

AGENDA ITEM 5

APPENDIX 2

2019/0222/PPP

**REPRESENTATIONS -
OBJECTIONS**

From: [REDACTED]
To: [ePlanning](#)
Subject: Planning application Ref 19/03017/PIP
Date: 20 July 2019 22:27:55

Dear Sirs

I refer to the above planning application for the erection of 7 houses on land NE of 4 Lettoch Road, Nethy Bridge. I am the owner of the property at 2 Lettoch Road, Nethy Bridge.

The proposed development is outwith the village boundary and the road is unsuitable for more housing in the area and I understand that when the houses on Lynstock Park were built, the planning department insisted that the road remained as a single track.

However, my main objection to the proposed build of 7 houses is that it will destroy a wooded area which is full of wildlife. This afternoon, I have seen several red squirrels, a hedgehog and many birds. There is evidence of deer and pheasants in the area and pinemartins are regular visitors. Capercaillie have been heard in the area and their habitat is very precious. The area has many old fir trees which will require to be destroyed with the development.


I am in favour of house development but there are many other parts of the village which could be developed with less damage to our natural environment. This is part of the Cairngorm National Park and this development is not to be recommended by yourselves.

I would urge you to reject this application.

Yours sincerely

Alec Carstairs
4 Lettoch Road
Nethy Bridge
PH25 3EJ
[REDACTED]

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



Cairngorms National Park Authority
The Square

Grantown on Spey

19th August 2019

Dear Sir

**Planning Application 2019_0222_PPP | Erection of seven houses | Land 125M NE Of 4
Lettoch Road Nethy Bridge.**

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

1. The Application Statement, 1852911 claims that “Our proposal accords with the policies of the Local Plan”. That is not true.

Indeed, the application is **contrary** to the provisions of the adopted CNPA Local Plan, in that:

The site proposed is not allocated for development within the adopted 2015 CNPA Local Development Plan, nor is it proposed to be allocated in the Draft 2020 CNPA Local Development Plan, published earlier this year.

- Moreover, the site proposed is **outwith the settlement boundary, but not separate from that settlement** in that it forms a linear extension to the settlement: i.e. the proposed development would indubitably be within the Nethy Bridge settlement, but it would also be outwith the settlement boundary as defined in the adopted LDP. Again, this is the case not only with the adopted CNPA Local Development Plan 2015 but also in the Draft CNPA Local Development Plan 2020.
- Thus the application is **contrary to Policy 1** of the adopted 2015 LDP, which states,

“Settlement boundaries indicate the extent to which identified settlements may expand during the next five years. All new housing developments within settlements should be contained within these boundaries.”

Likewise, the Draft CNPA Local Development Plan 2020, Policy 1, states: “Proposals for housing will be supported where they are located:

a) on an identified allocated site; or b) within an identified settlement boundary, neither of which conditions are satisfied in this application.

It appears that the applicant is again wishing to sidestep normal planning procedures whereby land is first allocated for potential development during the process of producing the Local Development Plan via the Main Issues Report. The **Scottish Planning Policy** (p.2) emphasises the presumption in favour of decisions being plan-led wherever possible:

“The [Town and Country Planning (Scotland)] 1997 Act requires planning applications to

be determined in accordance with the development plan unless material considerations indicate otherwise.”

In considering whether there are material considerations that are sufficient to overcome the above presumption against granting planning consent in this case, the following assessment of the situation from Highland Regional Council's First Draft Local Plan for Badenoch and Strathspey, March 1991, is ever more pertinent:

“... 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 imbalances in the social structure.”

Since that time, more than 180 houses have been built in the Nethy Bridge settlement area (figures from Highland Council), which many would contend forcefully illustrates that HRC assessment of the ongoing problems of too rapid, and apparently endless, growth of settlements.

2. Landscape and Amenity

The Application Statement, 1852911 claims that The proposal will result in a natural expansion of the existing established development adjacent to existing houses

On the contrary, there is nothing “natural” about extending housing into native woodland along a delightful and quiet country lane that is used for peaceful walks by locals and visitors alike. This proposed development is more akin to the scourge of ribbon development that has long been regarded as an undesirable aspect of poor rural planning. For example, Circular No. 24/1985 Development in the Countryside and Green Belts, (<https://www2.gov.scot/Publications/1985/09/circular-24-1985>) states, Para 3, (ii). **“Urban sprawl and, in particular, [...] ribbon development should be avoided.”**

It needs hardly to be said that standards of rural planning established over thirty years ago, long before national parks were established in Scotland, should be strictly upheld within what should be regarded as Scotland's premier National Park.

The proposed development constitutes a linear roadside extension of over 200 metres along a single carriageway minor rural road that the Highland Council Transport Planning team recommend would need to be widened to a 5.5 metre carriageway with a 2 metre wide kerbed footway on the development side, accompanied by street lighting.

In other words, this development would transform a landscape consisting of a significant length of a rural road, bounded by semi-natural and fairly mature pine woodland on one side, which is a characteristic landscape of the park that is of value, to a suburban streetscape of much lower value. That such a transformation in terms of landscape and amenity should occur without due consideration via the LDP development process in unconscionable, and is clearly not outweighed by social or economic benefits of national importance.

In this respect, one of the the reasons for refusal given for the previous application on this site stands undiminished, viz:

The proposed development will have a significant adverse impact on the woodland setting of the village and an adverse effect on the landscape character and experience of the special qualities of the national park, contrary to Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2015.

3. Woodland Removal

The proposed development site consists of woodland, mainly of fairly mature Scots pine, with some fine

veteran pines, and a few mature goat willows.

The Ordnance Survey 25 inch to the mile Sheet XLVI.16, which was surveyed in 1867, shows that the area was then woodland, as do all subsequent OS maps, showing that the woodland character of the site is long-standing: this is important, since long-standing woodlands are generally richer in flora and fauna than recently established woods.

Scottish Planning Policy (Woodland) and the Scottish Government Policy on Control of Woodland Removal are relevant material considerations in this case. The Scottish Government's policy on control of woodland removal states that woodland removal should be allowed only where it would achieve "significant and clearly defined additional public benefits," which clearly is not so in this proposal, particularly as across the road is a site identified for housing development in the draft CNPA LDP 2020 that could easily accommodate any such "public benefits" in the form of affordable housing that may be identified.

This reflects the Scottish Government's position as outlined in its introduction to its Woodland removal policy

(<http://www.gov.scot/Topics/Business-Industry/Energy/Infrastructure/Energy-Consents/Guidance/Woodland-removal>). This indicates that, should the applicant decide to appeal a refusal of planning consent on this site, Scottish Government Reporters would be unlikely to grant such an appeal.

The Application Statement, 1852911 dismisses this woodland as a commercial plantation, a characterisation that tries to minimise the biodiversity and landscape value of the woodland. It is more usefully described as high quality native woodland, as the CNPA Ecology Report correctly recognises, and for which the constraint that there is a strong presumption against the removal of native woodland with high biodiversity value clearly applies.

4. Perversion of the CNPA Local Development Plan 2020

The current Draft CNPA LDP 2020 includes an allocation (H1 Lettoch Road, Indicative Residential Capacity: 20 units) that was consulted upon on the understanding that the present site for seven houses was no longer effective and that therefore the H1 Lettoch Road site was the only housing allocation in the immediate vicinity. Granting consent for seven dwellings on the other side of the road from the H1 site would fundamentally alter the planning environment of H1 and would require either that the public consultation within the LDP process should be re-visited with respect to H1 Lettoch Road (which would appear to be impossible) or that the Scottish Reporters examination into the LDP would conclude that the H1 site had not been properly consulted upon and was therefore invalid, with possible implications for **judicial review** were the Reporters not to take appropriate action.

5. Other Considerations

Pages 188 to 191 of the adopted Local Development Plan provide information relevant to developments within the Nethy Bridge settlement.

Para 38.4 p. 188 states developments "should be undertaken in a way which complements the sensitive woodland setting of the village". To complement means to complete or to make whole: it is an improvement for something that in itself is incomplete.

Para. 38.5 p.188 again emphasises the requirement for new development to "ensure the quality of surrounding woodland, and sensitive valuable habitats is not compromised. This should include improvements to the woodland setting and woodland structure for Nethy Bridge"

The Woodland Trust has highlighted the potential damaging impacts on the ecology of woodlands caused by adjacent built developments. It found there are five main impacts:

- chemical effects from fertilisers and pesticides spreading by leaching or aerial drift;
- disturbance to and predation of wildlife, causing lower breeding success and population decline;
- dumping of garden waste and rubbish, leading to invasion of the woodland by non-native plants;

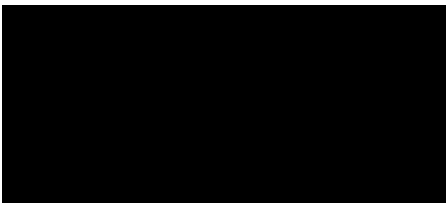
- fragmentation;
- and cumulative effects. (Report: "Neighbours from Hell", Woodland Trust, 2012).

In short, building houses in native woodland destroys that part of the woodland built upon, and damages much of the rest. Building of houses in these woodlands does not in any way “complement the sensitive woodland setting of the village” , and it severely compromises the quality of surrounding woodland, and the sensitive valuable habitats that it contains. **The proposed development is therefore contrary to the objectives for Nethy Bridge laid out in the adopted Local Development Plan.**

Finally, this application for converting a *productive* woodland with high biodiversity value • into a housing site outwith the adopted LDP allocations comes in the year in which

- i) the Scottish Government has declared a Climate Emergency and a target of net zero carbon emissions by 2045 following dire warnings from the IPCC “Special Report on Global Warming of 1.5°C approved by governments” see: <https://www.ipcc.ch/sr15/>
- ii) The Royal Society and the Royal Academy of Engineering published a Report on Greenhouse Gas Removal in the UK see, <https://royalsociety.org/topics-policy/projects/greenhouse-gas-removal/> ,which states that amongst the *key* Actions • required for the UK to achieve net zero are to **“Pursue rapid ramp-up of forestation, habitat restoration, and soil carbon sequestration, across large UK land-areas.”**
- iii) The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) (see <https://www.ipbes.net/assessment-reports/ldr>) has issued further dire warnings concerning the loss of global biodiversity. The Chair of IPBES, Professor Robert Watson, states that the IPBES report will “delve more deeply than anything before into the causes of nature collapse, chief among which is the conversion of forests, wetlands and other wild landscapes into ploughed fields, dam reservoirs and concrete cities. Three-quarters of the world’s land surface has been severely altered, according to the leaked draft. Humanity is also decimating the living systems on which we depend by emitting carbon dioxide and spreading invasive species.”

All of the above urgent and authoritative reports relate directly to the question of whether it is now appropriate *under any circumstances* for biodiverse rich and carbon sequestering habitats, such as native woodlands, to be sacrificed for development. That such should occur in a National Park, on an ad hoc basis on land not allocated for development, and adjacent to another proposed development that can easily accommodate all local demand, would be unconscionable.



Yours sincerely,

Roy Turnbull.