

Cairngorms National Park Deposit Local Plan

**Submission in respect of Land at Kingussie on behalf of Mr L Aardenburg –
Objector Ref: 433**

**Written submission in respect of objection to change to wording of Proposal
KG/H1, paragraph (i) in Deposit Local Plan First Modification**

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Introduction

This objection is made on behalf of Mr Lucas Aardenburg who owns approximately 13.76 ha, (34 acres) of land on the north east side of Kingussie, a substantial proportion of which has been allocated in the Cairngorms National Park Deposit Local Plan for residential development, (site KG/H1) and following an earlier objection, a proportion of which was allocated for employment uses in the First Modifications to the Cairngorms National Park Deposit Local Plan. Site KG/H1 is allocated with a capacity of 300 residential units.

Objection

Mr Aardenburg objects to the change to the wording of proposal KG/H1 (i), made in the First Modifications to the Deposit Local Plan, when referring to the site capacity of 300 units, which added in the text *'with 75 of these provided during the life of the plan'*. Previously there was no mention of such a phasing requirement within the text of this proposal. An objection was submitted to this change, but did not result in any change in the Second Modifications to the Cairngorms National Park Deposit Local Plan.

Background

Following the introduction of the text *'with 75 of these provided during the life of the plan'* within the text of proposal KG/H1 (i), contact was made with the Cairngorms National Park Authority to point out our concerns and seek reassurance that the figure of 75 units is for indicative purposes only. It was pointed out that confirmation of the indicative nature of such phasing requirements is important to developers as until a masterplan is completed for the site, (a requirement of the Local Plan), the housing mix or plot size to be provided will not be known as this changes according to market demand. An indicative figure allows some flexibility for developers to respond effectively to changes in market demand.

In response, the Cairngorms National Park Authority asked us to consider if the text added by the First Modifications at the foot of the housing land 'Phased land supply' table, (Table 4) of the Cairngorms National Park Deposit Local Plan, would address our concerns. This table and text is appended as Appendix A.

Although we have no issue with the text at the foot of Table 4, we have a number of concerns, which were communicated to the Cairngorms National Park Authority with our request for a further modification. These concerns are set out below.

The approach which has been taken within the Cairngorms National Park Deposit Local Plan is inconsistent for different settlements. For example, a small sample check at random of the proposal text for 3 other settlements showed that for Newtonmore and Grantown on Spey, there is no reference in the text of the proposals to the number of units during the life of the plan and for Ballater, although the reference is made, the text uses the word 'envisaged' rather than the word 'provided', which has been



used for Kingussie. 'Envisaged' has a much more flexible interpretation than 'provided'. Whilst we have no reason to doubt the sincerity of the approach outlined at the bottom of Table 4, such inconsistencies can, in our experience, result in misinterpretation during the life of the plan, which through differences of interpretation can cause unnecessary conflict and challenge that could have been avoided.

If the text were to remain unaltered, an argument could be advanced that the specific number mentioned to be 'provided' in the text of the proposal, over-rode the sentiment expressed at the bottom of Table 4. The fact that only certain settlements had specific numbers mentioned in the proposals text would be used as further support to this argument. The other point to make here is that the officers who drafted the plan and who understood what they meant by it may not be working for the planning authority when a particular issue comes up for interpretation. The intentions of particular policies or proposals may therefore be lost to the arguments. The importance of removing inconsistencies from the plan is not just to favour a developer or any other 'consumer' affected by the plan, but also to protect the Planning Authority themselves from successful challenges leading to potentially inappropriate development.

In our view, the simple way around this problem in the case of phasing of housing sites, is to remove references within the text of the proposals to the number of units in the life of the plan. Table 4 stands quite competently as the determinant of phasing numbers. There is therefore no need to introduce potential inconsistencies by making reference to numbers in the proposal text. This approach will provide a single, clear point of reference. If the Cairngorms National Park Authority wanted to adopt a 'belt and braces' approach, a sentence could be included in the text of each proposal along the lines, "Indicative phasing for this site is shown in Table 4".

We consider that it is important for a Local Plan to be clear and simple for everyone to interpret and to be free from ambiguities. The proposed modifications as set out below are requested to achieve this goal.

Proposed Modification

For the reasons set out above, Mr Aardenburg requests that following modifications be made to the Cairngorms National Park Deposit Local Plan:

- Either - (a) (i) remove the reference within proposal KG/H1 (i) to numbers of units in the life of the plan;
(ii) for consistency, remove references to numbers of units in the life of the plan from all other settlement proposals;
- Or - (b) change the text in proposal KG/H1 (i) to make clear that the number of units stated during the life of the local plan is indicative and make reference to Table 4".



Appendix A: Extract of Housing Land Supply Table from Cairngorms National Park Deposit Local Plan as modified by First and Second Modifications

Table 4 Phased land supply by local authority area

Settlement or Local Authority	approximate consented supply not yet built	indicative capacity of additional sites identified	2006-2011 target numbers of units (consented and new)	2011-2016 indicative target	capacity for medium to longer term
Aviemore	235	80	250	50	15
An Camas Mor		1500	100	300	1100
Grantown on Spey		250	75	90	85
Kingussie		300	75	75	150
Newtonmore		220	75	75	70
Boat of Garten		70	50	20	0
Carrbridge	117	0	117	0	0
Cromdale		80	30	30	20
Dalwhinnie		23	12	11	0
Dulnain Bridge		40	20	20	0
Kincraig		40	34	6	0
Nethy Bridge	53	0	53	0	0
Total Highland	405	2603	891	677	1440
Target new land supply to 2016		1163	916	678	Not estimated
Ballater		250	90	100	60
Braemar	32	35	40	27	0
Total Aberdeenshire	32	285	130	127	60
Target new land supply to 2016		225	130	127	Not estimated
Tomintoul		40	12	12	16
Total Moray		40	12	12	16
Target new land supply to 2016		24	12	12	Not estimated
Angus Glens		0	0	0	0
Total Angus		0	0	0	0
Target new land supply to 2016		0	0	0	Not estimated
Total CNP	437	2928	1033	816	1516
Target CNPA			1033	817	Not estimated
For clarity	a	b	x	y	z

Figures included are indicative projected time scales of sites. Final densities will be calculated taking into account best use of available serviceable sites and analysis of best practice in terms of sustainable development. Development of sites may occur at different speeds, dependent on market conditions, demand and developer aspirations.

(For clarity $a + b = x + y + z$)