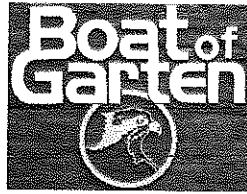


BOAT OF GARTEN AND VICINITY COMMUNITY COUNCIL



Local Plan Inquiry
Cairngorms National Park
c/o Ms Sara Krawczynska
14 The Square
Grantown on Spey PH26 3HG

8 April 2009

Dear Ms Krawczynska

Local Plan - objection 092d

In accordance with the guidance given at the Pre-Inquiry Meeting and subsequently by post [Notes etc page 6 no. 27] I now enclose on behalf of the Community Council our final, single expansion of our objection, in time for the deadline of 27 April 2009 for cases resting on written submissions.

Six copies of the document are provided, those printed in good quality ink being intended for the Reporters.

A .pdf version can also be found on the enclosed cd.

If there are any problems with this final set of documents, please contact me as soon as possible.

I would be obliged if you could alter the website series of the Inquiry's documents which fail to name the 092d Objector correctly as Boat of Garten Community Council, of which I am the agent. I am not, as the website incorrectly shows, an objector in my own right.

Yours sincerely



Frank Bardgett
Secretary

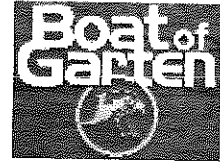
Chairman: Mrs B. Davison
Tel. (01479) 831603
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Secretary: Frank Bardgett
Tel. (01479) 831751
Email: tigh@bardgett.plus.com

Treasurer: W.H.H. Cruickshank
Tel. (01479) 831536

Please reply to the Secretary, Tigh an Iasgair, Boat of Garten, Inverness-shire PH24 3BY

Visit our Community website: www.boatofgarten.com



A supplementary Written Submission to support remaining Objections to the Plan
agreed at the Community Council on 6 April 2009

1. The history and documents of our two Objections

- 1.1. Following its meeting on 3 September 2007 the Community Council submitted a series of formal objections to the Deposit Local Plan then available for consultation. The relevant document is attached as Appendix A. These Objections were acknowledged by letter dated 1 October 2007.
- 1.2. The Modified Deposit Local Plan was published in June 2008; and a letter dated 13 June 2008 offered a consultation period running from 16 June to 25 July.
- 1.3. On 2 July 2008 the Strategy Group, a subcommittee of the Community Council, met with two planning officers of the CNPA to consider our objections in the light of the Modified Plan. A joint minute of this meeting was subsequently agreed by email between Anna Barton and Frank Bardgett (for the CC), and Karen Major (for the CNPA). The CNPA email and the minute are appended as Appendix B.
- 1.4. On 7 July the Community Council received the report of its Strategy Group and decided its response to the Modified Deposit Plan. By email sent 11 July to Karen Major, Frank Bardgett notified the CNPA that only two objections remained, those relating to 'The Boat' Hotel and to the Milton Loch. An extract of the minute of the Community Council was sent to support and explain this decision: see Appendix C.
- 1.5. By letter dated 5 November 2008, Karen Major notified the CC that the final revision of the Plan did not accept the CC's suggestions, offered a consultation period on any new elements introduced in this second revision, and asked for an indication as to how the CC intended to pursue its remaining Objections? No reasons were given at this stage for the Authority's rejection of our objections. Following the December meeting of the CC, Frank Bardgett replied by letter on 9 December that the Community Council maintained its objections and would wish to follow the Written Submission course at a Local Inquiry.
- 1.6. Since then the website of the CNPA has published a full list of final objections to the Plan, together with an indication of their response to these. The relevant part is reproduced as Appendix D, though the text given there has never been notified in writing to or agreed with the Community Council.
- 1.7. Appendices A, B, C and D all form part of this Written Submission, as does Appendix E which comprises photographs of the sites in question, taken from old, out of copyright postcards.

2. The Objections, with such answers to them as have been communicated by the CNPA

- 2.1. The original Objection of September 2007, after referring to the January 2004 CADISPA Project Survey, read (in relation to the two remaining items):
"While encouraging the provision of additional housing in Boat of Garten, the Community Council also wishes to see the Local Plan guard the current balance of use of locations within the village. There are enterprises crucial to employment and to the village as a tourist centre that we would not wish to lose to housing. There are open spaces, equally, that very clearly ought to remain as open spaces. The Plan should have clear Open Space [OS] and Economic/Tourism [ED] proposals for this village as it has for other villages of similar size. General wording to resist 'change of use' is not sufficient protection, particularly as development in H1 has yet to be agreed.

We therefore object to the failure to make further detailed proposals beyond BG/H1 and BG/C1 and so submit our own.

5. If objecting, please indicate what change(s) you are seeking in future modifications to the Local Plan which could resolve your objection.

- Add the following **OS** and **ED** proposals under the section and map for Boat of Garten – and widen the area covered by the map in order to do so.

BG/OS1: Milton Loch and associated woodland and habitats are protected from development.

BG/ED2: The building of the Boat of Garten Hotel is retained for business/ tourism use.”

2.2. The Authority not having been willing to accept these points, in July 2008 the CC further pressed its case:

“Two objections to the mapping of Boat of Garten as an Intermediate Settlement were maintained. The map neither included the Milton Loch nor specified that it should be protected as open space of importance to the environment of the village. Further, the Community Council continued its objection to the failure to map the Boat of Garten Hotel as an important commercial and tourism asset to be protected within that category. As the only hotel in the village, the Boat of Garten Hotel is of considerable commercial significance to the community. Its prominence at the corner of Deshar Road means that it also contributes significantly to the built environment of the village. Finally, the Council noted that the Strathspey Railway Station and yards had been accorded mapping as important in the commerce/tourism category; the Hotel as the former Railway Hotel formed an integral part of that complex and hence should also be mapped. These special circumstances, taken together, ought to override any general presumption not to map hotels; they were of sufficient strength that the modified text (Policy 33, page 56) was insufficient protection.”

2.3. To these points the CNPA authority commented on its website (as at 16 March 2009):

“The proposals map for Boat of Garten has been amended to reflect some original objections. However it is not the approach taken to identify particular hotels within settlements. The text however supports the retention of important uses which support the community such as that referred to. The site referred to at Milton Loch is outwith the settlement but protected from development through para 7.5. It is not therefore considered necessary to add this area into the settlement boundary in an effort to protect it from development. No additional modification or amendments are therefore proposed.”

2.4. The relevant section of the minute of the Strategy Group may also be used to assess the response of the Park Authority to these objections, as the views expressed were expressed on behalf of the CNPA and the minute later agreed with the relevant Officer:

7.4. “Karen Major explained that the bounds of settlements had been tightly drawn and that, except for golf courses, no particular sites outside those boundaries had been mapped and colour designated. Again, the object of the CNPA Local Plan was to seek to assess applications against the full range of Policy objectives and not to work on a simple ‘In or Out?’ basis of mapping.

7.5. Anna Barton commented that Milton Loch, an area of community woodland, fell just outside the current bounds which - thinking of the future - were tightly drawn. The same is true of the curling rink and the Sawmill. Indeed, thinking more generally, the bounds set on the current map were so closely drawn to the existing village that, once H1 had been developed, little scope for change would exist. KM commented that that was a comment worth retaining for consultations which would inevitably begin on the 2nd CNPA Local Plan to succeed to that being discussed. Drafts would be required from all Planning Authorities in January 2012.

7.6. KM also commented that no hotels had been especially designated in the Modified Plan and hence that the Boat of Garten Hotel was not mapped; nevertheless any proposal would be assessed under Policy 33 (page 56), ‘Tourism Development’, which states that applications will, in general, be resisted if their effect is to reduce tourist facilities in an area. Once again, the emphasis in the CNPA Local Plan is on the combined impact of the wording, rather than on the mapping.”

2.5. As far as this Community Council is aware, therefore, the reasons given by the CNPA to justify its rejection of our submissions to alter the Boat of Garten map given the status of Policy by the Plan, are:

2.5.1. Their general preference to rely on interlocking policy statements rather than mapping.

2.5.2. Their general policy not to ‘map’ hotels even within the bounds of intermediate settlements.

2.5.3. Their assumption that the Milton Loch is outside the settlement of Boat of Garten.

2.6. This submission will now proceed to rebut these arguments.

3. In rebuttal of the position taken by the Cairngorms National Park Authority, the Community Council states:...

3.1. The Park Authority's position on these two objections lacks credibility and is inconsistent.

- 3.1.1. First of all, because the CNPA's position has always been stated in generalities - a preference against mapping, a decision not to map hotels, a desire to keep boundaries tight - the specific details of these two locations in Boat of Garten have not been discussed. In effect the detailed reasons given by the Community Council with reference to these two particular locations have not been considered but rejected almost out of hand. The arguments put forward to reject our objections lack credibility because they lack specificity.
- 3.1.2. The CNPA's arguments are also inconsistent, for why should golf courses always be mapped and hotels always not mapped? These are assumptions, and presumably assumptions that can be challenged, both on the grounds of good planning logic and in the light of the actual facts on the ground.

3.2. A preference to rely on interlocking policy statements is all very well but does not give the balance of protection merited by these locations.

- 3.2.1. The 'protection' given to locations in the Planning process is never - or rarely - final. Details contained in Local Plans can be overturned when Planning Applications are processed, where proper cause is shown. The argument about inclusion on a policy map or reliance on the text of policies is about balance: on balance, how far should a Local Plan place a particular location in a specific category? On balance, what level of prescription is needed?
- 3.2.2. Mapping tends to tie the hands of authorities when assessing applications in the light of changing circumstances. The Community Council accepted that too much mapping could be detrimental, and withdraw its requests for the local restaurant, the shop and the local Post Office to be mapped as 'commercial'. These small businesses, two of them essentially house-based, have from time to time changed their character, regulated by the normal planning process.
- 3.2.3. Yet mapping has a place in the Plan - or else the Intermediate Settlements would not have been mapped at all. The aim of mapping is to establish a presumption against harmful development in order to give permanence to the main characteristics of a settlement. Its presumptions may perhaps be overturned, but mapping gives a much clearer indication of planning priorities than reliance on text. This Plan is a complex document and the inter-play of its various policies will also be complex and perhaps uncertain. Moreover, as the Community Council's minute of July 2008 noted [6.2.2] "mitigation by both actions and payments was permitted as a counterbalance to detrimental impacts." The Community Council argues that these two particular locations, 'The Boat' Hotel and the Milton Loch, are of no less significance to this settlement as the Caravan Site, the Steam Railway Station, the Golf Course and the Playing Field, locations that have been mapped. Being of similar significance they should have the same level of protection in the Local Plan.

3.3. 'The Boat' Hotel is the single most significant building in Boat of Garten.

- 3.3.1. We have already stated: "As the only hotel in the village, 'The Boat' Hotel is of considerable commercial significance to the community. Its prominence at the corner of Deishar Road means that it also contributes significantly to the built environment of the village. Finally, the Council noted that the Strathspey Railway Station and yards had been accorded mapping as important in the commerce/tourism category; the Hotel as the former Railway Hotel formed an integral part of that complex and hence should also be mapped. These special circumstances, taken together, ought to override any general presumption not to map hotels; they were of sufficient strength that the modified text (Policy 33, page 56) was insufficient protection."
- 3.3.2. We recognise that, where there are several hotels within a community, it could be invidious to select one for mapping and to leave others. That there is a general presumption not to map hotels does not surprise us. But this is the ONLY Hotel within Boat of Garten; and, moreover, it was THE Station Hotel and this is still a Railway Village. We believe that the Authority has failed to consider the particular arguments in favour of mapping this Hotel.

- 3.3.3. The modern history of this village and of the Hotel go hand in hand: the Hotel is thus sited at a most strategic position at the corner of Deishar Road and beside the Station and railway yards. The Hotel has an importance in this village as a centre for tourism; it has an historical importance; as a building dating from the late 19th century growth of Boat of Garten it contributes significantly to the built environment. The Local Plan has mapped the Steam Railway station and yards as reserved for commerce/tourism. We submit that not similarly to map the station's hotel is inconsistent and prejudicial to an essential element of Boat of Garten.
- 3.3.4. Several hotels have in recent years been 'lost' to other uses within Badenoch & Strathspey: indeed, the building of a former Boat of Garten hotel, the Craigard, is now used for housing. The possibility that some development might seek a broad change of use for our remaining Hotel must exist; and we believe that the importance to the village of the Hotel as a Hotel justifies the Local Plan containing a clear signal that such change of use will be firmly resisted. Mapping the Hotel is the way to achieve this result.
- 3.3.5. It should be noted that our submission asks for the main building of 'The Boat' Hotel to be mapped, and not its associated staff accommodation even though, in practice, the one probably needs the other to function. This submission is thus, in our view, modest: designed to interfere minimally with the commercial judgment of the owners of the Hotel. There was some local public opposition just recently when the Boat of Garten Hotel closed its public bar - the Community Council took the view that this was a commercial decision and did not intervene.

3.4. The Milton Loch is not outside the village.

- 3.4.1. Once again we challenge the Plan as inconsistent. The Boat of Garten Caravan Site has been mapped as protected for tourism/commercial use, though it too is on the 'outside' of the village, lying beyond its housing.
- 3.4.2. Like the Caravan Site, the Milton Loch site is connected to the village by housing on two sides. The 'Welcome' sign to the village is sited roughly half way along the Loch.
- 3.4.3. Moreover the Loch and its associated woodland are managed as a local nature reserve, being integral to the village's network of signed paths. It seems almost outrageous that a key local resource for 'green space', deliberately set aside and managed locally in cooperation with the Highland Council, who built and own the Bird Hide at the Loch, has not been recognised by the Cairngorms National Park as 'green space', being denied the designation of BG/OS1.
- 3.4.4. If anything on the current Local Plan is outside the village it is the Golf Course - which lies beyond the railway. But for some reason the Park Authority has chosen to map golf courses! The inconsistency of their decision not to map the Milton Loch as a protected green area, while mapping both the Golf Course and the Caravan Site is nowhere justified.
- 3.4.5. We add that the comments made by Karen Major at the meeting with the Strategy Group (see 2.4 above and the citation from 7.4 of the minute of that meeting) implicitly accept that our case has merit, if not merit the Park was then prepared to accept, when she suggested that the 2nd Local Plan might take up our suggestions. If the 2nd, why not the 1st?
- 3.4.6. We submit that the Milton Loch is clearly as much a part of this village - its life, its character and its environment - as the Golf Course, the Playing Field and the Caravan Site - all of which are given policy protection by mapping.

4. Visiting these locations

- 4.1. We understand that the Reporters (or one of them) will visit all locations covered by objections, and that these visits will generally be unaccompanied.
- 4.2. For the strength of our arguments to be understood we believe that it is imperative that the Inquiry visit Boat of Garten to see the relationship of 'The Boat' Hotel and the Milton Loch to the community in which they are set. The Bird Hide at the Loch is accessed via Birch Grove; follow the signs to 'Community Woodland Walk'.
- 4.3. We accept that such a visit can properly be done unaccompanied; but if the Reporters think that a local guide would assist them then the Community Council would be pleased to make any arrangements that might be requested.

Boat of Garten, April 2009

Appendix A

Cairngorms National Park Deposit Local Plan

1. **Name: Boat of Garten Community Council**
2. **Agent:** Frank Bardgett: Secretary, Boat of Garten Community Council
Tigh an Iasgair
Boat of Garten
Inverness-shire PH24 3BY
01479 831751 tigh@bardgett.plus.com

Please direct correspondence to the Secretary.

3. *Please identify the Policy, proposal, map or other aspect of the Plan to which you object.*

Intermediate Settlements: Boat of Garten
Inadequate number of detailed proposals - see map on page 75.

4. *Please state clearly and fully the grounds of your objection or representation to the Deposit Local Plan, using a continuation sheet if necessary.*

The Boat of Garten Community Scoping Study published by the CADISPA Project, Faculty of Education, University of Strathclyde in January 2004 highlighted features of key importance to this community:

- "...the high quality of the (natural) environment in which the village is surrounded"
- "...the need for more businesses and other services within the village. It was felt that bringing such enterprises into the village would help stimulate economic and social well-being, through providing more services and potential employment. Furthermore, many respondents indicated that there was not a lack of skills within the local population: rather, the difficulty was finding or providing opportunities for people to use existing skills."
- "Tourism is obviously an important market for business in the local area, reflected in the respondents confirming that encouraging tourism is essential to the future economic success of the village."

While encouraging the provision of additional housing in Boat of Garten, the Community Council also wishes to see the Local Plan guard the current balance of use of locations within the village. There are enterprises crucial to employment and to the village as a tourist centre that we would not wish to lose to housing. There are open spaces, equally, that very clearly ought to remain as open spaces. The Plan should have clear Open Space [OS] and Economic/Tourism [ED] proposals for this village as it has for other villages of similar size. General wording to resist 'change of use' is not sufficient protection, particularly as development in H1 has yet to be agreed.

We therefore object to the failure to make further detailed proposals beyond BG/H1 and BG/C1 and so submit our own.

5. *If objecting, please indicate what change(s) you are seeking in future modifications to the Local Plan which could resolve your objection.*
- Add the following **OS** and **ED** proposals under the section and map for Boat of Garten – and widen the area covered by the map in order to do so.

BG/OS1: Milton Loch and associated woodland and habitats are protected from development.

BG/OS2: The Playing Field is protected as recreational/open space.

BG/OS3: The Curling Rink and adjoining woodland are protected as recreational / open space.

BG/OS4: The grounds of the Golf and Tennis Club, including the Golf Course, are protected as recreational/open space.

BG/ED1: The Caravan and Camping Site is retained for business/tourism use.

BG/ED2: The building of the Boat of Garten Hotel is retained for business/ tourism use.

BG/ED3: The Boat of Garten Station and the associated yards of the Strathspey Steam Railway are retained for business/tourism use.

BG/ED4, ED5 and ED6: the premises in Deshar Road currently occupied by the Post Office, Anderson's

Restaurant and M&B Stores are retained for business/tourism use.
BG/ED7: The Sawmill is retained for commercial use.

The Community Council makes this submission after a period of public notice that it intended to recommend these proposals, and believes them to be acceptable and also compatible with the allocation of BG/H1 for sufficient housing for the lifetime of this Plan. Boundaries shown on the attached map are not intended to be accurate but merely representational.

6. *If there is a Public Local Inquiry, would you wish to prepare written representations or present evidence verbally at the Inquiry?*

[Note: only objectors have the right to appear at the Local Inquiry. If you do not wish to appear, your written representations will carry the same weight as those of objectors who do attend.]

Written Representations only:

Appear at Inquiry:

7. *If others have objected to the same part of the Local Plan would you be willing to present a joint case with them at any Inquiry?*

Yes:

No:

8. *Signature*

Date

Address to: CPNA, Deposit Local Plan, Ground Floor, Albert Memorial Hall,
Station Square, Ballater AB35 5QB, no later than 28 September 2007.
After that date, a representative of the CPNA will be in touch with regard to your objections.

Appendix B

From: KarenMajor@cairngorms.co.uk
Subject: RE: Local Plan
Date: 2 July 2008 16:21:56 BST
To: tigh@bardgett.plus.com

Frank – thank you for meeting us today and I hope that we have clarified a few outstanding things – the note of the meeting I think shows that you are clear now on our approach and I hope you are in agreement that it gives sufficient clarity without being overly prescriptive. It can be a difficult one to balance. I have added two small things to your note in red so I hope those are clear. I look forward to hearing from you again after your next meeting to clarify your position regarding the objections. In the mean time if there are any other issues that crop up just let me know.

Best wishes

Karen Major

Planning Officer (Local Plan / Policy)

Cairngorms National Park Authority

Ground Floor, Albert Memorial Hall, Station Square, BALLATER, Aberdeenshire, AB35 5QB

BOAT OF GARTEN AND VICINITY COMMUNITY COUNCIL **MINUTES of the meeting of the STRATEGY GROUP held in the Community Hall, Wednesday** **2 July 2008: 11.00 am**

1. **Present:** Anna Barton (presiding); Mary Clark, Barbara (Barrie) Davison, Lorraine Macpherson with Frank Bardgett (Secretary) in attendance.
2. **Guests:**
Karen Major & Fiona ~~Muro~~, Cairngorms National Park Authority.
3. **Welcome / Agenda: The Modified Deposit Local Plan**
AB welcomed KM and FM and opened the meeting, called to enable the Strategy Group to consider the response of the CNPA (as contained in the Modified Deposit Local Plan) to representations and objections previously submitted by the Community Council. Discussion at the meeting followed the sequence of objections agreed on Monday 3 September 2007.
4. **Former Policy 25, page 49: Small Rural Settlements and Policy 26, page 50: Housing Proposals Outside Settlements**
 - 4.1. In 2007 the CC had accepted the premise of Policy 25, that “development as a part of existing small rural settlements where there is a cohesive group of 15 or more dwellings will be permitted where the proposal reinforces and enhances the character of the settlement”, but asked for both Drumuillie and Street of Kincardine to be included in the list of such settlements. There was also a request for clarification as to which policies would apply to ‘Small Rural Settlements’ and to ‘Housing Proposals Outside Settlements’.
 - 4.2. KM explained that these policies had been rewritten and referred to Policies 23, ‘Housing Development in Rural Housing Groups’, and 24, ‘Housing Development Outside Settlements’. Housing may now be permitted in groups of houses of 3 or more, but not to add more than 33% of the total existing as the Plan comes into force. Other conditions also apply. In consequence of this widening of the Policy, no exemplar place-names at all are now given.
 - 4.3. Asked to comment on what a ‘group’ might be, KM explained that, though detailed notes on this and other topics would follow to supplement the briefer Plan, it was intended that ‘Groups’ would be cohesive, comprising inhabited homes.
5. KM added that the general approach followed in the Modified Plan was to require applications to be assessed against all Policies. To an extent unlike the previous Highland Council approach of designating areas in which this or that might be permitted, applications should be assessed in such a way as to allow all objectives of the National Park to be weighed.
6. **Intermediate Settlements: Boat of Garten / Proposal BG/H1 and its connection to Former Policy 24: Contributions to Affordable Housing**

- 6.1. The CC had accepted the proposal for an area [BG/H1] behind Craigie Avenue and beside the Community Hall to be designated for housing; but had expressed its desire to see a strong component of affordable housing in any development in H1. Under **Former Policy 24** the Plan offered a framework to secure this: any development must offer either 50% or 30% affordable housing, depending whether or not public subsidy was part of the package. Objection to the detailed wording of the Policy was made on the grounds that the percentage of Affordable Housing for any particular site would appear to be negotiated in 'Pre-application discussions' before plans are submitted for public consultation, thus negating the opportunity for any public or Community Council comment.
- 6.2. Under Policy 21 of the Modified Plan, all housing proposals, from those for one or two open market homes to large developments, will contribute towards Affordable Housing either by paying a contribution to the Highland Council's Fund for the purpose, or by including such homes in the plans. The required % of Affordable Housing has been reduced to a minimum of 25%, or 40% where 1/3rd or more of the funds come from public sources. KM argued that this was on professional advice (and also on the basis of work carried out for CNPA by consultants - the papers are on the web site for information), and that, where there was such public funding available, developers should not be financially disadvantaged: ie that the limits set were economically viable.
- 6.3. Discussion clarified:
- 6.3.1. The Planning Application expected to be made on 9 July 2008 for area H1 will be assessed against the current Highland Council Local Plan and not in terms of the CNPA draft. However, the previous draft wording about this site had been strengthened in terms of protecting the environment; these alterations reflected submissions from SNH - and SNH could be expected to assess any actual application according to the same criteria.
- 6.3.2. The current Plan suggests some 50 homes might be built on H1 in the next five years, leaving 20 as a reserve for the future. KM commented that these figures should not be taken too strictly; that they were intended to be indicative and not prescriptive. Phasing of any particular development, however, might be enforced by way of conditions to approval.
- 6.3.3. The Plan writes in general terms of Affordable Housing, and under 5.45 any specific range of tenures will be discussed on a site by site basis.
- 6.3.4. Again under 5.45, the Plan now allows for greater public participation in these discussions, no longer to be restricted to private talks or 'Pre-application discussions'. Indeed, KM informed us, under new Planning legislation to come into force in January 2009, Developers will be required publicly to discuss potential applications in advance of official submission.
- 6.3.5. The concept of payments in lieu of building affordable housing was discussed. The formula to be used for this is proposed to come from Aberdeenshire and a Note will supplement the Policy if agreed; payments were not especially onerous. The intention was for HC to hold the Fund and distribute contributions received within the same Secondary School area. Thus three mansions being built in Boat of Garten might help to fund an affordable house in Grantown (although we will continue to work with the Local Authorities to try and ensure the affordable element does meet local demand).
- 6.3.6. The provision for payments in lieu being due even from applicants to build single houses *might* help to guard against Developers whose practice was to apply for small groups of houses at a time - which over time had a cumulative impact outwith planning gain. But it might not, as tracing links between Developers was risky and dubious.
- 6.3.7. The mix of housing size on any larger site was now covered under Policy 23, 5.58. Either housing need surveys would be used to assess a proposed mix or else a general benchmark of 75% of two or three bed units would be used as a guide. KM accepted that this comes not as a Policy but as background wording, and "as a guide"; but argued that by being in the Plan, it would have weight in negotiations and could, if really needed, be used to justify declining an application.

7. Intermediate Settlements: Boat of Garten / Proposal BG/C1

- 7.1.1. The former Plan had designated a plot beside the road and Craigie Avenue as for 'Community Use' - BG/C1. The CC had accepted this designation but objected on the

grounds that the text did not specify that it would be suitable for a new Primary School. - much desired in the village.

7.1.2. The Modified Plan [pages 76 and map on 77] does now state that the site would be appropriate for a new school "or other uses which support the economic development of the settlement and its sustainable community". KM clarified that the breadth of this text would allow for an appropriate commercial application to be accepted for this site.

8. Intermediate Settlements: Boat of Garten / Inadequate number of detailed proposals shown on map

8.1. The CC's response to the original Draft Plan had objected on the grounds that various areas of importance to the community had not been accorded appropriate designation / projection and had asked that:

BG/OS1: Milton Loch and associated woodland and habitats are protected from development.

BG/OS2: The Playing Field is protected as recreational/open space.

BG/OS3: The Curling Rink and adjoining woodland are protected as recreational / open space.

BG/OS4: The grounds of the Golf and Tennis Club, including the Golf Course, are protected as recreational/open space.

BG/ED1: The Caravan and Camping Site is retained for business/tourism use.

BG/ED2: The building of the Boat of Garten Hotel is retained for business/ tourism use.

BG/ED3: The Boat of Garten Station and the associated yards of the Strathspey Steam Railway are retained for business/tourism use.

BG/ED4, ED5 and ED6: the premises in Deshar Road currently occupied by the Post Office, Anderson's Restaurant and M&B Stores are retained for business/tourism use.

BG/ED7: The Sawmill is retained for commercial use.

8.2. In the Modified Plan, it was noted that the following had indeed been added:

BG/ENV: The Playing Field is protected as recreational/open space.

BG/ENV: The grounds of the Golf and Tennis Club, including the Golf Course, are protected as recreational/open space.

BG/ED1: The Boat of Garten Station and the associated yards of the Strathspey Steam Railway are retained for business/tourism use.

BG/ED2: The Caravan and Camping Site is retained for business/tourism use.

8.3. The following locations had not been specially designated:

The building of the Boat of Garten Hotel

The Post Office, Anderson's Restaurant and M&B Stores

The Milton Loch Area

The Curling rink and associated woodland

The Sawmill

8.4. KM explained that the bounds of settlements had been tightly drawn and that, except for golf courses, no particular sites outside those boundaries had been mapped and colour designated. Again, the object of the CNPA Local Plan was to seek to assess applications against the full range of Policy objectives and not to work on a simple 'In or Out?' basis of mapping.

8.5. AB commented that Milton Loch, an area of community woodland, fell just outside the current bounds which - thinking of the future - were tightly drawn. The same is true of the curling rink and the Sawmill. Indeed, thinking more generally, the bounds set on the current map were so closely drawn to the existing village that, once HI had been developed, little scope for change would exist. KM commented that that was a comment worth retaining for consultations which would inevitably begin on the 2nd CNPA Local Plan to succeed to that being discussed. Drafts would be required from all Planning Authorities in January 2012.

8.6. KM also commented that no hotels had been especially designated in the Modified Plan and hence that the Boat of Garten Hotel was not mapped; nevertheless any proposal would be assessed under Policy 33 (page 56), 'Tourism Development', which states that applications will, in general, be resisted if their effect is to reduce tourist facilities in an area. Once again, the emphasis in the CNPA Local Plan is on the combined impact of the wording, rather than on the mapping.

9. Mary Clark asked about the timescale for further discussions on the Plan. The current round of

consultations ends on 25 July. Thereafter those objections that cannot be settled will be referred to a Public Inquiry under a Scottish Government Reporter - and the timing of that would depend on the caseloads of that department. An Enquiry might be completed before Christmas 2008 and the Reporter would take a further 3 months to complete a report. Perhaps, therefore, the Local Plan might be in operation by summer 2009.

10. KM mentioned that, besides those Policies already discussed, the Modified Plan had introduced new material to clarify the relationship between its policies and the prime Objectives of the CNP; and also to lay out policies to encourage sustainable design - see Policy 18, 'Design Standards for Development'. Policy 22, 'Housing Developments within Settlement Boundaries', was entirely new, applying to areas where development would be considered favourably. AB added that she was pleased to see that there was a commitment to updating the inventory of Cultural Heritage / Historic Environment [page 24, Policy 8: Gardens and designed landscapes] - there were sites around Boat of Garten as yet unrecognised.
11. Karen Major and Fiona Munro were thanked for their visit and explanations. A report would be made to the CC and a response coordinated.

Appendix C

BOAT OF GARTEN AND VICINITY COMMUNITY COUNCIL MINUTES of the Meeting held in the Community Hall, Monday 7 July 2008: 7.30 pm

1. Present: Barbara (Barrie) Davison (Chairman), Gordon Grant (Vice Chairman), Willie Cruickshank (Treasurer), Heather Bantick, Mary Clark, with Frank Bardgett (Secretary) in attendance.
2. Visitors: C.I. Donald Henderson and Sgt. Malcolm Taylor - Northern Constabulary; Mary Appleyard, Clr Stuart Black, Mary Cowie, Lorraine Macpherson.

Extract from the minute relating to the CNPA Deposit Local Plan:

6. Matters arising from previous meetings (continued)

6.2. CNPA: Modified Deposit Local Plan

- 6.2.1. With Anna Barton in the chair the Strategy Group had met with CNPA's Karen Major on 2 July; a report had been circulated, to which FB spoke. The question was whether the CC wished to withdraw or to continue its detailed objections to points within the plan. It was • agreed to respond that:
- The objection relating to small rural settlements (former policy 25) and housing proposals outside settlements (former policy 26) had been resolved, as the policies had been very considerably rewritten.
 - The objection to the designation on the map for Boat of Garten of area BG/C1, in that no reference was made to the suitability of this site for a school, had been resolved. The text now allowed for this possibility.
 - Two objections to the mapping of Boat of Garten as an Intermediate Settlement were maintained. The map neither included the Milton Loch nor specified that it should be protected as open space of importance to the environment of the village. Further, the Community Council continued its objection to the failure to map the Boat of Garten Hotel as an important commercial and tourism asset to be protected within that category. As the only hotel in the village, the Boat of Garten Hotel is of considerable commercial significance to the community. Its prominence at the corner of Deshar Road means that it also contributes significantly to the built environment of the village. Finally, the Council noted that the Strathspey Railway Station and yards had been accorded mapping as important in the commerce/tourism category; the Hotel as the former Railway Hotel formed an integral part of that complex and hence should also be mapped. These special circumstances, taken together, ought to override any general presumption not to map hotels; they were of sufficient strength that the modified text (Policy 33, page 56) was insufficient protection.
 - Further objections to the failure to map other small properties as commercial were withdrawn.
 - The Community Council welcomed and supported the new mapping of the Caravan Site and the Strathspey Railway and yards as retained for business/tourism use, and of the Playing Field and Golf Course as recreational open space of importance to the environment of the village.
 - The objection to former Policy 24, Affordable Housing, on procedures for pre-application discussions, was withdrawn. The revised text now allowed for wider, more transparent discussions.
 - The mapping and designation of area BG/H1 was again accepted, again with the hope expressed that a proper proportion of the sites would be 'affordable'. However it was noted that a planning application was expected imminently that would not fall to be considered under the new CNP Local Plan. Depending on sight of these plans and consideration of their implications, further comments on the Draft Plan might be required.
- 6.2.2. FB expressed his concerns about the methodology of the CNP Local Plan, which essentially relied on the overall text of the Plan rather than on mapping sensitive areas. Mapping had the advantage of being clear, readily understandable to the non-expert and therefore more likely to generate and maintain public support in the planning process. He was uncertain how transparent planning decisions made under the new Plan might

be, especially as particular policies would need to be weighed against each other and mitigation by both actions and payments was permitted as a counterbalance to detrimental impacts. The CC noted these concerns and the additional demands they may place on the Planning Subcommittee when (and if) the Plan is adopted.

Frank Bardgett
Secretary
11 July 2008

Appendix D

Objector Name Frank Bardgett Agent
092d Boat of Garten Community Council
Tigh an Iasgair
Boat of Garten
PH24 3BY

Company Boat of Garten Community Council
Policy/site Settlements - Boat of Garten

Representation to Deposit Plan

The Boat of Garten Scoping Study published by the CADISPA Project, Faculty of Education, University of Strathclyde in January 2004 highlighted features of key importance to this community:

- "... the high quality of the (natural) environment in which the village is surrounded"
- "... the need for more businesses and other services within the village. It was felt that bringing such enterprises into the village would help to stimulate economic and social well-being, through providing more services and potential employment. Furthermore, many respondents indicated that there was not a lack of skills within the local population: rather, the difficulty was finding or providing opportunities for people to use existing skills."
- "Tourism is obviously an important market for businesses in the local area, reflected in the respondents confirming that encouraging tourism is essential to the future economic success of the village."

While encouraging the provision of additional housing in Boat of Garten, the Community Council also wishes to see the Local Plan guard the current balance of use of locations within the village. There are enterprises crucial to employment and to the village as a tourist centre that we would not wish to lose to housing. There are open spaces, equally, that very clearly ought to remain as open spaces. The Plan should have clear Open Space (OS) and Economic/Tourism (ED) proposals for this village as it has for other villages of similar size. General wording to resist 'change of use' is not sufficient protection, particularly as development in H1 has yet to be agreed.

Changes being sought

Add the following OS and ED proposals under the section and map for Boat of Garten – and widen the area covered by the map in order to do so.

BG/OS1: Milton Loch and associated woodland and habitats are protected from development.

BG/OS2: The Playing field is protected as recreational/open space.

BG/OS3: The curling rink and adjoining woodland are protected as recreational / open space.

BG/OS4: The grounds of the Gold and Tennis club, including the Golf course, are protected as recreational / open space

BG/ED1: The Caravan and Camping site is retained for business/ tourism use.

BG/ED2: The building of the Boat of Garten Hotel is retained for business/tourism use.

BG/ED3: The Boat of Garten Station and the associated yards of the Strathspey steam railings are retained for business/ tourism use.

BG/ED4, ED5 and ED6: The premises in Deshar Road currently occupied by the Post Office, Anderson's restaurant and M&B Stores are retained for business/ tourism use.

BG/ED7: The sawmill is retained for commercial use.

The community council makes this submission after a period of public notice that it intended to recommend these proposals, and believes them to be acceptable and also compatible with the allocation of BG/H1 for sufficient housing for the lifetime of this Plan. Boundaries shown on the attached map are not intended to be accurate but merely representational.

CNPA analysis of objection to Deposit Plan

The level of detail on the proposals maps in support of the local plan will be reviewed in light of the representations received to allow for an appropriate level of detail to guide developers and clarify future development opportunities to communities. As part of this review a survey of the proposed sites

in this representation will be undertaken to ascertain their qualities in meeting the development and other needs of the community and the impact it would have when assessed through the SEA.

Response to 1st modifications

Two objections to the mapping of Boat of Garten as an Intermediate Settlement were maintained. The map neither included the Milton Loch nor specified that it should be protected as open space of importance to the environment of the village. Further, the Community Council continued its objection to the failure to map the Boat of Garten Hotel as an important commercial and tourism asset to be protected within that category. As the only hotel in the village, the Boat of Garten Hotel is of considerable commercial significance to the community. Its prominence at the corner of Deshar Road means that it also contributes significantly to the built environment of the village. Finally, the Council noted that the Strathspey Railway Station and yards had been accorded mapping as important in the commerce/tourism category; the Hotel as the former Railway Hotel formed an integral part of that complex and hence should also be mapped. These special circumstances, taken together, ought to override any general presumption not to map hotels; they were of sufficient strength that the modified text (Policy 33, page 56) was insufficient protection.

Further objections to the failure to map other small properties as commercial were withdrawn. The Community Council welcomed and supported the new mapping of the Caravan Site and the Strathspey Railway and yards as retained for business/tourism use, and of the Playing Field and Golf Course as recreational open space of importance to the environment of the village. The mapping and designation of area BG/H1 was again accepted, again with the hope expressed that a proper proportion of the sites would be 'affordable'. However it was noted that a planning application was expected imminently that would not fall to be considered under the new CNP Local Plan. Depending on sight of these plans and consideration of their implications, further comments on the Draft Plan might be required.

CNPA analysis of response to 1st modifications

The proposals map for Boat of Garten has been amended to reflect some original objections. However it is not the approach taken to identify particular hotels within settlements. The text however supports the retention of important uses which support the community such as that referred to. The site referred to at Milton Loch is outwith the settlement but protected from development through para 7.5. It is not therefore considered necessary to add this area into the settlement boundary in an effort to protect it from development. No additional modification or amendments are therefore proposed.

Response to 2nd modifications

Your letter of 5 November 2008 was considered at the Community Council meeting last night, and it was decided to reaffirm our outstanding objections to the

Deposit Local Plan, viz those relating to the mapping of the Boat of Garten Hotel and Milton Loch. The information given in the letter on the Local Plan Inquiry process was helpful and it was decided that these objections would be pursued via written representations alone.

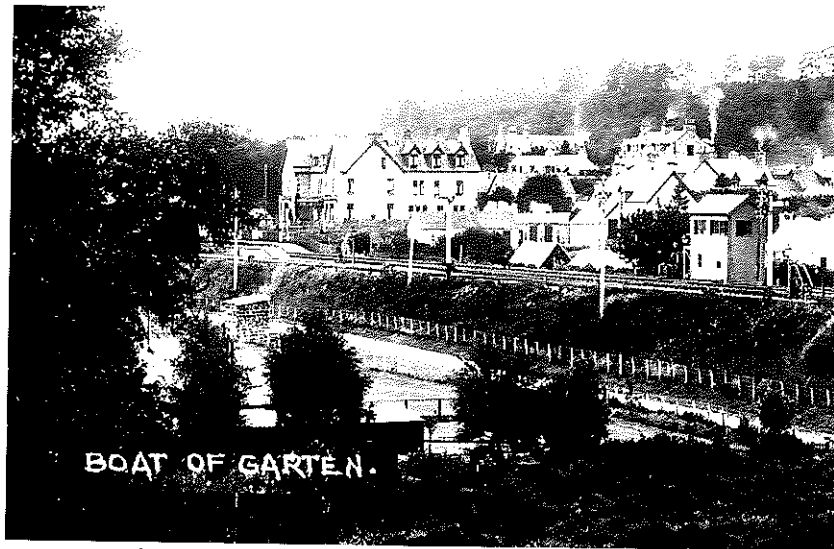
In due course the Community Council will wish to expand on what has been written so far, and we would appreciate an indication of how and when this may be done; no doubt the Pre Inquiry meeting will be helpful here.

WRITTEN

Appendix E



The Station Hotel, Boat of Garten - *otherwise* 'The Boat' Hotel



The Hotel in relation to the Railway and the Village



Milton Loch in relation to the Village