

Date:			
Issue:	Proposal sites AV/H2 and AV/H3, Dalfaber, Aviemore.		
Objector(s):	Badenoch and Strathspey Conservation Group	Objection ref(s):	400i (e)

Reporter :	Mrs. Jill Moody
Procedure:	Hearing

1.0 Overview

1.1 This statement sets out the Cairngorms National Park Authority response to the objections raised to the Deposit Local Plan as modified in respect of proposal sites AV/H2 and AV/H3 at Dalfaber, Aviemore, and supplements the response made to those objections by the CNPA in its report to Committee (CD 7.3, 7.4 and 7.5). It recommends that the site should be retained in the Local Plan as an effective housing site.

2.0 Provision of Local Plan

2.1 The Cairngorms National Park Deposit Local Plan proposes sites AV/H2 and AV/H3 in Dalfaber, Aviemore for housing. The Plan clarifies that as a combined site these have an existing outline planning permission for up to 104 dwellings.

2.2 In addition, the text associated with proposal site AV/H2 notes that a further outline planning application is with the National Park Authority for the development of the 1.7Ha. site. Similarly reference is made in the text to the outline planning application with the National Park Authority for the development of the 5.5Ha. site which is identified as proposal site AV/H3. The text relating to both sites also clarifies the issues that would be considered in the event of applications for approval of reserved matters on the sites.

2.2 Other relevant policies :

- Table 2-4 - Housing land requirement and supply
- Policy 21 - Contributions to Affordable Housing
- Policy 22 – Housing Developments within Settlement Boundaries
- Policy 18 - Design Standards for Development
- Policy 7 – Landscape
- Policy 1 – Development in the Cairngorms National Park
- Policy 13 – Water Resources

3.0 Summary of Issues Raised

3.1 One objection has been received raising the following issues –

- Objecting to the allocation of proposal sites AV/H2 and AV/H3 on the basis that it “conflicts with the 1st, 3rd and 4th aims of the Park” (400i(e)).

4.0 Summary of Cairngorms National Park Authority Response

4.1 The CNPA have analysed the policy wording and cross checked its delivery aspirations against the aims of the National Park and consequently the CNPA is satisfied that no conflict or contradiction exists. In addition, the CNPA contend that the allocations are in line with the need to provide housing land within the area and stress the expectation that any developments

on the proposed allocated sites would be required to comply with the relevant policies of the plan, as well as the four aims of the National Park, in order to secure planning permission.

5.0 CNPA Commendation to Reporter

The Cairngorms National Park Authority commend to the Reporter that the objection detailed above be rejected and that acceptance of the allocation of proposal sites AV/H2 and AV/H3 for residential development be confirmed.

6.0 Assessment / Scope of Evidence

6.1 **400i(e)** objects to the allocation of proposal sites AV/H2 and AV/H3 for housing on the basis that they conflict with the 1st, 3rd and 4th aims of the National Park.

6.2 **Response** : The proposed allocation of sites AV/H2 and AV/H3 has been considered in the context of the aims of the National Park (CD 1.3, CD 7.21). The Local Plan and its proposed allocations have also been subject to Strategic Environmental Assessment (SEA) (CD 7.15 and 7.16) throughout its development, including in the consideration of the allocation of sites. As detailed in para. 1.12 of the Plan, the SEA assessed the likely significant environmental effects. In proposing to allocate sites AV/H2 and AV/H3 for housing, the heightened natural heritage value of the adjacent woodland area was recognised and as a result has been excluded from the proposed housing allocation. The woodland area is instead proposed to be allocated as proposal site AV/Env. The proposed allocation of this land is recognition of its contribution to the setting of Aviemore and will ensure its protection from adverse development. In addition, the proposed allocation of AV/H2 and AV/H3 for housing purposes has been considered in the context of its ability to comply with Policy 1 of the Deposit Local Plan. This is the overarching policy dealing with development in the Cairngorms National Park, with one of the key aspects of the policy being (a) where “development will be supported where the aims of the Park are collectively achieved in a co-ordinated way.”

6.3 The proposed allocation of proposal sites AV/H2 and AV/H3 and the adjacent wooded area that is proposed as AV/Env, was also informed by the Cairngorms Landscape Capacity for Housing Study (CD 7.19). The report recognised the sensitivity of the landscape character of the extensive woodland area and noted that development here is constrained by the importance of the woodland in the setting of the town and also in providing an informal recreation resource. Consistent with this assessment, the extensive woodland area has been excluded from the areas proposed in the Local Plan for housing, and instead has been afforded enhanced protection through its proposed allocation as AV/Env.

6.4 From an ecological perspective proposal site AV/H2 is characterised by scattered mature birch and semi-improved grassland, with the land showing signs of previous livestock grazing. The area is relatively species poor. Proposal site AV/H3 also displays signs of grazing and is characterised by areas of horse-grazed grassland, broom scrub and disturbed ground. The site contains limited areas of birch in the horse paddock, as well as some non-native trees in and around the garden area of the derelict farmhouse. The area to the south is characterised by species-poor, improved grassland that has fallen out of agricultural use. This area in particular has experienced considerable ground vegetation disturbance. On the basis of the ecological quality of the areas encompassed in proposal sites AV/H2 and AV/H3 the CNPA does not consider that their allocation for housing purposes would detract from the natural heritage value of the sites.

- 6.5 The CNPA therefore submit that the combination of housing and open space / environmental protection allocations proposed on the lands at Dalfaber accord with the 1st aim of the National Park. In addition, the detail coming forward in any future housing development proposals on the land would also be required to incorporate measures to ensure that the development would assist in conserving and enhancing the natural and cultural heritage of the area.
- 6.6 With regard to the third aim of the National Park of promoting the understanding and enjoyment of the special qualities of the area (including in the form of recreation) by the general public, the CNPA accept that the lands at AV/H2, AV/H3 and AV/Env are utilised for an element of informal recreational use. In recognition of this (as well as in recognition of the natural heritage value of the woodland area), proposal site AV/Env which lies adjacent to the proposed housing allocations at AV/H2 and AV/H3 has been specifically identified in order to ensure its retention and protection as open space, thereby providing continued opportunities for the general public to enjoy the special woodland qualities of the area. In addition, it is only through the assessment of detailed proposals for the development of AV/H2 and AV/H3 that it can be definitively established whether or not development would accord with the third aim of the National Park. A judgement on the matter is considered premature at this stage, where the process is to consider the general acceptability of the allocation of AV/H2 and AV/H3 for residential development. Supplementary planning guidance, including a Sustainable Design Guide, will also be produced in order to assist further in the formulation of development proposals to ensure consistency with the aims of the National Park.
- 6.7 The allocation of proposal sites AV/H2 and AV/H3 for housing is consistent with the approach advocated in SPP3 – Planning for Housing (CD 2.4) and in the strategic objectives of the National Park Plan (CD 7.1), of allocating an appropriate supply of land to meet identified housing requirements across all tenures, and in sustainable locations. In principle, this involves directing the majority of new development into existing settlements in order to make efficient use of service infrastructure and capacity. In doing so, there is the potential to limit the extent of development outside settlements, thereby offering continued opportunity to retain the wider rural areas of the National Park in their natural state, thereby providing further opportunity for the general public to enjoy the special qualities of the Park.
- 6.8 Finally, in respect of the fourth aim of the National Park, which is to promote the sustainable economic and social development of the area, the allocation of AV/H2 and AV/H3 for housing is considered to be entirely consistent with this aim. There is clear evidence in the National Park of the extent of housing need. The lands proposed for allocation at AV/H2 and AV/H3 lies within the settlement boundary of Aviemore (which is identified as a strategic settlement), and on land which was previously allocated for housing in the Badenoch and Strathspey Local Plan 1997 (CD 6.6). As stated in paragraph 6.7 above the allocation of land within the settlement is consistent with the SPP 3 - Planning for Homes (CD 2.4), which seeks to encourage housing at appropriate locations, in order to create successful, sustainable communities. The CNPA are of the view that this approach offers the potential to promote the sustainable economic and social development of this area of the National Park.
- 6.9 Housing allocation sites within the Local Plan have been identified following a comprehensive assessment process, where reference has been had to aspects such as location, physical features, natural heritage interests, landscape capacity findings, and the history of allocations within existing adopted Local Plans. The identification of sites has also been informed by housing need requirements and in addition all sites have also been subject to Strategic Environmental Assessment. In relation to proposal sites AV/H2 and AV/H3 the CNPA has analysed the policy wording and cross checked its delivery aspirations against the aims of the National Park and

consequently the CNPA is satisfied that no conflict or contradiction exists. In addition the CNPA contend that the allocations are in line with the need to provide housing land within the area and stress the expectation that any developments on the proposed allocated sites would be required to comply with the relevant policies of the plan, as well as the four aims of the National Park, in order to attain planning permission.

- 6.10 In addition, the sites proposed for allocation as AV/H2 and AV/H3 have the benefit of an extant outline planning permission for the development of up to 104 dwelling units. The permission was granted on appeal to the Scottish Government Development Department Inquiry Reporters Unit (appeal decision reference no. P\PPA\001\8 refers), with the decision being made with reference to the four aims of the National Park. The extent to which the appeal decision of the Inquiry Reporters Unit took into account the four aims of the National Park is a point which has also been considered by the Court of Session in an appeal brought under Section 239 of the Town and Country Planning (Scotland) Act 1997 ((2007) CSOH 180 refers - CPX). Amongst other issues considered, the Court of Session ruled that the four aims of the National Park were material considerations and that the appeal decision had been made with reference to the four aims.

7.0 Other material considerations

- 7.1 As referred to in paragraph 6.10 outline planning permission exists on the combined area of land encompassed within site allocations AV/H2, AV/H3 and allocation AV/Env which lies between the two housing allocations (CNPA planning ref. no. 05/101/CP and Scottish Executive Development Department Inquiry Reporters Unit reference P\PPA\001\8 refers).
- 7.2 The Badenoch and Strathspey Local Plan (1997) (CD 6.6) identified significant areas of the land that now forms proposal sites AV/H2 and AV/H3 for housing purposes, with pockets of land being identified for 'new development' and 'long term' development, with each pocket surrounded by land allocated as 'amenity woodland.'
- 7.3 Proposal site AV/H2 is the subject of a current planning application (CNPA planning ref. no. 07/144/CP refers), in which outline planning permission is being sought for the development of 12 serviced house plots. Proposal site AV/H3 is also the subject of a current planning application (CNPA planning ref. no. 07/145/CP refers), in which outline planning permission is being sought for a housing development, with indicative plans showing the identified site area accommodating 88 dwelling units. The 1:200 year flood risk maps have been analysed in the course of the assessment of the applications and a flood risk assessment has been required.

8.0 List of documents (including Core Documents)

- CD 1.3 The National Parks (Scotland) Act 2000
- CD 2.4 SPP3 Planning for Housing 2003 and 2008
- CD 6.6 Badenoch and Strathspey Local Plan 1997
- CD 7.1 Cairngorms National Park Plan 2007
- CD 7.3 CNPA Committee Report Consultation May 2008
- CD 7.4 CNPA Committee Report 1st Modifications October 2008
- CD 7.5 CNPA Committee Report 2nd Modifications February 2009
- CD 7.15 SEA Non-Technical Summary of Deposit Local Plan
- CD 7.16 SEA and Appropriate Assessment Local Plan Final
- CD 7.21 Topic Paper 1 Statutory National Park Context
- CNPA planning file reference no. 05/101/CP

- Scottish Executive Development Department Inquiry Reporters Unit, Appeal decision – ref. no. P\PPA\001\8
- Outer House, Court of Session decision – (2007) CSOH 180
- Current CNPA planning file 07/144/CP
- Current CNPA planning file 07/145/CP

9.0 Cairngorms National Park Witnesses for Hearing

- Mary Grier – Planning Officer, Development Management
- Gavin Miles – Strategic Planning and Policy Officer
- Matthew Hawkins – Senior Heritage Officer
- Justin Prigmore – Ecology Officer