



Cairngorms National Park Local Plan 2009 – Public Inquiry
Town & Country Planning (Scotland) Act 1997

Land at Kinakyle, Aviemore

Written Statement of Case in Relation to
Objection Reference 398(a), (c), (e) & (f)

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1. Introduction

- 1.1 This is a Written Statement of Case prepared on behalf of the Clouds Partnership, in relation to land within its ownership at Kinakyle (Appendix A, B & C), in advance of the forthcoming Cairngorms National Park (CNP) Local Plan Public Inquiry.
- 1.2 This Statement of Case addresses those objections maintained to the CNP Local Plan Finalised Draft (incorporating first and second modifications), and specifically relating to objection references 398 (a), (c), (e) and (f). These objections relate to:
 - Policy 1 – Development in the CNP (Ref: 398a),
 - General Housing Land Supply – In particular table 4 (Ref: 398c),
 - S7 Settlements – Aviemore (Ref: 398e),
 - S7 Settlements – An Camas Mor (Ref: 398f).
- 1.3 This statement adds to, and enhances, the above objections responding, where necessary, to changing circumstances and providing additional information where available to support our case.
- 1.4 We feel that the publication by the CNP of Proposed Post Inquiry Modifications, at this stage, is confusing and premature, prejudging the Reporter's impartial and a political review of outstanding objections on their merits. We have therefore made no reference in this submission to those proposed changes and will make comment on those Post Inquiry Modifications proposed in response to the Reporter's Report in due course.

2. National Planning Policy and Guidance

National Planning Framework for Scotland 2 – Proposed Framework (Dec 2008)

- 2.1 Whilst not a statutory part of the Development Plan, NPF2 represents a high-level vision statement setting out strategic priorities to support the Scottish Government's central purpose – sustainable economic growth, and is a material consideration in development plan preparation.
- 2.2 NPF2 makes reference to the contribution that the promotion of compact settlements, mixed use development, effective walking and cycling networks and efficient public transport systems can play in reducing the need for car-based commuting.
- 2.3 In relation to People and Households, NPF2 states that population projections indicate an increase in population to 5.37 million people by 2031. This is coupled with an ageing population (over 75's expected to increase by 81% between 2006 and 2031) and an increasing number of households (projected to increase by 19% to 2.7million) representing an average of 17,600 additional households each year.
- 2.4 In order to meet these changing needs, there remains a pressing need for the planning system to help deliver growth in the long term supply of new homes throughout both urban and rural Scotland to respond to long term housing pressures and to improve the affordability, stability and fairness of Scotland's housing system.

Scottish Planning Policy – SPP (Parts 1 & 2)

- 2.5 Recently published SPP, replaced SPP1 The Planning System (2002) on the 28th October 2008, and states that development plans should be clear about the scale of anticipated change and demonstrate the underlying reasons for the preferred location and sequence of development.

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Investment in infrastructure may be required as a result of existing deficiencies and/or planned growth. These issues should be addressed in the development plan and not left to the development management process to be resolved.

- 2.6 Whilst a consultation draft of SPP Part 3 is available for consultation, it has yet to reach a stage where it forms a material consideration in decision making and therefore further references are to the individual SPP's.

SPP3 Planning for Homes

- 2.7 The key objectives of this SPP are to provide guidance on, amongst other things, the:
- Allocation of a generous supply of land to meet identified housing requirements across all tenures, including affordable housing, and related policy objectives; and
 - Mechanisms to ensure that housing is built, including a quick and efficient review of development plans to enable maintenance of a 5 year effective land supply; all of which supports
 - The creation of high quality places, which support the development of sustainable communities.
- 2.8 In particular, reference is made to the delivery of housing through the development plan depends on sustainable, effective, sites being made available to meet need and demand up to a 10 year period.
- 2.9 Local Development Plans outwith the Strategic Development Plan Areas should look to provide a broad indication of the scale and location of housing land beyond year 10 and up to year 20. The benefit of this is that, should problems be encountered bringing forward short term sites, that other sites in the area can be brought forward from the future supply, which have at least been considered in principle.
- 2.10 Sustainable Communities provide high quality, affordable homes for all sectors of the community, with opportunities for the creation of jobs, provision of education and other services necessary to enable high standards of living, cultural identity and creation of environments which encourage healthy and active living. They should fit well within the local landscape, maximise the opportunities of the location and should be fully integrated with both public and active transport networks rather than being dependant on the private car.
- 2.11 In terms of sustainable settlement strategies, it is recommended that Planning Authorities should justify the strategy proposed, including reference to reasonable alternatives. In some cases (para 70) new stand alone settlements may contribute to meeting the housing requirement as part of the long term strategy where:
- There are physical, environmental or infrastructural constraints to the further growth of existing settlements, or it forms part of a strategy for promoting rural development and renewal;
 - It could assist in reducing development pressure on greenbelt land or areas of attractive countryside;
 - It can be serviced readily by public transport;
 - It will not have significant adverse effect on any natural or built heritage interest safeguarded by a national or international designation; and
 - It will not result in other significant environmental deterioration.
- 2.12 Where Planning Authorities consider that a new settlement is a necessary part of their development strategy, the development plan should specify its scale and location, and set out the framework to guide development. Where there is likely to be a long lead in time to the delivery of housing units on

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particular sites this will require to be taken in to account in determining the level of effective allocations made in the plan.

2.13 Annex A sets out the tests of effectiveness, which are essential in assessing a realistic picture of the level of housing development achievable in a given period. These are as follows;

- Ownership
- Physical
- Contamination
- Deficit funding
- Marketability
- Infrastructure
- Land use

3. Structure and Local Plans

Badenoch & Strathspey Local Plan 1997

- 3.1 As this plan predates the Highland Structure Plan, we deal with it in the first instance. Cambusmore (An Camas Mor) - In assessing the development options for Aviemore, the Local Plan makes reference to the extensive heathlands at Cambusmore and their characteristics. Reference is also made to the distances to facilities in Aviemore, which are stated as being substantially greater than the expansion areas to the north of the town. It was considered, at this time, that a direct footbridge link would however make these distances comparable.
- 3.2 At that time, due to the major upgrading of infrastructure necessary, three possible development concepts were examined;
- A new residential suburb with basic services, but depending on Aviemore for community facilities. A new Spey road crossing was considered essential.
 - A free standing community with a good range of social and community facilities so as to achieve a reasonable degree of self-sufficiency.
 - A separate resort with time-share and retirement accommodation, leisure and recreational facilities along the lines of Dalfaber.
- 3.3 The landscape impact of this was considered a fundamental concern and the high infrastructure costs associated with opening up the area for development including major upgrading of the B970, basic social facilities and new drainage provisions would necessitate substantial contributions from the landowner/developer.
- 3.4 Taking all of this in to account, the decision was made to pursue a freestanding community in the first instance, with a view to greater connectivity (new Spey road bridge) in the future. At that time, it was not expected that any housing would be developed on the site until after 2005, but that it would be appropriate to make a start on screen planting before then. A “shopping list” of features for inclusion in the Masterplan was set out which included (but not limited to) dedicated sewage treatment works, extension of the water main, provision of a new secondary school, major reconstruction of the B970 including realignment of the ski road junction at Coylumbridge.
- 3.5 At this time, land at Kinakyle was identified as falling outwith the settlement boundary and subject to designations for amenity woodland (pockets across the site), forestry/restraint (the areas identified are not wooded and therefore are an area of restraint) and an area of flood risk (limited to the lower lying parts of the site).

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The Highland Structure Plan 2001

- 3.6 Whilst the Highland Structure Plan made reference to the identification of a proposed new settlement at Cambusmore (now An Camas Mor) and accepted that further new settlements may be appropriate to assist in repopulating fragile rural areas or to accommodate demand in the inner Moray Firth area, this was a response to Highland-wide housing needs, not specific to, or in the context of a National Park.
- 3.7 The Structure Plan then went on to stress that new settlements should not be merely dormitories but should act as local centres within the settlement hierarchy. In order to support the types of services associated with a local centre (schools, health centre, bank, bus services, mini supermarket etc) a new settlement would need to provide a first phase in the region of 500 - 100 houses.
- 3.8 Policy H2 issues support for planned new settlements with specific reference to the Inner Moray Firth Area. The supporting text (figure 8) makes reference to Badenoch & Strathspey housing land supply beyond 5 years (i.e. 2006) only being maintained if infrastructure investment has been made to bring forward the Cambusmore site.

Cairngorms National Park Local Plan Consultative Draft (Oct 2005)

- 3.9 The Consultative Draft Local Plan proposals map identified the proposed development at Cambusmore with no more than a dashed line indicating the proposed location. At this stage, the settlement boundary for Aviemore extended south right up to the northern edge of the proposed site at Kinakyle and included the adjacent Speyside Leisure Park, a number of houses and an environmental designation. Both the Cambusmore site and the Kinakyle site were identified as being subject to a General Policy 2 designation.
- 3.10 With reference to Cambusmore, the Consultative Draft Local Plan simply refers to the Badenoch & Strathspey Local Plan 1997 and the Highland Structure Plan 2001 including an allocation for a new settlement at Cambusmore, east over the River Spey from Aviemore; this new planned village was intended to provide for future housing needs in Badenoch & Strathspey, once current allocations were used-up. The CNPA were to carefully consider the need for this new village, as well as the many environmental and landscape impacts that would be involved. For the purposes of the Draft Plan it was shown by a dotted line, as a potential future development zone.

Cairngorms National Park Deposit Local Plan (Jul 2007)

- 3.11 The Deposit Local Plan made very little change with reference to Cambusmore (now An Camas Mor) other than to place a stipulation that a first phase of 100 homes should be delivered in the 5-year plan period. This draft of the plan introduced the requirement for a direct pedestrian link to Aviemore together with new and improved road infrastructure.
- 3.12 It was at this stage that the settlement boundary of Aviemore was drawn back to north of the roundabout. Kinakyle remains within the countryside outwith the settlement boundary.
- 3.13 The approach to the Proposals Maps in this plan has been subject to significant change and the General Designations have been removed. The proposals maps identify the land at Kinakyle as not being an SPA, SAC, Ramsar Convention Site, NNR, SSSI, Garden or Designed Landscape but it does fall within the NSA. The same designations apply to An Camas Mor. On Kinakyle there is a minor element of Semi Natural Woodland inventory identified. On An Camas Mor, there is a substantial area of Ancient Woodland identified. Both sites lie within the National and Scenic Area.

Cairngorms National Park Local Plan Pre-Inquiry Modifications

- 3.14 *Two rounds of modifications have been made to the Plan, none of which have addressed our objections, which have remained consistent from the start.*

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4. Policy 1 – Development in the CNP (Ref: 398a)

Background to objection

- 4.1 The basis of this objection was, and remains, that the wording “*significant adverse effects*” must be defined and quantified. This is an open ended statement of Policy intent which could have an impact on every planning proposal made in the National Park, large scale or small scale, and therefore clarity is required in the terms of its application.
- 4.2 Despite the CNP response to our further representations that Policy 1 has been completely re-drafted, this reference remains in the Policy and is open ended and unclear. What constitutes “*significant adverse effects*” for a 100 unit housing application, or 10,000sqm business development, is very different to what constitutes “*significant adverse effects*” for a 5 unit housing application, or 100sqm business development.

Conclusion/Recommendation

- 4.3 We request clarification of what is meant by “*significant adverse effects*” or, if this is not possible, that the reference be removed entirely.

5. General Housing Land Supply – in particular Table 4 (Ref: 398c)

Background to objection

- 5.1 This objection relates to the General Housing Land Supply part of the Local Plan and in particular to table 4 which identifies the Phased Land Supply by Local Authority area for the CNP with specific reference to the Aviemore/An Camas Mor area.
- 5.2 We do not consider that the proposed land supply is in accordance with the National Park Plan. The Plan encourages the proactive growth of the main settlements, including Aviemore, and requires the provision of land for housing growth to meet the social and economic needs of other settlements and communities. SPP3 requires plans to give an indication of the likely locations for growth in future plan periods.
- 5.3 Furthermore, we do not consider the proposed development at An Camas Mor to be an appropriate solution to the housing needs of this part of the Park, or that it is deliverable and effective, being capable of delivering housing numbers (of a sufficient scale to support local services) within the timeframes envisaged in table 4.
- 5.4 We object to the over reliance on An Camas Mor, and the omission of suitable alternative sites capable of delivering housing units, in the short to medium term. Even if an Outline Planning application and Masterplan were received today by Highland Council and “fast tracked” through the process, this would need to be followed up by a sale process a Full Planning application, Building Warrant application and Road Construction Consent approvals, to name but a few, prior to development commencing.
- 5.5 This is then likely to require substantial infrastructure, in the first instance, before any houses are built and given the expected date of adoption of the Local Plan of April/May 2010 the expectation for 100 units to be delivered in the period to 2011 is unrealistic. The expectation that a further 300 units will be delivered in the following 5 year period is also considered to be optimistic.
- 5.6 As set out in the Highland Structure Plan these levels of development are unlikely to be sufficient to support the services associated with a local centre. If this is the case, there is a strong likelihood that there will be a significant increase in car travel to Aviemore. Once travel habits/patterns are formed they are very difficult to break and a deliverable and sustainable first phase is essential if An Camas Mor is to be successful and achieve the aspiration of being a sustainable new community.

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CNP Local Plan General Housing Land Supply

- 5.7 The housing land requirement for the CNP over the period to 2016 is set out in Table 2. This sets a household projection to 2016 of 950 units. Added to this is a 50% allowance for second homes and vacant property (475 units), and a further 5% flexibility for uncertainty (214 units) providing a total requirement of 1,639 units to 2016.
- 5.8 This figure is then broken down to Local Authority Area in Table 3, which identifies currently consented sites within Badenoch & Strathspey of 405 units and new land supply of 486 units in the period to 2011. In the period 2011-2016 there is a requirement for a further 678 units providing a total number of units to 2016 of 1,596 for Badenoch & Strathspey.
- 5.9 Table 4 then breaks this down further to settlement level and indicates that, at Aviemore, there are sites with consent, not yet built, which have a capacity of some 235 units, with additional sites identified having a capacity of a further 80 units (total capacity of 315). In the period 2006-11 there is a target of 250 units and an indicative target for 2011-16 of 50 units with 15 more units in the medium to long term (total requirement of 315 units).
- 5.10 Table 4 identifies An Camas Mor as having a total estimated capacity of 1,500 units 100 of which, are expected to be delivered in the period 2006-11 and a further 300 in the period 2011-16 with the remainder coming forward in the medium to long term.
- 5.11 Table 4 also identifies the overall Highland Area as having a target land supply to of 916 units to 2011 and 678 to 2016 (total of 1,594 units). Consented and new sites are expected to deliver 891 units to 2011 (25 units shortfall) and 677 to 2016 (1 unit shortfall). However in the event that An Camas Mor fails to deliver 100 units in this period the shortfall to 2011 increases to 125 units and potentially a further 301 in the period to 2016 (potential shortfall of 426 units).

Highland Council Housing Land Audit 2007 (Aviemore)

- 5.12 The December 2007 Housing Land Audit (HLA) is the most up to date account of effective housing land in Aviemore. This indicates that in the period 2006-2011 there is a potential 420 units which could come forward at Aviemore and that in the period 2011 onwards there is a further 191 units (total 611 units).
- 5.13 However, two of these sites (neither of which had commenced development at that stage) are identified as having either physical or land use constraints (or both), which may result in these numbers not coming forward in the timeframes envisaged. Furthermore some of the sites are now subject to planning consent, which changes the numbers, applied to them. Nevertheless, for the purposes of this statement, the HLA figures will be used.
- 5.14 It is our assertion that a more realistic assessment of the current situation, taking in to account identified constraints, would be that in the period 2006-11 there is a potential 360 units and that in the period 2011 onwards there is a further 70 units (total 430 units).

Conclusion and Recommended change

- 5.15 We therefore consider there to be a short and medium term shortfall in housing provision in this area due to the long lead-in times, and questionable deliverability, associated with An Camas Mor in particular, but also the physical and land use constraints on currently consented sites identified in the Housing Land Audit.
- 5.16 It is our assertion that, particularly in relation to Aviemore, the Local Plan does not accord with the recently published SPP, or SPP3, in that it does not secure an on-going five-year land supply during the lifetime of the Local Plan, nor does it identify sufficient land to meet the projected household numbers over the lifetime of the plan.
- 5.17 We would request that table 4 be amended to reflect the true situation on the ground relating to identified constraints associated with consented sites. We request that such amendment reflects the

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lead in times associated with An Camas Mor and the importance of delivering a sustainable 1st phase which is capable of supporting the local services to be provided, as envisaged in the Highland Structure Plan to avoid the undesirable and potentially damaging consequences of under provision in the 1st phase. Additional land should be identified in the short and medium term to allow the housing needs of the area to be addressed.

- 5.18 Land at Kinakyle is largely free from constraints, and available for development in the short to medium term. We deal in more detail with this issue below but would request that Kinakyle is identified in table 4 as contributing to the short, or medium term, housing requirements for Aviemore and An Camas Mor.

6. S7 Settlements - An Camas Mor (Ref: 398f)

Background/Objection

- 6.1 This proposal has been subject to a consistent objection on behalf of our client since the very early stages of the Local Plan Review. This land was identified in the Badenoch & Strathspey Local Plan 1997, which was then reiterated in the Highland Structure Plan 2001.
- 6.2 However, despite now being allocated for the past 12 years, it has to date has yet to deliver a single housing unit, or have a planning application submitted on it. Even if the Highland Structure Plan assertion that delivery would commence post 2005 was taken to the letter, landscape planting could have commenced in the short term and infrastructure investment could and should have been carried out and housing units could and should have been delivered at any point in the past 4 years. This has not occurred.
- 6.3 Over the last two years we have consistently been informed that an application is “imminent”. This has yet to materialise. This leads us to the conclusion that there are more significant issues to be addressed than can be overcome by a single 1st phase of 100 units.
- 6.4 This allocation appears to have been simply rolled over (“continued”) into the CNP Local Plan as a single solution to how to accommodate the housing numbers required for the CNP in the short to medium term (CD7.24 para 2.0). Whilst this appears to have been a suitable approach to the smaller scale allocations associated with existing settlements, it appears to be an ill-conceived approach to a new settlement, in close proximity to the major settlement in the area, identified 12 years ago to meeting the needs of a very different housing market area and in a very different planning context.
- 6.5 Reference is made to An Camas Mor being “one option” considered at the time, which would be subject to a “reassessment” being undertaken to ensure no conflict with the policy approach proposed in the plan. However, we have no evidence that there has been any serious consideration of suitable alternative sites (which are not included) or of the principle of a new settlement (in line with SPP3) in the National Park, especially in this location.
- 6.6 It is interesting to note that the conclusion that appears to have been reached is that an entirely new settlement in a National Park, in close proximity to the major settlement in the area, is an appropriate solution to the housing needs of the area. This seems to have been largely on the basis that it was deemed a suitable solution 12 years ago. We also note separate objections from the Scottish Council for National Parks objection (ref 434p), which confirms our assertion that this concept is wrong in principle for a National Park, and should be rethought. In the event that it is deemed suitable, the phasing should be reassessed to allow for the significant upfront infrastructure to be put in place as envisaged in the Structure Plan and a sustainable 1st phase (i.e. 500 + units) and associated facilities delivered.
- 6.7 We also consider that the SEA process has been flawed in the way in which An Camas Mor has been presented in the SEA results as being “retained to provide housing opportunities”. There does not appear to have been any real assessment of this principle, nor has there been any real consideration of alternative sites capable of accommodating the housing needs of the area. The SEA results for An Camas Mor are, at best, inconclusive with very few positive impacts identified.

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- 6.8 The Landscape impact of such a development is identified in the Landscape Capacity for Housing report (CD7.19) as falling within “fine panoramic views of the Cairngorm Mountains” from the East of Aviemore, which we would consider to be one of the features for which the park has been created.
- 6.9 Furthermore, the assessment of An Camas Mor suggests moving the proposed development closer to Aviemore, the main reason for this being the impact of a more detached “stand alone” development as originally envisaged in the Badenoch & Strathspey Local Plan.
- 6.10 It is surprising that the CNP are minded to allocate significant areas of land for 1,500 units through time without assessing whether:
- a) it is an appropriate solution to housing needs in the National Park;
 - b) there will be no lasting harm caused by its development; and
 - c) the phases of development are deliverable and sustainable given the significant upfront infrastructure required prior to development commencing and the need to avoid setting undesirable travel patterns at an early stage.
- 6.11 Even if an Outline Planning application were to be submitted today with a Masterplan delivering a sustainable 1st phase it would need to be followed by a marketing campaign, Full Planning application, Building Warrant and other statutory approvals, following which significant infrastructure works would be required prior to development commencing. We therefore consider that even if An Camas Mor remains in the plan, this should be referred to as a future housing option (post 2016) to allow the upfront infrastructure to be put in place as envisaged in the Highland Structure Plan and suitable alternative sites must be identified to meet the housing needs in the short to medium term.

Conclusion/Recommendation

- 6.12 The CNPA have recommended “no change” be made to the Local Plan in response to these representations. We have therefore maintained our objection for your consideration.
- 6.13 We would request that, if An Camas Mor is to remain in the plan, that the phasing be altered to allow for the delivery of a sustainable phase 1 within realistic timescales (i.e. post 2016) and that alternative provision be made for meeting the short to medium term shortfall in the Aviemore Area by allocating land at Kinakyle for development in the period to 2016.
- 6.14 The continued reliance on a site, which has produced nothing meaningful until threatened with removal, is unacceptable. Whilst we appreciate the Structure Plan intended for this site to contribute to the housing land supply post 2005, development should have commenced post 2005 and in any event, before now
- 6.15 In the interim the infrastructure and landscaping works to facilitate this should have been undertaken prior to 2005, not some 4 years (and counting) post that date.
- 6.16 The Local Plan Vision (page 9, bullet point 4) makes a statement that “*development will take advantage of the most current opportunities*”...
- 6.17 We do not consider that maintaining a 12 year old, ill thought-out, but politically supported, site purely because it is a simple apparent solution to the housing needs of the area is acceptable. We maintain our assertion, since the Draft Plan Stage, that this site cannot be considered wholly effective in the timescales envisaged. Had the Highland Council carried out a 5 yearly review of their Local Plans this site would be approaching its 3rd Local Plan without a planning application. As such it should have been struck from the plan long ago.
- 6.18 Should the Reporter consider that a new settlement in this location is appropriate within a National Park we would urge the re-phasing of this (to post 2016) in order to allow not only a sustainable 1st phase (500+), but also for the required infrastructure investment to be put in place as envisaged in the Highland Structure Plan. In such circumstances additional land is required to meet the housing

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needs in this area. Consideration should be given to allocating Land at Kinakyle to meet the short to medium term housing needs of Aviemore and surrounding area.

7. S7 Settlements – Aviemore (Ref: 398e)

Background

7.1 This objection related not only to the proposed amended settlement boundary for Aviemore, but also to the non-allocation of land at Kinakyle for residential development and raises objections to the following proposed housing sites as follows: -

- Site ABIH1 – Site lies within the SEPA flood plain and in the absence of a Stage 2 Flood Risk Assessment this site should not be considered wholly effective in the five-year plan period. This site nevertheless has Outline Planning permission for 120 dwellings.
- Site ABIH2 – Sites lies partly within the SEPA flood risk area and in the absence of a Stage 2 Flood Risk Assessment cannot be considered wholly effective in the five-year plan period. This site has an indicative capacity for 10 dwellings.
- Site AV/H3 – Part of this site lies within the identified SEPA flood plain and therefore cannot be considered wholly effective during the plan period.

None of these sites can be included with confidence within the effective five year land supply.

7.2 We would highlight the availability of land at Kinakyle some of which is also partly within the flood plain but contains at least 15 hectares of land which is outwith it (Appendix D & G). Such land is accessible (Appendix H) and deliverable for residential development in the plan period. This land also has the benefit of falling on the same side of the River Spey as Aviemore thus being more closely associated with the settlement of Aviemore than an isolated intrusion into what is currently a wooded area (ancient woodland) within the National Scenic Area.

7.3 The CNPA response to this objection was that the settlement boundary had only been extended to include an area identified for environmental enhancement and that no further land was considered necessary as there is adequate land allocated to meet the needs within the 5 year period of the plan.

Expansion of Case

7.4 Firstly, the settlement boundary as identified in the Draft Local Plan included more than just the area for environmental enhancements, but also the Speyside Leisure Park and a number of residential dwellings. Therefore the assertion that it was only to include the environment enhancement is incorrect.

7.5 Secondly, for the reasons outlined above dealing with Table 4, the housing land supply for the Aviemore area is not sufficient to meet the housing needs of the area in the short or possibly, medium term. Sufficient land, in area terms alone may have been identified. However, the effectiveness and deliverability of such land, free from constraints and within the timeframes envisaged is questionable.

7.6 As set out in our objection to Table 4 it is our opinion that a more realistic assessment of the An Camas Mor site and its potential delivery of a sustainable phase 1 will more likely fall in to the period post 2016. This, coupled with the identified constraints on other sites, we consider represents a short and medium term shortfall, which requires and justifies the allocation of additional land for housing development in the period up to 2016.

7.7 The Council argue that the Coylumbridge roundabout represents a pinch point, and the southern edge of Aviemore. However, the same could have been said about;

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- the Main Line Railway forming the eastern edge of Aviemore, until the Dalfaber development was built out,
 - the A9 forming the western boundary until the High Burnside development began construction, and now
 - the River Spey forming the eastern boundary until the An Camas Mor development is built out.
- 7.8 Before land was allocated in these locations such issues have not prevented planning permission being granted (with the exception of An Camas Mor) and these boundaries being breached. We therefore do not consider this argument to hold weight. The overriding need to deliver development land to meet the housing needs of the Aviemore area supersedes this statement.
- 7.9 In any event, the Landscape Capacity for Housing Study (CD7.19) refers to Aviemore being a linear settlement and therefore expansion to the south would be logical, and not out of keeping with settlement pattern. Unfortunately, this study made no reference to Kinakyle or South Aviemore at all.
- 7.10 Whilst it is recognised that land at Kinakyle also falls within the National Scenic Area, there is no identified ancient woodland present and any development would be viewed as a linear expansion of a linear settlement. By contrast An Camas Mor is an isolated stand alone settlement which could be viewed as urban sprawl which is not what was originally intended.
- 7.11 Land at Kinakyle has been established to be accessible from the A9/B9152 by way of a single access point for up to 200 dwellings. A study carried out by WSP Development and Transportation has established a preferred option for this, which does not impact on the proposed Scottish Water Treatment works in any way. The outcome of this is attached at Appendix H indicating the preferred option for accessing up to 200 units, and a potential additional access point should further development (a further 200 units) be appropriate.
- 7.12 Furthermore, as the SEPA Indicative Flood Map (extract at Appendix D) identifies an area of this site as being at risk of flooding in a 1 in 200 year flood event. We have had a Hydrologist from WSP Flooding Department review the mapping and provide comments. This review has established that whilst the SEPA flood map shows flood inundation to the site from the north east, on closer inspection it does not take in to account the access track under the bridge, which continues a bank in this location thereby holding back the flood water. A copy of the initial analysis is provided at Appendix G. As such there is potentially 14.5 hectares (40 acres) of developable land in this location, which is outwith the indicative flood plain. There is a further 12.6 hectares (31 acres) of potentially developable land (subject to more detailed evaluation), which would incorporate wetland areas and ponds, which would improve the ecological status of the area and provide opportunities for habitat creation/enhancement.
- 7.13 A number of archaeological features have been identified in an archaeological evaluation of this entire site with a view to locating suitable places for boreholes associated with the water upgrade for Aviemore. Many of these features are identified on the RCAHMS Past Map web site (Appendix F). This evaluation identified a number of finds indicating past residential activity, and a township of Kinakyle, dating back to 1791 in this location. However, it is considered that the township was likely to have been abandoned when the railway was installed in around 1862. None of this would preclude development of some, or all, of this land subject to archaeological investigations being undertaken prior to, and monitoring during, construction where necessary.
- 7.14 Aside from the above, Kinakyle lies on the same side of the river as Aviemore and is better related both in terms of vehicular and pedestrian access (see Appendix I and J) to the shops and facilities than the proposed development at An Camas Mor. Development in this location can readily integrate with existing public transport and active transport networks as required for SPP3. Visually, this site would be seen as an expansion of an existing settlement within an already well screened site rather than an entirely new settlement

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7.15 It is interesting to note that the Landscape Capacity for Housing Report identifies the two sites already consented at Dalfaber on the eastern side of Aviemore as being constrained by the importance of the woodland in the setting of the town. It is also interesting to note that this study makes no reference whatsoever to the south of Aviemore, land at Kinakyle or the ability of this area to accommodate development.

Conclusion and Recommendation

7.16 We recommend that land at Kinakyle be identified for a housing development of some 200 units deliverable in the period to 2016 with future development potential up to a further 200 units.

7.17 There exists a short and medium term housing shortfall in the area as a consequence of significant deliverability issues associated with both the currently consented, and proposed, land for housing. Land at Kinakyle will absorb this shortfall and allow the infrastructure required for An Camas Mor to be put in place and a viable phase 1 formulated.

7.18 Whilst some of the land at Kinakyle is subject to flooding, the majority of it (some 14.5ha) remains outwith the 1 in 200 year flood plain. Further land is available subject to more detailed study. All such land is readily accessible from the A9/B9157. Land in this location is adjacent to existing public transport networks and already benefits from established footpath links to the core services and facilities of Aviemore.

7.19 Furthermore, land at Kinakyle represents a linear extension to a linear settlement on the same side of the river Spey as the current settlement with less landscape and visual impact than some of the currently consented or proposed sites.

7.20 We therefore request that the following changes be made to the Local Plan;

- That the settlement boundary for Aviemore be extended to the south to include land at Kinakyle,
- That land at Kinakyle be identified as a Housing Allocation in the short to medium term,
- That S7 – Aviemore Settlement Statement be amended to include land at Kinakyle as a housing allocation,
- That Table 4 is amended to incorporate amendments to An Camas Mor (deletion or amended phasing) and reference to an allocation at Kinakyle in the period to 2016.

8. Conclusions

8.1 We conclude that the reasoning behind maintaining Cambusmore in the plan, simply because it was seen as a potential solution to the Highland Council issues being experienced nearly 10 years ago, is flawed.

8.2 We conclude that, had the development been deliverable in the period post 2005, it would have been delivered immediately

8.3 We conclude that even if an outline planning application and accompanying Masterplan is submitted in advance of the Inquiry, a first phase of 100 units is not sufficient to offset the significant physical and environmental infrastructure improvements required, nor is it sufficient to support the local facilities referred to. Anything less than 500 units is neither sustainable nor deliverable.

8.4 In short it is impossible to build part of a school. Nor can part of a sewage treatment works be constructed. Both would need to be delivered off the back of 100 units the justification for which is doubtful.

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- 8.5 Even if an application is received and determined in the near future, the site will need to be marketed for sale and negotiations entered in to with a developer before a Full Planning Application can be lodged for consideration. Following such an application a Building Warrant will need to be secured prior to commencement of development.
- 8.6 Kinakyle represents an accessible site with much less requirement in infrastructure provision. It can more realistically deliver housing units in the period of the Local Plan to 2016.
- 8.7 Any development at An Camas Mor requires upfront infrastructure, which should have been addressed in line with the recommendations in the Highland Structure Plan.
- 8.8 The preparation of a Masterplan at this stage appears to be little less than a bid to retain the allocation in the plan. Had the Badenoch & Strathspey Local Plan been reviewed at any time in the last 12 years, the allocation is highly likely to have been removed from the plan.

9. Recommendations

- 9.1 In order to fully address our outstanding objections we would request that, for the reasons set out above, the Reporter makes the following changes to the Local Plan;
- Either provide clarification of the wording “significant adverse effects”, or remove this reference.
 - Amend table 4 to reflect the identified constraints associated with consented land supply in Aviemore.
 - Either remove An Camas Mor from the Local Plan, or amend its phasing to post 2016.
 - Identify Kinakyle as a housing land allocation (200 units) in the period to 2016 with future capacity (potential 200 units) subject to Flood Risk Assessment post 2016 to address the short and medium term housing shortfall in this area and to provide an indication of how the future housing needs will be met.
 - Amend the settlement boundary for Aviemore to include all built form to the south and land at Kinakyle as a housing land allocation.
 - Amend table 4 to include Kinakyle (200 units to 2016 and up to 200 units post 2016).

These changes will fully address our objections and provide a deliverable and effective land supply for this area over the plan period and beyond.