

# **AGENDA ITEM 5**

## **APPENDIX 2a**

**2018/0019/PPP**

**REPRESENTATIONS  
OBJECTIONS**

# Comments for Planning Application 17/05877/PIP

## Application Summary

Application Number: 17/05877/PIP

Address: Land 125M NE Of Shangrila 4 Lettoch Road Nethy Bridge

Proposal: Erection of seven houses

Case Officer: John Kelly

## Customer Details

Name: Mr William Paterson

Address: 3 Lynstock Park, Nethy Bridge PH25 3EL

## Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The development is outwith the village boundary. The road is unsuitable for more housing.

I have seen in the wooded area wildlife such as Goldcrests, Crossbill and other rare birds. Deer and Hare have also been seen in the woods and I have heard that Wildcats have been captured on animal cameras. Capercaille have been heard in the area.

There are also Granny Pines in the proposed area for development.

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

Cairngorms National Park Authority  
The Square  
Grantown on Spey  
F.a.o. Emma Wilson

8th February 2018

Dear Sir

**2018/0019/PPP | Erection of seven houses | Land 125M NE Of Shangrila 4 Lettoch Road  
Nethy Bridge**

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

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

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

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

It appears that the applicant is wishing to sidestep normal planning procedures whereby land is first allocated for potential development during the process of producing the Local Development Plan via the Main Issues Report. Whilst these procedures are by no means fully satisfactory, to ignore them is to bring the planning system into further disrepute. Indeed, the **Scottish Planning Policy** (p.2) emphasises the presumption in favour of decisions being plan-led wherever possible:

“The [Town and Country Planning (Scotland)] 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.”

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

*“... concern is emerging about the rate and scale of change in established villages. Unsympathetic cramming and expansion of communities is eroding their character and setting, threatening to overwhelm facilities, or creating imbalances in the social structure.”*

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

In as much as the proposed houses, including the two so-called affordable units, are likely to be well beyond the financial reach of any young person within the settlement area, this application is also a reminder that building houses that local people cannot afford to buy does nothing to alleviate such local housing need as does exist. It merely uses up what little potential building land remains.

## 2. Landscape and Amenity

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

In other words, this development would transform a landscape consisting of a significant length of a rural road, bounded by semi-natural and fairly mature pine woodland on one side, which is a characteristic landscape of the park that is of value, to a suburban streetscape of much lower value. That such a transformation in terms of landscape and amenity should occur without due consideration via the LDP development process in unconscionable, and is clearly not **outweighed by social or economic benefits of national importance**". The proposal is therefore **contrary to Policy 5 Landscape**.

## 3. Woodland Removal

The proposed development site consists of woodland, mainly of fairly mature Scots pine, with some fine veteran pines, and a few mature goat willows.

The Ordnance Survey 25 inch to the mile Sheet XLVI.16, which was surveyed in 1867, shows that the area was then woodland, as do all subsequent OS maps, showing that the woodland character of the site is long-standing.

Earlier this month, Philip Barton, a Reporter appointed by the Scottish Ministers to consider an appeal against refusal of planning consent for a single house in woodland situated on the outskirts of Nethy Bridge, made the following observations in **dismissing** the appeal (Ref. PPA-270-2180) :

Scottish Planning Policy (Woodland) and the Scottish Government's Policy on Control of Woodland Removal are relevant material considerations in this case [...]

The Scottish Government's policy on control of woodland removal states, [...] on page 6, that woodland removal should be allowed only where it would achieve significant and clearly defined additional public benefits."

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

( <http://www.gov.scot/Topics/Business-Industry/Energy/Infrastructure/Energy-Consents/Guidance/Woodland-removal> ), see:

"Internationally there is now a strong presumption against deforestation (which accounts for 18% of the world's greenhouse gas emissions). Reflecting this, in June 2008 Scottish Ministers approved a policy on control of woodland removal which seeks to protect the existing forest resource in Scotland, and supports woodland removal (deforestation) only where it would achieve significant and clearly defined additional public benefits."

This decision should give comfort to the planning authority that an appeal against refusal of planning consent in this case would be unlikely to be successful.

#### 4. Other Considerations

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

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

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

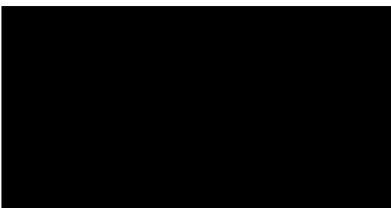
The Woodland Trust has highlighted the potential damaging impacts on the ecology of woodlands caused by adjacent built developments. It found there are five main impacts:

- chemical effects from fertilisers and pesticides spreading by leaching or aerial drift;
- disturbance to and predation of wildlife, causing lower breeding success and population decline;
- dumping of garden waste and rubbish, leading to invasion of the woodland by non-native plants;
- fragmentation;
- and cumulative effects. (Report: "Neighbours from Hell", Woodland Trust, 2012).

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

#### 5 The Current Main Issues Report

I draw your attention to the fact that the proposed development site is listed as THC005: an Alternative Site Option (not preferred). That emphasises the status of the proposed site as one that has not been allocated for housing development and appears unlikely to be so in the near future.



Yours sincerely,

Roy Turnbull.

**From:** gus.jones00@gmail.com on behalf of BSCG info  
**Sent:** Mon, 12 Feb 2018 23:51:06 +0000  
**To:** Planning  
**Subject:** 2018/0019/PPP

## Badenoch & Strathspey Conservation Group

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12 February 2018

Dear Planning Team

### **2018/0019/PPP | Erection of seven houses | Land 125M NE Of Shangrila 4 Lettoch Road Nethy Bridge**

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

The application site is mature woodland conforming to National Vegetation Classification W18 *Pinus sylvestris-Hylocomium splendens* woodland which is the NVC classification for Caledonian pinewood, a habitat for which Scotland has international responsibility and for which Strathspey provides a particular stronghold. Within W18 it conforms to sub community b where the ground vegetation is dominated by dwarf shrubs. The site is rich in dwarf shrubs, including blaeberry *Vaccinium myrtillus*, cowberry *Vaccinium vitis-idaea*, crowberry *Empetrum nigrum* and heather or ling *Calluna vulgaris*.

The site is rich in Juniper which is a UK Priority Species for which Strathspey is an important centre of its distribution. The Juniper on the site supports associated species, including Juniper galls.

The site supports Serrated Wintergreen *Orthilia secunda*. This is a nationally scarce plant that is on the Amber list classed as Vulnerable and Near-Threatened. The status of the population in the Cairngorms National Park is classed as of Very High importance compared to its GB distribution.

There are cumulative losses of this attractive flower from development at the Rothiemurchus 6 houses site near Heatherbank 2016/0158/DET where the whole population will be lost and there is no mitigation. It is under significant recreational pressure (trampling etc) at Glenmore; is threatened by development in the current LDP School Wood Craigmore Road allocation; has been impacted in Nethybridge by road edge infrastructure; and is vulnerable to further such edge impacts at various locations locally.

The site supports such characteristic pinewood species as red squirrel, pine marten, crossbill and crested tit. It is likely to be used by brown hares and hedgehog. There are reports of use by capercaillie and the site provides suitable habitat for capercaillie. The site may well support rare species of fungi including species on the Scottish Biodiversity List, and rare bryophytes.

### **Forestry Commission Native Woodland Survey of Scotland**

The site is identified as scoring 100% for both nativeness and semi-naturalness, reflecting a relatively high ecological significance.

### **Scottish Planning Policy**

SPP Landscape and Natural Heritage Section 148 (Trees and Woodland) states that: ‘The Scottish Governments’ Control of Woodland Removal Policy includes a presumption in favour of protecting woodland resources. Woodland removal should only be allowed where it would achieve significant and clearly defined additional public benefits.’ This proposal does not provide clearly defined additional public benefits and is not in accord with this Policy.

### **Status of Affordable houses**

What type of affordable houses the two units will be is not specified. They may be available on the open market and classified as affordable houses due to their smaller size and therefore being priced towards the less expensive end of the market. This type of affordable house is available to be purchased as a 2<sup>nd</sup> home. All seven houses may well be too expensive to be financially accessible to young people within the settlement area.

### **CNPA Park Partnership Plan 2017-2022**

The proposal undermines rather than supports the CNPA's Agenda for Action in the Park Partnership plan 2017-2022 Priority 7 Housing.

It can reasonably be anticipated that some of the seven houses are likely to be purchased as 2<sup>nd</sup> homes, as is the case with the previous 10 houses developed by the applicant. This is contrary to the CNPA's Agenda for Action in the current CNPPP of reducing 2<sup>nd</sup> homes. It is noteworthy that Nethy already has a high proportion of 2<sup>nd</sup> homes.

### **CNPLDP**

The site is not allocated in the current LDP, that still has some 2 years to run and is outwith the settlement boundary set in the LDP. To permit this would be contrary to a plan-led approach which SPP presumes in favour of and is a fundamental principle of good planning. Departure from a plan-led approach exacerbates the problem identified in the current planning review, of lack of public confidence in the planning process.

The proposal would undermine the CNPA's objectives of ensuring that development at Nethybridge contributes to a clear definition between settlement and countryside; and protects those parts of the village that are important to its character and setting.

It would also undermine the Toolkit priority of maintaining and enhancing the sense of a Forest Village. Much thought went into the theme of Nethybridge as a Forest Village and it would be inappropriate to permit housing that significantly undermines the woodland setting of the village.

We note that in the MIR a development allocation on the other side of the road is proposed. Were this to happen, the amenity green space and landscape character provided by the woodland would be all the more important and valuable.

### **Landscape Impacts**

The road widening, pavement and street lighting would require the loss of some very fine Scots pine trees and Juniper, as well as other valuable and attractive habitat. The development would transform a highly attractive and characteristic woodland with a diverse and natural character, that provides important amenity green space, which is part of the natural capital of the national park. The development would eliminate the woodland that provides the woodland character and setting, as well as a clear distinction between the village and countryside.

### **Amenity**

The Lettoch road is exceptionally scenic and is a valued and promoted walking and cycling route that is part of the waymarked network developed through the community Explore Abernethy initiative. This initiative is a unique feature and tourism selling point of Nethybridge, that is in line with the aims of the national park. The development would impact detrimentally on this tranquil route and its considerable amenity.

### **Drainage issues**

Within and nearby the site there are wet areas, including with standing water and Sphagna. These have potential for a range of wildlife, including potentially otters (EPS) and amphibians.

### **Ecological surveys**

It is unacceptable for the PPP to be approved without a full range of ecological surveys having been provided beforehand. This site shares features with School Wood; it is

noteworthy that a number of the habitats on the proposal site appear very similar to ones supporting important biodiversity at School Wood near Craigmore Road.

We note that the Craigmore Road allocation remains extant in the current LDP and therefore significant in-combination impacts could arise.

Yours sincerely

Gus Jones

Convener