

## CAIRNGORMS NATIONAL PARK AUTHORITY

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**Title: REPORT ON CALLED-IN PLANNING APPLICATION**

**Prepared by: MARY GRIER, PLANNING OFFICER  
(DEVELOPMENT MANAGEMENT)**

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**DEVELOPMENT PROPOSED : OUTLINE PLANNING PERMISSION FOR THE DEVELOPMENT OF 10 SERVICED HOUSE PLOTS ON LAND NORTH WEST OF DALFABER FARM, DALFABER, AVIEMORE.**

**REFERENCE : 07/144/CP**

**DEVELOPMENT PROPOSED: OUTLINE PLANNING PERMISSION FOR THE DEVELOPMENT OF HOUSING ON LAND NORTH WEST AND SOUTH OF FORMER STEADINGS AT DALFABER FARM, DALFABER, AVIEMORE.**

**REFERENCE: 07/145/CP**

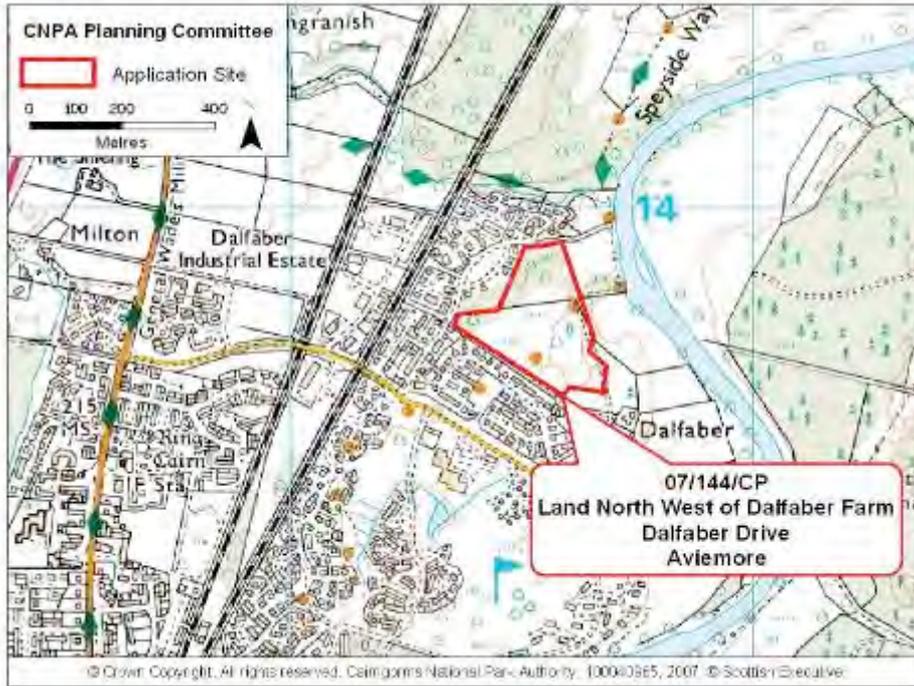
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**APPLICANT: REIDHAVEN ESTATES C/O HALLIDAY FRASER MUNRO, 8 VICTORIA STREET, ABERDEEN.**

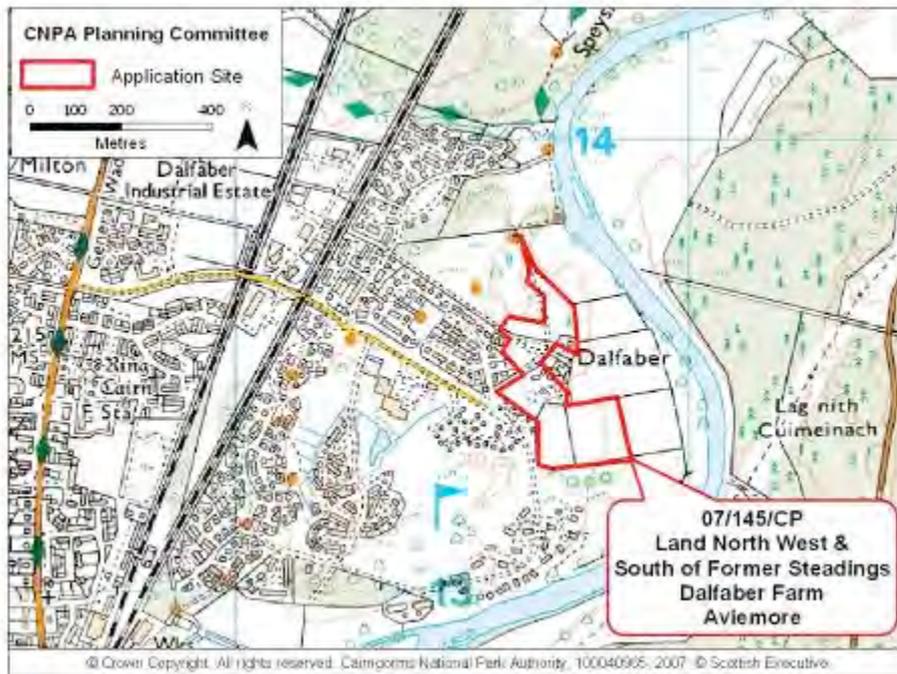
**DATE CALLED-IN: 20<sup>TH</sup> APRIL 2007**

**RECOMMENDATION : 07/144/CP : GRANT WITH CONDITIONS**

**07/145/CP : GRANT WITH CONDITIONS**



**07/144/CP Fig. 1 - Location Plan**



**07/145/CP Fig. 2 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. This report covers two related planning applications for outline planning permission for residential developments on adjacent areas of land in Dalfaber, in the northern area of the settlement of Aviemore. The applications encompass a combined area of approximately 10.8 hectares. The larger of the applications (CNPA planning ref. no. 07/145/CP) is for the development of 88 dwelling units, while the smaller application (CNPA planning ref. no. 07/144/CP) is for the development of 11 serviced house plots. For ease of reference and generally working from south to north across the area, the report will refer to the larger housing proposal as Site 1 and the application for the 11 serviced house plots as Site 2. The overall area of land is bounded to the north west, west and south west by existing residential developments in the Dalfaber area – Dalfaber Park to the north west consists of relatively recently constructed detached properties of varying designs built on individual plots, whilst Spey Avenue to the west, together with Callart Road / Corroul Road to the south west generally comprise of a slightly higher density of development, predominantly in the form of semi detached properties and ‘four-plex’ units.



**Fig. 3 : Proposed site layout plans (the broken red line identifies the boundary division between site 1 (right) and site 2 (left))**

### **Site 1**

2. Site 1 is bounded to the south and east by Dalfaber Golf and Country Club lands, with the southern area accommodating existing holiday accommodation in various forms including two storey apartments / townhouses and also detached timber chalets, as well as the original 9 hole Dalfaber golf and country club course. Land to the east of the site forms part of the recently opened 18 hole Spey Valley Golf Course, while the River Spey lies further east of that, at a distance of approximately 130 metres from the site boundary, at its closest point.
3. The site is relatively level, bordered to the north west by a woodland area which is the subject of the associated planning application (CNPA planning ref. no. 07/144/CP refers)<sup>1</sup>. The northerly portion of the site is relatively open, particularly near its boundary with the adjacent golf course. There are dispersed

<sup>1</sup> Outline planning permission is being sought by the same applicants (Reidhaven Estates) in that application for the development of serviced house plots.

groups of trees, as well as scrub vegetation in part of this area and there is also evidence of an area close to Dalfaber Farmhouse having been used in recent times for schooling and grazing horses. Dalfaber Farmhouse, which appears to have been uninhabited for some time and is in a state of neglect, is located within the site, immediately adjacent to the eastern boundary. The south eastern pocket of the proposed site is physically distinct from the remainder of the site, being of a more open grassland nature, and is also distinct due to its separation from the remainder of the area by the existing access lane into the site<sup>2</sup> and also the position of an existing steading and its associated curtilage outwith the site boundaries.

4. This application is for outline permission and as such initially only included a site plan identifying the red line boundary. However, in order to assess the potential impacts of a development of the scale proposed a detailed indicative site layout was submitted at a later stage. The indicative site layout plan has altered on a number of occasions in response to issues raised in the course of the CNPA assessment, with one of the most significant changes being a reduction in the number of dwelling units proposed on the site from 104 to 83. Access to the site is proposed via the existing public road network serving the area, with the main access leading from Dalfaber Drive / Corroul Road onto an existing private access lane. The route of the existing track is intended to fulfil the dual use of serving the proposed development site and also serving the aforementioned golf course and associated clubhouse for which permission has already been granted. A disused steading exists adjacent to the eastern boundary of the site, and permission has been granted for its renovation and re-use as part of the clubhouse facility for the golf course. The existing access lane also serves two residential properties - 'Pawprints' which is located close to the entrance to the site, opposite proposed plot numbers 1 and 2, and 'Heather Cottage, which is located opposite plot 83 on the proposed layout. The access from the Dalfaber Road / Corroul Road area is proposed to serve all of the residential units proposed in this current application, as well as the residential units proposed on the adjacent land in the associated application. The road layout shown on the indicative plans includes the provision of a roundabout adjacent to the west of the golf clubhouse steading site.
5. The indicative site layout plan shows 48 dwelling units positioned on the open land to the south east of the proposed main access road, with the units comprising of a mix of detached, semi detached and terraced properties, as well as 4 flatted units. The south eastern area would be served by a secondary road which is proposed to extend for approximately 110 metres, with properties positioned either side, before separating in southern and eastern directions to form a circular route around the remainder of this area of the site. The SUDS pond is proposed to be located in the south eastern corner. Dwelling units are arranged around the perimeter of this circular road and a number of units are also contained in the core of the area, encircled by the access road. An equipped play area is also proposed within this central space. The majority of the plots are laid out to have private garden space to the front and rear, as well as on-site

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<sup>2</sup> Proposed new access arrangements to serve the site generally follow the route of the existing access lane.

car parking provision. Communal car parking areas are identified adjacent to the terraced and flatted properties. In addition to the equipped play space, the south eastern area of the site also includes another large area of open space, positioned between properties 4 and 5, and extending to approximately 1,600 square metres.



**Fig. 4 : proposed south eastern corner of Site I**



**Fig. 5 : View over the open grassland area in which housing is proposed**

6. The next area of Site I lies to the north west of the proposed access road, between the edge of the woodland and the ground surrounding the golf course steading. As the main access road traverses further into the site, the road layout incorporates the previously mentioned roundabout, off which a secondary road

leads to the west, in the direction of the existing track past Heather Cottage and towards Spey Avenue, and to the north towards the boundary of the site with the adjacent golf course. Earlier indicative site layout plans submitted showed the majority of the areas on either side of the western road being proposed for housing. However, in response to concerns raised about the negative impact that development would have on the natural heritage value of the area to the front of Heather Cottage, the layout was significantly revised. The current indicative proposal includes the retention of this area in its natural state and the curtailment of housing to the northern side of the road, close to the edge of the site boundary and the birch woodland area. Six dwelling units are proposed in this area, of which there is a mix of semi detached and detached, with the houses oriented southwards, to overlook a proposed triangular area of 'amenity shrub planting.'



**Fig. 6 : northern area of site**

7. The remainder of the housing on Site 1 would be accessed from the road leading northwards from the proposed roundabout. A combination of semi detached and detached properties, are proposed on the western side of the road, while a slightly higher density courtyard arrangement is proposed immediately opposite, in the area surrounding Dalfaber farmhouse. The courtyard configuration would be partially formed by the retention of the farmhouse in the easternmost corner which is proposed to be refurbished to create two dwelling units. In both a previous planning application on the site in 2005 and also in earlier indicative layouts submitted as part of this current application, the layout indicated the demolition of the farmhouse. However, the traditional character of the two storey Victorian property had consistently been highlighted by the CNPA as having the potential to assist in conserving and enhancing the cultural heritage of the area and the current layout demonstrates an acceptance of that point. In addition to the two units in the farmhouse, the indicative plan also includes 12 additional new build units, consisting of a pair of semi detached properties and

two blocks of terraced structures. A courtyard area would be formed by the presence of the buildings on three sides, with the fourth (northern) side being open, offering views over the golf course towards the River Spey and the mountains beyond. Communal car parking is arranged in small groups within the courtyard. An equipped play space is also proposed in the area of open space between the car parking and the site boundary. Finally, in the most northerly area of the site, a lower density arrangement of eight detached houses is proposed, with properties positioned either side of the access road. The rear boundaries of the plots on the eastern side abut the golf course boundary, while those to the west of the proposed access road are positioned on the periphery of the birch woodland.



**Fig. 7 : Heather Cottage**



**Fig. 8 : Farmhouse and proposed courtyard area**

8. As already detailed the proposed site is relatively open, and only interspersed with individual and small groups of trees. The main block of birch woodland in the area lies outside the north western site boundary. A tree survey has been carried out in order to assist in devising an indicative layout on the subject site, the results of which demonstrate that the extent of tree felling would be limited and largely confined to individual trees in the northern area of the site. Elsewhere on the site, the removal of a relatively small area of young birch trees is proposed to accommodate some of the housing to the north east of Heather Cottage. The tree survey report submitted identifies several existing mature trees on the site which are proposed to be retained and protected during construction. Details of the proposed tree protection fencing have also been provided.<sup>3</sup>
9. Reference has already been made to the proposed provision of two play areas within the proposed site. Suggested play equipment in the area close to Dalfaber farmhouse includes a stainless steel and rope spacenet, a timber climbing frame and timber benches, with the area being surfaced by with a wetpour safety surface.<sup>4</sup> The same surface finish is proposed in play area 2 which is at the heart of the larger residential area in the south east of the site. A steel and rope climber is proposed in that area, as well as an 'access swing' and timber benches.

<sup>3</sup> The proposed tree protection fence would be in accordance with BS 5837: 2005.

<sup>4</sup> The play equipment is intended to cater for a mix of age groups, with the 'spacenet' being a multi activity apparatus with a suggested age range of 5-16 years, while the climbing frame is aimed at the younger age group from toddlers to age 6.

**Site 2**

10. Site 2 encompasses approximately 5.5 hectares of land immediately adjoining Site 1. The north eastern boundary is formed by the Spey Valley Championship Golf Course, while the south western boundary is defined by the rear boundaries of residential properties along Callart Road and Corroul Road. A small section of the northern boundary extends to Spey Avenue while the remainder of that boundary is to the rear of relatively recently constructed properties in Dalfaber Park. No physical boundary division exists between sites 1 and 2, with the open land of Site 1 merging with the woodland area in Site 2. The boundary shown on site layout plans has been identified purely for the purposes of the two planning applications. The area of land encompassed within site 2 runs to the north west towards Spey Avenue and Dalfaber Park and includes a significant area of birch woodland at its core. Outline planning permission is being sought on the site for the development of 10 house plots. Access to the site would be provided by an extension of the main road which is proposed to serve the development on site 1. From the boundary of site 1, the road would continue northwards close to the golf course boundary to the east and the existing woodland area to the west. The majority of the plots are clustered in the northern corner of the site and the access road would lead into this area, before turning westwards to culminate in a turning area. The access road to serve this site is proposed to be single width and incorporating passing places, in order to retain a rural, informal environment amidst the woodland.
11. On the opposite side of the site an existing informal access track leads past Heather Cottage, along the western boundary of the adjacent proposed site, close to the rear boundaries of properties on Callart Road, before emerging onto Spey Avenue to the north west. Vehicular access along the lane between Heather Cottage and Spey Avenue is restricted due to the presence of agricultural gates at either end. The route would continue to be maintained in its current state.
12. The 10 serviced plots are confined to a relatively small area of the overall site, on the periphery of the birch woodland, with plots configured to utilise existing clearings as well as the more open area on the northern periphery. The vast majority of the site would be retained in its natural woodland condition. In addition to retaining the myriad of informal paths which have been woven through the woodland through use over a long period of time, the indicative site plan also includes proposals to provide additional new paths through the woodland area and along the periphery of the boundary with the golf course. In addition to the new and improved path network through the woodland, the plans also identify the provision of an 'emergency fire access path' leading from the existing track off Spey Avenue on the western boundary of the site, to the turning area at the end of the road network which is proposed to serve the house plots. As the title suggests, the track is intended purely to provide emergency access and is not intended to become a frequently used part of the road network. In order to discourage vehicular use (except in a potential emergency situation) and in an effort to blend with the existing woodland environment, the supporting statement indicates that grasscrete or hardcore would be considered for surfacing. It has also been clarified that the entrance to the existing track from Spey Avenue would remain gated.

### Other issues

13. The supporting statement accompanying the two applications refers to the proposed road arrangements being designed to “maintain a more informal approach, incorporating some of the elements, including home zones, within PAN 76 : Residential Streets.” The main road, which would lead from Corrou Road into Site 1 would be designed to adoptable standards, although the applicants accept that other smaller courtyards and roads beyond this would not be adopted by the local authority. In terms of the location of the proposed roundabout on Site 1, the supporting statement suggests that it may be a suitable place for a transition to shared surfaces, to assist in creating the more informal home zone approach. In discussing the layout in general, reference is made in the supporting statement to it being “designed to foster a community feel for the area and retain the feel of a rural location rather than a traditional suburban layout.”
14. Also on the subject of roads and transport issues, a transport assessment has been submitted in support of the applications. The transport assessment was originally carried out as part of a previous application on the overall site in 2005. The assessment has since been updated to take account of the current proposals, which include a reduction in the number of units proposed over the entire area, as well as all vehicular access now proposed to be taken from Corrou Road.<sup>5</sup> In terms of vehicular movement the Transport Assessment concludes that traffic analyses shows that “the adjacent road system offers excellent opportunities to distribute traffic generated by the development onto the road network” and concludes that there would be no significant traffic impact on the adjacent road network.
15. An overall landscaping plan relating to Sites 1 and 2 has been submitted to accompany the indicative layout plans. In addition to identifying individual trees and groups of trees to be retained, proposals have also been included for the creation of new belts of landscaping. 250 individual trees are proposed to be planted at dispersed locations across the two sites, and would consist of a mix of silver birch, ash, English oak, rowan and scots pine. In addition to individual trees, groups of planting are also proposed. For example, several small areas of planting, described as ‘amenity shrub planting’<sup>6</sup> are interspersed throughout both sites. Within such areas it is intended to have low level planting such as heather, dogwood, broom, wintercreeper, juniper and gorse. Areas at the edge of the woodland are proposed to be strengthened by a mix of blackthorn, hawthorn, elder and honeysuckle, while larger areas of ‘woodland structure planting’<sup>7</sup> would have a mix of silver birch, hazel, ash, oak and rowan.

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<sup>5</sup> The previous application on the overall site area included a road layout which involved providing access to some of the properties directly off Spey Avenue.

<sup>6</sup> Small areas of amenity shrub planting would extend to a cumulative total of 2,500 square metres across the two sites.

<sup>7</sup> Areas of woodland structure planting are proposed to extend to 3,500 square metres across the two sites.

16. A total of 26 dwelling units are proposed in fulfilment of the affordable housing requirements across both of the proposed sites. This is above the 25% requirement for affordable housing provision. It has been indicated in supporting information that Albyn Housing Association are the Registered Social Landlords that would be involved in the event of the development proceeding. The Housing Association accept that there is a need for a reasonable distribution of affordable housing throughout the site, but for practical reasons do not consider that the 'pepper potting' of individual units throughout the site would be acceptable. The preference is for the affordable housing to be provided in two areas of the site, although the precise location of the proposed units had not been agreed between the applicants and the Housing Association, although it appears likely that they would be within two areas of Site 1. Of the 26 units proposed, 16 are likely to be provided for rent, with the remaining 10 dwellings being provided for shared equity sale.

### **Site History**

17. An outline planning permission was sought in 2005 on the land that is currently the subject of the two current applications. Outline planning permission was sought for a residential development consisting of 104 serviced housing plots, all associated roads and access points, and all associated service engineering works and landscape works. (CNPA planning reference no. 05/101/CP refers).
18. The CNPA refused permission for the development for three reasons including it being premature due to the constraints existing at that time on water infrastructure and also uncertainty over the capacity of the existing sewer network; the encroachment of the layout into woodland areas identified in the Badenoch and Strathspey Local Plan (1997) as 'amenity woodland'; and the overall scale and layout of the development which would result in the loss of a significant area of semi natural native woodland and would have a significantly detrimental effect on the nature conservation value of the site and would be contrary to the first and third aims of the Cairngorms National Park.
19. The decision was appealed to the Scottish Executive Inquiry Reporters Unit and was subsequently allowed. The Reporters Unit granted permission for "up to 104 residential units in total, of which 25 shall be affordable units." The decision also included a condition setting aside the submitted site layout plan and requiring that a revised layout "be agreed with the Cairngorms National Park Authority (CNPA) as part of the reserved matters approvals." The reason for the condition stated that the "submitted plan does not adequately reflect the local plan intentions for the application site with regard to the retention of amenity woodland." A group of third party objectors, Dalfaber Action Group, challenged the outcome at the Court of Session. The challenge was unsuccessful and the decision of the reporters unit remains valid. The subject sites collectively have the benefit of an outline planning permission for "up to 104 houses."

## DEVELOPMENT PLAN CONTEXT

### National policy context

20. In the national context, **SPP 3 Planning for Housing** encourages the provision of well-located, high quality new housing, suggesting that good housing can support economic competitiveness, social justice and sustainable development. Para. 6 of the document stresses that housing is a key factor in defining the character of cities, towns and villages. **SPP 3** concedes that the design of new housing is not always given sufficient priority and urges that the environmental impact of housing be given much greater importance. Para. 14, in discussing the Form of Development highlights the fact that good layout is at the heart of making residential environments safe and welcoming, with pedestrian activity adding vitality and increasing the feeling of personal safety.
21. **SPP 3** also highlights the relevance of good landscape design, stressing that it can make a significant contribution to environmental quality, but cannot compensate for poor layout and design. Para. 17 is of particular relevance in this current application, where it is stated that “new development should respect and where appropriate enhance existing vegetation and other natural features. Mature trees should be retained wherever possible and replanting should be undertaken where development involves their loss.” The document also suggests that developments can enhance a site’s wildlife value through retention, creation or management of natural features and wildlife habitats.
22. **SPP7 Planning and Flooding** describes flooding as a natural phenomenon which cannot entirely be prevented and has an important role in the natural environment. Paragraph 2 advises that planning authorities must take the probability of flooding from all sources and the risked involved into account in determining planning applications. Developers are also expected to take responsibility by “undertaking flood risk assessments and drainage assessments where required” and “implementing agreed measures to deal with flood risk.”
23. The planning policy expressed in **SPP7** is based on a number of principles including developers and planning authorities giving consideration to the possibility of flooding from all sources, new development being free from significant flood risk from any source, and new developments not materially increasing the probability of flooding elsewhere.
24. Paragraph 44 of **SPP7** advises that flood risk is a material planning consideration. In the concluding comments of **SPP7** it is stated that the “Scottish Executive expects developers and planning authorities to deal very seriously with flooding, to take an informed approach to decision making and to err on the side of caution where flood risk is an issue.”
25. Other national level advice is contained in **NPPG 14 on Natural Heritage**. It strikes a positive note stating that conservation and development can often be fully compatible, and the potential for conflict can be minimised. In relation to statutory designations, and in particular National Parks, para. 33 states that “while conservation of the natural heritage will be a key objective in any National

Park, the Government considers that due weight must also be given to the social and economic interests of local communities.”

26. **NPPG 14** also deals with wider natural heritage issues and stresses that natural heritage is found throughout the countryside, and that efforts should be made to safeguard and enhance the wider natural heritage beyond the confines of nationally designated areas. Among features listed as being of potential value in the development of habitat networks are woodlands, rivers and burns, and traditional field boundaries such as dykes or hedgerows. Para. 50 emphasises the importance of trees and woodlands, both as wildlife habitats and in terms of their contribution to landscape character and quality. **NPPG 14** highlights the duty of Planning Authorities, in accordance with section 159 of the Town and Country Planning (Scotland) Act 1997, to ensure that wherever appropriate, planning permissions make adequate provision for the preservation or planting of trees. The mechanism of safeguarding trees by means of Tree Preservation Orders is also advocated.
27. **SPP 17 Planning for Transport**<sup>8</sup> sets out in its opening summary that the location of new developments should maximise sustainable transport modes while constraining car parking in order to reduce dependence on car travel. Guidance is provided later in the document on assessing development proposals, where it is stated that planning permission should not be granted for significant travel generating uses in locations :
- Where immediate links to walking and cycling networks are not available or cannot be made available;
  - Where access to public transport networks are further than 400 metres walking distance;
  - Which would encourage reliance on the private car; or
  - Where a Transport Assessment does not include any satisfactory mechanism for meeting sustainable transport requirements.
28. **PAN 65 – Planning and Open Space** describes open space as a valuable asset which is important for our quality of life. It concedes that the future growth of settlements will have implications for open space, but advises that this should not lead to a loss of amenity and should place a greater emphasis on the need for a “well-distributed, well-connected and accessible quality of open space.” **PAN 65** details the various types of open space including amenity greenspace,<sup>9</sup> public parks and gardens, green corridors and natural / semi natural greenspaces.<sup>10</sup> Para. 44 of **PAN 65** states that importance attached to open space in development plans should be reflected in development control decisions and warns that “the credibility of the planning system can be significantly undermined when policies on the protection and provision of open space are set aside, without sound and clear justification.”

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<sup>8</sup> Adopted August 2005.

<sup>9</sup> Greenspace refers to landscaped areas providing visual amenity or separating different buildings or land uses for environmental, visual or safety reasons i.e. road verges or greenspaces in business parks, and used for a variety of informal and social activities.

<sup>10</sup> Natural / semi natural greenspaces are defined as areas of undeveloped or previously developed land with residual natural habitats or which have been planted or colonised by vegetation and wildlife, including woodland and wetland.

29. **PAN 67** deals with the subject of **Housing Quality** and recognises the fact that many people want to live in a place that has a distinct identity, “rather than one that could be anywhere.” **PAN 67** advises that all development has the potential to contribute to a sense of neighbourhood and also highlights the fact that “thoughtlessly chosen standard house types and inappropriate materials look disconcertingly out of place.” In a detailed section on layout, it also urges developers to think about the qualities and characteristics of places and not consider sites in isolation.
30. **PAN 67 Housing Quality** also discusses landscape and emphasises that the character and appearance of the land including its shape, form, ecology, natural features and the way they combine, is a key to designing houses that makes the most of its setting. Natural features should generally be conserved and emphasised, with additional new tree and shrub species complementing the area’s existing natural features. **PAN 67** also advocates the use of landscaping proposals to promote biodiversity.
31. **Planning Advice Note 76 - New Residential Streets**, provides advice on the design of better quality residential streets. It suggests that the design of a successful place begins with an understanding of how new housing can be connected to both the movement and settlement patterns of the area. Consequently it requires that any new development layout takes into account the wider context of the surrounding area, having regard to its local character and built form. In order to create a sense of identity **PAN 76** places emphasis on creating a hierarchy of street character types (such as a combination of ‘through’ streets, linked cul de sacs and courtyards), the careful choice of materials in combination with other factors such as plant species, as well as the use of signage to enhance place identity. The interlinked issues of movement, traffic speed and road safety are also addressed. It is suggested that ‘home zones’<sup>11</sup> have the potential to form a key element in many residential layouts.

#### **Highland Structure Plan (2001)**

32. **The Highland Structure Plan 2001** sets out a number of broad policies applicable to developments of the nature proposed. In relation to housing, section 2.2.1 of the Plan states that “the availability of quality housing is fundamental to social and individual well being and to creating and maintaining balanced communities.” It also states that “adequate provision of housing is also a pre-requisite of economic growth” whilst at the same time recognising that “it must be provided in a way which minimises the impact on the environment.”
33. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they make use of brownfield sites, existing buildings and recycled materials; are accessible by public transport, cycling and walking as well as car; are compatible with service provision; demonstrate

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<sup>11</sup> PAN 76 defines a ‘home zone’ as a street or group of street which are designed to give informed priority to pedestrians or cyclists rather than vehicles. The aim is to improve the quality of life for a local community by turning their streets into public spaces rather than merely being movement corridors.

sensitive siting and high quality design in keeping with local character and historic and natural environments; and contribute to the economic and social development of the community.

#### 34. **Badenoch and Strathspey Local Plan (1997)**

Both of the proposed sites are included within the settlement area of Aviemore as detailed in the **Badenoch and Strathspey Local Plan 1997**. A number of zones are allocated for housing purposes, with distinctions being made between 'new development' and 'long term' housing development. The majority of zones, which are located towards the centre and south eastern area of the collective site areas, are surrounded by land allocated as amenity woodland. The amenity woodland zoning encompasses large tracts of the western and north western areas of the subject site. In addition a portion of land in the south east of Site 1, to the rear of existing Dalfaber Golf and Country Club chalets is allocated for amenity woodland purposes, while a larger area surrounding the steading (which is located outside the site boundaries) and also including some of the proposed site area (including Dalfaber Farmhouse) is allocated for commerce / tourism purposes.



**Fig. 8 : Extract from the Aviemore settlement map, Badenoch and Strathspey Local Plan (1997)**

35. In discussing Main Village Expansion Areas Section 6.1.2 (c) of the Badenoch and Strathspey Local Plan deals with the Dalfaber North lands in detail, identifying the overall area as 9.2 hectares with capacity for 250 houses.<sup>12</sup> Requirements for the development of the area as detailed in the Local Plan include the realignment of the junction onto Dalfaber road; retention and active management of birch woodlands and related glades to sustain this as an integral habitat; footpaths / parking and related amenities including a children's play area.

<sup>12</sup> The area which has been developed to date accommodates approximately 100 dwelling units.

36. Section 6.1.2 also includes general planning advice applicable to the lands identified at Dalfaber as well as other lands forming part of the Main Village Expansion Zone. It requires that housing layouts become an integral part of the village with residential enclaves absorbed within compartments of woodland and modulated according to localised physical characteristics and landforms. The stated objective is to achieve a series of sheltered neighbourhoods, “individually designed in the interests of fostering community spirit and security.”

### **Cairngorms National Park Deposit Local Plan**

37. *For information purposes only* : The Local Plan Inquiry has recently concluded on the Cairngorms National Park Local Plan and the Reporters recommendations are not expected for some months yet. Policies contained within the Plan should not be read or interpreted in isolation but as a suite of policies applicable to proposals. The Deposit Local Plan contains a number of settlement maps which identify sites for particular types of development and proposals coming forward on any such site must also comply with all relevant policies, as well as working to achieve the four aims of the National Park.
38. Policy 22 focuses on Housing Development within Settlement Boundaries explaining that settlement boundaries have been identified to indicate the extent to which settlements may expand during the Local Plan period and advises that new housing development should be contained within these boundaries. Accordingly, housing proposals within the settlement boundaries will be considered favourably where the development :
- occurs within an allocated site identified within the proposals maps; or
  - is compatible with existing and adjacent land uses, and comprises infilling, conversion, small scale development, the use of derelict or underused land or the redevelopment of land. The proposal should reinforce and enhance the character of the settlement and not detract from the landscape setting of the settlement, and can accommodate within the development site appropriate amenity space, and parking and access arrangements.

In discussing the implementation of Policy 22, the Deposit Local Plan explains that the policy will be used to allow the development of housing within settlements which reinforce and enhance the character of that settlement. Developments will therefore be expected to complement the existing scale, materials and landscaping. Housing proposals within settlements are also expected to include a range of houses sizes, in order to reflect the needs of the communities of the Park. The principle of achieving a sustainable balance of house sizes will apply to both affordable housing and open market housing.

39. The Local Plan identifies Aviemore as one of the strategic settlements within the National Park. In terms of the land on which the current planning applications have been made, the Deposit Local Plan identified all of Site I for housing purposes. AV/H3 states that “an outline planning application is with the National Park Authority for the development of this 5.5ha. The consideration of the reserved matters on this site will have taken into consideration the SEPA indicative 1:200 year flood risk maps and a detailed flood risk assessment will be

required.” Two land uses are identified in the Deposit Local Plan for proposed Site 2. The northern area of the site is identified for housing purposes, while the woodland area is identified as open space, with the Plan stating that “a number of open spaces and land which contributes to the setting of Aviemore are identified and will be protected from adverse development.”

#### **Cairngorms National Park Plan (2007)**

40. The **Cairngorms National Park Plan** sets out the strategic objectives for the Park under three headings, all of which are of relevance to the development proposal – (i) conserving and enhancing the Park; (ii) living and working in the Park; and (iii) enjoying and understanding the Park. In relation to conserving and enhancing the Park the objectives set out in the Plan include maintaining and enhancing the distinctive landscapes across the Park and ensuring that development complements and enhances the landscape character of the Park. The Plan also requires that new development in settlements and in surrounding areas and the management of public spaces should complement and enhance the character, pattern and local identity of the built and historic environment. In elaborating on this particular objective it is advised that new development should enhance the local identity, quality of public space and surrounding environment and that high quality design should be a feature of all new developments.
41. Under the heading of Living and Working in the Park, there is a specific section on Housing. Objectives include increasing the accessibility of rented and owned housing to meet the needs of communities throughout the Park and ensuring that there is effective land and investment for market and affordable housing to meet the economic and social needs of communities throughout the Park.
42. In relation to Enjoying and Understanding the Park there is recognition that enjoyment of the park area is not only relevant to those people travelling to the Park, but is part of the everyday experience of those living in and around the area. The experience of residents and visitors alike should be of the highest quality. The Plan contains a number of strategic objectives for outdoor access and recreation, which include encouraging people of all ages and abilities to enjoy and experience the outdoor environment.

### **CONSULTATIONS**

43. **Scottish Natural Heritage** has no objection to the proposed developments. The response however does note that the sites are close to the River Spey Site of Special Scientific Interest (SSSI) which is designated for its populations of Atlantic salmon, sea lamprey, otter and freshwater pearl mussel. The sites are also close to the River Spey Special Area of Conservation. SNH consider that the proposals are not connected with or necessary for the conservation management of the River Spey SAC. Since the developments would be some distance from the river, with foul drainage going to a public sewer, SNH considers that it is unlikely that the proposals would have a significant effect on any qualifying interests either directly or indirectly, and an appropriate assessment is not therefore required.

44. **Scottish Natural Heritage** also recommend in the interests of further minimising the impacts on the interests of the nearby SAC that (a) the construction and operation of the sites should comply with the relevant SEPA pollution prevention guidelines PPGs 04-06; and (b) details of the management of foul and surface water including a SUDs scheme should be approved by the Cairngorms National Park Authority in consultation with SEPA, in order to prevent sediments and contaminants from entering the River Spey.
45. The consultation response from **Scottish Natural Heritage** also makes reference to European Protected Species, advising that consideration of EPS should be included as part of the planning application process. **SNH** refer to the surveys for habitats and species which were provided by the applicants in support of the application and advise that the proposal to convert Dalfaber Farmhouse is likely to affect bats. The proposal is likely to result in actions which are contrary to the species protection elements of the Conservation (Natural Habitats &c.) Regulations (as amended), it cannot proceed until a license is obtained from the Scottish Government. **SNH** advise that a mitigation plan is required in support of the license application and the consultation response includes advice on the contents of such a plan. Subject to the appropriate steps<sup>13</sup> outlined in a mitigation plan being undertaken, **SNH** is satisfied that the proposed action would not be detrimental to the maintenance of the bat species.
46. The proposal has been assessed by **SEPA** with reference to foul drainage, surface water drainage and flood risk. **SEPA** has no objection to connect the foul drainage from the proposed development to the public sewer. In terms of flood risk, following the receipt of a revised flood risk assessment from the applications, the most recent consultation response (received 25 June 2009) indicates that **SEPA** is in a position to remove its earlier objection to the proposed developments on flood risk grounds, provided that conditions are imposed in the event of consideration being given to the granting of planning permission. The recommended conditions include prohibiting development below the level of 208.55m AOD, and also requiring that finished floor levels are set at least 600mm above the design water level (at least 209.15m AOD).
47. The most recent consultation response from **SEPA** also addresses SUDS,<sup>14</sup> and confirms that the proposed levels of treatment for the roof water (individual soakaways and filter trenches) and roads (swales and infiltration basin) are acceptable. It is also advised that the infiltration basin should not be located below the 208.55m contour. In response to the requirements of **SEPA** in

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<sup>13</sup> The mitigation plan is required to include details of all proposed work involving the roof space; provision for maintaining access for bats to the roof space; a commitment to allowing bats to return to the roost when conversion has been completed; a commitment to engage a qualified bat surveyor to inspect the roof immediately prior to any work commencing; a commitment that the timing of the works will be outside the summer months (mid May to late September); details of the provision of 20-25 suitable woodcrete boxes; a commitment that the location of the bat boxes would be agreed with the bat surveyor and hung from suitable trees as close as possible to the roost; a commitment that the bat boxes would be put in place prior to conversion works commencing.

<sup>14</sup> The consultation response refers to the Drainage Impact Assessment received in July 2008, and clarifies that comment has been withheld until now on the SUDS proposals as SEPA has a policy of not accepting certain SUDS proposals within a flood plain.

respect of ground levels and the location of an infiltration basin, revised plans have been submitted by the applicants, showing the position of the infiltration basin in the south eastern area of the Site 1, and the omission of 5 houses from areas that would not meet SEPA's stipulations regarding ground and finished floor levels.

48. Following the advice contained in the most recent consultation response from **SEPA** which recommended that the Local Authority's Flood Prevention Unit were also consulted on flooding issues, Highland Council's TEC Services have confirmed that the most recent Flood Risk Assessment is acceptable and there are no additional comments to make on the matter.
49. **Scottish Water** do not object to the proposals, but nonetheless advise that any planning approval which may be granted does not guarantee a connection to Scottish Water infrastructure until a satisfactory solution is identified. **Scottish Water** advise that Blackpark Water Treatment Works may have sufficient capacity to service this proposed development, although there may be a requirement for the developer to carry out works on the local network to ensure that there is no loss of service to existing customers. The consultation response also advises that there is capacity at present in the Aviemore Waste Water Treatment Works to service the proposed development, and similar to the situation regarding the water network, Scottish Water advise that the developer may be required to carry out works on the local network.
50. Highland Council's **Contaminated Land** section have assessed the proposal and note that there is a potential contamination issue concerning site 1, based around the presence of a farm tip, which has been identified as being confined to an area around a disused pit. It is recommended in the event of consideration being given to the granting of planning permission that a condition is attached requiring the submission of a scheme to deal with potential contamination on the site, prior to any development commencing on the site.
51. The consultation response from Highland Council's **Area Roads and Community Works** division recommends that several conditions are attached in the event of the granting of planning permission. Conditions include requirements to achieve visibility splays, the incorporation of sufficient drainage measures, surfacing requirements for each plot, the provision of a suitable management and maintenance agreement in respect of all hard and soft landscaped areas, roads and footpaths / cycle links that would not be adopted by Highland Council, and also the provision of street lighting to the satisfaction of the Council's Senior Lighting Engineer. In addition to the standard roads related requirements, it is also recommended that a developer contribution be required towards the upgrading of the junction of Grampian Road and Dalfaber Drive. The upgrading work at the junction would involve the provision of a right turning lane on Grampian Road, in order to alleviate delays which the Roads Authority have noted are being experienced there. The consultation response also requested that the junction of Corroul Road and Dalfaber Drive be upgraded to the satisfaction of the Planning Authority in consultation with the Roads Authority.

52. Highland Council's **Archaeology Section** was consulted on the proposals. The response notes that the applications lie within a wider area where there are important historic and prehistoric remains. In light of this it is recommended that a condition is attached to any planning permission requiring that a programme of archaeological work for the preservation and recording of archaeological features affecting the proposed development be submitted for the written approval of the Planning Authority prior to the commencement of development. This is required in order to preserve the archaeological and historical interest of the site.
53. **Aviemore and Vicinity Community Council** has commented on the proposals on a number of occasions, raising a number of concerns. Issues which have been mentioned in the course of the various consultation responses include potential flood risk on the land and questioning a proposal to build on a flood plain. Concern has also been expressed that medical, ambulance and fire services would not be able to absorb the problems and demands of the increase in residential population and it was also pointed out that the new primary school is not scheduled to come on stream until at least 2009. Other concerns raised in earlier correspondence include the impact of the proposed developments on the railway level crossing on Dalfaber Drive and a suggestion that the cost of providing a barrier system on the level crossing could be shared by the developers of the Aviemore North and Dalfaber North area.
54. In a more recent response from **Aviemore and Vicinity Community Council**, a series of points were made, some of which are observations on the current proposals, while others are points of objection. Points of objections include reference to the proposals being contrary to the existing Local Plan and proposed Local Plan; opposition to the use of a single track non adoptable road to serve the proposed house plots on Site 2 and a suggestion that this should be a "two track road as a minimum"; a description of the housing proposal in the north western corner of Site 1 as 'urban sprawl' and an observation that it is "incompatible with the aspirations for the MacDonalds' International Standard Golf Course" noting that "golfers would no longer enjoy the beauty and magnificence of the mountains but would be looking into the back gardens of houses, flats and terraced houses." The indicative proposal to include a roundabout in the road arrangement within Site 1 is referred to and it is noted that there is no provision for a roundabout at busier junctions such as Corroul Road or the junction of Dalfaber Drive and Grampian Road. It is also suggested that the amenity woodland should remain as it is with no through road and that areas of wildlife should be protected and left intact. The concluding comment states that the Community Council think that there is scope in Dalfaber for some development, "but this is the wrong one." and also query "what's in it for us?"
55. **Strathspey Railway Company Ltd.** has submitted a number of consultation responses in the course of the two applications, on each occasion maintaining an objection to the development proposals. The most recent response states that the "level crossing is in its present form incapable of accommodating in a safe manner the additional traffic which is likely to be generated by the proposed development." The railway company also states that they "believe it is wrong to encourage the expansion of what is already in Highland terms a substantial

settlement, with only one road access.” Reference is also made to the fact that **Strathspey Railway Company Ltd.** has written to Highland Council asking them to “comply with their obligation by including the necessary upgrade of the crossing in their plans for 2010.”

56. **HM Railway Inspectorate** was also provided with the opportunity to comment on the proposed developments. The response refers to the Inspectorate being in receipt of a copy of the correspondence from the Strathspey Railway Company and states that “HM Railway Inspectorate fully supports the Strathspey Railway Company Ltd. comments.” No further explanation has been provided on the background to this comment, which is inconsistent with the response provided by **HM Railway Inspectorate** in connection with the earlier planning application on the lands in 2005, which was for a larger number of houses (104). In a response to the CNPA in February 2006, immediately prior to the determination of planning application ref. no. 05/101/CP it was clarified that there was no objection to the development, with a representative of **HM Railway Inspectorate** stating that “this development in isolation will not have a dramatic impact on the crossing.”
57. The most recent consultation response from the CNPA’s **Housing Officer** notes that 26 of the units proposed on this site are intended to be affordable housing. The suggested mix of properties for shared equity sale and affordable rent is noted. However, the Housing Officer comments that with the recent ‘credit crunch’ that the Housing Association may wish to change that mix in the future. It is also suggested in the consultation response that there is a continuing strong need for social rented housing in the Aviemore community and reference is made to Highland Council housing waiting lists to illustrate this. The housing waiting lists for the Aviemore area also indicate that there is a large demand for one and two bedroom houses or flats, with a medium level demand for three bedroom properties, and a small demand for larger four and five bedroom houses.
58. The development proposals on each of the sites have also been assessed from an access perspective by the **Visitor Services and Recreation Group**. There are no objections to the proposals, and it is recommended in the event of the granting of planning permission that a condition is included requiring that any subsequent detailed planning application include a detailed plan showing public access provision across the sites. In addition, some specific comments were made in relation to each of the proposed sites. In terms of Site I it is noted that access routes are limited on the site, in comparison to those existing and proposed on the adjacent site and it is acknowledged that there is limited scope to create new paths out from the proposed housing areas. However it is suggested, based on the current indicative layout, that a pedestrian entrance / exit could be created from the proposed communal car parking area adjacent to dwellings 21 – 25 onto adjacent lands. The access officer notes that this would provide a link to an existing informal route which appears to be frequently used as a means of gaining access to the river between the two existing golf courses.

59. Also in respect of Site 1, **VSRG** point out that there is a proposed Core Path in the vicinity of the site, which traverses through the car parking area associated with the new golf clubhouse adjacent to Site 1, to provide access eastwards to the River Spey. It is recommended that the path is identified on the site layout plans in order to ensure that path connections are maintained and to demonstrate that the development is compatible with the Core Path network.
60. In discussing Site 2, it is noted that the housing density is significantly lower on this site and an enhanced network of informal paths provide linkages around the site. The provision of a path adjacent to the golf course boundary is particularly welcomed and it is recommended that this be extended to the northern end of the site in order to provide linkages towards the existing track to the north of the site leading towards Fishermans car park, which is itself a candidate core path. The access officer considers that such provision would have the benefit of providing an alternative to the traditionally used crossing point which is now on the recently developed golf course.
61. Comment is also made on the proposed 'emergency access track.' **VSRG** support the use of informal surfacing to create such a track. It is recommended that the proposed route should be utilised for the purposes described, i.e. for emergency services and where its use by vehicles would be exceptional, with the informal route primarily being for the enjoyment of pedestrians and cyclists. It is also recommended that all of the paths remain barrier free, as they are at present, and it is suggested that discreet signage could be used to ensure that the emergency access routes are not abused through use by unauthorised vehicles.
62. The CNPA's **Heritage and Land Management Group** has been consulted on a number of occasions and the development proposals have been assessed from ecological and landscape perspectives. For ease of reference, the following is a summary of the responses in respect of the two individual sites.

Site 1

63. Initial ecological comments on the site referred to its two distinct zones - the northern zone which is bounded by existing residential development to the west, the golf course and permitted club house development to the south and east, and a woodland area to the north; and the southern zone which lies to the south of the existing access track and is bounded by golf course lands to the north and east. The northern area of the site is characterised by areas of horse-grazed grassland, broom scrub and disturbed ground. **HLM** note that there are few trees in this zone, consisting of a small number of birch in the horse paddock and some mainly non-native trees in and around the garden of the derelict farmhouse. The small area of ground between Heather Cottage and the existing access track from Corroul Road supports undisturbed, semi-natural vegetation including heather, gorse and young birch. The southern zone is distinctly different, being characterised by species-poor, improved grassland that has fallen out of agricultural use. The absence of trees is another notable feature. The initial ecological consultation response included a recommendation that the area of semi natural vegetation in the vicinity of Heather Cottage remain undeveloped, while the southern zone was considered suitable for development.

64. The ecology response also made reference to bats and birds. All species of bats are accorded special protection as European Protected Species under the Conservation (Natural Habitats and c.) Regulations 2004. **HLM** also suggested that the derelict farmhouse may potentially be used for nesting by birds such as starlings, jackdaws, swifts and swallows. Consequently it is recommended that any development of the farmhouse be carried out in a manner complying with all legal requirements.<sup>15</sup> Advice was also provided from the ecology officer in later responses on the potential to provide nesting opportunities for birds<sup>16</sup> in the event of development occurring in the site. Similarly it was suggested that bat roosts could be incorporated into the design of any new buildings. **HLM** emphasise that roosting and nesting opportunities are inexpensive for developers to install, they are not highly visible nor detract from the aesthetics of a buildings design, nor do they imperil the building or impinge upon the living environment of residents.
65. The landscape officer refers to the location of the proposed site within the Cairngorms National Scenic Area, on the edge of Aviemore and close to the River Spey. Strategically Site 1, as well as the adjacent land which is the subject of a current associated planning application (Site 2), is described as being of great importance to the relationship between Aviemore and the surrounding landscape. Reference was also made in initial responses to the Cairngorms Landscape Capacity for Housing study, which was carried out in August 2005, in which the principle feature of the proposed site was noted as being its outstanding views to the Cairngorms Mountains. Consequently any development on the site would have the potential to be clearly visible and have a degree of impact upon the National Scenic Area. Despite the comments however, the responses from the landscape officer also recognises the location of the site within the settlement boundary of Aviemore and on land which is allocated for residential development in the existing Local Plan. From a landscape perspective, this area of the development is considered critical in terms of the relationship of the site with the National Scenic Area designation. The provision of blocks of planting is considered to offer the potential over time to establish a “rhythm of tree and building” that would ameliorate the effect of development. On the other area of the site, to the north of the aforementioned clubhouse development, the currently proposed layout is welcomed and it is noted that changes in it have minimised the impact on the woodland. The importance of retaining trees in the area and ensuring that measures are in place for their continued protection has also been emphasised by the landscape officer.

#### Site 2

66. The response from the CNPA’s **Heritage and Land Management Group** in respect of Site 2 also addresses ecology and landscape. From a landscape perspective the currently proposed layout is described as a significant improvement. The reduction in the number of plots proposed in this area as well as the downgrading of the proposed track from the direction of Spey

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<sup>15</sup> The nests and eggs of birds are protected during the breeding season by the general provisions applying to breeding birds in Part I of the Wildlife and Countryside Act 1981 (as amended).

<sup>16</sup> Nesting opportunities for swifts and house martins were recommended in particular.

Avenue to emergency access only, is considered to offer the opportunity to retain much of the area intact, and maintain the woodland character. Having regard to the fact that the proposal is for outline permission for serviced plots and not the detail of each plot, the continuity of tree retention and protection on individual plots will be crucial in the event of subsequent detailed applications coming forward on individual plots. Any potential loss of trees at a later stage within individual plots could lead to a gradual and cumulative reduction in the character of the site. The retention of the majority of the woodland area on Site 2 is welcomed, although it is advised that the development of any paths through the area would need to be undertaken with great care. To achieve this it is recommended in the event of the granting of planning permission that a condition is attached requiring the submission of a construction method statement in any future detailed application, which would adequately deal with matters such as alignment and construction.

## REPRESENTATIONS

67. A large number of representations have been received, objecting to the development proposals on both sites. Appendix I contains all of the individual letters received in connection with both proposals. A variety of concerns were raised, including<sup>17</sup>
- Loss of amenity woodland;
  - Area of great importance to residents in the vicinity;
  - Over-development of Aviemore in recent years;
  - Affects the last remaining fragment of native birch woodland in Aviemore;
  - Contrary to Local Plan;
  - Loss of scenic value;
  - Concern over dependence on use of railway crossing;
  - Development would place further strain on already inadequate infrastructure;
  - Some of the land falls within the flood plain;
  - Development contrary to the objectives of the National Park.
68. A total of 272 pro forma objection slips were received, simply stating that they wished to register objection to the proposed development – 139 referred to planning application ref. no. 07/144/CP (Site 2), while the remaining 133 referred to planning application ref. no. 07/144/CP (Site 1). Please refer to Appendices 2 and 3 respectively for further details. In addition, 216 pro forma letters were also received in connection with both applications. A sample letter is contained in Appendix 4, and the concerns raised refer to the development being contrary to the Badenoch and Strathspey Local Plan and the Cairngorms National Park Plan; destruction of the last amenity area in this part of Aviemore; the applications are considered contrary to the first and third aims of the National Park; concerns that the

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<sup>17</sup> The concerns detailed in paragraph 56 are examples and should be read in conjunction with the letters included in Appendix I.

ability of the level crossing at Dalfaber is incapable of absorbing any further increase in traffic; and that the developments would have a serious effect on the emergency services, health services and educational services.

## APPRAISAL

69. In assessing the two applications it is necessary to examine the proposed development in the context of a broad range of issues, including national planning policy and guidance, Structure Plan and Local Plan policy, the infrastructural implications of the proposal, and the aims of the Cairngorms National Park. The various specialist consultation responses received are also taken into account, providing informed opinions on the development. In addition, other factors necessary to take into consideration in relation to this particular proposal are the planning history of the site, as well as the significant level of objections received.
70. In planning policy terms, proposals for housing development on this land are broadly acceptable, with the site lying within the settlement area of Aviemore and with significant areas allocated for housing development in the existing Badenoch and Strathspey Local Plan (1997). As detailed in foregoing sections of this report the approach taken to land use allocation in the existing local plan is one in which several zones are identified for housing, with zones generally being surrounded by land which has been identified as 'amenity woodland.' It is an approach which has been accepted as 'diagrammatic'. An examination of the characteristics and natural features of the sites, including the presence of significant areas of birch woodland on Site 2 including on land which has been identified in the local plan as a housing zone, and the identification of more open and areas of the site as 'amenity woodland', are a clear illustration of the diagrammatic nature of the zones identified in the local plan. I have therefore taken the view that the principle of areas of housing development is acceptable on both of the proposed sites, with one of the key necessities of any housing development being the retention of substantial areas of amenity woodland and the maintenance of the woodland character of the area. This is clearly stated in the Local Plan which advocates the "retention and active management of birch woodlands and related glades to sustain this as an integral habitat." In order to achieve this I consider it impractical to require all housing proposals to be rigorously located within the identified zones. To insist on such an approach would diminish the opportunity to retain the woodland area which is one of the main assets of the combined site areas. It would also fail to adequately recognise the physical characteristics of the site, which in itself could result in a disregard for the first aim of the National Park which includes the conservation and enhancement of the natural heritage of the area.
71. In addition to recognising that planning policy accepts the principle of residential development in this location, it is also necessary to have due regard to the history of a relatively recent planning application on the combined area of the two subject sites. As already described in paragraphs 17 – 19 of this report, the overall land area currently has the benefit of an outline planning permission for the development of up to 104 dwelling units, as a result of the decision of the then Scottish Executive Development

Department Inquiry Reporters Unit.<sup>18</sup> Given that this is the current position, it is necessary to accept that the current combined development proposals, for 99 dwelling units in total, accords with the principle of development which has already been accepted on the site.

72. Reference has been made in paragraph 23 of this report to a small area of Site I being identified for 'commerce / tourism purposes. It is part of a larger allocation which includes land outside the site, primarily relating to the steading and its environs which now forms part of the Spey Valley Golf Course. The land to the north and south of the steading is not associated with the golf course development and would appear to offer little opportunity in isolation to be utilised for commerce or tourism purposes. It offers greater potential to become an integral part of the proposed residential development. General acceptance of this point dates back to the CNPA's involvement with the aforementioned planning application on the lands in 2005, and it is a view which received further acceptance in the appeal decision from the Reporters Unit, with the reporter stating that "the encroachment onto the commercial / tourism area is not critical to the proposals for further development of the golf course that would utilise the remainder of the area, and be compatible with the surrounding development."
73. In terms of the indicative layout which has been submitted, it differs significantly from the indicative proposals submitted in conjunction with the planning application on the lands in 2005. In that instance, the approach was largely focused on individual house plots scattered across much of the land area, and including a significant degree of encroachment into the birch woodland. It also included proposals for the demolition of Dalfaber Farmhouse in the east of the site. The current proposals are significantly different. The proposed developed area avoids the majority of the woodland, thereby allowing it to be retained in its natural state, thus protecting this natural heritage resource while also providing continuing recreational benefit for users, as well as being of benefit in visual amenity terms. The indicative layout also demonstrates opportunities for the provision of a wider variety of house types and plot sizes than the earlier application. This improved mix could cater towards a broader market than previously proposed. The retention of Dalfaber Farmhouse and its conversion into two residential units now also forms part of the proposal. The retention and refurbishment of the property represents a positive effort towards conserving and enhancing the cultural heritage of the area.
74. Also on the subject of the layout, it is important to bear in mind that this is an application for outline planning permission only, and the layout is therefore purely indicative at this stage. It has been submitted in an effort to demonstrate the means by which housing of the scale proposed could be accommodated on the subject lands, while also addressing other issues such as the need to protect the woodland habitat, maintain access in and around the area, and ensure that all properties are positioned outwith the flood

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<sup>18</sup> The decision of the Reporters Unit was issued on 16 November 2006.

plain. I consider the indicative layout to be generally acceptable. While I would expect that any subsequent application that might come forward seeking approval of reserved matters would include a similar layout, it is also necessary to acknowledge that some variations would be inevitable at that stage in order to address any conditions set down in an outline planning permission, as well as dealing with specific plot configuration and design issues which would only arise at that detailed stage.



Fig. 9 : Dalfaber Farmhouse

75. In terms of the nature of the housing proposed, earlier sections of this report have detailed the affordable housing component. In addition, following recent discussions with the applicants representatives, it has been confirmed that the applicants would be willing to agree to a stipulation that a proportion of the new units be marketed for a fixed period of time specifically to the local market at reduced prices. It has been suggested that 26 units would be marketed in this way, which together with the affordable housing component would result in 52 of the overall number of units proposed across the two sites having concessions which should assist in addressing housing supply issues in the area.
76. Earlier sections of this report have detailed the consultation responses which have been received in respect of the two current planning applications on the lands at Dalfaber. Flooding issues have been an on-going concern throughout the course of the assessment and have featured prominently in third party objections. **SEPA** has considered the matter thoroughly and has requested various additional items of information, including details Flood Risk Assessments. Following receipt of all of the information **SEPA** (as well as Highland Council's **TEC Services** department), are satisfied with the proposal and raise no objection on flooding grounds, subject to the inclusion of appropriate conditions in any grant of planning permission, detailing finished floor level requirements etc.. As detailed in paragraph 36 a revised indicative site layout plan has recently been submitted to demonstrate compliance with the stipulations set down by **SEPA**.

## **IMPLICATIONS FOR THE AIMS OF THE NATIONAL PARK**

### **Conserve and Enhance the Natural and Cultural Heritage of the Area**

77. The developments are predominantly proposed on areas of open grassland, together with smaller pockets of the built area being proposed on the periphery of a large area of birch woodland. Although altering the landscape character of the area through the introduction of additional buildings, the development would not impact to an unacceptable extent on the natural heritage interests of this area. The subject sites are within the Cairngorms National Scenic Area, but are not the subject of any other natural heritage designations and adequate provision has been made within the indicative layout to demonstrate the ability of the overall land area to accommodate development of the scale proposed whilst also protecting the most sensitive areas. The former farmhouse building on the site is proposed to be retained and this is considered to provide an opportunity to assist in conserving and enhancing the cultural heritage of the area.

### **Promote Sustainable Use of Natural Resources**

78. The applications for outline planning permission detailed proposals for dwelling houses are not included and it is not therefore possible to assess whether or not the overall development would promote the sustainable use of natural resources.

### **Promote Understanding and Enjoyment of the Area**

79. The proposed developments would not contribute directly towards the achievement of this aim. However, the indicative layout makes provision for the retention of a large area of the existing woodland, as well as maintaining existing paths and creating additional paths in and around the site. In this respect it has the potential to continue to be enjoyed as an informal recreation area and amenity resource and does not therefore detract from the aim of promoting the understanding and enjoyment of the area by the general public.

### **Promote Sustainable Economic and Social Development of the Area**

80. The residential development proposals include an affordable housing component, as well as including a variety of house types and plot sizes. Development of this nature, within the settlement of Aviemore, could potentially encourage a broad demographic mix of inhabitants and could therefore be viewed as having positive implications for the social development of the area.

## **RECOMMENDATION**

### **CNPA Planning Reference No : 07/144/CP**

That Members of the Committee support a recommendation to :

**Grant outline planning permission for the development of 10 serviced house plots on land north west of Dalfaber Farm, Dalfaber, Aviemore, subject to the completion of a Section 75 Legal Agreement to ensure the payment of a planning gain contribution towards the upgrading of the junction of Dalfaber Drive and Grampian Road, and subject to the following conditions :**

1. A formal planning application and detailed plans indicating all matters relating to the siting, design and external appearance of all buildings shall be submitted for the prior approval of the Planning Authority within 3 years of the date of this consent and the development must be commenced within 5 years of the date of this permission or within 2 years from the date of final approval of all the foregoing Reserved Matters. The layout shall generally accord with that shown on the indicative site layout plan (dwg. no. A3583/L(-) 21 Rev.G) except as otherwise necessary to comply with the terms of this consent.
2. The development shall be carried out in phases, in conjunction with the adjacent development permitted under CNPA Planning Reference No. 07/145/CP. No phase shall be commenced until the previous phase has been completed to an extent acceptable to the CNPA acting as Planning Authority. An application for approval of reserved matters shall include a detailed phasing plan for both development sites (CNPA Planning Ref. No. 07/144/CP and 07/145/CP), with phases being undertaken generally in a north to south direction, and shall include details of the development method (for example single entity development or individual plot development), including responsibility for the provision of infrastructure to serve the development.
3. In the event that any plots within the development are proposed to be developed on an individual basis, a detailed design statement shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, prior to the submission of any subsequent application on the individual plots. The design statement shall include design guidance (including sample house type illustrations where appropriate) and including details of height, materials, plot ratio, boundary treatments, the incorporation of energy efficiency and sustainability measures, and landscape and ecology guidance. All subsequent applications shall be in accordance with the agreed detail of the Design Statement.
4. No land raising, landscaping (bundling etc.) or solid boundary fences / walls should be carried out or put in place below the level of 208.55m AOD. Finished floor levels shall be set at least 600mm above the design water level i.e. at at least 209.15m AOD. A contoured site plan indicating existing

ground levels and all proposed finished floor levels shall be submitted in any future application for Approval of Reserved Matters.

5. The infiltration basin shall not be located below the 208.55 metre contour.
6. Prior to the commencement of any other work starting in connection with the proposed development, the Corroul Road / Dalfaber Drive junction shall be upgraded to the satisfaction of the CNPA acting as Planning Authority in consultation with the Roads Authority.
7. A site layout plan submitted in conjunction with an application for the approval of reserved matters shall comply with the following : -
  - (a) visibility splays shall be provided and maintained on each side of each road junction. These splays are the triangles of ground bounded by the first X metres along the centreline of the minor road (the x dimension) and the nearside edge of the main road (the y dimension) measured in each direction from the intersection with the access road;
  - (b) visibility of at least 2.5 metres X 30 metres shall be provided and maintained at all individual house accesses;
  - (c) within the visibility splays nothing shall obscure visibility between a driver's eye height of 1.0 metres positioned at the x dimension and an object height of 1.0 metre anywhere along the y dimension;
  - (d) where provided, in curtilage parking shall be at a rate of at least 2 no. parking spaces per dwelling such that each vehicle can enter and leave each plot independently;
  - (e) where provided, communal parking shall be at a rate of at least 1.5 parking spaces per dwelling;
  - (f) the vehicular access to each property shall be hard surfaced for a distance of at least 6 metres measured from the rear edge of the adjacent footway or hard edge strip; and
  - (g) a 2 metre wide verge / service strip incorporating a 600 mm wide hard edge strip shall be provided along each side of each shared surface carriageway.
8. Prior to the commencement of development, a programme of archaeological work for the preservation and recording of any archaeological features affected by the proposed development, including a timetable for investigation, all in accordance with the attached, shall be submitted to and agreed in writing with the Cairngorms National Park Authority acting as planning authority, in conjunction with the Archaeology Section of Highland Council. All arrangements thereby approved shall be implemented by the developers at their expense in accordance with the approved timetable for investigation.
9. SUDS proposals for any phase of development must be implemented and operational prior to the occupation of any property within that phase of the development.
10. A detailed site specific construction method statement must be agreed in writing with the CNPA acting as Planning Authority prior to the

commencement of works on the site, and must be implemented in full during works on the site. The method statement must address the temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS.

11. A suitable management and maintenance agreement shall be established in respect of any play areas, hard or soft landscaped areas, roads, footpaths / cycle links that are not adopted by Highland Council. Details shall be included as to how the woodland and open space will be retained and managed into the future allowing for public access and pathways through the site. The surface of all pathways through the site, other than those intended for adoption by Highland Council, shall be a permeable material in keeping with the woodland nature of the site. An application for approval of reserved matters shall include details of the required management and maintenance agreement, as well as detailed path specifications.
12. A suitable management and maintenance agreement shall be established in respect of any drainage measures that are not to be adopted by Highland Council or Scottish Water. Details of and evidence of the maintenance agreement shall be submitted with an application for approval of reserved matters.
13. Street lighting shall be provided throughout the development, as required, in agreement with the Cairngorms National Park Authority acting as Planning Authority, and to the satisfaction of Highland Council's Area Lighting Engineer.
14. The name of the housing development shall reflect the character, tradition and natural and cultural heritage of the area and shall be agreed in writing with the CNPA as Planning Authority prior to the commencement of development. Directional house number / name plaques in a durable, sustainable material shall be placed at each road junction within the development.
15. Adequate temporary car parking accommodation shall be provided on the site for the use of employees engaged in construction work on the site.
16. All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site. All such work shall be carried out prior to road surfacing and junction boxes shall be provided by the developer.
17. An application for the approval of reserved matters shall include a detailed landscaping plan. The landscaping plan for the entire site area shall include comprehensive details of all species (which should be of indigenous origin), planting location and numbers to be planted, as well as details of height and girth at time of planting and projected growth rates.

The landscaping of all communal areas within the proposed development shall be completed within one year of the commencement of works. Any trees or

shrubs that die or become seriously damaged or diseased within a period of five years from the time of planting shall be replaced with others of a similar size and species, suited to the climate of the area, within the next planting season.

- 18.** An application for approval of reserved matters shall be accompanied by an Arboricultural Method Statement and a full Tree Protection Plan which shall be prepared by an arboriculturalist in accordance with BS 5837:2005 – Trees in Relation to Construction. The Tree Protection Plan shall take account of all communal woodland / open space areas, as well as taking account of layouts, levels and building lines of individual plots. An Arboricultural Consultant shall be retained to undertake arboricultural site monitoring for the duration of the construction. Monitoring shall take place at least once every month.
- 19.** All applications on individual house plots shall include a detailed landscaping plan, identifying all existing trees on the plot and identifying those proposed for retention. The felling of trees within individual plots shall not be undertaken without the prior written consent of the CNPA acting as Planning Authority, or the securing of planning permission for an individual plot.
- 20.** Front garden areas shall be maintained in an open plan format in perpetuity. An application for approval of reserved matters shall include details of all boundary treatments on the side and rear boundaries of individual plots.
- 21.** All top soil stripped in the course of development shall be stored in mounds not exceeding 2.0 metres in height and shall be retained for subsequent landscaping reinstatement of the proposed development site. All top soil shall be stripped, handled, stored and re-spread in accordance to B.S. 3882:1994 Annex N.
- 22.** An application for the approval of reserved matters shall include the following:
  - (a) detailed proposals to extend the path identified along the golf course boundary to the northern end in order to cross the gully to link with Fisherman's Car Park drive;
  - (b) detailed proposals regarding width, specification, and vehicular barrier provision associated with the proposed emergency access route from Spey Avenue, to ensure that the only form of vehicular access is for emergency access only and that it shall otherwise be retained as an informal access route for non vehicular movement;
  - (c) provision of appropriately located refuse bin collection points.
- 23.** An application for approval of reserved matters shall include a detailed plan of public access across the site (including existing, during construction and upon completion). The plan shall show –
  - (a) all existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;

- (b) any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
- (c) all paths and tracks proposed for construction, for use by walkers, riders, cyclists, all abilities users etc.;
- (d) any diversions of paths – temporary or permanent – proposed for the purposes of the development.

**Advice notes :**

1. Road Construction Consent is required in respect of all roads related works intended for adoption by Highland Council, Roads Authority.
2. Care should be taken to avoid the spread of invasive, non-native species to the site arising from quarrying activities, restoration plans etc.. In the event of any such species arriving at the site as a result of quarrying activities, it is recommended that they are removed as soon as possible and disposed of appropriately.

**CNPA Planning Reference No. 07/145/CP**

That Members of the Committee support a recommendation to :

**Grant outline planning permission for the development of 83 dwelling units on land to the north west and south of former steading at Dalfaber Farm, Dalfaber, Aviemore, subject to the completion of a S75 Legal Agreement to ensure the delivery of a minimum of 26 units as affordable housing via a Registered Social Housing Landlord and the payment of a planning gain contribution towards the upgrading of the junction of Dalfaber Drive and Grampian Road, and subject to the following conditions :**

- 1 A formal planning application and detailed plans indicating all matters relating to the siting, design and external appearance of all buildings shall be submitted for the prior approval of the Planning Authority within 3 years of the date of this consent and the development must be commenced within 5 years of the date of this permission or within 2 years from the date of final approval of all the foregoing Reserved Matters. The layout shall generally accord with that shown on the indicative site layout plan (dwg. no. A3583/L(-) 21 Rev.G) except as otherwise necessary to comply with the terms of this consent.
2. A minimum of 26 of the private housing units hereby approved shall be marketed on a priority purchase basis at a fixed price to be determined by the Developer for a period of three months from the date of first sales release to people ordinarily resident or working within the Cairngorms National Park unless otherwise agreed. Prior to the date of first sales release evidence shall be submitted to and approved by the CNPA indicating how the

offer will be advertised locally. After the three months on this priority purchase basis sales can revert to the open market. After the last house covered by this condition has been occupied information shall be submitted to the CNPA to indicate the origin of the purchasers.

3. The development shall be carried out in phases, in conjunction with the adjacent development permitted under CNPA Planning Reference No. 07/144/CP. No phase shall be commenced until the previous phase has been completed to an extent acceptable to the CNPA acting as Planning Authority. An application for approval of reserved matters shall include a detailed phasing plan for both development sites (CNPA Planning Ref. No. 07/144/CP and 07/145/CP), with phases being undertaken generally in a north to south direction, and shall include details of the development method (for example single entity development or individual plot development), including responsibility for the provision of infrastructure to serve the development.
4. In the event that any plots within the development are proposed to be developed on an individual basis, a detailed design statement shall be submitted for the written agreement of the Cairngorms National Park Authority acting as Planning Authority, prior to the submission of any subsequent application on the individual plots. The design statement shall include design guidance (including sample house type illustrations where appropriate) and including details of height, materials, plot ratio, boundary treatments, the incorporation of energy efficiency and sustainability measures, and landscape and ecology guidance. All subsequent applications shall be in accordance with the agreed detail of the Design Statement.
5. No land raising, landscaping (bundling etc.) or solid boundary fences / walls should be carried out or put in place below the level of 208.55m AOD. Finished floor levels shall be set at least 600mm above the design water level i.e. at least 209.15m AOD. A contoured site plan indicating existing ground levels and all proposed finished floor levels shall be submitted in any future application for Approval of Reserved Matters.
6. The infiltration basin shall not be located below the 208.55 metre contour.
7. Prior to any development commencing on site, a scheme shall be submitted by the Developer (at his / her expense) to deal with potential contamination on site. No construction work shall commence until such scheme has been submitted to and approved by the CNPA acting as Planning Authority in consultation with the Contaminated Land section of Highland Council, and is thereafter implemented to like satisfaction. The scheme shall contain details of proposals to deal with potential contamination and must include :
  - (a) The nature, extent and type of contamination on site, identification of pollutant linkages and assessment of risk (i.e. Contaminated Land Risk Assessment and Remediation Plan). The scope and method of assessment to be agreed in advance with the CNPA and Highland Council, and undertaken in accordance with PAN 33 (2000) and BS10175:2001;

- (b) Remedial Strategy (if required) to treat / remove contamination to ensure that the site is fit for the uses proposed (this shall include a method statement, programme of works, and proposed verification plan);
- (c) Submission of a Validation Report (should remedial action be required) by a competent person employed by the developer who will validate and verify the completion of works to a satisfactory standard agreed with the CNPA and Highland Council;
- (d) Submission, if necessary, of monitoring statements at periods to be agreed with the CNPA and Highland Council, for such period as is considered appropriate by the CNPA and Highland Council.

Written confirmation from the CNPA and Highland Council that the scheme has been implemented, completed and of appropriate, monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences.

- 8. Prior to the commencement of any other work starting in connection with the proposed development, the Corroul Road / Dalfaber Drive junction shall be upgraded to the satisfaction of the CNPA acting as Planning Authority in consultation with the Roads Authority.
- 9. A site layout plan submitted in conjunction with an application for the approval of reserved matters shall comply with the following : -
  - a. visibility splays shall be provided and maintained on each side of each road junction. These splays are the triangles of ground bounded by the first X metres along the centreline of the minor road (the x dimension) and the nearside edge of the main road (the y dimension) measured in each direction from the intersection with the access road;
  - b. visibility of at least 2.5 metres X 30 metres shall be provided and maintained at all individual house accesses;
  - c. within the visibility splays nothing shall obscure visibility between a driver's eye height of 1.0 metres positioned at the x dimension and an object height of 1.0 metre anywhere along the y dimension;
  - d. where provided, in curtilage parking shall be at a rate of at least 2 no. parking spaces per dwelling such that each vehicle can enter and leave each plot independently;
  - e. where provided, communal parking shall be at a rate of at least 1.5 parking spaces per dwelling;
  - f. the vehicular access to each property shall be hard surfaced for a distance of at least 6 metres measured from the rear edge of the adjacent footway or hard edge strip;
  - g. a 2 metre wide verge / service strip incorporating a 600 mm wide hard edge strip shall be provided along each side of each shared surface carriageway; and
  - h. the omission of the traffic island feature serving the loop road in the southern area of the site.
- 10. Prior to the commencement of development, a programme of archaeological work for the preservation and recording of any archaeological features

affected by the proposed development, including a timetable for investigation, all in accordance with the attached, shall be submitted to and agreed in writing with the Cairngorms National Park Authority acting as planning authority, in conjunction with the Archaeology Section of Highland Council. All arrangements thereby approved shall be implemented by the developers at their expense in accordance with the approved timetable for investigation.

11. SUDS proposals for any phase of development must be implemented and operational prior to the occupation of any property within that phase of the development.
12. A detailed site specific construction method statement must be agreed in writing with the CNPA acting as Planning Authority prior to the commencement of works on the site, and must be implemented in full during works on the site. The method statement must address the temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS.
13. A suitable management and maintenance agreement shall be established in respect of any play areas, hard or soft landscaped areas, roads, footpaths / cycle links that are not adopted by Highland Council. Details shall be included as to how the woodland and open space will be retained and managed into the future allowing for public access and pathways through the site. The surface of all pathways through the site, other than those intended for adoption by Highland Council, shall be a permeable material in keeping with the woodland nature of the site. An application for approval of reserved matters shall include details of the required management and maintenance agreement, as well as detailed path specifications.
14. A suitable management and maintenance agreement shall be established in respect of any drainage measures that are not to be adopted by Highland Council or Scottish Water. Details of and evidence of the maintenance agreement shall be submitted with an application for approval of reserved matters.
15. Street lighting shall be provided throughout the development, as required, in agreement with the Cairngorms National Park Authority acting as Planning Authority, and to the satisfaction of Highland Council's Area Lighting Engineer.
16. The name of the housing development shall reflect the character, tradition and natural and cultural heritage of the area and shall be agreed in writing with the CNPA as Planning Authority prior to the commencement of development. Directional house number / name plaques in a durable, sustainable material shall be placed at each road junction within the development.
17. Adequate temporary car parking accommodation shall be provided on the site for the use of employees engaged in construction work on the site.

18. All public services for the development, including electrical, cable television and telephone cables, shall be located underground throughout the site. All such work shall be carried out prior to road surfacing and junction boxes shall be provided by the developer.
19. An application for the approval of reserved matters shall include a detailed landscaping plan. The landscaping plan for the entire site area shall include comprehensive details of all species (which should be of indigenous origin), planting location and numbers to be planted, as well as details of height and girth at time of planting and projected growth rates.

The landscaping of all communal areas within the proposed development shall be completed within one year of the commencement of works. Any trees or shrubs that die or become seriously damaged or diseased within a period of five years from the time of planting shall be replaced with others of a similar size and species, suited to the climate of the area, within the next planting season.

20. All applications on individual house plots shall include a detailed landscaping plan, identifying all existing trees on the plot and identifying those proposed for retention. The felling of trees within individual plots shall not be undertaken without the prior written consent of the CNPA acting as Planning Authority, or the securing of planning permission for an individual plot. Front garden areas shall be maintained in an open plan format in perpetuity. An application for approval of reserved matters shall include details of all boundary treatments on the side and rear boundaries of individual plots.
21. An application for approval of reserved matters shall be accompanied by an Arboricultural Method Statement and a full Tree Protection Plan which shall be prepared by an arboriculturalist in accordance with BS 5837:2005 – Trees in Relation to Construction. The Tree Protection Plan shall take account of all communal woodland / open space areas, as well as taking account of layouts, levels and building lines of individual plots. An Arboricultural Consultant shall be retained to undertake arboricultural site monitoring for the duration of the construction. Monitoring shall take place at least once every month.
22. All top soil stripped in the course of development shall be stored in mounds not exceeding 2 metres in height and shall be retained for subsequent landscaping reinstatement of the proposed development site. All top soil shall be stripped, handled, stored and re-spread in accordance to B.S. 3882:1994 Annex N.
23. An application for the approval of reserved matters shall include provision of appropriately located refuse bin collection points.
24. An application for approval of reserved matters shall include a detailed plan of public access across the site (including existing, during construction and upon completion). The plan shall show –

- (a) all existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights;
- (b) any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
- (c) all paths and tracks proposed for construction, for use by walkers, riders, cyclists, all abilities users etc.;
- (d) any diversions of paths – temporary or permanent – proposed for the purposes of the development.

**Advice notes :**

1. All species of bats are accorded special protection as European Protected Species under the Conservation (Natural Habitats &c.) Regulations 2004. It is therefore illegal to
  - Deliberately or recklessly kill, injure, disturb or capture / take bats;
  - Damage or destroy the breeding sites or resting places of a bat.

It will be necessary to obtain a license from the Landscape and Heritage Division of the Scottish Government. It will be necessary to submit a mitigation plan in support if a license application.

- 2 Road Construction Consent is required in respect of all roads related works intended for adoption by Highland Council, Roads Authority.
3. Care should be taken to avoid the spread of invasive, non-native species to the site arising from quarrying activities, restoration plans etc.. In the event of any such species arriving at the site as a result of quarrying activities, it is recommended that they are removed as soon as possible and disposed of appropriately.

**Determination Background**

This planning application was called in by the Cairngorms National Park Authority on 20<sup>th</sup> April 2007. The application contained limited supporting information at that time, including only a site plan identifying the proposed site boundaries. As a result of the lack of information and the issues arising as a result of the assessment of the proposal, the application was scheduled for determination at the CNPA's Planning Committee of June 1<sup>st</sup> 2007, with a recommendation to refuse outline planning permission, primarily on the basis of the lack of information and the associated failure to demonstrate how the proposal would accord with planning policy and the aims of the Cairngorms National Park. The applicants / their agent requested prior to the scheduled meeting date that a decision be deferred, and also indicated that it was their intention to provide all necessary information in order to progress the applications.

Additional information was submitted on a number of occasions between June 2007 and the present date, in response to issues raised by the CNPA in the course of the application assessment. The current package of information, primarily containing a

flood risk assessment was received in April 2009, at which stage the re-consultation process commenced.

A committee site visit was also undertaken on November 28<sup>th</sup> 2008.

- Appendix 1 :** Individual letters of representations.  
**Appendix 2 :** Pro forma petition slip sample (07/144/CP)  
**Appendix 3 :** Pro forma petition slip sample (07/145/CP)  
**Appendix 4 :** Pro forma letter sample (07/144/CP and 07/145/CP)

**Mary Grier**  
**16 July 2009**

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The map on the first page of this report has been produced to aid in the statutory process of dealing with planning applications. The map is to help identify the site and its surroundings and to aid Planning Officers, Committee Members and the Public in the determination of the proposal. Maps shown in the Planning Committee Report can only be used for the purposes of the Planning Committee. Any other use risks infringing Crown Copyright and may lead to prosecution or civil proceedings. Maps produced within this Planning Committee Report can only be reproduced with the express permission of the Cairngorms National Park Authority and other Copyright holders. This permission must be granted in advance.