urban housing scheme in a rural setting and entirely inappropriate in a national park.

I note also that there are no affordable houses or self-build plots that would allow local people to either own or build their own home.

Yours sincerely

Neil MacKenzie

From:Dean Mann
Sent:11 May 2013 12:21:37 +0100
To:Planning
Subject:Ref: 2013/0119/DET - 58 Houses Nethybridge - Objection

Ref: 2013/0119/DET - 58 Houses Nethybridge

Case Officer: Mary Grier

Dear Ms Grier

We write as local residents. We would like to register our objection to the referenced planning application.

I refer to the valid reasons for consideration listed on your website

Layout and density of buildings, Local needs, eg housing provision.

We believe local needs for housing are for residential properties for local people requiring permanent residence for themselves and families. Our experience of developments in the area indicates the rapid adoption of properties for holiday rental purposes. There is already a large amount of such properties in the area.

Planning history of the site

Previous planning has been for far less houses and has not gone ahead, this is a large increase on the previously proposed numbers.

Road issues: traffic generation, vehicle access, road safety and Car parking provision

The road are very narrow and there are already conflict with regular bus use with several, so far minor scrapes and impacts due to the narrow roads. Traffic increase around the school is of particular concern.

Capacity of infrastructure, eg in the public drainage system or spaces in schools

We already have issues with the regular Interruption and capacity of electricity and water with too frequent supply loss. Telecoms infrastructure is very poor especially broadband which will be further degraded without Infrastructure upgrade. Other developments in the region always have problems with new high density housing with no matching infrastructure improvements.

Impact on nature conservation and interests and biodiversity opportunities

Increases in domestic pets will impact and displace the local wildlife. We know of current otter and pine martin sightings having seen photographic record from 2 years ago which contradict the latest sighting of 1969 given in the ecology and conservation report. Red squirrels abound and the range of bird species is large, beyond the obvious capercaillie and crested tits the woodland also host seasonal birds such as redwing, mistle thrush and waxwing. Species we have personally

recorded from our location adjoining the wood including the common birds are Chaffinch, Brambling, Siskin, Crested Tit, Great tit, Blue Tit, Coal Tit, Long Tailed Tit, Pheasant, Blackbird, Redwing, Fieldfare, Song Thrush, Mistle Thrush, Waxwing, Kestrel, Sparrowhawk, Tawny Owl, Rook, Jackdaw, Buzzard, Snipe, Dunnock, Bullfinch, Willow Warbler, Tree Creeper, House Sparrow, Goldfinch, Redpoll, Starling, Robin, Great Spotted Woodpecker, Wood pigeon, Pied wagtail, Swift, Swallow, Heron, Curlew and Oystercatcher. There are also a large number of rare flora.

The woodland is a part of the corridor for much of the wildlife in the area.

Finally the development will fundamentally alter the nature of the village and therefore the viability associated with its tourist attraction as the Forest Village.

We would appreciate if you would register our concerns.

Thank you

Dean and Elaine Mann

[REDACTED]

Craigmore Lodge, Nethybridge. PH25 3ED

[REDACTED]

Ref: Application Number: 2013/0119/DET, Land at School Rd and Craigmore Road, Nethy Bridge.

This is to register my objection to the application for the following reasons:

1. The proposal would lead to the destruction of ancient and semi natural woodland and will increase disturbance caused by human recreational activities, due to frequency, numbers and displacement from the land to be built upon. Thus species that use this area and nearby protected areas and the link these provide to other habitats will suffer. Many of these species are formally protected.
2. This land is a small part of which makes the Cairngorms National Park special and the incremental loss of it, destroying it for future generations is not a sustainable activity. It is close to and part of an area of interest to many conservation groups. This development would be another step in the destruction of what has made Nethy Bridge a place where people and nature can thrive together.
3. The proposal contravenes Scottish Planning Policy and the Cairngorms National Park Authority own Plans.
4. Housing developments within the Cairngorms National Park need to be planned in a way that better supports the four aims of the National Park and are truly sustainable. Building houses that end up on the open market continues to result in a lack of homes for people working locally as well as destroying irreplaceable habitats and further deteriorating the natural environment. Well designed and sustainably built housing needs to be provided that supports the economy of the Park by providing homes for people working in the Park at prices they can afford. These houses need to be managed for such, in perpetuity, including provisions for people to stay when they no longer work. Trying to do this on the back of open market developments in places of quality wildlife habitats does not meet the aims of the Cairngorms National Park.

All of the points above have been better elaborated, detailed and supported by data in many other responses.

Regards

Susan Matthews, The Firs, Khantore, Crathie, Ballater, AB35 5TJ.

Cairngorms National
Park Authority

29 MAY 2014

RECEIVED

29/05/2014

From:G MCGEACHIE
Sent:7 May 2014 09:12:11 +0100
To:Planning
Subject:Application Number: 2013/0119/DET

& nbs p; 9 Dirdhu Court
& nb sp; Nethy Bridge
& n bsp; Inverness-shire
; PH25 3EG

Simon Harrison
Head of Planning
CNPA

Dear Sir,

APPLICATION NO. 2013/0119/DET :- DEVELOPMENT PROPOSAL AT SCHOOL ROAD AND CRAIGMORE ROAD, NETHY BRIDGE.

Thank you for your letter of 1st May 2014.

We are unable to comprehend the behaviour of the CNPA. Despite the numerous criticisms of Nethy Bridge residents who have repeatedly reminded the Authority of their own policies, the new proposals simply fly in the face of the Authority's well established policy statements and, more recently, their own internal specialist.

We repeat our earlier view that the constant loss of woodland and its impact on the wildlife and amenity is steadily destroying the unique character of Nethy Bridge, the "Forest Village" forever. It is irreversible. We have given our objections at length in response to past proposals and we refer you to these objections. The clear felling of the woodland around Nethy Bridge is verging on vandalism. Once a precedent has been set it will continue. Where next? Balnagowan Wood? Craigmores Wood? The CPNA must stop this destruction of woodland and therefore this proposal must be rejected.

Yours faithfully,

MR. G. MCGEACHIE
MRS. A. S. MCGEACHIE

Comments for Planning Application 2013/0119/DET

Application Summary

Application Number: 2013/0119/DET

Address: Land At School Road And Craigmore Road, Nethy Bridge

Proposal: Erection of 58 houses, associated roads & footways

Case Officer: Fiona Murphy

Customer Details

Name: Mr. Neil MacKenzie

Address: Gorthleck Inverness

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to maintain my earlier objection to this development as the recent additional submissions have failed to address any of my concerns. The development is too large and, at the very least, the Scottish Government Reporter's recommendation that the School Road site be completely removed from the Development Plan and protected from further development should be accepted by the Park Authority. However, as an important amenity area for local residents and with nationally important plant and animal species the entire woodland should be protected.

From:Andrew Richardson
Sent:28 May 2014 16:10:57 +0100
To:Planning
Subject:

Simon Harrison, Head of Planning,

Dear Simon Harrison,

Title: 2013/0119/DET | Erection of 58 houses, associated roads & footways | Land At School Road And Craigmore Road, Nethy Bridge

From 1997 to 2008, I lived in Nethybridge, opposite Dhurdu Court and 50 metres from School Wood.

At the time I took an active part in Highland Council meeting held in Nethybridge Community Hall on 25th June 2001. The Highland Council insisted that no more than 40 houses should be allowed in School Wood of which 20 should be self-build plots: that was the situation that the CNPA inherited.

According to the above present proposal, the number of houses proposed is 58, a substantial increase on the 40 allocated in the Local Plan, representing a substantial departure from the provisions of the Local Plan. Scottish Planning Policy Para.25

I would like, as a former resident of Nethy Bridge to object to this present proposal for the following reasons:

- The proposal is contrary to the provisions of the adopted CNPA Local Plan with respect to the number of houses proposed.

- The development would destroy woodland listed in the ancient woodland inventory as Ancient woodland of semi-natural origin.

Yours sincerely,

Dr. Andrew Richardson

Flat 12, Kings Courtyard,

Knyveton Road,

Bournemouth,

Dorset.

BH1 3QR

From: [REDACTED]
To: Planning
Subject: 2013/0119/DET | Erection of 58 houses, associated roads & footways | Land At School Road And Craigmore Road, Nethy Bridge
Date: 02 May 2013 11:36:50

Hello,

I wish to object to the above application on the grounds that the number of houses is far too many which will ruin the village's character.

My contact details are:

Mr Robert H Robbie
"Dunedin"
18 Dirdhu Court
Nethy Bridge
Inverness-shire
PH25 3EG

[REDACTED]
Kind regards,

Yours Sincerely,

Bob Robbie

[REDACTED]
♣ "Nethy's going greener - recycle paper"

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: 2013/0110/121 | Erection of 26 houses, associated roads & footways | Land At School Road And
Craigmore Road, Nethy Bridge
Date: 05 May 2013 20:23:31

Sirs

I wish to register the strongest possible objection to the above application.

Nethy Bridge is known as the Forest Village and is in the Cairngorm National Park, yet still the planning authority seem determined to approve the further decimation of the village's wild life, there are red squirrels, crested and long tailed tits, crossbills and pine martins resident in School Wood.

This development will further ruin of the village's character and charm and will not meet, follow or comply, with any of the aims of the national park.

Just some of your own stated aims:

National Parks (Scotland) Act led to the designation of Loch Lomond & The Trossachs and Cairngorms National Park. The Scottish National Parks have four aims:

- 1. To conserve and enhance the natural and cultural heritage of the area.
- 2. To promote sustainable use of the natural resources of the area.
- 3. To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public.
- 4. To promote sustainable economic and social development of the area's communities.

And special features

- A special place for wildlife - and one in four of the UK's endangered species live in the Cairngorms National Park - The Park is made up of a unique mosaic of habitats of very high quality, and exceptional size and scale. It is a stronghold for British wildlife, including many of the UK's rare and endangered species - like golden eagles.

And this

- Forests have evolved from woodland that's been here thousands of years. They make up the largest area of native woodland in Britain and are a key part of the Park's character. They're also home to core populations of wildlife that's scarce in the rest of Britain, like red squirrels, crossbills and capercaillie.

Will not be true for long if you continue to approve these mad schemes for inappropriate development.

Terry & Lynne Sayer

T & L Sayer
Burach Beag
Dirdhu Court
Nethy Bridge
Inverness-shire
PH25 3EG

[REDACTED]



From:Terry & Lynne
Sent:21 Oct 2014 10:19:29 +0100
To:Planning
Subject:My Objection is sustained
Importance:High

Atn. CPNA

Ref 2013/0119/DET

Erection of 58 Houses, associated roads & footways.

Land at School Road and Craigmore Road Nethy Bridge

Dear Sirs

I wish to confirm our Objection to the above is Sustained.

We note that the Scottish Government Reporters examining the local Development Plan recommended on September 2014 that the School Road Site between Dirdhu Court and the primary school, should be completely removed from that Plan, and also that that part of School Wood should be removed from the Nethy Bridge settlement boundary.

We feel very strongly that this report should be accepted NOW, allowing protection from any development, and not allow any hurried plan to be approved prior to the new Local Development Plan being adopted in early 2015.

We confirm that our objection to the School Wood still stands and is sustained.

We support the Reporter's recommendation to remove the School Road allocation from the local development plan NOW and for the New Plan next year.

Regards

Terry & Lynne Sayer

T & L Sayer

Burach Beag

Dirdhu Court

Nethy Bridge

Inverness-shire

PH25 3EG





Scottish Ornithologists' Club
Scotland's National Bird Club

Scottish Birdwatchers' Centre
Waterston House
Aberlady
EH32 0PY

Telephone: 01875 871330
Fax: 01875 871035
mail@the-soc.org.uk
www.the-soc.org.uk

Dear Mr Harrison,

Reference: 2013/0119/DET 58 houses at School Wood, Nethybridge

The SOC wishes to add its support to objections to the above planning application. The Club, founded in 1936, has members and branches across Scotland and has long recognized that bird recording and study can provide a factual foundation for conservation activities.

The native pinewood at School Wood, Nethybridge, provides significant habitat for a range of important bird species. Notable among birds of the pinewoods of the Cairngorms is the Capercaillie, which is included on the Cairngorms 2013 Nature Action Plan shortlist and requires urgent focused conservation attention. The Capercaillie currently has a particularly important national stronghold in pinewoods in Strathspey. Furthermore, this Annex 1 species is included on the UK Red List of bird of high conservation concern.

School Wood, Nethybridge, falls between the Craigmore and Abernethy Forests – both areas are European Conservation sites (SPAs) designated for Capercaillie. As such, it maintains a viable habitat network in a landscape where woodland is subject to fragmentation and significant disturbance. We share concerns that any displaced or increased recreational disturbance pressures could impinge upon nearby core Capercaillie areas at Craigmore and Abernethy. We also suggest that housing developments which add to the existing 'barrier effect' between woodland strongholds for Capercaillie would be deleterious to the medium and long term viability of the important Strathspey meta-population. Since the SOC last wrote to planners in 2001 regarding concerns about development proposals at School Wood, the findings of Moss *et al* (2014) in *Wildlife Biology* 20:1-18 further suggest that recreational disturbance pressures have the potential to undermine efforts to restore Capercaillie populations in Scotland.

We also wish it to be noted that Crested Tit, Crossbill and Woodcock are vulnerable to direct habitat loss and are amongst the birds that are characteristic of, and appreciated by residents and visitors to, the Cairngorms National Park, which would be affected if the development is sanctioned on this site.

Yours sincerely

Dr Christopher McInerney
President

The SOC is a registered Scottish Charity No. SC 009859

Comments for Planning Application 2013/0119/DET

Application Summary

Application Number: 2013/0119/DET

Address: Land At School Road And Craigmore Road, Nethy Bridge

Proposal: Erection of 58 houses, associated roads & footways

Case Officer: Fiona Murphy

Customer Details

Name: Ms Jennifer Smith

Address: 27 Glebe Road Kinloss

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:As an ex resident ad hospitality provider of the CNPA, I am very concerned about the plan to put 58 houses on an area designated ancient woodland, filled with wildlife and rare mosses.

The wood has a car park and paths for people to enjoy it as an amenity and this is what people travel to the National Park to do, to take sustenance from the natural environment when we live in a world that becomes increasingly urbanised.

sorrel
jones

From:sorrel jones
Sent:22 Oct 2014 20:35:12 +0100
To:Planning
Subject:Planning application 2013/0119/DET

The Cairngorms National Park Authority
14 The Square
Grantown-on-Spey
PH26 3HG

planning@cairngorms.co.uk

Dear Sir/Madam

Planning application 2013/0119/DET

Proposed construction of 58 houses and infrastructure at Nethy Bridge

I am writing to state my objection to the above proposal at Nethy Bridge, and urge that the CNPA refuse planning permission. I consider that allocation of housing in School Wood is highly inappropriate and conflicts with the primary aim of the National Park. The impacts from disturbance and habitat loss that would arise for species of national and European conservation concern (including for example, otters, green shield moss, capercaillie and red squirrels) would be irreversible and wholly unacceptable within a protected area. There is no reason to believe that these impacts could be mitigated given the sensitivity of the species involved, and the overall value of the forest which is on the Ancient Woodlands Inventory.

For example, School Wood is important for capercaillie as part of a connected, forested landscape. As an ecologist who has studied capercaillie populations in Strathspey, I consider the impact of this development to Strathspey's capercaillie populations will inevitably be negative and its cumulative effects may be seriously harmful for this iconic bird. Particularly with respect to the displacement of dog-walkers, the increased human population in a sensitive area, and the loss of habitat connectivity.

I note that the recent report of the Reporter (8 September 2014), recommended deleting the site H1 and changing the settlement boundary. Given this would rightly exclude the major part of the School Wood development entirely, I hope that CNPA will support the reporters findings and reject the current proposal.

Given the biodiversity and amenity value of the site, not to mention its contribution to Nethy-bridge's character as the Forest Village, I strongly urge that this proposal is rejected.

Yours sincerely,

Sorrel Jones

2538 Scott St, Victoria, British Columbia

Firwood
Nethybridge
Inverness-shire
PH25 3DE
[REDACTED]

Simon Harrison,
Planning Office
Albert Memorial Hall
Station Square
Ballater
AB35 5QB

22/10/2014

Dear Mr Harrison,

Proposal: ERECTION OF 58 HOUSES, ASSOCIATED ROADS & FOOTWAYS LAND AT SCHOOL ROAD AND CRAIGMORE ROAD, NETHYBRIDGE

Planning application: 2013/0119/DET

Thank you for your letter of 24 September 2014. I write in reference to the planning application above, with regard to the submission of additional documents, and wish to maintain my objection to the planning application 2013/0119/DET.

My objections relate to the ongoing poor quality of the survey data as provided by MBEC, which continues to fail to provide a true picture of the importance of the proposed development site. I also have to query why, when ecological surveys are meant to provide information for Planners, Park officials and others to consider, they are written in a way that tries to provide reasons why the development should go ahead, rather than just providing information for others to make that decision. I note also that the ecological surveys are listed under the "Supporting Information" column on the eplanning website, and again query whether that is correct.

In making my additional comments on this application I note in your letter that some changes, yet to be agreed/formalised, to the Cairngorms National Park Local Development Plan by the Department of Planning and Environmental Appeals were raised. If agreed this would remove the application area for houses on School Road, resulting in a much reduced area for houses but retaining the proposals for the Craigmores Road site. However, I note a slight discrepancy in two of the maps on the website covering this site. Bracewell Stirling Craigmores Road Site, Map 3879/01-04 Rev. B shows 14 house sites whereas the MBEC map Figure 1, Nethybridge Non-native Plantations and NVC Quadrat Locations shows an additional "Development boundary edge" adjacent to the Caochan Fuarain burn. It would be helpful to clarify which is correct.

I have one issue with the CNPA Ecology response dated 19/06/2014 where the report states that "Ecological surveys were carried out by MBEC in 2011 and detailed in the report 'Nethy

Bridge Proposed Development: Ecology and Natural Conservation Report, November 2012'. In this latest submission of additional documentation for this proposal, no update to the previous ecology report submitted produced by MBEC, November 2012, has been provided (hereafter referred to as 'MBEC 2012'). It should be noted that the ecology surveys detailed in this report were carried out by MBEC in 2011, and as such they are now considered to be out of date (we normally do not accept surveys over 18 months old)". Will this be addressed before the planning application progresses any further?

Also, according to the second CNPA Ecology response there appears to be a document missing from the eplanning Planning Application List. In the CNPA response dated 8 October 2014 there is reference to a document created on the 01/09/2014, and though this is copied into the October response it should be available to view via the full Application List as it contains some important information regarding the "Compensation" proposals. From the missing document it would appear that CNPA are happy that "8.4ha ha of Scots pine woodland has been proposed as compensation habitat for loss of 3.5ha through the proposal. This is not quite replacement on a 3:1 basis which is our standard requirement, etc...". This "compensation" will result in conversion of non-native Norway spruce and lodgepole pines areas to "native woodland", within the existing School Wood woodland area. There are implications for a rare moss by this arrangement involving the Norway spruce as I will detail later.

MBEC Nethy Bridge Proposed Development: Additional Ecology and Nature Conservation Information. August 2014 - Final Report.

I have the following comments to make about this report.

1.1.6

There is no obvious link to a "forestry plantation survey" within this report.

1.1.7

Again I have to take issue with the statement in this paragraph and repeated throughout this document that this is plantation woodland. The section that states "it is clear that at least some," of School Wood "has been subjected to past soil disturbance" is correct and this is mentioned elsewhere in this report, i.e. some of the areas of exotic conifers and some infill Scots pine. However, to state that "it is clear that at least some, if not all of this proposed housing area has been subjected to past soil disturbance" is just not correct, making me doubt whether Dr Mackenzie has been surveying in the same wood that I have been visiting. As stated in my earlier objections there is very little evidence that the bulk of School Wood has been planted as can be seen by the lack of trees in lines (away from exotic areas and some small areas of infill planting of Scots pine) and the sheer mix of tree species, of good age, present on this site. This is very obvious in the main area designated for housing at Craigmore Road which comprises mixed age Scots pines, goat willows, aspens and birches. Dr Mackenzie also states that areas of non-native plantation tree species are of negligible conservation value. Within three of these non-native areas populations of the rare *Buxbaumia viridis* moss have been found since June 2014. These will be detailed later.

1.1.8

Whilst it has to be welcomed that the developer is willing to "hand over all of the remaining School Wood land and all the Balnagowan Wood to an organisation experienced in managing woodland for conservation purposes", one has to consider at this late stage of

several planning applications whether this is aimed at buying off further objections against the loss of already highly important, biodiversity rich woodland.

3.2.3

Rock crevices/boulder scree were carefully searched? I get the feeling that this was cut and pasted from somewhere. I think the proposed development site is a fairly level mixed species woodland.

NVC Survey

3.2.5

I would have expected the two survey sites to have had some element of "random" selection otherwise the sites could have been selected to provide the NVC category the surveyor wished to report on. I also note that a new tree species was found within the survey site – Scot's pine, which features regularly within this report! BSBI listing = Scots pine "*Pinus sylvestris* L". I don't know enough about NVC survey techniques to comment in detail about the method employed and the results but would query whether quadrats of 10 x 10 metres in each of the proposed development areas is sufficient to provide meaningful data for the area involved – almost 4 hectares.

3.2.6

Again Scots pine plantation habitat is being suggested throughout this section. For comparison I would suggest that the woodland on the other side of School Road – Balnagowan Wood – is very typical plantation, being even aged and with very little species mix, i.e. lacking much birch, aspen, goat willow and rowan.

Table 4.1

Higher Plants

Having briefly visited the NVC site Quadrat 1, and assuming that the grid reference given (NJ01313 20659) is the centroid of the quadrat, it was located using two hand-held GPSs. At about the centroid of the location given two plants were found which don't appear on the higher plants species list namely *Orthilia secunda* and *Pyrola minor*.

Lichens



Though I am not a lichenologist I have a slight problem with the record of *Peltigera canina* given for Quadrat 1, in what is primarily mixed woodland habitat. The nearest listed records (NBN map left) are from NO08 Glen Tilt, NO19 Lion's Face Braemar and NH9545 Ardlach, River Findhorn. Another website gives the following information "usually occurs on sandy, +/- basic soils and among dunes". The following identification help also suggests that "Similar: *P. membranacea*. Common, less calcareous habitats." For the record to be accepted I would suggest a specimen would need to be checked by an expert.

I also have a problem with the definition "Live stumps". The dictionary definition = Stump (noun): the bottom part of a tree left projecting from the ground after most of the trunk has fallen or been cut down. Clarification therefore is needed.

4.3

School Wood

4.3.2

Again I have to take strong issue with what is being suggested here. This section covers the non-native trees found within School Wood and as detailed in MBECs Figure 1. The surveyor writes "The wider School Wood contains the same habitat to that which would be lost to housing i.e. largely Scot's (sic) pine, un-thinned, even age mainly forest planted (sic) with some natural regeneration of Scot's (sic) pine in places". This sentence is just not true. The area of woodland that would be lost to housing on Craigmore Road is the most diverse in both species and age range and comprises the most ancient area of mixed woodland



Figure 1.

within the whole of School Wood and Balnagowan Wood, and it would be a criminal act if this woodland was felled for housing purposes. The same area also has good amounts of lying deadwood with the rare deadwood morel *Gyromitra infula* present (see NBN distribution map left) not found during the original MBEC survey. There are just 54 records on the Fungal Records Database of Britain and Ireland. A single capsule of *Buxbaumia viridis* was also found nearby, growing from a mossy Scots pine root. Both species were very close to the NVC survey quadrat, but just outside the development footprint as shown on MBEC map

Table 4.2 Non-native Forestry Summary Within School Wood

Type of "Spruce" not detailed – Norway or sitka?

Area Numbered 3 on MBEC map Figure 1

I was a little confused by the description of this area and made a repeat visit to check. At NJ01110 21112, which is almost central in the shaded Area3 on the map, there are obvious shallow plough-lines most of which have Scots pines, presumably of planted origin, and all fairly uniformly aged. There area does have young Norway spruce trees present but as mostly young, single trees growing with the pines, and probably of self-sown origin.

Area Numbered 5 on MBEC map Figure 1

This area is not too far from a drain/water-course and if damp would have been planted with trees which tolerate winter water-logging. To suggest there was a mistake with the planting stock is a bit of an insult to the well-respected forester employed by Seafeld Estates at the time. This is not a plantation of lodgepole pines but is a plantation of Norway spruce. Two *Buxbaumia viridis* capsules have been found on the stump (felled tree) of one of the Norway spruces, and, to date as far as I am aware, this moss has not been found growing with lodgepole pine.

NJ01387 20826 & NJ01012 21362

I'm having great difficulty trying to understand why these two entries were made, and what they were trying to prove. There are quite a few Norway spruces away from the main plantings and "under planted Scot's (sic) pine canopy". It is fully accepted that some planting of Scots pine took place and this would have been to infill areas which hadn't regenerated naturally as stated in my last letter of objection. At some of these sites you can see the pines were planted, and in lines, and of even age, showing quite clearly that the rest

of the pine woodland was established by natural means, contradicting the surveyor's assumption throughout this report that the whole wood was planted.

4.3.4

Suggestion again that "the rest is non-native forestry plantation which is of negligible conservation value". I attach a table below showing that the rare *Buxbaumia viridis* moss has been found in several locations within School Wood. All of the sites (12) apart from one, were found within the non-native woodland comprising planted Norway spruces. This was not an extensive survey, undertaken in my own time, so I am sure that more capsules would be found if a more extensive search was undertaken.

Details of all *Buxbaumia viridis* (Green shield moss) records from School Wood. Details of exact grid references have been sent separately to protect the populations from any interference.

Quantity	Site Name	Grid ref	Date	Recorder	Comment
20	School Wood Nethybridge	Site 1	18 Jun 2014	Taylor, Stewart	x20 capsules, minimum, found on root-plate of wind-blown Norway spruce on west side of drain
48	School Wood Nethybridge	Site 2	28 Sep 2014	Taylor, Stewart	x48 'new' capsules from 2014 growing season, just appearing in about 5 locations on root-plate of wind-blown Norway spruce. x1 old capsule present along with several setae. Tree on east side of small drain
4	School Wood Nethybridge	Site 3	30 Sep 2014	Taylor, Stewart	x4 old capsule on decayed stump of possibly a small birch tree.
2	School Wood Nethybridge	Site 4	28 Sep 2014	Taylor, Stewart	x2 old capsules on root-plate of wind-blown Norway spruce. Tree on east side of small drain
2	School Wood Nethybridge	Site 5	28 Sep 2014	Taylor, Stewart	x2 old capsules present, 30cm between capsules, on side of Norway spruce stump from which tree had been cut down and was still lying in situ.
3	School Wood Nethybridge	Site 6	08 May 2014	Taylor, Stewart	x3 current years capsules on root-plate area of wind-blown Norway spruce
8	School Wood Nethybridge	Site 7	08 May 2014	Taylor, Stewart	x8 current years capsules (2013/14) on root-plate of wind-blown Norway spruce on edge of spruce plantings. Minimum of x3 new capsules seen 30 Sept 2014.
4+	School Wood Nethybridge	Site 8	30 Sep 2014	Taylor, Stewart	Several new, young capsules, growing on damp, mossy wood? under fallen Norway spruce tree. Too young to make an accurate count but minimum of 4 seen. No old capsules seen.
4+	School Wood Nethybridge	Site 9	30 Sep 2014	Taylor, Stewart	Several new, young capsules, growing from either old scots pine stump or entwined Norway spruce root covered in mosses. Too young to make an accurate count but minimum of 4 seen. No old capsule found.
2	School Wood Nethybridge	Site 10	30 Sep 2014	Taylor, Stewart	Minimum of x1 new, young capsule, and x1 old capsule on trunk of small fallen Norway. Too young to make an accurate count.

2	School Wood Nethybridge	Site 11	30 Sep 2014	Taylor, Stewart	Minimum of x1 new, young capsule, and x1 old capsule on trunk of small fallen Norway. Too young to make an accurate count.
1	School Wood Nethybridge	Site 12	5 Oct 2014	Taylor, Stewart	x1 old capsule on mossy root of live Scots pine tree.

This moss has the following Designations:

UK Biodiversity Action Plan priority species

Nationally rare

IUCN (2001) - Endangered

Scottish Biodiversity List of species of principal importance for biodiversity conservation

Wildlife and Countryside Act 1981 (Schedule 8)

Habitats Directive Annex 2 - non-priority species

Bern Convention Appendix 1

Table 4.3

Ditto, Scots pine plantation comments as made earlier, above.

5.2 Vegetation

5.2.1

The suggestion that non-flowering *Goodyera repens* is difficult to find is totally wrong and the report writer is trying to cover up for poor survey techniques employed during earlier surveys or use of inexperienced surveyors. The leaves, which form rosettes, are evergreen and, as its common name suggests – creeping lady's tresses – several leafy rosettes can often be found growing together. As the report surveyor states "it was found in numerous colonies in both School Wood and Balnagowan Wood" so there was no excuse for it not being found during earlier visits. I think this one plant exposes the sloppy and poor survey techniques employed by MBEC, and raised several times during this objection.

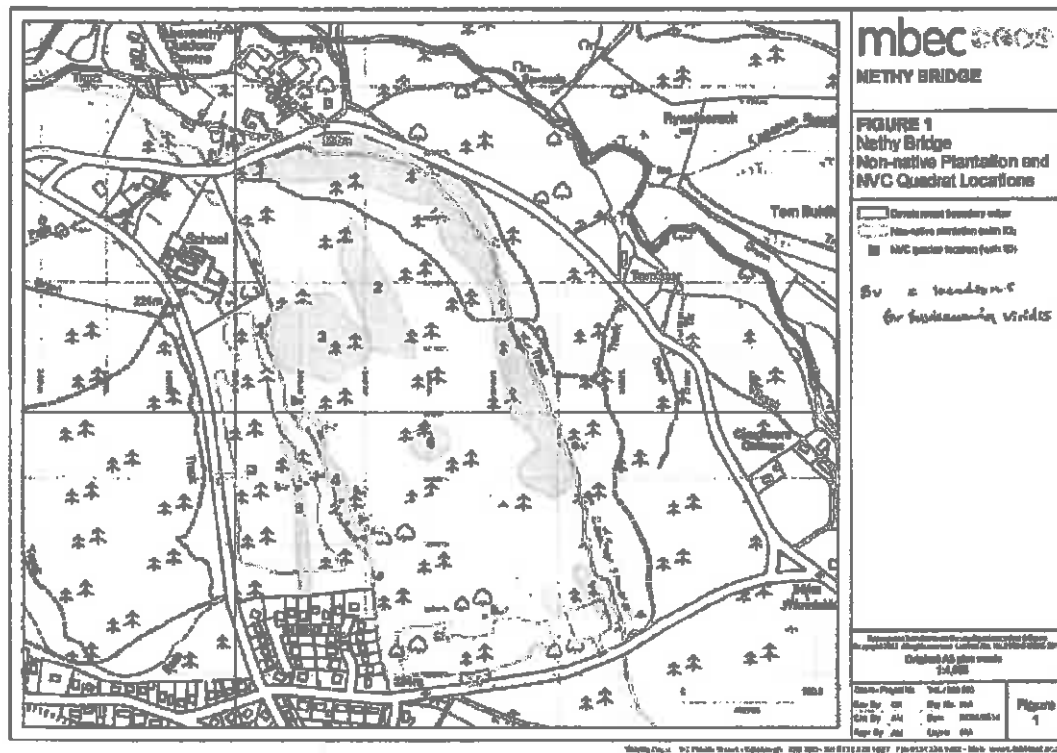
Therefore, until the true value of this woodland to the local community and the important biodiversity of the wider National Park, is determined I repeat the closing paragraph from my last objection of 12 May 2014.

The CNPA should work with SNH, the Scottish Government and the local community to ensure this woodland is retained for the benefit of people and wildlife and should reject this planning application in its entirety.

Yours sincerely

Stewart Taylor

Copy of MBEC map Figure 1 for illustrative purposes only to show the distribution of *Buxbaumia viridis* capsules found to date.



Typical area of planted Scots pines School Wood Sept 2014



Typical area of semi-natural woodland School Wood Sept 2014
Please also see photos with earlier objections



One of the populations of *Buxbaumia viridis* capsules School Wood Sept 2014.
Sadly, this group of capsules has been predated but several others remain on the same
Norway spruce root-plate. It is not unusual for capsules to be predated, though currently
the main predator(s) is unknown.



From: Susan Broyd

Owner of:

20 Dirdhu Court

Nethy Bridge

PH25 3EG

Dear Mr Harrison,

APPLICATION NUMBER: 2013/0119/DET

Erection of 58 houses, Land at School Road and Craigmore Road Nethy Bridge

Thank you for your letter of 1 May inviting comments on the additional documents related to the proposed developments at Nethy Bridge.

I should like to register my **very strong objection** to the proposed developments and nothing in the new documentation serves to allay my fears.

May I draw your attention to my comments dated 6th May 2013 (already posted on the CNPA website) and to my comments submitted in relation to the draft Local Development Plan. The current plan suggests that there should be no more than 40 houses across the two Nethy Bridge sites – this is far too great a number given the very special nature of the ecology in the area, and to suggest that 58 houses could be built is nothing short of a crime against nature.

I am afraid that the new transport statement does not adequately address the issues posed by the likely addition of over 100 extra vehicles in the village and the consequent traffic disruption, wildlife deaths and danger to children that will arise. It is simply not realistic to assume that many journeys will be undertaken on foot – young families most often have cars.

Nothing in the new documents adequately addresses the wildlife destruction that will result from the felling of ancient woodland and the reduction in wildlife corridors or the increase in human usage of the remaining woodland thereby causing even greater wildlife disturbance.


There is also no adequate statement showing the real demand for so many houses – virtually every settlement in the national park has plans for new housing developments – why are any more houses needed when clearly there will not be sufficient work for their occupants.

In summary therefore, my comments from last year still hold good and I await with interest the CPNAs ecology assessment for the proposed sites.

Many thanks for the opportunity to comment.

Yours sincerely

Susan Broyd

Firwood
Nethybridge
Inverness-shire
PH25 3DR


Ms Mary Grier,
Planning Office
Albert Memorial Hall
Station Square
Ballater
AB35 5QB

13/05/2013

Dear Ms Grier,

**Proposal: ERECTION OF 58 HOUSES, ASSOCIATED ROADS & FOOTWAYS LAND
AT SCHOOL ROAD AND CRAIGMORE ROAD, NETHYBRIDGE**

Planning application: 2013/0119/DET

I write in reference to the planning application above.

I wish to object to this application and request that the Park Authority turn it down.

Despite previous applications to build on this site having been turned down we are now having to object once more to try and stop the Forest Village losing part of its amenity woodland and associated wildlife. Not only is this a new application, but it is for more houses than were proposed in the last application and all to be constructed in an area classified as Ancient Woodland in Scottish Natural Heritage's Ancient Woodland Inventory. MBEC Environmental Consultants, the team behind the Ecological and Nature Conservation Report, suggest that some sections are not ancient. The same as could be claimed for parts of the adjacent Abernethy Forest NNR as large areas of this forest were also lost to historical exploitation and war-time fellings. However, that doesn't change the overall status of the site. If this application is allowed to go forward we will lose a section of ancient and semi-natural woodland to the laying of concrete from which the woodland will never recover, unlike the forest which was re-established after past management.

This application includes the undertaking of detailed ecological surveys, but despite an enormous report several things are lacking. This report also seems to be trying hard in

places, to make a case for the development to go ahead when the aim should just report on the ecological facts.

3.4.26 Tall ruderal vegetation (p57).

I have to assume from the description that this is the area referred to locally as the Council lay-by where materials for local repairs have been stored in the past and a recent dumping ground for excess tarmac after road repairs. Despite a few garden escapes being positively identified the huge population of bird's-foot trefoil (*Lotus corniculatus*) fails to get a mention despite being all around the edge of the lay-by. Whilst the plant is not rare, this population supports one of our rarest solitary mason bees *Osmia uncinata*, first reported from this site in 2001 and still visiting the trefoil patch in 2011. The bee is also missing from the invertebrate list, not usually being on the wing (May-June) when the surveyors visited later in the year. I would suggest therefore that the small patch of tall ruderal vegetation has a greater nature conservation value than that of "negligible" as given by MBEC.

Table 2 Summary of Notable Bryophytes.

I have a personal link to one of the rare species quoted – *Buxbaumia viridis* and despite the last record being listed in NJ02 as 2010, I can report that the moss is alive and well, in NJ02 and not far from School Wood, with the capsules just about to release their spores for the current year. This moss loves decaying logs and I would be surprised if it wasn't to be found somewhere in School Wood. Again, the surveyors' visit period wasn't correct for this particular moss.

Mammal Survey.

Whilst welcoming the greater level of ecological surveying carried out for this application I do wonder whether a two day visit is sufficient to give an accurate assessment of the range of mammal species using the site.

Fungus Survey.

Having been involved in recording fungi over a long period in woods local to this application (Taylor 2013 - see references) I wonder how accurate the identification results were when you read that Phillips, 1981 was used as one of the identification guides. Whilst this is a useful field guide it is just not possible to identify several of the pinewood occurring fungi using this guide. Neither can some fungi be identified from photographs when spores etc often need to be checked under a microscope.

Invertebrates.

An extensive list, with, thankfully, various experts used to carry out the identifications. However, as already mentioned, the rare *Osmia uncinata* mason bee was missed and there was a major error made when deciding where to search for the water beetle *Illybius wasastjernea*. If the paper on the original find had been consulted (Owen 1992a), particularly when the report states that "several root-plate pools (holes made by the root

plate of fallen trees) were sampled, targeting *Ilybius wasastjernae* (Vulnerable)", the surveyors would have realised that the beetle lives in water filled holes UNDER the roots of the stumps of dead Scots pines in bogs (see Fig 1). It is possible therefore, that this beetle is present on the development site.

Breeding Bird Survey.

Whilst the transect and point count method of survey gives good results I would suggest the Common Bird Census method, also recommended by the British Trust for Ornithology, might have given better results. The CBC method though does involve up to 8 visits but does allow the territories of the birds to be mapped. I would also be interested to know how the Scottish crossbills were positively identified, and whilst welcoming their presence, there is a good possibility that the birds could have been parrot crossbills. There are several ornithological papers on the difficulty in correctly identifying the two species, and both species are regularly recorded in Strathspey pinewoods. It was sad to see that no evening visits were made to the development sites for owls and woodcock, both of which would have been potential breeders. The bare minimum of effort seems to be the norm in these planning application surveys. To allow the bird populations of the two sites to be properly evaluated when compared to other pinewoods, the number of pairs/km² should also have been stated (see Taylor 2010).

I would suggest that this wood was bought cheaply, by people whose sole interest was motivated by profit and the CNPA should recognise this. Whilst the surveyors failed to find evidence currently of capercaillie, School Wood still retains huge recreational and natural history importance to local people, and once again you should reject this application.

Yours sincerely

Stewart Taylor MBE

Fig 1



Looking for *Illybus* (= *Agabus*) *wasastjernae* water beetles



Typical site under stump under tussock

References.

Taylor, S. 2013. Recording stipitate hydroids (=tooth fungi) at RSPB Abernethy Forest National Nature Reserve 1985 to 2011. *Field Mycology* 14 (1): 5-13.

Taylor, S., & Summers, R. W. 2010. Numbers of breeding birds in old Scots Pine wood at Abernethy Forest, Badenoch & Strathspey. *Scottish Birds* 30 (4): 302-311.

Owen, J.A., Lyszkowski, R.M., Proctor, R., & Taylor, S. 1992a. *Agabus wasastjernae* (Dytiscidae) Sahlberg new to Scotland. *The Coleopterist* 1 (2): 2-3.

From:Tim Ambrose
Sent:29 May 2014 11:28:30 +0100
To:Planning
Subject:nethy Bridge, School Wood proposed housing - Objection
Importance:Normal

Dear Sirs,

Planning application 2013/0119/DET - proposed construction of 58 houses at School Wood, Nethy Bridge

On behalf of The Scottish Wild Land Group, a Scottish Charity number SC004014, I am writing to OBJECT to the planning application for 58 houses and associated infrastructure at School Wood in Nethy Bridge.

This is an inappropriate location for so many new houses and will involve the destruction of Ancient Woodland, as well as irreversible damage to the natural habitats of many key species of the Cairngorms. These areas of forest are precious and scarce in the Cairngorms, and need to be preserved and enlarged, not sacrificed for housing, which should be erected on brown field sites, in smaller developments, and in less sensitive locations.

Trying to squeeze as many as 58 houses into the site will involve major disruption to the wildlife from the presence of so many inhabitants and their pets, particularly to species such as red squirrels and capercaillie, the iconic species of the Cairngorms which are in need of support. It will contribute substantially to a continued loss of wildness in the Cairngorms area, which is one of its principal attractions.

Such damage, once incurred, is irreversible. Our children and future generations will lose if this development is allowed. The precautionary principle should apply to prevent it.

The proposal is completely inconsistent with the CNPA's legal obligation to "conserve and enhance the natural .. heritage .. of the [Cairngorms] area", (S1(a) National Parks (Scotland) Act 2000), and the Scottish Wild Land Group urges the CNPA to reject the application.

yours faithfully, Tim Ambrose, Treasurer, the Scottish Wild Land Group, 8 Clevedon Road, Glasgow G12 0NT.

22 Dirdhu Court

Nethy Bridge

PH25 3 EG

Dear Ms Major

The proposed erection of 58 houses, associated roads and footways, land at School Road and Craigmure Road, Nethy Bridge.

With reference to the above, I wish to lodge my objections to these proposals.

I do not object to the building of affordable housing as required by first time buyers in Nethy Bridge. Can you quantify this demand?

I would be interested to know who the prospective purchasers of a new development in the village would be. As you are no doubt aware, there are a large number of 'second homes' in the village which lie empty for most of the year. In Dirdhu Court which joins the two proposed areas, there are at least 8 houses which fall into this category.

Building 58 houses in the School Wood will have a damaging effect on the amenity and nature of the village environment without serving the needs of the local population.

I look forward to your response.

Yours sincerely

Hamish Thom

From:tim ransom
Sent:22 Oct 2014 23:27:39 +0100
To:Planning
Subject:Application Ref: 2013/0119/DET. Erection of 58 houses, associated roads and footways.
Land at School Road and Craigmere Road, Nethy Bridge.
Importance:Normal

October 22nd 2014

Dear Sir/Madam,

**Application Reference: 2013/0119/DET. Erection of 58 houses,
associated roads and footways. Land at School
Road and Craigmere Road, Nethy Bridge.**

I would like to strongly object to planning permission being granted for this application for a number of reasons.

This proposed site is listed in the Ancient Woodland Inventory as ☐a long established woodland of semi-natural origin☐ and the Scottish Planning Policy (Section 194) states that planning should ☐protect and enhance ancient semi-natural woodland as an important and irreplaceable resource together with other native or long established woods☐ and so to allow any part of this important local woodland to be destroyed would clearly fall foul of Planning Policy and that cannot be allowed to happen, especially within a National Park.

Any purposeful loss of Ancient Woodland, which is the most pristine and diverse of habitats in Britain, would be a travesty as this habitat cannot be recreated, replaced or managed for.

And on the issue of wildlife conservation this proposed site has been shown time and time again that it is a very rich and important area for wildlife. Not only does the Ecology Report for this development show clearly how many rare and threatened species live in and use this site but also other independent surveys show the same over many years and in all locations of the proposed development.

The species shown to use or live in this site include numerous protected species from Otter and Red Squirrel, one of the UK rarest mosses in the Green Shield Moss, to countless protected invertebrate species including a number of UK Priority Species and

Red List species and also it would have an impact on nearby breeding Capercaillie. These surveys show clearly the importance of this site to wildlife in the Cairngorms and to allow it to disappear under concrete would be a travesty. The CNPA needs to show it takes its responsibility seriously to protect natural history within the Cairngorms and any clear failure to do so would reverberate far and wide, and well beyond Scotland, that it was not truly committed to upholding its First Aim of protecting its natural history but this is a case where it can show it does.

Both local and national conservation organisations have raised serious concerns and objections to this application. Such organisations do not take the time to raise objections unless there are very serious concerns over the impact of a development and those real concerns cannot be mitigated for or be ignored.

Also, recently the Reporters recommended that the School Road part of this development should be completely removed from the Local Development Plan as well as from the Nethy Bridge settlement boundary and to ignore this recommendation would send a very negative message that the CNPA cares more for development than upholding the Reporters recommendations and protecting its wildlife and habitats for future generations.

This proposed development does not, in any way, fit in with the character of Nethy Bridge. The proposal to cram 58 houses into this site is totally out of keeping with the rest of the village and threatens to turn this Forest Village into another faceless housing estate with no character or village ☐feel☐ especially as this proposed development lies on two important and well-used entrances into the village and would give a negative view of what is valued as a typical Highland village and so negatively impact on valued tourism.

To allow this development to go ahead would have a significant negative impact not only on the wildlife of the area but also on the village itself as well as being seen to be ignoring the Reporters recommendation and the objections raised by numerous individuals and national conservation organisations and if all these factors were to be ignored it would send a clear and damaging message, within and without the National Park, of the real priorities of the Park Authority so it surely is clear that planning permission should be refused for this application once and for all.

Yours,

Mr Tim Ransom, BSc
Flat 8,
1 St Saviour☐s Crescent,
St Saviour☐s Road,
St Saviour,
Jersey,

**Channel Islands,
JE2 7XN.**

**Roy Turnbull
Torniscar
Nethy Bridge
Inverness-shire PH25 3ED
Scotland
Tel/fax [REDACTED]**

**Simon Harrison
Head of Planning
CNPA**

Dear Mr Harrison,

A History of the School Wood Allocation and Subsequent Events

2013/0119/DET | Erection of 58 houses, associated roads & footways | Land at School Road and Craigmole Road, Nethy Bridge

Thank you for your letters of 1st and 15th May 2014 advising me that further documents relevant to the above planning application have been recently lodged with the CNPA.

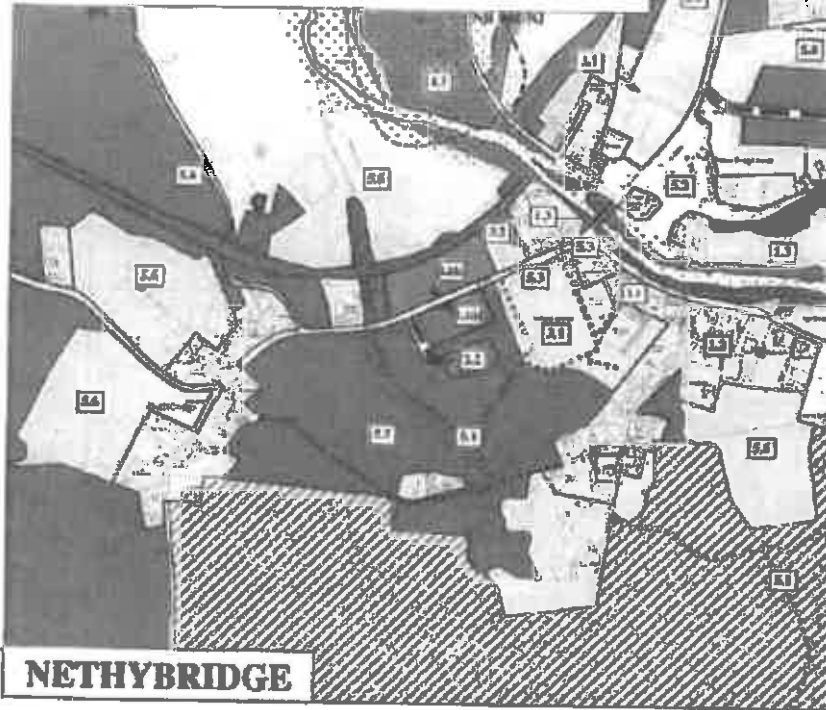
Since the School Wood allocation preceded the formation of the Cairngorms National Park, I believe it is important that the CNPA should be aware of the events surrounding that allocation, and to that end the following brief history is provided.

The allocation of parts of School Wood for housing development was made within the Highland (Regional) Council (HC) Local Plan of the early 1990s. However, the First (Consultative) Draft of the HC Local Plan, published in March 1991, made no reference to development within School Wood, see:

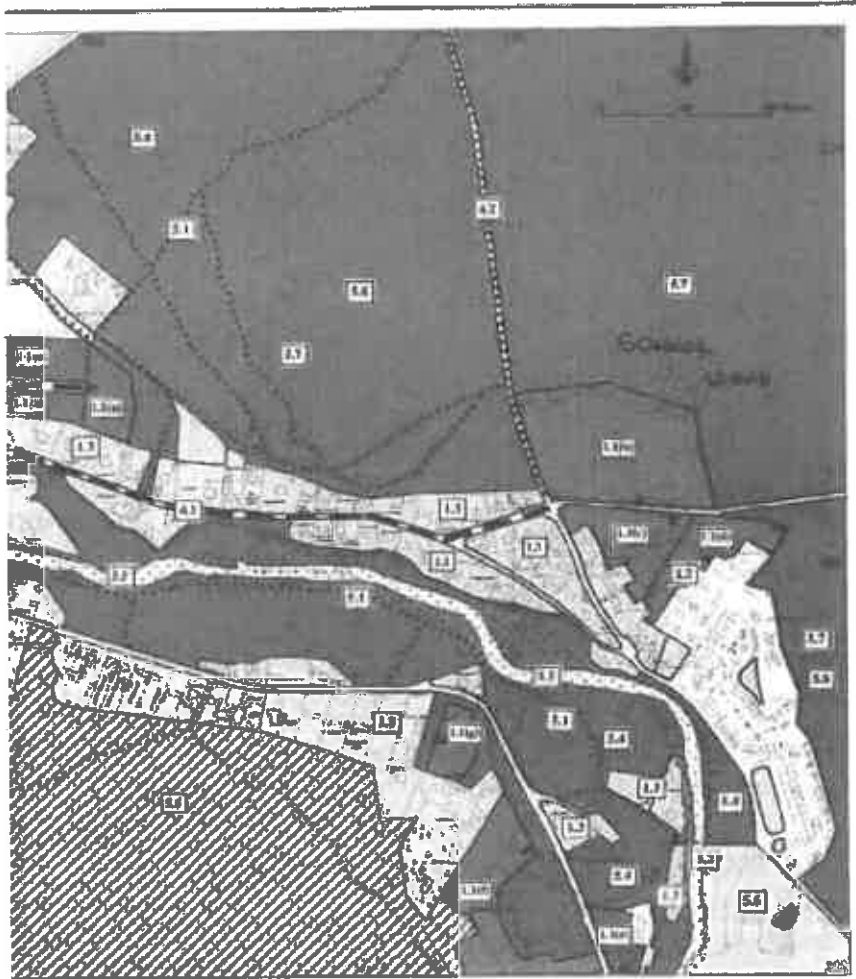


NETHYBRIDGE

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GLENMORE CORRIDOR
FIRST DRAFT MARCH 1991



NETHYBRIDGE



This March 1991 First Draft acknowledged the development pressure on existing settlements throughout Badenoch and Strathspey with the words:

"Despite spare capacity in land and infrastructure in most settlements, concern is emerging about the rate and scale of change in established villages. Unsympathetic cramming and expansion of communities is eroding their character and setting, threatening to overwhelm facilities, or creating imbalance in the social structure. ..."

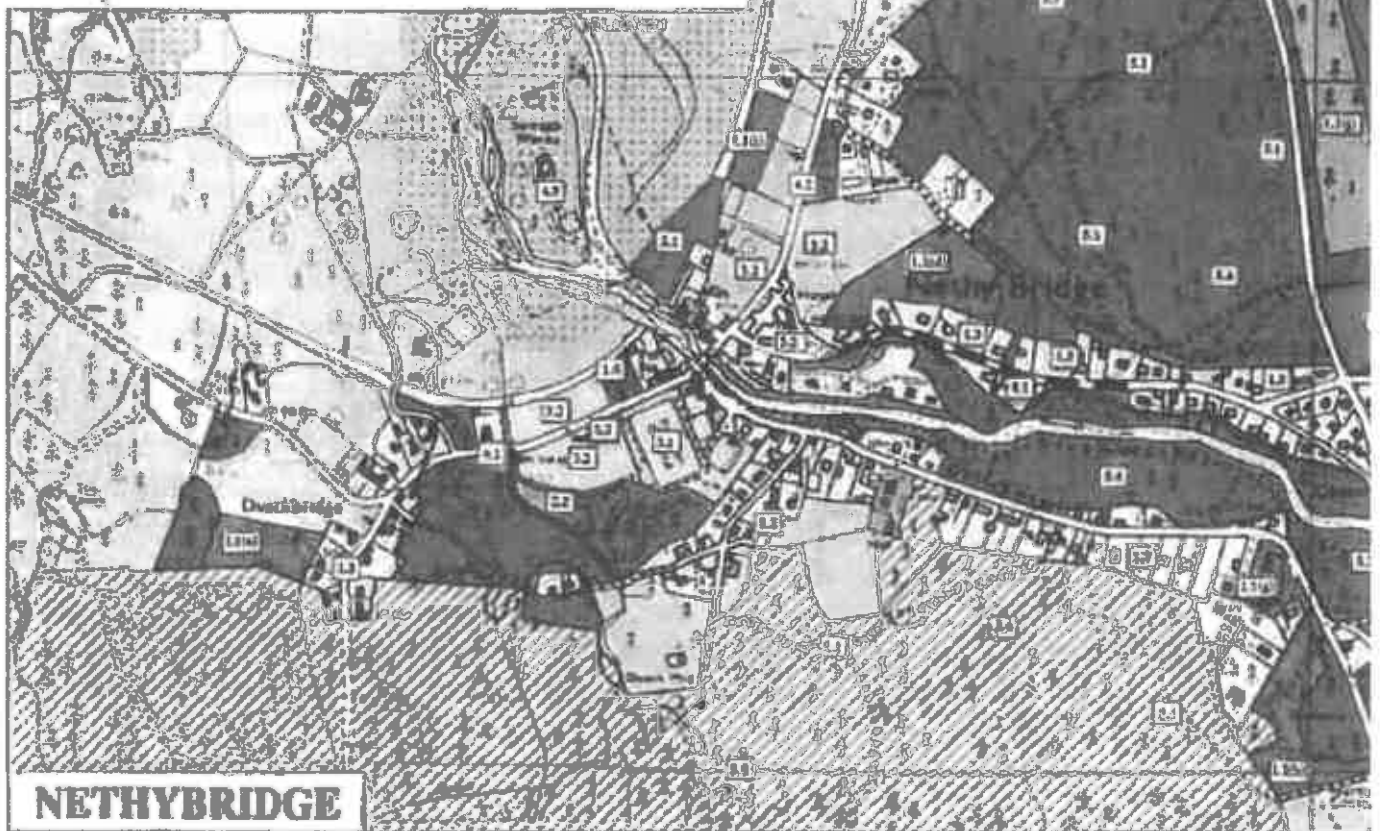
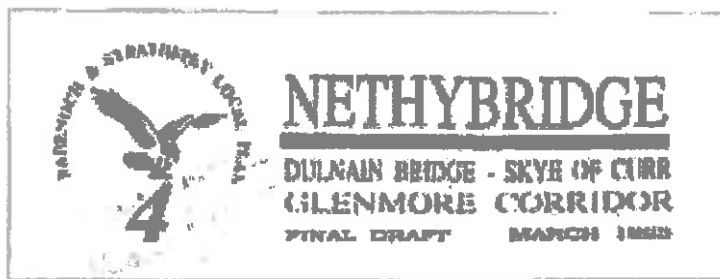
This March 1991 First Draft LP included provision for 93 houses in Nethy Bridge. HC later reported (at the Public Local Plan Inquiry held in summer 1994) on the public response to the March 1991 First Draft LP as follows:

Representations

- 2.8 The Draft Plan provisions for Nethybridge attracted a very considerable public response. The Planning Authority received some 35 written representations together with a further 30 letters of a pro-forma type. These are summarised in full, together with the Council's response in the Statement of Publicity, Consultation and Representations (HRC 6).
- 2.9 Broadly, whilst some support emerged for the Plan's principles particularly in respect of the village's form, character and wider amenities, very significant concerns were expressed in relation to the amount of land allocated for housing development; the scale of change proposed; the proportion of holiday and second homes likely to be attracted; the need for greater emphasis on low cost accommodation for local people; and the perception that growth of Nethybridge would be damaging to its character and visitor appeal. Notwithstanding, several individuals sought a more expansive and pro-active approach to encouraging growth.

After this period of First Draft consultation in 1991, a private meeting was later arranged and held on 2nd July 1992, between HC officials, Nethy Bridge Community Councillors, District Councillor S Black and Regional Councillor B S M Dunlop. (No minute of this 2nd July meeting from the Community Council appears to exist, though there is an account of the meeting in the HRC papers to the 1994 PLI.) It was at this meeting that the allocation of 40 houses in School Wood was first discussed and informally approved and subsequently provided for in the Final Draft March 1993 Local Plan. This was, and remains, the largest Local Plan allocation ever made in Nethy Bridge, in terms of the number of buildings involved, and area of land allocated. The overall housing allocation was also increased from 93 to 125 in Nethy Bridge. (See March 1993, Final Draft, Nethybridge, below).

Thus, following "very considerable concerns" about housing land allocations expressed during the March 1991 First Draft LP consultations, the 40 houses in the School Wood allocation in the Final Draft LP in March 1993 was made without any consultation with, and indeed without the knowledge of, the public. No public meeting was convened, either by the Nethy Bridge Community Council, or by Highland Regional Council, concerning the proposals for housing allocation in School Wood discussed privately on 2nd July 1992. The public could not have been aware of this meeting, nor of its crucial importance to the future of Nethy Bridge, because neither the date of the meeting, nor any indication of its proposals had been made public. Thus, members of the public were not even able to lobby councillors with their views. The first public information concerning the School Wood allocation came with the publication of the Final Draft Local Plan in March 1993, by which time objection to such a large proposal in an already seriously overdue local plan was largely futile and involved appearing at the subsequent Local Plan Inquiry held in Aviemore in the summer of 1994.



Following the allocation for 40 houses in School Wood in HC's Local Plan, an application for 48 houses was made in 2001 by Eagle Star Insurance Company.

The "Minute of Meeting 25th June 2001"

**THE HIGHLAND COUNCIL
MINUTE OF MEETING OF BADENOCH AND STRATHSPEY AREA
COMMITTEE**

Held at Nethy Bridge Community Hall
on Monday 25th June 2001 at 7.30pm

into this Eagle Star application records, inter alia, the following:

p.15

Councillor F D S Black stated, "... at least 20 of the house sites should be reserved for self-build with 10 of those reserved being for people on lower earnings." ...

“Councillor A Gordon gave full support to Councillor F D S Black’s position ...”

“Councillor S Slimon also supported Councillor F D S Black’s viewpoint and confirmed her view that at least 20 of the sites should be self-build and have the usual services supplied at the cost of the developer.”

“Councillor R Severn gave support to councillor F D S Black ...”

p.16

“Councillor Dunlop gave support to Councillor F D S Black and believed that the most appropriate way forward would be to refuse this application and invite a new application taking into account the comments made by the Committee.”

“The AM confirmed that a reduction in the number of houses from 48 to 40 with 20 houses being reserved for “self-build” ... means that Members would be best advised to refuse this application ...”

“Councillor F D S Black moved to refuse the application ... this application, as it stands would not deal with the real developments needs of the community at this time because it fails to meet the requirements for low cost and self-build houses.”

see:

site had been confirmed by the Public Inquiry.

There is no established need for more than 40 houses on this site and there are serious concerns regarding the impact of the development on habitat and on the provision of sewage facilities. Consequently, very stringent conditions must be applied to this permission along with a requirement that low-cost housing opportunities are included.

Councillor B M S Dunlop emphasised the absolute requirement that the development of the site must be controlled. There should be a wide buffer zone of trees at either end to screen the development from the School and Dirhin Court, and also along School Road. Specific areas of high amenity/wildlife value such as the mature pine, willow and aspen should be protected from development. The number of houses should be limited to 40 maximum.

Consequently, Councillor B M S Dunlop gave support to Councillor F D S Black and believed that the most appropriate way forward would be to refuse this application and invite a new application taking into account the comments made by the Committee.

The AM confirmed that a reduction in the number of houses from 48 to 40 with 20 houses being reserved for "self-build" along with the alteration of the boundary fence line, means that Members would be best advised to refuse this application, giving good reasons. The ABSCH stated that a withdrawal could be sought on a voluntary basis with the Committee seeking an amended application. However, it would not be possible to give approval to this application without either seeking a withdrawal or refusing it and inviting an amended application.

Subsequent to further discussion, Councillor F D S Black moved to refuse the application on the grounds that the site is of such a sensitive nature so as to require a reduction in the number of houses proposed from 48 to 40, with tree buffer zones being included between the group house development sites on each application site and that specific habitats of particular value be safeguarded from housing development in order to protect the amenity of Neily Bridge and its environs along with the wildlife. Further, this application, as it stands would not deal with the real development needs of the community at this time because it fails to meet the requirements for low cost and self-build houses.

Councillor F D S Black's motion was seconded by Councillor R Severn and there being no amendment, the Committee agreed to **REFUSE** the application for the reasons stated above.

The meeting concluded at 10.00pm.

A subsequent application was lodged in 2002, based upon the principles of no more than 40 houses, (20 of which were to be self-build), and protection of mature pine, willow and aspen. The Highland Council was minded to approve this latter application at the Meeting of Badenoch and Strathspey Area Committee held on Tuesday, 24th September 2002 at 7.00pm.

It was this situation which the Cairngorms National Park Authority inherited in 2003.

SUMMARY

The above establishes the following:

- the initial allocation of land for housing development in School Wood was made without public knowledge or consent. Since this, the largest housing allocation ever made in Nethy Bridge, did not appear in the First Draft Local Plan in 1991, the public were denied the opportunity for comment and the allocation represents a serious democratic deficit that the CNPA, by continuing with the allocation in its 2010 Local Plan, has done nothing to correct.
- contrary to the present application, which is for 58 houses, the CNPA inherited a situation in which it was accepted that "the number of houses should be limited to 40 maximum".
- contrary to the present application, which has no provision for self-build plots, the CNPA inherited a situation in which it was accepted that 20 of the 40 houses should be self-build.
- contrary to the present application, which proposes the clear-fell of trees within the site, including the destruction of mature aspen and willows, the CNPA inherited a situation in which it was accepted that "Specific areas of high amenity/wildlife value such as the mature ... willow and aspen should be protected from development."

Thus, the present application, proceeding as the Cairngorms National Park has been established for more than ten years, is substantially more damaging to the natural and cultural heritage of Nethy Bridge than that insisted upon by the Highland Council before the establishment of the national park.

If granted, this proposal would demonstrate that, contrary to the requirements of its founding legislation to "conserve and enhance" that heritage, the Cairngorms National Park Authority is causing its degradation.

Should you wish to see full hard copies of any or all of the documents referred to above, please get in touch.

Yours sincerely

Roy Turnbull
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PH25 3EP



Web: <http://www.geograph.org.uk/photo/288449>

Roy Turnbull
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Email: [REDACTED]

29th May 2014

Simon Harrison
Head of Planning
CNPA

Dear Sir,

**2013/0119/DET | Erection of 58 houses, associated roads & footways | Land At School Road And
Craigmor Road, Nethy Bridge**

Thank you for your letters of 1st May and 15th May 2014 advising me that further documents relevant to the above planning application have been recently lodged with the CNPA.

I wrote to the CNPA previously (13th May 2013) registering my objections to this planning application for a number of reasons. None of those reasons have been adequately, or at all, addressed by these recent documents, and hence my objections to this application are sustained.

I will first review my previous objections (numbered 1-7, dated 13th May 2013) in light of these recent documents and then address some of the content of those documents themselves.

Previous Reasons for Objection to 2013/0119/DET (13th May 2013)

1. The proposal is contrary to the provisions of the adopted CNPA Local Plan with respect to the number of houses proposed.

The number of houses proposed was 58, a substantial increase on the 40 allocated in the Local Plan, representing a substantial departure from the provisions of the Local Plan.

Scottish Planning Policy Para.25 "requires [my emphasis] decisions to be made in accordance with the development plan unless material considerations indicate otherwise."

Clearly, the greater the departure from the Local/Development Plan the greater the need for justifying material considerations: yet no such considerations have been proffered by the applicant, who would have been fully aware that as long ago as June 2001, Highland (Regional) Council had refused a previous application, "on the grounds that the site is of such a sensitive nature so as to require a reduction in the number of houses from 48 [that had been applied for] to 40" [my emphasis][Ref.: MINUTE OF MEETING OF BADENOCH AND STRATHSPEY AREA COMMITTEE Held at Nethy Bridge Community Hall on Monday 25th June 2001 at 7.30pm]

In order to sustain the applicant's proposal for 58, rather than 40, houses in School Wood, it would be required to demonstrate all of the following:

- that the natural heritage value of School Wood was no longer of "such a sensitive nature", or that the protection afforded to ancient woodlands had declined. Neither of those events has occurred. Indeed, the records of the wildlife value of School Wood continue to accumulate, for example, with the recent discovery of "Key Species" Green Shield Moss *Buxbaumia viridis* [see CNPA Paper 5579 CAIRNGORMS NATURE ACTION PLAN 2013 - 2018 p.26] on the development site, and the continual records, including photographic evidence, of otter using the Caochan Fuaran. Meanwhile, the continued protection afforded to ancient woodlands, as outlined in the correspondence dated 14th May

2014 from The Woodland Trust and the establishment of the Cairngorms National Park, (including Local Plan Policy 3) emphasise the importance that should be afforded to the protection of ancient woodland such as School Wood.

- that a housing need survey had identified a local need sufficient to justify an increase from 40 to 58 houses. No such survey has been undertaken by the applicant. Indeed, the last detailed survey of housing need in Nethy Bridge, by The Highlands Small Communities Housing Trust in July 2002, found no evidence of housing need in Nethy Bridge that could justify a requirement for 40 houses in School Wood, let alone an increase to 58 houses.
- that there had been a dearth of house building in Nethy Bridge since 2001, but that is not the case. Over one hundred houses have been built in the Nethy Bridge area since 2001, an increase of some 24% on 2001 numbers*, see below (figures from Highland Council):

Data Zone	Data Zone Name	New House Completions by Calendar Year								
		2001	2002	2003	2004	2005	2006	2007	2008	2009
S01003756	Nethy Bridge	7	4	12	7	7	23	3	2	1

*Highland Council report 522 houses in Nethy Bridge in 2001, so the 102 houses built since 2001 represent an increase of $100 \times 102 / (522 - 102) = 24\%$

Thus, my objection is sustained.

2. Part of the proposed housing site is Outwith the Settlement Boundary of Nethy Bridge.

The recent documents provide no change to this situation, thus my objection is sustained.

3. The building of 58 houses is excessive.

The recent documents provide no amelioration to this situation.

Indeed, the new proposed layouts of both the Craigmores Road and School Road sites are even more cramped and unacceptable than previously, as a result, it appears, of accommodating the SUDS schemes. These layouts bear no resemblance to housing in the existing Nethy Bridge community and appear to me to represent urban ghettos to be hidden, as far as possible, in woodland. If built, they would represent an appalling example of planning in a national park, as careless of the well-being of their human inhabitants as they indubitably are of the natural heritage of the ancient woodland they would destroy and degrade. The proposal is about as far removed from the concept of acceptable and sustainable housing to cater for local need in a national park as it is possible to get.

Thus my objection is sustained.

4. This application, if granted, would establish the principle of development within this woodland

To my knowledge there has been no change to this situation. It remains the case that transfer of ownership to a community group provides no guarantee of the future safeguarding of the remaining woodland from future development. What it does guarantee, in the event of some members of the community wanting further development to release funding for some future community project, is further division and discord within the community. No doubt the present applicant would be very happy to come and build some more houses in School Wood, in that event, whilst being spared the opprobrium that its current application is attracting. The present vague transfer arrangement in this respect is wholly unsatisfactory. A secure future for School Wood is far better achieved by transfer of ownership to a properly constituted organisation dedicated to looking after woodlands, and funds are available towards that end. My previous comments are sustained.

5. & 6. These previous reasons largely concern landscape and will be addressed in the context of consideration of the CNPA Landscape Report (May 2014) below.

7. No further information has been provided by the CNPA concerning ecological surveys. My previous comments are sustained.

Comment on CNPA LANDSCAPE RESPONSE dated 1st May 2014.

1. The Landscape report states, "The sites are within pine plantation woodland".

That provides an inaccurate and wholly inadequate description of the School Wood sites.

School Wood was largely, but not entirely felled during WWII, (many Scots pines and broadleaves such as willows, aspen, juniper and birch remained unfelled) and some planting occurred around 1962. This planted component consisted of the lodgepole pine and Norway spruce and some Scots pine. Some of the planters from that time are still alive (I can privately provide the name and address of one such individual on request) and confirm that the Scots pine planting was "beating up", that is, adding to young, naturally regenerated Scots pine. Careful examination of the spacings of many of the Scots pine confirms that they arose from natural regeneration, being of a nature that no planter would have produced.

It is thus the case that some (the exact proportion is unknown) of the Scots pine and all of the broadleaved component in School Wood arose by natural regeneration.

Moreover, whether a tree arose from being spade planted as a small local provenance native sapling, without ground preparation (ditching or mounding), - which is what happened in School Wood - or from natural regeneration from remaining seed trees is of very little importance. What matters is that

- the soils remain intact and have not been substantially disturbed throughout their 10,000 years of evolution since the end of the last glaciation
- woodland cover has not been interrupted for extended periods
- most of the tree cover is native species
- the woodland contains the rich assemblage of plants, invertebrates, mammals, birds and amphibians that is to be expected from an ancient woodland site

It is those bulleted points that are important for understanding that School Wood is capable of fully recovering from the war-time felling and non-native planting, to a fully native woodland, if it is allowed to and if the non-native components are removed. Development will permanently destroy the site and degrade the remaining woodland.

To the extent that School Wood contains some non-native planted trees it may be regarded as a PAWS (Plantation on an Ancient Woodland Site).

The Control of Woodland Removal Policy states:

"There will be a strong presumption against removing the following types of woodland: ancient semi-natural woodland; woodlands listed as 'Plantations on Ancient Woodland Sites' (PAWS).

There will also be a strong presumption against woodland removal where it would lead to fragmentation or disconnection of important forest habitat networks."

The Cairngorms National Park Forest and Woodland Framework states that one of the priorities for the Park is:

"c) Protect all ancient and semi-natural woodlands from further damage and fragmentation and restore them all in plantations on ancient woodland sites (PAWS).

There really is no excuse for the CNPA to ignore its own Forest and Woodland Framework as well as Scottish Government policy with respect to PAWS by downplaying the status of School Wood to that of "pine plantation woodland" so as to facilitate its destruction and degradation by development.

The Forestry Report from Highland Council Forestry Dept. (17th May 2013) and from The Woodland Trust (14th May 2014) and several other representations provide further information in this respect and attest to the rich biodiversity and landscape value of the ancient woodland site of School Wood.

2. Policy Context

NPPP Policy 2.8 states that “new development should ... support the retention and enhancement of local character”, but this proposed development can in no way be said so to do.

The proposed housing developments, particularly the School Road development, are alien to the existing settlement pattern in Nethy Bridge, and will always remain so.

Similarly, Policy 6 (landscape) states that new development should complement and enhance the character of the National Park and in particular the setting of the development. This development is of urban ghettos hidden in woodland and can in no way be said to enhance the character of the national park.

Thus the proposal is contrary to the provisions of NPPP Policy 2.8. and CNPALP Policy 6.

What is the point of having policies to conserve and enhance local landscape character in sympathy with the wider national park landscape character, as these policies attempt to do, if their provisions are ignored or if it is pretended that wholly unacceptable proposals are in accordance with them?

3. Landscape Priorities and Opportunities for Nethybridge

“Identify senescent, diseased and damaged veteran trees and replace over time” is contrary to Scottish Planning Policy Para. 147, namely:

“... individual trees, especially veteran trees, may also have significant biodiversity value and make a significant contribution to landscape character and quality so should be protected from adverse impacts resulting from development”.

It is astonishing to find such words within a national park's considerations concerning landscape.

Veteran trees are by definition ‘senescent’ (ie ‘verging on old age’) and they are almost invariably damaged and diseased, both of which add to their great biodiversity value, (for invertebrates, plants and lichens and nesting sites for birds) as well as their character and their value for landscape. Veteran trees, by virtue of their slow rate of growth and change, provide continuity and history; they are part of the context of communities. The CNPA should be celebrating and protecting its veteran trees, not encouraging their “replacement” or using such misguided guidelines to excuse their destruction for development, as in the Landscape report on School Wood. And what should such veteran trees be replaced with that could possibly have the value of that which has been destroyed? In the case of School Wood the answer appears to be concrete and tarmac.

The veteran goat willows on the development site in School Wood were previously marked (with an orange spot) for retention and followed SNH's advice, recorded in the 24th September 2002 Area Manager's Report PL98/2002 to BS/02/045, para. 3.5 p.6, relating to a previous application for housing in School Wood that “retention of both specimen trees and internal tree compartments ... will provide corridors for movement of invertebrates and other wildlife” and (para.3.6) “Recommend applicant be required to undertake site survey in order to accurately prepare detailed design plan ... for retention of strategic amenity woodland within and around the proposed site.” Similarly, at the planning meeting itself “Councillor B M S Dunlop emphasised the absolute requirement that the development of the site must be controlled. ... Specific areas of high amenity/wildlife value such as mature pine, willow and aspen should be protected from development.” [Minute of Meeting, 25th June 2001, p.16]

Contrast that concern over specific areas and trees within the development site, expressed when Highland Council was the planning authority, with the CNPA Landscape Report that for both the School Road and Craigmore Road sites states, “It is accepted that the site will need to be clear-felled within the red line boundary to facilitate the development.” Clear-felling of the sites would require the destruction of the treed compartments including the mature willows and aspens and many fine pines and could only occur by ignoring SNH's advice and the restrictions formerly placed on development by Highland Council.

It is a disgrace that a national park appears content to afford less protection to such natural heritage values than did the previous local authority, with SNH support, and is completely unacceptable.

4. Potential significant impacts

The Landscape Report states "The proposed development at school wood is not contiguous with the main settlement, it has a very condensed form and there is a high risk that it becomes an urban pocket in the woodland with the built form, hard surfaces and boundaries dominating, and a low level of private and public amenity. Without adequate attention to the detailed design and landscape proposals there is a risk that these impacts would be long term or permanent."

However, the suggestions to ameliorate this risk of "urban pockets in woodland" by way of footpaths and public spaces appear wholly inadequate to the task. Though, to be fair, that task does appear to be as insuperable as attempting to make the proverbial silk purse from a sow's ear.

Comments on Arboricultural Assessment (13th October 2013)

1. The AA does at least acknowledge the ancient woodland status of the site, but fails to point out that the broadleaved component is of entirely natural origin and makes an unwarranted assertion that "the bulk of the woodland area is planted", when no such quantified assessment has been attempted.
 2. The AA makes the extraordinary, and frankly absurd, claim that the life expectancy of the present trees in School Wood is 20-40 years. This appears to be yet another attempt to downplay the viability and value of School Wood, and has no basis in reality. The majority of the Scots pine trees in School Wood have grown since the war-time fellings and are thus less than 70 years old. Even if left entirely without further human intervention, self-thinning would result in a woodland full of trees that would live for far more than another century, as attested by countless examples other woodlands with similar histories to that of School Wood.
 3. I have addressed the AA recommendations for "clear felling" of the development sites in my comments under the Landscape Report, above.
-

Other Comment

I note that the CNPA ecology report has yet to be published and I await its publication before responding on various specific aspects that I anticipate will be included therein.

Yours sincerely,



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Email 

Cairngorms National Park Authority
Station Square
Ballater

11th May 2013

Dear Sir

**2013/0119/DET Erection of 58 houses, associated roads & footways | Land At School Road And
Craigmore Road, Nethy Bridge**

I wish to object to the above planning application for the following reasons:

1. The proposal is contrary to the provisions of the adopted CNPA Local Plan.

The CNPALP states, "These two sites have outline consent for a total of 40 dwellings". The CNPALP thus bases its support for the allocation of NB/H2 on that previous consent. However, that previous consent was itself based upon two important considerations with which the present application conflicts:

Firstly, Highland Council was minded to grant consent for 40 dwellings at the Hearing of September 2002, but that hearing followed one from June 2001 in which outline consent for 48 houses was sort by the developer. This June 2001 application was refused permission "on the grounds that the site is of such a sensitive nature so as to require a reduction in the number of houses required from 48 to 40".

Secondly, the outline consent that HC minded for approval in September 2002 resulted from an application for 40 houses, with "20 plots ... available for self-build; of these 10 ... at lower cost for first time local purchasers" following unanimous support for this provision by Councillors, expressed at the 2001 Hearing, and a request from the NB Community Council for all 20 self-build plots to be low cost.

Thus, the "outline consent for a total of 40 dwellings" mentioned in the CNPALP was explicitly based upon two constraints i) no more than 40 houses and ii) 20 of those 40 houses being self-build.

The present application for 58 houses, none of which are self-build, is in violation of both of those constraints and is thus not in accordance with the CNPALP.

2. Part of the proposed housing site is Outwith the Settlement Boundary of Nethy Bridge

The northern and eastern corner of the Craigmore Road site is outwith the Nethy Bridge settlement area, since the present application site has been moved deeper into the wood there. Thus Policy 22 must apply to that part of the application site. None of the conditions required for housing development outside settlements apply in this case and therefore that part of the application site is contrary to Policy 22. This area is also mainly birch woodland, in contrast to the mainly pine woodland to the south, see photo GR NJ01512072.

This situation serves to emphasise the warnings of the Reporters to the 2009 Local Plan Inquiry into the present Local Plan, where they state,

- Para. 66.10 "... we can see some logic in extending the boundary of the settlement to incorporate the component of NB/H2 which lies to the east of School Road. ... We can see no similar logic in the extension of the settlement to the east thereby violating a further piece of School Wood and providing nothing at all by way of an easily recognisable robust and defensible boundary."

- para.66.21 "Nor is there adequate explanation of 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 while remaining defensible against extensions to accommodate proposed developments which would be unacceptable."
- para. 67.5 "we have expressed our deep concern that the proposed boundaries for NB/H2 and NB/ED1, as far as they penetrate School Wood, are not easily recognisable on the ground and are neither robust nor defensible."

The wisdom of those statements by the Reporters is revealed, as the first application to follow now violates the Nethy Bridge settlement boundary.

3. The building of 58 houses is excessive.

There has been no recent survey to establish local need, or ability to pay for even "affordable" housing were they to be made available, and no evidence to suggest that 58 extra houses (44 affordable) are needed by the local population.

Scottish Planning Policy advises, "As with market led housing the need for affordable housing should be met, where possible, within the housing market area where it has arisen." The corollary of that advice is that permission should not be granted for housing in places where the local housing market area cannot substantially fill the houses to be built.

As Highland Regional Council's 1991 Badenoch and Strathspey First Draft Local Plan already felt constrained to emphasise, *"Unsympathetic cramming and expansion of communities is eroding their character and setting, threatening to overwhelm facilities, or creating imbalances in the social structure."* Since that time 182 extra houses have been built in the Nethy Bridge settlement area (figure from Highland Council), which many would contend amply illustrates that HRC warning, as well as showing that building houses that local people cannot afford to buy does nothing to alleviate such local housing need as does exist. As well as the undesirable environmental effects mentioned above, those unaffordable houses now occupy sites that could and should have accommodated truly affordable dwellings, leading to the present unacceptable application for development in an ancient woodland site..

This application, quite clearly, is being driven by the desire of the developer to build a sufficiently large number of houses to provide an economically attractive return on his investment, rather than the needs of the community of Nethy Bridge. But the balance sheet of developers is not a valid planning consideration.

Further, in 2005 (12th January), the Nethy Bridge Community Council convened a well-attended public meeting about the new draft CNPA local plan. The meeting voiced overwhelming opposition to large-scale housing developments within the village.

The present policy of allowing large housing developments is damaging villages and their communities, damaging landscapes, destroying wildlife and depriving small local builders of a sustainable livelihood, whilst feeding an unsustainable demand from large landowners and large building companies who generally do not use local workers. It is the very opposite of what should be occurring in a national park, as has been learnt from bitter experience elsewhere. Sooner or later the CNPA must grasp the nettle of appropriate control of development.

4. This application, if granted, would establish the principle of development within this woodland, which would make further LP allocations/ planning applications harder to resist.

The supporting statement states, "The applicant has offered to transfer ownership of the remaining woodland to community ownership. This will ensure there is no further development within this area."

No such surety exists without a cast iron legal structure, which has not, to my knowledge, been made. Nethy Bridge Community Council has in the past had discussions with Highland Council (July 1992), concerning housing elsewhere in School Wood, without the knowledge of the wider community. If, for example, a situation arose where substantial sums were required for a community project or repair and the funds were not available from elsewhere, then the temptation would remain to raise the funds by further house building in School Wood. Community ownership without an irrevocable legal structure is a recipe for future disagreement.

The Nethy Bridge community has suffered from twenty years of uncertainty over the future of School Wood, which has caused considerable friction and disquiet. It is time for the CNPA to end this uncertainty with categorical assurances as to the future of School Wood backed by legal structures, whatever the outcome of the present application.

The discussion in the MBEC report (para 4.2.14 to 4.2.19) makes no mention of transfer of ownership, but discusses the present owner undertaking the management. This arrangement also provides no security. For example, the company can be wound up and its assets, including the rest of School Wood, sold at any time. Further, the MBEC report claims that the granting of planning permission for this development is the only way for the rest of the wood to be managed. That is not the case: funding and structures exist to ensure that School Wood is suitably managed and protected from development for all time coming if the present application is refused.

5. The application is contrary to the provisions of the adopted Cairngorms National Park Partnership Plan

- The Partnership Plan Policy Policy 2.3 is to, "Conserve and enhance the special landscape qualities..."

One of the landscape qualities inherited by the CNP is that of small villages nestled amongst extensive native woodlands. This proposal is one of many that is in the process of destroying that special landscape quality of the CNP.

- The Partnership Plan Policy Policy 2.4 is to, "Conserve and enhance habitat quality and connectivity, with a particular focus on: a) woodland enhancement and expansion ...

Building a housing estate in woodland neither conserves nor enhances the woodland: it destroys the area used for housing and increases disturbance and degradation of surrounding areas.

6. The application is contrary to CNPALP Policy 6 - Landscape

The proposed development is set entirely within a maturing woodland of predominately native species. Enclaves of houses within native woodlands do not "complement and enhance" the woodland: they destroy the woodland under the footprint of the development and, where tall pines and other trees surround the development footprint create a new hard edge against the development that might also cause problems of wind-throw, causing further landscape damage.

The proposed housing footprint at the Craigmores Road site will destroy the groups of old willows, and aspen trees that were previously marked with an orange spot to indicate their value was recognised and they would be saved. I attach photographs of some these trees in the Appendix, with grid refs. NJ0133420620, NJ0138420665 and NJ0139220693, all of which fall within the proposed Craigmores Road development site.

There are no exceptional circumstances, such as the development being of a social or economic benefit of national importance, to suggest that consideration should be given to allowing this development, when it fails to complement or enhance the landscape character of the area, and particularly when false information is provided in the MBEC report concerning the presence of these old willow trees on the development site.

7. The MBEC Ecology and Nature Conservation Report and Other Natural Heritage Considerations.

i) The MBEC report contains a number of obvious errors:

- The housing sites, "development footprint areas", shown and described in the Report do not correspond to the sites in the planning application.
- The Report states (3.2.4, and similarly elsewhere), "European larch ... were generally scattered across the whole area". That is not true. There are only a small number of larch trees in School Wood, restricted to the area between the school and Dirdhu Court. MBEC appear to have confused larch with lodgepole pine, which is the second-most common tree species (after Scots pine) in the wood, occurring on the wetter areas. Lodgepole pine is not mentioned anywhere in the MBEC Report.
- The Report states (3.2.4), "Mature oak (*Quercus sp.*) were noted in a more open area mid-way along the northern edge of the Craigmores Road site" Again, MBEC are mistaken. There is no oak in School Wood and MBEC appear to have confused oak with veteran willow trees, which are present in that area.
- There is a remarkable and very easily identified area of the 'nationally scarce' plant interrupted clubmoss *Lycopodium annotinum*, eight metres in diameter and on the very edge of the development site at Craigmores Road (GR NJ0154620677 - see photo in Appendix). This is the only known occurrence of this bryophyte in School Wood or in neighbouring woods, its existence here in a dense patch 8m in diameter is enigmatic and special, and it should be protected. MBEC make no mention of interrupted clubmoss in their Report (save a reference to it in the Table 1 list of plants occurring in the ten km square) and it appears that MBEC may have misidentified this scarce plant as *Polytrichum commune*, since the Report mentions "01477 20667 Glade approximately 8m in diameter dominated by *Polytrichum*

commune.”(Report Appendix 3 p.9) though the location is also not quite correct. However, patches of *Polytrichum commune* are widespread and common throughout woodlands in this area, including within the Craigmare Road development site.

- P.21 of the Report lists Aspen, Juniper, Creeping lady's tresses, Lesser twayblade, Coral root orchid, Wintergreen species and Tooth fungi and states that “Juniper is the only one of these species which was found within the proposed development footprints”. On the contrary, it is the case that aspen and creeping ladies tresses both occur on the housing site, as can be easily verified.
- The MBEC report para 3.4.6 and 3.4.7 claims that the veteran willows at the Craigmare site are “outside of the proposed development area”. That is not true. These willows, mentioned in 5) above, are entirely within the development site. (see also SNH statement on veteran trees in iii) below)

- ii) The MBEC Report downplays the impact of developments within woodland upon the surrounding areas of woodland. In contrast, the Woodland Trust recognises that developments close to ancient woodlands cause damage well outside the footprint of the development itself. The WT states, “Research commissioned by the Woodland Trust has highlighted the potential impacts on the ecology of nearby ancient woodland in the UK caused by adjacent developments.” ... [There are] “five main impacts: chemical effects; disturbance; fragmentation; invasion by non-native plants; and cumulative effects.”

- **Chemical Effects** “Chemicals, such as herbicides, pesticides, ... nutrient-rich leachates, and sulphur and nitrogen oxides, may reach ancient woodland from nearby development through a range of mechanisms. These include: aerosol or spray drift; the application of road-salt; contaminated surface and ground water flows; deposition of dust, particulate and gaseous pollution; localised acid-rain events; deliberate dumping of rubbish or garden waste into woodland”

Chemical effects on nearby ancient woodland include: population-level responses to lethal and sub-lethal doses of toxic chemicals, or nutrient enrichment, that can significantly alter the composition of the ground flora and lichens, mosses and liverworts growing on trees or rocks; reduced tree health by inhibiting root development and retarding growth, increased drought and frost susceptibility, defoliation, or leaf discoloration, poor crown condition, and the promotion of insect damage; poisoning of animals, leading to mortality, reduced feeding rates, or species avoidance; and loss of soil micro-organisms, including tree mycorrhizae, thereby affecting decomposition and nutrient cycling.”

- **Disturbance** “Development in the vicinity of ancient woods may cause direct disturbance effects as a result of: modified local hydrological regimes; vibration; noise and light pollution; vehicular collisions with wildlife; external activity visible from within the wood; an increase in wind-blown litter accumulation; and tree surgery or felling along the woodland edge for safety reasons or subsidence prevention.

Development near to ancient woodland increases the likelihood of unmanaged public access, leading to: trampling of vegetation and soil compaction; removal of dead wood or plants; acts of vandalism, and the dumping of rubbish or garden waste. Further indirect effects include predation of woodland fauna by pets or large-bodied birds that may be attracted to the area. [Note. In the case of School Wood such factors are likely to include not only human disturbance, but predation/attack of otters by dogs, predation of red squirrels and small birds by domestic cats, interbreeding of wildcat (which have been recorded within 800m of the site) with domestic cats, and predation of eggs and chicks of ground nesting birds, including woodcock and, possibly, capercaillie, by cats and dogs].

Disturbance may result in more frequent biologically-costly flushing events and increased mortality of animal species. Noise and light pollution interfere with interactions between species, affecting foraging and predation, reducing breeding success and thereby affecting ongoing population viability. Disturbance may, therefore, lead to species being eliminated from woods.”

- **Fragmentation** “New development may be associated with the destruction or alteration of semi-natural habitats in the vicinity of ancient woods and the creation of large areas of terrain inhospitable for woodland species. Therefore, development may increase the distances between favourable habitats that woodland species must cross to disperse, forage, or breed. In addition, developments that create chemical or disturbance effects that penetrate nearby ancient woodland may effectively reduce woods to smaller functional habitat islands. As a result, new development may significantly fragment ancient woodland habitats, creating substantial barriers to species movement, interrupting natural flows between habitat patches, sub-dividing

populations, and altering the population dynamics of associated species and communities."

- **Non-Native Plant Species** "The likelihood of ancient woodland being invaded by non-native plant species is increased by a range of factors associated with construction, including soil excavation and movement, altered environmental conditions and modified hydrological processes. Nutrient enrichment from developments, such as ... residential gardens, also increases the risk of non-native plant species invading woodland on an ongoing basis."

(see: <http://www.woodlandtrust.org.uk/en/campaigning/our-campaigns/neighbour-hell/Pages/neighbours-hell-summary.aspx#.T3m1otl0nuM>)

Note, however, that this paper refers to development close to woodlands; clearly for developments within woodlands, such as that proposed for School Wood, these factors will indubitably apply with even greater force. However, new developments within ancient woodlands, as proposed at School Wood, are a sufficiently rare outrage that the research included developments that were merely close to such woods.

- iii) The MBEC Report also appears to downplay the importance of School Wood's status as an 'ancient woodland site currently supporting woodland of plantation character'.

However, Scottish Natural Heritage states, "Ancient and semi-natural woodland is an important and irreplaceable national resource that should be protected and enhanced, as should other native and long established woodlands. Other woodlands, hedgerows and individual trees, especially veteran trees, may also have significant biodiversity value and make a significant contribution to landscape character and quality and so should be protected from adverse impacts resulting from development."

In its "Summary and Policy Statement" see, <http://www.snh.gov.uk/docs/C283974.pdf>, Scottish Natural Heritage state,

"Although there is no legislation specifically protecting ancient woodland, Scottish Planning Policy identifies it as an important and irreplaceable national resource that should be protected and enhanced, as should other native and long established woodlands with high nature conservation value. SNH will seek to use the planning system to protect ancient woodland. The Scottish Government's policy on control of woodland removal states that there is a strong presumption against removing ancient semi-natural woodland or plantations on ancient woodland sites, amongst other types of woodland.

Other woodlands, hedgerows and individual trees, especially veteran trees, may also have significant biodiversity value and make a significant contribution to landscape character and quality, so should be protected from adverse impacts resulting from development."

The CNPA The Strategic Environmental Report at page 137 ... notes under the heading "Reasoning for score" that "(1) the development of the H2 housing site will lead to the loss of Scots Pine plantation woodland and disturbance to the species that use it ..." and concludes that "The consented development proposals for the School Wood site in Nethy Bridge will ... have significant negative environmental effects in terms of loss of woodland habitat, fragmentation of habitat, and changes to the setting and character of Nethy Bridge."

NPPG 14, para. 51 states, "Planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Ancient and semi-natural woodlands have the greatest value for nature conservation."

SPP Feb. 2010 (which superseded NPPG 14) p.29 para 146 states, "Ancient and semi-natural woodland is an important and irreplaceable national resource that should be protected and enhanced, as should other native and long established woodlands with high nature conservation value. The Scottish Forestry Strategy identifies the protection of woodlands of high biodiversity value as an important consideration in the development management process. Woodland of high nature conservation value should be identified in development plans along with relevant policies for its protection and enhancement."

The proposed development is contrary to Policy 3 Other Important Natural and Earth heritage Sites and Interests of the CNPA Local Plan, which refers to "Development that would adversely affect an ancient woodland site ..." since the application will not only destroy some of the woodland but is likely to lead to further degradation of the surrounding woodland, despite any management proposed by the applicant/ community ownership (which remains unclear). Besides, such management is not reliant on this application being granted permission, as explained above.

Since native woodlands, and especially ancient woodland sites, are a characteristic and valued part of the Cairngorms National Park, developments that adversely affect ancient woodland sites also adversely affect the

Cairngorms National Park. Since it has already been acknowledged by the CNPA that the proposed development does not constitute "social or economic benefit of national importance" (CNPA Paper 3986 para. 85), it follows that the proposal is contrary to Policy 2 National Natural Heritage Designations.

iv) European Protected Species, Otter

The MBEC Report states "there was no evidence of recent or current otter presence on either burn. Food sources for otter in the burns were very limited this far from the Spey. While these watercourses are part of a much larger catchment used by otter, there was no apparent value noted, though there is a small potential for the Caochan Fhuarain to be used occasionally as a commuting route for accessing the Dorback Burn catchment near Lettoch (via field drains) though the River Nethy provides a more suitable route."

The above provides a wholly misleading and inadequate appraisal of the use by otter of the Caochan Fuaran and surrounding burns. Otters regularly use the Caochan Fuaran, probably as a source of frogs and perhaps eels, and as a route to Culstank Moss, where the wetland at the eastern end and the bog area provide a further source of food (I am the owner of Culstank Moss and can confirm that both these areas in Culstank Moss should become more suitable habitats as improvements are made there). Otter also transfer between the Ault Mor (which is used regularly by otters) and the Caochan Fuaran. The appendix includes several photographs of otter spraints taken at various times over several years along the Caochan Fuaran, both in School Wood and Culstank Moss. It also includes a photo of an otter on the Caochan Fuaran obtained from a "camera trap" from the only time this was placed on the burn in 2011.

On first reading of the present application, on 25th April, I went into School Wood and within a few minutes found two otter spraints on separate boulders in the Caochan Fuaran (see photos '130425 Otter spraint' etc. in Appendix), one of which was about 30m from the NE corner of the proposed Craigmore Road housing site.

Otters are vulnerable to attack from dogs. Indeed, an otter cub was recently attacked by a dog (in the presence of its owner) close to its holt on the Allt Mor, upstream from Craigmore, a few hundred metres away from the Caochan Fuaran/Craigmore Road site. It is not known if the cub survived the attack long-term, but it had to be separated from the dog by its owner and therefore may have suffered injury and may have succumbed to its wounds.

The situation concerning the vulnerability of otters to attack by dogs along the Caochan Fuaran is unusual. This Caochan Fuaran is fed from springs at the far eastern end of Culstank Moss, and thus flows constantly, although it is less than one metre wide and generally less than 20cm deep. Otters probably follow the Caochan Fuaran looking for frogs and eels (the springs in Culstank Moss are associated with pools with frogs, and frogs also occur elsewhere in both woods). The use of the Caochan Fuaran may also be associated with natal holts either in School Wood or Culstank Moss. There are large boulders in Culstank Moss a little way upstream (c.100m) from the Craigmore Road site that may afford this possibility, though natal holts are notoriously difficult to find since the female otter ensures they are well concealed.

The unusual feature here is the extreme small size of the Caochan Fuaran that affords no refuge for an otter under attack from dogs: otters are therefore likely to be far more vulnerable than by the Spey or one of its larger tributaries where they can escape into a much larger body of deeper water if attacked.

The proposed Craigmore Road site is less than 30 metres from the Caochan Fuaran. Dogs associated with these proposed developments would likely regard stretches of the Caochan Fuaran as their home territory and pose an unacceptable threat to the otters using it. They will also effectively sterilise any potential natal holt in the area, including areas in Culstank Moss: a dog's nose will readily find that which may be overlooked by human eyes. This would also mean that otters would likely be denied access upstream of the Craigmore Road site, since, in addition to human forms of disturbance, otters would be reluctant to pass an area where attack by dogs would be likely. This would mean that the whole of Culstank Moss, including the springs at its far end and the bog area and potential natal holts within it, would become unavailable via the Caochan Fuaran.

Planning permission was granted on 11th March 2011 by Highland Council for a "two person eco-cabin" close to the Lazy Duck Hostel, Badanfhuarain and on the edge of Culstank Moss woodland, about 300m upstream on the

Caochan Fuaran from the proposed Craigmore Road site. The eco-cabin has no vehicular access and no electric lighting and occupancy is restricted to two persons (plus possible baby or toddler) at a time. The planning condition included with the permission stated "the terms of the building include a requirement that curtains or blinds on the north side windows shall be drawn closed between the hours of sunset and sunrise, and that no dogs shall accompany occupiers of the building". The reason for these conditions to be imposed upon this tiny development was concern for light pollution causing disturbance within Culstank Moss and the potential for predation/disturbance by dogs.

Two conclusions may be drawn from these eco-cabin conditions: firstly, that they were necessary to protect the natural heritage of the surrounding area, and secondly, that they were possible. If such conditions were required to be imposed upon the eco-cabin then it is logical for similar conditions to apply to the very much larger proposed developments (14 dwellings) along Craigmore Road, that are adjacent to the same Culstank Moss and School Wood, and moreover include 24 hour vehicular access and, of course, lighting and domestic pets – indeed all the noise and disturbance normally associated with domestic sites. However, such restrictions are not possible on the Craigmore Road site dwellings, for obvious reasons. It follows that consistency in imposition of planning conditions requires that no permission be granted for these Craigmore Road developments.

The Appropriate Assessment contains the following statement (and no more), with respect to the effect of the Local Plan upon the European Protected Species, otter, *"In theory development in line with the proposals in Nethy Bridge could lead to impacts on the qualifying species or their supporting habitats within this site if, during construction or subsequently, physical or chemical contaminants were released into the River Spey. Construction could also cause disturbance to otter. In practice, however, all development proposals will have to comply with Policy 2, which protects Natura sites in accordance with the Conservation (Natural Heritage etc) Regulations 1994 (as amended). One of the ways this would be achieved is, for applications that involve ground disturbance near to watercourses, identifying appropriate guidance for developers to follow to avoid releases of sediment or chemicals into watercourses during construction; to ensure that there is no potential for otter to become entangled in construction materials (eg overnight); and requiring otter surveys prior to submission of planning applications and designing developments to avoid damaging holts or disturbing these animals.. Hence implementation of these proposals will not detract from meeting the site's conservation objectives."*

There is no indication of any assessment of the long-term adverse effect of the proposed development due to the factors discussed above in the AA, it is entirely concerned with the construction phase.

The Caochan Fuaran, of course, flows into the Spey and is close to the Allt Mor, both of which are part of the River Spey Special Area of Conservation (under the EU Birds and Habitats Directive) for which the otter is one of four qualifying features (the others being salmon, lamprey and freshwater pearl mussel). Thus any harm to or restriction of foraging or breeding habitat of otters adjacent to the Caochan Fuaran would be harming not only a European Protected Species but would also have an adverse effect on a Special Area of Conservation. This proposed development is thus contrary to Policy 4 Protected Species and Policy 1 Natura 2000 Sites of the CNPA Local Plan. There are no imperative reasons of overriding public interest which would suggest planning permission should be granted where the potential impacts on European Protected Species can reasonably be expected to be adverse. The ultimate arbiter of the application of such policies is the Directorate-General, Environment, of the European Commission, to which reference may need to be made.

v) Schedule 5 Species Red Squirrel

The Wildlife and Countryside Act, 1981 was amended by the recent introduction of the Wildlife and Natural Environment (Scotland) Act 2011 to the effect that there is no longer a complete prohibition upon the granting of a licence for the destruction of red squirrel dreys for the purpose of development. This amendment to the 1981 requires that,

"The appropriate authority shall not grant a licence under subsection (3)(i) unless it is satisfied—

(a) that undertaking the conduct authorised by the licence will give rise to, or contribute towards the achievement of, a significant social, economic or environmental benefit; and

(b) that there is no other satisfactory solution." [WINE(Scotland) Act 2011 Sect. 18 (2) (b)]

In this context, it should be pointed out that:

- o I am not aware that the developer has made any attempt to demonstrate that the proposed development will contribute towards the achievement of a significant social benefit, since no assessment of the possible social benefits and dis-benefits of this proposal has, to my knowledge, been conducted by the developer or anyone else.
- o The only likely economic benefits fall to the developer, whereas local builders and craftsmen who might reasonably be expected to derive benefit from smaller developments that this proposed development precludes, are disadvantaged. Thus, the local economic benefit has not been demonstrated to be positive and is likely to be negative. Further, the aims of the National Park require that any economic benefit (and any use of the natural resources) within the park should be sustainable; development that destroys natural capital in the form of ancient woodland cannot be regarded as sustainable under any definition.
- o There is no environmental benefit associated with this development. The developer suggests that future management of the remainder of School Wood would bring environmental benefits, but as pointed out above, such management is NOT dependent upon the present application for housing being granted.

Since no demonstrated demand has been shown by the developer to indicate that the proposed development must be accommodated within School Wood, it follows that any purported problem to which this is supposedly a solution is not constrained to this locality. Thus, any development elsewhere that does not impinge upon red squirrel territory (or have other fatal constraints) must be recognised as a "satisfactory solution" to any such a purported problem. It is therefore the case that the relevant requirement within WINE (Scotland) 2011 is not met.

Notwithstanding the changes to the Wildlife and Countryside Act, 1981, Policy 4 'Protected Species' of the CNPA Local Plan requires that a "development should avoid any adverse impact ... on species listed in Schedules 1, 5 and 8 of the Wildlife and Countryside Act, 1981." Red squirrel remains a Schedule 5 species and destruction of its habitat and potential introduction of predatory species such as domestic cat and disease transmission via possible feeding stations into its habitat is indubitably an adverse impact. This proposal is therefore contrary to Policy 4 of the CNPA Local Plan with respect to red squirrel.

1) Habitats and Birds Directive Annex 1 Species, Capercaillie

School Wood lies between Abernethy Forest and Craigmore Special Protection Areas. Capercaillie is one of three qualifying species for Abernethy Forest and the sole qualifying species for Craigmore. The sites allocated for either housing or business unit development lie less than one kilometre away from these two SPAs. Capercaillie have been observed in School Wood on occasions in recent years and are vulnerable to disturbance, which the intrusion of housing into the wood would significantly increase. The addition of a further 58 houses in this location, would cause an increase in disturbance in the above two SPAs, and particularly Craigmore Wood, by recreational activity of the occupants.

The Reporters' Report following the Local Plan Inquiry in 2009 noted, para 66.8 "the importance of capercaillie in School Wood is still the subject of legitimate debate."

The letter (14/12/2004) from the Commission of the European Communities to the Secretary of State for Foreign and Commonwealth Affairs noted, p.7,

"With regard to relevant habitat adjacent to SPAs in Strathspey, there is concern that the United Kingdom of Great Britain and Northern Ireland is failing to ensure that sufficient account is being taken of the capercaillie with regard to planning proposals in the new Cairngorms National Park. It appears that a large number of development proposals are in the pipeline and are being zoned for woodland areas important for capercaillie. The issue of the adequacy of guidance to planning authorities and their need to take into account the interests of the capercaillie in their planning decisions was already highlighted in the additional letter of formal notice of 17 December 2002. ...

The Commission is concerned that despite having raised these concerns, there is still no clear guidance being given the local planning authority on this matter. Furthermore, there appears to have been no overall assessment of the likely cumulative impact of these various individual proposals as is required under Article 6(3) of the Habitats Directive."

vi) **Culstank Moss**

I am the owner of Culstank Moss, which is listed in the Ancient Woodland Inventory and is presently almost completely undisturbed. Legal arrangements are in train to ensure that it will be managed for all time coming as a nature reserve. The proposed Craigmere Road housing site is across the road from Culstank Moss and is likely to lead to increased disturbance both from people and domestic pets and predation from the latter, as well as some of the other adverse affects outlined by the Woodland Trust in the section on ancient woodlands above.



Yours sincerely,

Roy Turnbull

APX1



Arx 1



Apr 1



Apr 1



ADX1



APX1



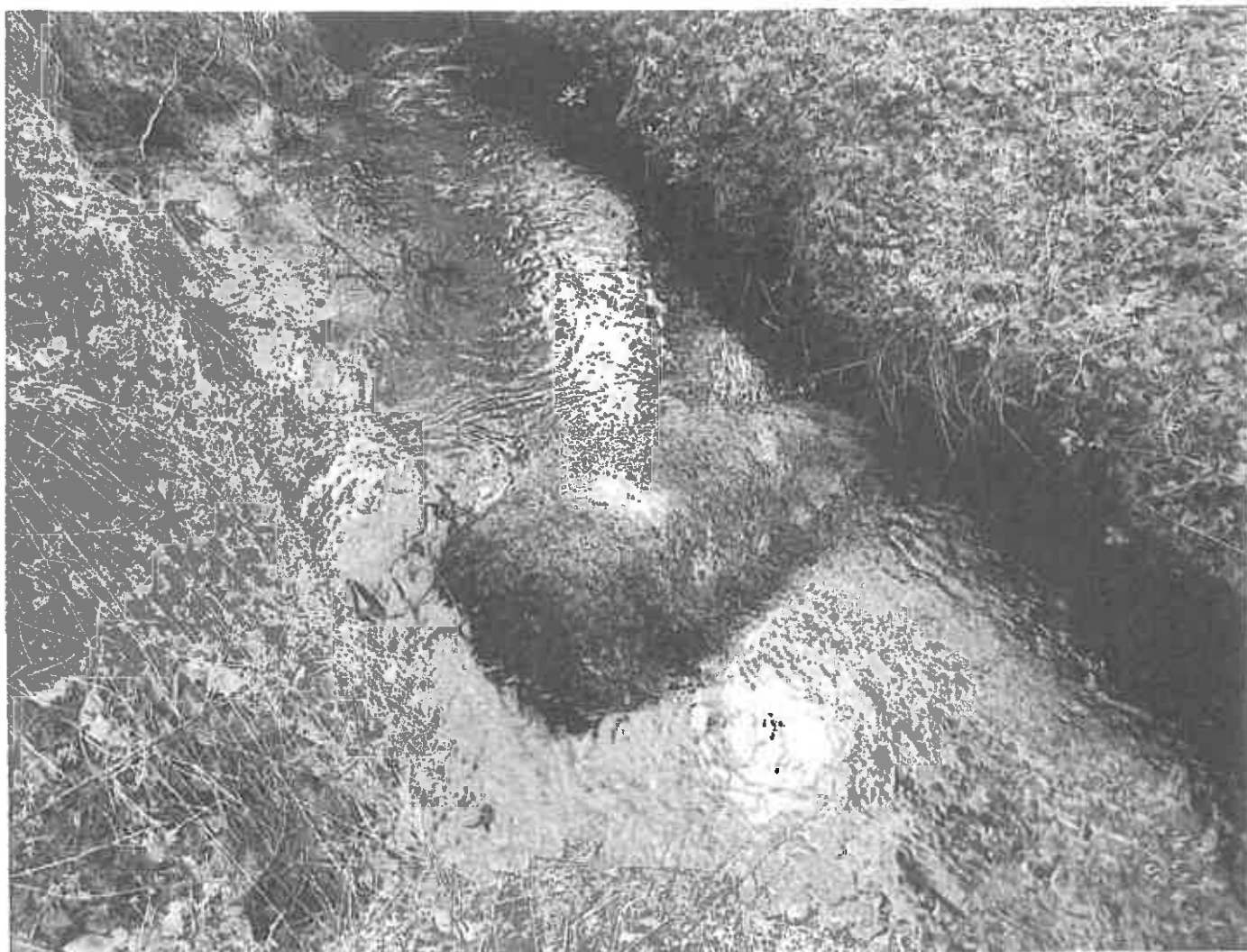
APX 1



APX 2



APX2



APX2



Apx2



APX2



APX2



APX2



APK 3



Bushnell

04-05-2013 22:13:38

AP43



Roy Turnbull
Torniscar
Nethy Bridge
Inverness-shire PH25 3ED
Scotland

22nd October

2014
Simon Harrison
Head of Planning
CNPA

Dear Sir,

**2013/0119/DET | Erection of 58 houses, associated roads & footways | Land At School Road And
Craigmore Road, Nethy Bridge**

Thank you for your letter of 24th September advising me that further documents relevant to the above planning application have been recently lodged with the CNPA and advising that the "closing date for comments on the proposal is the 23 October 2014".

I wrote to the CNPA previously (13th May 2013, 27th and 29th May 2014) registering my objections to this planning application for a number of reasons. None of those reasons have been adequately, or at all, addressed by these recent documents (with the exception of the commitment concerning future management of the remaining woodland at para. 1.1.8 and 5.3.5/6 in the MBEC Report, August 2014, of which more below), and hence **my previous objections to this application are sustained. The following is additional to, and not a replacement for, those previous comments and objections.**

With respect to those previous objections, please note a typographical error in my reason 1) of 29th May 2014, concerning the calculation of the percentage increase in housing in the Nethy Bridge settlement area during the period 2001 to mid-2011. I had stated, *"*Highland Council report 522 houses in Nethy Bridge in 2001, so the 102 houses built since 2001 represent an increase of $100 \times 102 / (522 - 102) = 24\%$ "*. This should have read *"*Highland Council report 522 houses in Nethy Bridge in 2011, so the 102 houses built since 2001 represent an increase of $100 \times 102 / (522 - 102) = 24\%$ "* (ie. 2011, not 2001, my emphasis in red.) However, that information (about housing completions in Nethy Bridge) bears repetition: in the ten years from 2001 to 2011 the housing stock in the Nethy Bridge area increased by about one quarter. That information shows that Nethy Bridge has already experienced housing growth greatly in excess of national or Highland rates, as indeed has Badenoch and Strathspey as a whole, with some three and a half thousand houses being built in this district in the thirty five years from 1976 to 2011, according to Highland Council's Housing Completion figures.

That information raises the question:

As Nethy Bridge has already experienced a rate of housing growth greatly in excess of national or regional averages, what justification can there be to allow further relatively large scale housing growth in Nethy Bridge?

That is a particularly pertinent question when the School Wood site proposed:

- is listed in the Ancient Woodland Inventory as Long Established semi-natural origin.
- with respect to areas within School Wood containing planted trees (the exact proportion of which is unknown), is a Plantation on an Ancient Woodland Site (PAWS)

- supports European Protected Species, otter; Annex II Species Green shield-moss *Buxbaumia viridis*; Wildlife and Countryside Act, 1981 Schedule 5 Species Red Squirrel; and is still occasionally used by Habitats and Birds Directive Annex I species, capercaillie.
- and when Section 194 (Policy Principles) of **Scottish Planning Policy** (June 2014) states that the planning system should *“protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods ...”* and the Scottish Government’s “Control of Woodland Removal Policy” page 7, states: *“There will be a strong presumption against removing the following types of woodland: ancient semi-natural woodland; areas supporting priority habitats and species listed in the UK Biodiversity Action Plan; and ... woodlands listed as ‘Plantations on Ancient Woodland Sites’ (PAWS).* (see [http://www.forestry.gov.uk/PDF/fcfc125.pdf/\\$FILE/fcfc125.pdf](http://www.forestry.gov.uk/PDF/fcfc125.pdf/$FILE/fcfc125.pdf))
- and where the Cairngorms National Park Forest and Woodland Framework states that one of the priorities for the Park is: *“c) Protect all ancient and semi-natural woodlands from further damage and fragmentation and restore them all in plantations on ancient woodland sites (PAWS)”* ?

Reporters’ Report September 2014

I note that the recent report into the CNPA Local Development Plan (8th September 2014) page 383 recommends with respect to the proposed development in School Wood that the CNPA should, *“Modify the plan by deleting site H1 [the School Road component of the School Wood allocation] and making a corresponding amendment to the settlement boundary to exclude that particular parcel of land from the settlement.”*

I strongly support those recommendations, and whilst I appreciate that it relates to the new Local Development Plan in which it will be mandatory, it would clearly be a strong material consideration were this application to be determined before that plan was adopted in a few months time. It would surely be inconceivable, and an unacceptable rebuff to Scottish Government Reporters, for the CNPA to grant planning consent to this application in the meantime, knowing that such would not be possible were the determination to be held a few months hence.

With respect to the Reporters’ assessment of the Craigmore Road site, I must assert that the Reporters are in error in stating, p. 376, *“the woodland there is less complete and the setting is not totally undisturbed. Indeed there are already some houses and other built developments in and adjoining the woodlands on either side of Craigmore Road to the east and south of the H2 site”*.

The Craigmore Road site is particularly rich in broadleaved trees, and includes the veteran goat willows that prompted the Highland Council in 2001 to include the requirement that, *“Specific areas of high amenity/wildlife value such as the mature ... willow and aspen should be protected from development.”* (see The Highland Council Minute of Meeting of Badenoch and Strathspey Area Committee, 25th June 2001, p.16, comment by Councillor B M S Dunlop).

Also, there are no built developments either side of Craigmore Road. The nearest development is Badanhuarain (and Lazy Duck Hostel) which is two to three hundred metres to the south of the Craigmore Road and entirely hidden from view from anywhere along that road, and the nearest buildings to the east are over half a kilometre away, at Craigmore, and likewise completely hidden from view from the H2 site. The wood to the south of Craigmore Road is Culstank Moss, which I own, and will ensure will be protected from any development in perpetuity. Craigmore Road is also a more rural approach to Nethy Bridge than School Road, with a traveller having experienced rough heathlands, pastures or pinewoods, and only scattered dwellings, for many miles before reaching the village. Thus, in some (but not all) respects, the Craigmore Road site is the more sensitive.

In addition, in response to the previous Reporters’ Report (December 2009, into the present adopted Local Plan) and the recommendation therein to remove the School Wood sites from the plan, the CNPA stated, page 272 para. 1.3, *“Removing the sites NB/H2 and NB/ED1 would not, as the Reporters point out, remove the benefit of permissions, and would not safeguard the sites from development.”* because, at that time, the site did have “the benefit of permissions”. However, that consideration no longer applies, as acknowledged by Karen Major, CNPA Development Planning Manager, in an email to

Morag.Smith@scotland.gsi.gov.uk dated 2nd July 2014, concerning the School Wood application, in which it is stated, ***"CNPA are clear that the previous permission has now lapsed, and that the current application is being treated as a full application, not as reserved matters."*** Thus this reason, given by the CNPA to explain its previous reluctance to remove the School Wood allocations from the Local Plan, no longer applies: if the present Reporters' recommendation is followed, the site would be safeguarded from development.

I also note that the previous (December 2009) Reporters' Report recommended, para.66.22, ***"In the case of Nethy Bridge, our reservations about what is proposed are so varied and of such intensity that we are driven to the conclusion that the proposals for the settlement should be the subject of a root and branch review."*** In its response to that recommendation, the CNPA stated, (see para.2.2 p. 274, ANALYSIS OF REPORTERS RECOMMENDATIONS AND POST INQUIRY MODIFICATIONS TO CAIRNGORMS NATIONAL PARK LOCAL PLAN TEXT, 2010) ***"Accept the need to carry out a community wide masterplan which will be used to inform the Local Development Plan."***

However, to my knowledge, no such community wide masterplan has been undertaken.

I suggest that the present situation, with:

- the Reporters recommending removal of the School Road site, and
- the Reporters favourably considering the site to the south of the Lettoch road (without formally recommending its allocation), and
- combined with the as yet unmet commitment to produce the community wide masterplan and
- the recognition of the repeatedly stated, but unmet, request for self-build plots

could be resolved were the CNPA to conduct the community wide consultation on the masterplan with a recommendation to consider removal of both the allocations (School Road and Craigmore Road) within School Wood, combined with allocating land outwith the 200 year flood area at the Lettoch Road site for self-build plots, and possibly some affordable units. It is my belief that such an approach would meet with widespread approval.

The Future of School (and Balnagowan) Wood

I note the commitment in the August 2014 MBEC Report (paras. 1.1.8 and 5.3.5/6) to "hand over all of the remaining School Wood land and all of Balnagowan Wood an appropriately experienced organisation along with a legal agreement to ensure the ecological compensation and enhancement are guaranteed and its conservation management in perpetuity is secured, in return for the implementation of the housing development."

Without prejudice to my continued objection to any development in School Wood, I consider that this would be a more appropriate way forward, and would be consistent with the situation pertaining with numerous other communities throughout the UK whose neighbouring woodlands are owned and managed by an organisation such as the Woodland Trust (or other organisation). That management involves local people both in decision making and in practical assistance, but the Woodland Trust has the appropriate legal basis and experience to ensure sympathetic management in perpetuity. I do not see why an arrangement that is acceptable for numerous other communities should not be so for Nethy Bridge.

However, it is not the case that such a favourable outcome can only be achieved following development in School Wood: the best outcome with respect to amenity, landscape and conservation is for the entirety of School and Balnagowan Woods to be so managed, and there is every reason to expect that to be achievable, once the long shadow of possible development is finally removed from their futures, whereupon the present owners will have no reason not to sell their entire holdings here. In that eventuality there is every likelihood that the woods will become owned by an "appropriately experienced organisation", with funding not being an insuperable obstacle. In any event any new owner would be required to manage the woodlands with appropriate sensitivity, with such management overseen by the Forestry Commission, to which anyone can make representations.

MBEC Additional Ecology and Nature Conservation Information, August 2014

This second MBEC Report 2014:

- fails to explicitly correct the error from the first MBEC report (2012) concerning mis-identification of lodgepole pine as European larch (though the second report does now refer to these trees as lodgepole pine)
- fails to correct the error of identifying old goat willow trees as oak trees. (There are no oak trees in School Wood).
- still fails to identify the remarkable 8m wide patch of interrupted clubmoss (*Lycopodium annotinum*) which occurs on the very edge of the Craigmore Road site, and which would be vulnerable to construction and occupancy of the site.
- fails to correct the statement claiming that the veteran willows at the Craigmore site are “outside of the proposed development area”. That statement is not true – these willows are within the development site and were the subject of the Highland Council requirement that they be “protected from development” in 2001 (see above).

All of those errors/omissions were commented upon, and made publicly available, in my submissions available on the CNPA 2013/0119/DET website, dated 13th May 2013. Those submissions included photographs of several of the veteran willows and the interrupted clubmoss with GPS grid references giving their locations. Yet the CNPA Ecology Report dated 16th June 2014 makes no reference to them, and nor does the 2014 MBEC Report. At a recent meeting with senior officials of the CNPA, one of those officials urged that information on location of species should be sent to the CNPA at the earliest opportunity. I have to wonder, “What is the point?”, when clearly no notice is taken by the CNPA ecologists of information that has been sent to them.

I have just been forwarded by John Cummings, Secretariat Manager, Forestry Commission Scotland, a letter (on a separate issue) in which it is stated,

“Scottish Ministers very much agree that Scotland’s trees and woodlands are a precious asset”. How is it then, that the CNPA exhibits less concern about conserving these veteran trees than did Highland Council thirteen years ago?

The 2014 MBEC Report now concedes that the orchid, creeping ladies tresses, *Goodyera repens*, does occur on the development site, stating that this plant “is difficult to find when not in flower”. I disagree. I have just (22nd October) tried finding it in a randomly chosen area of School Wood (it is not, of course, in flower at present): I found the first patch of creeping ladies tresses after three minutes and another two minutes later, and I do not understand how “a fully qualified and experienced ecologist [with] (23 years of professional practice” could find this process difficult.

The 2014 MBEC Report mis-identifies the strip of non-native trees, some of which are on the proposed development site, labelled area 5 on the map of Fig.1 and described in Table 4.2 on page 8. The 2014 MBEC Report identifies these as lodgepole pine, but in reality they are Norway Spruce. They were also planted on one of the few areas in the wood where ground preparation (by hand digging) was employed as a deliberate act, not by mistake as suggested by MBEC. The MBEC Report also frequently makes reference to the planting being done by the Canadian Forestry Corps in the 1940’s. Again, that is not correct. I repeat the information I provided in my letter of earlier this year, available on the CNPA website for 2013 0119/DET dated 27th May 2014:

“School Wood was largely, but not entirely felled during WWII, (many Scots pines and broadleaves such as willows, aspen, juniper and birch remained unfelled) and some planting occurred around 1962. This planted component consisted of the lodgepole pine and Norway spruce and some Scots pine. Some of the planters from that time are still alive (I can privately provide the name and address of one such individual on request) and confirm that the Scots pine planting was “beating up”, that is, adding to young, naturally regenerated Scots pine. Careful examination of the spacings of many of the Scots pine confirms that they arose from natural regeneration, being of a nature that no planter would have produced.

It is thus the case that some (the exact proportion is unknown) of the Scots pine and all of the broadleaved component in School Wood arose by natural regeneration.”

Had MBEC taken up my offer of putting them in touch with one of the planters, they could have avoided making these numerous errors in their 2014 report.

European Protected Species: Otter

I have previously provided to the CNPA photographic evidence of otter spraints on a number of boulders in or near to the Caochan Fuaran in School Wood and Culstank Moss taken over a period of years, and of an otter itself on the Caochan Fuaran photographed by a camera trap. I have frequently looked for signs of otter presence on the Caochan Fuaran over the last ten years or so and have never failed to find spraints on boulders.

I am at a loss to understand how the 2012 MBEC Report could come to the view that "there was no evidence of recent or current otter ... presence" on the Caochan Fuaran. Though, of course, if by current is meant "at the present time" and by recent is meant "in the last few days" then that statement may well be true – but, if so, it provides little of value to the CNPA in understanding whether the Caochan Fuaran is used by otters. That statement, in the 2012 MBEC report appears to me to be designed to mislead the CNPA, and it is both unfortunate and unacceptable that in that aim it appears to have succeeded. How else can one interpret the bald statement in the CNPA Ecology Report, dated 16th June 2014, that "No recent or current otter presence was found."?

It is equally unacceptable that the CNPA only addresses the issue of impact on otters during the construction phase of the development. It is the permanent occupancy of the proposed dwelling and their pets, notable dogs, that pose the greater impact on otters, as outlined in my submission dated 13th May 2013 on the CNPA 2013/0119/DET website.

In summary the situation is this:

- Otters use the Caochan Fuaran, probably most frequently in the spring searching for frogs, of which there are many further upstream in the Culstank Moss wetlands.
- The Caochan Fuaran is very narrow and affords little or no protection to an otter set upon by dogs. The proposed Craigmore Road development would bring housing to within about 40m of the Caochan Fuaran and thus be within the home range of domestic pets occupying the houses.
- There is an area of large boulders inside Culstank Moss close to the Caochan Fuaran and about 100m upstream from the proposed development site that might provide a laying up or natal holt area for otters. This area is also well within the range of dogs from the proposed Craigmore Road housing.
- I am not aware that any assessment of this situation has been conducted by the CNPA, and assessing likely impact during the construction phase certainly does not do so.
- Otters are European Protected Species.

Yours sincere



Roy Turnbull

Valery
Dean

From: Valery Dean
Sent: 21 Oct 2014 09:11:28 +0100
To: Planning
Subject: School Wood, Nethy Bridge

**2013/0119/DET Erection of 58 houses, associated roads & footways.
Land At School Road and Craigmere Road, Nethy Bridge.**

Dear Sir/s,

I would like to object formally to the above planning application.

Having previously written with regard to developments in School Wood and having read the most recent history of what have been long and protracted proceedings I would like to say that my earlier objections still stand.

Significantly, this particular application is for 58 houses rather than for 40 as in the Adopted Local Plan and also strays beyond the existing development boundaries. Add to this the fact that Government Reporters previously recommended in 2009 that there should be a moratorium on all housing and economic developments in Nethy Bridge for the lifetime of the local plan, based on need for houses.

In addition, they have in September 2014 recommended that in the forthcoming Local Development Plan which is understood to be due for adoption early in 2015, the section between Dirdhu Court and the Primary School should be removed from development, thus protecting the forest environment, the local landscape and the safety of children. There would seem therefore to be very strong material considerations for refusal of this application with reference to the New Local Plan.

I would further like to emphasise that the National Park has a special and undeniable responsibility to protect all ancient woodlands that lie within its boundaries, for reasons set out in Section 194 (Policy Principles) of Scottish Planning Policy (June 2014). These principles apply throughout Scotland and must therefore be carried out to the letter within Scottish National Parks where visitors to the area will expect to encounter unique habitats as well as recognisable human/cultural landscapes.

If allowed to go ahead, this housing development would impact very significantly on the cultural landscape of Nethy Bridge for ever. With closely built homes and the inevitable clear felling required, it would alter completely the traditional character of the Forest Village at two of its entrances, remove an important amenity enjoyed by many, locals and visitors alike, and compromise the survival of a unique wildlife habitat with nationally and some internationally important species within its boundaries.

All of this would run counter to the guiding principles of the Cairngorms National Park.

Yours faithfully,
Valery Dean
Badanfhuarain
Nethy Bridge
PH25 3ED

From:Alasdair Washington
Sent:13 May 2013 10:54:42 +0100
To:Planning
Subject:Application No. 2013/0119/DET

PLANNING APPLICATION NO. 2013/0119/DET.

We wish to raise the most serious concerns over the latest application to build houses in School Wood, Nethybridge. This is an area whose excellent pathways are greatly used by local residents and by visitors alike and which is home to a large red squirrel population, an endangered species and iconic to the Highlands. Red squirrels and other wildlife and the woods around Nethybridge are a leading factor in what makes the village and surrounding area so attractive and we believe that the proposal would seriously detract from that. We think therefore that it is essential that this latest application is rejected outright.

Alasdair and Fiona Washington,

Craigmore, Nethybridge. PH25 3ED

Comments for Planning Application 2013/0119/DET

Application Summary

Application Number: 2013/0119/DET

Address: Land At School Road And Craigmore Road, Nethy Bridge

Proposal: Erection of 58 houses, associated roads & footways

Case Officer: Fiona Murphy

Customer Details

Name: Mr John Wills

Address: Bilbo Monymusk Inverurie

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I, on behalf of the North-east Branch of the Scottish Ornithologists' Club (SOC), of which I am Chair, wish to object to the planning application to erect 58 houses on land at School Road and Craigmore Road (aka School Wood), Nethy Bridge.

Nethy Bridge and its abundant adjacent pinewoods lie just outwith the area covered by the SOC's North-east Branch and is used and enjoyed by many of its members, for its birdwatching, its wildlife, and its important and varied habitats.

Our principal objections are based on: ∙

removal of native seminatural pinewood providing significant habitat for a range of important bird species, many restricted to the northern forests of Scotland. These include Capercaillie, Crested Tit, Woodcock, Crossbills, plus other red-listed and amber-listed woodland species.

The Capercaillie is designated an Annex 1 species, and is included on the UK's red-list of birds of high conservation concern. The pinewoods of Strathspey are recognised as a particularly important stronghold.

this estate will cause fragmentation of this important habitat, and furthermore will create a barrier to the connectivity between the adjoining Abernethy and Craigmore SPAs, both important breeding areas for Capercaillie. Capercaillie populations are declining significantly in Scotland, in danger of extinction within our lifetime, unless serious efforts are made to preserve their breeding habitat.

the remaining woodland surrounding the estate will likely suffer significant increased disturbance from its new inhabitants, from dog walkers, children playing, and casual recreational use.

native pinewoods are relatively slow growing and will take many years to replenish, even if the developer undertakes to replace cut trees promptly. We note that the development is scheduled to take place over a number of years and thus will only further delay appropriate replenishment.

J.Wills

Chair, SOC North-east Scotland Branch



**Ms Murphy
Planning Office
Albert Memorial Hall
Station Square
Ballater AB35 5QB**

14th May 2014

Dear Ms Murphy

**Proposal: Erection of 58 houses, associated roads & footways | Land At School Road
And Craigmore Road, Nethy Bridge
Planning application: 2013/0119/DET**

The Woodland Trust is the UK's leading woodland conservation charity. We have four main aims: no further loss of ancient woodland, restoring and improving woodland biodiversity, increasing new native woodland and increasing people's understanding and enjoyment of woodland. We own over 1,000 sites across the UK covering around 20,000 hectares. In Scotland we own and manage over 80 sites across 8,750ha which include the 5,000 ha Glen Fingles estate and significant urban holdings in Glenrothes and Livingston. We combine the promotion of public access with forestry, farming and conservation of the natural and cultural heritage. The Woodland Trust has 500,000 members and supporters.

The Woodland Trust considers that any woodland included in Scottish Natural Heritage's Ancient Woodland Inventory (or AWI), which is present on historical maps or which exhibits a significant numbers of ancient woodland indicators can be considered as ancient and is therefore worthy of further study and is likely to pose a constraint on development. We believe that ancient woodland is amongst the most precious and biodiverse habitats in the UK and is a finite resource which should be protected.

As stated within the Ecological and Nature Conservation Report and the Arboricultural report the woodland at both sites appears on the Ancient Woodland Inventory as 2a Ancient (of semi-natural origin) (grid reference NJ012209).

The Arboricultural report states that the site is most likely planted with Scots Pine around 50 years ago. This would make the site a plantation on ancient woodland.

The SPP states:

"146. Ancient and semi-natural woodland is an important and irreplaceable national resource that should be protected and enhanced, as should other native and long established woodlands with high nature conservation value. The Scottish Forestry Strategy identifies the protection of woodlands of high biodiversity value as an important consideration in the development management process. Woodland of high

**The Woodland Trust
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South Inch Business Centre
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01738 635544
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Website
woodlandtrust.org.uk**

nature conservation value should be identified in development plans along with relevant policies for its protection and enhancement. Planning authorities should consider preparing woodland strategies as supplementary guidance to inform the future development of woodland and forestry in their area. Advice on planning for forestry and woodlands will be issued by the Forestry Commission Scotland in early 2010."

The Control of Woodland Removal Policy states:

"There will be a strong presumption against removing the following types of woodland: ancient semi-natural woodland; woodlands listed as 'Plantations on Ancient Woodland Sites' (PAWS).

There will also be a strong presumption against woodland removal where it would lead to fragmentation or disconnection of important forest habitat networks."

The Cairngorms National Park Forest and Woodland Framework states that one of the priorities for the Park is:

"c) Protect all ancient and semi-natural woodlands from further damage and fragmentation and restore them all in plantations on ancient woodland sites (PAWS);

Therefore the Woodland Trust maintains its object to this proposal due to the loss of ancient woodland.

We recommend that the Cairngorms National Park refuse planning permission for this proposal.

I hope this information is useful to you and thank you for allowing us the opportunity to comment on this application.

Please contact us if you require any queries on any of the points that we have raised.

Yours sincerely

Katharine Rist
Campaigner- Ancient Woodland



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PH2 8BW
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Ms Grier
Planning Office
Albert Memorial Hall
Station Square
Ballater AB35 5QB

10th May 2013

Dear Ms Grier

Proposal: Erection of 58 houses, associated roads & footways | Land At School Road And Craigmores Road, Nethy Bridge

Planning application: 2013/0119/DET

The Woodland Trust is the UK's leading woodland conservation charity. We have four main aims: no further loss of ancient woodland, restoring and improving woodland biodiversity, increasing new native woodland and increasing people's understanding and enjoyment of woodland. We own over 1,000 sites across the UK covering around 20,000 hectares. In Scotland we own and manage over 80 sites across 8,750ha which include the 5,000 ha Glen Finglas estate and significant urban holdings in Glenrothes and Livingston. We combine the promotion of public access with forestry, farming and conservation of the natural and cultural heritage. The Woodland Trust has 500,000 members and supporters.

The Woodland Trust considers that any woodland included in Scottish Natural Heritage's Ancient Woodland Inventory (or AWI), which is present on historical maps or which exhibits a significant numbers of ancient woodland indicators can be considered as ancient and is therefore worthy of further study and is likely to pose a constraint on development. We believe that ancient woodland is amongst the most precious and biodiverse habitats in the UK and is a finite resource which should be protected.

As stated within the Ecological and Nature Conservation Report the woodland at both sites appears on the Ancient Woodland Inventory as 2a Ancient (of semi-natural origin) (grid reference NJ012209). Therefore the Woodland Trust objects to this proposal due to the loss of ancient woodland.

We note what within the Ecological and Nature Conservation Report that it is implied that sections of this ancient woodland are not ancient; however as the whole site present on the ancient woodland inventory we believe that this should not be taken into consideration when making a decision on the application.. Scottish Natural Heritage should be contacted if the antiquity of the woodland is in doubt before any decision can be made.

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Removal of woodland is also contrary to two important pieces of Scottish Government policy; the Scottish Planning Policy (SPP) which has now superseded NPPG 14 and the Control of Woodland Removal Policy.

The SPP states:

"146. Ancient and semi-natural woodland is an important and irreplaceable national resource that should be protected and enhanced, as should other native and long established woodlands with high nature conservation value. The Scottish Forestry Strategy identifies the protection of woodlands of high biodiversity value as an important consideration in the development management process. Woodland of high nature conservation value should be identified in development plans along with relevant policies for its protection and enhancement. Planning authorities should consider preparing woodland strategies as supplementary guidance to inform the future development of woodland and forestry in their area. Advice on planning for forestry and woodlands will be issued by the Forestry Commission Scotland in early 2010.

147. Other woodlands, hedgerows and individual trees, especially veteran trees, may also have significant biodiversity value and make a significant contribution to landscape character and quality so should be protected from adverse impacts resulting from development. If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, potentially linked to the creation of green networks. Where appropriate planning authorities should seek opportunities for new woodland creation and planting of native species in connection with development schemes. Tree Preservation Orders can be used to protect individual and groups of trees considered important for amenity or because of their cultural or historic interest.

148. The Scottish Government's control of woodland removal policy includes a presumption in favour of protecting woodland resources. Woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits. In appropriate cases compensatory planting may form part of the balance. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy"

The Control of Woodland Removal Policy states:

There will be a strong presumption against removing the following types of woodland: ancient semi-natural woodland; woodlands listed as 'Plantations on Ancient Woodland Sites' (PAWS).

There will also be a strong presumption against woodland removal where it would lead to fragmentation or disconnection of important forest habitat networks.

We also note that within the Ecological and Nature Conservation Report that management of the site will occur because of the development. The Woodland Trust does not feel that this can be included as a mitigation measure to the proposal and would be better referred to as compensation:

IEEM, 2006 sets out the following definitions of terms:

- **Mitigation**
Measures taken to avoid or reduce negative impacts. Measures may include: locating the development and its working areas and access routes away from areas of high ecological interest, fencing off sensitive areas during the construction period, or timing works to avoid sensitive periods.
- **Compensation**
Measures taken to make up for the loss of, or permanent damage to, biological resources through the provision of replacement areas. Any replacement area should be similar to or, with appropriate management, have the ability to reproduce the ecological functions and conditions of those biological resources that have been lost or damaged.

The loss of ancient woodland can not be mitigated and therefore the proposed management of the woodland should not be seen as a positive due to the loss of the irreplaceable habitat.

We therefore recommend that the Cairngorms National Park refuse planning permission for this proposal.

I hope this information is useful to you and thank you for allowing us the opportunity to comment on this application.

Please contact us if you require any queries on any of the points that we have raised.

Yours sincerely

Katharine Rist

Campaigner- Ancient Woodland

Subject:

Dear Planning Committee,

I wish to register my concern at the possibility that planning consent may be given for the construction of houses in or around School Wood. There appears to be ample evidence that this area is a part of Nethybridge that should be protected from commercial development with this evidence coming from experts in their field.

Although I lack the specialist knowledge of these experts, I have no doubt at all of their sincerity and explanations as to why School Wood is in need of protection from those who see the woods only as yet another commercial venture.

However, I have lived in Nethybridge for about twenty-five years and have regularly used the multitude of pathways that wend their way through the woods. During this time I have met others users both local and visitors to the area - all appear to value the peace and tranquility that that these woods offer. In addition there is always the opportunity to observe the wildlife that is so appealing to some and indeed, is the reason why many visitors return again and again to Nethybridge as a holiday destination.

This is also why folk such as myself have made Nethybridge their home.

Even a casual stroll around the village will show evidence of how Nethybridge is having its identity eroded by the construction of large houses which are totally out of character with a highland village. In addition, the use of many of these houses is as holiday homes or as investments which remain empty for much of the year. Maybe before it is declared that homes in Nethybridge are needed a survey should be undertaken to find out how much of the existing housing is actually in daily use as opposed to occasional use. It seems likely to me at least that the proposed devopment in School Wood if allowed to go ahead will only continue this trend.

If Nethybridge is to truly deserve its title of 'The Woodland Village' then surely steps need to be taken to ensure that this is reflected in the way that this very special area of the Cairngorm national Park is protected against developers. School Wood should be seen as an asset to the community and kept free from any form of development and I urge those who can make these decisions to refuse planning consent for the proposed housing.

Yours sincerely,

Derek Young

Craigmore,

Nethybridge,

Inverness-shire,

PH25 3ED

From: Grace M Yoxon
Sent: 29 May 2014 11:44:59 +0100
To: Planning; marygrier@cairnforms.co.uk
Subject: Re: Application Number 2013/0119/DET

Further to my earlier email, I would add that as the housing development is so close to a burn which is known to be used by otters it is likely to have a negative effect on the otters. Although it is said that otters are now "everywhere" this is not the case and they are already facing enough problems from habitat loss and increased levels of pollutants in the water. In January of this year it was reported that 20 rivers in Scotland have high levels of hormone disrupting chemicals. So any further loss of habitat can be serious.

Grace M Yoxon

Join our IOSF mailing list: <http://eepurl.com/bLTvv>

International Otter Survival Fund
Wildlife Conservation Award Winner, British Animal Honours 2013 IFAW Animal Action Award Winner 2012

7 Black Park, Broadford, Isle of Skye
IV49 9DE, Scotland
Tel/FAX: ++1471 822 487
www.otter.org

The International Otter Survival Fund - working to save the world's otters

On Thu 29/05/14 10:45 AM , Grace M Yoxon grace@otter.org sent:

- > As no information has come to light regarding otters our objections to
- > the proposed houses still stands as in my email of 10 May 2013:
- >
- > "I refer to the above application and would comment that the
- > environmental Impact survey with respect to otters does not seem to have been done adequately.
- >
- > There are records of otters using the area for 10 years and at least
- > two sprainting sites, which were not found. In addition a cub was
- > disturbed by a dog walker and actually attacked by the dog. So clearly
- > there is breeding in the area and incidents such as the dog attack on
- > the cub will be more frequent.
- > The environmental impact survey says the Nethy river provides a more
- > "suitable" route. Surely we cannot say what is more suitable as the
- > otters will use whichever route THEY find most suitable.
- >
- > In view of the above we feel that the otter survey should be repeated
- > by qualified otter surveyors and that no planning permission should be
- > granted until this is done."
- >
- > Yours faithfully
- >
- >

> Grace M Yoxon
>
> Join our IOSF mailing list: <http://eepurl.com/blTvy> International
> Otter Survival Fund Wildlife Conservation Award Winner, British Animal
> Honours 2013 IFAW Animal Action Award Winner 2012
>
> 7 Black Park, Broadford, Isle of Skye
> IV49 9DE, Scotland
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> otters
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Comments for Planning Application 2013/0119/DET

Application Summary

Application Number: 2013/0119/DET

Address: Land At School Road And Craigmore Road, Nethy Bridge

Proposal: Erection of 58 houses, associated roads & footways

Case Officer: Fiona Murphy

Customer Details

Name: Mrs Grace Yoxon

Address: International Otter Survival Fund 7 Black Park Broadford, Isle of Skye

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: No new information has come to light regarding otters and so our objection still stands as in my email of 10 May 2013:

"I refer to the above application and would comment that the environmental Impact survey with respect to otters does not seem to have been done adequately.

There are records of otters using the area for 10 years and at least two sprainting sites, which were not found. In addition a cub was disturbed by a dog walker and actually attacked by the dog. So clearly there is breeding in the area and incidents such as the dog attack on the cub will be more frequent.

The environmental impact survey says the Nethy river provides a more "suitable" route. Surely we cannot say what is more suitable as the otters will use whichever route THEY find most suitable.

In view of the above we feel that the otter survey should be repeated by qualified otter surveyors and that no planning permission should be granted until this is done."

R&R Urquhart LLP

SOLICITORS - EST 1829

NAIRN • FORRES • INVERNESS

DATE

OUR REF

YOUR REF

28 May 2014

JW

Recorded Delivery

The Cairngorms National Park Authority
14 The Square
Grantown-on-Spey
PH26 3HG

Also by email: planning@cairngorms.co.uk

Dear Sirs

The Cairngorms Campaign
Planning application 2013/0119/DET
Proposed construction of 58 houses and associated infrastructure
at Nethy Bridge

On behalf of and as instructed by The Cairngorms Campaign, a Scottish charity (number SC005523), we hereby object to planning application 2013/0119/DET being the proposed construction of 58 new houses at Nethy Bridge together with associated infrastructure.

The proposal is at complete odds with the Cairngorms National Park Authority's ("CNPA") policies as well as those of the Scottish Government on the protection of woodland biodiversity, and as such should be refused. The grounds setting out our clients' objection are as follows:

1. The CNPA's Cairngorms Nature Action Plan 2013 – 2018 lists 26 key species found within the park that require "urgent conservation action and have very specific management needs" (page 14).
2. At least four of these – red squirrel, capercaillie, scarlet splash fungus and green shield moss – are potentially impacted by this development because of populations found in and adjacent to the site.
3. The application lacks a detailed study of red squirrels in line with the prescribed methodology for recording this protected species as per the Mammal Society guidelines 2012. Our clients have recorded a considerable number of red squirrels in and around the site.

117 - 121 HIGH STREET
FORRES
MORAYSHIRE IV36 1AB

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Jamie Whittle BA (Hons) LL B, Dip LP, MSc (Dist)

MANAGING DIRECTOR
Loddy Loughran B Sc, CTA

ASSOCIATE
Judith Clark LLB (Hons) Dip LP, NF

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REGISTERED IN SCOTLAND NUMBER SC086740
WHOSE REGISTERED OFFICE IS AT
117-121 HIGH STREET, FORRES IV36 1AB

ALL CORRESPONDENCE SIGNED BY
A NAMED INDIVIDUAL IS SIGNED FOR
AND ON BEHALF OF R&R URQUHART LLP

4. The presence of 58 new dwellings together with their owners/occupiers and pets will undoubtedly have an adverse impact on capercaillie that frequent the site as well as the Cragmore and Abernethy SPAs. Given the proximity of these SPAs to the site and the current decline of this species across the UK, an Appropriate Assessment should have been carried out. In the absence of an Appropriate Assessment which provides that the proposed development will not pose an adverse impact to capercaillie within these SPAs, the precautionary principle must apply and the application refused.
5. The recent find of green shield moss at the site is a very important discovery, and a material consideration in itself of the need to protect the site.
6. It is noted that some of the woodland scheduled to be clear felled by the developer is in fact listed on SNH's Ancient Woodland Inventory.
7. The CNPA's Cairngorms Nature Action Plan highlights (page 19) that Caledonian pinewood forms a UKBAP which requires proper protection from Government.
8. The said Action Plan also highlights woodland expansion as being a nationally important policy.
9. Paragraphs 146 – 148 of Scottish Planning Policy 2010 highlight the importance of protecting established woodland and protecting this habitat.
10. The CNPA have a positive duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity. Were the CNPA to grant consent to this proposed development, it would be in conflict with the statutory obligations.
11. The 1.6 hectares estimated to form the site and which the applicant seeks to clear-fell as part of the plans is of such a large scale that this level of removal runs contrary to the national Woodland Removal Policy.
12. The proposed development is not supported by either the CNPA's Local Plan 2010 or the Proposed Local Development Plan.
13. Against the above, there is no basis for the development being permitted in terms of section 25 of the Town and Country Planning (Scotland) Act 1997.
14. Furthermore, given the statutory obligation of the CNPA to conserve and enhance the natural heritage of the area in terms of sections 1(a) and 9(6) of the National Parks (Scotland) Act 2000, as a result of the irreversible damage that would be posed



to key habitats and species by this proposed development, the CNPA have no option but to refuse this application.

On behalf of our clients, we hereby request that the CNPA rejects this application forthwith.

Yours faithfully

Jamie White
Partner

Subject: 2013/0119/DET, Erection of 58 houses at School Wood and Craigmore Rd, Nethy Bridge

Dear Sir or Madam,

I would like to make an objection to the above application, on the grounds that the number of houses appears to be more than indicated at earlier applications and meetings.

Yours Sincerely

Eric Foulds

The information contained within this e-mail and in any attachments is confidential and may be privileged. If you are not the intended recipient, please destroy this message, delete any copies held on your systems and notify the sender immediately. If you have received this email in error, you should not retain, copy or use it for any purpose, nor disclose all or any part of its content to any other person. All messages passing through this gateway are checked for viruses but we strongly recommend that you check for viruses using your own virus scanner as Cairngorms National Park Authority will not take responsibility for any damage caused as a result of virus infection.

From:Alasdair Washington
Sent:22 Oct 2014 21:22:26 +0100
To:Planning
Subject:PLANNING APPLICATION NUMBER 2013/0119/DET

Simon Harris,
Head of Planning.

Thank you for your communication of 24.09.2014 regarding proposed development at School Wood and Craigmore Road, Nethybridge.

We would like to reiterate our objection to this proposal and we support the Reporter's recommendation to remove the School Road allocation from the local development plan.

We also believe that (1), the application is not in keeping with the CPNA Local Plan and that (2), the Reporters consider that large numbers of houses are not needed in the village.

Nethybridge prides itself on being *The Forest Village* and the exceptional woodland amenities are a vital part of this, to be enjoyed by all. The proposed development would have

a serious impact on this amenity and on the special wildlife of the area, which includes endangered red squirrels.

Yours faithfully,

Alasdair and Fiona Washington.
Nethybridge.

Ancient Tree Forum
c/o The Woodland Trust
Kempton Way
Grantham
Lincolnshire NG31 6LL
Tel
01476 581135
E-mail
ancient-tree-forum@woodlandtrust.org.uk
Website
www.ancient-tree-forum.org.uk



Ms Murphy
Planning Office
Albert Memorial Hall
Station Square
Ballater AB35 5QB

28 May 2014

Dear Ms Murphy

Proposal: Erection of 58 houses, associated roads & footways | Land At School Road
And Craigmore Road, Nethy Bridge
Plannning application: 2013/0119/DET

The Ancient Tree Forum represents a Europe-wide group of specialists and experts in tree ecology, ancient and veteran trees and arboriculture. The Forum's mission is to champion ancient trees and thereby safeguard their biological, cultural and heritage value now and in the future for the whole of society. In particular it works to secure and expand future generations of ancient trees.

The Forum considers that any woodland included in Scottish Natural Heritage's Ancient Woodland Inventory (or AWI), which is present on historical maps or which exhibits a significant numbers of ancient woodland indicators can be considered as ancient and is therefore worthy of further study and is likely to pose a constraint on development. We believe that ancient woodland with ancient and veteran trees is amongst the most precious and biodiverse habitats in Europe and is a finite resource which should be protected.

The Forestry Commission Scotland's Native Woodland Survey indicates the area is native pinewood containing mature goat willow and mature scots pine. There are also mature to ancient aspen and birch present. It is very difficult to ascertain if such trees are ancient or not other than by taking core samples, however experts would assess some of these mature specimens to be ancient. They should be considered as ancient on the precautionary principle without further evidence to the contrary.

Scottish Planning Policy states:

147.especially veteran trees, may also have significant biodiversity value and make a significant contribution to landscape character and quality so should be protected from adverse impacts resulting from development.

The Forum believes that Scotland has an international responsibility for ancient trees because they are so vital for biodiversity, culture and heritage and their values cannot be replaced. Each tree is a valuable resource which should be protected.

Ancient Tree Forum
c/o The Woodland Trust
Kempton Way
Grantham
Lincolnshire NG31 6LL
Tel
01476 581135
E-mail
ancient-tree-forum@woodlandtrust.org.uk
Website
www.ancient-tree-forum.org.uk



Therefore the Ancient Tree Forum objects to this proposal due to the potential loss of ancient and other veteran trees.

We recommend that the Cairngorms National Park refuse planning permission for this proposal.

I hope this information is useful to you and thank you for allowing us the opportunity to comment on this application.

Please contact us if you require any queries on any of the points that we have raised.

Yours sincerely

Caroline Davies
Lead - Policy, Advocacy and Consultation Working Group
Ancient Tree Forum

FRANK
ANDERSON

From:FRANK ANDERSON

Sent:15 May 2014 20:27:27 +0100

To:Planning

Subject:Application Number 2013/0119/DET

Importance:NormalDear Sir or Madam,

Here we are again with yet another developer showing no interest in what has gone on before. How many times do we have to go through the same thing???

I thought it had been agreed previously that there should be 40 houses between the two development areas, yet this developer has again ignored the feelings of the public by asking for 58.

This is a terrible site in which to build houses. An established wood which they propose to cut into, build 58 houses with, as far as I can see from the documents, 2.3 parking spaces per house, and then give them 1 access in and out of the development.

If we suffer severe dry spells as has happened in recent years and this wood ever went on fire, a possibility if the new houses are encouraged to go green and burn wood/pellets, how on earth do expect all these families to get out of there in an emergency when they are completely surrounded by trees???

As I have stated on my previous letters, the primary school children have a secure safe foot/cycle path from the corner of Osprey house in Dirdhu Court, to the school without having to cross any roads.

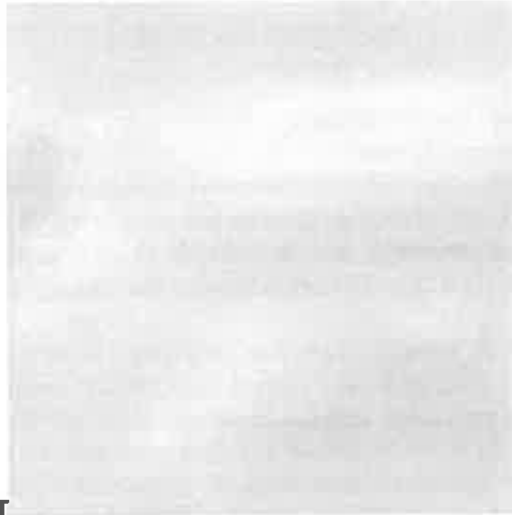
The plan is now to introduce another road for them to cross, which, as is stated in the documentation, will be at its busiest when the children are going to school. How foolish. School Road at present has very fast vehicles travelling along it. Even if the speed limit is restricted I feel the junction is an accident waiting to happen.

I would urge the National Park Authority to reject this application and once and for all remove it from further applications and agree that this is not the place to build houses in Nethybridge. Lets find a better alternative site which is not impossible.

Yours

Frank Anderson

From:Bob Robbie
Sent:17 May 2014 15:04:25 +0100
To:Planning



Subject:2013/011/19/DET

Hello,

I wish to **object to the planning application and the additional documents referred to in your letter of 15 May 2014.**

There are too many houses in the application which is not in accord with the local plan nor the original application passed by Highland Council some 12 years ago. There should be at a maximum 30 houses at School Wood and 8 at Craigmole Road. Any more than this would spoil the character of Nethy Bridge which is in the main higgledy-piggledy RATHER than blocks of standardised houses..

Yours Aye,

Bob Robbie



☛ "Nethy's going greener - recycle paper"

Comments for Planning Application 2013/0119/DET

Application Summary

Application Number: 2013/0119/DET

Address: Land At School Road And Craigmore Road, Nethy Bridge

Proposal: Erection of 58 houses, associated roads & footways

Case Officer: Fiona Murphy

Customer Details

Name: Dr James Bateman

Address: 6 Folland Close North Baddesley

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I grew up in the unique environment around Craigmore and played freely in the woods; I now have a small family of my own and I hoped that one day my son could also enjoy this area while visiting his grandmother.

This proposed development is enormous; it will change the area irrecoverably. To enable new people to build a life here there must, of course, be some building, but this kind of dense, disruptive development is exactly what I hoped the National Park would prevent.

Without effective oversight, this kind of short-sighted development will quickly turn Nethy Bridge from an idyllic Highland retreat, which holds such fond memories and whose economy relies so heavily on visitors, into a densely-packed suburbia.

**Craigmore Cottage
Nethy Bridge
Inverness shire
PH25 3ED**

Tel: [REDACTED]

e-mail: [REDACTED]

Ref : Application Number 2013/0119/DET

Development Proposed: Erection of 58 houses, associated roads & foot ways.

Location : Land at School Road and Craigmore Road Nethy Bridge.

28th May 2014

Dear Sirs,

I would like to object most strongly to the development on School Road and Craigmore Road in Nethy Bridge.

I have been a resident in Nethy Bridge for almost 40 years and during that time the village has been developed out of all recognition.

At present the school roll is almost at capacity, the Health Centres are struggling to cope and the pressure on water and sewerage is strained.

58 houses would bring in a minimum of 100 new residents which, even allowing for holiday homes, would further stretch these facilities.

I had the privilege of being the first ranger with the Explore Abernethy project and the area under consideration is one of the most beautiful and diverse areas within the project. The woods are home to many rare species including the iconic Crested Tit and Red Squirrel. I have also observed Scottish Cross-bill, Gold Crest and Pine Marten during my walks through the woods.

Nethy Bridge as a whole depends on tourism for much of its livelihood and a development of this size will surely force many visitors to reconsider coming to the area and sully its reputation as an unspoilt 'Forest Village'.

I would ask the Cairngorms National Park Planning Department to please reject this application and remember the reason they were set up in the first place to conserve the wonderful area of which we are all custodians for future generations.

Yours Sincerely

Shirley Bateman

From: Mrs Susan Broyd
Owner, 20 Dirdhu Court, Nethy Bridge, PH25 3EG

Date: 12 October 2014

e-mail: 

For the attention of Simon Harrison, Head of Planning Cairngorms National Park Authority

Dear Mr Harrison,

Application Number: 2013/0119/DET

Erection of 58 Houses on land at School Road and Craigmore Road, Nethy Bridge

Thank you for your letter of 24th September offering the opportunity to comment on the additional documents that have been submitted regarding the above application. Thank you also for drawing attention to the Reporter's recommendations on the Nethy Bridge section of the Local Development Plan.

I should like to strongly reinforce my earlier comments on this application (dated 6th May 2013 and 13th May 2014) and the comments I submitted in relation to the Local Development Plan. I entirely support the Reporter's recommendations regarding the School Road site in Nethy Bridge.

I remain very strongly opposed to this planning application (for all the reasons given in my earlier submission) and sincerely hope that the Reporter's recommendations will be accepted.

Many thanks for the opportunity to comment.

Yours sincerely,

Susan Broyd

Badenoch & Strathspey Conservation Group
Fiodhag, Nethybridge, Inverness-shire PH25 3DJ
Tel 01479 821491
Scottish Charity No. SC003846
Email info@bscg.org.uk

Fiona Murphy
CNPA

Dear Fiona
Erection of 58 houses etc at School Road and Craigmore Road, Nethybridge. 2013/0119/DET

BSCG welcomes the opportunity to comment on the above application.
BSCG wishes to object to the above application and request to speak to the CNPA when the application is considered.
This 2nd letter from BSCG is in addition to the 1st letter sent in 2013.
BSCG's reasons for objecting include all those in our 1st letter as well as the following points.

A recurring feature of this application is that the proposals conflict with the policies and statements in the CNPA's plans.
If the CNPA were to approve this proposal it would display an extraordinary mismatch between what the CNPA states in writing and its actions.

National Park Aims

The Cairngorms Learning Zone (following the National Parks Scotland Act 9.6) states "The aims all have equal status and it is the job of the National Park Authority to ensure they are "collectively delivered in a coordinated way". If it appears to the Authority that there is a conflict between the conservation and enhancement of the natural and cultural heritage and other National Park aims, then the Park Authority must give greater weight to the first aim".
Given the conflicts between the proposed development and natural and cultural heritage, this is a case when the CNPA is required to give greater weight to the 1st aim and reject the application.

Local Plan Allocation

The proposals are not in accordance with the Local Plan. The CNPA has never allocated School Wood for this large number of houses and the proposals site goes beyond the area that is allocated in the LP. We note that Highland Council never allocated such a large number of houses for this site either.

Local Plan Policies

Policy 3 Other Important Sites

The proposal does not comply with Policy 3, that states:

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

- a) the objectives of the identified site and overall integrity of the identified area would not be compromised ; and
- b) any significant adverse effects on the qualities for which the area or site has been identified are mitigated by the provision of features of commensurate or greater importance to those that are lost".

The proposals would directly destroy two areas of the ancient woodland site as well as massively impact on the 30m area around each site. In addition there would be many negative impacts due to the very substantial increase in use of the woods by people and their pets (for example increase in paths, trampling at path edges and off paths, increase in impacts on wildlife prey of domestic cats, increase in dog mess that impacts on soil characteristics and negatively impacts on woodland fungi, increase in impacts of gardens such as garden refuse deposited outwith the garden, garden escapes and invasive non native species, etc). It cannot reasonably be claimed that the proposals would not adversely affect the ancient woodland site and compromise the objectives of the site and its overall integrity.

Policy 3 Background & Justification carries on to state 3.22

"Long established woodlands provide some of the most ecologically diverse habitats in the UK and can take hundreds of years to develop. Once an area of long established woodland has been lost it is impossible to replace it with as diverse a habitat. It is therefore important that wherever possible, areas of long established woodland, which have the greatest capacity to support mature woodland habitats and species, are not lost to development".

Given this statement it makes it particularly hard to comprehend why the CNPA has allocated this ancient woodland site for development, in such complete contradiction of its own stated policy intentions.

3.23 states that:

"There is a recognition that much of this information [Ancient Woodland inventory] is desk based data, and the policy will be implemented in a way which allows site inspections and specialist advice to inform the decision making process". BSCG is very disappointed in the negligible amount of information the CNPA provided to us in response to a FOI request in April 2009. As far as we are aware the CNPA has not sought any particular specialist advice over and above what they would routinely seek for any application and nor have they made any particular site inspections. BSCG is also extremely disappointed that the CNPA has not gathered information in the past decade on this site. BSCG has been looking at the natural heritage value of this wood since before 2001. BSCG is not aware of any particular emphasis the CNPA has placed on site inspections by their staff.

3.26 Under Implementation the Local Plan states that the policy "is intended to prevent loss of nationally, regionally or locally important natural ... heritage sites that are not afforded special protection by designation". This is a clear intention to afford identified sites protection from loss.

3.26 explains that "some of the identified areas would not pass the rigorous assessment process to become designated sites and therefore they are not all equally important examples or sensitive sites". BSCG is not aware of the CNPA having made any particular assessment of the relative importance of School Wood or the proposal sites, to assess their quality in relation to natural heritage designations.

3.26 states that "When making decisions on proposals that would affect these sites, the planning authority will take into account the quality of the interests of the site and its contribution to the wider network of sites, in addition to the direct effects of the development proposal".

The CNPA's ability to take into account the quality of the interests of the site is impacted by the poor quality and quantity of information the CNPA holds on the natural heritage interest of School Wood. BSCG is not aware that the CNPA has made any assessment of the quality of the interests of the site that would enable it to fulfil this requirement. BSCG is also unaware of the CNPA having undertaken any assessment of the contribution of the site to the wider network of sites

School Wood lies between the two SPAs for capercaillie of Craigmore and Abernethy and provides connecting habitat for this Annex 1 species, which is known to fly between Craigmore and Abernethy (e.g. from marked chicks). The loss of parts of School Wood habitat therefore affects the wider network of SPAs.

Policy 4 Protected Species

The proposals do not accord with Policy 4.

European Protected Species would be adversely affected by the proposals; there is no overriding need for the proposal or beneficial consequence; there are alternative options; it is reasonable to consider that the development would be detrimental to maintaining the otter population in favourable status in their natural range (e.g. stopping using the Coochan Fhuarain and ceasing to breed in this area) and in the absence of hard data on this the precautionary principle should apply.

The EPS Otter would be adversely affected by the proposal. Otters are known (since at least 2001) to regularly use the Coochan Fhuarain, which is a tributary of the Allt Mor which is part of the River Spey and Tributaries SAC for which otters are a qualifying feature. Otters are known to be breeding in the School Wood area from an encounter between a dog and an otter cub, and otters can have natal holts some distance from water and in woodland. Therefore the additional disturbance impacts of the proximity of the proposal to the Coochan Fhuarain and additional recreational impacts of people and their pets on otters is very likely to be affecting otters that are part of the SAC population and the impacts could be very significant in terms of range, foraging opportunities and successful breeding.

A new material consideration for otters is the global major decline in eels (once a staple otter prey item) as reflected in eels being given SBL status in 2007. Implications include a greater need for otters to travel away from the Spey and its tributaries to obtain prey other than eels. This places greater importance on prey items such as amphibians that are likely to be an important prey item for otters using School Wood and neighbouring habitat.

Bats are known to forage on both sites and there is potential for roosting sites. Foraging will be reduced by the loss of forest and the increase in built areas and less productive habitats such as cut grass. The impacts of lighting on bats needs to be assessed. Cats are known to predate bats (e.g. as they emerge from roosts in houses) and are very likely to increase in numbers as a result of the proposal.

There is suitable habitat and prey for Wildcat in the general area and they may use School Wood. Wildcat are vulnerable to increased hybridisation through an increased domestic cat population that would be very likely to result from the development. The proposal would also lead to reduced habitat connectivity for wildcat.

3.30 states "This policy ensures that the effects of development proposals on protected species, including any cumulative impacts are fully considered by the planning authority." For otter, bats and wildcat there are impacts of the proposal to be considered as well as cumulative impacts with other proposals in the CNP.

3.30 states "Developers will be required to undertake any necessary surveys for species...If there is reason to believe that a EPS, or its breeding site or resting place may be present on a site, any such presence and any likely effects on the species shall be fully ascertained prior to the determination of the planning application". BSCG is not aware of any camera trap surveys that would be appropriate for wildcat having been undertaken, nor of suitably thorough surveys for other EPS having been made.

Policy 5 Biodiversity

The proposals do not accord with Policy 5.

There are numerous Cairngorms Nature Action Plan/LBAP species, UK Priority species and Scottish Biodiversity List species that would be adversely affected by the proposal and there are also cumulative impacts relating to other proposals in the CNP. There is no over riding need or justification for the development and we note that this was made clear by the Local Plan Reporters. No compensatory measures nor measures to minimise impacts are proposed. Comprehensive environmental surveys have not been undertaken by the developer and surveys have not been of a sufficient standard to assess the effect of the development. On every count therefore, Policy 5 is not adhered to by this proposal.

3.35 states that "This policy is intended to ensure that development does not weaken the overall integrity and connectivity of the ecosystems of the CNP." These proposals would destroy and impact on significant biodiversity.

3.35 also states "The planning authority will assess the direct, indirect and cumulative effects of development proposals on habitats, networks and species." The proposals would adversely effect ancient woodland habitat, the connectivity of the network of SPAs for capercaillie and numerous significant species, and there would also be cumulative impacts.

3.36 states "Developments should therefore conserve and enhance natural and semi-natural habitats for the ecological, recreational, landscape and natural heritage values including water bodies, water courses, wetlands, peat and river corridor habitats". The proposal would destroy and adversely impact on these features, including both of the main water courses in School Wood, and the wetland and peat habitat of the bog woodland with peat of >1.5m depth (through knock-on additional recreational impacts).

3.37 states that "Developers should address issues of biodiversity as early as possible in their own planning development and incorporate suitable measures in the development". The developer has provided inadequate surveys or no surveys at all and has not addressed biodiversity issues nor incorporated any suitable measures relating to biodiversity in the proposal.

Policy 6 Landscape

The proposals do not comply with any part of Policy 6. This policy states

"There will be a presumption against any development that does not complement and enhance the landscape character of the CNP, and in particular the setting of the proposed development".

We consider it is unreasonable to claim that clearfelling a long established semi natural ancient woodland site and replacing this attractive and valued landscape feature with dense housing estate can be construed as complementing and enhancing the landscape character.

3.40 accurately identifies that the CNP's "diverse and spectacular landscapes are one of the Park's key assets and the distinctive character of the landscape is one of the reasons for the creation of the Park itself". Native woodland is an important part of the distinctive character of the landscape. Naturalness is another important aspect of the landscape of School Wood.

National Park Partnership Plan 2012-2017

Long-term Outcome 1 A sustainable economy supporting thriving businesses and communities

5. Building Vibrant Places. This paragraph states it is about "maintaining what is special about the Park". As the CNPA has itself stated, ancient woodland and its associated natural heritage and cultural value, are special qualities of the Park. These would be destroyed and negatively impacted on by the proposals and the proposals conflict with this programme.

5a Planning the best development. The proposals conflict to an extreme degree with this element of the NPPP. Destroying an ancient woodland site does not constitute the 'best development' in the 'right places'.

Long-term Outcome 2 A special place for people and nature with natural and cultural heritage enhanced

4. The quality and connectivity of habitats is enhanced. This specifies increasing woodland area. To conserve the existing area of ancient woodland, which is irreplaceable, must be central to achieving this outcome.

5. The species for which the Park is most important are in better conservation status. This specifies LBAP priority species, several of which would be adversely impacted by the proposed development in School Wood.

6. The special landscape qualities, including wildness, are enhanced. A dense housing development that requires the clear felling of an ancient woodland site destroys rather than enhances special landscape qualities.

7. Settlements and built developments will retain and enhance the distinct sense of place and identity in the Park. The proposals, that are unsympathetic to the existing landscape and settlement features, would not achieve this.

It would be extremely confusing to the public if the CNPA were to approve this proposal when it conflicts so starkly with the CNPA's policies and long-term goals in so many respects.

Social Housing

The applicant's statements (31.3.2014) for the number of 15 social houses and the model for their social housing status are only proposals. The CNPA should require complete certainty before considering, far less accepting, any arrangements regarding social housing.

The applicant states they are still negotiating with Highland Council over the social housing model for an Inverness development. They state that they intend to repeat this model and apply it to their Nethybridge proposals. The outcome of these negotiations is unknown and the suitability to Nethybridge of a model for an Inverness development is also questionable. Again, the CNPA should require complete certainty before considering, far less accepting, any arrangements regarding social housing.

The proposals only provide housing at 80% of market value. This makes a limited difference to the house price and will still exclude a considerable proportion of people from purchasing these houses. The extent to which a 20% price reduction will make purchasing a house a reality for the people whom the CNPA is intending to reach with this development, is not analysed. There is also no analysis of the target people that the CNPA's housing policy is intended to provide for.

There is no mention of if or how houses will be retained in the affordable market in perpetuity or even beyond the first sale. Also, the CNPA has publicly acknowledged that they have no means of controlling open market houses being bought as, or later becoming 2nd homes, other than by reducing their attractiveness as 2nd homes through houses being of small size and at high density. It can be anticipated that some houses, especially on the Craigmor Road area, would be 2nd homes.

The proposals do not provide any rented social houses. We note that the loss of council houses is therefore not redressed. There will only be preferential treatment to people on the Council's low cost home ownership waiting list. We note there is no additional preference specific to this proposal (over and above the points system) given to people with a local connection to Nethybridge.

We consider these all to be serious criticisms of the proposal and to make it particularly hard to justify the loss of natural and cultural heritage for any perceived housing gain.

Unsustainable Development

The 4th aim of the NP is to promote 'sustainable development'. It would be unreasonable to describe this proposal as sustainable, when it involves destroying an ancient woodland site that the CNPA acknowledge is an irreplaceable resource.

House Prices

No indication is provided as to the house price (which could be given at today's prices), which would allow for a more meaningful assessment of the potential impact on housing of the proposal.

An Camas Mor FFP

The CNPA has now given planning permission in principle for An Camas Mor. A justification for ACM that the CNPA has made publicly is that ACM will take the pressure for housing off both the countryside and existing communities. Both these reasons are applicable to the proposal, and make it hard to justify approving this proposal.

Ecology

We note the applicant's comment that they are anticipating that the CNPA is going to complete an assessment of the site. We are concerned at the implications of this and we fail to understand what undertakings have been made by the CNPA.

CNPA Landscape Report

BSCG objects to the numerous statements in the landscape report that are not supported with a justification.

We object to the inadequate and misleading description of the School Wood sites as "pine plantation", when in fact the sites are wholly within an Ancient Woodland site of semi natural origin. The CNPA's description fails to recognise the significance of the sites and could be interpreted as the CNPA deliberately downplaying the natural heritage and cultural value of the sites.

BSCG objects that the Landscape Report makes no reference to Policy 3, which applies to Ancient Woodland sites and is relevant in terms of the undeniable negative landscape impacts of clear felling an ancient woodland site. In addition are the negative natural heritage and cultural impacts of clear felling which are relevant to the living and cultural landscapes, that we note with concern that the landscape report does not address in any respect.

We also object that the Landscape Report gives such an inadequately incomplete rendition of Policy 6, describing it as stating that :

"new development should complement and enhance the character of the National Park and in particular the setting of the development".

In fact Policy 6 states :

"There will be a presumption against any development that does not complement and enhance the landscape character of the Cairngorms National Park and in particular the setting of the proposed development. Proposed development that does not complement and enhance the landscape character of the Park and the setting of the proposed development will be permitted only where:

- a) any significant adverse effects on the landscape character of the Park are clearly outweighed by social or economic benefits of national importance; and
- b) all the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction to the satisfaction of the planning authority".

The Landscape report fails to demonstrate that this policy has been met and does not state that Policy 6 has been met. The report only goes so far as to state that:

"The recommendations in the Arboricultural assessment will, if implemented in full, make a major contribution to the development meeting Policy 6".

Further, the Report provides no justification or explanation as to how the CNPA Landscape Officer believes the AA recommendations (heavy felling and planting in a 30m band around the housing developments) actually will make a 'major contribution' to meeting Policy 6. The opposite would seem to be more likely.

Arboricultural Assessment

This report assesses the woodland from the point of view of silviculture, normal commercial forestry practices and windthrow. It fails to take into account other valuable aspects relevant to the CNPA, for example the biodiversity value of overmature trees, snow-damaged trees, diseased trees and dead wood. Its recommendations are therefore only partially relevant to the policies, aims etc of the CNPA, and some recommendations are significantly inappropriate e.g. felling of diseased trees and over mature goat willows.

The CNPA should not be applying all the recommendations of the AA and BSCG is concerned that the CNPA Landscape report is of the opinion that they should be and that this would satisfy the CNPA's Landscape policy.

The 'life expectancy' of only 20-40 years for existing trees is irrelevant. Presumably this is in commercial timber terms, as it is certainly not accurate in terms of the actual life span of the trees.

The condition of 'fair-poor' is also irrelevant as the wood is not being assessed for its commercial value, and it does not in any respect describe the biodiversity or landscape value of the trees.

BSCG is concerned that the CNPA should not confuse the commercial value of the trees that would be lost by the proposals, with their natural and cultural heritage and landscape value.

MBEC Report Ecology & Nature Conservation

BSCG objects to the quality of the survey and objects that the CNPA has accepted this report as of an appropriate standard and providing meaningful and reliable information. BSCG's considered concern, from having been visiting the sites since before 2001, is that this report does not provide reliable information, which is what the CNPA requires to make its decision.

An example of unreliable information is that the MBEC report states that "no squirrel cones (feeding remains) were seen on the woodland floor in the summer of 2011 within either of the study areas." As BSCG visited the site in summer 2011 and found squirrel feeding signs were commonplace, BSCG is forced to conclude that squirrel feeding signs were not competently or properly looked for by MBEC. BSCG looked at the sites with CNPA staff (including Matthew Hawkins) in 2009 and feeding signs were numerous, as were dreys.

Cultural Heritage

School Wood is of cultural heritage value, having been a site of wartime forestry activities and also being intertwined with the experiences of generations of children walking to and from school and of adults using the wood in a variety of ways.

Policy 11 Local & Wider Cultural heritage of the Park applies. This policy requires that reasonable measures are taken to avoid, minimise and mitigate adverse effects. However, we are not aware that this policy has been taken into account or of any plans to avoid etc adverse effects on wartime and other heritage.

3.72 states "The National Parks (Scotland) Act 2000 defines cultural heritage as including: 'structures and other remains resulting from human activity of all periods ...and the historic, artistic and literary associations of people, places and landscapes.'

3.72 also states that examples of cultural heritage in the CNP include "trees and in particular heritage and veteran trees".

Surveys of cultural heritage, including trees, are required as a first step towards fulfilling the requirements of this policy.

Plants

In addition to the species referred to in BSCG's 1st letter, Serrated wintergreen *Orthilia secunda* occurs in the proposal site.

The importance of the CNP populations of serrated wintergreen in relation to the whole of Great Britain is classed as 'very high'. We also note that *Corallorhiza trifida* is of National Conservation Concern and is 'Rare' in the CNP (Flora of the CNP – A Rare plant register, Andy Amphlett, BSBI 2013)

Buxbaumia viridis is an endangered species for which we have international responsibility and that JNCC consider to have its most important population in the Cairngorms. Its presence on the site is a significant new material consideration.

We strongly recommend that this proposal should be rejected.

Yours sincerely

Gus Jones

Convener.

Badenoch & Strathspey Conservation Group
Fiodhag, Nethybridge, Inverness-shire PH25 3DJ

Scottish Charity No. SC003846

Email info@bscg.org.uk

Fiona Murphy
CNPA
Grantown on Spey

23.10.2014

Dear Fiona Murphy

Ref 2013/0119/DET Erection of 58 houses, associated roads & footways on Land Bounded By School Road And Craigmore Road, Nethybridge

BSCG objects to the above application and wishes to address the CNPA committee at the meeting when this application is discussed. This objection is in addition to earlier representations and information provided to planning authorities, which we request the CNPA to take fully into account.

BSCG's concerns include the following:

Green shield moss *Buxbaumia viridis*

This is one of Scotland and Europe's rarest mosses and is recorded in School Wood at various locations both on and close to the proposal sites. There has been no appropriately detailed or complete survey for this species by the developer to determine its full whereabouts and the whereabouts of suitable habitat and local context in School Wood.

It was not recorded in the bryophyte survey provided by the developer nor included as it should have been with the 6 key Cairngorms species of conifer woodland apparently drawn from the Cairngorms 2002 LBAP and referred to in the consultant's report where reference is made to the national biodiversity context of conifer woodland. We note however, that in a desk study the consultants for the applicant list 23 notable bryophytes as recorded in the 10km square (NJ02) and this list includes *Buxbaumia viridis* that is stated as known from 31 records, the last being in 2010. In the same consultant's report the conservation status of *B. viridis* is provided (see Table 2 p7).

We note in the UK Priority Species & Locally Important Species Accounts in the chapter on Woodland Habitats in the Cairngorms LBAP, that locally important issues for green shield moss are that it is poorly understood and vulnerable to removal of dead wood and botanical collection (LBAP p 159).

This moss is classed as endangered in the UK, is on the UK Red List and it has its own Biodiversity Action Plan. It is listed on Schedule 8 of the Wildlife and Countryside Act, Annex II of the EC Habitats and Species Directive and on Appendix 1 of the Council of Europe Bern Convention. The European Committee for the Conservation of Bryophytes rates *B. viridis* as Vulnerable in Europe and it is on the Red List of most countries where it occurs. It is on the Scottish Biodiversity List. Based on many accepted criteria it is reasonable to consider this plant as a species of high significance in conservation terms.



Despite its evident particular significance at School Wood and conservation status, the effects of the proposal on this species do not appear to have been taken into account in any respect. Neither the CNPA nor SNH in their advice have referred to this moss.

This is in spite of BSCG having made the CNPA aware several years ago that this moss could well be on the site, referring to the presence of *Nowellia curvifolia* that is regarded as an important indicator for *B. viridis* (see BSCG submission to LP Reporters 2009).

We note that no Species Management Plan for *B. viridis* has been provided. We understand that the habitat requirements are believed to include appropriate humidity, canopy cover and suitable deadwood. Protection from physical damage and availability of appropriate habitat for the future, to sustain the population, would also be required. We note that habitat for this species in Strathspey has been found to include wood ant nests.

We note that locations supporting good numbers of *B. viridis* in School Wood include many that are directly associated with Norway Spruce. We further note that the published literature on this species (see Amphlett A p337 in Atherton et al 2010) has referred to its habitat as “fallen dead wood” with “Norway Spruce (*Picea abies*), Scots Pine (*Pinus sylvestris*), Alder (*Alnus*) and birch (*Betula*) as the “main host species”.

It would therefore be completely inappropriate to fell stands of Norway spruce as compensation for loss of woodland in the development footprint, as proposed in the present application.

The 2012 MBEC Ecology report refers to key Cairngorms species in the context of planted conifer woodland, in which Juniper is included but *B. viridis* is not.

Policies 1, 4 and 5 apply in relation to *Buxbaumia viridis*. There is very limited knowledge about the current status of *B. viridis* both within and outwith Natura sites. There is also limited understanding about dispersal, including mechanisms and processes operating in Scottish populations.

We note that Policy 1 requires that “where an assessment is unable to ascertain that a development will not adversely affect the integrity of the [Natura] site” then the proposal will only be permitted where a and b apply. The Reporters in 2014 stated that the School Road site should not be developed and that this allocation did not need to be provided for elsewhere in the village. In other words, the Reporters considered there is no housing need for the number of units proposed for School Road.

Poor Survey Standards

The CNPA Ecology Report states that the NVC survey “confirms the ground conditions of the woodland proposed to be lost”. This is not so. The NVC survey provided does not meet normally accepted standards, is misleading and fails to identify the range of communities and sub-communities present on the proposal site. It is unclear what area the NVC survey covered and also whether the correct development footprint has been used for the NVC survey (the red line on MBEC’s maps is different from that on the application maps).

The identification of the whole area as W18b is inaccurate and fails to describe the floristic interest and diversity and the breadth of communities and sub communities that exist, even allowing for an extremely broad brush interpretation of species tables in Rodwell. For example, there is W18c the *Luzula* sub community, (with prominent *Luzula*, *Oxalis* and grasses) within the development footprint.

Non woodland communities are present both within and beyond the development footprint, including open vegetation (OV). No target notes are provided to describe features and species of

interest and vegetation types too small to map; and no vegetation map with polygons is provided. Both of these are normal requirements of an NVC survey.

We find it concerning that such notable species as the following are not referred to: an extensive area of *Pyrola* at one of the quadrat grid references; a large area of Interrupted club moss *Lycopodium annotinum* which is an Annex V species that is either within or directly adjacent to the Craigmore Road proposal site; and the Nationally Scarce serrated wintergreen *Orthilia secunda* that is one of 7 higher plant species characteristic of Scotland's native pinewoods (Mason et al 2004) and is present on the Craigmore Road footprint.

No survey is provided for reptiles, nor justification as to why not. BSCG has recorded common lizard in School Wood and Adders have been recorded from fairly nearby.

BSCG is aware from observations, including in 2014, that toads and frogs are present on the proposal footprint and that potential habitat for newts exists within School Wood. As far as we are aware no survey has been provided.

Conflicts with Policies

Scottish Planning Policy is a statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. Scottish Planning Policy states:

"216. Ancient semi-natural woodland is an irreplaceable resource and ...of high nature conservation and landscape value, should be protected from adverse impacts resulting from development.

If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network."

The proposals conflict with SPP. The clear felling of the development sites would cause 'adverse impacts resulting from development', as well as 'impairment of connectivity between important woodland habitats' (between School Wood and Balnagowan Wood and Culstank Wood, as well as connectivity for capercaillie between Craigmore and Abernethy SPAs).

The proposal conflicts with CNPLP Policy 3, that states:

"long established woodlands provide some of the most ecologically diverse habitats in the UK and can take hundreds of years to develop. Once an area of long-established woodland has been lost it is impossible to replace it with as diverse a habitat. It is therefore important that wherever possible areas of long established woodland, which have the greatest capacity to support mature woodland habitats and species are not lost to development".

School Wood has great capacity to support mature woodland habitats and species and already demonstrates this with the recorded presence of such species as the following examples: the spiders *Diplocephalus* *torva*, *Dictyna pusilla* and *Clubiona subsaltans*; the fungi *Lactarius musteus*, *Cortinarius mucosus*, and tooth fungi *Sarcodon*; the moss *Ptilium crista-castrensis* that is a characteristic bryophyte of the native pinewoods of Scotland and an "indicative species of old pinewoods" (Mason et al 2004); the slugs *Malacolimax tenellus* an ancient woodland indicator species, and *Limax cinereoniger* also an ancient woodland indicator; the hoverfly *Chamaesyrphus scaevoides* on the UK Red Data List, and prior to recent records the last record on NBN in 10km square was in 1907); the moth Cousin German *Protolampra sabrina*.

Capercaillie:

The Appropriate Assessment identifies that the "structure, function and supporting processes of habitats supporting the species" must be "maintained in the long term".

In relation to this, we contest the unsubstantiated assertion made that Sliemore and Culstank Woods do not receive 'significant' usage by caper. No information is provided on search effort, or what if any surveys assertions are based on. People with local knowledge of capercaillie who may have records of caper have not been asked and thus their records are not included. Information from SNH is unreliable as we understand that it is based on impressions rather than objective information.

BSCG understands from RSPB that it is certainly their aspiration to improve Sliemore for capercaillie; this is also an aspiration for the present owner of Culstank Wood.

It is erroneous to equate low frequency of use with low significance of an area of habitat in relation to supporting the species in the long term. There appears to be no recognition that infrequent use may be highly significant, e.g. in contributing to connectivity, successful dispersal and gene flow, or to exploiting seasonally available foods, or to seasonal activities such as moult.

It is recognised that caper are known to make seasonal use of Cottongrass *Eriophorum* flowers that are considered to be significant in the pre-breeding period; and exploit areas of dense vegetation when they are vulnerable to ground predators during post breeding moult.

In relation to connectivity, it appears that account has not been taken of factors other than dispersal distance between woods. However, the nature (permeability) of the connecting habitat is potentially critical. It is reasonable to consider that certain habitats are more, or less, suitable or hazardous for capercaillie to traverse.

The strategic locations of Culstank, Sliemore and School Woods (in relation to the neighbouring SPAs of Abernethy and Craigmore) do not appear to have been adequately considered. This is relevant to current circumstances (when the population is so low it is in danger of extinction) and the future (when hopefully the population will have increased). Culstank Wood is relatively undisturbed (unlike School Wood); however, given the close proximity of the Craigmore Road site, this would radically change were the Craigmore Road proposal built.

Wildcat

BSCG finds the reliability, scope and adequacy of the wildcat survey lacking. This survey contains largely unsubstantiated subjective assertions and is lacking in detail. For example there is no map indicating survey search path or potential den sites encountered and areas missed.

We note that MBEC 2014 states that the survey was undertaken "in accordance" with "the UKBAP Mammals interim Guidance, 2012". However to a significant extent this claim appears incorrect. Moreover we note the guidance itself emphasises "It should be noted that it is not possible to confirm with certainty whether wildcats are present or not with this methodology [walk-through survey] although it can indicate the potential for wildcat presence. To confirm the presence of wildcats camera trapping is necessary". Furthermore the 2012 guidance refers to baited camera traps as allowing the presence of wildcats in an area both more quickly and reliably. The Cairngorms wildcat project did not encounter evidence of wildcats through walk-through surveys. Limited confidence should be attached to research on elusive, typically nocturnal carnivores that fails to use camera traps for periods that guidance indicates should be 2 months. We note other surveyors use a 250m

buffer when surveying for wildcat and that guidance states that wildcat home ranges “may reach 18km²” so “an assessment of the impact of any project should be based upon an understanding of the wildcats needs at a landscape scale”. The 2012 guidance warns “The risk is that without clear criteria for assessing impact at this level, there will be continual erosion of the quality of wildcat habitats by incremental development which separately may not be considered damaging to local wildcat populations”.

The 2012 guidance advises asking local residents and researching historic records from museums etc. Nothing in the survey report indicates any attempt to do this was made. However, such research could have yielded relevant insight e.g. for understanding patterns of likely use of the area by wildcat and wildcat prey. BSCG is aware that anecdotal historic information exists (for example in October 2010 a report some 800m from the proposal footprint) as well as some RTA finds around Nethybridge.

The view that wildcat survey has been inconsistent with the 2012 guidance is reinforced by the following observations. The 2012 guidance states: “Surveys are best done in winter or late summer” and indicates that signs and footprints can be seen in snow and when obscuring vegetation is likely to have died back. The survey was however undertaken on 1 August 2014 on a date when the same observer was undertaking vegetation survey (and vegetation die back would be limited). Another reason for undertaking surveys in late summer indicated in the guidance is that breeding dens are then vacated. We are concerned that considering 2014 it is at least somewhat inaccurate to consider 1st August as “late summer”.

The MBEC report contains loose, ill-defined assertions that are unsubstantiated and subjective. The exception of private gardens is significant given that camera trap records show this habitat can be used by wildcats in Strathspey. Indeed it might have been particularly appropriate to survey this habitat in winter. Given that guidance emphasises that there is “No detailed information about den-site usage in Scotland..” limited weight can be attached to obscure reference to “denning potential” (see 4.1.2) and it is unclear why “daytime resting sites” referred to in guidance (reviewing Jerosch et al 2010) receive no mention given that upturned tree roots, fallen crowns and trunks of trees and brushwood referred to in guidance are features present in habitat within and near the application site.

BSCG notes that the 2012 guidance makes reference to direct mortality of wildcats and for example states that “Wildcats are highly likely to be killed in road traffic accidents”. The 2012 guidance also makes reference to “Introgressive hybridisation with feral domestic cats” as an important threat and in this context discusses issues for planning departments. The extent to which these threats will be added to by the application appears to have been given insufficient attention and merit review in a wider context of other recently consented projects with implications for wildcat in Strathspey.

Otters

The CNPA asserts, without any reference to any objective evidence, that otter are habituated to humans and their pets on the river Nethy; yet, at the same time the CNPA claims that otters are not going to be affected on the Allt Mor because the lack of an established path means there is little human use. We do not consider either claim is supported by reliable or objective information.

The AA does not take proper account of post-construction impacts on otters from people living in close proximity to both watercourses, the Caochan Fhuarain and the unnamed burn.

The otters using School Wood are part of the Spey SAC population, and the distances involved are within an otter's home range or nightly travelling distance.

"In freshwater habitats, otters are largely (but not exclusively) nocturnal. They occur at very low population densities, with the average home range size of a female being around 20km of watercourse and that of a male, around 32km, although the home ranges of some male otters can be considerably larger than this. Riverine otters may travel distances of 16km or more in one night and, as home ranges frequently incorporate sections of separate river systems, movement between these can expose otters to an increased risk of mortality when crossing roads."

Otters & Development, SNH publication, see

<http://www.snh.org.uk/publications/on-line/wildlife/otters/biology.asp>

Compensation

BSCG does not consider Balnagowan Wood and the remainder of School Wood to be particularly threatened in any way.

Balnagowan Wood is allocated in the existing LP as 'ENV' meaning that it will be protected from adverse development. The remainder of School Wood is outwith the settlement boundary meaning there is a strong presumption against development.

Were the landowner to threaten to fell School Wood and/or Balnagowan Wood we note that a felling licence may not be granted (as was the case at Anagach Wood prior to the community buy out) and in addition there are mechanisms for an emergency TPO to be applied (as was the case in Aviemore near the Four Seasons Hotel). We also note that The Woodland Trust acquired woodland in Carrbridge following local concern about felling proposals.

Lampreys

We have been informed by the Spey Fisheries Board that they have recorded River Lamprey in the Allt Mor that is part of the River Spey SAC (through electro fishing). River Lamprey are on Annex II and V of the Habitats Directive and are a UK BAP Priority species. The SFB do not hold data for the Caochan Fhuarain. Brook lamprey are on Annex II and are known from other burns including the Meadow Burn at The Mossie and Milton Burn at Aviemore and may be present in the Caochan Fhuarain.

Impacts including cumulative impacts on all species of lamprey have not been considered. Phylogenetically, lampreys belong to a group of considerable interest that are globally facing growing conservation challenges that require sensitive management in marine and freshwater habitats.

Corallorhiza trifida

This nationally scarce orchid is recorded close to the proposal footprint and information on it in the developer's report is out of date..

SNH have recognised that it is sensitive to habitat changes including subtle changes relating to the hydrological regime. This species is very easily overlooked and vulnerable to inadvertent trampling damage.

Reporters' Recommendations for LDP

The DPEA Reporters' recommendation that the School Road allocation should be removed from the emerging LDP and the settlement boundary adjusted is a material consideration. Even though the LDP is not yet adopted, the recommendation provides a strong steer to the CNPA. It would seem perverse of the CNPA if they were to grant consent so shortly before adoption of the LDP

Yours sincerely


Gus Jones
Convener

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19 May 2014

Dear Fiona,

Application Number: 2013/0119/DET

Proposal: Erection of 58 houses, associated roads & footway

Location: Land At School Road And Craigmere Road, Nethy Bridge

Thank you for the opportunity to respond to this consultation. Buglife objects to planning permission being granted for this application due to the loss of irreplaceable habitats, which is against Scottish planning policy, and the impact this will have on rare and endangered invertebrates.

The Invertebrate survey included with the planning application states that '*A total of 449 species were recorded. Of these, 40 are Local, 16 Nationally Scarce Notable B, 3 Near Threatened, 3 Red Data Book 3 (Rare), 1 Red Data Book 2 (Vulnerable) and 1 is provisionally Red Data Book 1 (endangered). Two species are on the Scottish Biodiversity List. One species is in the UK BAP.*' (Appendix 4, Ecology and Nature Conservation Assessment) The survey has recorded many species of conservation interest despite only a partial survey being carried out. Many species that are active in spring and early summer will not have been picked up and so the list is likely to have even more rare and endangered invertebrates on. For example the Pinewood mason bee (*Osmia uncinata*, Scottish Biodiversity List, avoid negative impact and found only in the Highlands) is known at this site. Although not recorded by the survey it has similar habitat requirements to the solitary wasp *Pemphredon rugifera*, which was recorded. As the survey took place after the recommended survey period for this species (this is late April or May to early July) it would be very unlikely to have been recorded but it should not be concluded as being absent from the site. These types of woodland are often at the best for invertebrate fauna between May and July so it is difficult to assess the true value of the site without surveying during this time period.

School Wood is ancient woodland and as such is protected under paragraph 146, 147 and 148 of Scottish Planning Policy. It is an irreplaceable habitat and its loss should be avoided. The development sites are part of a larger complex of woodland that has small variations in habitat within a very fine scale. Different species of invertebrate will like or need these small variations, or 'micro-habitats,' and may have very specific requirements, for example certain food plants. A key part of the value of this area of School Wood is the warm, south facing woodland edge with dry semi-natural grassland, which is relatively unusual in this area and important for species such as *Osmia uncinata*, and the Hoverfly *Chamaesyrphus scabroides*.

The development plans indicate that not all of the woodland edge habitat will be lost but there will be indirect impacts on the woodland remaining from the new development. This will have an impact through changes in humidity, light levels, increases in wind, disturbance etc. Whilst these may only seem tiny changes, cumulatively this area of School Wood will undergo significant change. When you view these changes in the context of invertebrates that have very specialist needs, habitat can become unsuitable leading to lower or even losses of populations.

Do not hesitate to contact us if you would like more information on any of the points raised and please can we be kept up to date with the progress of this application.

Yours sincerely
Alice Farr
Planning Manager

R&R Urquhart LLP

SOLICITORS - EST 1829

NAIRN • FORRES • INVERNESS

DATE 22 October 2014

OUR REF

JW/LG

YOUR REF

Special Delivery

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Dear Sirs

The Cairngorms Campaign

Planning application 2013/0119/DET

Proposed construction of 58 houses and infrastructure at Nethy Bridge

On behalf of The Cairngorms Campaign, we write further to our letter of 28 May 2014, in which we intimated our clients' objection to the above proposal at Nethy Bridge. In light of further information provided by the applicants' consultants, this letter expands upon submissions made in our letter of 28 May, the terms of which are maintained in their entirety.

In summary, our clients see no justification for a development of this size in this location being permitted, and especially so given the context of the site being home to important biodiversity within a national park and being listed in the Ancient Woodland Inventory as Long Established semi-natural origin. Our clients consider the updated information provided by MBEC to be lacking in necessary detail, with an unjustifiable emphasis on compensatory measures as opposed to mitigation measures.

Specific comments are as follows:

1. The report of the Reporter for the new local plan dated 8 September 2014 recommended deleting site H1 and amending the settlement boundary. The Reporter considered there to be sufficient sites already allocated to meet housing requirements and that there was no need for an allocation in this location. The Reporter's report is a material consideration.
2. The proposal fails to demonstrate that it would enhance or complement the national park. No exceptional circumstances arise in this case where the proposed development could provide social or economic benefit of national importance as per CNPLP policy 6.
3. There have been new finds in and around the proposed development site of Green shield moss (*Buxbaumia viridis*). This species is endangered in the UK and Europe and is listed on

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schedule 8 of the Wildlife and Countryside Act 1981 (as amended). It is an Annex II species of the EU Habitats Directive and has its own biodiversity action plan (being a priority species for the national park). The proposed development would adversely impact this moss both directly and indirectly.

4. The National Vegetation Classification undertaken was inadequate. The assertion that the whole area is a "b" community of the W18 community greatly over-simplifies the position. Range and variation are not considered, species (including tree species) are missing, and the mapping has no polygons shown.
5. The development will adversely impact upon red squirrels which are a priority species for the national park, listed on the Scottish Biodiversity List and protected under the Wildlife and Countryside Act 1981. The loss of dreys and foraging habitat will not be compensated effectively by the rest of the woodland in the applicants' ownership, as that woodland is already populated with squirrels. The offer of woodland as compensation does nothing to mitigate the unnecessary habitat loss that would be caused by this proposed development.
6. The potential impacts on capercaillie are understated including in relation to connectivity requirements for this Annex 1 protected species of European community concern. The assumption that the presence of people 10km from settlements would be so low as to lead to negligible impacts is irrational, as even low impacts can cause disruption to this highly sensitive species.
7. Increased development in Nethy Bridge of the scale contemplated is considered likely to have an adverse impact on the freshwater pearl water mussel (*Margaritifera margaritifera*) population in the River Spey SAC, a population identified by the JNCC as being of great international importance. The recent report by the James Hutton Institute is referred to for its observations of the dramatic decline in mussel numbers.
8. The proposed development at Craigmare Road is close to the Caochan Fhurlain which flows into the Allt Mor (part of the Spey SAC). Otters that form part of the Spey population and which are a qualifying feature of the SAC, are known to use the Caochan Fhurlain (based on camera trap and spraint information). Previous analysis by the CNPA (see planning report for 09/052/CP) concluded that acceptable mitigation on otters (a European Protected Species in their own right) had not been provided. Nothing in the MBEC report provides an improvement on this previous assessment. Reference is made to observations by Scottish Natural Heritage about disturbance to otters by dogs.



9. Since the Cairngorms Campaign's previous submission on this planning application, Scottish Planning Policy (June 2014) in Policy Principles, Section 194 states that the planning system should:

- a) "conserve and enhance protected sites and species";
- b) "promote protection and improvement of the water environment"; and
- c) "protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value".

As stated above and previously, this is a sensitive site and one which the Reporter has recommended be amended to remove area H1. Despite further ecological studies the applicants have failed to properly assess the ecological interests present, and proposals to provide woodland in compensation fail to mitigate what would be a significant loss of habitat.

For the above reasons and for the reasons stated in previous correspondence, we request on behalf of our clients that the Park Authority rejects this application.

Yours faithfully

A large black rectangular redaction box covering the signature area.

