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## CAIRNGORMS NATIONAL PARK AUTHORITY

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

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

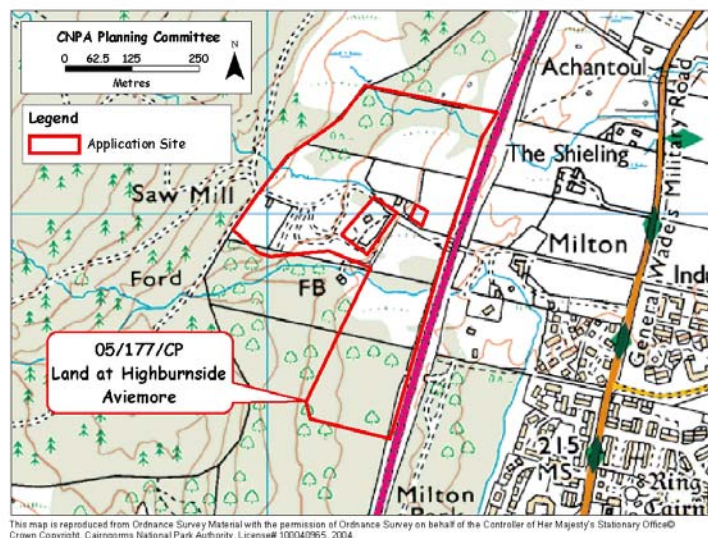
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**DEVELOPMENT PROPOSED: APPROVAL OF RESERVED MATTERS FOR MASTERPLAN FOR CONSTRUCTION OF 75 HOUSES AND ASSOCIATED ROADS, ENGINEERING WORKS, SERVICES AND AMENITY GROUND AT Highburnside, AVIEMORE, PH22 1QD.**

**REFERENCE: 05/177/CP**

**APPLICANT: AVIEMORE AND HIGHLAND DEVELOPMENTS, GRAMPIAN ROAD, AVIEMORE C/O BRACEWELL STIRLING ARCHITECTS, TILLCOUNTRY.**

**DATE CALLED-IN: 22<sup>ND</sup> APRIL 2005**



**Fig. 1 - Location Plan**

## SITE DESCRIPTION AND PROPOSAL

1. This application is seeking approval of reserved matters for a 'masterplan' consisting of the construction of 75 houses and associated roads, engineering works, services and amenity ground on land at Highburnside / Edenkillie, Aviemore. Outline permission was granted for a housing development on the lands in June 2004 (Highland Council planning ref. no. 03/00322/OUTBS refers). The proposed site is located at the northern end of Aviemore, on lands to the west of the A9 trunk road. The land is currently accessed via an existing road through the Croftside housing development (where construction of the latter phases of the development is currently on-going) and using the existing underpass at Milton. Members may re-call that in conjunction with this current housing proposal the applicants submitted a separate application (CNPA planning ref. no. 05/178/CP) seeking permission for the construction of a new access road on lands between the A9 and Croftside housing development, where the access road, which included the construction of a new underpass, is intended to serve the proposed housing site. The application was determined by the CNPA Planning Committee at its meeting of 1<sup>st</sup> July 2005. The schedule of conditions attached to the grant of planning permission included a suspensive condition, entitling only the construction of the underpass, until such time as the determination of a detailed planning application on the Highburnside housing lands.



Fig. 2 : Proposed site as viewed from the A9

2. The land on which the housing development is proposed is a predominantly woodland area, consisting primarily of birch woodland, interspersed with stands of aspen. The woodland is recorded as semi-natural in the Scottish semi-natural woodland inventory, although it is not of ancient or long established origin. It also includes some limited areas of grazing land, and encompasses the area formerly used as the Highburnside Caravan Park. The eastern boundary of the proposed site is formed by the A9 trunk road, and to the north, south and west by existing woodland (including Kinveachy Forest, which is a designated Special Protection Area and Special Area of Conservation). The site also lies adjacent to the Cairngorms Mountains National Scenic Area and Craigellachie NNR and SSSI. The land gradually rises in a

westerly direction from the A9, with a 30 metre rise in ground levels from the eastern to the western boundaries of the site. The Aviemore Burn flows through the southern areas of the site, in an easterly direction. There is evidence of a network of informal tracks and paths leading around and through the site, and connecting with woodland areas to the west. Much of the area is currently used informally by walkers, particularly as it allows access to pine plantations higher on the hillside to the west.

3. A number of residential properties, of varying ages and designs, exist within the Highburnside / Edenkillie area, located in central positions of the proposed development site. The properties are not in the ownership or control of the applicants and are excluded from the identified site boundaries. Access to the properties is currently taken from the existing underpass at Milton. In addition an area of fenced off land located to the north east of the existing dwellings is also excluded from the proposed site area. It accommodates an existing tank partially visible above ground. The tank is believed to be associated with Scottish Water activities.



Fig. 3 : Existing properties at Highburnside



Fig 4 : Existing Milton underpass, with section of Aviemore Orbital Path visible to right (east of A9, outside site boundaries)

4. The site boundaries identified in the outline permission application (as referred to in para. 1) differ somewhat from the current proposal, having included a large wooded area to the south west, which was identified for woodland preservation and further planting and amenity use. The area is excluded from the current proposal. However, despite this significant alteration to the site boundaries, the current application has been validated as an application for approval of reserved matters. The outline proposal identified a proposed route through the site, providing access to a number of distinct 'areas of housing' that were intended to correspond approximately to the housing zones identified in the Badenoch and Strathspey Local Plan 1997.
5. The final 'masterplan' submitted in conjunction with this application shows a differing road layout to that indicated in the outline permission. The alterations to the road layout have been necessitated by the development of the new underpass under the A9 on the north eastern perimeter of the proposed site, as jointly required by the Scottish Executive and the original determining Planning Authority. The proposed access road enters the site in the north east from lands adjacent to Croftside, with spurs leading to the north west, south west and southern areas of the site, to serve the 75 house plots that are arranged to correspond approximately to the housing areas interspersed through the woodland area as identified in the indicative layout submitted as part of the outline planning application. The new road network though the area is also proposed to link to existing vehicular tracks that provide access to the aforementioned existing residential properties. The existing underpass at Milton and the associated access road is to be downgraded to a pedestrian access route. The existing small 'cattle creep' underpass from the Milton area under the A9 into the Highburnside lands is proposed to be retained for its current use and the proposed layout makes provision for linkages from the underpass into a path network leading through the site.



**Fig. 5 : retention of the existing 'cattlecreep' underpass at Milton**

6. For ease of reference and description I propose to identify each of the areas of housing as zones 1 – 5 inclusive, describing the layout as it follows the proposed road layout in a north to south direction. Zone 1 is proposed closest to the new vehicular access point, in the northern area of the site, with 18 plots of varying sizes (plot no's 9 - 26), all arranged either side of the main access road and an access spur, which cumulatively run in a general west to east direction. Zone 2 is located either side of the main access road, as it traverses southwards towards the existing residential properties at Edenkillie. This area includes plot no's 1 – 4 on the eastern side and plots 5 – 8 on slightly higher ground on the western side of the access road. The rubble remains of a former property are visible in the area in which plot 1 is proposed. The route of the proposed main access road reaches a T-junction between plots 1 and 6 and traverses in both a westerly and easterly direction. The western route leads to a substantial area of housing (zone 3), in the west / south western area of the site, on the highest ground. The area currently consists of clumps of woodland, interspersed with grazing ground. A total of 19 plots, of varying configurations and many of significant size, are proposed in a broadly concentric layout, around a proposed amenity / woodland area that includes an equipped play space. Provision is made between plot no's 32 and 33 for the retention of a pedestrian access link leading to the woodland area to the west.
  
7. The two final zones of housing are proposed on lower ground in the southern area of the site. From the aforementioned T-junction at the centre of the site, the access road traverses eastwards for approximately 75 metres before turning southwards, where it extends for approximately 270 metres, in gentle curves, to a cul de sac culminating in a turning circle. The first zone of housing in this area (zone 4) is dissected by the road, with plots proposed either side (plot no's 46 – 51 on the western side and plot no's 70 – 75 on the eastern side). Further into the southern extremities of the cul de sac, the final zone of housing is proposed to include the remaining 18 plots (plot no's 52 – 69).

Fig. 6 : Proposed site layout



'Zones 1 & 2'

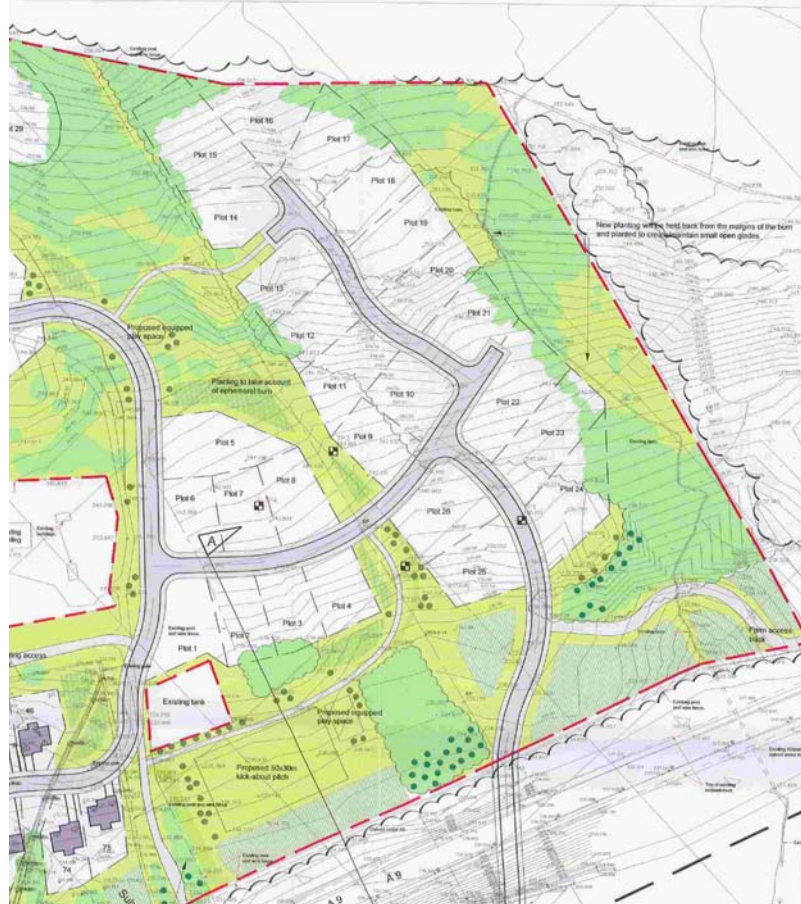


Fig. 7 : Extract from overall site layout plan, showing Zones 1 (plots 9 - 26); 2 (plots 1 - 4 and plots 5 - 8).



Fig. 8 : Views west towards plots 2-4



Fig. 9 : View toward A9 over plots 5-8



Fig. 10 : Area of proposed kick about pitch



Fig. 11 : View east towards underpass

**'Zone 3'**



**Fig. 12 : zone 3 (plots 27 – 45)**



**Fig. 13 : Access link between plots 32/33**



**Fig. 14 : View eastwards, approx. position of 30 and 31 (left of track)**



**Fig. 15 : approx. position of plots 42 & 45 above existing houses**



**Fig. 16 : open space area and partial view of proposed plots 41 – 43) of photo.**



**'Zones 4 & 5'**



**Fig. 17 : Zone 4 (plots 46 – 51 and 70 – 75) and zone 5 (plots 52 – 69)**



**Fig. 18 : 'Zone 4' as viewed from position of existing access road emerging from underpass. Existing residential properties on higher ground to the rear.**



**Fig. 19 : Views from approx. position of proposed access road, traversing southwards in the vicinity of plot 46**

8. This application is essentially seeking masterplan approval of reserved matters for 75 plots, where it is intended that the developers would provide the necessary infrastructure, including engineering works and services, as well as the provision of communal open space and amenity ground. It is intended that the majority of the plots would then be developed on an individual basis by the respective purchasers (subject to receipt of the necessary individual planning consents). However, 16 of the plots, located within zones 5 and 6 at the eastern side of the development, are intended to be “built-out by a single developer” (plots 46-51, 59 – 62 and 70 – 75 inclusive). A detailed site layout has therefore been provided for these areas. Within zone 5 where the proposed plot sizes are generally smaller than elsewhere on the site, 8 of the 12 plots are proposed to accommodate detached dwelling units, while two pairs of semi detached dwelling units are proposed on the remaining 4 plots within this area. A streetscape scene has been included for indicative purposes only, showing a mix of 1½ storey and 1¾ storey properties, with all of the detached properties including either an integral or linked garage. Vertical timber cladding is proposed as one of the main features of detailing on the proposed dwelling units. The remaining four ‘built-out’ plots are proposed to accommodate four detached properties in zone 6, at the southernmost end of the cul de sac, all individually accessed from the turning circle.



Fig. 20 : Indicative elevations of streetscape proposed at plots 46 – 51.

9. Having regard to the fact that the majority of plots are likely to be developed by individual parties, a brief Design Statement has recently been submitted to the CNPA as further information. In addition to setting out guidance in relation to plot ratio, the retention of trees, on site car parking requirements (a minimum of 2 car parking spaces per plot) and boundary treatments,<sup>1</sup> guidance has also been provided on design issues. It is advised that 1 ½ or 1 ¾ storey dwelling houses are the most appropriate, but reference is also made to the potential suitability of 2 storey properties depending on appropriate plot location and quality of design, with the overall ridge height not exceeding 8.5 metres. Brief guidance is also provided on materials, encouraging timber features, stained timber windows, slate roof coverings, with walls of dry or wet dash render in muted colours. Stone or reconstituted stone is also detailed.

<sup>1</sup> *Front garden* – open plan; *rear garden* – 1800 mm high vertical boarded fence where privacy is required or 1200 mm high post and wire fence where rear outlook is required; *between plots* – 1200mm high post and wire fence from rear boundary to level with front of house.

10. The dispersal of the 75 house plots into a number of zones within the site has resulted in a layout that attempts to concentrate a significant proportion of future properties within existing open areas or relatively sparsely vegetated areas of the site. In an effort to highlight this, the application documentation includes an aerial photograph of the site area overlain with the proposed layout. Approximately 40% of zone 1, all of zones 2 and 3 and significant tracts of zone 4, are according to the 'aerial photo overlay' proposed largely on grazing ground. On the other hand, the same overlay clearly shows that at least 37 of the 75 plots proposed would result in the need for the felling of existing vegetation, with the areas most likely to be affected located in the south east (in zones 5 and 6) as well as several plots to the north and west (zone 1) and pockets of plots on the higher ground to the south west (zone 4).
11. The design statement referred to in para. 9 suggests a recognition on the part of the developer / agents to minimise destruction of the woodland character of the area. The Design Statement stresses that *"existing trees within the plots are to be retained where possible to provide a mature setting for the development. Road works and associated excavations will be restricted to that necessary for the construction of the road and plot access.....purchasers will be encouraged to retain any trees further back than 25 metres from the plot heel kerb."* The Design Statement also advises that plot ratio should be restricted to a maximum 30%.<sup>2</sup>
12. In addition to encouraging the maximum amount of tree cover possible within individual sites, the overall site layout includes significant areas of communal ground, proposed to be retained in their woodland state, and existing open ground state. Areas in which significant woodland retention is identified include along the northern boundary, a central section extending downhill from the western boundary towards proposed house zone 3, as well as woodland belts surrounding zone 6 to the west and south. Pockets of significant woodland growth already exist along the eastern boundary of the proposed site i.e. adjacent to the A9, and it is proposed to reinforce these areas through the planting of additional numbers of feathered trees (at heights of between 1.5 metres and 1.8 metres). In addition to this, significant belts of 'thicket planting' are also proposed interspersed between the existing woodland belts in this area. The largest areas of thicket planting are proposed in the north eastern area, essentially in the area where a temporary road diversion was created to facilitate the construction of the new underpass.

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<sup>2</sup> Plot ratio is expressed as a percentage of the ground floor area of a proposed dwelling house of the total plot area.

13. As well as the communal open ground and woodland areas throughout the proposed site, the layout also makes provision for a number of more formalised play / amenity areas. The largest area is the proposed 'kick-about pitch' located on the lower ground to the east of the site, which is to have an area of 50m x 30 m. Smaller areas of equipped play spaces are proposed at a number of locations, with one being adjacent to the 'kick-about pitch', a second equipped play space is proposed uphill of the existing residential properties, with footpath linkages to the proposed plots in zones 1,2,3 and 4. The position of the third equipped play space in the south west of the site, within zone 4 has already been detailed in an earlier section of this report.
14. The development is proposed to connect to the public water supply and the public sewer. Surface water drainage is proposed to be dealt with via a separate soakaway. The maintenance of common areas and landscaping would be dealt with by way of a factoring arrangement, with a private factor being appointed prior to any sales and the arrangements would be formalised in the feu disposition of each building plot, committing the purchaser to annual maintenance charges with the Factor then being entitled to pursue defaulters through the courts in the event of non payment.

## DEVELOPMENT PLAN CONTEXT

15. 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.
16. **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.

17. 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.”
18. **NPPG 14** also deals with wider natural heritage issues, outwith statutory designations, 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, rovers and burns, and traditional field boundaries such as dykes or hedgerows. Para. 50 stresses 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 under 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.
19. **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.
20. A detailed section on Landscape is also included in **PAN 67 Housing Quality**, which 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. It is advised that natural features should generally be conserved and emphasised, with additional new tree and shrub species complementing the area’s existing natural features. It also advocates the use of landscaping proposals to promote biodiversity.
21. **The Highland Structure Plan 2001** highlights a number of salient points as well as setting 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” and further 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.”

22. **Policy G2 (Design for Sustainability)** states that developments will be assessed on the extent to which they, amongst other things; 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 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.
23. The subject site is 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 are surrounded by land allocated as amenity woodland. In addition a portion of land in the east of the area, adjacent to the A9 trunk road is allocated for recreation / open space purposes. The existing network of pathways through the area are also identified on the settlement map.
24. In discussing Main Village Expansion Areas **Section 6.1.2 (b)** of the **Badenoch and Strathspey Local Plan** deals with the Edenkillie lands in detail, identifying it as 7.2 ha with capacity for 70 – 100 houses. Requirements for the development of the area as detailed in the Local Plan include access road widening; a second vehicular underpass; improved drainage and water storage; kick pitch and other play facilities; and footpath connections with the village via the A9 stock underpass. The Plan also requires that siting would retain the woodland habitat and ensure the satisfactory integration of dwellings with the landform.
25. Section 6.1.2 also includes general planning advice applicable to the lands identified at Edenkillie 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.” The Plan also recommends that densities ranging from 10 dwellings per hectare for larger detached properties to 25 per hectare for terraced, flatted and courtyard groupings would generally be appropriate. It advocates design features and materials and finishes drawn largely from Aviemore’s traditional buildings.

26. For information purposes only, the **Consultation Draft of the Cairngorms National Park Local Plan** includes the site within the settlement boundary of Aviemore, identifying the land for Housing. The land is identified as Policy site H2, detailing it as “the High Burnside housing development, which already has outline planning permission, to the west of the A9 with an underpass link to Aviemore. This project has no affordable housing quota.

## CONSULTATIONS

27. The proposal has been assessed by **Scottish Natural Heritage** and comments have been made in respect of the potential impact of the proposed development on European interests (as the site lies within 1km of Kinveachy Forest Special Protection Area), on European Protected Species (otter and bats) and on national interests in respect of the sites location within the Cairngorms National Park and also the fact that it lies adjacent to the Cairngorm Mountains National Scenic Area.
28. In relation to the proximity of the site to Kinveachy Forest SPA, the consultation response from **SNH** notes that the SPA has been classified for capercaillie and Scottish crossbill. Capercaillie are vulnerable to disturbance by recreational activity, although the response notes that disturbance within the SPA is currently low compared to other areas in Badenoch and Strathspey. **SNH** welcome footpath proposals providing links between different areas of housing within the development, stating that this would provide a circular route for dog walkers from the development and would help to manage public access and recreation “whilst helping to safeguard the important population of capercaillie in Kinveachy Forest SPA.” With regard to European interests, **SNH** have no objection to the proposal, although some recommendations are made. It is recommended, in conjunction with the footpath plan, that “access to the plantations to the west of the development does not receive active promotion or encouragement.” **SNH** also welcome the provision of links to the Aviemore Orbital path, but recommend that in order to fully link all of the areas of housing, a path is created between Plots 51 and 52 beside the Aviemore Burn.
29. In terms of European Protected Species, **Scottish Natural Heritage** have examined survey results provided in relation to bats and otters, noting that the results indicate that although no holts were found, otters occasionally use the Aviemore Burn close to and within the proposed development site. Evidence also indicated that bats were present in the development site, although no trees were identified that were suitable for use by bats. It is the opinion of **SNH** that the proposed development is likely to result in one or more actions which are contrary to the species protection elements of legislation relating to the conservation of natural habitats. However, **SNH** advise in their consultation response that the actions contrary to the Regulations can

be avoided, subject to appropriate mitigation measures. The measures required include –

- the introduction of a 10 metre corridor of protection from development in order to minimise disturbance to otter;
- prohibit the demolition of the old cottage between December and March inclusive, in order to protect any hibernating bats. After March, a survey would be required to establish if the building is being used by bats. Where bats are found to be present, a licence would be required before demolition would be allowed to take place. In the event of bats being found present at that time, demolition would be further restricted to avoid the bat breeding period, between late May and mid August (For information purposes – the cottage has been demolished since receipt of the SNH report).

30. In relation to national interests, **SNH** welcome the production of a landscape plan, and the proposals contained therein. The consultation response considers that proposals such as the retention of existing woodland where possible, the supplementing of existing woodland with additional planting of mainly native tree and shrub species, and the retention of open ground to benefit ground flora, would all assist in reducing the visual impact of the proposed development, and would also assist in protecting amenity areas.
31. In a response received from the **Forestry section** of Highland Council, it is noted that the landscaping plan suggests that certain areas of remaining woodlands be retained within individual plots and advises that this principle should be secured by condition to avoid further clearance at occupancy. Where the landscaping plan / design statement refers to priority being given to the retention of existing trees within house plots in order to provide a mature setting for the development, the consultation response considers at this stage that it is aspirational rather than a landscape proposal, and would require to be considered in relation to more detailed information such as house position and level changes.
32. The consultation response from the Forestry section also recommends that the stand of aspen in plots 1 and 2 be surveyed to ascertain whether it hosts any designated species which are aspen dependant, or whether the retention of this stand is desirable for its habitat value. The response also recommends that “once layouts, levels and building lines have been agreed, a full Tree Protection Plan should be submitted” to ensure the safeguarding of remaining trees on the site. With regard to planting specification, it is recommended that rabbit netting be specified as a requirement of any fenced enclosures, prior to any planting.



33. **SEPA** state in their consultation response that the proposal is acceptable in terms of water quality and it provides the required level of treatment for surface water run-off from the residential development. It is also recommended that a condition is attached in the event of a grant of planning permission, requiring that a detailed method statement addressing measures to deal with surface water run-off during construction and prior to the operation of the final SUDS, be submitted for the agreement of the relevant Planning Authority and SEPA prior to the commencement of development. A further condition is also suggested, requiring that the final SUDS scheme for any individual phase of development be implemented and operated prior to the occupation of any development in that phase. Both conditions are recommended in order to prevent potential pollution of controlled waters.
34. A response from the **Archaeology section of Highland Council** has indicated that the application site contains a number of sites that are listed in the Sites and Monuments record (SMR) database, and that the area is considered to have a “moderate to high potential for the survival of unrecorded buried archaeological remains.” As such an archaeological evaluation is required. Accordingly, the response recommends that a condition is attached to any planning permission, requiring investigation, and where applicable preservation and recording of archaeological features.
35. **The Trunk Road Network Management Division of the Scottish Executive** recommend two conditions to be attached to any permission granted on the site – (1) the provision of an unclimbable barrier or fence approved by the Planning and Roads Authorities along the boundary at the foot of the embankment of the site with the trunk road; and (2) the provision of additional environmental screening, trees or shrubs between the proposed ‘kick-about’ pitch and the trunk road.
36. **Aviemore and Vicinity Community Council** were also consulted on the development proposal, and responded raising a number of concerns and queries. Reference is made to the potential that this “well used visitor attraction” would become a building site for the next ten years, concerns at the density of house plots in some areas of the site and the loss of amenity to owners of existing properties. Other queries raised are whether or not the new road would be a dual carriageway and an associated concern that there would only be one access for vehicular traffic via the new underpass, and also a query regarding what traffic calming measures will be used on the new road.
37. The development proposal has been examined by the **Contaminated Land** section of **Highland Council** and certain concerns were raised in the initial stages of that assessment regarding potential contamination of one area of the proposed site (on the highest ground toward the south western corner). An Environmental Audit was carried out and following an assessment of the report, the **Contaminated Land** section

have recommended that a condition be included in any grant of planning permission requiring a scheme to be submitted for the approval of the Contaminated Land section of Highland Council prior to the commencement of development, to deal with potential contamination on site.

38. The development proposal has been assessed by the **Area Roads and Community Works** section of **Highland Council** and it is my understanding that a joint site visit has recently been carried out by officials from that section and engineers acting on behalf of the applicant, primarily to discuss drainage proposals. The consultation response received recommends the attachment of a number of detailed conditions. Conditions include a requirement that the construction of roads, footpath / cycle paths and traffic calming features is undertaken to a standard suitable for adoption in compliance with the requirements of Highland Council's Road Guidelines for New Developments; the closure of the existing Milton underpass to vehicular traffic upon completion of the proposed alternative road link to the Highburnside lands and existing properties west of the A9; and the undertaking of drainage measures in accordance with SUDS principles. The provision of a 2 metre wide footpath is also required on lands outside the proposed site boundary, on the northern side of Edenkillie Road between the western boundary of the Burnside Farm development (i.e. the recently constructed housing development known as Croftside) and Grampian Road.
39. The report from the **Area Roads and Community Works** section expresses concern at the fact that the "remote footpath indicated at the south end of the site directs pedestrians to a subway under the A9 trunk road intended for agricultural use only" and highlights the fact that the "structure has inadequate headroom, is without lighting, and is clearly not suitable for safe pedestrian use."
40. Details of the development proposal were referred to **Scottish Water** for their comments in June 2005 and at the time of preparing this report, a response had not been received. Efforts have been made to investigate the matter and in the event of receipt of a report, Members will be updated verbally at the forthcoming meeting.
41. The **Visitor Services and Recreation Group** of the CNPA have assessed the proposal and provided comments on the application in the context of outdoor access, recreation and visitor experience. Reference is made in the consultation response to the fact that there is evidence that the area is used for informal recreation, mainly by local people walking and cycling, noting also that the site is often used to gain access to part of Kinveachy Woods to the west and north in the pursuance of informal mountain biking opportunities. The consultation response states that it is "essential that the access into Kinveachy Wood between plots 32 and 33 is protected for continued informal access by the residents of Aviemore and this new development."

42. The response from **VSRG** also refers to the cattle creep underpass linking Milton Wood to the lands at Highburnside, noting that it is highly valued by community members, as are the current pathways through the site into which it provides a form of access. Reference is also made to the existing vehicular underpass further north at Milton, urging its retention as a non-vehicular underpass, and suggesting that it be re-designed with attention given to creating a pleasant environment on this route to the site.
43. Further recommendations arising from the **VSRG** consultation response include a requirement that paths are surfaced in a permeable material, in keeping with the woodland nature of the site, and stressing in particular that the use of hard surfacing such as blacktop should be avoided, largely due to its potential to create an inappropriate urban feel in this type of environment. It is also recommended that the paths should be of sufficient width to “allow for the comfortable interaction of a variety of users such as walkers, wheelchair users, people pushing child buggies and cyclists.” The consultation response also welcomes the proposed maintenance of the open areas around the watercourses and streams, noting that this would be of high amenity value.
44. The **Natural Heritage Group** of the CNPA have provided extensive comments on the proposed development, and following recent in depth site visits have raised a number of concerns in relation to the potential impacts of the development on the natural heritage of the area. At the outset, the consultation response alludes to the fact that the principle of 75 houses has already been established through the granting of outline permission and categorically states that had this not been the case, the proposed site would not be considered a suitable location for such a large number of houses as the development will be contrary to the first aim of the National Park, due to its impact upon nature conservation interests and landscape.
45. The **NHG** response notes that the site is located close to Craigellachie NNR and SSSI. Southern and western portions of the site fall within a much wider area identified as a Core Capercallie Wood. However, **NHG** note in their submission that the woodland on the site is predominantly birch and “consequently it is unlikely that the site itself would be significant to capercallie.”
46. The south-eastern area of the site (in the vicinity of plots 52 – 69) are of the most concern to the **Natural Heritage Group**. It is noted that a stock proof fence runs from east to west through proposed plots 56 and 65 and effectively splits this area into two distinct parts. “The southern most part of the area is part of a much larger expanse of closed birch woodland that extends south to merge with the Craigellachie NNR and SSSI, which has been cited for its birch woodland habitats, and invertebrate and bird assemblages.” Further to the carrying out of a site inspection, **NHG** note the vegetation communities are less disturbed by grazing, “with mature birch woodland underlain with a

ground layer of heather, cowberry, acid woodland grasses and mosses on uneven, boulder strewn terrain” and the area has abundant lichen cover on both trees and boulders. In addition, it is noted that a “small wetland area is present, represented by two adjacent seasonal ponds which lie at the end of a wet flush which is dominated by bog myrtle.” The flush lies just outside the site, while the two ponds lie inside it. The consultation response concedes that the development proposal does not include house plots in the area of the existing ponds. However, concern is expressed regarding the risk that “activities during the site preparation and construction phase could seriously impinge on their natural heritage value, as well as that of the birch woodland vegetation community.” As a result of the high natural heritage value of this south eastern corner of the site, **NHG** recommend that the “the southern boundary of the site is formed by the line of the existing post and wire fence which runs on an axis currently earmarked for plots 56 and 65. The area earmarked for plots 56 to 65 i.e. south of this fence line, should therefore remain undeveloped.” Having regard to the fact that outline permission had previously been granted for 75 houses on the site, **NHG** recommend that the 10 displaced houses be accommodated in a revised layout on a less sensitive part of the overall site.

47. Other issues highlighted in the **NHG** response include the fact that a considerable number of birch trees would be removed by the development in the area to the north of the aforementioned wire fence i.e. plots 52 – 55 and 66 – 69), thereby significantly changing the landscape character of the area. Within this area of the site the report also suggests the likelihood that a 19<sup>th</sup> century mill pond dam to the east of plots 66 – 68 could be partially damaged by the development. In relation to the zone of the site that includes plots 46 – 51 and 70 – 75, its separation from the previously referred to south eastern area of the site by the Aviemore Burn is detailed, with the rocky burn described as having a natural appearance and flanked by alder and birch. The bulk of the zone is open birch woodland, which at present is heavily grazed by ponies, and the proposed development would necessitate the removal of several birches in this area. The report continues, detailing the ‘south western area of the site (i.e. plots 27 – 45) as an area where ground vegetation has been “considerably affected by human activity”<sup>3</sup> and as a result of the open nature of this area, **NHG** note that relatively few mature birches would be destroyed and that the development of this area would result in limited impact on semi-natural habitats. However, the report goes on to raise significant concern at the likely detrimental effect that the development of plots 37 – 41 would have on juniper shrubs along the margins of the site. In this area of the site the juniper grows with birch along and at the top of a steep slope leading down to the Aviemore Burn. Juniper scrub is detailed as being a characteristic aspect of the Park’s natural heritage, and although it is noted that the majority of the juniper lies just outside the site boundaries, there is concern at the risk that construction activity and

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<sup>3</sup> The south western area of the site has previously been used as a caravan site and also a saw mill.

rubble disposal along this slope could severely impact upon the juniper and other semi-natural vegetation on the slope down to the Aviemore Burn.

48. A second area of concern to **NHG** within this south western area of the site is the proposed position of plot 29, where it is noted that there is a “well formed flush, with acidic water seeping through vegetation dominated by bog mosses and sedges,” and where “heather and cross-leaved heath occur on slightly drier hummocks. The flushes are described as being a valuable part of the Park’s natural heritage and they are localised to specialised ground conditions and are very vulnerable to damage. In view of such concerns **NHG** require the relocation or realignment of proposed plot 29 in order to protect the flush and its connection with the burn.
49. The central area of the site (plots 1- 8) is detailed as largely occupying grazing land, resulting in the loss of a limited amount of trees and consequently the ecological impact on this zone is considered to be relatively slight. Some concern is raised regarding the route of the proposed access road through this area, where there is potential for the loss of some trees, particularly aspen, and it is suggested that the proposed road follows the route of the current track more closely in order to minimise destruction of the trees, and that the aspen trees are safeguarded during and after construction.
50. The final stage of the **NHG** assessment focuses on the northern area of the site (in the vicinity of plots 9 – 26), and the area is described as being a mosaic of birch woodland and grassland, and noting that the proposed development would result in the loss of a considerable amount of birch woodland in this area, resulting in the greatest clearance of woodland in area of the distinct housing areas proposed.
51. A further general comment advanced is the fact that the creation of access roads and the provision of utilities will also impact on the site. It is advised in relation to the overall site that the areas of trees and shrubs earmarked for retention according to the proposed site layout plan, are fenced to protect them from site preparation and construction activities, and in addition that the three watercourses flowing through the site should be fenced during the construction phase, except at an identified crossing point. Such work is required in order to safeguard the profile and vegetation of the banks and beds from vehicular disturbance and from the potential dumping of spoil and rubble.
52. In relation to the landscaping proposals, **NHG** note that attention has been paid to selecting native Scottish species, but suggest in addition that given their biodiversity value, that aspen (*Populus tremula*) be included in the tree planting list.

## REPRESENTATIONS

53. One letter of representation has been received from Ged Church, representing the Highland Cycle Campaign, urging that developer contributions be sought to obtain fundamental provisions to allow and encourage cycling and walking. In particular, the letter of representation urges that the access design should give priority to walkers and cyclists and that engineering measures should be applied to restrict speeds within the development to 20 mph.

## APPRAISAL

54. Given that this is an application for approval of reserved matters, the principle of residential development of the scale proposed on this land has already been established through the granting of outline planning permission. The assessment of this current application has therefore concentrated on issues of layout and design, in an effort to establish whether or not the proposal is in accordance with the aims of the Cairngorms National Park, is in compliance with detailed planning policies applicable to the area and in compliance with the terms and conditions of the outline permission granted on the site.
55. As has been referred to briefly in paragraph 5 of this report, the actual site boundaries differ quite significantly from those of the original planning permission, now omitting a significant proportion of land previously identified as communal open space / woodland in the south west of the site. This matter was investigated with the applicants / their agent in the course of the application, and the portion of land in question is believed to be outwith the ownership / control of the applicants. Its exclusion from the currently proposed site boundaries precludes the Planning Authority from regulating the future use of the land through the attachment of relevant conditions in the event of the granting of planning permission, or through any other mechanisms such as a section 75 agreement. The land is in the ownership of Reidhaven Estates and in a letter included in documentation received by the CNPA in November 2005, the position of the Estate in relation to that land is set out. The estate does not have any formal woodland plan in place in respect of the birch woodland adjacent to the proposed development. It states that the area is used sporadically for low density pony grazing and this use is likely to continue. Reidhaven Estate also state that they do not envisage carrying out any tree felling in this area.
56. As detailed in para. 22 to 24 of this report, the proposed residential development is in accordance with the land use allocation of the Badenoch and Strathspey Local Plan 1997 where the land was identified for new development / long term development. The Plan identified a number of diagrammatic areas for development, interspersed with and surrounded by lands identified as 'amenity woodland.' The outline planning application (Highland Council

Planning Ref. No. 03/00322/OUTBS) included an indicative site layout plan identifying a number of zones of housing corresponding approximately to the areas identified in the Local Plan. The detailed site layout plan that now forms the basis of the masterplan for which approval of reserved matters is being sought in this application follows the same pattern of land use.

57. The conditions of the outline permission granted required that roads and development zones “should as far as is practicable, avoid intruding onto existing areas of natural or regenerating woodland.” The outline permission, whilst stipulating that no more than 75 dwellings should be erected on the application site, did not stipulate or provide guidance on the type of dwellings or layout density acceptable in any area of the site. The resulting situation is an application for approval of reserved matters based on an arrangement of 75 individual house plots, with most plots being quite generously sized and spread throughout much of the site. As a result of the low density layout, each of the ‘housing zones’ are of quite significant scale, and therefore encroach in many areas into existing woodland and other habitats of natural heritage value. As detailed in para. 43 – 51 of this report, it is an approach that has resulted in extreme difficulties (particularly in the south eastern area of the site) in reconciling the fact that the principle of outline permission for the scale of development proposed has been established on the site and the detrimental impact which such development would have on the natural heritage value of this area.
58. The specific concerns regarding the south eastern area of the site in particular have come to light at a late stage in the overall assessment of the development proposal, at the end of a period in which alterations to the overall layout had already been made in response to earlier requests issued by planning officers, arising from the initial stages of assessment and also concerns and queries arising from the planning consultation process with external agencies etc.. Following very recent discussions with the agents acting on behalf of the applicants, I am aware of the reluctance to alter the proposed layout further, beyond that which had been agreed as result of earlier discussions. Nonetheless this is an issue of such magnitude that the CNPA would be negligent in its duty of upholding the aims of the National Park (in particular the first aim of the Park to conserve and enhance the natural and cultural heritage of the area) as well as functioning as the Planning Authority in this instance, were the recommendations of the Natural Heritage Group not acted upon. Whilst I am mindful of the fact that the protection of the natural heritage value of the south eastern area of the site will result in the need for a radical redesign of the proposed layout in some other areas of the site in order to accommodate the 10 displaced plots, I feel that it is a necessary measure, particularly with regard to achieving compliance with the first aim of the National Park. It is perhaps pertinent to bear in mind the fact that one of the reasons for which this application for approval of reserved matters was ‘called in’ for determination by the CNPA was due to it raising issues in

relation to natural heritage and those issues have now been explored to the fullest extent possible.

59. It is my opinion that the views expressed in relation to the natural heritage implications of the proposed development, if pursued in its currently proposed form, would render the development non compliant with the conditions of the outline permission, which required that the development would avoid intruding onto existing areas of natural or regenerating woodland. As had been detailed earlier in this report, the south eastern area of the site is part of a much larger expanse of birch woodland that extends south to merge with the Craigellachie NNR and SSSI.
60. Other conditions included in the outline permission relating to the subject site required the provision of on-site recreational open space, the creation of a circular route close to the development for dog walkers, and the retention of existing pedestrian and vehicular routes through the site, as far as practicable on their existing alignments. The proposed development includes the provision of a 'kick about pitch' in an area of the site allocated in the Badenoch and Strathspey Local Plan 1997 for recreation / open space, and it is of a size that would be of benefit to the wider community, as well as functioning as an important recreation resource for potential residents of the subject lands. The proposed layout also makes provision for the majority of pathways existing through the site and access to the existing properties in the area is proposed to be taken from the new road network, which would include use of the recently developed new underpass on the north eastern boundary of the proposed site.
61. As regards the subject of pedestrian access into and through the site, consultation responses received as detailed earlier in this report illustrate a divergence of opinion. In relation to the 'cattle creep' / animal underpass on the south eastern boundary of the site, reference is made on one hand to the unsuitability of the structure for pedestrian use, whilst from another perspective its benefits in linking the Milton Wood area with the Highburnside lands is recognised, as is the reality of the situation in that the underpass is already extensively used, with a clearly defined and surfaced path linking into it on the eastern side of the A9. There is a similar divergence of opinion in relation to access from the south western area of the site into woodland area beyond, towards Kinveachy Wood. In view of the necessity to minimise disturbance to capercaillie by recreational activity, where Kinveachy Forest is known to have an important population of the species, it is understandable that Scottish Natural Heritage would not welcome a situation of actively promoting increased access to the area. However, as detailed in the report from the Visitor Services and Recreation Group of the CNPA, a certain level of access already exists and the routes through Highburnside are used on an informal basis. The proposed development which makes provision for the retention of some existing routes into and through the site, as well as the relocation of



others, would not result in the formalisation of routes or the active encouragement of their use. It does however present an opportunity to retain some of the informal recreation benefits offered by the subject lands at present, even after development has occurred on the site. In order to achieve this, I feel that it is therefore acceptable to stipulate in the event of the granting of planning permission that such existing routes into and out of the subject site be retained free from obstruction, and that such a condition would not be in contravention of the views expressed by SNH or the Area Roads and Community Works Division of Highland Council.

62. The method by which it is proposed to complete the development – through the sale of the majority of the plots to individuals – provides a complex challenge to the Planning Authority in ensuring that a high level of design quality, energy efficiency and the use of sustainable materials is achieved. This is an issue that will have to be tackled by the relevant Planning Authority as individual applications on each plot are submitted, with initial proposals likely to set the parameters of design acceptability and building quality for the rest of the development.

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

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

63. The proposed development would result in a substantial residential development in an area that is currently predominantly woodland, with the Aviemore Burn flowing through it. It would result in the loss of some of the woodland character of the area, and would not contribute to the conservation of the natural heritage of the area. The development is also proposed on land that is known to contain a number of sites included on the Sites and Monuments record database and would not therefore be considered to contribute to the conservation or enhancement of the cultural heritage of the area.

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

64. The application does not include detailed proposals for dwelling houses 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**

65. The proposed residential development is proposed on land that has to date been used on an informal basis for recreation. The development, whilst not contributing directly to promoting the understanding or enjoyment of the area, does make provision for a system of pathways, linked to the Aviemore Orbital Path and other informal path networks to the west of the site, and in doing so, in conjunction with the extent of

area to be retained as communal open space / woodland, would allow for the continuation of opportunities for the enjoyment of the area by the general public.

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

66. The proposal is for a large scale residential development, which does not include any affordable housing, as this was dealt with by way of the payment of a commuted sum at the outline permission stage. The development is not necessarily geared towards meeting local housing needs. However, it 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**

67. That Members of the Committee support a recommendation to :

**Grant approval of reserved matters for a masterplan for the construction of 75 houses and associated roads, engineering works, services and amenity ground at Highburnside, Aviemore, subject to the conditions detailed hereunder :**

1. The development hereby approved shall be commenced by 1<sup>st</sup> December 2009.
2. This approval relates solely to the reserved matters referred to in the Highland Council outline planning permission reference number 03/00322/OUTBS. With the exception of amendments to the proposed layout necessary to comply with condition no. 3 of this permission, nothing contained in this proposal or this notice shall be deemed to affect or vary the conditions imposed on that outline planning permission.
3. Prior to the commencement of development, a revised site layout plan shall be submitted for the agreement of the CNPA, acting as Planning Authority, to show
  - (i) the omission of plot no's 56 to 65 inclusive from the south western area of the site;
  - (ii) the relocation of plot no. 29 away from the flush and its connection with the burn;
  - (iii) the incorporation of 11 house plots (in place of plot no's 29 and 56 – 65) elsewhere within the existing areas of housing proposed;
  - (iv) any revised layout in the south western area of the site shall continue to make provision for the retention of access from the proposed site into the woodland area beyond, as currently identified between plots 32 and 33;

- (v) the extension of the access track to the east of the existing residential properties to the boundary of the subject site, in order to clearly identify the access route to a property known as 'Beaver Creek' located adjacent to the southern boundary of the proposed site.
4. The development shall be carried out in phases and no phase shall be commenced until the previous phase has been completed to an extent acceptable to the CNPA acting as Planning Authority. Prior to the commencement of development a detailed phasing plan, with phases being undertaken generally in a north to south direction shall be submitted for the agreement and written approval of the CNPA as Planning Authority.
  5. The final SUDS scheme for any individual phase of development shall be implemented and operational prior to the occupation of any development in that phase.
  6. Prior to the commencement of development, a detailed construction method statement shall be submitted for the agreement and written approval of the CNPA acting as Planning Authority, in consultation with SEPA, in order to prevent potential pollution of controlled waters. The method statement shall address the temporary measures proposed to deal with surface water run-off during construction and prior to the operation of the final SUDS.
  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 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 any other work commencing in connection with the proposed development, the works detailed hereunder shall be completed and approved by the CNPA, acting as Planning Authority, in consultation with the Roads Authority.
- (a) all roads, including appropriate traffic calming features, shall be designed and constructed to a standard suitable for adoption in compliance with the requirements of Highland Council's Road Guidelines for New Development;
- (b) footpaths and cycle paths shall be provided to connect the development to the existing network of paths in the general area of the site;
- (c) contiguous roadside footpaths, 2 metres wide, shall be provided generally in accordance with the submitted details;
- (d) a 2 metre wide footway shall be provided to the north side of Edenkillie Road between the western boundary of the Burnside Farm development and Grampian Road.
9. On completion of the alternative road link to the existing dwellings west of the A9 trunk road, the existing Milton Underpass and its approaches shall be closed to general vehicular traffic. The underpass and its immediate approaches shall be modified to permit access for pedestrians and cyclists only. All works shall be to an adoptable standard in compliance with the requirements of Highland Council Guidelines, including positive drainage measures and street lighting. The applicant shall bear the all legal, administrative and engineering costs associated with the required works.
10. Drainage measures shall accord with SUDS principles and shall satisfy the respective requirements of SEPA and Scottish Water. The measures provided shall ensure the following :
- (a) the post development 1 in 30 year run off to any watercourse shall be limited to the corresponding pre development greenfield 1 in 2 years run off value;
- (b) a 1 in 100 year flood event shall be safely contained within the drainage network and road network;
- (c) additional measures shall be put in place to ensure that flows in excess of the 1 in 100 years flood event will be safely directed to a suitable watercourse;

- (d) a 1 in 200 years flood event shall be contained within the site without causing flood risk to properties or resulting in an unacceptable depth of inundation at any location;
  - (e) where the finished level of any new road is higher than existing ground level, adjacent house and plot levels shall be such that no ponding will occur within any plot.
- 11.** A suitable management and maintenance agreement shall be established in respect of any SUDS measures, hard and soft landscaped areas, roads, footpaths or cycle paths not intended or not suitable for adoption by a statutory authority.
- 12.** 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 a specification to be provided by the Highland Council Archaeology Unit, shall be submitted to and require the approval in writing of the CNPA, acting as Planning Authority. All arrangements thereby approved shall be implemented by the developer at his expense in accordance with the approved timetable for investigation.
- 13.** A unclimbable barrier / fence of a type approved by the CNPA acting as Planning Authority, after consultation with the Roads Authority, shall be provided and maintained by the developer or subsequent owner of the land along the boundary at the foot of the embankment of the site with the trunk road.
- 14.** 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. Prior to the commencement of development, details of the extent of pathways affected by this condition, details of the proposed surfacing and details of the proposed width shall be submitted for the agreement of the CNPA acting as Planning Authority.
- 15.** The existing animal underpass linking Milton Wood and the subject site shall be retained and maintained free from obstruction.
- 16.** Parking and manoeuvring space for at least two cars shall be provided within the curtilage of each property such that all vehicles can safely enter and leave each plot independently.
- 17.** All car parking areas, driveways and other hard standing areas shall have a durable, dust free, porous surface.
- 18.** The vehicular access to each plot shall be hard surfaced for the first 6 metres measured from the nearside edge of the adjacent access road.

19. Street lighting shall be provided to the satisfaction of Highland Council's Senior Lighting Engineer.
20. 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.
21. Adequate temporary car parking accommodation shall be provided on the site for the use of employees engaged in construction work on the site.
22. 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.
23. All new landscaping shall be carried out in accordance with the details shown on the site layout plan (dwg. no. 2531-01) and the landscaping plan (dwg. no. High Burnside 2), except as otherwise necessary in order to comply with any revised layout submitted for the agreement of the CNPA as Planning Authority in compliance with condition no. 3 of this permission. The landscaping of all communal areas within each phase of the proposed development shall be completed within one year of the commencement of works within that phase. 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.
24. In addition to the landscaping referred to in condition no. 23 of this permission, additional planting of aspen trees (*Populus tremula*) shall be undertaken at various locations. The locations and quantity of trees of this type to be planted shall be notified to and agreed in writing with the CNPA acting as Planning Authority prior to the commencement of development.
25. A corridor of 10 metres either side of the Aviemore Burn shall be protected from development. Details of all protective measures, including any permanent or temporary boundary treatments etc. shall be submitted for the written agreement of the CNPA acting as Planning Authority, in consultation with SNH, prior to the commencement of development.
26. The boundary of the site along the top of the steep slope in the vicinity of the south western area of the site (in the vicinity of plots 37 – 41) shall be fenced off prior to the commencement of any construction activities in that area.

- 27.**All areas of trees and shrubs identified for retention on the site layout plan and landscaping plan referred to in condition no. 23 shall be temporarily fenced off for the period prior to the commencement of any other work in that area and until the completion of all works within that phase of development, including the development of housing on individual plots.
- 28.**All existing aspen trees in the central area of the subject site (i.e. in the vicinity of plots 1 – 8) shall be safeguarded during and after construction.
- 29.**The three watercourses flowing through the subject site shall be fenced during the construction phase, except at an identified crossing point, which shall be identified on a site layout plan and agreed in writing with the CNPA acting as Planning Authority prior to the commencement of development.
- 30.**All top soil stripped in the course of development shall be stored in mounds not exceeding 3 metres in height and shall be retained for subsequent landscaping reinstatement of the proposed development site.
- 31.**All applications on individual house plots shall adhere to the guidance contained in the 'Design Statement' in respect of dwelling house design, height, materials, plot ratio, boundary treatments and the retention of trees.
- 32.**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.
- 33.**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, in accordance with the terms of condition no's 31 and 32 of this permission.
- 34.**Prior to the commencement of development a full Tree Protection Plan shall be prepared by an arboriculturalist in accordance with BS 5837:2005 – Trees in Relation to Construction and submitted for the agreement of the CNPA acting as Planning Authority, in consultation with the Forestry section of Highland Council. 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.

**Advice notes :**

1. Road Construction Consent shall be required in respect of all roads related works.
2. Only strategic footpaths and / or cycle paths connecting public areas, that have been designed and built to an adoptable standard, in compliance with Highland Council's Road Guidelines for New Development, will be considered for adoption.
3. Highland Council will accept maintenance responsibility for drainage gullies and tails only. It is anticipated that Scottish Water will adopt and maintain all other surface water drainage measures.
4. In fulfilment of the terms of condition no. 29 of this permission, it is recommended that advice on the position and construction of a temporary stream crossing should be obtained from SEPA.

**Determination background :** This application was called in for determination by the CNPA at its meeting of 11<sup>th</sup> April 2005. A detailed request for further information was issued in July 2005, with the information received in its entirety in mid November 2005. A re-consultation process commenced at that time.

**Mary Grier**  
**Planning Officer, Development Control**  
**23rd January 2005**

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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.