

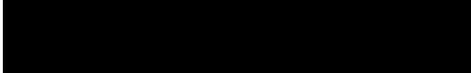
# **AGENDA ITEM 5**

## **APPENDIX 3B**

**2020/0064/PPP**

**REPRESENTATIONS  
OBJECTIONS**

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



Stephanie Wade,  
Case Officer,  
CNPA

Dear Stephanie Wade ,

**2020/0064/PPP | Residential development for up to 20 dwelling houses | Land At School Road And Craigmore Road Nethy Bridge**

**I object to the above planning application for the following reasons, relating the status the above proposal in the CNPA Local Development Plans (LDP):**

**A) The new draft LDP provides no allocation for development within School Wood and nor does the Nethy Bridge settlement boundary therein extend into School Wood. The CNP LDP 2020 Main Issues Report states,**

*“Sites from 2015 Local Development Plan preferred for **deletion**:*

- H1 (allocated in 2015 LDP for 15 houses) due to significant natural heritage constraints.”*

This welcome deletion of any allocation for housing within School Wood in the new LDP, and the removal of the settlement boundary, reflects the ever increasing appreciation of the value of ancient woodlands in general, and of School Wood in particular.

Moreover, the Appraisal within the CNPA report for the “Planning Committee Agenda Item 6, 21<sup>st</sup> November 2014” concerning the previous application for housing within School Wood (2013/0119/DET), para. 112, p.42, (which led to its refusal), states:

*“112. Furthermore, the Reporter’s recommendation that the School Road part of site H2 (referred to as Site H1 in the Proposed LDP) is omitted from the Plan is a significant material consideration. The current application proposals do not comply with this new and important policy consideration.”*

**Likewise, the proposed deletion of site “H1 (allocated in 2015 LDP for 15 houses) due to significant natural heritage constraints” from the new LDP is also a significant material consideration, and it is also the case that the current application proposals do not comply with this new and important policy consideration.**

The present LDP was adopted on 27<sup>th</sup> March 2015. It will therefore have exceeded its expected lifetime of five years by the closing date for representations for this application (April 6<sup>th</sup>), and the weight given to the policies and allocations in the old LDP are therefore appropriately reduced in favour of those in the new LDP, which is expected to be adopted later in 2020.

Moreover, the fact that there is widespread support, based partly upon new evidence and information, for the new policy of deleting the Craigmore Road site from the new LDP, is attested by the letter to Alex Neil, Cabinet Secretary, signed by thirteen organisations and dated 19<sup>th</sup> December 2014, (attached) that states:

*“we therefore welcome modifications that support the retention of native Scots pine woodlands with high conservation and landscape value (deletion of Nethy Bridge H1 School Road and the woodland part of Carrbridge H1). We note that these modifications closely accord with SPP 2014, para. 194, Policy Principles, which states that the planning system should “protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods ... with high conservation or landscape value”.*

*New information that was unavailable to the Reporters examining the Local Development Plan earlier this year has emerged. In view of this we request that Scottish Ministers modify the following allocations:*

**1. Delete Nethy Bridge H1 Craigmore Road** (H1 School Road has already been deleted as a modification), for the following reasons:

- The site is now (November, 2014) recognised by the CNPA as an Ancient Woodland Inventory site **of high quality**;
  - The new discovery of green shield moss, an international conservation interest, very near H1
  - The new discovery of *Pucciniastrum goodyerae*, a rarity on the pinewood orchid ‘creeping ladies tresses’ near H1;
  - The Park Authority’s unanimous refusal in November 2014 of an application that included Nethy Bridge H1, due, inter alia, to “significant impact” on green shield moss “which could not be compensated for by habitat creation in the short to medium term, due to the habitat needs of this species”.
- Given these constraints we submit this Nethy Bridge H1 Craigmore Road allocation is **no longer effective.**”*

The above letter was signed by thirteen organisations, namely:

Cairngorms Campaign,  
Amphibian and Reptile Conservation  
Badenoch and Strathspey Conservation Group  
Invertebrate Conservation Trust  
Coille Alba  
Friends of the Earth Scotland  
John Muir Trust  
North East Mountain Trust  
Ramblers Scotland  
Scottish Badgers  
Scottish Campaign for National Parks  
Scottish Wild Land Group  
Woodland Trust Scotland.

## **B) Developments since the adoption of the 2015 LDP**

The 2015 LDP was adopted before a number of important relevant developments, including:

- the Paris Climate Agreement at the IPCC COP21 in December 2015,
- the IPCC Special Report on “Global Warming of 1.5°C” in 2018  
(see: <https://www.ipcc.ch/sr15/>)

- The Royal Society and the Royal Academy of Engineering Report on Greenhouse Gas Removal in the UK, 2018, see, <https://royalsociety.org/topics-policy/projects/greenhouse-gas-removal/>, which states that amongst the Key Actions required for the UK to achieve net zero are to “**Pursue rapid ramp-up of forestation, habitat restoration, and soil carbon sequestration, across large UK land-areas.**”
- The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) ( see <https://www.ipbes.net/assessment-reports/ldr> ) issued further dire warnings concerning the loss of global biodiversity. The Chair of IPBES, Professor Robert Watson, states that the IPBES report will “delve more deeply than anything before into **the causes of nature collapse, chief among which is the conversion of forests, wetlands and other wild landscapes into ploughed fields, dam reservoirs and concrete cities.** Three-quarters of the world’s land surface has been severely altered, according to the leaked draft. Humanity is also decimating the living systems on which we depend by emitting carbon dioxide and spreading invasive species.”
- these culminated in the Scottish Government's and Highland Council's Declarations of a Climate and Ecology Emergency in May 2019. In addressing the Scottish Parliament, Climate Change Secretary Roseanna Cunningham stated:

*“Last week another UN body, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, issued a warning about the damage human beings are causing to the planet. It finds that the drivers of damage have accelerated over the past 50 years.”*

I submit that these important national and international developments require

- that particular attention should be given by planning authorities to protecting and enhancing biodiversity-rich and carbon sequestering habitats, such as the Craigmore Road site in the ancient woodland site of School Wood, and
- that such considerations bear with greatest force within a National Park, the First and over-riding Aim of which is to conserve and enhance the natural and cultural heritage of the area, and
- that there can be no more critical time to apply such considerations than within the year that Scotland will host the governments of the World during the COP 26 conference, when the crucial importance of protecting and enhancing natural carbon sinks and biodiversity refuges, such as ancient woodlands will engender particular concern and attention, **and in which Scotland's National parks must lead by example.**

### **C) An Error in the CNPA Local Development Plan Examination**

The above considerations demonstrate that new local information has come to light and important new national and international policies have been developed, which are under intense scrutiny, since the 2015 LDP was under construction. All of which, I submit, strongly indicates that the H1 [Craigmore Road] site **is no longer effective.**

However, **in addition**, I submit that the considerations of the Reporters with respect to the [Craigmore Road] site **contains a serious error of fact** that undermines the allocation of the [Craigmore Road] site within the 2015 LDP. This is explained below\*:

\* (Please note that the Craigmore Road site is H2 in the 2010 LDP, and H1 in the 2015 LDP, and School Road vice versa. For clarity, therefore, I have simply referred to either [School Road] or [Craigmore Road] in any reference to these sites, rather than using H1 or H2.)

The Design Statement of the present applicant draws attention to the "Reporters' Decision to the Proposed CNPA LDP 2015" and quotes the following extract from the Reporters' Examination (published by the DPEA, Date of Report: 8 September 2014):

*"Nevertheless, I find that in this case the woodland there is less complete and the setting is not totally undisturbed. Indeed there are **already some houses and other built developments in and adjoining the woodlands on either side of Craigmores Road** to the east and south of the [Craigmores Road] site." [my emphasis]*

That statement follows an assessment of the [School Road] site that concludes that *"the significant adverse impacts of even a limited amount of housing on the [School Road] site clearly outweigh the benefits of allowing even a limited amount of new housing development at this sensitive location."* That reasoning led to the removal of the School Road site from the 2015 LDP.

And the Reporters' reasons for including the [Craigmores Road] site in the 2015 LDP, in contradistinction to the removal of the [School Road] site, were substantially based on that assertion that *"there are already some houses and other built developments in and adjoining the woodlands on either side of Craigmores Road to the east and south of the [Craigmores Road] site."* **However, I submit that that assertion is false. It is simply untrue.**

There are **no** houses or **any other** built developments to the east or south of the [Craigmores Road] site on either side of Craigmores Road, neither within School Wood to the north of Craigmores Road, nor in Culstank Moss to the south of Craigmores Road. Indeed, the nearest buildings south and east of the [Craigmores Road] site occur at Badanfuaran (the Lazy Duck), but these are 250 metres south of Craigmores Road and are completely screened by the intervening pinewood of Culstank Moss, making Badanfuaran invisible from the Craigmores Road.

Both School Road and Craigmores Road proceed from the Causer Crossroads and past the houses at Dirdhu Court with thereafter School Wood on one side of their respective road, and either Balnagowan Wood along School Road or Culstank Moss along Craigmores Road from the Lazy Duck track respectively on the other side of the road. All of those woods are confirmed by the Scottish Natural Heritage Ancient Woodland Inventory map (Scale 1:46232, based on SNH data, available on request) to be "Ancient (of semi-natural origin)". School Road proceeds for a distance of c.414 metres beyond Dirdhu Court to the School grounds with undeveloped pinewoods on either side. Craigmores Road proceeds for a distance of c.540 metres between the Lazy Duck track and the Craigmores junction with undeveloped pinewoods on either side.

Thus, Craigmores Road presents a somewhat greater length of road with undeveloped ancient woodland on either side of it, than does School Road.

Thus the Reporters' considerations concerning the [Craigmores Road] site were based upon demonstrably false information. Had the Reporters correctly assessed the setting of the [Craigmores Road] site and its surrounding ancient woodlands, then in applying the same criteria by which they assessed both sites, they would have been bound to conclude that the reasons for the removal of the [Craigmores Road] site from the 2015 LDP were at least as pressing as those pertaining to the [School Road] site. Had the [Craigmores Road] site also been removed from the 2015 LDP, it is, of course, unlikely that the present application would be proceeding.

Such a procedural error, having given, I submit, false justification to the continuation of the [Craigmores Road] site within the 2015 LDP, should not now lead to the granting of planning

consent for such an important site for biodiversity, landscape and the village setting as the [Craigmore Road] site.

### **Summary**

- 1. The new LDP provides no allocation for development within School Wood. That is a significant material consideration and an important policy consideration.**
- 2. The 2015 LDP has been adopted for more than five years and is outdated.**
- 3. Knowledge of the biodiversity value of the Craigmore Road site continues to accumulate and shows it to be a biodiverse-rich ancient woodland site.**
- 4. There is widespread support for saving School Wood from development.**
- 5. National and international concern increasingly supports saving and restoring biodiverse-rich and carbon sequestering sites such as ancient woodlands, and are particularly pressing in the year of COP 26.**
- 6. The allocation of the Craigmore Road site in the 2015 LDP was based upon demonstrably false information and is therefore unsound.**

Please note that I wish to address the Planning Committee during the consideration of this application at the planning meeting, subject to arrangements with other objectors.



Yours sincerely

Roy Turnbull



Scottish Charity No. SC005523    Limited Company No. 179159

Alex Neil  
Cabinet Secretary for Social Justice,  
Communities & Pensioners' Rights  
The Scottish Parliament  
Holyrood  
Edinburgh  
EH99 1SP

Ian Lawson CVO  
Director, Cairngorms Campaign  
Easter Califer Farm  
Forres  
Morayshire  
IV36 2RN  
19<sup>th</sup> December 2014

Dear Cabinet Secretary,

**Cairngorms National Park Local Development Plan as Submitted to Scottish Ministers.  
Request for modifications.**

Our organisations strongly support Scotland's national parks as exemplars of sustainable development, safeguarding landscapes, habitats and species of national and international importance. We also support a planning process that is based on up-to-date evidence, that is operated to help deliver benefits for all by safeguarding natural capital, and takes appropriate account of the need for wise stewardship of areas of prime importance for biodiversity.

In the submitted Local Development Plan for the Cairngorms National Park we therefore welcome modifications that support the retention of native Scots pine woodlands with high conservation and landscape value (deletion of Nethy Bridge H1 School Road and the woodland part of Carrbridge H1). We note that these modifications closely accord with SPP 2014, para. 194, Policy Principles, which states that the planning system should "*protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods ... with high conservation or landscape value*".

New information that was unavailable to the Reporters examining the Local Development Plan earlier this year has emerged. In view of this we request that Scottish Ministers modify the following allocations:

**1. Delete Nethy Bridge H1 Craigmores Road** (H1 School Road has already been deleted as a modification), for the following reasons:

- The site is now (November, 2014) recognised by the CNPA as an Ancient Woodland Inventory site **of high quality**;
- The new discovery of green shield moss, an international conservation interest, very near H1;

- The new discovery of *Pucciniastrum goodyerae*, a rarity on the pinewood orchid ‘creeping ladies tresses’ near H1;
- The Park Authority’s unanimous refusal in November 2014 of an application that included Nethy Bridge H1, due, inter alia, to “significant impact” on green shield moss “which could not be compensated for by habitat creation in the short to medium term, due to the habitat needs of this species”.

Given these constraints we submit this Nethy Bridge H1 Craigmore Road allocation is **no longer effective**.

**2. Delete both Carrbridge H2 and remaining part of H1** (the woodland part of H1 has already been deleted as a modification), for the following recent discovery:

- These flower-rich long-established grasslands which are of high biodiversity value, supporting the mountain bumble bee, wood ants and other notable invertebrates, were discovered to support important populations of the Cairngorms Nature Action Plan shortlisted species Crimson Waxcap in autumn 2014.

**3. Amend allocation and settlement boundary of Inverdrue & Coylumbridge T1**, for the following reasons:

- Reporters correctly identified that the allocation and settlement boundary did not reflect the existing caravan site and recommended modification;
- However, new access and stances that are outwith the existing site were created without planning permission and a retrospective application has been withdrawn. The Reporters do not appear to have been made aware of this information and recommended that T1 be enlarged and the settlement boundary extended to include this area, apparently incorrectly believing it to be part of the existing site. This modification extends T1 to the European site boundary.

We suggest the boundary of T1 and the settlement boundary should be modified again **to accurately follow the existing, permissioned, caravan site**.

If adopted in its present form, the Local Development Plan would have an adverse impact on irreplaceable natural capital, with lasting costs for present and future generations.

We request that Scottish Ministers adopt the above suggested modifications to help ensure that the new Cairngorms National Park Local Development Plan safeguards the exceptional natural heritage of Scotland’s largest National Park.

Yours truly



Director, Cairngorms Campaign

Peter Minting, Scottish Project Officer, Amphibian & Reptile Conservation

Gus Jones, Convener, Badenoch & Strathspey Conservation Group

Craig Macadam, Director Scotland, Buglife - The Invertebrate Conservation Trust

John Parrott, Director, Coille Alba

Richard Dixon, Director, Friends of the Earth Scotland

Stuart Brooks, Chief Executive, John Muir Trust

David Windle, Chairman, North East Mountain Trust

Helen Todd, Campaigns and Policy Officer, Ramblers Scotland

Eddie Palmer, Chairman, Scottish Badgers

Ross Anderson, Chairman, Scottish Campaign for National Parks

John Milne, Convenor, Scottish Wild Land Group

Carol Evans, Director, Woodland Trust Scotland



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31<sup>st</sup> March 2020

Stephanie Wade  
Cairngorms National Park Authority  
14 The Square  
Grantown on Spey  
Scotland  
PH26 3HG

Dear Stephanie,

**Application Number: 2020/0064/PPP**

**Proposal: Residential development for up to 20 dwelling houses. Land At School Road And Craigmore Road Nethy Bridge.**

Thank you for the opportunity to respond to this consultation. Buglife **objects** to planning permission being granted for this application due to the loss of irreplaceable habitats, which is against Scottish planning policy, and the impact this will have on rare and endangered invertebrates.

Buglife notes that although the application is a reduction in the overall number of units from the rejected 2013 application (application number: 2013/0119/DET), it represents an increase in the size and impact of the Craigmore Road development area, from 1.65 hectares for 14 dwellings, to 1.97 hectares for 20 dwellings.

The submitted Preliminary Ecological Appraisal and Extended Phase 1 Habitat Survey document indicates that the site is composed of a diverse mix of habitats with dry dwarf heath shrub, semi-natural coniferous woodland and semi-natural mixed woodland. This survey was conducted on the 31<sup>st</sup> of December 2019 and 1<sup>st</sup> January 2020 and due to the time of year was not a survey focused on invertebrates but on the habitats and what they could potentially support.

For this current survey, a search on the National Biodiversity Network (NBN) Atlas for invertebrates recorded 1km of the proposed development was completed. This search found 43 species of invertebrate that are Nationally Scarce, Nationally Rare or UK Biodiversity Action Plan Priority Species; the survey report indicates that only 30 of these are potentially present on the site. Many of the invertebrate species identified in this search require deadwood habitat, ancient Caledonian pinewood or are associated with wood ants and their nests. The use of NBN sourced data in this planning application is a breach of licence (<https://docs.nbnatlas.org/guidance-on-the-definition-of-non-commercial-use/>). NBN data can be used to

help define the interest which requires commercial survey but should not be used to assess a sites inherent biodiversity value and submitted in lieu of surveys. Buglife would also like to insist that data must be sourced from Local Environmental Records Centres, as they contain the most comprehensive and current species data, as stated in the Chartered Institute of Ecology and Environmental Management (CIEEM) Guidelines for Accessing and Using Biodiversity Data document ([http://nbis.org.uk/sites/default/files/documents/Guidelines\\_for\\_Accessing\\_and\\_Using\\_Biodiversity\\_Data.pdf](http://nbis.org.uk/sites/default/files/documents/Guidelines_for_Accessing_and_Using_Biodiversity_Data.pdf)).

Previous surveys of invertebrates at this site in relation to the previous development proposals from 2013 (application number: 2013/0119/DET) have identified almost 450 species of invertebrate, of which 40 were Local, 16 Nationally Scarce Notable B, 3 Near Threatened, 3 Red Data Book 3 (Rare), 1 Red Data Book 2 (Vulnerable) and 1 was provisionally a Red Data Book 1 (endangered); two species are on the Scottish Biodiversity List and one species is a UK Biodiversity Action Plan priority species. However, it is currently unclear which of the species recorded relate to the current area, as the 2013 application consisted of two separate nearby development sites.

However, it is clear that the habitats present are important for a wide range of wildlife species and have the potential to support a number of species of invertebrates with conservation designations. The site is also within the Strathspey Important Invertebrate Area (IIA), one of a series of IIAs identified for supporting nationally important populations of invertebrates, and the habitat on which they rely. It is important that a thorough survey of invertebrates be completed on site to ensure that species active at different times of the year are accounted for and that this information is made available prior to a decision being made. The ecological appraisal report itself says that: *“Further surveys during the spring and summer are necessary to determine the value of the site for rare invertebrates”*.

This site supports ancient woodland and this is an irreplaceable habitat and its loss should be avoided, in line with planning policy. The development sites are part of a larger complex of woodland that has small variations in habitat within a very fine scale. Different species of invertebrate will like or need these small variations, or ‘micro-habitats,’ and may have very specific requirements, for example certain food plants. A key part of the value of this area is the warm, south facing woodland edge with dry semi-natural grassland, which is relatively unusual in this area and important for species such as Pinewood mason bee (*Osmia uncinata*), and the hoverfly *Chamaesyphus scaevoides*.

Paragraph 194 of the Scottish Planning Policy states that “The planning system should... seek benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats”.

Paragraph 195 states that “Planning authorities, and all public bodies, have a duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity”.

With the information currently available, it is impossible for the local authority to assess the potential biodiversity impacts of this development. However, the habitats on site are irreplaceable with the potential to impact on nationally rare and scarce invertebrates.

In summary, Buglife **objects** to this application due to the lack of information or relevant invertebrate survey and the potential to impact on an assemblage of nationally and rare invertebrates, and the habitats on which they rely.

Do not hesitate to contact us if you would like more information on any of the points raised and please can we be kept up to date with the progress of this application.

Yours sincerely



Suzanne Burgess  
Scotland Manager

**From:**Aurelie Walker-Dean

**Sent:**2 Apr 2020 16:52:32 +0100

**To:**Planning

**Subject:**2020/0064/PPP | Residential development for up to 20 dwelling houses | Land At School Road And Craigmore Road Nethy Bridge

Hello,

I am writing to object to the above planning application. I am grateful for the research concluded by esteemed ecologist Roy Turnbull, and have based my response on his findings with which I wholeheartedly agree.

**The new draft LDP provides no allocation for development within School Wood and nor does the Nethy Bridge settlement boundary therein extend into School Wood.** The CNPA state, "We are required by law to ensure that our Local Development Plan is kept up-to-date and reviewed every 5 years." The new LDP was planned to be adopted in April 2020, states  *Sites from 2015 Local Development Plan preferred for **deletion:** H1 (allocated in 2015 LDP for 15 houses) due to significant natural heritage constraints.*  If the new LDP had been adopted this month the CNPA would be almost certainly required to refuse the Craigmore Road application.

Some points about the application:

< School Wood is an Ancient Woodland Site.

i) The Woodland Trust in its objection to the previous application (2014) stated: *"We believe that ancient woodland is amongst the most precious and biodiverse habitats in the UK and is a finite resource which should be protected."*

ii) Scottish Planning Policy states:

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

iii) The Control of Woodland Removal Policy states:

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

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

*\*(SNH state that School Wood is an "Ancient Woodland Site, currently supporting*

*woodland of plantation character", ie PAWS)*

iv) The Cairngorms National Park Forest Strategy 2018 states:

*"The woodlands of the Cairngorms are of national and international importance because they contain the largest remaining areas of semi-natural woodland habitats in Britain!" and undertakes to "Continue to protect ancient and semi-natural woodlands from further damage and fragmentation."*

#### < Irreplaceable Woodland

The applicant proposes to provide compensatory planting of 1,97 ha of native woodland at a site NW of the Nethy Bridge hotel, currently "an area of informal open space" with "little ecological value." However, the fact that ancient woodland is "irreplaceable" (as stated in the above SPP para 146) is now well established. Indeed, as long ago as 1991, the then Nature Conservancy Council for Scotland, in its response to the First Draft of Highland Council's Local Plan in 1991 stated Woodland is a vital component of the Badenoch and Strathspey landscape and fundamental to the conservation of aspects highly important to nature conservation. NCCS emphasises the essential difference between remnants of the native woodland and plantation or newly planted groups of trees for amenity. Semi-natural woodlands are not re-creatable; new stands of trees and plantation do not compensate for the loss of the semi-natural areas and additionally are often not of such high amenity and aesthetic value.

#### < Risk to Capercaillie

The RSPB stated the following in its submission to the 2013 application for 58 houses at School Road and Craigmore Road in School Wood:

*"We are concerned about the risk that the proposed development would lead to unacceptable disturbance to breeding capercaillie in the nearby Special Protection Areas (SPAs) of Craigmore Wood and Abernethy Forest. The likelihood that people living in the houses (and their visitors) would use these SPAs for recreation, or that people currently using the proposed development site for recreation would be displaced into the SPAs, and hence increase disturbance levels, is not addressed in this application. Capercaillies are particularly susceptible to recreational disturbance, especially from dogs off the leash. This species, which is in severe national decline, is now largely confined to Strathspey and is afforded the highest level of protection under UK and European law."*

< Buglife (the Invertebrate Conservation Trust) state in its submission to this present application:

*"Previous surveys of invertebrates at this site in relation to the previous development proposals from 2013 (application number: 2013/0119/DET) have identified almost 450 species of invertebrate, of which 40 were Local, 16 Nationally Scarce Notable B, 3 Near Threatened, 3 Red Data Book 3 (Rare), 1 Red Data Book 2 (Vulnerable) and 1 was*

*provisionally a Red Data Book 1 (endangered); two species are on the Scottish Biodiversity List and one species is a UK Biodiversity Action Plan priority species. However, it is currently unclear which of the species recorded relate to the current area, as the 2013 application consisted of two separate nearby development sites."*

*"This site supports ancient woodland and this is an irreplaceable habitat and its loss should be avoided, in line with planning policy. The development sites are part of a larger complex of woodland that has small variations in habitat within a very fine scale.*

*Different species of invertebrate will like or need these small variations, or □micro-habitats, □and may have very specific requirements, for example certain food plants. A key part of the value of this area is the warm, south facing woodland edge with dry semi-natural grassland, which is relatively unusual in this area and important for species such as Pinewood mason bee (*Osmia uncinata*), and the hoverfly *Chamaesyphus scaevoides*."*

*"In summary, Buglife objects to this application due to the lack of information or relevant invertebrate survey and the potential to impact on an assemblage of nationally and rare invertebrates, and the habitats on which they rely."*

#### < CNPA previous application refusal

The previous application (2014) for 58 houses in School Wood, including 14 detached houses at the Craigmore Road site was refused by the CNPA for numerous reasons. The CNPA Planners Report into the application included the following comments concerning the Craigmore Road site:

*APRAISAL,  
para.111*

*□the line of detached houses at Craigmore Road, [ ... ] is [not] considered to reinforce and enhance the character of the settlement of Nethy Bridge. □*

*para. 120*

*□The proposed development on Craigmore Road risks similar impacts from a suburban approach to the layout of open space, driveways and boundaries. □*

*para. 121*

*□Policy 6 Landscape requires that development complements and enhances the landscape character of the National Park and in particular the setting of the proposed development. The CNPA Landscape Officer has advised that while the proposals for tree felling and planting around the development would, over time, give a setting and context that is consistent with Nethy Bridge as a □forest village □, the current proposals for the layout and design of housing and amenity space do not meet CNP Local Plan policy 6 or Scottish government guidance. □*

#### *RECOMMENDATION 6*

*□the suburban form of the Craigmore Road development, combined with the extent of the tree felling, do not relate well to the landscape character of this part of Nethy Bridge. □*

You may wish to consider whether the presently proposed two areas of housing proposed ( i) 6 detached houses and one block of four terraced houses, and ii) two

blocks of four and one block of 2 terraced houses)  should be similarly appraised by the CNPA.

#### < Otters.

Otters are protected under The Conservation (Habitats & c.) Regulations 1994, the Wildlife and Countryside Act (Schedule 5) 1981, as amended by the Nature Conservation (Scotland) Act 2004, and are also a European protected species under Annex IV of the EC Habitats Directive 1994.

Although the Ecological Appraisal for the developer notes that *"the increased risk of dog attacks on otters from this development cannot be disregarded. In a previous consultation for a development on this site, a member of the public reported a dog attack on an otter cub at the Allt Mor."* It also states that, *"No signs of otters were found on site or within a 100m buffer around the site"*

However, in the last week several signs of otter activity (including spraints) have appeared along the Caochan Fhuarain both upstream and downstream and close to the proposed development site. This illustrates how an ecological survey only undertaken for a short period in winter inevitably misses important information.

Thank you for your kind consideration,  
Aurelie Walker-Dean

David  
Dean

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From:David Dean  
Sent:2 Apr 2020 19:53:09 +0100  
To:Planning  
Subject:Planning Application Objection

2020/0064/PPP | Residential development for up to 20 dwelling houses on land at Craigmore Road Nethy Bridge

Dear Sir/Madam,

We wish to object to the above planning application submitted for approval in principle. We have to say that coming but six years after the previous application for fewer dwellings on this site we are astonished to see the matter revived not to speak of the approximately 33% increase in number of houses proposed. The previous application that was refused included 10 houses on 1.6ha at Craigmore Road.

As resident owners for the last forty five years of neighbouring Badanfhuarain, now home also to The Lazy Duck Hostel we were kept fully appraised of the previous applicant's proposals and arguments together with the flow of objections which brought about the application's eventual rejection.

In 2014 CNPA Planners concluded in their appraisal :-

paragraph 111

"The line of detached houses at Craigmore Road is not considered to reinforce and enhance the character of the settlement of Nethy Bridge."

Paragraph 120 referring by comparison to a separate application for neighbouring School Road states:-

"The similar development on Craigmore Road risks similar impacts from a suburban approach to the layout of open space, driveways and boundaries."

Paragraph 121 is more specific in that it concludes:-

" ..... the current proposal for the layout and design of housing and amenity space do not meet the CNP Local Policy Plan 6 or Scottish Government policy"

Recommendation 6, as CNPA Planning Committee will recall, simply encapsulates and reinforces these points. The application was refused.

The current application therefore might well be considered in the light of these quite clear criticisms. Furthermore. the CNPA Local Development Plan of 2020 specifically contains a preference for deleting the original H1 site listed in the 2015 LDP for 15 houses due to 'significant natural heritage constraints'.

Given that site HI does not appear in the 2020 proposals it is difficult to see how, on the one hand, recent refusal by CNPA for the proposed ancient woodland development on Lettoch Road by Goldcrest Developments Ltd of Aberdeen can be reconciled with any serious proposal to grant planning permission to CastleGlen Properties, Aberdeen for this ancient woodland site on Craigmore Road.

Others, better experienced and qualified than am I will probably attest, as they did in the original application of 2014, to the ecological and habitat value of this whole segment of the Abernethy Forest. School Wood, as it stands is of very considerable value in that it offers seclusion to allow woodland growth and decay and the continuation of species and wildlife much endangered by unwise development.

For ourselves, we can speak only about the history during our period of stewardship, 1974 to the present, of the otter on the Caochan Fuaran Burn which flows through our ground. For years now, since the otter returned to this ground, clearing, at one stroke it seemed, the invasive mink which destroyed so much bird life, there can be found spraints, for example, under the amenity bridge between Badanfhuarain and the Abernethy Trust. Snowfall has given us the best, if infrequent, evidence as the otter, having come through the proposed site from Craigmore where it left the Allt Mor Burn leaving clear prints, discovered by our neighbour as he tracked this particular otter from his home to our back gate. While a brief survey could be misled into concluding the otter is not here, it is. Children from the local primary school, with their teacher and local ranger were thrilled to find the evidence and outraged later to hear of a cub otter being attacked by a dog running free.

We submit that this application, urban in design and dismissive of the aims of the National Park and despite being laden with off site inducement to approve, deserves no support.

David & Valery Dean  
Clachbhan  
Nethy Bridge



The Lazy  
Duck

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From: The Lazy Duck  
Sent: 3 Apr 2020 09:08:08 +0100  
To: Planning  
Subject: OBJECTION: 2020/0064/PPP | Residential development for up to 20 dwelling houses on land at Craigmores Road Nethy Bridge

Dear Sir/Madam,

We are emailing to object to the above planning application submitted for approval in principle. We have learnt that a previous application for a third less dwellings on this site six years ago was rejected. We are confused by what could have changed in such a short period of time for another, larger application to be considered.

My partner Sarah and me have just begun a 12 year lease trading as The Lazy Duck. One of our key motivations in taking up the lease was to live as lightly as we can on the land, in an area that values and cares for its natural habitat. Particularly forestry at a time when so much effort is being put into re-planting trees.

I am aware that the the Nethybridge and Vicinity Community Council are supporting the application but cannot readily find a Neighbourhood Plan that supports the need for this volume, type and geographic location of housing; nor reference to a Neighbourhood Plan being undertaken in 2019/2020 Council Minutes.

Our landlords Mr & Mrs Dean have shared some background that we have considered and agree each point listed below is valid and must be considered in the planning decision. As previously mentioned a key element of our business decision is the care for and enjoyment of wildlife. The threat to Otters is a significant concern. As a natural predator, they clearly are playing their part in maintaining an ecological balance.

We object to this planning application on the basis of the above concerns and in agreement with all points raised below, specifically CNPA post-2015 position and decision to deny Goldcrest Development's similar proposal.

**In 2014 CNPA Planners concluded in their appraisal:**

paragraph 111

"The line of detached houses at Craigmores Road is not considered to reinforce and enhance the character of the settlement of Nethy Bridge."

Paragraph 120 referring by comparison to a separate application for neighbouring School Road states:-

"The similar development on Craigmores Road risks similar impacts from a suburban approach to the layout of open space, driveways and boundaries."

Paragraph 121 is more specific in that it concludes:-

" ..... the current proposal for the layout and design of housing and amenity space do not meet the CNP Local Policy Plan 6 or Scottish Government policy"

Recommendation 6, as CNPA Planning Committee will recall, simply encapsulates and reinforces these points. The application was refused.

**The CNPA Local Development Plan of 2020 specifically contains a preference for deleting the original H1 site listed in the 2015 LDP for 15 houses due to 'significant natural heritage constraints'.**

**Given that site HI does not appear in the 2020 proposals it is difficult to see how, on the one hand, recent refusal by CNPA for the proposed ancient woodland development on Lettoch Road by Goldcrest Developments Ltd of Aberdeen can be reconciled with any serious proposal to grant planning permission to CastleGlen Properties, Aberdeen for this ancient woodland site on Craigmore Road.**

For ourselves, we can speak only about the history during our period of stewardship, 1974 to the present, of the otter on the Caochan Fuaran Burn which flows through our ground. For years now, since the otter returned to this ground, clearing, at one stroke it seemed, **the invasive mink which destroyed so much bird life**, there can be found spraints, for example, under the amenity bridge between Badanfhuarain and the Abernethy Trust. Snowfall has given us the best, if infrequent, evidence as the otter, having come through the proposed site from Craigmore where it left the Allt Mor Burn leaving clear prints, discovered by our neighbour as he tracked this particular otter from his home to our back gate. While a brief survey could be mislead into concluding the otter is not here, it is. Children from the local primary school, with their teacher and local ranger were thrilled to find the evidence and outraged later to hear of a cub otter being attacked by a dog running free.

We submit that this application, urban in design and dismissive of the aims of the National Park and despite being laden with off site inducement to approve, deserves no support.

all the best, Phil & Sarah  
The Duck Keepers

The Lazy Duck

Nethy Bridge

PH25 3ED



[Website](#) | [Facebook](#) | [Instagram](#) | [Trip Advisor](#)

**From:**Derek Young  
**Sent:**3 Apr 2020 11:24:24 +0100  
**To:**Planning  
**Subject:**Planning application 2020/0064/PPP

Cairngorm Planning Committee.

I refer to the Planning Application for a Residential Development in Nethy Bridge of up to twenty dwelling houses on land adjacent to School Wood and on land adjacent to Craigmore Road.

**I object to this Application and wish the grounds for my objection to be considered.**

1 The areas referred to are on approach roads leading to Nethy Bridge. Both roads have woodland on each side of the road which provide an attractive approach to the appropriately named, 'Woodland Village'. The felling of woodland and the building of new houses on this approach will detract from the attractiveness of the area. It could also suggest that the title 'Woodland Village' is becoming less appropriate. As an aside, a more descriptive title for Nethy Bridge has been suggested as 'The Woodland, Holiday Home and Second Home Village'!

2 The proposed housing will destroy a number of existing footpaths. These are in very frequent use by both visitors to the area and by locals such as myself. An approach through a housing development to what remains of these tracks would certainly be much less attractive than the existing ways into the woods.

3 The woodland is known to be home to a wide range of wildlife which would, inevitably, be subjected to disturbance if housing were to be built as proposed. This wildlife together with the range of plant life and mature trees give the area a uniqueness which should be retained and not diminished or threatened by housing. It is areas such as this that contributes to the attractiveness of the village, not further housing that may or may not be used as a primary dwelling.

4 Further disturbance to the fringes of these developments can be expected by some of those occupying the houses. Evidence for this can be seen in the amounts of garden refuse presently being fly-tipped into the edge of existing woodland. This problem appears not to be addressed by Highland Council or Local Council although it can be clearly seen. When garden waste such as hedge clippings or grass cuttings are tipped on top of ground cover plants which have adapted to a particular soil type, then they are likely to be adversely affected or possibly killed off by being smothered.

I wish you well in your deliberations.

Yours sincerely,

Derek Young



# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Mr Tim Ambrose

Address: 8 Cleveden Road Glasgow

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I had thought that Nethybridge was now safe from further development, but am dismayed to see this application for 20 more houses on School Wood. For all the reasons set out more eloquently and in more detail by Roy Turnbull, I object to this development, and urge the CNPA to reject the application. The whole of School wood is an irreplaceable ancient woodland site in the National Park, and it is self-evident that planting young trees in what is at present a field cannot be any relevant compensation or offset. It must be significant that as this site is not allocated for development in the forthcoming CNPA LDP, (and indeed is only allocated for 15 houses in the present, outdated, plan), the application should be refused. Mr Turnbull's explanations of why even the present allocation appears to be based upon mistakes and inaccuracies is convincing, and the CNPA should address its primary aim, to conserve and enhance the natural heritage here. It should not allow such an unsuitable development to scrape in under the fence, just before the new LDP comes into force.

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Mrs Jane Whitworth

Address: 2 Dirdhu Court Nethybridge

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed development is contrary to the current CNP Local Development Plan (2010); in so far that it is in excess of the density proposed in the plan (15 houses). And specifically Clause 38.4 (to ensure that development contributes to a clear definition between settlement and boundary) as this proposal is a ribbon development within the existing woodland it significantly blurs the edge of the village. And Clause 38.5 (- To reflect existing housing.. in terms of position density and scale. - To ensure the quality of surrounding woodland and sensitive valuable habitat is not compromised) this is an incursion into the existing mature woodland and not a protection. Provision of woodland elsewhere in a trafficked area does not protect habitats. The nature of the woodland ribbon development neither reflects the housing provision in the immediate neighbour hood (Dirdhu Court and Dorback Place) nor the more traditional road side development of the remaining village. The proposed LDP (2015) soon to be adopted has removed this development site in entirety in acknowledgment of the unsuitable nature of the site.

Furthermore it should be noted that the site lines at the Causer crossroads from the east are very poor and an additional 20 to 40 cars at this junction will further endanger cars, pedestrians and those limited to mobility scooters. I trust you will consider my comments, and those of my neighbours and reject the proposal.

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Mr Neil MacKenzie

Address: Garradh Beithe Gorthleck

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the proposal to construct 20 houses in an area of ancient woodland. Ancient woodland sites, even if partly of plantation origin, are a valuable and threatened resource, which cannot ever be replaced. In an era of climate crisis where trees act as a carbon store it would not be appropriate to destroy an existing wood. Mitigation in the form of new planting elsewhere is not an adequate replacement for the biodiversity associated with this wood as it would take 40 years or so to achieve a similar woodland structure and to lock up the equivalent amount of carbon.

The proposed development, like many such schemes next to rural villages in recent years, is very much an urban development that is out of character with the concept of Nethy Bridge as a forest village.

I am also familiar with School Wood as experiencing a great many planning applications over the past 25 years many of which have been turned down. I note too that this area has been removed from the new Local Development Plan and, although not yet adopted, I would expect that a decision would therefore honour the revised status. Especially as current Scottish Government Policy on woodland removal and as expressed in its Climate Change Plan dictates that there is a strong presumption against the removal of ancient woodland.

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Mrs Angela Evans

Address: Moncrieff NethyBridge

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:OBJECTION to:

Application Ref.2020/0064/PPP

We believe this area to be part of the ancient woodland and, as such, is significant and precious for its biodiversity now and in the future. Mature woodland is a significant resource not only as habitat for both flora and fauna but also aids in restricting the rising of the water table and enables carbon capture which is of great importance in reaching our national goals to combat climate change. In reference to the water table we have, in the past, had insurance companies comment that we live in an area which could flood without the forest because it is marked as a wet area on their reference material.

Established woodland cannot be replaced or recreated by planting a few new trees in a new location that does not have the biodiversity of the existing area. This particular woodland forms a corridor for the various species that live in the area thus enabling them to travel through their habitats. Creating a barrier of housing with the inevitable disturbance of human and pet activity will reduce this considerably.

Ancient, old and established woodlands are of National and International importance and especially as this one is situated within the National Park should be protected not decimated!

Craigmore Road, which has been our home for the last ten years already has traffic issues which we have raised with local MSP's in the past. In fact we have received correspondence promising action to limit the speeds etc., but nothing, has changed. If this development goes ahead the problems will be exacerbated and will definitely require the road, signage, speed limit, etc., to be upgraded.

We have seen the objections raised by others and agree with all their comments as to why this development should NOT be approved.

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Mr Peter Gordon

Address: 2 Craigmore Crescent Nethy Bridge

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

2020/0064/PPP Land at School Wood, Nethy Bridge. Residential Development for up to 20 dwelling houses

I object to this application for planning permission in principle for the following reasons.

1 The site is Ancient Woodland, an irreplaceable habitat which should not be destroyed or damaged by inappropriate development such as this.

2 Although the site is known to be of very high invertebrate interest, the absence of dedicated surveys at appropriate times of year means that there is an inadequate information base on which to make a decision.

3 The proposed development site overlaps that for which a similar development (2013/0119/DET) was earlier refused by CNPA. That proposal was for a smaller area and a lesser number of houses so it would be inconsistent for planning consent to be given for this application which is potentially even more damaging to biodiversity interests.

4 The site lies outwith the settlement boundary of Nethy Bridge and is not allocated for housing in the new draft Local Development Plan (LDP). Whilst it is allocated for housing in the current LDP, it is now over five years since that document was adopted and so the weight to be afforded to its provisions is considerably lessened. Besides, as explained cogently in Roy Turnbull's letter of objection to this application, the allocation for housing in the current LDP was based on false information.

I urge refusal of this application.



# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Mr Tim Ransom

Address: 29 Millais Park Mont Millais St Helier

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to planning permission being granted for this application.

This site contains numerous rare and protected species and habitat and any loss of these cannot be reasonably mitigated for.

Even though the Ecological Appraisal by the developer was carried out in mid-winter, which is of course a very unsuitable time of year to do so given the high wildlife value of the site, it nonetheless still clearly showed a high level of conservation value both within the site itself and within the wider woodland.

It is acknowledged within this report that should this development go ahead that it would negatively impact on numerous protected species and this should never be acceptable and especially not within a National Park.

As acknowledged in this report this development will have a negative effect on the already declining population of Capercaillie in this area through disturbance.

This development will result in the complete loss of Brown Shield Moss and Interrupted Clubmoss and the loss of at least one site of the very rare Green Shield Moss.

It is recommended in the report to undertake further surveys both in the spring and summer to determine the presence of all rare plants on this site.

Many of the 450 invertebrate species known from the site are protected and specialised to this habitat and any loss would be very detrimental to their continued survival in the area. And again it is recognised that to properly understand the impact of any development at this site then further surveys should be undertaken in both the spring and summer as the current surveys undertaken lack the detail and information required to approve any application.

Given the known and acknowledged presence, and therefore loss if approved, of numerous rare and protected species both on site and nearby and also the serious lack of information in current surveys undertaken I object to this application being approved.

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Mr Stephen Broyd

Address: 20 DIRDHU COURT Nethy Bridge

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I OBJECT TO THIS APPLICATION FOR THE FOLLOWING REASONS

- THE PROPOSED DEVELOPMENT LIES OUTSIDE THE VILLAGE BOUNDARY, WILL REMOVE IMPORTANT FOREST HABITAT AND HAVE A SIGNIFICANT IMPACT ON THE WOODLAND SETTING OF THE VILLAGE

Following previous applications, School Wood was placed outside the Village Boundary.

In view of this, development as proposed would appear inappropriate.

The removal of important forest habitat would seem inconsistent with

- previous planning decisions,

- the retention of the woodland setting of the village and

- more recently the refusal of another nearby application along the Lettoch road (19/03017/PIP) which was refused for these reasons.

- TIMING

The draft Local Development Plan has significant new housing provision for Nethy Bridge. The need for further major builds at this point seems unnecessary.

#### - TRAFFIC AND ROAD SAFETY

The proposed development sits along the Nethy Bridge to Tomintoul road. This stretch is a minor road and is already busy with fast local traffic and becomes even busier during holiday seasons.

The traffic converges at the Causer crossroads where it meets traffic from Grantown and Lettoch, where a bus stop is located and where children walk to the local primary school. The volume of traffic is already set to increase when the identified developments for the 2020 plan move forward.

Further significant development in the vicinity is not in the interest of road safety.

#### - IMPACT ON LOCAL SERVICES

As with all development within the National Park, this residential development would place even further pressure on services available to Park Residents.

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Ms Lynn Cassells

Address: Lynbreck Croft Tomintoul Road Grantown on Spey

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: School Wood is an Ancient Woodland Site.

The Cairngorms National Park Forest Strategy 2018 states:

"The woodlands of the Cairngorms are of national and international importance because they contain the largest remaining areas of semi-natural woodland habitats in Britain" and undertakes to "Continue to protect ancient and semi-natural woodlands from further damage and fragmentation."

To approve this application would directly counter the strategy of the national park.

I saY NO to this housing developmen, Nethybridge is famous for its woods and wild life, do you have capers ? Near your garden, do you have salmon beside your house, I have, and I live 400 meters from this 20 houses. Last November we had an otter in the garden, this happens each year, please do not pass this plan.  
Thank you, Harry Jamieson Craigmore Mill.

Sent from my iPad

Dear Planning Team

It has come to my attention that there are plans to build approximately 20 houses on a plot in School Wood Nethy Bridge. This is a real concern as School wood is an ancient woodland and has the most amazing biodiversity . Building here would not only destroy a number of rare species of plant and insect habitat but also change the character of this woodland. Especially in these very difficult times the importance of healthy woodlands green spaces is very clear and we need to look after our environment in our National Park. My understanding is that the CPNA is there to look after our much treasured environment and to ensure it is there for future generations and building on such a special site cannot be compatible with this.

I do understand the need for housing in the village but there must be better sites and ask that this development is not allowed and School wood's special nature is preserved for our and future.

Yours Sincerely

Margaret Norgate BVM&S

Aberniddrie

Nethy Bridge

PH25 3DA

Sent from my iPad

Dear Sir

I would like to lodge my objection to this development. My objection is based on 2 main reasons.

1. This is ancient natural woodland that provides a home to rare Scottish species including red squirrels, Capercaillie and otters. The proposal to replace the area with new woodland is laughingly inappropriate. It seems illogical to destroy exactly the type of woodland that the CNP claims to be protecting.

2. Nethy Bridge is already approx 50% holiday/second homes. From my own home in Dirdhu Court I can see 10 houses. 6 of them are second/ holiday homes. When we were recently thinking of moving house, our elderly neighbour was very concerned that she could be left isolated in a swath of mostly empty houses. There is clearly no need for additional houses in the village unless and until we have a system that ensures that these houses are main residences and targeted at local people. The price of housing in the village is way above what many local young people can afford. They are priced out of the market by professionals from the Central Belt, England and Northern Ireland in the case of Dirdhu Court. The recent new development at Boat of Garten illustrates perfectly how new houses can be snapped up for rental or second homes. It will totally ruin the character of Nethy Bridge if the number of second/holiday homes increases. I hope that the CNP will address itself to solving this current problem rather than by exacerbating it by allowing new developments.

Claire Thom

22, Dirdhu Court

Nethy Bridge

Sent from my iPhone



www.cairngormscampaign.org.uk  
email: cairngormscampaign@gmail.com

Cairngorms Campaign  
The Firs  
Crathie  
Ballater  
AB35 5TJ

Objection to planning application 2020/0064/PPP

Residential development for up to 20 dwelling houses | Land at School Road and Craigmore Road, Nethy Bridge

Our reasons for objecting can be summarised as follows:

The area for development is an ancient woodland site, rich in biodiversity and supports rare wildlife. It is a nationally important pinewood site as evidenced by a quote from an objection by the Woodland Trust on a previous planning application for the site, "We believe that ancient woodland is amongst the most precious and bio diverse habitats in the UK and is a finite resource which should be protected". The objection letter from Buglife Scotland to this application details the value of the site for invertebrates and the inadequacy of the survey carried out by the developer to support this application. Scottish Planning Policy states that ancient and semi-natural woodland is an important and *irreplaceable (our italics)* national resource that should be *protected and enhanced (our italics)*. The mitigation measures proposed will do neither of these. It is inconceivable that such a rich habitat could be sacrificed for such a development.

The site is significant in that it provides connection with other diverse habitats for wildlife. Conservation minded organisations and an individual land owner have joined together to form Cairngorms Connect a long term plan much publicised by the Cairngorm National Park Authority (CNPA). We expect the CNPA to contribute to the same vision by ensuring that existing such habitats are protected and enhanced.

This development will threaten the future of the capercaillie on Speyside, which is home to the majority of the existing UK population. In its submission to the 2013 application for 58 houses in School Wood the RSPB (a data based organisation) wrote that they were "concerned about the risk that the proposed development would lead to unacceptable disturbance to breeding capercaillie in the nearby Special Protection Areas (SPAs) of Craigmore Wood and Abernethy Forest. The likelihood that people living in the houses (and their visitors) would use these SPAs for recreation, or that people currently using the proposed development site for recreation would be displaced into the SPAs, and hence increase disturbance levels, is not addressed in this application. Capercaillie are particularly susceptible to recreational disturbance, especially from dogs off the leash. This species, which is in severe national decline, is now largely confined to Strathspey and is afforded the highest level of protection under UK and European law.

Otters are protected under The Habitat Regulations 1994, the Wildlife and Countryside Act (Schedule 5) 1981, as amended by the Nature Conservation (Scotland) Act 2004, and are also a European protected species under Annex IV of the EC Habitats Directive 1994. The objection letter to this application from the Lazy Duck Hostel details the threat to otters if this site is developed. It records otter tracks and an occasion when a young otter suffered a dog attack. Their evidence is likely to be far more accurate than the two day survey by the developer who has limited knowledge of the wildlife that use the site.

The new draft Local Development Plan (LDP) has removed the allocation for development within School Wood recognising the value of the site. Also in this plan the proposed development would be out with the settlement boundary. This LDP was due to be adopted in April 2020 and is therefore highly materially significant, especially as the existing LDP has exceeded its 5 year expected lifespan and the CNPA are required to ensure that the LDP is kept up to date. In addition Roy Turnbull's objection letter explains why this allocation was erroneously included in the 2015 LDP.

We ask that the CNPA reject this application and also put an end to the allocation of this site for development, having refused, for good reasons previous planning proposals for it.

Thank you for the opportunity to comment.

Susan Matthews on behalf of the Cairngorms Campaign

4<sup>th</sup> April 2020

**Planning Ref 2020/0064/PPP: Residential development for up to 20 dwelling houses, Land At School Road And Craigmore Road Nethy Bridge**

I wish to lodge a formal objection to this proposed development at School Wood.

School Wood is identified as Long Established of Semi-Natural Origin in the Ancient Woodland Inventory. It is a nationally important native pinewood site, rich in biodiversity.

The ecological survey undertaken for the developer is inadequate, and fails to reflect the true value of the woodland.

Yours sincerely

John Parrott

**COILLE ALBA** managing Scotland's native woodlands - Scottish Charity No. SC043256



**From:**hamish thom

**Sent:**04 Apr 2020 12:09:56

**To:**Planning@cairnngorms.co.uk,

**Subject:**20/20/0064/PPP Residential Development on the land at School Road and Craigmore Road, Nethy Bridge

**Attachments:**

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Dear Sir

As a resident of Nethy Bridge, I wish to object to the proposal to build houses on the above site.

In my opinion, such a development on this site would drastically change the character of the area. The site is an important amenity, well used by local people as a recreational resource, especially in the current climate. It is also an invaluable stretch of ancient, natural woodland that supports a number of Scottish animal and plant species which are under threat.

Whilst I realise that housing is important, it concerns me that so many existing houses in the village are second homes.

Hamish Thom

22,Dirdhu Court

Nethy Bridge

PH25 3EG

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Virus-free. [www.avast.com](http://www.avast.com)

Dear Ms Wade,

Re :- 2020/0064/PPP...Residential development for upto 20 dwelling houses|Land at School Road and Craigmore Road Nethy Bridge.

I write to **object** to the above planning application for the following reasons....

The Craigmore Road site has never been allocated for development of more than 15 houses. The Local Development (LDP) adopted in 2015 in which that condition applied is now technically out of date and the CNP LDP main issues report 2020 states that it would be preferred to delete the site from future LDPs' due to significant natural heritage constraints.

Had the new LDP been approved and adopted in time the CNPA would be required to refuse permission for the application. As I understand it you are required by law to keep the LDP upto date and reviewed every 5 years so had that been adhered to the land in question would have been excluded from consideration

The application is for 20 properties, more than the possible 15 on the LDP, and on land in excess of that for which refusal was previously given.

Irrespective of the age of the plantation woodland the site is properly classified as an Ancient Woodland Site....it is irreplaceable.

Without doubt any development within School Wood/Craigmore road would result in additional footfall and noise and therefore disturbance and fragmentation of habitat known to contain protected and endangered species.

The previous application in 2014 which admittedly was for 58 properties but included those along Craigmore Road, rightly refused by CNPA concluded that " the suburban form of the Craigmore Road development, combined with the extent of tree felling, do not relate well to the landscape character of this part of Nethy Bridge"

I consider this current application would have a similar hugely detrimental effect and should be refused

Your own CNP Forest Strategy of 2018 states the importance of the Cairngorm woodlands...and undertakes to "Continue to protect ancient and semi-natural woodlands from further damage and fragmentation". You have an excellent opportunity here to comply with your aims.

Yours Sincerly  
Robert A Greenwood  
Craigmore House  
Nethy Bridge  
PH25 3ED

Dear Sir or Madam,

I am writing to show concern, and object to the above planning application.

This area of ground has been rejected in the past for development of less houses than the 20 mentioned in this application. I find it strange that a request for this number has even been found acceptable to progress in the system. There is an eco system developed within this forested area as the forest has been allowed to grow naturally over many years.

The local burn is frequented by an otter, which I had confirmed by explore Abernethy after sighting it in the forest. I was unsure, but the ranger confirmed when I showed her sample droppings.

I therefore feel any development would be incompatible with the area.

Yours Sincerely

Eric Foulds

Sent from my iPad

Thank you for the opportunity to OBJECT to this planning application. As a former employee of the RSPB/CNPA as the Community Ranger for Nethy Bridge (2014-2018) I believe I can offer insight into the value of this area as a community and visitor amenity.

Notwithstanding that as a whole, the wood contains habitats and species worthy of a natural heritage accolade of 'ancient woodland', removing public access to this specific area of forest has the potential for species and habitats to be disturbed and/or degraded further into the wood. I say this for the following reason:

This section of woodland contains a promoted Explore Abernethy path network. This route has been considered with due care and diligence to accentuate a pleasureable woodland walk (with dogs if required) without compromising the integrity of specific natural heritage features, which include avian, invertebrate, plant and mamal. A promoted route that actively welcomes dog walkers and is staffed and monitored accordingly is rare within the park. This section therefore acts as a buffer for more sensitive areas within the wood. If this section of path was to be compromised in anyway (by removing or re-routing) there is a strong probability that an informal network of paths will emerge, resulting in shrinking an area for highly valued nature to thrive. It could also result in dog walking as a recreational activity being pushed into a very sensitive SPA that lies in close proximity to School Wood.

I trust therefore this planning application will be rejected for the benefit of wildlife, people (and their dogs).

Alison Greggans

2020/0064/PPP/Residential development/Land at School Road and Craigmore Road, Nethybridge.

We object to this proposal on the following grounds.

1. Rosanna Cunningham (Cabinet Secretary for the environment) and many others have made clear that we must act now regarding climate change. One of the best ways to do this is to protect and expand our woodlands. School Woods is the site of an ancient woodland and it is very important that it is not used for housing development. Such woodlands can not be satisfactorily replaced by compensatory planting.

2. It appears that the Nethybridge settlement boundary does not extend into School Wood.

Thank you.

Alasdair and Fiona Washington

Les Marcottes,

Craigmore.

NETHYBRIDGE. PH25 3ED

Sent from my hudd

The Dulaig  
Seafield Avenue  
Grantown-on-Spey  
PH26 3JG

6 April 2020

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

## **Objection to Planning Application 2020/0064/PPP - Residential development for up to 20 dwelling houses - Land At School Road and Craigmore Road Nethy Bridge**

I wish to object to this planning application 202/0064/PPP. The grounds for my objection are numerous, but for the sake of brevity I will just highlight the main issues I have with this application.

### **1. Conflicts with the Proposed CNPA LDP 2020.**

I appreciate that this site is included in the current 2015 CNPA LDP, however after several recent public consultations, the site has been removed as a development site from the new proposed LDP and the Nethy Bridge settlement boundary has been changed accordingly. As the current 2015 LDP is now over 5 years old, the CNPA Planning Committee should take cognisance of the new proposed LDP and give its contents higher priority over the old LDP – namely that the application should be rejected as it is outwith the new proposed settlement boundary.

To do anything else would make a mockery of the development plan process, which according to the new Scottish Government guidance is meant to, where possible, be a 'rolling planning system' reacting to the changing environment.

### **2. The Application conflicts with the CNP Aims**

Aim 1: To conserve and enhance the natural and cultural heritage of the area. Clearly a new development outside of a settlement boundary in an area listed in the Ancient Woodland Inventory as "Ancient of Semi-Natural Origin" will not conserve or enhance this woodland or the woodland that surrounds it.

Aim 2: To promote sustainable use of the natural resources of the area. Clearly building houses in an ancient woodland of semi-natural origin is not a sustainable use of this precious natural resource.

Aim 3: To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public. Building houses in this

woodland will diminish public understanding and enjoyment of this special area of woodland. An example of supporting this aim was the recent BBC Springwatch series. Our National Park needs to build on this opportunity and reputation and not destroy it by approving developments within our natural woodland.

Aim 4: To promote the sustainable economic and social development of the area's communities. Too often our CNPA Planning Authority interprets building new housing (especially with an affordable element) as being economically sustainable. Given the declared Climate Emergency, loss of ancient woodland is no longer sustainable development.

### **3. Compensatory Planting**

When I read this, I thought it was a joke. How by any stretch of the imagination can the removing a substantial number of mature trees from an ancient woodland and substitution with tree saplings planted in another area be considered compensatory planting. It will take 70 years for these saplings to form a woodland of some maturity.

### **4. The Application Site**

I have already mentioned that this site is outwith the settlement boundary in the proposed CNPA LDP 2020. Just one look at the application site's position shows it to be an extension of the village into the surrounding ancient woodland. Development infill is one consideration, but permitting settlement sprawl by extending into the woodland is quite another. Nethy Bridge prides itself as being the 'Forest Village'. This was showcased very well in the recent BBC Springwatch series. This should not mean that the village can continue to extend into the forest and diminish and destroy this precious resource and its associated ecology.

### **5. Ecological Appraisal**

The preliminary ecological appraisal is very rudimentary, being based on only two back to back days in the middle of winter. The consultants have attempted to support their clients, but CNPA Planning Authority cannot and should not make any decisions on the development future of this ecologically important site without some significantly more detailed appraisals conducted on several occasions over the course of a year.

Just taking one protected species – the capercaillie – even the ecological consultants stress that this site “could be important as a dispersal route between (these) breeding populations”. A key factor in the survival of capercaillie is the protection of means by which breeding populations can disperse and intermix. The consultants recognise that this site could be an important stepping stone for dispersal. A further constriction of means of dispersal increases the risk that current populations will not survive. CNPA has received a considerable sum of public money for the Cairngorms Capercaillie Project. Permitting this development is completely contrary to the aims of this project.

Additionally, there is strong evidence that the School Wood site has a rich biodiversity of birds, mammals, invertebrates, plants and fungi. Much of this will inevitably be lost if this development is permitted. At the very least, before any consideration for human development, detailed ecological surveys should be required to evaluate this site. Consequently this application should be rejected at least until these detailed ecological surveys have been completed.

It is very clear to me that this application should be rejected by CNPA Planning Committee. To do anything else raises questions of the purpose of our National Parks and of the custodianship of the CNPA Board and its officers.

Yours faithfully,

A solid black rectangular box redacting the signature of Dr Gordon Bulloch.

Dr Gordon Bulloch

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



Stephanie Wade,  
Case Officer,  
CNPA

6<sup>th</sup> April 2020

Dear Stephanie Wade ,

**2020/0064/PPP | Residential development for up to 20 dwelling houses | Land At School Road And Craigmore Road Nethy Bridge**

I draw your attention to the **Local Plan Inquiry Report - CNPA Paper 1466, published December 2009**, which examined the first CNPA Local plan that was adopted in 2010, and in particular the Reporters' conclusions with respect to Nethy Bridge, which stated (p.314/5):

**“Conclusions**

66.20 When we draw together our findings on whether these proposed allocations should be included within the adopted local plan and review them within our findings for other objections made to what appear in the proposal map for Nethy Bridge we are driven to some uncomfortable conclusions.[ ... ]

66.21 In short, there is an over reliance on land allocations inherited from extant adopted local plans without adequate consideration of whether these fit well with the aims of the Park as these are taken forward through the strategic objectives of the CNPP 2007. [ ... ] Insufficient attention is paid in the text to landscape, biodiversity or other matters integral to achieving the objectives of the CNPP 2007 which are fundamental to achieving the first, and predominant, aim of the Park. Nor is there adequate explanation of how settlement boundaries have been delineated such that they are sufficiently robust to endure into the medium term and provide some certainty about policy implementation while remaining defensible against extensions to accommodate proposed developments which would be unacceptable. [ ... ]

66.22 In the case of Nethy Bridge, our reservations about what is proposed are so varied and of such intensity that we are driven to the conclusion that the proposals for the settlement should be the subject of a root and branch review. That would provide an opportunity to reflect on the role of “the forest village” within the Park. The output might take the form of a masterplan prepared in accordance with the good practice set out in PAN 83: *Masterplanning* and with engagement of all stakeholders including the local communities [ ... ].”

Whilst the CNPA was not bound to accept the Reporters' conclusions, in the CNPA's response to the Reporters' Report, the CNPA stated:

“2.2 Accept the need to carry out a community wide masterplan which will be used to inform the Local Development Plan.” (Section 1, Analysis of Reporters' Recommendations ..., p.274 Nethy Bridge Cairngorms National Park Local Plan Inquiry 14<sup>th</sup> May 2010).

However, I am not aware that any such “root and branch review” or “community wide masterplan” was undertaken following the CNPA's acceptance of the need for such a review. If it did take place, it did so without my engagement as a stakeholder, or indeed of any of several other stakeholders whom I have consulted about this matter.

Had such a review taken place it would no doubt have taken account of the kind of population changes that were later outlined in the following 2014 report by The Highland Council into Population Change in Badenoch and Strathspey, and which provided the following information concerning population changes between the 2001 and 2011 census results:

**THE HIGHLAND COUNCIL**

**NAIRN AND BADENOCH & STRATHSPEY AREA  
COMMITTEE - 19 MARCH 2014**

Agenda Item	7.
Report No	NBS/02/14

**POPULATION CHANGE IN NAIRN AND BADENOCH & STRATHSPEY 2001 TO 2011**

**Report by Director of Planning and Development**

**Summary**

This report is provided for information and presents early results from the 2011 Census, giving local information on the number and ages of people living within Nairn, Badenoch & Strathspey. It compares these figures with those from 2001 to show that our population has “aged”, and that we have a large number of people who are close to retirement age. The population of the Area has grown by 15.6% (compared to the Highland average of 11.1%) with a similar increase in each Ward, and at a local level in 26 out of 32 data zones. Local population growth is strongly linked to the building of new homes.

### 3 Population Change by Ward

3.1 The table below shows the change in the total population in the two Wards between 2001 and 2011 together with the number of new homes built during the decade. Taken overall, the rate of growth in each ward was similar and generally consistent with the number of new homes that were built during the decade.

Ward Name	2001 Census Total Population	2011 Census Total Population	Change 2001 to 2011 Number	Change 2001 to 2011 Percent	Number of New Homes Built
Nairn	10,660	12,234	1,574	14.8	799
Badenoch and Strathspey	11,672	13,588	1,916	16.4	1,042
Nairn, Badenoch & Strathspey	22,332	25,822	3,490	15.6	1,841
Highland	208,914	232,132	23,218	11.1	13,648

Settlement Zone	2,001	2,011	change	% change
Nairn	9,098	10,474	1375.9	15.1
Grantown	3,409	3,772	363.8	10.7
Aviemore	2,657	3,613	955.8	36.0
Kingussie	1,690	1,806	116.8	6.9
Newtonmore	1,154	1,270	115.4	10.0
Auldearn	1,062	1,246	183.4	17.3
Cawdor	977	1,045	67.4	6.9
Nethy Bridge	741	921	180.6	24.4
Carrbridge	708	792	83.2	11.7
Boat Of Garten	665	680	15.0	2.3
Kincaig	364	471	107.7	29.6

The census information outlined in the above HC Report shows the population of the Nethy Bridge settlement area to have grown by 24.4% between 2001 and 2011. That rate of growth was higher than any other settlement area listed except for Aviemore and Kincaig, and higher than the average increase of 16.4% for Badenoch and Strathspey or the overall Highland increase of 11.1%.

A decadal population growth rate of 24.4% is by any measure extremely rapid, and represents a doubling rate of less than 32 years.

Meanwhile, 1042 houses were built in Badenoch and Strathspey during that decade, with 69 being built in the Nethy Bridge settlement area (2001-2010 inclusive). (see: "2001 to 2010 Badenoch and Strathspey Housing Completions Highland Council" attached).

The Census Profile for Nethy Bridge for 2001 shows:

#### HOUSEHOLDS

#### Total number of households

Profile Area	Highland	Scotland
<b>336</b>	89,533	2,192,246

So, those 69 houses built from 2001 to 2010 represents an decadal increase of over 20%, again a very rapid increase.

I submit, therefore,

- i) that had the CNPA complied with its undertaking for a root and branch review, it would have found irrefutable evidence for rapid growth both of population and house building during the previous decade (and indeed for decades prior to 2001, though I do not present that evidence here).
- ii) having found such evidence for rapid growth, and taking into consideration the Reporters' criticism that "there is an over reliance on land allocations inherited from extant adopted local plans" perhaps the CNPA would have examined how the School Wood allocations came to be established within Highland Council's 1997 Local Plan. After all, **the School Wood allocations (School Road and Craigmore Road combined) were the largest, both in terms of area and of houses proposed, ever to occur in Nethy Bridge.**

Had the CNPA undertaken such an examination, this is what they would have found:

## A Brief History of the School Wood Allocation and Subsequent Events

- 1984: School Wood, (along with Craigmores Wood and Culstank Moss) was purchased by Eagle Star Insurance Company, a wholly owned subsidiary of British American Tobacco.
- 1985: Eagle Star attempted to fell all broadleaved trees in School Wood, but were stopped when their activities were reported to the Forestry Commission (they had no felling licence). The stump of one of the veteran willows that was felled at that time is still visible by the path opposite the Abernethy Outdoor Centre.
- March 1991: Highland Regional Council's First (consultative) Draft Local Plan published. This first draft contained no reference to any housing allocation or possibility of development in School Wood, (see page below) . (The site 1.1b was a field, subsequently developed as Dirdhu Court). This March 1991 First Draft acknowledged the development pressure on existing settlements throughout Badenoch and Strathspey with the words:
- “Despite spare capacity in land and infrastructure in most settlements, concern is emerging about the rate and scale of change in established villages. Unsympathetic cramming and expansion of communities is eroding their character and setting, threatening to overwhelm facilities, or creating imbalance in the social structure. ...”
- This March 1991 First Draft LP included provision for **93 houses** in Nethy Bridge, and was well consulted upon with two public meetings. HC later reported (at the Public Local Plan Inquiry held in summer 1994) on the public response to the March 1991 First Draft LP as follows:

### Representations

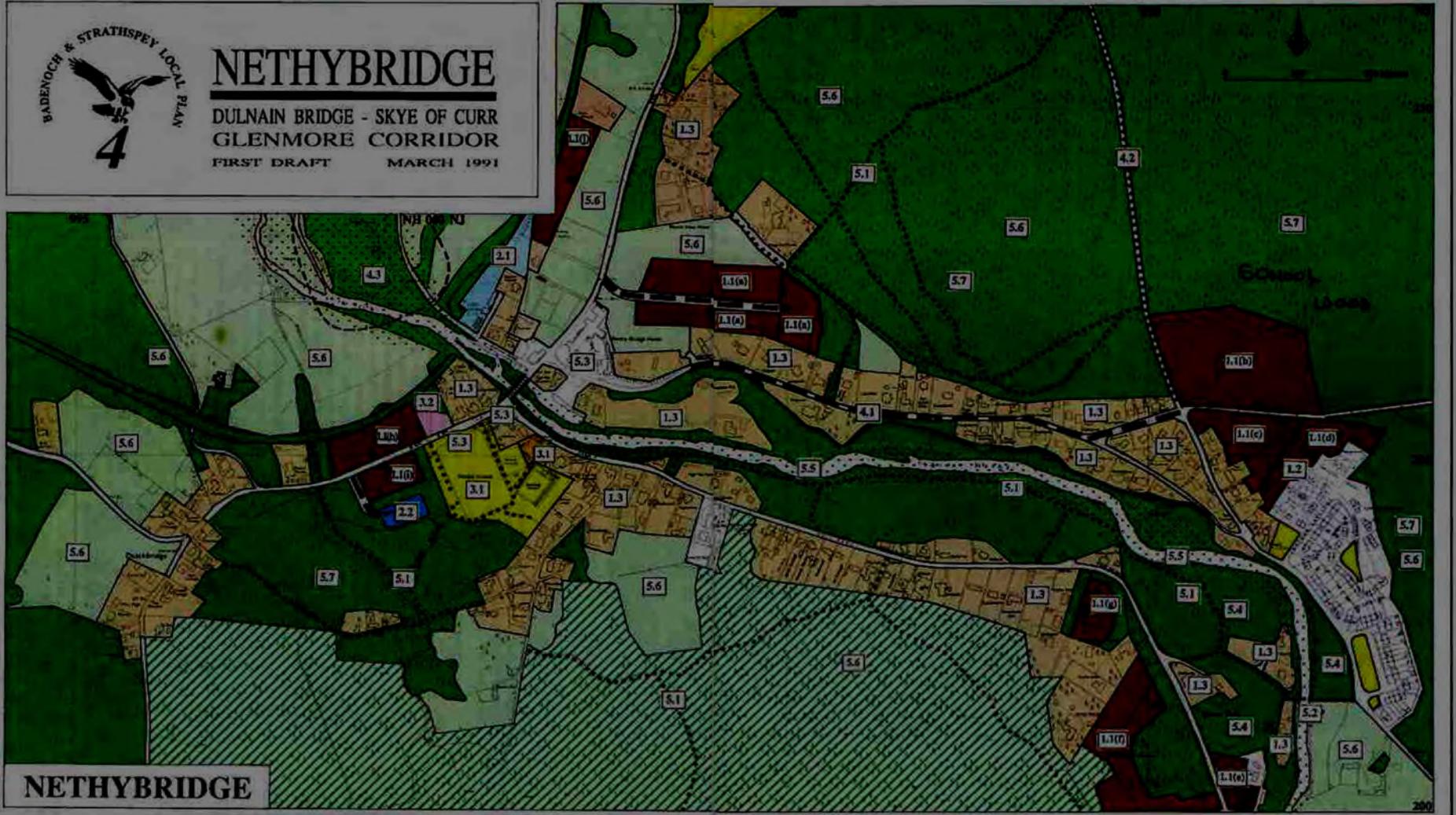
2.8 The Draft Plan provisions for Nethybridge attracted a very considerable public response. The Planning Authority received some 35 written representations together with a further 30 letters of a pro-forma type. These are summarised in full, together with the Council's response in the Statement of Publicity, Consultation and Representations (HRC 6).

2.9 Broadly, whilst some support emerged for the Plan's principles particularly in respect of the village's form, character and wider amenities, very significant concerns were expressed in relation to the amount of land allocated for housing development; the scale of change proposed; the proportion of holiday and second homes likely to be attracted; the need for greater emphasis on low cost accommodation for local people; and the perception that growth of Nethybridge would be damaging to its character and visitor appeal. Notwithstanding, several individuals sought a more expansive and pro-active approach to encouraging growth.



# NETHYBRIDGE

DULNAIN BRIDGE - SKYE OF CURR  
GLENMORE CORRIDOR  
FIRST DRAFT      MARCH 1991



NETHYBRIDGE



*Strathfey plan 1/25*

# NETHYBRIDGE

DULNAIN BRIDGE - SKYE OF CURR  
GLENMORE CORRIDOR  
FINAL DRAFT    MARCH 1993



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

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

It was this situation which the Cairngorms National Park Authority inherited in 2003, with Highland Council's 1997 Local Plan containing an allocation for a total of 40 houses in School Wood (30 at School Road site, 10 at Craigmore Road site).

## **SUMMARY**

**The above establishes the following:**

- **The initial allocation of land for housing development in School Wood was made without public knowledge or consent. Since this, the largest housing allocation ever made in Nethy Bridge, did not appear in the First Draft Local Plan in 1991, the public were denied the opportunity for comment and the allocation represents a serious democratic deficit that the CNPA, by continuing with the allocation in its 2010 Local Plan, did nothing to correct.**
- **Had the CNPA conducted the “root and branch review” to inform the LDP with respect to Nethy Bridge, it would have had an opportunity to learn about and correct this democratic deficit by removing the housing allocations within School Wood.**

- **Instead, having been informed by the Reporters to the 2009 LDP examination concerning the “over reliance on land allocations inherited from extant adopted local plans”, (ie the 1997 HC Local Plan), the CNPA appeared to do nothing to rectify the situation, and continued to include the allocation in its 2010 LDP.**

You may aware that Planning Democracy and Scottish Environment Link are currently involved in setting up a new Environmental Rights Centre in Scotland, see:

<https://www.scotlink.org/setting-up-a-new-environmental-rights-centre-in-scotland/>

The purpose of this new centre is to:

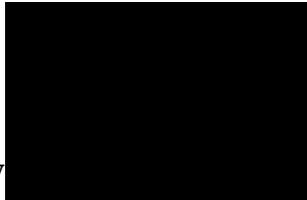
- deliver public legal education enabling individuals, communities and eNGOs to understand better and access their legal rights and responsibilities in relation to the environment;
- offer advice and assistance on planning and environmental law to individuals, communities and eNGOs;
- advocate for reform for a legal system that is fit for purpose, including compliance with the UNECE Aarhus Convention, as environmental law becomes increasingly complex and environmental problems such as climate change, biodiversity loss and air pollution become increasingly pressing; and
- pursue strategic litigation where necessary to secure progress on key environmental issues.

One of the roles of Planning Democracy is collecting detailed case studies of particular planning issues. The long drawn out, not to say torturous, planning history of School Wood since 1984 will hopefully become one such case study, the subtitle of which would be **“The modern history of an ancient wood”**

I do hope that I will be able to make the main title, **“All's Well that Ends Well”**

**Yours sincerely**

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





Firwood  
Nethybridge  
Inverness-shire  
PH25 3DE

Ms Stephanie Wade,  
Planning Officer (Development Management)  
Cairngorms National Park Authority  
14 The Square  
Grantown on Spey  
Scotland  
PH26 3HG

6 April 2020

Dear Stephanie Wade,

Proposal: **Residential development for up to 20 dwelling houses | Land at School Road And Craigmore Road Nethy Bridge**

Planning application: **2020/0064/PPP**

I wish to **object** to this application and request that the Cairngorms National Park Authority turns it down.

Despite three previous applications to build on this site having been turned down (02/45/OUTBS, 09/052/CP and 2013/0119/DET) we are now having to object once more to try and stop the Forest Village losing part of its amenity woodland and associated important wildlife. The application is to construct houses in an area classified as Ancient Woodland in Scottish Natural Heritage's Ancient Woodland Inventory. If this application is allowed to go forward, we will lose a section of important ancient and semi-natural woodland at a time when nationally there is a push to retain and create new woodland due to climate change.

**Ecological Appraisal** – key “*statements*” from this document highlighting the importance of this woodland site:-

### 2. Summary

“There are various habitats on site which represent a valuable ecological resource and support rare, specialised and/or protected species of plants, fungi, invertebrates, birds and mammals.”

### 3. Mitigation

“The development will result in the loss of a small quantity of native pinewood, mixed semi-natural woodland, areas of wet flushes, dry dwarf shrub heathland, and associated deadwood, all of which are located on an ancient woodland site.”

**The suggestion that compensatory planting can recreate ancient woodland is not feasible and would take about 100 years to create anything like the ancient woodland lost. The authors highlight this fact**

“The loss of ancient woodland sites can only be partially compensated for since they typically possess microhabitats which take many years to develop. Ancient woodland sites also support flora and fauna with poor dispersal capabilities and specialist habitat requirements. The areas of wet acid/neutral flush which will be lost are difficult to recreate.” And

“The trees in the area are re-growing from an area of woodland that was clear-felled circa 1947. These trees were self-seeded and at present are close-grown, tall, thin trees with suppressed canopies due to lack of management.”

**This is just not true as can be seen by the ancient tree photos in Appendix C (p39).**

And

“However, certain deadwood habitats (e.g. the later stages of rotted wood) and associated features (e.g. specific fungi or mosses) take many years to develop.”

**In this same paragraph mention is made about the “the area surrounding the Green Shield Moss sporophyte..”**

**I would suggest you ask to see the green shield-moss “sporophyte” because I don’t believe this currently exists as suggested. From the location description this sounds like the location of a single capsule found by myself at location NJ01386 20665 on the 5<sup>th</sup> October 2014 which currently can’t be found, and the record has probably been ‘lifted’ from NBN Atlas (see Green Shield-moss later in this objection). Also, this is my only record within/edge of the proposed development site, one of many in that general area. I would also suggest this is true for the records of the brown shield-moss (*Buxbaumia aphylla*) with currently one known location but other locations from several years ago. See Fig. 3.**

Other comments from the Ecological Appraisal

### 5. Site description

Please note that the development site size has increased from 1.65ha in the 2013 application to 1.97ha for this one.

The Caochan Fhuarain ‘river’ (I’d suggest this is a burn) is mentioned as being within the site. However, this ‘river’ is classed as a drain in the Planning Statement by Suller & Clark (2.1 Site Description “There are drainage ditches at both the west and east margins of the site.”) and appears to be the location for the outflow from the proposed suds system shown on the plans. The Caochan Fhuarain burn flows into the Alt Mor and from there into the River Spey. The other ‘drain’ mentioned in the Site Description, and the location for the outflow from a second suds system, flows eventually into the River Spey. This drain is a small burn.

### 6. Methodology

Whilst accepting the survey team visited the site and recorded what they saw I have to query how informative a visit on the 31 December 2019 and the 1 January 2020 could be when this is the dormant period for many plants, insects, birds etc. Having been heavily involved in many species recording projects few are organised for this time of year and the

only BTO winter bird survey I've been involved in required four visits to be made between December and March to survey the birds accurately. The BTO breeding bird survey requires two visits covering the months late April to early June.

## 8. Designated Sites

Whilst great emphasis is placed on this proposed development having “no impact on the beetle, dragonfly, invertebrate, fungi, lichen, or vascular plant assemblages” it will have a huge impact on several of these groups by the damage that will be done to the natural ground species along with those linked to the trees both standing and dead that will be removed. The natural deadwood habitat on the development site is immense ranging from the abundant small diameter branches and twigs which cover much of the ground through to smaller diameter trees both standing and fallen (self-thinning) to the most valuable of all, the ancient goat willows, birches and aspens with their large diameter sections of deadwood both standing and fallen. The last deadwood habitat has taken decades to develop, initially as live standing trees, slowly dying and then providing deadwood habitats for just as long as the trees took to grow. You can't replace this type of habitat despite what is promised in the Compensatory Planting section of this application. The green shield-moss mentioned earlier was growing on a section of root-plate of a small, fallen Scots pine showing that rare things don't always need big section deadwood though this is most often where they are found.

The assumptions made here show how bad they are. Page 10 “The development will have no significant impact on otter populations of the Cairngorms SAC or River Spey SAC. No suitable otter breeding or foraging habitats exist on site. However, otters may use the Caochan Fhuarain as a regular route between hunting grounds and for dispersal.” Local recorders know this area is well used by otters with spraints and a dead eaten mallard seen along this burn on 27 March 2020 with spraints also found about 50 metres away in Culstank Moss.

The paragraph on Atlantic salmon, sea lamprey and freshwater pearl mussel highlights a point I made earlier and the negative effects on their populations should there be run-off from the site. The two suds systems planned both discharge into waterbodies that eventually run into the River Spey.

Local recorders also know that capercaillie use adjacent woods and possibly utilise the less disturbed sections of School Wood to forage. Increasing the number of people that will utilise the existing track network by allowing this development can only do what Ecological Appraisal is suggesting “The proposed development is likely to deter capercaillie from using this (wood as a) dispersal route.”

Sadly, the whole of this section tries to say there will be no losses if this planning application is approved, which is entirely wrong.

## 10 Data-search

Red squirrels

A little odd that the red squirrel dreys map is redacted but all the locations are listed along with 10-figure grid references. There is also a contradiction which says “most of the site is covered with closely planted Scots pine” when elsewhere (Page 4) natural regenerations is

stated as the woods origins. Again, there are proposals if dreys are found at the time of development “an application will be made to SNH for a licence to allow works to proceed.” Is this how we treat wild animals? There is also the proposal to plant native Scots pine woodland ‘nearby’ to “prevent the net loss of suitable native pinewood for red squirrels.” How can this be achieved when the woodland they are living in is, according to the Ecological Appraisal, dating from natural regeneration in 1947. It will be at least 20-30 years before any planted Scots pines will be suitable for breeding red squirrels, particularly on a green-field site.

### 13. Breeding Birds

#### Bird Survey

A bird survey over a single day at the end of December or the beginning of January tells you very little about the bird species utilising the site. Bird feeders in nearby gardens at Dirdhu Court will probably have influenced ‘natural’ bird usage. The writeup in the Ecological Appraisal alone provides enough information for the decision makers to reject this application, especially when it is stated that “The habitats present on site are of particular value for declining woodland passerines (Cuckoo, Redstart, and Tree Pipit) and rare pinewood specialists (Crested Tit, Parrot Crossbill, and Scottish Crossbill).”

#### Mitigation

Sadly, a one-off survey a week before work is due to start if in the breeding season, won’t be enough to determine all breeding species or to confirm nesting or otherwise.

#### Capercaillie Survey

All too often a single, walk over survey of a small section of Scots pine woodland is used to state “No signs of capercaillie were found” and whilst there may be a lack of ideal foraging habitat within the surveyed area, this doesn’t mean that capercaillie don’t use the wider woodland area. At a recent planning site meeting in nearby Lettoch Wood details of recent sightings close by were given, several within a few hundred metres of that site. Lettoch Wood is just across the road from this planning application site. To say foraging habitats don’t exist on site is not correct when blaeberry and cowberry plants were recorded during the survey and the Scots pines provide ample opportunities for feeding on pine needles, a mainstay food. The last paragraph highlights the fact that School Wood “could be important as a dispersal route between these (Craigmore and Abernethy) breeding populations” and “‘Stepping stone’ woods such as School Wood may aid the movement of birds between otherwise isolated areas of suitable breeding habitat, maintaining genetic diversity within Capercaillie populations...”

#### Otter survey

As mentioned earlier an otter was seen just a week ago using the Caochan Fhuarain burn as a foraging site where it had been feeding on a mallard. This section of the report highlights why this planning application should be rejected. “Although otters are primarily crepuscular/nocturnal and are most active outside the hours of human activity, the increased risk of dog attacks on otters from this development cannot be disregarded. In a previous consultation for a development on this site, a member of the public reported a dog attack on an otter cub at the Allt Mor.”

### 19 Invertebrates

The information/discussion given in this section would again weigh strongly against this planning application being approved. The amount of deadwood present, as described earlier, shows this area as a least managed woodland with hugely important natural growing/dying/decaying processes taking place. I would implore the Planners and the CNP Board to read this section carefully and, if a site visit isn't possible due to the coronavirus which I would suggest is almost criminal with a site as important as this, please take on board the species mentioned and their value in national biodiversity terms. The species richness is purely down to the mix of tree species and the habitats they support and please reject this immensely damaging planning application. The important species listed are mainly down to site visits by a dedicated band of local natural history recorders who became aware the woods importance after the first planning application many years ago.

### 20 Plants and Fungi

The opening paragraph is a little worrying when “**only 12** of the 16 Nationally Scarce, Nationally Rare or UK Biodiversity Action Plan (UK BAP) are potentially present on site”. This amounts to 75%, again emphasising the importance of the site.

### Green Shield-moss

I really do need to raise the inclusion of this particular record again. All of the 18 records mentioned in the Ecological Appraisal are probably my records and the “nearest record” certainly is and wasn't a find by the survey team. The wording though “[This plant is growing on the moss-covered root of a small Scots pine within an area of wet flushes and mixed deciduous-coniferous woodland](#)” makes it sound like it had been found during their survey. All my finds on the day the moss was found are given below, along with the actual green shield-moss (*Buxbaumia viridis*) record added below.

All Stewart Taylor Records for School Wood 05 Oct 2014		
Taxon		
Sistotrema confluens	Usnea fragilesceus var. mollis	Exidia recisa
<b>Buxbaumia viridis</b>	Chlorociboria aeruginascens	Orthilia secunda
Gyromitra infula	Eupontania pedunculi	Solanum dulcamara
Gyromitra infula	Macrotypula juncea	Iteomyia capreae
Protopannaria pezizoides	Xylaria hypoxylon	Pholiota squarrosa
		Marasmius epiphyllus

### Stewart Taylor's Mapmate database record uploaded to **NBN Atlas**

Taxon	Vernacular	Site	Date	Recorder	Comment
Buxbaumia viridis	Green Shield-moss	School Wood Nethybridge (NJ0138020682)	05-Oct-14	Taylor, Stewart	a single capsule from 2013/2014 growing season growing on moss covered root of a small scots pine tree. Grid ref in photo day of find = NJ01386 20665

The only thing that isn't correct in the Ecological Appraisal is that it wasn't found in an area of wet flushes, it is **their** estimate of the habitat present at my grid reference. This might be because the grid reference under Site wasn't quite correct as reported in the Comment column. Sadly, it is unlikely that this capsule is still present today, but I have been unable to check due to coronavirus restrictions. The loss of my current location for the brown shield-

moss (See Fig. 3) though would be correct if the development goes ahead, and also all the interrupted clubmoss will be lost, not a common plant in woodland. This plant also holds a population of the fungus *Phaeosphaeria lycopodina* a species with just 14 UK records, all in Scotland. See Fig. 4

Creeping Lady's Tresses Smut (*Pucciniastrum goodyerae*)

School Wood is the most important site in the UK currently for the leaf fungus. Since 2014 it has been recorded 6 times with the original find in November 2014 added to the Kew collection due to its rarity (K(M) 195665. 3 of these records are on NBN Atlas but recent finds in 2020 (x3) have yet to be added. There are just 10 records from the UK. All the School Wood finds were by Gus Jones and Stewart Taylor.

Corona Cup (*Plectania melastoma*)

Whilst not actually found on the proposed development site I found this fungus close by on 31 March 2018.

During the last few months other important fungi have been found on the development site by Gus Jones and Stewart Taylor. I have to add that neither of us are Mycologists indicating that many more important species are probably present on this site.

*Neodasyscypha cerina* (was *Lachnum cerinum*) found in good numbers on the dead branches of the fallen veteran goat willows. Though there are 79 UK records in total on NBN Atlas this is just the 6<sup>th</sup> Scottish record.

*Flammulina elastica* also found on one of the fallen goat willows and is the 4<sup>th</sup> record for Scotland and the UK.

In addition, a fungus found growing on old fruiting bodies of the bracket fungus *Trichaptum abietinum* growing on dead Scots pines have so far not been identified despite contact with local expert Mycologists and experts at the Royal Botanical Gardens Kew.

*Sarcodon squamosus* has been recorded twice by local recorders in recent years on the edge of the planning application site close to the Craigmore Road.

*Hydnellum ferrugineum* isn't mentioned in any of the lists but has been recorded in the adjacent Culstank Moss woodland, 200-300 metres away. It is on the Scottish Biodiversity List, and the UK Biodiversity Action Plan

**A full fungi survey** needs to be undertaken because of the ancientness of the woodland, the important finds recently made by local recorders and to assess the species present and rare/important species that could be lost due to this planning application.

Lichens

These haven't been covered by the Ecological Appraisal, a major omission. An important find on one of the ancient goat willows just outside the planning application site was *Lobaria pulmonaria* (lungwort) another indicator of ancient woodland.

Historically important features

The large area of sawdust, just outside the planning application site (NJ01412081) was created during the Second World War by soldiers of the Canadian Forestry Corps, Newfoundland Navy soldiers and Lapp and Finnish soldiers who felled lots of woodland locally to aid the war effort. The sawdust heap was created by dumping the sawmilling by-products from works in Culstank Moss adjacent to School Wood, with a small 'puggy'

railway line linking the two locations. It's not well recorded, but just within the planning application site there appears to be a junction to this line (NJ0147020674) where probably the finished timber produce was move down to the main railway line in Nethy Bridge. Whilst lots of evidence remains of the line to the sawdust pile the route of the railway across the planning application site to Culstank Moss is not very obvious but if present and buried under the deep vegetation will be destroyed if it goes ahead. See <https://nethybridge.com/history/world-war-timber-camps/> for more information & Fig. 2.

Photo of sleepers that supported the puggy railway along it route to the sawdust pile.



the sawdust pile shown below



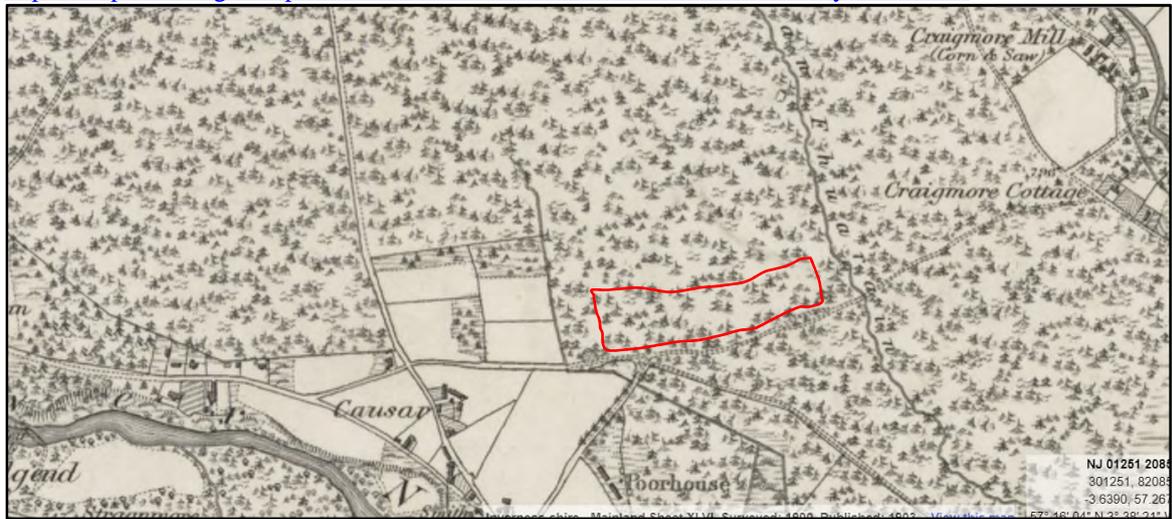
Possible second puggy line last photo – showing raise route



**Figure 1.** Approximate location of proposed housing planning application in red showing woodland has long been established on this site

OS six-inch map 1888-1913 showing area of woodland at that time

<https://maps.nls.uk/geo/explore/#zoom=16&lat=57.26664&lon=-3.64199&layers=6&b=1>



**Figure 2.** WW2 Canadian Forestry Corps (CFC) Camp/sawmill, School Wood  
From Nethy Bridge Community Centre website

<https://nethybridge.com/history/world-war-timber-camps/>

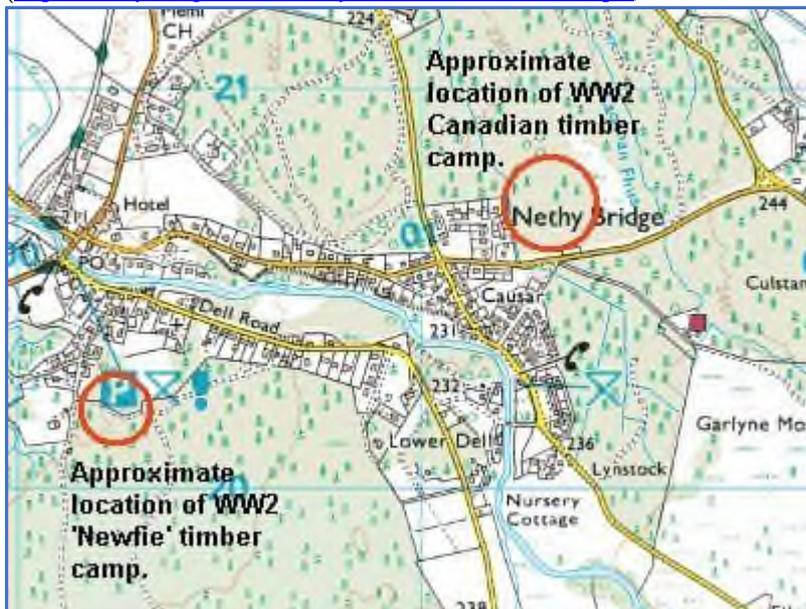


Figure 3. Brown shield-moss capsules (*Buxbaumia aphylla*) photo 4 April 2020 with several additional seta (moss stems) also visible where the capsules have been predated showing the original population was more than the two on the top of the tree root habitat.



Figure 4. Interrupted clubmoss (*Lycopodium annotinum*). Photo below, shows normal cones pale yellow and ones with the fungus (*Phaeosphaeria lycopodina*) mostly black.



In addition to the details above relating to the natural history importance, I do have to raise other issues with the CNPA Planning website.

- As of 6 April 2020, there are no comments from the CNPA itself about this important site.
- A consultation letter to SNH, the public body responsible for Scotland's natural heritage, was only added on the 3 April with a deadline for objections etc. on the 6 April 2020.
- The Compensatory Planting - Preliminary Ecological Appraisal document was missing from the website until I queried its omission and it appeared on 2 April 2020 but with a Date Published of 9 March 2020
- A whole range of documents appeared covering Geo-Environmental and Geo-Technical Interpretive Report on the site on 1 April 2020 with the deadline for objections of 6 April 2020, all copied from an earlier planning application
- About a week ago the following information appeared on the CNPA Website  
“CNPA Planning Service - The CNPA planning service will continue to operate

during the Covid-19 outbreak.” However, this means that the public won’t be able to attend planning meetings and no site visits by the planning team and CNP Board will be allowed to this site. With a site as important as School Wood, this planning application should be delayed until the public can be fully involved.

Stewart Taylor  
6 April 2020

Stephanie Wade  
Cairngorms National Park Authority  
14 The Square  
Grantown on Spey  
Scotland  
PH26 3HG

3<sup>rd</sup> April 2020

Dear Stephanie,

## **2020/0064/PPP | Residential development for up to 20 dwelling houses | Land At School Road And Craigmore Road Nethy Bridge**

With reference to the planning application above, Plantlife wishes to OBJECT to the proposed development for the following reasons:

1. The development will result in the loss of threatened habitats, including native pinewood, mixed semi-natural woodland, areas of wet flushes, dry dwarf-shrub heathland, and associated deadwood. In our view, the proposed mitigation - compensatory planting and deadwood creation (logpiles) on a nearby abandoned agricultural field - is totally insufficient to mitigate against these losses in any meaningful way.
2. Several of the habitats and species which will be impacted by this development are priorities identified in the Scottish Biodiversity List. The Scottish Biodiversity List is a list of animals, plants and habitats that Scottish Ministers consider to be of principal importance for biodiversity conservation in Scotland. We would point out that planning authorities and all public bodies have a duty to further the conservation of biodiversity, as set out in the Nature Conservation (Scotland) Act 2004. Granting permission for this application would constitute a failure of this duty.
3. The site is within an Important Plant Area (IPA).<sup>1</sup> Important Plant Areas are globally significant sites for wild plants and threatened habitats. Identified at a national level, they provide a framework for implementing target 5 of the Convention on Biological Diversity's Global Strategy for Plant Conservation. IPAs are identified using at least one of three standard, internationally agreed criteria: the presence of threatened species, botanical richness, and the presence of threatened habitats. This particular IPA has been identified for all three of these criteria, some of which will be directly impacted by this development. These are:
  - Criteria A species: *Buxbaumia viridis*
  - Botanical richness: Forest & Woodland / Temperate & Boreal Forest & Woodland
  - Threatened Habitats: 91C0 Caledonian forest.
4. The criteria A species *Buxbaumia viridis* is also a Schedule 8 protected species, as listed in the Wildlife & Countryside Act 1981 (as amended in Scotland). We would note that it is an

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<sup>1</sup> <http://www.plantlifeipa.org/site/factsheet/1089>



offence to intentionally or recklessly pick, uproot or destroy any wild plant or fungus listed under Schedule 8 of the Act.<sup>2</sup> Given the importance of this species, and the potential for loss as highlighted in the applicant's ecological appraisal, we do not consider that enough weight has been given to protecting this species and its habitat.

5. The ecological survey in support of the application was carried out over two days in mid-winter. We do not consider this an acceptable methodology to identify all possible species which could be impacted by the development, and as such, the planning authority has not been provided with sufficient information to make a decision. From within the footprint of the site there are records of serrated wintergreen, interrupted clubmoss, creeping lady's tresses and this species' associated fungus, *Pucciniastrum goodyerae*, for which there are only ten records in the UK. In our view, there is no sufficient mitigation identified for these species. We note that the applicant's ecological appraisal states that the development will result in the 'complete loss of interrupted clubmoss from School Wood'.

In summary, our objection is based on the likely negative impacts to important habitats and species, including impacts to an internationally important IPA, the lack of suitable mitigation and an incomplete ecological appraisal. To ensure the protection of biodiversity in the Cairngorms, as required by the Biodiversity Duty in the Nature Conservation (Scotland) Act 2004, we recommend that this application is refused.

Yours sincerely,



Alistair Whyte

Head of Plantlife Scotland

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<sup>2</sup> <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/protected-species/protected-species-z-guide/protected-species-plants-and-fungi>



# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Mr Michael Drury

Address: Trees for Life, The Park Findhorn

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This is an irreplaceable ancient woodland site, and an important site for forest habitat connectivity. Compensatory planting would be of little value.

The CNP draft LDP provides no allocation for development here.

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

6<sup>th</sup> April 2020

Dear Ms Wade,

**Application: 2020/0064/PPP**

**Proposal: Residential development for up to 20 dwelling houses | Land At School Road And Craigmore Road Nethy Bridge**

### **Objection – direct loss of ancient woodland**

The Woodland Trust is the UK's leading woodland conservation charity. We have three main aims: no further loss of ancient woodland, restoring and improving woodland biodiversity, increasing new native woodland. We own over 1,000 sites across the UK covering around 29,000 hectares. In Scotland we own and manage around 60 sites across 10,000 hectares which include the 5,000 hectares Glen Finglas estate and significant urban holdings in Glenrothes and Livingston. We combine the promotion of public access with forestry, farming and conservation of the natural and cultural heritage. The Woodland Trust has 500,000 members and supporters.

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

The Ancient Woodland Inventory<sup>1</sup> places woodland into 1 of 3 main categories:

- **Ancient Woodland (1a or 2a)** - Interpreted as semi-natural woodland from maps of 1750 (1a) or 1860 (2a) and continuously wooded to the present day. If planted with non-native species during the 20th century they are referred to as Plantations on Ancient Woodland Sites (PAWS).
- **Long Established of Plantation Origin (1b or 2b)** - Interpreted as plantation from maps of 1750 (1b) or 1860 (2b) and continuously wooded since. Many of these sites have developed semi-natural characteristics, especially the oldest ones, which may be as rich as Ancient Woodland.

<sup>1</sup> <https://www.nature.scot/sites/default/files/2018-11/A%20guide%20to%20understanding%20the%20Scottish%20Ancient%20Woodland%20Inventory%20%28AWI%29.pdf>

- **Other woodlands on ‘Roy’ woodland sites (3)** - Shown as unwooded on the 1st edition maps but as woodland on the Roy maps. Such sites have, at most, had only a short break in continuity of woodland cover and may still retain features of Ancient Woodland.

The Woodland Trust **objects** to the above planning application on the basis of damage and loss of School Wood (grid ref: NJ014207), an area of 2a ASNO designated on the Ancient Woodland Inventory (AWI).

### **Planning Policy**

The removal of woodland is contrary to two important pieces of Scottish Government policy; the Scottish Planning Policy (SPP) and the Control of Woodland Removal Policy.

The SPP states: *"216. Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development. Tree Preservation Orders can be used to protect individual trees and groups of trees considered important for amenity or their cultural or historic interest."*

*"218. The Scottish Government's Control of Woodland Removal Policy includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits. Where woodland is removed in association with development, developers will generally be expected to provide compensatory planting. The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy, and this should be taken into account when preparing development plans and determining planning applications."*

The Control of Woodland Removal Policy states: *"There will be a strong presumption against removing the following types of woodland: ancient semi-natural woodland; woodlands listed as 'Plantations on Ancient Woodland Sites' (PAWS). There will also be a strong presumption against woodland removal where it would lead to fragmentation or disconnection of important forest habitat networks."*

The Scottish Biodiversity Strategy (SBS), "It's in Your Hands" includes the following target and action: *"Target 3.3 Minimise losses of biodiversity occurring through fragmentation and loss of woodland due to development and other land uses."* In addition to this, in February 2019 the Scottish Government published its Forestry Strategy 2019-295 which states that unnecessary loss of woodland, **particularly ancient woodland, should be avoided.**

The Council should also have regard for **Policy 4 (Natural Heritage)** of the emerging Cairngorms National Park Local Development Plan 2020.

### Impacts to ancient woodland

Development in ancient woodland can lead to long-term changes in species composition, particularly ground flora and sensitive fauna, i.e. nesting birds, mammals and reptiles. Majorly adverse impacts would occur as a result of the removal of the ancient woodland, which contains valuable habitat, to make way for the construction of this proposal. The Preliminary Ecological Assessment submitted to support the proposed development highlights that the ancient woodland is very important for species of conservation importance, such as red squirrels and the Scottish Crossbill.

The Woodland Trust is also concerned about the following effects on the ancient woodland from the proposals:

- Intensification of the recreational activity of humans and their pets can result in disturbance to breeding birds, vegetation damage, trampling, litter, and fire damage.
- Fragmentation as a result of the separation of adjacent semi-natural habitats, such as small wooded areas, hedgerows, individual trees and wetland habitats.
- Noise, light and dust pollution occurring from adjacent development, during both construction and operational phases.
- The development provides a source of non-native plants and aids their colonisation.
- Where gardens abut woodland or the site is readily accessible to nearby housing, it gives the opportunity for garden waste to be dumped in woodland and for adjacent landowners to extend garden areas into the woodland. It creates pressure to fell boundary trees because of shade and leaf fall and interference with TV reception. It also forces boundary trees to be put into tree safety inspection zones resulting costs for neighbours and increasingly comprehensive felling.

### Veteran trees

The Trust notes from the Arboricultural Impact Assessment that there are several veteran trees identified within the site. It is not clear from the documents provided by the applicant as to whether these trees will be adequately protected from the proposed development. However, it is essential that no trees displaying ancient/veteran characteristics are lost as part of the development. Any loss of veteran trees would be highly deleterious to the wider environment of veteran trees within close proximity, which may harbour rare and important species.

### Conclusion

In summary, the Woodland Trust **objects** to this application on the grounds of direct loss to School Wood. This application contravenes both local and national planning policy and should be considered for refusal.

Ancient woodland is irreplaceable, once gone it cannot be recreated.

We hope our comments are of use to you; if you wish to discuss any of the comments raised, please do not hesitate to get in touch.

Yours sincerely,

Nicole Hillier  
Campaigner – Woods under Threat

**Druim Diomhain  
Achnacloich  
Sleat  
Isle of Skye IV46 8SA**

**6th April 2020**

Stephanie Wade  
Case Officer  
CNPA  
14 The Square  
Grantown-on-Spey  
PH26 3HG

Dear Madam

**Planning Application: 2020/0064/PPP  
Residential development for up to 20 dwelling houses – land at School Road and Craigmore Road, Nethybridge**

I am writing to object to above planning application.

I am familiar with School Wood. This is a native ancient woodland that is irreplaceable, and any such development within part of it, damages the ecological integrity of the whole site.

School Wood supports immense biodiversity as a native pinewood remnant of national importance. Its value is also greatly increased by being contiguous to a much larger native pinewood area, involving 2 Special Areas of Conservation.

Species diversity includes a wide range of rare species, including several with special protection status, and also includes a wide range of native pinewood specialists.

The proposed mitigation planting nearby would in no way compensate for loss of existing native woodlands. Such woodlands have evolved over the last 8000 years, and are irreplaceable.

This development is inappropriate regarding the Scottish Government's declared Climate Emergency, given the great importance of existing woodland as a carbon store. Current Government policy dictates a strong presumption against ancient woodland removal.

This development would also be significantly detrimental to the landscape, and also inappropriate to the amenity of Nethybridge itself.

This development would also have a detrimental impact on public enjoyment of School Wood, concerning direct impacts on some well used paths.

This development does not accord with the current CNPA Development Plan.

This development would not comply with the National Park's 4 aims.

There are therefore wide ranging grounds to refuse this planning application, and I therefore urge you to do so.

Yours sincerely

Alan Drever MBE

sorrel  
jones

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From:sorrel jones  
Sent:6 Apr 2020 22:48:58 +0100  
To:Planning  
Subject:2020/0064/PPP

Dear Sir / Madam

I strongly object to this proposal for the construction of houses in School Wood, Nethybridge (reference number 2020/0064/PPP). As a resident of Nethy who has lived in the village throughout my childhood, I consider this exceptional woodland to be of high value for biodiversity and for people's well-being. School Wood provides vital opportunities for local people to enjoy nature and wildlife, which would be severely impacted by the proposed development. The proposed development would harm the character of the village and its attractiveness to visitors. School Wood is a valuable habitat which supports a host of rare species and a rich flora and fauna. The proposed development would have negative impacts for biodiversity. The increased levels of recreational pressure in and around the site would harm nearby capercaillie populations that require low levels of disturbance and may move through School Wood to access neighbouring forests. The suggested mitigation planting would not be sufficient to genuinely replace the habitat that would be lost to the development, and what's more, would spoil an area that is currently an open, pleasant field with fine views which is used for sledging in winter. The proposed development goes directly against global and national efforts to tackle the current climate crisis, as forest provides important carbon storage.

In summary, I oppose the proposed development for the reasons that:

- 1) it would have substantial negative impacts for biodiversity conservation, which should not be contemplated in a National Park, particularly given the currently precarious state of our natural heritage. The recent extent of biodiversity declines has been revealed by the State of Nature Report.
- 2) it would damage the local tourism industry by harming the character of the village, especially its appeal as a "Forest Village", and by spoiling habitat for wildlife which is a huge draw for visitors, especially following the BBC series "Winter Watch".
- 3) the proposed development exacerbates the climate crisis, at a time when efforts are urgently needed to curtail carbon emissions. The proposed mitigation is energy demanding to implement, will not replace the habitat from an ecosystem functioning perspective or in terms of carbon storage and mitigating the emissions associated with the proposed development.
- 4) the health and well-being of local people is harmed through direct loss of a valuable, high-quality forest, and the cumulative effects of the surrounding areas becoming increasingly degraded by human pressure. Peoples health and well-being is improved by opportunities to connect with nature, and School Wood can be considered a precious local asset in this regard. It would be diminished in size and its quality as an ancient

woodland rich in flora and fauna, will be irreversibly degraded by the proposed development.

Yours sincerely,  
Sorrel Jones  
Lower Dell, Nethybridge

# Badenoch & Strathspey Conservation Group

Fiodhag, Nethybridge, Inverness-shire PH25 3DJ

Scottish Charity No. SC003846

Email [info@bscg.org.uk](mailto:info@bscg.org.uk)

Website [bscg.org.uk/](http://bscg.org.uk/)

CNPA

[planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)

6 April 2020

Dear Stephanie

2020/0064/PPP | Residential development for up to 20 dwelling houses | Land At School Road And Craigmore Road Nethy Bridge

BSCG wishes to object to the above application. We request the opportunity to address the planning committee when they determine the application.

The Scottish Government has explained that we are in a new era and have to do things differently. The proposal is out of step with the Scottish Government's ambitions to address the climate and ecological emergency and increasing woodland cover.

The proposal would not comply with any of the 4 aims of the National Park.

The applicant fails to demonstrate that the proposed development will conserve and enhance the natural and cultural heritage of the area. Destruction of part of an ancient woodland site does not conserve and enhance natural and cultural heritage (1<sup>st</sup> aim); and is not sustainable use of resources (2<sup>nd</sup> aim). The loss of popular paths and ancient woodland habitat reduces opportunities to promote understanding and enjoyment of the area's special qualities and the development would detract from the general public's understanding and enjoyment (3<sup>rd</sup> aim); and the provision of housing at the expense of ancient woodland is not sustainable and hence does not promote sustainable economic and social dev of the area's communities (4<sup>th</sup> aim).

CNPA Park Partnership Plan, Local Development Plan

The proposal is not in accord with the CNPA's plans and policies

The National Park Partnership Plan seeks to "conserve and enhance habitats and conserve species for which the National Park is most important". The native pinewood habitats and species impacted by this proposal are among those identified as most important in the CNP.

The CNPA LDP 2015 states (Natural Heritage Policy 4 6.1, 6.2) "It is key to the long-term success of the Park that habitats and species are protected" and continues, referring to habitats and species "There are, however many that are important on a local scale and these often provide important links between formally recognised sites. This facilitates the movement of species and their long-term sustainability". This accurately describes both the importance of protecting habitats and species that would be impacted by the proposal; and the important connectivity provided by School Wood linking Abernethy Forest and Craigmore Wood SPAs.

Policy 4 (3) states “Development that would adversely affect an ancient woodland site, will only be permitted where it has been demonstrated that: a) the objectives of the identified site and overall integrity of the identified area would not be compromised; or b) any significant adverse effects on the qualities for which the area or site has been identified are mitigated by the provision of features of commensurate or greater importance to those that are lost”.

The proposal is contrary to this Policy. It cannot be concluded from the information available that the development would not compromise the overall integrity of the ancient woodland site of School Wood, including over the longer term. Self-evidently, the development site is destroyed by the proposal.

The development involves the permanent reduction in area of habitat and therefore would reduce the carrying capacity for associated species.

The development of 20 houses within School Wood can be predicted to have many other impacts that would compromise the integrity of the area. It is well established that housing in proximity and especially adjacent to woods has multiple negative impacts, some of which can be effectively irreversible and all can be permanent. These include increased human disturbance from the housing and from recreation; increased predation and disturbance of wildlife by cats and dogs; the introduction of invasive non-native species spreading from gardens; Such impacts can cause direct impacts as well as reduce reproductive success and thereby, in the context of School Wood, reduce or threaten the viability of local populations.

The proposal conflicts with Policy 4(4) Protected Species. Considering first European Protected Species, which include all bat species and otters. From the information provided on bats, which does not include a bat activity survey nor reference to all the species that may use the area, it cannot be concluded that the development will not be detrimental to the maintenance of any population locally at favourable conservation status and with no diminution of range. Also, the survey of potential bat roost sites is not complete, with other woodpecker holes in and close to the site having been identified, and the information provided in this survey is not sufficient to be able to reliably conclude that no bat roosts exist. For example, signs of use by bats of a high up hole cannot reliably be seen from the ground.

Otters using the burns in School Wood are at risk due to the burns being small, narrow and shallow and therefore otters are unable to escape in the water. The proximity of houses to both the burns increases the disturbance and risks from people and dogs. It is guesswork as to whether otters may or may not cease to come up these burns as a result of the proposal, and in these circumstances we strongly recommend that the CNPA should invoke the precautionary principle and uphold the 1<sup>st</sup> aim of the Park.

Green Shield moss *Buxbaumia viridis* is on Schedule 8 of the Wildlife & Countryside Act 1981, occurs in School Wood, is exceptionally hard to find and is vulnerable to being directly impacted by the proposal. It cannot reasonably be concluded that the development will not be detrimental to the maintenance of the population of this species at a favourable conservation status in its natural range.

Capercaillie are on Annex 1 of the EC Birds Directive (as well as Schedule 1 of the WC(S)A). They do not occupy their natural range due to range contraction and are not in favourable status throughout the range they presently occupy. Capercaillie are at risk from the proposal due to permanent loss of habitat including connectivity and increase in disturbance. It cannot reasonably be concluded that the development would have no detrimental impact on capercaillie. The development could reasonably cause further range contraction, reduced movement of birds between important sites (Craigmore and Abernethy) and reduction in numbers through reduced breeding success.

The development would conflict with Policy 4(5) Other Biodiversity. The development would cause significant negative impacts on a range of other species, including Scottish Biodiversity List species, birds on the Red and Amber Lists.

The developer has not demonstrated a need or justification that outweighs these impacts; and

significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations has not been avoided, minimised or compensated for.

#### Impacts from proximity of houses

The Ecological Appraisal identifies that there is already rhododendron growing in the wood, and in fact there are more rhododendron in the wood than identified in the report. There is already a problem of invasive skunk cabbage on the Allt Mor and the Spey, from gardens upstream. Dumping of garden waste already takes place into School Wood, and there has already been damage to the wood ant nests near to Dirdhu Court, with waste dumped right beside one, trampling on the edges through people not noticing them and one has been set fire to and is more or less moribund. Cats and dogs associated with the houses will increase levels of predation and general disturbance of wildlife in the wood. Cats in particular can be significant predators of red squirrels and lizards and are also known to kill bats. Dog mess impacts on important woodland fungi including tooth fungi. There is potential for pollution impacts from the SUDS basins overflows into the burns and into woodland habitat from garden herbicides. Artificial lighting can impact on invertebrates including moths.

These negative impacts are on top of other challenges including climate change. Which has the potential to intensify some of the negative impacts, like encouraging the spread of invasive species. They reduce the resilience of habitats and species when the challenges are augmented due to climate change.

The development would destroy the valuable woodland edge habitat that is present today, that is sunny, being more or less south facing and broad due to the wayleave. It would be replaced by garden fences and the inevitable garden 'overspill', and suffer from shading from the nearby houses. Rare invertebrates found on this woodland edge area include the wood ants, gallows spider, narrow bordered bee hawkmoth, bees.

#### Landscape

The proposal is not in accord with the CNPA LDP Landscape Policy

The application fails to demonstrate that the proposal would enhance the landscape qualities in accord with Policy 5.

The proposal site is part of an extensive area of native woodland which forms an important visual backdrop and setting to the settlement of Nethybridge and to the landscape character of the Craigmore Road entrance to the 'forest village'. The development would be at the expense of this wooded landscape and detract from its special qualities.

The proposal would not conserve and enhance the landscape character and special qualities of the National Park, nor the setting of the proposed development.

There are no benefits of the development of national importance and the negative impacts on landscape quality have not been minimised or mitigated.

#### Ancient Woodland, Woodland Removal

It is established and accepted in Scottish Government and CNPA policy that ancient woodland sites are irreplaceable and cannot be compensated for.

Scottish Planning Policy 2014 states (216), "Ancient semi-natural woodland is an irreplaceable resource, and ...should be protected from adverse impacts resulting from development"; and (218) "218. The Scottish Government's Control of Woodland Removal Policy 92 includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits".

The provision of 20 houses would not achieve significant and clearly defined additional public benefits.

The CNPA's Forest Strategy 2018 also identifies the importance and value of ancient woodland sites.

#### Habitat Connectivity

Scottish Planning Policy 2014 states (217), "If a development would result in the severing or impairment of connectivity between important woodland habitats, workable mitigation measures should be identified and implemented, preferably linked to a wider green network."

The proposal impairs the woodland habitat connectivity that School Wood provides between Abernethy Forest and Craigmore Wood SPAs, through a reduction in woodland habitat and an increase in human disturbance.

#### Compensatory Planting

The applicant proposes to provide compensatory planting of 1.97 ha of native woodland in the field above the Nethybridge Hotel. It is well established that ancient woodland is "irreplaceable" and self-evident that this planting cannot compensate for the soils, habitats, species etc that would be destroyed and impacted by this proposal.

The field proposed for tree planting has not been ploughed for many years, and parts of it may never have been ploughed. Accordingly, it has potential to be a rich long-established flower- and fungi-rich site if it were grazed appropriately. The proposed tree planting would undermine this outcome. This would be contrary to the Pollinator Strategy for Scotland and the CNPA's current work on meadows. The proposed planting does not and cannot compensate for what would be lost by the development. The soils on the field are significantly different from those of the woodland making different tree species appropriate.

The compensatory planting has the potential to conflict with the 1<sup>st</sup> aim of the national park. The application fails to evaluate the impacts of the compensatory planting on sensitive wildlife supported by the open grassland site. This includes invertebrates which provide a key food source at this sunny location; and bats (EPS), barn owl (SBL, amber list), kestrel (SBL, red list), aerial insectivorous birds such as swifts (SBL, red list), seed eating birds such as yellowhammer (SBL and red list), and whitethroat and long-eared owl (of local value); and on invertebrates. No reptile survey has been undertaken to indicate the importance of the field for lizards, slow worms or adders, all of which are Scottish Biodiversity List species.

The Cairngorms LBAP lists numerous 'key Cairngorms species' for farmland and grassland habitats these include, for example, the following that could be adversely impacted by tree planting at this location: five bat species (EPS), lizard (SBL), barn owl (SBL, amber list), whitethroat, long-eared owl, kestrel (SBL, red list).

The Mountview Hotel which overlooks the field runs a bird watching business supporting 30 employees. The open landscape and views provide good bird watching and bird photography opportunities and support this business.

The field has long been used for sledging in during winter.

#### Mitigation in School Wood

It is questionable to what extent planted Devil's Bit Scabious and Birds foot Trefoil will survive and thrive in the wayleave which is presently a well-established and valuable habitat in its own right. The dwarf shrubs and bryophytes are often deep, making establishment of these two flowers more questionable, with a tendency for dwarf shrubs to out compete these planted species. The destruction of established dwarf shrubs in order to create and maintain sufficiently open habitat is destructive of habitat for green hairstreak butterfly, Creeping lady's tresses *Goodyera repens*, Lesser twayblade and the characteristic pinewood moss *Ptilium crista-castrensis*.

#### Recreation, Education, Disturbance

The proposal site includes numerous popular paths that are used daily. This includes a promoted waymarked route that is part of the village's 'Explore Abernethy' path network. This network is promoted with a leaflet, in the Explore Abernethy room in the community centre and on the village website, among other places. This path network is important to residents of all ages and is a major plank in the promotion of Nethybridge for visitors.

The network includes a core path and numerous 'desire line' linking paths. It is used for a wide range of activities (individually and as organised groups), including walking, dog walking, running, cycling, orienteering, geo-caching, bird watching and nature watching, photography, wildlife filming. School Wood, including the proposal site, has attracted wildlife film makers and naturalists with specialist interests. It is used for educational purposes by Abernethy primary school and nursery and the Abernethy Outdoor Centre. In addition to the promoted path, there are numerous well-established informal paths linking to routes in the wider wood that pass through and close to the development site footprint.

The application does not appear to provide information on how or even if the impacted paths would be re-routed or in some way compensated for. If the intention is to re-route the waymarked path, then we assume this will either take the route further into the wood, where there would be liable to be additional natural heritage impacts; or between the houses and Craigmore Road which would turn a woodland path into a path with a suburban character inappropriate in Nethybridge, a Highland village. It is inevitable that new informal linking paths would develop on desire lines, both associated with a re-routed path and with the development.

Displacement is unavoidable, adding to impacts on wildlife and amenity.

#### Preliminary Ecological Appraisal - Inadequate Survey Information

Given the incompleteness of the ecological surveys undertaken, with the only survey work having been undertaken over two days in mid-winter (December 31 and January 1<sup>st</sup>) it is unclear how the CNPA can establish whether the proposal amounts to sustainable development. On present information, it is also unclear how, were this PPP application to be approved, how this permission in principle would relate to a full application if subsequent survey work identifies new information. We consider that further survey work would be likely to provide new information, on the basis that this is an ancient woodland and already known to be a rich site. The Appraisal recommends that further survey should be conducted between early summer and late autumn to look for fungi and plants.

We are concerned that no Breeding Bird Survey has been undertaken. Birds known to use the area in the breeding season include the following on the UK Red List: Song Thrush, Mistle Thrush, Spotted Flycatcher; and on the Amber List Scottish Crossbill, Redstart, Willow Warbler and Woodcock; and on the Green List Crested Tit, Goshawk, Sparrowhawk and Treecreeper.

There has also been no survey of fungi, mosses, liverworts, lichens, amphibians, reptiles and invertebrates. There has been no survey of bats other than survey for potential roost sites.

Since 2009 awareness that biodiversity in Scotland is facing numerous challenges has increased, as highlighted in the recent State of Nature Report. It therefore seems all the more important that surveys are undertaken prior to any proposals being determined. We note that in December 2009 in respect to land in School Wood including Craigmore Road, and on the subject of surveys, the CNPA

wrote to Bracewell Stirling Architects advising that “One of the key factors in assessing the potential impacts of the proposed development of the site is on the ecology of the area...The subject site is designated as ancient woodland and due to the species and age of the woodland it is likely to support rich biodiversity. Much of the woodland also has an understorey of Juniper. There are also numerous squirrel dreys in evidence on the site and several trees have the potential to support bat roost. In the light of all of the foregoing site attributes, it will be necessary to undertake an ecological assessment of the proposed site, covering the following:-

- Mammals – including a detailed squirrel drey survey and bat survey of the woodland area;
- Botanical survey, including a moss survey;
- Entomology;
- Mycology; and
- Breeding birds.”

#### Bats - European Protected Species (EPS)

Many trees have naturally fallen over within and around the development site, creating open areas and space for bats to forage within the woodland. We therefore do not consider that a claim made in relation to an earlier application, that the only foraging for bats is along the wayleave, to now be credible.

The appraisal reports on a survey of bat roost potential. No survey of bat activity has been undertaken nor any explanation provided as to why only three species of bats are mentioned rather than all the species that may occur in this general area.

We are aware from observations, that there are a number of woodpecker holes in standing birch and pine which provide classic potential bat roost sites but which appear to have been overlooked in the survey. The survey therefore appears to underestimate the number of potential bat roost sites.

The information on the bat roost survey seems to be unclear:

“Only five trees on site (trees numbered 2, 8 and 12 and unmarked trees BRP1, BRP 2, BRP 3 and BRP4) have any bat roost potential”. Of the seven trees identified, it is unclear which 5 are considered to have roost potential, and an appraisal of potential is only provided for three trees. The appraisal only refers to 3 species of bat rather than the full list of species known from this area. The light pollution from the site has potential to impact on use by bats and other wildlife, and such impacts have not been assessed.

There is not sufficient information provided with the application to assess what adverse impacts the proposal could have on the European Protected Species.

#### Otter - European Protected Species

BSCG members and others have recorded spraints at multiple locations on the Caochan Fhuairain in School Wood (including near the development site) since at least 2001 until present (March 2020). The Caochan Fhuairain flows into the Allt Mor a few hundred metres downstream from School Wood. The Allt Mor is part of the River Spey & Tributaries SAC designated for otters. It is not in doubt that the otters in School Wood are part of the SAC population. Otters in the SAC are facing pressures of declining salmon and eel populations as well as flooding issues associated with climate change.

We have also recorded spraints this year (March 2020) and in some previous years on the un-named burn in School Wood, west of the Caochan Fhuairain, that also flows into the Allt Mor.

Therefore, the development footprint has a burn that is currently used by otters on both its east and west sides.

The proposed development shows that both these burns would be used for the SUDS basin overflow drainage. This may have implications for water quality in these small water courses.

Both burns are small, narrow and shallow. They provide no water cover in which otters can find refuge, for example from dogs. Twenty houses within the wood would add to disturbance and risks from dogs. The development would increase after-dark activities such as dog walking, and night-time cycling and running (with or without dogs) which are becoming increasingly popular, all of which could add to disturbance.

To follow both burns otters have to cross Craigmor Road as there is only a pipe beneath the road. There would be increased traffic associated with the development, increasing the potential for RTAs. The un-named burn flows through the Abernethy Primary School wildlife area. The presence of sprouting places within and very close to the wildlife area is of important educational value. We have previously alerted Highland Council and the CNPA to the potential for sites within School Wood and adjoining woodlands to be used for natal holts; and as has been previously reported, there is anecdotal evidence of an otter cub associated with a hole by the Allt Mor (only a few hundred metres from the development site), having a close shave with a dog.

#### Red Squirrel Scottish Biodiversity List

It is unclear how it is possible to deliver the assertion in the Preliminary Ecological Assessment that “No trees containing red squirrel dreys will be felled”. Drey sites are not static and dreys can be built at new sites at any time. If all trees with dreys are to be retained, then it is unclear how the CNPA can determine any full application in the future, due to the possibility of a drey being constructed within the development footprint after approval. Similarly, delivery of 5m and 50m protection zones for non-breeding and breeding dreys and maintenance of canopy connectivity between dreys and surrounding woodland appears to be incapable of being delivered in practice. It is questionable how accurately breeding and non-breeding dreys can be distinguished. In addition, whereas the applicant’s ecological information refers to three dreys recorded on the site, there are more than 3 dreys presently within the proposal site, and the number of dreys could be substantially different at a future date.

#### Fungi

There has been no mycological survey to support this application. This is in spite of the forward-looking CNPA’s Forest Strategy 2018, which identifies with respect to AWI woodland sites, that “these sites are important because they sometimes harbour a range of other native woodland species including invertebrates, bryophytes and fungi.”

A fungus of particular note found in the proposal site at multiple locations is the exceptionally rarely found Creeping lady’s tresses rust *Pucciniastrum goodyerae*. A speciality of Cairngorms pinewoods found near the proposal site is *Lactarius musteus* described as of UK Conservation Concern and a Locally Important species in the Cairngorms Local Biodiversity Action Plan.

Also of note and found within the vicinity of the site are The Gypsy *Cortinarius caperatus*, *Gyromitra infula* Pouched False Morel or Elfin Saddle, and the toothed fungi *Sarcodon* sp that is on the Scottish Biodiversity List.

Among 31 macro fungi recorded on a single visit to the vicinity of the proposal site are two species on the preliminary Red List: *Russula badia* Burning Brittlegill (Near Threatened), and *Tricholoma stans* Upright Knight (Vulnerable).

Among fungi that are important for invertebrates is the Dyers Mazegill *Phaeolus schweinitzii*, that is associated with the rot holes used by the rare Pine Hoverfly *Blera fallax*.

Reflecting the rich deadwood resource on the site that includes Scots pine, willow, birch and aspen, are recent records of jelly fungi on the site, of Pine Jelly *Exidia saccharina*, Amber Jelly *Exidia recisa*, Birch Jelly *Exidia repanda*, and White Brain *Exidia thuretiana*. An aspen-associated species on the proposal site is the Pink Aspen Polypore crust *Peniophora polygonia*.

The site is rich in bracket fungi that support interesting invertebrates including the beetle *Tetratoma fungorum*. This has recently been recorded on or near the proposal site, apparently a first record of this attractive beetle in the Cairngorms National Park.

#### Invertebrates

There has been no invertebrate survey carried out for this application, and the Preliminary Ecological Appraisal states that "Further surveys during the spring and summer are necessary to determine the value of the site for rare invertebrates."

No justification has been given as to how the proposal will not adversely affect invertebrates. Yet the application is within the Strathspey Important Invertebrate Area. IIAs are identified for supporting nationally important populations of invertebrates and the habitat on which they rely.

Many invertebrate species of interest have been recorded from the development site and over a wider area of School Wood in recent years. A few of these from diverse groups are referred to below and illustrate the high value of this site.

Three rare spiders associated with Caledonian pinewood have been recorded on the site. These are *Dipoena torva* the Gallows or Wood ant eating spider, *Dictyna pussila* the Small mesh-weaver and *Clubiona subsaltans* the Caledonian sac spider. These predators are all in different families and all are on the Scottish Biodiversity List and therefore the biodiversity duty of the Nature Conservation (Scotland) Act applies. The Small mesh - weaver and Caledonian sac spider are classed as Vulnerable by IUCN. The main site where the Gallows spider has been recorded in recent years would be destroyed by the development.

The Narrow-bordered bee hawkmoth *Hemaris tityus* and the moth Cousin German *Protolampra sobrina*, both on the Scottish Biodiversity List, have been recorded from the proposed site in recent years where both the larval foodplants of Cousin German of Birch and Blaeberry are present.

Other SBL species known from on and near the proposal site include the predatory Bumble bee Robberfly *Laphria flava*, that depends on deadwood habitat, and has been observed hunting near the site; and the Mountain or Blaeberry bee *Bombus monticola*, recorded visiting flowers of blaeberry, clover and bird's foot trefoil on the site.

The Pinewood mason bee *Osmia uncinata* has been observed breeding on the site. It is on the SBL and classed as Vulnerable by the IUCN.

The beetle *Tetratoma fungorum* has recently been recorded on or near the proposal site, apparently a first record of this attractive beetle in the Cairngorms National Park.

Rare beetles recorded on the development site include the Blood-red Longhorn beetle *Anastrangalia sanguinolenta* on the UK Red List and which appears to have a stronghold in the Cairngorms; and *Dictyoptera aurora* the Red net-winged beetle that is classed in Britain as Nationally Rare and Vulnerable.

#### Reptiles and Amphibians

The Preliminary Ecological Appraisal states that the proposed SUDS will be planted with aquatic plants and waterside vegetation and will provide breeding and foraging habitat for frogs. There is no indication of how the SUDS will retain water on at least a semi-permanent basis and certainly during

spring when frogs are breeding. Experience of other SUDS, such as at Beachen Court, Grantown demonstrate that they may be without standing water for much of the time, and do not necessarily provide good amphibian habitat.

The footprint and nearby supports common lizard, common toad and frog, of which lizard and toad are on the SBL.

We are very concerned that there has been no survey of reptiles and amphibians and note that no justification has been given as to how the proposal will not adversely affect reptiles and amphibians.

#### Capercaillie

We are concerned at the permanent reduction in habitat connectivity provided by School Wood as a result of the proposal. This impairs the movement of capercaillie between Abernethy Forest and Craigmore Wood SPAs. School Wood is part of the key woodland corridor between the internationally designated sites for capercaillie of Abernethy Forest SPA and Craigmore Wood SPA. This corridor affords vital connectivity that facilitates movement of capercaillie and other wildlife between these protected areas.

Such movement is essential for the long-term survival of capercaillie in Strathspey, which now supports well over 80% of Scotland's capercaillie, making it crucial to their survival.

The habitat on and close to the site is highly suitable for capercaillie. However, the quality of the site for regular use by capercaillie is compromised due to disturbance. Disturbance would increase as a result of the development.

The Preliminary Ecological Appraisal states, "no suitable foraging or breeding habitat exists on site for Capercaillie". This is entirely incorrect. The principal habitat on and close to the site is National Vegetation Classification W18, that is well known to be suitable for capercaillie. Also suitable is the nature of the stand (tree size, spacing and structure) and the nature of the understorey, even though this is not rich in dwarf shrubs throughout. The W18 is enriched with damp areas and elements of W17. The understorey on and close to the footprint includes grasses, mosses, ferns, violets, Wood sorrel, Chickweed wintergreen, sedges, Hare's tail cotton grass, Hair moss, and Bugle all of which are known to be fed on by capercaillie in Scotland (from direct observations and crop contents of shot birds in the 1970s and into the early 1980s). By way of examples, Capercaillie used to lek and nest successfully in Culbin Forest and Roseisle Forest, where blaeberry and cowberry were notably sparse.

The Preliminary Ecological Appraisal states "The habitats within the proposed development site and School Wood are unsuitable for Capercaillie". This is also incorrect. W18 is the principal habitat throughout School Wood.

The Preliminary Ecological Appraisal correctly identifies that "The development site forms part of a 'woodland corridor' which is vital for the dispersal of Capercaillie between Craigmore Wood to the north and Abernethy Forest to the south. The development is likely to have a negative effect on dispersal of Capercaillie between these breeding areas which could negatively affect breeding success"; and provides further information on the effect of the development on the corridor, "The woodland corridor to the east which will remain after the construction of the proposed development is only ~260m across. The proposed development is likely to deter Capercaillie from using this dispersal route."

Causing a negative impact on breeding success is unacceptable.

Strathspey supports well over 80% of the entire Scottish population of capercaillie. The entire Speyside, and therefore Scottish, population is in decline; and all the Scottish populations other than Strathspey are now considered to be effectively extinct.

Capercaillie make use of woodland neighbouring School Wood, with a sighting in Balnagowan Wood in March 2020, and two separate records (droppings, a feather and a sighting) in Culstank Wood in June and October 2019. These records need to be interpreted in the context of the extremely low population. It would be highly misleading to interpret these records as indicating a low level of use and consequently low importance. They indicate that the woods that form the connecting habitat between Craigmore and Abernethy, of which School Wood is one, are used by capercaillie.

Capercaillie are known to be very sensitive to disturbance from people and dogs.

The proposal would unavoidably increase disturbance in both School Wood and other nearby woods through displacement. It would result in increased disturbance to capercaillie in currently less disturbed areas. Significantly, recreation pressures are likely to increase in Craigmore Wood SPA, where the status of capercaillie is now 'unfavourable and declining' and where even current levels of disturbance are an issue of concern.

#### Archaeology

No archaeological information appears to be provided despite School Wood (including within the development footprint or at least in the close vicinity of it) being known to have been used during the war and there being numerous visible effects on the ground. Such history is part of the cultural heritage that should be conserved and enhanced through the 1<sup>st</sup> aim of the Park. Local history is an important and valued part of Nethybridge that is emphasised through Explore Abernethy and is significant to tourism.

#### SUDS Basins

The two SUDS basins would overflow into the un-named burn and the Caochan Fhuarain. We are concerned that this creates a permanent risk of negative impacts, including pollution, to these small water courses. Both water courses are known to currently (March 2020) be used by otters and it is known that they have been used for many years, e.g. since c. 1993. These burns flow into the Allt Mor close to School Wood, which is part of the River Spey & Tributaries SAC and it can be confidently assumed that the otters using the burns in School Wood are part of the River Spey SAC population.

As explained under 'Otters', BSCG has concerns over the vulnerability of otters to low salmon and eel populations and flooding, impacts that are likely to get worse rather than better in the future due to climate change. Also, surveys reveal distribution but not numbers of otters, that are a wide-ranging species with large home ranges and low population density.

Gus Jones

Convener

Firwood  
Nethybridge  
Inverness-shire  
PH25 3DE

Ms Stephanie Wade,  
Planning Officer (Development Management)  
Cairngorms National Park Authority  
14 The Square  
Grantown on Spey  
Scotland  
PH26 3HG

6 April 2020

Dear Stephanie Wade,

Proposal: **Residential development for up to 20 dwelling houses | Land at School Road And Craigmore Road Nethy Bridge**

Planning application: **2020/0064/PPP**

I wish to **object** to this application and request that the Cairngorms National Park Authority turns it down.

**Comments on Tree Survey Report by Astell Associates.**

Throughout this document the woodland is referred to as “tall thin close grown trees” however on Page 5 it states that “the current trees were established by natural regeneration” after a felling in 1947. Often naturally regenerated woodland grows as a dense stand of trees, particularly Scots pines and what is clearly demonstrated on the School Wood planning application site is a naturally regenerated, self-thinning **woodland of high conservation value**. This 70-odd year-old woodland comprises trees that probably took 20-30 years to become established, not in straight-lines as modern plantations, but in a mixture of densities with trees regularly losing the race upwards, dying, and creating the important diversity of living and dead trees. With the naturally developed dense canopy the ground vegetation isn’t dominated by heather allowing a good mix of mainly conifer woodland type plants to grow with a well-established population of creeping lady’s tresses, the pinewood orchid, being maintained. This plant supports a good population of the rare, red data book leaf fungus, creeping lady’s tresses smut (*Pucciniastrum goodyera*). The very diverse mix of deadwood habitats supports a good range of deadwood dependent species comprising birds, insects, fungi and mosses.

## Comments on the Compensatory Planting Site – Ecological and Environmental Survey by Astell Associates

### Habitats

“The habitats present on site have low ecological value. The proposed compensatory planting scheme will replace species-poor, semi-improved rough grassland....”

As long as I can remember this site has comprised un-grazed grassland which currently is as the survey states – species poor. The survey document classes it as “an abandoned agricultural field”. However, if the site was to be sympathetically grazed and monitored over several years I’m fairly sure this would change. Elsewhere in Nethy Bridge a sympathetically grazed grassland is one of the best sites locally for waxcap fungi with some of them in the nationally rare category. Not only do the waxcaps survive, important plants like field gentians grow. Another sympathetically grazed grassland slightly further away has probably UKs largest populations of lesser butterfly and small white orchids along with a huge population of fragrant orchid. I’m therefore suggesting that with the correct management this site could increase its value ecologically.

What also hasn’t been raised clearly, in any documents, is this grassland is currently an area of informal open space in an area defined as Protected Open Space in the Cairngorms National Park Authority Local Development Plan, and does this designation matter. **At one end of the village an important ancient woodland is going to be badly damaged to build houses whilst close by a Protected Open Space is going to be lost by the developer trying to re-create the ancient woodland lost to houses.** Perhaps I’m missing something?

The compensatory planting document also states that “The woodland margins of the compensatory planting will be planted with devil’s-bit scabious and bird’s-foot trefoil” something developers regularly include as ‘easy to do’ in their planning application. I would suggest this is not a feasible ‘instant’ habitat that is easily created though no doubt the plants might grow in the year or so after planting. However, devil’s-bit scabious is usually a part of well established grassland meadow where an element of grazing will be needed to allow it to survive, Bird’s-foot trefoil on the other hand relies on ground that is regularly disturbed and can’t survive when dominated by other plants (I’ve studied bird’s-foot trefoil sites as part of an *Osmia uncinata* bee survey) and is often found along gravelly paths through woodland, and on adjacent roadside verges, the latter often maintained by verge cutting.

The other assumption made re the compensatory planting is Scots pines will grow quite happily on a grassland site. Pine dominated woodland is usually found on shallow, moranic soils, usually quite acidic. This is something the CNPA Planners also need to check.

## Comments on the Planning Statement by Suller & Clark planning consultants

### 1.2 The Developer

Please note the developer does not own the planning application site “The applicant has control of the area with the landowners consent.”

This document also confirms that the planning application site is 1.97 hectares comprising 20 plots when the last planning application which was turned down, comprised a 1.65 hectares site "to accommodate 14 detached units". It is also suggested on page 11 (pages though not numbered) that "as an allocated site, this has been through a process of examination and identified as the preferred site for expansion of Nethy Bridge" but no further details are given as to how, when and where.

Policy 5.

In the Response section it is stated that the development will be set back from the road leaving a roadside screen of trees. As we have seen from other recent developments where trees were retained during the building and selling phase, once people moved in requests followed to remove trees that blocked views or created a threat due to gales blowing the trees over. This screen therefore wouldn't be guaranteed in the long-term.

Policy 10.

It is in this section that we learn that surface water will flow via 2 detention basins....with outfall to existing **drainage ditches**. I wonder if the authors of this Statement actually visited the site because the drainage ditches are actually natural, flowing water-bodies, the one to the east of the planning application site being the Caochan Fhuarain burn! Both of these burns flow into the River Spey.

Yours sincerely

Stewart Taylor

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

6th April 2020

Dear Stephanie,

**Application Number: 2020/0064/PPP**  
**Proposal: Residential development for up to 20 dwelling houses. Land At School Road And Craigmores Road Nethy Bridge.**

I am writing on behalf of the North of Scotland Group of the Scottish Wildlife Trust to communicate our objection to the above proposal.

You will be fully aware of the many attributes of this site for natural heritage, not least through much information being provided on this by different parties over many years (indeed, decades) when it has been seen by some as a potential location for housing development. So I will only summarise our points of objection here. You'll also be aware of the obvious clash between CNPA Local Development Plans – one soon to be superseded, the next imminent – in relation to the site.

For natural heritage, the status of the site as Ancient Woodland and habitat for a range of scarce, rare and threatened species, gives it special importance. This applies to many different groups, including invertebrates, plants, birds and mammals. These include a range of species particularly associated with old pinewoods, such as several different spiders and fungi and red squirrel. The site is also in a geographically important position for possible movements of capercaillie within Strathspey, now the national stronghold for this declining species.

In addition, the fact that the Preliminary Ecological Appraisal and Extended Phase 1 survey provided as part of the application was carried out in midwinter suggests a possible desire *not* to record many of such species. But that is also beside the main point:

Quite simply, either the Cairngorms National Park Authority is serious about its responsibility to conserve and enhance the national heritage of the Cairngorms, in line with both your stated aims and with Scottish Government priorities for protecting and boosting biodiversity and native tree cover at a time of climate change, or it is not. In our view, the development would do lasting damage to natural heritage in this part of the Park, and the site should not be considered as appropriate for housing, now and in future.

Accordingly, we urge the CNPA to reject this proposal and to bolt the planning door against any further such applications on this site, while according it the status and protection it so clearly deserves.

Yours sincerely

*G. K. Taylor*

Dr Kenneth Taylor  
Chair, North of Scotland Group  
Scottish Wildlife Trust

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

Stephanie Wade,  
Case Officer,  
CNPA

6<sup>th</sup> April 2020

Dear Stephanie Wade ,

**2020/0064/PPP | Residential development for up to 20 dwelling houses | Land At School Road  
And Craigmore Road Nethy Bridge**

**I object to the above planning application for the following reasons, which are in addition to those expressed in my previous representation of 29<sup>th</sup> March:**

- 1. The proposal is contrary to the provisions of the adopted CNPA 2015 Local Plan with respect to the number of houses proposed.**

The number of houses proposed in the present application is 20, a 33% increase on the 15 allocated in the Local Plan.

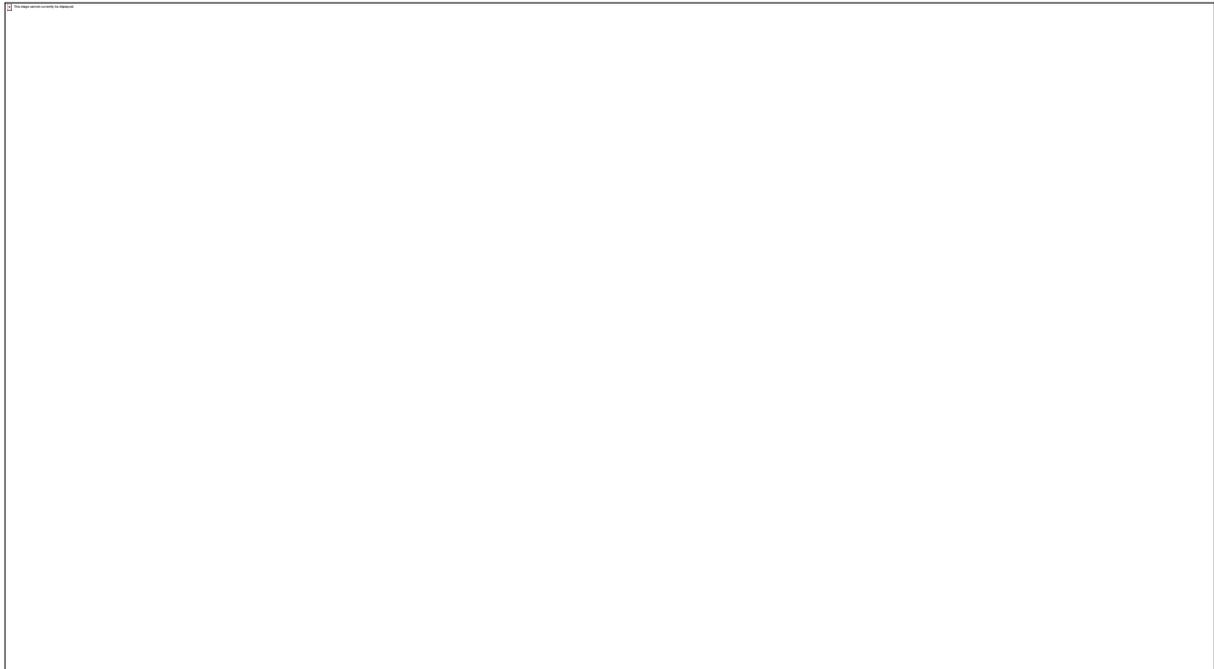
However, the Reporters' Examination (published by the DPEA, Date of Report: 8 September 2014) into the 2015 LDP referred to

*“a strictly limited amount of housing [being] permitted on the H2 [Craigmore Road] site”.*

I submit that an increase of 33% cannot be regarded as “strictly limited” and that therefore this application violates the qualified permission referred to in the Reporter's Examination.

Indeed, **no** previous local plan, developed either by The Highland Council or by the CNPA has **ever** allocated as many as 20 houses on the Craigmore Road site, nor has any potential developer previously seen fit to propose such an excessive number:

i) The first Local Plan to allocate land for housing at Craigmore Road was that adopted in September 1997 by The Highland Council which made an allocation of 10 houses at the Craigmore Road site, thus:



- ii) The next Local Plan was the first CNPA Local Plan, adopted in 2010, which allocated a total of 40 houses at School Road and Craigmore Road and gave rise to an application for 14 houses at Craigmore Road (and 44 at School Road).

The CNPA planner's Report (2013/0119/DET Report 21<sup>st</sup> November 2014) into the previous application concerning the 14 houses proposed at Craigmore Road stated:

*APRAISAL,*

*para. 111*

*“the line of detached houses at Craigmore Road, [ ... ] is [not] considered to reinforce and enhance the character of the settlement of Nethy Bridge.”*

*para. 120*

*“The proposed development on Craigmore Road risks similar impacts from a suburban approach to the layout of open space, driveways and boundaries.”*

*para. 121*

*“Policy 6 Landscape requires that development complements and enhances the landscape character of the National Park and in particular the setting of the proposed development. The CNPA Landscape Officer has advised that while the proposals for tree felling and planting around the development would, over time, give a setting and context that is consistent with Nethy Bridge as a ‘forest village’, the current proposals for the layout and design of housing and amenity space do not meet CNP Local Plan policy 6 or Scottish government guidance.”*

*RECOMMENDATION 6*

*“the suburban form of the Craigmore Road development, combined with the extent of the tree felling, do not relate well to the landscape character of this part of Nethy Bridge.”*

These assessments of the impacts upon the settlement and landscape character of the previously proposed 14 houses at the Craigmore Road site apply with even greater force to the now proposed 20 houses, **which is over 40% more than ever previously proposed, and double that initially allocated for the Craigmore Road site, long before the area became a national park, with policies to better protect biodiversity and landscape, and before much detail was known concerning the biodiversity value of the site.**

Instead of a line of nine detached houses (plus five elsewhere) as in 2013/0119/DET, there is now proposed a line of six detached houses next to a block of four terraced houses in the western part, with two blocks of four and one block of two terraced houses in the eastern part. That, in my assessment, is considerably more damaging to the landscape character of this approach to Nethy Bridge than any of the previous proposals for housing at this site, namely:

- i) the 10 detached houses on 1.6 ha in a somewhat random cluster as part of (BS/02/45) considered by Highland Council, 24<sup>th</sup> September 2002, refused by the CNPA on 13 February 2009 and dismissed on appeal on 18<sup>th</sup> July 2011, or

ii) the 14 houses on 1.65ha refused by the CNPA as part of 2013/0119/DET in 2014.

If first 10 houses on 1.6ha and then 14 houses on 1.65 ha at the Craigmore Road site have previously been refused consent by the CNPA for very good reasons, how can 20 on 1.97ha now be consented?

I am left with the conviction that the problem of producing a development that adequately addresses the above issues, and others within the LDP, is simply insuperable.

In considering the “Role within the settlement hierarchy” and “Objectives” (38.4) and “General design guidance” (38.5) for Nethy Bridge in the 2015 adopted LDP, page 188, the proposed development at the Craigmore Road site:

- **does not “complement[s] the sensitive woodland setting of the village” or “enhance[s] its character and appearance as a tourism centre.”** Building houses in sensitive woodland does not compliment it: it destroys that part of the woodland that is built upon and degrades the surrounding areas for a considerable distance, and is likely to be regarded by visitors as evidence that the main driver of change in the national park is the financial concerns of some of its larger landowners.
- **does not “protect those parts of the village that are important to its character and setting”.** Those important parts indubitably include the native woodlands with which Nethy Bridge is so fortunate to be largely surrounded and which give rise to its alternative name of “The Forest Village”. Building houses in woodland does not protect the woodland.
- **does not “ensure that development contributes to a clear definition between settlement and countryside”.** The proposed development intrudes in an arbitrary and insensitive manner into the countryside, ie the woodland, beyond Dirdhu Court. This was made clear by the Scottish Government Reporters in the Local Plan Inquiry Report, December 2009 examination of the CNPA's first Local Plan, with their scathing assessment of the Craigmore Road site **“violating a further piece of School Wood and providing nothing at all by way of an easily recognisable robust and defensible boundary”** (para.16:10 p.312, CNPA Paper 1466)
- **does not “ensure [that] the quality of surrounding woodland, and sensitive valuable habitats is not compromised”** (see above)
- **does not “consolidate the existing settlement”** Consolidate in this context means “to unite into one” or “to make more compact”. The Craigmore Road proposal does the exact opposite: it is more akin to the pseudopodia of an amoeba, intruding into virgin territory so as to extend its reach and absorb more land. That is not consolidation.
- **does not “reflect existing housing development in terms of positions, density and scale”.** Where else are there rows of terraced houses within ancient woodlands around Nethy Bridge? There are none.

In short, **this proposal violates many of the objectives and design guidances for Nethy Bridge.**

Nor does the proposed development

- “reinforce and enhance the character of” Nethy Bridge,
- or maximise “opportunities for infill”, - indeed, it does the exact opposite.

**The proposal is therefore contrary to Policy 1.**

In the new draft LDP, the CNPA now recognises that “significant natural heritage constraints” require that this allocation be deleted from the new LDP. Let this be the end of the 27 years of uncertainty that the housing allocations that were put into the 1993 final draft (**but not the 1991 First Draft**) of Highland Council's 1997 Local Plan have caused.

School Wood needs to be better managed and protected, and the eastern approach to Nethy Bridge along Craigmore Road, which could be one of the finest approaches to any village in Scotland, needs to be

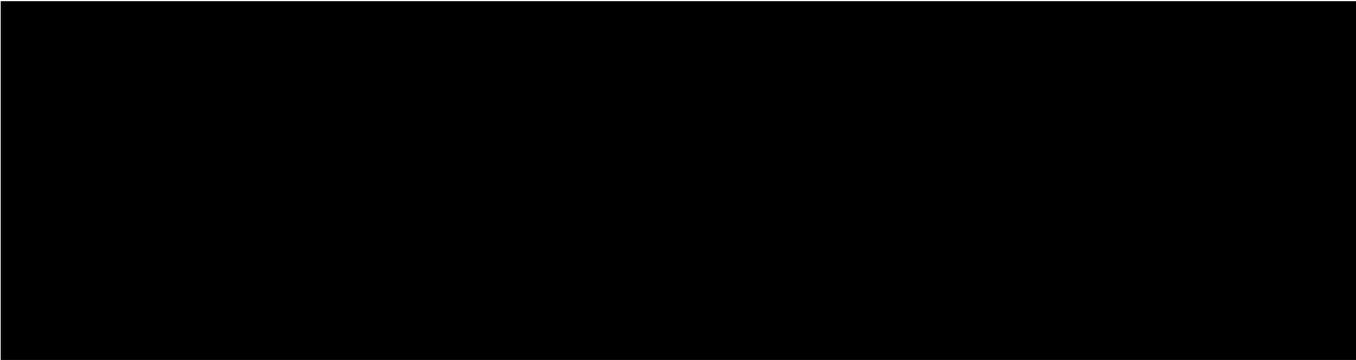
safeguarded and improved. That will only come about when the CNPA makes it abundantly clear that the ancient woodland of School Wood cannot, and will not, be sacrificed for development.

## 2. Biodiversity

### European Protected Species, Otter:

The Ecological Appraisal states that, “*No signs of otters were found on site or within a 100m buffer around the site*”, but that probably reflects the time of year during which surveys were conducted. (Clearly, a survey carried out over a few days in winter cannot possibly record species that are not present or visible at that time. Had the applicants wished to provide a comprehensive survey they would have employed numerous surveys over at least a year.)

Otters frequently use the Caochan Fhuarain burn, particularly in spring, probably as a source of frogs and perhaps eels, and as a route to Culstank Moss, where the wetland at the eastern end and the bog area provide a further source of food. Otters also transfer between the Allt Mor to the east (which is used regularly by otters) and the Caochan Fhuarain.



Otters are quite tolerant of the presence of humans as long as they have a substantial body of water into which they can safely escape if disturbed or attacked. However, the Caochan Fhuarain is less than one metre wide and generally less than 20cm deep and provides no such refuge. The development of the Craigmore Road site would therefore be likely to inhibit the passage of otters upstream from the Spey along the Caochan Fhuarain into all the territory to the south, 

The small size of the Caochan Fuaran also affords no refuge for an otter under attack from dogs. The proposed Craigmore Road site is only a few tens of metres from the Caochan Fhuarain. Dogs associated with the 20 houses proposed would likely regard stretches of the Caochan Fhuarain as their home territory and pose an unacceptable threat to the otters using it and also add to the denial of access beyond since, in addition to human forms of disturbance, otters would be reluctant to pass an area where attack by dogs is a possibility.

An otter cub was attacked by a dog (in the presence of its owner) [close to its holt on the Allt Mor, upstream from Craigmore](#), a few hundred metres away from the Caochan Fhuarain/Craigmore Road site in c. 2011. It is not known if the cub survived the attack long-term, but it had to be separated from the dog by its owner and therefore may have suffered injury and may have succumbed to its wounds, and would certainly have been traumatised. [As far as I am aware that natal holt has not been used since.](#)

I note that the Ecological Appraisal states that “*Most inhabitants are likely to use paths through nearby School Wood and Culstank Moss for recreational purposes*”. However, whilst there are well made and well used paths in School Wood (though also substantial area with no paths that are very little visited), it is **not** the case that there are presently paths in Culstank Moss and neither is that wood used at all for recreation. Culstank Moss is currently very little visited, and nor do domestic dogs and cats intrude into it.

As owner of Culstank Moss (c.24ha), I intend to ensure that it remains managed for nature conservation for all time coming. Thus, one of the many concerns about the Craigmore Road proposal is that **Culstank Moss would then be faced by around 300 metres of housing development** forming a barrier between it and School Wood and with all the potential for intrusion of domestic pets (leading to disturbance and predation) and of human recreational use that that provides. Wildlife, including otters and ground nesting birds in particular, needs quiet undisturbed places, and this proposal threatens the permanent loss of that peace.



But if, in the meantime, such woodlands are rendered unsuitable, because of built development and the associated disturbance of humans and their pets, then that habitat will have been permanently lost, and capercaillie recovery therefore become more difficult.

### **Interrupted Clubmoss**

Whilst I intend to leave most of the considerable biodiversity issues for others better qualified to comment about in detail, I wish to draw particular attention to the extraordinary patch of Interrupted Clubmoss that graces part of the development site, and which the Ecological Appraisal admits “The development will result in the complete loss of interrupted clubmoss from School Wood. There are no other records of this species within a 2km radius of the development site.” That loss, frankly, is an utterly deplorable prospect and one that must not be allowed to occur: yet it is inevitable if this development goes ahead. Even were the interrupted clubmoss to be protected during construction and assigned to an area that was not built upon, the resultant change in light and humidity, and the inevitable trampling and possible fly tipping close to habitation would mean that it was almost certainly doomed. Interrupted clubmoss is an enigmatic plant: the patch in School Wood is 11 metres (not 5 as the E.A. wrongly states) across and thriving and expanding - but, as the Ecological Appraisal correctly states: for some curious reason it is not known at all from neighbouring woodlands and I have only ever come across it occasionally - for example on the northern slopes of Carn Eilrig in Rothiemurchus. We lose such strangeness from the world when we turn our ancient woodlands into housing estates.

### **3. The application is contrary to CNPALP Policy 5 - Landscape**

The proposed development is set entirely within a maturing woodland of native species. Enclaves of houses within native woodlands do not conserve and enhance “*the landscape character and special qualities*” of the woodland: they destroy the woodland under the footprint of the development, and where tall pines and other trees surround the development footprint, it creates a new hard edge against the development that might also cause problems of wind-throw, causing further landscape damage. There are no exceptional circumstances, such as the development being of a social or economic benefit of national importance, to suggest that consideration should be given to allowing this development, when it fails to complement or enhance the landscape character of the area.

In this context, I also note that the Design Statement refers to retaining “*a broad stand of existing woodland all along the road frontage*”, and whilst such a retention would help to screen the development from the road to some extent, such a provision raises two considerations: Firstly, the necessity for screening confirms that this proposed 300 metre long row of 20 houses in a native woodland does not conserve and enhance “*the landscape character and special qualities*” of the woodland.

Secondly, that broad stand of existing woodland is directly south of, and only a few tens of metres from the proposed dwellings, so that they would suffer shading from those pine trees, particularly in winter. This might give rise to demands, which would be difficult to resist, for felling of much of that broad band of pine trees by the residents and that would, of course, also remove that screening.

### **4. The Effects of Housing in Woodlands**

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

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

**Chemical effects on nearby ancient woodland include: population-level responses to lethal and sub-lethal doses of toxic chemicals, or nutrient enrichment, that can significantly alter the composition of the ground flora and lichens, mosses and liverworts growing on trees or rocks; reduced tree health by inhibiting root development and retarding growth, increased drought and frost susceptibility,**

defoliation, or leaf discoloration, poor crown condition, and the promotion of insect damage; poisoning of animals, leading to mortality, reduced feeding rates, or species avoidance; and loss of soil micro-organisms, including tree mycorrhizae, thereby affecting decomposition and nutrient cycling.”

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

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

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

- **Fragmentation** “New development may be associated with the destruction or alteration of semi-natural habitats in the vicinity of ancient woods and the creation of large areas of terrain inhospitable for woodland species. Therefore, development may increase the distances between favourable habitats that woodland species must cross to disperse, forage, or breed. In addition, developments that create chemical or disturbance effects that penetrate nearby ancient woodland may effectively reduce woods to smaller functional habitat islands. As a result, new development may significantly fragment ancient woodland habitats, creating substantial barriers to species movement, interrupting natural flows between habitat patches, sub-dividing populations, and altering the population dynamics of associated species and communities.”
- **Non-Native Plant Species** “The likelihood of ancient woodland being invaded by non-native plant species is increased by a range of factors associated with construction, including soil excavation and movement, altered environmental conditions and modified hydrological processes. Nutrient enrichment from developments, such as ... residential gardens, also increases the risk of non-native plant species invading woodland on an ongoing basis.”

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

## 5. Compensatory Planting

The Design Statement refers to compensatory planting of 1.97 ha of native woodland at a site NW of the Nethy Bridge hotel, currently "an area of informal open space" with "little ecological value." However, the fact that ancient woodland is "irreplaceable" (as also stated in the 2014 SPP para 146) is now well established. Indeed, as long ago as 1991, the then Nature Conservancy Council for Scotland, in its response to the First Draft of Highland Council's Badenoch and Strathspey Local Plan in March 1991 stated “*Woodland is a vital component of the Badenoch and Strathspey landscape and fundamental to the conservation of aspects highly important to nature conservation. NCCS ... emphasises the essential difference between remnants of the native woodland and plantation or newly planted groups of trees for amenity. Semi-natural woodlands ... are not recreatable; new stands of trees and plantation ... do not compensate for the loss of the semi-natural areas and additionally are often not of such high amenity and aesthetic value.*”

This was also forcefully pointed out in the Woodland Trust's submission to the previous application (2013/0119) to build houses on a Craigmore Road site (as well as a School Road site):

The Woodland Trust stated:

*"We believe that ancient woodland is amongst the most precious and biodiverse habitats in the UK and is a finite resource which should be protected."*

School Wood "appears on the Ancient Woodland Inventory as 2a Ancient (of semi-natural origin) (grid reference NJ012209"

And the Woodland Trust also refers to two important pieces of Scottish Government policy: the Scottish Planning Policy (SPP) [...] and the Control of Woodland Removal Policy.

This (subsequently revised) SPP 2014 states:

**216.** *Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees, especially veteran trees of high nature conservation and landscape value, should be protected from adverse impacts resulting from development.*

**218.** *The Scottish Government's [Control of Woodland Removal Policy](#) includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits.*

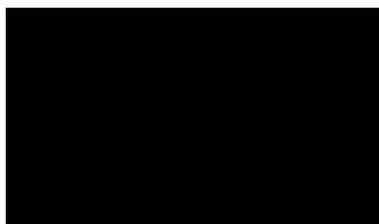
School Wood is particularly rich in broadleaved trees, all of which (almost certainly) will have arisen by natural regeneration of local provenance stock: birch, goat and eared willows, aspen, rowan, bird cherry and whitebeam, and includes many fine old specimens rich in epiphytes. Juniper occurs throughout the wood, showing a range of size and form, and including pyramidal specimens over 4m in height.

The soils of School Wood (iron humus podsols, peats and peaty gleys) are largely pristine, having developed undisturbed under Caledonian woodland for thousands of years since the last ice age. The near pristine condition of the soils, along with the plant communities in School Wood, is compelling evidence of its ancient woodland status. Again, in this respect School Wood is better than many other pinewoods, that were ploughed when trees were planted in them. Ploughing destroys soil profiles, particularly of iron humus podsols such as those underlying much of School Wood, and woods with the soils intact are now markedly less common than formerly. Any trees planted in School Wood were spade planted, which does little damage to the soil profile.

Finally, The Cairngorms National Park Forest Strategy, 2018 states:

*"The woodlands of the Cairngorms are of national and international importance because they contain the largest remaining areas of semi-natural woodland habitats in Britain!"* and the Strategy undertakes to *"Continue to protect ancient and semi-natural woodlands from further damage and fragmentation."*

It is disappointing that nearly 30 years after that NCCS statement and almost 17 years after the establishment of the National Park, that some developers appear unable to accept these assessments.



Yours sincerely

Roy Turnbull

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Mrs Grace Yoxon

Address: International Otter Survival Fund Broadford Isle of Skye

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Having read the report for otters by Astell Associates I am afraid there are a number of flaws and I'm not sure they fully understand otter ecology and behaviour:

1. They suggest putting up signs to warn dog-walkers to keep their dogs on a leash during the breeding season. Otters do not have a breeding season and so cubs can appear at any time of the year.
2. They say that otters have A holt and this is where cubs are born and when the cubs are big enough the holt is not used any more. They say they do not use a permanent holt. Otters have more than one holt and at least some of these are in use all the time. They use a natal holt to have their young and once the cubs are big enough this will be left empty and they will use the other holts.
3. "Otters are now more common" - They are appearing in more areas in England but this is more likely to be the result of lack of prey meaning that they have larger home ranges. It is hard to give accurate population estimates but figures quote now are about 10,500 for UK which hasn't gone up at all.
4. "Although the Caochan Fhuarain is likely to support small populations of amphibians, smaller fish and water shrews, it is too small a river to provide primary foraging habitat for otters." The burn will not be a main source of prey but otters have a home range which includes many watercourses. If their prey is reduced then this will have an effect.

They do accept that the area is known to be used by otters even though they did not find any spraint. I think more needs to be done to consider the potential impact on otters than putting up

meaningless signs.

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Mrs Vera Marsden

Address: 32 Blundell Drive Southport

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: OK do I am not a resident of Nethy Bridge but a frequent visitor over many years staying in local B&Bs and the Nethy Bridge Hotel.

Apart from the objections on ecological and cultural grounds which are overwhelming, where is the evidence of social need for local housing? As far as I can see this development would bring economic benefit to the landowners and building concerns. There is a perfect size for a village community such as Nethy Bridge and this has already been reached.

Also the present situation concerning Covid 19 seems to have already compromised and will continue to compromise the planning process to the point of being able to be challenged legally.

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Ms Gillian Rae

Address: 3/2 Burns Place Edinburgh

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. The CNPA Planning Authority should suspend all consideration of this application until the Covid-19 restrictions are in the main removed to enable appropriate site visits by the Planning Committee, objectors to address the Committee and proper public scrutiny of the Committee's discussions.

2. When held, the meeting should be broadcast so objectors are able to address the Committee.

3. This application goes against numerous planning aims and policies including the aims of the Cairngorms National Park:

Aim 1: To conserve and enhance the natural and cultural heritage of the area. Clearly a new development in an area listed in the Ancient Woodland Inventory as "Ancient of Semi-Natural Origin" will not conserve or enhance this woodland or the woodland that surrounds it.

Aim 2: To promote sustainable use of the natural resources of the area. Clearly building houses in an ancient woodland of semi-natural origin is not a sustainable use of this precious natural resource.

Aim 3: To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public. Building houses in this woodland will diminish public understanding and enjoyment of this special area. An example of supporting this aim was the recent BBC Springwatch series. Our National Park needs to build on this opportunity and reputation and not destroy it by approving this development.

Aim 4: To promote the sustainable economic and social development of the area's communities. Too often our CNPA Planning Authority interprets building new housing (especially with an affordable element) as being economically sustainable. Given the declared Climate Emergency, loss of ancient woodland is no longer sustainable.

4. CNPA Planning Authority should give full consideration to its proposed 2020 LDP and give it precedence.

5. CNPA Planners should strongly recommend rejection of this application.

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Miss Claire Dunn

Address: Lower Dell Cottage Nethy Bridge Inverness-shire

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to this planning application because it is shocking to even consider destroying any ancient woodlands. This is a National Park! Woodlands such as School Wood should be protected, not destroyed.

School woods provide's recreational activity and beautify for people but it is also rich in biodiversity including many rare species that would be impacted hugely by this development. How can we call this land a national park if we are destroying what that stands for.

I grew up in Nethy bridge and over the years I have been outraged to see the land where I learnt how to respect the natural world getting destroyed. It is even more shocking that this is happening now. Through the globe there is more and more awareness of the climate and ecological emergency the world is in. Why would we destroy more of our natural world when it is at such a fragile point.

I understand that development is not going to stop in Cairngorm National Park. What I don't understand is why developers are not working with specialists to find the most stable places for development that would not have such a devastating effect on our ancient forests and biodiversity. The natural world needs protected from capitalism. Once we loose our ancient forests that give so much, they are gone forever.

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Mr Hugh Spencer

Address: 3 Westwood Way Westhill Aberdeen

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This Application is contrary to the stated planning aims and policy of the CNP.

It also goes against Scottish Planning Policy on the removal of woodland.

And it does not comply with both the 2015 and 2020 Local Development Plan.

Aside from the above the processing of the Application cannot be complete with site visits and a full hearing of objectors due to the current Covid 19 restrictions. It should be delayed until this is possible and in any event all consideration processes fully broadcast and transparent.

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Mrs Dorota Cieslikiewicz

Address: 67 Blagdon Close Newcastle

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Building in Cairngorms National Park will irreversibly damage the habitats of many rare wild animals. People and their pets will be disrupting animals' breeding season and for birds like capercaillie it may equal local extinction as they are so sensitive to disturbance. Scotland is the only place in Britain these birds live and they are in decline. Cats will decimate songbirds and rodents and they will pose threat of crossbreeding with wildcats. I think Scotland should preserve their rare species rather than destroy national parks for another urban development.

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Mrs Sue Hamilton

Address: 3 Charles Court Limekilns

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object to the granting of permission for this development. No decision should be made during this current COVID-19 lockdown when the channels for proper scrutiny are severely restricted.

CNPA Planning Authority should give priority consideration to its proposed 2020 LDP which should have precedence over the old 2015 LDP

CNPA Planners should strongly recommend rejection of this application.

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Miss Jane Meek

Address: 75 Glasgow Road Blanefield Glasgow

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object on the following grounds:

This is a site of special importance, being designated as Ancient Woodland and home to a variety of important species of plants, birds, mammals and insects, some of which are rare and endangered. The site is also important for facilitating the movement of capercaillie within Strathspey.

The proposed housing development would cause irreparable damage to the natural heritage of this part of the National Park. The CNPA has a statutory duty to conserve and enhance the natural heritage of the Cairngorms. This accords with the Scottish Government's priorities of protecting and enhancing biodiversity and native tree cover. To imagine that planting young trees in a meadow could compensate for the destruction of established ancient woodland and its habitats is a nonsense.

I understand that the site was mistakenly included as a potential site for housing in the 2015 LDP and that it is absent from the 2020 LDP. It therefore makes no sense to approve the present application, especially at a time when, because of the Covid-19 restrictions, it is virtually impossible to conduct proper site visits or subject the deliberations of the CNPA planning committee to proper public scrutiny.

Please reject this application or at least postpone any deliberation until the Covid-19 restrictions have been lifted.

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Mr Simon Ball

Address: 2 Lodge Lane, High Burnside, Aviemore, Highland PH22 1UJ

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This site is omitted in the 2020 LDP and in principal is against point 4.3 Woodlands. This is an area of "ancient woodland" with rich biodiversity and protected species. The Astell Asc. survey was both rudimentary and flawed in many regards of its understanding of the ecosystem. Notwithstanding it only had 2 days of site visit conducted in mid winter ( 31st Dec ). The loss of this area of important woodland goes against the 4 main aims of the CNP and its removal is also contrary to 2 important points of the SPP. The compensatory planting mentioned by the developer is also both totally inadequate to replace this loss ( which will take many generations to replicate, if at all possible ) and also in a site not suitable, also destroying or changing the ecosystem there too.

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Ms Alison McLean

Address: Croftallan Nethy Bridge

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to register my objection to this planning application. It is clear that School Wood will no longer be included in the 2020 LDP which is due for approval this month. That fact alone should stop this application.

The application also flies in the face of current Scottish Government commitments to preserve our nature biodiversity and natural woodlands and to encourage sustainable development and reduce climate change.

On another level this wood is much loved by local residents and wildlife. Our woodland and wildlife are 2 of our greatest assets in the village and draw people to the area. The recent BBC Watch programmes showed by returning to film here over a whole year how unique this area is.

It is doubtful how many more homes that are not in the "affordable " bracket are required in Nethy Bridge given the high proportion of holiday and second homes there already are.

This development is proposed for the wrong area. It seems ludicrous to clear some of our previous semi natural ancient woodland and to claim that compensatory planting would somehow make amends for the loss



FAO: Stephanie Wade

Cairngorms National Park Authority

14 The Square  
Grantown on Spey  
Moray  
PH26 3HG

Dear Stephanie,

**Application Number: 2020/0064/PPP**

**Proposal: Residential development for up to 20 dwelling houses. Land at School Road And Craigmore Road, Nethy Bridge**

Butterfly Conservation Highlands and Islands Branch wishes to **OBJECT** to the above proposed development. Butterfly Conservation is the leading organisation in the UK for saving butterflies, moths and their habitats.

The submitted Preliminary Ecological Appraisal and Extended Phase 1 Habitat Survey document indicates that the site is composed of a diverse mix of habitats with dry dwarf heath shrub, semi-natural coniferous woodland and semi-natural mixed woodland. This is also an Ancient Woodland site, an irreplaceable habitat, the loss of which should be avoided, in line with planning policy. Given the mix of habitats and the long history of woodland on this site, it would be expected to hold a rich moth community.

Unfortunately, there has been no survey of butterflies or moths on this particular site. The Ecological Appraisal and Habitat Survey was conducted mid-winter and the ecological appraisal report itself says that: "Further surveys during the spring and summer are necessary to determine the value of the site for rare invertebrates". It is therefore not possible for the planning authority to accurately assess the potential impacts of this development on butterflies and moths.

However, in the absence of site-specific data, we can make inferences from nearby monitored sites. Luckily, there are two sites in Nethy Bridge that have been monitored regularly for moths, through the use of specialised light traps, over the last three years. The sites are 100m and 200m from the proposed development. A review of the species recorded at these sites has been undertaken and there follows a list of those species found on one or both of the sites that are (a) of high conservation concern due to their rarity and (b) require habitat and larval foodplants that are likely

to be provided by the proposed development site. In the absence of a site survey, these are rare species that could reasonably be expected to occur on the site.

A note on status categories:

Red Data Book (RDB) = resident species known from 15 or fewer 10km squares in Britain or species demonstrating rapid decline.

Nationally Scarce A (Na) = recorded from 16 – 30 10km squares in Britain since 1 January 1960.

Nationally Scarce B (Nb) = recorded from 31 -100 10km squares in Britain since 1 January 1960.

**Rannoch Sprawler** (*Brachionycha nubeculosa*). Status RDB. UK species of conservation concern. Habitat: birchwoods. Food-plant (Fp) birch.

**Rannoch Looper** (*Macaria brunneata*). Status Na. Habitat: pine and birch woodland with blaeberry. Fp blaeberry. This species was recorded on the proposed development site in July 2014 and could reasonably be expected to be present currently.

**Cousin German** (*Protolampra sobrina*) Status Na. UK priority species. Habitat: birchwood. Fp = blueberry and heather then birch and willow.

**Saxon** (*Hyppa rectilinear*) Status Nb. Habitat: open woodland and recently established plantations. Fp various.

**Silvery Arches** (*Polia hepatica*). Status Nb. Habitat: woodland on heathland. Fp birch, sallow etc.

**Plain Clay** (*Eugnorisma depuncta*). Status Nb. Habitat: in or near broadleaf woodland. Fp a wide range of low growing plants.

**Angle-striped Sallow** (*Enargia paleacea*). Status Nb. Habitat: birch. Fp birch.

**Sword-grass** (*Xylena exsoleta*). Status Nb. Habitat: moorland, open woodland and rough pasture. Fp various.

**Nemapogon picarella** – a micro-moth. Status rare. Habitat old woodland. Fp bracket fungi.

Paragraph 194 of the Scottish Planning Policy states that “The planning system should... seek benefits for biodiversity from new development where possible, including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats”.

Paragraph 195 states that “Planning authorities, and all public bodies, have a duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity”.

In summary, BC Highlands & Islands branch objects to this application due to the lack of lepidoptera survey information and the potential for the development to impact negatively on an assemblage of rare moths.

Butterfly Conservation is willing to provide further information or advice and to engage with the developer, their consultants or the planning authority.

Yours,

Pete Moore

Chairman, Butterfly Conservation Highlands & Islands branch.

90a High Street  
Grantown on Spey  
Moray  
PH26 3EL

FAO. Stephanie Wade  
Planning and Development  
Cairngorms National Park Authority

By email: [planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)

17 April 2020

Dear Stephanie,

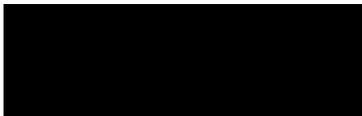
**2020/0064/PPP | Residential development for up to 20 dwelling houses | Land At School Road And Craigmore Road Nethy Bridge**

RSPB Scotland welcomes the opportunity to comment on the above application and appreciates the extension of time given to submit our response. RSPB Scotland is not opposed to the development of new housing in sustainable locations and recognises the demand for homes in the Cairngorms National Park, especially affordable places to live. However, development must be in the right place and not at the unnecessary expense of protected species and irreplaceable habitat. We have carefully considered the above application, and **object** to the proposal on the following grounds:

- Insufficient information to assess the impact on species and habitats
- Potential effects on capercaillie and Abernethy SPA and Craigmore Wood SPA
- Impacts on ancient woodland and associated species
- The proposal is contrary to the current LDP and the Proposed LDP

Further detail is provided in the attached Annex. We would be happy to provide further information, comments or advice on this case as required

Yours sincerely



Alison Phillip  
Conservation Officer – South Highland

**North Scotland Office**  
Etive House  
Beechwood Park  
Inverness  
IV2 3BW  
[rspb.org.uk](http://rspb.org.uk)

**Tel** 01463 715000  
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The RSPB is part of BirdLife International,  
a partnership of conservation organisations  
working to give nature a home around the world.

**Patron:** Her Majesty the Queen **Chairman of Council:** Professor Steve Ormerod, FIEEM **President:** Miranda Krestovnikoff  
**Chairman, Committee for Scotland:** Professor Colin Galbraith **Director, RSPB Scotland:** Anne McCall **Regional Director:** George Campbell

The RSPB is a registered charity in England and Wales 207076, in Scotland SCO37654

## **Annex 1 – RSPB Scotland Objection 2020/0064/PPP**

### Insufficient Information.

Insufficient information has been provided to enable adequate assessment of the impacts on priority species and habitats of the proposed development. The ecological appraisal is based on information from desk-based investigations and walk-over surveys carried out in winter. The report itself recommends that further surveys are needed at the appropriate time of year for rare invertebrates and plants and breeding birds surveys have not been carried out. The application does not have sufficient information to fully assess the likely impacts on species and habitat.

### Abernethy Special Protection Area (SPA) and Craigmore Wood SPA

The proposed development would be between Abernethy SPA and Craigmore Wood SPA, both of which are designated for capercaillie. Capercaillie are now largely confined to Strathspey, and as a result of severe national declines the species is afforded the highest level of protection under UK and European law. Capercaillie are also identified as priority species in the Cairngorms Nature Action Plan, UK Biodiversity Action Plan and Scottish Biodiversity List species.

The ecological appraisal submitted with the application acknowledges that the application site may provide a dispersal route and “vital linkage” between Craigmore Wood to the north-east and Abernethy Forest to the south west, and therefore birds moving between the two SPAs.

In addition to the physical barrier created by buildings and associated structures, the development would result in increased disturbance in what would remain of the woodland. Capercaillie are particularly susceptible to recreational disturbance and the erection of 20 houses within walking/cycling distance (1km) of Craigmore Wood would be likely to increase the potential for disturbance of an Annex 1 priority species from such activity.

There would be likely significant effects on Craigmore Wood SPA and Abernethy SPA. Consequently, CNPA is required by the Conservation (Natural Habitats, &c.) Regulations 1994 as amended to undertake an Appropriate Assessment of the effects of the proposal on the SPAs and its species in light of the sites’ conservation objectives. The applicant must provide sufficient additional information to inform this Appropriate Assessment. If the potential impacts of the proposal cannot be sufficiently mitigated and there could be adverse impacts on the integrity of these sites, then it is unlikely that the CNPA would be able to grant consent in accordance with the Habitat Regulations requirements.

### Ancient Woodland habitat and associated species

The proposed development would result in significant habitat loss of irreplaceable ancient woodland and would impact upon a large number of priority plants and invertebrates that are associated with this habitat.

The ecological appraisal has clearly identified that a high number of rare and priority plant and invertebrate species associated with ancient woodland are present within or close to the proposed development site, and will potentially be impacted by the development. Scottish Planning Policy 3 (SPP) makes it clear that the planning system should, “protect and enhance ancient semi-natural woodland as an important and irreplaceable resource” (para 194). It states that, “Ancient semi-natural woodland is an irreplaceable resource and, along with other woodlands, hedgerows and individual trees...should be protected from adverse impacts resulting from development” (para 216). As recognised by SPP, ancient woodland is an irreplaceable habitat and it is not possible to recreate this habitat, or the conditions required for the associated rare plants and invertebrates species. Therefore, the impacts of the proposed development cannot satisfactorily be mitigated.

### Local Development Plan Allocation

We note that the site is allocated in the current CNP LDP 2015 for 15 residential units (H1 Craigmore Rd). However the current application is for 20 houses and therefore does not comply with this allocation. The increased number of units would have increased impacts on woodland habitats and species as a result.

The H1 housing allocation has been removed from the Proposed Cairngorms LDP 2020. In a report on the Main Issues Report (MIR) consultation, which informed the Proposed Plan, it was explained that the site should be deleted, "because of significant natural heritage constraints", a position which RSPB Scotland wholly supports.

The Proposed Plan has been subject to public consultation and was submitted to Ministers for Examination in September 2019. It is the most recent reflection of CNPA's position and is a material consideration which should be given significant weight. The examination has yet to be concluded however, at this stage it is clear that the CNPA has clearly expressed the view that there are other, more suitable sites available in Nethy Bridge for housing that will not involve the removal of ancient woodland or impacts on ancient woodland species.

Although this application must be considered on its own merits, the alternative allocated housing site identified within the Proposed Cairngorms LDP provides an opportunity for affordable houses without the resulting loss of ancient woodland habitat. This illustrates that alternatives are available to deliver housing development needs in a manner that also meets the needs of the natural environment. Such issues are even more important as we face the challenges of addressing both the climate emergency and the biodiversity crisis.

To conclude, this application is an inappropriate location for a housing development and would result in unnecessary destruction of ancient woodland and impacts on internationally protected species.



Chris & Joan  
Jeffers

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From:Chris & Joan Jeffers  
Sent:17 Apr 2020 20:51:07 +0100  
To:Planning  
Subject:School wood Nethybridge

We wish to put in a complaint about the planning application to build in school wood Nethybridge. We wish that property developers would just leave all the ancient woodland alone and leave ancient trees and all wildlife to live in peace. Most of the new houses that get built are usually second homes for city people that don't bring any advantage to village commuties .As nethybridge is in the middle of the cnpa why would the cnpa committee want to destroy any natural forest and wildlife?if every area becomes an urban jungle then we seem to loose everything the national park stands for and looks out for please don't let greedy developers spoil this wonderful land signed Chris and Joan Jeffers nethybridge

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Ms Hilary Swift

Address: 90a High Street Grantown on Spey

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I wish to object to this development.

In brief, I would like to reiterate everything already said by other objectors, several of whom are local ecologists who are expert in their fields.

However, I would like to add a couple more points:

1. There should be a presumption against development on ancient woodland sites. End of. Why do we have to defend, yet again, against destruction of something so important? If a developer wanted to tear down a national monument e.g. Stonehenge or St. Paul's Cathedral, to build houses, there would be an outcry and it wouldn't be allowed. So why not ancient woodland?
2. I understand that 3 previous development applications have been refused for this area. Is it not sheer effrontery for a developer to put in yet another application, assuming prior knowledge of those previous refusals? Is it not a waste of everybody's time and money?
3. Last, but certainly not least, my main concern is inappropriate house building. It's high time we tackled the housing situation by addressing residency criteria. We all know that new houses get snapped up as second or holiday homes, and the provision of homes for local people is never adequately achieved. Has anyone ever done a survey of new builds within the Park to ascertain the ratio of second/holiday home purchasers : local people buying?

For the CNPA not to reject this application would be highly questionable and a mockery to the existence of the Park. Not my words, but "Humans are the only species that destroys it's home".

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Mr Mike Dales

Address: Beautyfield Aberargie Perth

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. In these times of restrictions, it is vital that consideration is given to enabling objectors to address the Committee and ensuring the meeting is broadcast.

2. The Cairngorms National Park Authority should suspend all consideration of this planning application until the Covid-19 restrictions are removed, in order to enable appropriate site visits by the Planning Committee to take place and for objectors to address the Committee and allow proper public scrutiny of the Committee's discussions.

3. The Cairngorms National Park Authority should give full consideration to its proposed 2020 Local Development Plan and give it precedence over the old 2015 Plan.

4. The Cairngorms National Park Authority Planners should strongly recommend rejection of this application.

5. This application goes against numerous planning aims and policies. It contravenes the aims of the Cairngorms National Park, Scottish Planning Policy and the 2020 Local Development Plan.

6. The main ecological and environmental evidence provided by the developer to support the application is based on a flawed and woefully inadequate report.

7. School Wood in Nethy Bridge has been under threat from housing developers for well over fifteen years now (from as far back as 2002 I believe) and the Cairngorms National Park Authority has allowed this important site for nature conservation to remain on the table and up-for-grabs by developers for all that time. The local community deserve a break from this constant torment and the future of this valuable woodland should be secured. The Cairngorms National Park Authority should guarantee the long-term conservation of School Wood by not only rejecting this planning application, but placing it beyond the reach of future development. If the Park Authority were to act in this decisive way, this long-running threat to School Wood could be brought to a satisfactory conclusion.

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Ms Sally Blake

Address: 3 Water Lane Albury Guildford

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I work to protect the environment, habitats and biodiversity of exceptionally important areas, and I consider this to be such an area. I object to this planning application because

1. This area is currently irreplaceable ancient woodland. This would be destroyed. Scottish Planning Policy requires ancient woodland to be protected.
2. The rare and protected species of flora and fauna this ancient woodland sustains would also be destroyed. There appears to be no evidence supplied of what species even exist there.
3. This area is a wildlife corridor or stepping stone between Special Protection Areas which are the habitat of priority species including the capercaillie. The Cairngorms National Park is home to 80% of the capercaillie population.
4. The trees, other growth and soil of this area will go towards meeting the UK's legally binding target of net zero greenhouse gas emissions by 2050 to help mitigate climate change.
5. The species of this area form part of the biodiversity the UK must not lose. The UK State of Nature Report 2019 showed that, between 1970 and 2016, the abundance of UK priority species decreased by 60% and, between 2011 and 2016, by 22%. Over a quarter of the UK's rare and threatened species are found in the Cairngorms National Park.
6. The Cairngorms National Park Partnership Plan has as its first aim 'to conserve and enhance the natural and cultural heritage of the area' and it says 'if there is a conflict between the first aim and any of the others then greater weight must be given to the first aim'.

Another area should be found for this housing which is of low environmental importance. This area is of exceptionally high environmental importance.

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Ms Anise Cloverleaves

Address: 1 st Glasgow

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. That it's irreplaceable ancient woodland

2. That it contains protected and rare species of flora and fauna

3. That it's a wildlife stepping stone between Special Protection Areas that have capercaillies 4.

That it is helping to meet our net zero by 2050 legal climate change target

5. That the UK has lost a huge amount of biodiversity and keeping this area helps to mitigate that.

6. That the main aim of the National Park is to conserve and enhance the natural heritage.

# Comments for Planning Application 2020/0064/PPP

## Application Summary

Application Number: 2020/0064/PPP

Address: Land At School Road And Craigmore Road Nethy Bridge

Proposal: Residential development for up to 20 dwelling houses

Case Officer: Stephanie Wade

## Customer Details

Name: Mr Colin Sanderson

Address: 52 Modley Place Ellon

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed development will destroy woodland of ancient semi-natural origin included in the Ancient Woodland Inventory. The compensatory planning will not replace the diversity and ecological richness of what will be destroyed should development progress. No one reading these documents will live long enough to see the planted trees achieve the size, biodiversity and maturity of those that will be destroyed.

The development contravenes a number of the stated aims of the Cairngorms Natural Park such as conservation & enhancement of natural heritage and sustainable use of natural resources.

The habitat survey was conducted during winter and therefore not scientifically representative of the true ecological diversity of the site.

Safety issues due to the current pandemic have prevented the normal activities associated with consideration of an application (public representation, site visit).

For all of the above reasons the application should be rejected.

FAO Stephanie Wade  
Planning and Development  
Cairngorms National Park Authority  
[planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)

20<sup>th</sup> April 2020

**2020/0064/PPP – Residential Development for up to 20 dwellings – Land at School Road and Craigmore Road, Nethy Bridge.**

We wish to register an **objection** to the above development for the following reasons:

- **Unacceptable permanent negative impacts on flora and fauna within an ancient woodland site.**
- **Complete lack of suitable supporting evidence provided to base an ecological impact assessment of the proposed development.**
- **This area is not an area designated for housing in the proposed Cairngorms LDP 2020.**

Providing further detail on these points...

**Unacceptable permanent negative impacts on flora and fauna within an ancient woodland site.**

This proposal would have irreplaceable impacts on this ancient woodland site and its associated flora and fauna. Loss of ancient woodland sites can't be mitigated for, the suggestion that the habitat will be replaced by planting up an island of grassland habitat in the centre of the village is ridiculous!.

The proposed mitigation site has no connectivity with any other piece of ancient woodland and is currently designated as “protected open space” in the proposed Cairngorms LDP 2020. There is no details of whether the underlying soil and ground conditions are suitable for the growth of a Scot's Pine woodland and also no ecological surveys identifying what is on the receptor site.

Scottish Planning Policy 3 asks for ancient woodland sites to be protected and enhanced, clearly building 20 houses on an ancient woodland is not enhancing it in conservation terms!.

**Complete lack of suitable supporting evidence provided to base a proper ecological impact assessment of the proposed development.**

A two day mid-winter protected species walkover survey is not sufficient to assess the impacts of building 20 houses on an ancient woodland site!.

It seems that the ecologists employed are asking for protected species surveys to be undertaken after the planning decision. CNPA will be well aware that protected species surveys can't be conditioned as part of a planning permission and must be undertaken before planning is decided so that impacts on protected species can be taken into account. CNPA will be aware of previous case law on this issue.

The usual process undertaken by competent ecologists is to undertake a protected species survey and phase 1 habitat survey, this is then followed by phase 2 ecological surveys of any species or habitats identified as being present or likely to be present from a datasearch or the initial survey. This normal process seems to have been completely ignored!.

Surveys which should have been undertaken prior to a competent EclA of the site are not limited to:

- Schedule 8 plant species and bryophytes (*including Green Shield Moss from site and surrounding areas likely to be impacted by increased human foot fall*)
- Invertebrates
- Fungi (*including Creeping Lady's Tresses Smut*)
- Breeding Bird Survey (*including territory mapping for Schedule 1 species - Crested Tit, Parrot, Scottish and Common Crossbill, Capercaillie within 1km. To include areas likely to be affected by increased human activity as a result of the development*)
- Otter (*including camera trap survey to identify whether breeding females are using this burn to commute between natal holts and the River Spey*)
- Bat Activity Survey (*to quantify what species are using the habitat for foraging and whether any important commuting routes pass through it*)

Leading on from this an Appropriate Assessment may be required of CNPA if the developers survey information detailing the species designated within the 2 SPA citations; find that these species are present.

**This area is not designated for housing in the proposed Cairngorms LDP 2020.**

Although the local development plan has not been finalised it surely must be taken as evidence of the communities wishes in terms of the housing allocations for the village.

We should make clear that we are wholly supportive of small amounts of new housing in the right place in the village but this should not come at the cost of the destruction of valued natural heritage. The landscape and wildlife is the main reason why visitors come to the area, and this tourism is the main stay of the economy of the village. We especially encourage housing if it is social housing that young people can afford, so that this village has a future.

Emma McBride and Peter Stronach  
Rosella Cottage  
Nethy Bridge PH25 3DA

BSCG  
info

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From: BSCG info  
Sent: 20 Apr 2020 23:34:47 +0100  
To: Planning; Stephanie Wade  
Subject: 2020/0064/PPP BSCG New Comments

## Badenoch & Strathspey Conservation Group

Fiodhag, Nethybridge, Inverness-shire PH25 3DJ

Scottish Charity No. SC003846

Email [info@bscg.org.uk](mailto:info@bscg.org.uk)

Website [bscg.org.uk/](http://bscg.org.uk/)

CNPA  
[planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)

20 April 2020

Dear Stephanie

2020/0064/PPP | Residential development for up to 20 dwelling houses | Land At School Road And Craigmore Road Nethy Bridge

We welcome the extension to the period of public comments for this application. Please treat this letter as a replacement for BSCG's previous letter (dated 6 April).

BSCG wishes to object to the above application. We request the opportunity to address the planning committee when they determine the application.

The Scottish Government has explained that we are in a new era and have to do things differently. The proposal is out of step with the Scottish Government's ambitions to address the climate and ecological emergency and increasing woodland cover.

The proposal would not comply with any of the 4 aims of the National Park. The applicant fails to demonstrate that the proposed development will conserve and enhance the natural and cultural heritage of the area. Destruction of part of an ancient woodland site does not conserve and enhance natural and cultural heritage (1<sup>st</sup> aim); and is not sustainable use of resources (2<sup>nd</sup> aim). The loss of popular paths and ancient woodland habitat reduces opportunities to promote understanding and enjoyment of the area's special qualities and the development would detract from the general public's understanding and enjoyment (3<sup>rd</sup> aim); and the provision of housing at the expense of

ancient woodland is not sustainable and hence does not promote sustainable economic and social dev of the area's communities (4<sup>th</sup> aim).

#### CNPA Park Partnership Plan, Local Development Plan

The proposal is not in accord with the CNPA's plans and policies

The National Park Partnership Plan seeks to "conserve and enhance habitats and conserve species for which the National Park is most important". The native pinewood habitats and species impacted by this proposal are among those identified as most important in the CNP.

The CNPA LDP 2015 states (Natural Heritage Policy 4 6.1, 6.2) "It is key to the long-term success of the Park that habitats and species are protected" and continues, referring to habitats and species

"There are, however many that are important on a local scale and these often provide important links between formally recognised sites. This facilitates the movement of species and their long-term sustainability". This accurately describes both the importance of protecting habitats and species that would be impacted by the proposal; and the important connectivity provided by SchoolWood linking Abernethy Forest and Craigmore Wood SPAs.

Policy 4 (3) states "Development that would adversely affect an ancient woodland site, will only be permitted where it has been demonstrated that: a) the objectives of the identified site and overall integrity of the identified area would not be compromised; or b) any significant adverse effects on the qualities for which the area or site has been identified are mitigated by the provision of features of commensurate or greater importance to those that are lost".

The proposal is contrary to this Policy. It cannot be concluded from the information available that the development would not compromise the overall integrity of the ancient woodland site of School Wood, including over the longer term. Self-evidently, the development site is destroyed by the proposal.

The development involves the permanent reduction in area of habitat and therefore would reduce the carrying capacity for associated species.

The development of 20 houses within School Wood can be predicted to have many other impacts that would compromise the integrity of the area. It is well established that housing in proximity and especially adjacent to woods has multiple negative impacts, some of which can be effectively irreversible and all can be permanent. These include increased human disturbance from the housing and from recreation; increased predation and disturbance of wildlife by cats and dogs; the introduction of invasive non-native species spreading from gardens; Such impacts can cause direct impacts as well as reduce reproductive success and thereby, in the context of School Wood, reduce or threaten the viability of local populations.

The proposal conflicts with Policy 4(4) Protected Species. Considering first European Protected Species, which include all bat species and otters. From the information provided on bats, which does not include a bat activity survey nor reference to all the species that may use the area, it cannot be concluded that the development will not be detrimental to the maintenance of any population locally at favourable conservation status and with no diminution of range. Also, the survey of potential bat roost sites is not complete, with other woodpecker holes in and close to the site having been identified,

and the information provided in this survey is not sufficient to be able to reliably conclude that no bat roosts exist. For example, signs of use by bats of a high up hole cannot reliably be seen from the ground.

Otters using the burns in School Wood are at risk due to the burns being small, narrow and shallow and therefore otters are unable to escape in the water. The proximity of houses to both the burns increases the disturbance and risks from people and dogs. It is guesswork as to whether otters may or may not cease to come up these burns as a result of the proposal, and in these circumstances we strongly recommend that the CNPA should invoke the precautionary principle and uphold the 1<sup>st</sup> aim of the Park.

Green Shield moss *Buxbaumia viridis* is on Schedule 8 of the Wildlife & Countryside Act 1981, occurs in School Wood, is exceptionally hard to find and is vulnerable to being directly impacted by the proposal. It cannot reasonably be concluded that the development will not be detrimental to the maintenance of the population of this species at a favourable conservation status in its natural range.

Capercaillie are on Annex 1 of the EC Birds Directive (as well as Schedule 1 of the WC(S)A). They do not occupy their natural range due to range contraction and are not in favourable status throughout the range they presently occupy. Capercaillie are at risk from the proposal due to permanent loss of habitat including connectivity and increase in disturbance. It cannot reasonably be concluded that the development would have no detrimental impact on capercaillie. The development could reasonably cause further range contraction, reduced movement of birds between important sites (Craigmore and Abernethy) and reduction in numbers through reduced breeding success.

The development would conflict with Policy 4(5) Other Biodiversity. The development would cause significant negative impacts on a range of other species, including Scottish Biodiversity List species, birds on the Red and Amber Lists.

The developer has not demonstrated a need or justification that outweighs these impacts; and

significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations has not been avoided, minimised or compensated for.

#### Impacts from proximity of houses

The Ecological Appraisal identifies that there is already rhododendron growing in the wood, and in fact there are more rhododendron in the wood than identified in the report. There is already a problem of invasive skunk cabbage on the Allt Mor and the Spey, from gardens upstream. Dumping of garden waste already takes place into School Wood, and there has already been damage to the wood ant nests near to Dirdhu Court, with waste dumped right beside one, trampling on the edges through people not noticing them and one has been set fire to and is more or less moribund. Cats and dogs associated with the houses will increase levels of predation and general disturbance of wildlife in the wood. Cats in particular can be significant predators of red squirrels and lizards and are also known to kill bats. Dog mess impacts on important woodland fungi including tooth fungi. There is potential for pollution impacts from the SUDS basins overflows into the burns and into woodland habitat from garden herbicides. Artificial lighting can impact on invertebrates including moths.

These negative impacts are on top of other challenges including climate change. Which has the potential to intensify some of the negative impacts, like encouraging the spread of invasive species.

They reduce the resilience of habitats and species when the challenges are augmented due to climate change.

The development would destroy the valuable woodland edge habitat that is present today, that is sunny, being more or less south facing and broad due to the wayleave. It would be replaced by garden fences and the inevitable garden 'overspill', and suffer from shading from the nearby houses.

Rare invertebrates found on this woodland edge area include the wood ants, gallows spider, narrow bordered bee hawkmoth, bees.

### Landscape

The proposal is not in accord with the CNPA LDP Landscape Policy

The application fails to demonstrate that the proposal would enhance the landscape qualities in accord with Policy 5.

The proposal site is part of an extensive area of native woodland which forms an important visual backdrop and setting to the settlement of Nethybridge and to the landscape character of the Craigmore Road entrance to the 'forest village'. The development would be at the expense of this wooded landscape and detract from its special qualities.

The proposal would not conserve and enhance the landscape character and special qualities of the National Park, nor the setting of the proposed development.

There are no benefits of the development of national importance and the negative impacts on landscape quality have not been minimised or mitigated.

### Ancient Woodland, Woodland Removal

The entire proposal site is within an ancient woodland site that is classed as Long Established semi-natural origin.

It is established and accepted in Scottish Government and CNPA policy that ancient woodland sites are irreplaceable and cannot be compensated for.

Scottish Planning Policy 2014 states (216), "Ancient semi-natural woodland is an irreplaceable resource, and ...should be protected from adverse impacts resulting from development"; and (218) "218. The Scottish Government's Control of Woodland Removal Policy 92 includes a presumption in favour of protecting woodland. Removal should only be permitted where it would achieve significant and clearly defined additional public benefits".

The provision of 20 houses would not achieve significant and clearly defined additional public benefits.

The CNPA's Forest Strategy 2018 also identifies the importance and value of ancient woodland sites.

### Habitat Connectivity

Scottish Planning Policy 2014 states (217), "If a development would result in the severing or impairment of connectivity between important woodland habitats,workable

mitigation

measures should be identified and implemented, preferably linked to a wider green network.”

The proposal impairs the woodland habitat connectivity that School Wood provides between Abernethy Forest and Craigmore Wood SPAs, through a reduction in woodland habitat and an increase in human disturbance.

### Compensatory Planting

The applicant proposes to provide compensatory planting of 1.97 ha of native woodland in the field above the Nethybridge Hotel. It is well established that ancient woodland is "irreplaceable" and self-evident that this planting cannot compensate for the soils, habitats, species etc that would be destroyed and impacted by this proposal.

The field proposed for tree planting has not been ploughed for many years, and parts of it may never have been ploughed. Accordingly, it has potential to be a rich long-established flower- and fungi-rich site if it were grazed appropriately. The proposed tree planting would undermine this outcome. This would be contrary to the Pollinator Strategy for Scotland and the CNPA's current work on meadows.

The proposed planting does not and cannot compensate for what would be lost by the development. The soils on the field are significantly different from those of the woodland making different tree species appropriate.

The compensatory planting has the potential to conflict with the 1<sup>st</sup> aim of the national park. The application fails to evaluate the impacts of the compensatory planting on sensitive wildlife supported by the open grassland site. This includes invertebrates which provide a key food source at this sunny location; and bats (EPS), barn owl (SBL, amber list), kestrel (SBL, red list), aerial insectivorous birds such as swifts (SBL, red list), seed eating birds such as yellowhammer (SBL and red list), and whitethroat and long-eared owl (of local value); and on invertebrates. No reptile survey has been undertaken to indicate the importance of the field for lizards, slow worms or adders, all of which are Scottish Biodiversity List species.

The Cairngorms LBAP lists numerous 'key Cairngorms species' for farmland and grassland habitats these include, for example, the following that could be adversely impacted by tree planting at this location: five bat species (EPS), lizard (SBL), barn owl (SBL, amber list), whitethroat, long-eared owl, kestrel (SBL, red list).

The Mountview Hotel which overlooks the field runs a bird watching business supporting 30 employees. The open landscape and views provide good bird watching and bird photography opportunities and support this business.

The field has long been used for sledging in during winter.

### Mitigation in School Wood

It is questionable to what extent planted Devil's Bit Scabious and Birds foot Trefoil will survive and thrive in the wayleave which is presently a well-established and valuable habitat in its own right. The dwarf shrubs and bryophytes are often deep, making establishment of these two flowers more questionable, with a tendency for dwarf shrubs to out compete these planted species. The destruction of established dwarf shrubs in order

to create and maintain sufficiently open habitat is destructive of habitat for green hairstreak butterfly, Creeping lady's tresses *Goodyera repens*, Lesser twayblade and the characteristic pinewood moss *Ptilium crista-castrensis*.

#### Recreation, Education, Disturbance

The proposal site includes numerous popular paths that are used daily. This includes a promoted path that forms a part of three waymarked routes that are part of the village's 'Explore Abernethy' path network. This network is promoted with a leaflet, in the Explore Abernethy room in the community centre and on the village website, among other places. This path network is important to residents of all ages and is a major plank in the promotion of Nethybridge for visitors.

The network within and very close to the proposal site includes numerous 'desire line' linking paths. The paths are used for a wide range of activities (by individuals and organised groups), including walking, dog walking, running, cycling, orienteering, geo-caching, bird watching and nature watching, photography, wildlife filming. School Wood, including the proposal site, has attracted wildlife film makers and naturalists with specialist interests. It is used for educational purposes by Abernethy primary school and nursery and the Abernethy Outdoor Centre.

The application does not appear to provide information on how or even if the impacted paths would be re-routed or in some way compensated for. If the intention is to re-route the waymarked path, then we assume this will either take the route further into the wood, where there would be liable to be additional natural heritage impacts; or between the houses and Craigmor Road which would turn a woodland path into a path with a suburban character inappropriate in Nethybridge, a Highland village. It is inevitable that new informal linking paths would develop on desire lines, both associated with a re-routed path and with the development.

Displacement of recreational activity as a result of the development would be unavoidable, adding to impacts on wildlife and amenity.

#### Preliminary Ecological Appraisal - Inadequate Survey Information

Given the incompleteness of the ecological surveys undertaken, with the only survey work having been undertaken over two days in mid-winter (December 31 and January 1<sup>st</sup>) it is unclear how the CNPA can establish whether the proposal amounts to sustainable development. On present information, it is also unclear how, were this PPP application to be approved, how this permission in principle would relate to a full application if subsequent survey work identifies new information. We consider that further survey work would be likely to provide new information, on the basis that this is an ancient woodland and already known to be a rich site. The Appraisal recommends that further survey should be conducted between early summer and late autumn to look for fungi and plants.

We are concerned that no Breeding Bird Survey has been undertaken. Birds known to use the area in the breeding season include the following on the UK Red List: Song Thrush, Mistle Thrush, Spotted Flycatcher; and on the Amber List Scottish Crossbill, Redstart,

Willow Warbler and Woodcock; and on the Green List Crested Tit, Goshawk, Sparrowhawk and Treecreeper.

There has also been no survey of fungi, mosses, liverworts, lichens, amphibians, reptiles and invertebrates. There has been no survey of bats other than survey for potential roost sites.

Since 2009 awareness that biodiversity in Scotland is facing numerous challenges has increased, as highlighted in the recent State of Nature Report. It therefore seems all the more important that surveys are undertaken prior to any proposals being determined. We note that in December 2009 in respect to land in School Wood including Craigmore Road, and on the subject of surveys, the CNPA wrote to Bracewell Stirling Architects advising that “One of the key factors in assessing the potential impacts of the proposed development of the site is on the ecology of the area... The subject site is designated as ancient woodland and due to the species and age of the woodland it is likely to support rich biodiversity. Much of the woodland also has an understorey of Juniper. There are also numerous squirrel dreys in evidence on the site and several trees have the potential to support bat roost. In the light of all of the foregoing site attributes, it will be necessary to undertake an ecological assessment of the proposed site, covering the following:-

- Mammals – including a detailed squirrel drey survey and bat survey of the woodland area;
- Botanical survey, including a moss survey;
- Entomology;
- Mycology; and
- Breeding birds.”

#### Bats - European Protected Species (EPS)

Many trees have naturally fallen over within and around the development site, creating open areas and space for bats to forage within the woodland. We therefore do not consider that a claim made in relation to an earlier application, that the only foraging for bats is along the wayleave, to now be credible.

The appraisal reports on a survey of bat roost potential. No survey of bat activity has been undertaken nor any explanation provided as to why only three species of bats are mentioned rather than all the species that may occur in this general area.

We are aware from observations, that there are a number of woodpecker holes in standing birch and pine which provide classic potential bat roost sites, but which we are concerned appear to have been overlooked in the survey. The survey therefore appears to underestimate the number of potential bat roost sites.

The information on the bat roost survey seems to be unclear:

“Only five trees on site (trees numbered 2, 8 and 12 and unmarked trees BRP1, BRP 2, BRP 3 and BRP4) have any bat roost potential”. Of the seven trees identified, it is unclear which 5 are considered to have roost potential, and an appraisal of potential is only provided for three trees.

The appraisal only refers to 3 species of bat rather than the full list of species known from this area.

The light pollution from the site has potential to impact on use by bats and other wildlife, and such impacts have not been assessed. There is no mention of the possibility of additional domestic cats from the development causing additional predation on bats. There is not sufficient information provided with the application to assess what adverse impacts the proposal could have on these European Protected Species.

#### Otter - European Protected Species

BSCG members and others have recorded spraints at multiple locations on the Caochan Fhuarain in School Wood (including near the development site) since at least 2001 until present. In both March and April 2020 we have recorded fresh spraints on the Caochan Fhuarain close to the development site and both upstream and downstream from it. These spraints contained amphibian and fish bones and one spraint was associated with the prey remains of a female mallard. In April an otter was recorded on a camera trap upstream of the development site on the south side of Craigmore Road, near an amphibian spawning area. During late Winter and Spring, amphibians provide a potentially vital prey for otters. Eurasian otters are prey-limited and this time of year has been considered by researchers in Scotland to be a time of food shortage. Amphibian prey can be considered to be energetically relatively easy to catch. It is likely that, as on the river Dee catchment, eel prey has undergone significant decline in the Spey catchment. It is noteworthy that long term research in Deeside has reported a decreased frequency of eels in spraints and an increased use of waterfowl prey.

The Caochan Fhuarain flows into the Allt Mor a few hundred metres downstream from School Wood. The Allt Mor is part of the River Spey & Tributaries SAC designated for otters. It is not in doubt that the otters in School Wood are part of the SAC population. Otters in the SAC are facing pressures of declining salmon and eel populations as well as flooding issues associated with climate change.

We have also recorded spraints this year (March 2020) and in some previous years on the un-named burn in School Wood, west of the Caochan Fhuarain, that also flows into the Allt Mor. Therefore, the development footprint has a burn that is currently used by otters on both its east and west sides.

The proposed development shows that both these burns would be used for the SUDS basin overflow drainage. This may have implications for water quality in these small water courses. Both burns are small, narrow and shallow. They provide no water cover in which otters can find refuge, for example from dogs. Twenty houses within the wood would add to disturbance and risks from dogs. The development would increase after-dark activities such as dog walking, and night-time cycling and running (with or without dogs) which are becoming increasingly popular, all of which could add to disturbance.

To follow both burns otters have to cross Craigmore Road as there is only a pipe beneath the road. There would be increased traffic associated with the development, increasing the potential for RTAs.

The un-named burn flows through the Abernethy Primary School wildlife area. The presence of sprainting places within and very close to the wildlife area is of important educational value. We have previously alerted Highland Council and the CNPA to the potential for sites within School Wood and adjoining woodlands to be used for natal holts; and as has been previously

reported, there is anecdotal evidence of an otter cub associated with a hole by the Allt Mor (only a few hundred metres from the development site), having a close shave with a dog. During late Winter and Spring, amphibians provide a potentially vital prey for otters that is probably energetically relatively easy to catch.

An interesting report from a Nethy resident of watching an otter cross the Lettoch Road is consistent with otters moving between the Allt Mor, the Caochain Fhuarain, and the River Nethy, perhaps via the extensive drainage ditches near and within Lettoch Wood.

#### Red Squirrel Scottish Biodiversity List

It is unclear how it is possible to deliver the assertion in the Preliminary Ecological Assessment that “No trees containing red squirrel dreys will be felled”. Drey sites are not static and dreys can be built at new sites at any time. If all trees with dreys are to be retained, then it is unclear how the CNPA can determine any full application in the future, due to the possibility of a drey being constructed within the development footprint after approval. Similarly, delivery of 5m and 50m protection zones for non-breeding and breeding dreys and maintenance of canopy connectivity between dreys and surrounding woodland appears to be incapable of being delivered in practice. It is questionable how accurately breeding and non-breeding dreys can be distinguished. In addition, whereas the applicant’s ecological information refers to three dreys recorded on the site, there are more than 3 dreys presently within the proposal site, and the number of dreys could be substantially different at a future date.

#### Fungi

There has been no mycological survey to support this application. This is in spite of the forward-looking CNPA’s Forest Strategy 2018, which identifies with respect to AWI woodland sites, that “these sites are important because they sometimes harbour a range of other native woodland species including invertebrates, bryophytes and fungi.”

A fungus of particular note found in the proposal site at multiple locations is the exceptionally rarely found Creeping lady’s tresses rust *Pucciniastrum goodyerae*. A speciality of Cairngorms pinewoods found near the proposal site is *Lactarius musteus* described as of UK Conservation Concern and a Locally Important species in the Cairngorms Local Biodiversity Action Plan.

Also of note and found within the vicinity of the site are The Gypsy *Cortinarius caperatus*, *Gyromitra infula* Pouched False Morel or Elfin Saddle, and the toothed fungi *Sarcodon* sp that is on the Scottish Biodiversity List.

Among 31 macro fungi recorded on a single visit to the vicinity of the proposal site are two species on the preliminary Red List: *Russula badia* Burning Brittlegill (Near Threatened), and *Tricholoma stans* Upright Knight (Vulnerable).

Among fungi that are important for invertebrates is the Dyers Maze-gill *Phaeolus schweinitzii*, that is associated with the rot holes used by the rare Pine Hoverfly *Blera fallax*.

Reflecting the rich deadwood resource on the site that includes Scots pine, willow, birch and aspen, are recent records of jelly fungi on the site, of Pine Jelly *Exidia saccharina*, Amber Jelly *Exidia recisa*, Birch Jelly *Exidia repanda*, and White Brain *Exidia thuretiana*. An aspen-associated species on the proposal site is the Pink Aspen Polypore crust *Peniophora polygonia*.

The site is rich in bracket fungi that support interesting invertebrates including the beetle *Tetratoma fungorum*. This has recently been recorded on or near the proposal site, apparently a first record of this attractive beetle in the Cairngorms National Park.

#### Invertebrates

There has been no invertebrate survey carried out for this application, and the Preliminary Ecological Appraisal states that “Further surveys during the spring and summer are necessary to determine the value of the site for rare invertebrates.”

No justification has been given as to how the proposal will not adversely affect invertebrates. Yet the application is within the Strathspey Important Invertebrate Area. IIAs are identified for supporting nationally important populations of invertebrates and the habitat on which they rely.

Many invertebrate species of interest have been recorded from the development site and over a wider area of School Wood in recent years. A few of these from diverse groups are referred to below and illustrate the high value of this site.

Three rare spiders associated with Caledonian pinewood have been recorded on the site. These are *Dipoena torva* the Gallows or Wood ant eating spider, *Dictyna pussila* the Small mesh-weaver and *Clubionasubsaltans* the Caledonian sac spider. These predators are all in different families and all are on the Scottish Biodiversity List and therefore the biodiversity duty of the Nature Conservation (Scotland) Act applies. The Small mesh - weaver and Caledonian sac spider are classed as Vulnerable by IUCN. The main site where the Gallows spider has been recorded in recent years would be destroyed by the development.

The Narrow-bordered bee hawkmoth *Hemaris tityus* and the moth Cousin German *Protolampra sobrina*, both on the Scottish Biodiversity List, have been recorded from the proposed site in recent years where both the larval foodplants of Cousin German of Birch and Blaeberry are present.

Other SBL species known from on and near the proposal site include the predatory Bumble bee Robberfly *Laphria flava*, that depends on deadwood habitat, and has been observed hunting near the site; and the Mountain or Blaeberry bee *Bombus monticola*, recorded visiting flowers of blaeberry, clover and bird’s foot trefoil on the site. The Pinewood mason bee *Osmia uncinata* has been observed breeding on the site. It is on the SBL and classed as Vulnerable by the IUCN.

The beetle *Tetratoma fungorum* has recently been recorded on or near the proposal site, apparently a first record of this attractive beetle in the Cairngorms National Park.

Rare beetles recorded on the development site include the Blood-red Longhorn beetle *Anastrangalia sanguinolenta* on the UK Red List and which appears to have a stronghold in the Cairngorms; and *Dictyoptera aurora* the Red net-winged beetle that is classed in Britain as Nationally Rare and Vulnerable.

#### Reptiles and Amphibians

The Preliminary Ecological Appraisal states that the proposed SUDS will be planted with aquatic plants and waterside vegetation and will provide breeding and foraging habitat for frogs. There is no indication of how the SUDS will retain water on at least a semi-permanent basis and certainly during spring when frogs are breeding. Experience of other SUDS, such as at Beachen Court, Grantown demonstrate that they may be without standing water for much of the time, and do not necessarily provide good amphibian habitat.

The footprint and nearby supports common lizard, common toad and frog, of which lizard and toad are on the SBL.

We are very concerned that there has been no survey of reptiles and amphibians and not that no justification has been given as to how the proposal will not adversely affect reptiles and amphibians.

#### Capercaillie

We are concerned at the permanent reduction in habitat connectivity provided by School Wood as a result of the proposal. This impairs the movement of capercaillie between Abernethy Forest and Craigmore Wood SPAs. School Wood is part of the key woodland corridor between the internationally designated sites for capercaillie of Abernethy Forest SPA and Craigmore Wood SPA. This corridor affords vital connectivity that facilitates movement of capercaillie and other wildlife between these protected areas.

Such movement is essential for the long-term survival of capercaillie in Strathspey, which now supports well over 80% of Scotland's capercaillie, making it crucial to their survival.

The habitat on and close to the site is highly suitable for capercaillie. However, the quality of the site for regular use by capercaillie is compromised due to disturbance. Disturbance would increase as a result of the development.

The Preliminary Ecological Appraisal states, "no suitable foraging or breeding habitat exists on site for Capercaillie". This is entirely incorrect. The principal habitat on and close to the site is National Vegetation Classification W18, that is well known to be suitable for capercaillie. Also suitable is the nature of the stand (tree size, spacing and structure) and the nature of the understorey, even though this is not rich in dwarf shrubs throughout. The W18 is enriched with damp areas and elements of W17. The understorey on and close to the footprint includes grasses, mosses, ferns, violets, Wood sorrel, Chickweed wintergreen, sedges, Hare's tail cotton grass, Hair moss, and Bugle all of which are known to be fed on by capercaillie in Scotland (from direct observations and crop contents of shot birds in the 1970s and into the early 1980s). By way of examples, Capercaillie used to lek and nest successfully in Culbin Forest and Roseisle Forest, where blaeberry and cowberry were notably sparse.

The Preliminary Ecological Appraisal states “The habitats within the proposed development site and School Wood are unsuitable for Capercaillie”. This is also incorrect. W18 is the principal habitat throughout School Wood.

The Preliminary Ecological Appraisal correctly identifies that “The development site forms part of a ‘woodland corridor’ which is vital for the dispersal of Capercaillie between Craigmore Wood to the north and Abernethy Forest to the south. The development is likely to have a negative effect on dispersal of Capercaillie between these breeding areas which could negatively affect breeding success”; and provides further information on the effect of the development on the corridor, “The woodland corridor to the east which will remain after the construction of the proposed development is only ~260m across. The proposed development is likely to deter Capercaillie from using this dispersal route.”

Causing a negative impact on breeding success is unacceptable.

Strathspey supports well over 80% of the entire Scottish population of capercaillie. The entire Speyside, and therefore Scottish, population is in decline; and all the Scottish populations other than Strathspey are now considered to be effectively extinct.

Capercaillie make use of woodland neighbouring School Wood, with a sighting in Balnagowan Wood in March 2020, and two separate records (droppings, a feather and a sighting) in Culstank Wood in June and October 2019. These records need to be interpreted in the context of the extremely low population. It would be highly misleading to interpret these records as indicating a low level of use and consequently low importance. They indicate that the woods that form the connecting habitat between Craigmore and Abernethy, of which School Wood is one, are used by capercaillie.

Capercaillie are known to be very sensitive to disturbance from people and dogs. The proposal would unavoidably increase disturbance in both School Wood and other nearby woods through displacement. It would result in increased disturbance to capercaillie in currently less disturbed areas. Significantly, recreation pressures are likely to increase in Craigmore Wood SPA, where the status of capercaillie is now ‘unfavourable and declining’ and where even current levels of disturbance are an issue of concern.

#### Archaeology

No archaeological information appears to be provided despite School Wood (including within the development footprint or at least in the close vicinity of it) being known to have been used during the war and there being numerous visible effects on the ground. Such history is part of the cultural heritage that should be conserved and enhanced through the 1<sup>st</sup> aim of the Park. Local history is an important and valued part of Nethybridge that is emphasised through Explore Abernethy and is significant to tourism.

#### SUDS Basins

The two SUDS basins would overflow into the un-named burn and the Caochan Fhuarain. We are concerned that this creates a permanent risk of negative impacts, including pollution, to these small water courses. Both water courses are known to currently (March 2020) be used by otters and it is known that they have been used for

many years, e.g. since c. 1993. These burns flow into the Allt Mor close to School Wood, which is part of the River Spey & Tributaries SAC and it can be confidently assumed that the otters using the burns in School Wood are part of the River Spey SAC population. As explained under 'Otters', BSCG has concerns over the vulnerability of otters to low salmon and eel populations and flooding, impacts that are likely to get worse rather than better in the future due to climate change. Also, surveys reveal distribution but not numbers of otters, that are a wide-ranging species with large home ranges and low population density.

Gus Jones  
Convener

Firwood  
Nethybridge  
Inverness-shire  
PH25 3DE

Ms Stephanie Wade,  
Planning Officer (Development Management)  
Cairngorms National Park Authority  
14 The Square  
Grantown on Spey  
Scotland  
PH26 3HG

20 April 2020

Dear Stephanie Wade,

Proposal: **Residential development for up to 20 dwelling houses | Land at School Road And Craigmore Road Nethy Bridge**

Planning application: **2020/0064/PPP**

I wish to **object** to this application and request that the Cairngorms National Park Authority turns it down.

Today was the last day for objections to this planning application but, at 11pm I still don't see any response from SNH and neither has anything appeared from the Cairngorms National Park Authority to allow members of the public to know more about the site's natural history importance or not. If the public were able to see what the two national statutory bodies are thinking more objections might have been made if the public had known these views, particularly if they didn't agree with them.

Via email correspondence with CNPA I was informed that SNH would be allowed 14 days to respond so why were they only consulted on 3 April 2020 when most of the planning application detail was with CNPA on the 9 March 2020? The public initially had to respond to the planning application by the 6 April 2020, but this was extended to 20 April which to me appears to be 14 days, so a response from SNH should have been on the planning website. They would have had even more time if they had been consulted back in March. This lack of information should, by rights, initiate another extension to the objection date so the public can respond or otherwise if they don't like what they see.

Another reason for delaying the planning timetable for this application is the problems being created by the coronavirus, not just because so many important staff from various conservation organisations have had difficulty gaining access to files etc whilst working

from home whilst trying to prepare their objections, the staff from CNPA are also facing the same problems. Having raised the problem of people gathering together with CNPA several weeks ago I was informed that the planning application would continue to progress as normal despite the planning committee not being able to meet for the planning meetings but neither would they be able to make a site visit to see the area of School Wood that would be lost if the planning application was given the go ahead. The planning process would progress as follows: “our Planning Committee will continue to meet virtually by video conference and the meetings will be run by the planning committee convener as normal but subject to the videoconferencing constraints. The committee meetings will not be open to members of the public. In the short term there will continue to be an ability for supporters/objectors to present, either through a video or through a presentation/statement read out by a planning officer. In the medium term we hope to find a solution that allows presentations from objectors/supporters to be made remotely to the meeting but that won't be possible immediately. The planning committee will not be able to have site visits while the Covid-19 restrictions are in place. Decisions will have to be based on the information supplied with an application, from representations and what is presented to them in reports and other presentations.”

When this section of School Wood was threatened by an earlier planning application for housing I'm sure the site visit by the then planning committee impressed on them the importance of the ancient woodland and its mix of habitats and the application was turned down. To deny a site visit this time round, at a later date when the Covid-19 restrictions have been lifted, is not the right process for a site as important as School Wood. Since the last site visit most of the planning committee has changed so few will have seen the site to allow them to see what would be lost should the planning application be given the go-ahead. Just 4 of the members from 2014 are still on the planning committee, so there is little on-site knowledge of how important this site is in ecological terms.

I would implore the CNPA to turn down this application for the reasons raised in my earlier objections and for the poor way this application has been handled this time round.

Yours sincerely

Stewart Taylor