

Further Representation letters
x3.

Paper 9 - 09/048/CP.

Badenoch & Strathspey Conservation Group

Fiodhag, Nethybridge, Inverness-shire PH25 3DJ
Scottish Charity No. SC003846



Andrew Tait
CNPA
Station Square
Ballater

Dear Andrew,

Calngorms National Park Authority
Planning Application No. 09/048/CP.
REPRESENTATION
ACKNOWLEDGED 28.04.10 email.

Calngorms National Park Authority
28 APR 2010
PWRS RECEIVED JM kyemail

Kingussie 300 houses Davall Developments 09/048/CP

I am writing on behalf of BSCG to object to the above application. Some of our reasons for objection are outlined below.

Wildcat - European Protected Species

The Wildcat is one of Britain's most endangered species, and with only an estimated 400 left in the wild is on the brink of extinction.

Wildcat have recently been caught on a camera trap at the Highland Wildlife Park (apparently attracted to females in captivity).

These new finding add validation to the concerns BSCG expressed at the Local Plan Inquiry Hearing, that the site may be used by wildcat. As we observed then, the site supports potential foraging habitat for wildcats, with abundant rabbit prey, and suitable woodland edge habitats. The phase 1 vegetation survey of the site undertaken in September 2009 included a set of target notes relating to features of ecological interest and mentions a "large very active rabbit warren".

Potential negative impacts on wildcat of the proposed development include loss of habitat, increased hybridization with domestic cats and spread of disease, and increased risk of road traffic accidents.

The biodiversity duty of the Nature Conservation (Scotland) Act applies to wildcat.

The latest advances in knowledge of the status of wildcats represent a significant new material consideration that should be given proper weight.

Defense that depends on outdated SNH opinion unsupported by fieldwork could well crumble under the pressure of legal challenge.

The Cairngorms NP is considered to be especially important for wildcat.

The CNPA are supporting the Cairngorms Wildcat Project, a conservation project that aims to "work with a range of partners and interest groups to safeguard surviving wildcat populations and create favourable conditions for the species to thrive in the Cairngorms National Park" (Project website). Under the heading "Why choose the Cairngorms for wildcat conservation?" the website states

"The landscapes in and around the Cairngorms have been identified as an important stronghold for the Scottish wildcat", and amongst the reasons for the decline the website states "Wildcats have endured centuries of habitat loss".

A message on the website reminds readers that "The wildcat is undoubtedly one of the most iconic and evocative mammals of both the Cairngorms National Park and Scotland, and yet is on the brink of extinction".

Mammal Survey

No full mammal survey relating to the proposed development has been undertaken.

Mammals that the proposed development could impact negatively on include various kinds on the Scottish Biodiversity List. For example all occurring species of bat (also European Protected Species): wildcat (also a European Protected Species), badger, brown hare (also a UK Priority Species), and red squirrel (also a UK Priority Species). The Biodiversity duty of the Nature Conservation Scotland Act 2004 applies to all species on the Scottish Biodiversity List. The west European hedgehog is another UK priority species that could be anticipated to use the site. It has not been established where flight lines of bats are in the area, where bat roosts are or where badgers setts are within or near the site.

Phase 1 survey

The "initial basic conservation appraisal" that was the objective of the 2009 Phase 1 survey was limited in scope and undertaken on one date in September. This is late in the season for finding Spring flowering plants. In scope the survey did not cover fungi or lichens, however the surveyor tentatively identified the nationally scarce dog lichen *Peltigera britannica*, the wider status of which nearby has not been assessed by any lichenologist. There is the potential for grassland, heathland and woodland habitats on the site to have mycological interest. The phase 1 survey lists no species of fungi. Considering that the "primary aim" of the Phase 1 habitat survey was to establish the presence of any rare or notable plant species" some concern must exist that it seems not to list the tree Wych elm that was seen on the site visit. This native tree is arguably notable, being the subject of a special plan in the North East Biodiversity Action Plan and comparatively uncommon in Badenoch and Strathspey. The Phase 1 survey listed some species of plant that are food plants for notable invertebrates. BSCG considers the lack of any invertebrate survey is unacceptable. BSCG shares the view of Buglife (the Invertebrate Conservation Trust) that invertebrate surveys are appropriate for developments in an area of such national importance for invertebrates as the Cairngorms area. It appears there has not even been a desk study of notable invertebrate records for the site.

Reporters' Concerns

BSCG is profoundly concerned that the CNPA should not determine this major application before the Board has considered the Reporters' Report and the CNPA's response.

Throughout their Report, the Reporters repeatedly emphasize their major concerns about very significant oversupply of housing allocations within the CNPA Local Plan. In their Report on Kingussie KG/HI (most of the proposed site, as allocated in the CNPA Local Plan) they state;

“as we have made clear elsewhere in this report, we have considerable reservations about the manner of the preparation of Table 4 [Phased land supply by settlement with indicative capacity] in the emerging local plan and, consequently, about the indicative figures which it presents. In short, we are in no doubt that the total land supply allocated to settlements is over generous and, certainly, a substantial overestimate of what can be justified for the lifetime of this plan.”

The Reporters state that housing figures amounting to hundreds of houses (nearly 700) have been “plucked out of the air” by the CNPA; that it is “disappointing in the extreme” that the CNPA could not provide any “substantive information” to demonstrate the availability of an ongoing effective supply of land to meet identified requirements; that they have “considerable concerns about Table 2 [Housing land requirement calculation] and that it is “not at all clear ... how the phased land supply by local authority area and by settlement as set out in Table 3 and Table 4 has been derived” and that “we conclude that the rationale for the calculation of the housing requirement is unconvincing and the connection with housing land requirement is not made sufficiently clearly.”

The Reporters state “all of the deficiencies that we have identified in the calculations and the allocations to particular settlements are very substantial defects and we are satisfied that serious consideration should be given to resolving them before the CNPLP can be progressed to adoption.” The Reporters recommend that Tables 2, 3 and 4, and paragraphs 5.35-5.40 (on housing land requirement and supply) should be deleted, and this section rewritten.

We are very concerned that this very major housing development (the biggest ever in Kingussie) could be determined without the allocation completing its progression through the CNPA's Local Plan process, and especially so when the need for the large numbers of houses allocated within the CNPA Local Plan has been so significantly and fundamentally criticised.

It seems particularly inappropriate for a decision to seal the fate of an extensive area for many years to come just weeks before the CNPA board will have the opportunity to take stock of and discuss the recommendations arising from the 2009 Local Plan Inquiry.

Absence of CNPA justification

The proposed development conflicts with the Reporters' recommendations in their Report into the CNPA Deposit Local Plan. The CNPA has provided no specific justification for its departure from the Reporters' recommendations.

The CNPA has repeatedly (including currently on its own website) led the public to believe that they have to provide justification for not following the Reporters' recommendations. If this application is exempt because it is being determined prior to the May 14th meeting, then this hardly provides the public with confidence in the process into which the public have invested so much time and effort.

Lack of Local Housing Needs Survey

We assume that no up-to-date local housing needs survey for Kingussie has been carried out, as the CNPA Housing Officer does not refer to one, but only provides details of the waiting list from the common register for Kingussie.

We are very concerned that the CNPA should be recommending approval of such a major proposal without such a survey, and in the light of the Reporters' assessment of major over supply of housing in the CNPA Local Plan.

Public Consultation

The planner's report states that the Highland Council Local Plan is "crucial" to this application.

The HC First Draft Local Plan was published in March 1991. Obviously many people around today had no opportunity to make comments 19 years ago and the Board is being recommended to approve the biggest ever housing proposal in Kingussie on the basis of this ancient consultation.

The CNPA Local Plan process is still ongoing, and it is likely that there will be further public consultations in the near future before the Plan is finally adopted. The public has therefore not yet had the full opportunity to comment on the CNPA Local Plan, which includes the allocation of most of the proposed development site.

Due to the large scale of the proposal, the timing of the 4 phases puts the end of the development at 2026 – over 30 years since the consultation took place. Whereas the phased timing may alter to some extent, it is unlikely to alter dramatically.

In addition, the industrial site was not included in the CNPA Draft or Deposit Local Plan (the versions that were printed for public consultation). It only became included in the modified versions of the Deposit Local Plan. As a result of this late inclusion, we consider that people may not have been aware of the allocation.

Masterplan

The Board is being recommended to approve the proposal before the operational Masterplan is provided (Planning Condition 1 – revised Masterplan). Given the condition for a full mammal survey and potential negative impacts on European Protected Species and UK Priority Species, granting planning permission before the natural heritage impacts have been properly assessed could have legal implications.

Industrial Site

The Reporters recommended deletion of the whole of the industrial site area from the CNPA Local Plan, and were highly critical of the Settlement Boundary being breached in this location. They indicated that breaching this settlement boundary would open up the prominent surrounding area for development in the future, with consequent landscape etc impacts.

The Reporters state "no overwhelming need for the allocation of this site for the uses proposed by the objector [Davall Developments] has been established; and the development

of this land would breach irrevocably a long established, robust and defensible stretch of the settlement boundary.”

They further clarify that “the objector [Davall Developments] has stated that he is prepared to withdraw the objection, subject to the assumption that approximately 0.85 hectares of KG/BD1 [the industrial site] can be developed for economic development with a further 0.25 hectares for tourist related uses.”

It appears reasonable to conclude that this is, in general terms, what has taken place.

Outdoor Amenity

The site provides an area for outdoor amenity and recreation in its own right; this is especially valuable as the site is readily accessible to many residential streets.

The site links with waymarked routes that are promoted by volunteer organisations in the community, to provide additional, circular access routes around the town.

Whereas we recognize that access routes may be retained within the site, the quality of experience is entirely different.

The site provides an important landscape element, both for the setting of the town and as seen from significant locations.

Land Use

The proposed development site has a long history of agricultural use, with today’s field boundaries being shown on the 1st edition OS map.

The site contributes positively to the agricultural traditions of the CNP.

Area Accessed from Ardbroilach Road

We support the recommendation to refuse the 4 houses on this part of the site that has significant natural heritage interest as the Phase 1 survey documents. There is an issue of cumulative loss of such seminatural habitat considering the St Vincent appeal decision on the other side of the Gynack. Highland Council did not object to the National Park Local Plan on the matter of removal of this site from housing allocation.

Conflict with Aims and CNP Plan

As BSCG has previously drawn to attention, development of the area proposed conflicts with all 4 aims of the National Park, and with many elements of the 2007 CNP Plan. Planning Reporters who in 2009 examined relevant issues in detail concluded that the CNPA should not “slavishly” follow allocations from previous development plans.

Yours sincerely

Gus Jones
(Convener).

Paper 9. - 09/048/CP

Marie Duncan

From: Iain Glen
Sent: 25 April 2010 00:31
To: Planning
Subject: Representation concern for forthcoming planning application in Kingussie

To
Cairngorms Planning Dept
Cairngorms National Park Authority

Cairngorms National Park Authority

Planning Application No. 09/048/CP

REPRESENTATION

ACKNOWLEDGED 27.04.10.

Cairngorms National
Park Authority

27 APR 2010

PWAS RECEIVED JM

From
Judy Drummond
1 Cameron Terrace
105 High Street
Kingussie PH 21 1JD

I wish to make representations concerning the proposed housing development in Kingussie.

My house is at the corner of Dunbarry Road and the High Street. The access to my parking area at the side of my house in Dunbarry Road would be severely affected by traffic increase caused by the development, and would become impossible if traffic lights were ever contemplated at the junction.

I work as a qualified care assistant for care of the elderly in the community and access to my car at all times is essential for my work.

I understand that a new road into the development is planned, but the Dunbarry road access would inevitably be affected by traffic increase.

I am not against new housing being provided for local people but the number of houses being proposed causes me great concern.

Can you make representation please on my concern about the size of the development and give me absolute reassurance that access to my parking area will be maintained and that there will not be a plan for traffic lights at this corner.

Judy Drummond

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Paper 9 - 09/048/CP

3 Glebe Court

Kingussie

Inverness-shire PH21 1HG.

Caingorms National Park Authority
Planning Application No. 09/048/CP
REPRESENTATION
ACKNOWLEDGED 29/4/10

To the Planning Officer.

Dear Sir,

25-4-2010

Caingorms National Park Authority
27 APR 2010
PWRS
RECEIVED JM

I am writing to you about the proposed development to the northeast of Kingussie. Unfortunately I cannot be at the meeting, as my husband is in hospital, and I have not had time to study the plans in detail, but I am against the whole principle of swamping villages with hundreds of houses, for the following reasons:

- (1) The population becomes distorted, as this speculative house building attracts more people of retirement age.
- (2) There are few jobs available locally, so new residents need to travel to Aviemore or Inverness if they wish to find work, increasing traffic on the roads at a time when we are being asked to reduce it.
- (3) If people go to work in Inverness, they then also shop in Inverness rather than support the local shops, which then go out of business.
- (4) Many of the houses become holiday homes, used for only a few weeks in the year. These are a blight on the village.
- (5) The above factors combine to bring about a lack of community spirit.
- (6) The natural environment is being gradually destroyed. Surely the National Park was not created in order to

convert this area into a vast housing estate, serving largely as a dormitory for Inverness.

My own particular concern is the lack of provision of care for the elderly. Virtually no provision is made in Badenoch for those who can no longer remain at home. We need care homes, especially for those with dementia, but also for those too sick & frail to manage alone. They should be enabled to remain in their own communities, & not sent to care homes 40 miles away, which is what happens to many of them at present. This is unfair both to the old people themselves, and to their families & friends, who may also be old & frail.

To put my letter into context, perhaps I should explain that I have been involved in caring for family members almost continuously for the past 30 years, with first my mother developing dementia, then my young sister, & then 5 years ago my husband had a stroke.

In 1980 we had very little provision for elderly people in Kingussie. My mother was in Abbeyfield House, which has about 8 beds. She was very well cared for, but they do not provide nursing care. When her condition deteriorated she had to go to Craig Duncain (now closed), in Inverness, as there was no-where else.

By 1990 things in Kingussie had improved. We had the Wade Centre, with about 8 beds; we had some sheltered housing; and the NHS had taken over St. Vincent's

Hospital, with Lynwilyg ward providing continuing care for people with dementia. Elderly people in the area could remain there until they died. This was ideal, from the point of view of both the patients, and their families and friends.

By 2000, things had deteriorated.

At some stage, the NHS had been allowed to wash its hands of long term care of the elderly, and the task was passed over to Social Services. This would have been acceptable if the government had ensured that adequate alternative provision was already in place and properly funded, but it was not. Social Services seemed to be relying on the private sector to provide care homes, but we were told that they would not consider homes with less than 60 beds, and these were not financially viable in rural areas. Consequently, a good many care homes were built in Inverness, mainly on the outskirts, but virtually nothing in Badenoch. We do have a small care home, The Mains, in Newtownmore, with about 30 beds, and they do take a few people with dementia, but this is not sufficient. Other people with dementia are being sent to the outskirts of Inverness and beyond. This is totally unacceptable.

Avenmore, for all its increase in size, does not have a residential home - The Glen Centre is just for Day Care.

Over the years, both the Wade Centre and St. Vincent's have been threatened with closure from time to time. We have had numerous protest meetings, & been given bland assurances that things would be done to improve the situation, but little

has materialised.

Now in 2010 we find that we have continued to move backwards, & in addition we now have these plans to build a further 300 houses, using up all the available land. We already have a greater than average proportion of elderly people in the population, and this speculative building will attract even more retired people, making even greater demands on existing services.

If someone were to decide to build a care home in Kingussie, where would they put it? Earlier this year the public were asked to suggest new uses for the old Folk Museum & the Covert House. I put forward the idea that the Folk Museum was ideally situated for a dementia care unit, but other plans had already been set in motion. It seems that the elderly are invisible to the rest of the community. They cannot speak for themselves, & their carers are too worn out to keep protesting about the lack of support, so their needs are constantly being pushed down the list of priorities by tourism & other business interests. Yet providing care homes would itself create jobs in the area, in nursing, catering, cleaning, & other supporting services.

It is now accepted by the government that the growing number of people with dementia is going to become a very serious problem in the near future. In Badenoch, we need a number of small units to be set up, within the existing

villages, and easily reached by people without cars, so that the elderly can remain in familiar places, with relatives and friends participating in their care. It is necessary at this stage to identify & reserve suitable sites, with scope for expansion as the need increases.

There is very little room for growth in the size of Kingussie due to its location, being hemmed in on both sides by mountains, and with much of the lower land subject to flooding. There is certainly a need for some new houses, to provide for the existing population. There is a need for affordable housing, not only for the young, but also for the elderly. Government policy is that the elderly should remain in their own homes for as long as possible, so we need homes available, to buy or for rent, which are suitably located for people who can no longer drive, & which have been designed specifically for occupation by old people. [There is much more to this than simply making them wheel-chair accessible. Even in sheltered housing one can find many unsuitable design features]. If someone would build affordable houses for old people, it would encourage elderly widows to move out of family homes which are too big for them, and these properties would be released on to the market. A great many houses have been built in Kingussie in the last 40 years, many of them on what was previously garden ground. We must retain some open

land to meet other requirements of the existing population.

We should not be swamping the available land with speculative house building which will ultimately add to our problems, and leave no scope for providing the necessary solutions.

I hope you will reject the plan before you to build 300 houses,

Yours sincerely,

[Redacted signature]