

Date :			
Issue:	Proposal sites AV/H2, AV/H3 and AV/Env, Dalfaber, Aviemore.		
Objector(s):	Reidhaven Estate	Objection ref(s):	456m

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 the objection by the CNPA in its reports to Committee (CD 7.3, 7.4 and 7.5). It recommends that the extent of land allocated for residential and open space / environmental protection on proposal sites AV/H2, AV/H2 and AV/Env be confirmed. This statement does not recommend any further modifications.

2.0 Provision of Local Plan

2.1 The Cairngorms National Park Deposit Local Plan, as modified (CD6.11, 6.12 and 6.13), proposes sites AV/H2 and AV/H3 in Dalfaber, Aviemore for housing. The Plan clarifies that as a combined site these have an outstanding 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.

2.3 The area of land adjacent to proposal sites AV/H2 and AV/H3 is identified as proposal site AV/Env and is one of a number of open spaces and land identified for its contribution to the setting of Aviemore, and will be protected from adverse development.

2.4 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 Objections

3.1 One objection has been received raising the following issues –

- Objecting to the housing capacities suggested in respect of proposal site AV/H2 and AV/H3 in the Deposit Local Plan (CD6.11) and later objecting to the amendments to the text in the Deposit Local Plan 1st Modifications (CD6.12) which referred to current applications. The latter objection is on the basis that this reference could make the plan outdated very quickly. **456m** also objects to the reference in the amended text to matters to be addressed in the consideration of reserved matters on the sites, with the objectors stating that the current

outline applications have already taken into account a number of the issues. It is also requested that each of the proposed housing site allocations be extended (**456m**);

- Objecting to the extent of area allocated as proposal site AV/Env (adjacent to AV/H2 and AV/H3), commenting that the allocation is too large and that there is no basis for the designation, as none of the site is designated for birch woodland interest. The objection also states that future maintenance of the site is not addressed in the Local Plan (**456m**).

4.0 Summary of Cairngorms National Park Authority Response

- 4.1 The sites referred to have an extant outline planning consent and this is reflected in text amendments made in the Deposit Local Plan 1st Modifications (CD6.12). The objection requesting the extension of the proposed housing allocation sites AV/H2 and AV/H3 into adjacent proposal site AV/Env has been analysed by the CNPA. The analysis has been linked to the need for housing land within the area, and the effectiveness of the sites included within the Deposit Local Plan. The sites have also been judged against the findings of the Strategic Environmental Assessment (CD7.14, 7.15 and 7.16), the physical constraints of the sites and the requirements for the effectiveness as set out in national guidance. The CNPA are satisfied that the extent of the housing sites at AV/H2 and AV/H3 in Dalfaber, Aviemore contributes sufficiently to the housing land supply set out in proposed modifications to Table 3 and 4 (CD7.28), and these have been assessed through the site selection criteria set out in Topic Paper 4 (CD7.24). As part of the overall strategy Aviemore is considered to have sufficient capacity to accommodate the provision of land for housing growth to meet the social and economic needs of the local area and the extent of land allocated is sufficient for housing.
- 4.2 Amendments have also been made to the text of the Plan to omit reference to specific housing capacities on the land and also to reflect the up to date position regarding current outline planning applications submitted.

5.0 CNPA Commendation to Reporter

- 5.1 The Cairngorms National Park Authority commend to the Reporter that the objection detailed above be rejected and the extent of land allocated as proposal sites AV/H2 and AV/H3 for residential development, as well as the adjacent land which is identified as proposal site AV/Env (for open space / environmental protection) be accepted and confirmed. The CNPA also commend to the Reporter that the supporting text, as detailed in the Deposit Local Plan 1st and 2nd Modifications (CD 6.12 and 6.13), is accepted.

6.0 Assessment / Scope of Evidence

- 6.1 **456m** supports the principle of the allocation of proposal site AV/H2 for residential development, but objected initially to the capacity of the site being limited to 10 dwellings, as detailed in associated text in the Deposit Local Plan (CD6.11). The reference to a limited site capacity was subsequently removed in the Deposit Local Plan 1st Modifications (CD6.12). In response to the Deposit Local Plan 1st Modifications support is expressed for the inclusion of a paragraph in the text reflecting the extant permission on the site. However, objector **456m** requests that the allocation at AV/H2 be extended further to the south to avail of opportunities for development within the clearings without impacting on the integrity of the area. Concern is also expressed by objector **456m** that reference to the current applications would make the plan outdated very quickly and it is suggested that this reference be removed and that reference is only made to the existing permission on the site.

- 6.2 **456m** supports the principle of the allocation of proposal site AV/H3 for residential development, but objected initially to the capacity of the site being limited to 70 dwellings as detailed in the Deposit Local Plan (CD6.11). In a response to the Deposit Local Plan 1st Modifications (CD6.12) objector **456m** requests that the area allocated as proposal site AV/H3 be extended further to the west. Concern is also expressed that reference to the current applications would make the plan outdated very quickly and it is suggested that this reference be removed and that reference is only made to the existing permission on the site.
- 6.3 **456m** objects to the extent of woodland allocated as AV/Env, on the basis that no part of the woodland is designated for birch woodland interest and that there is no basis for designating such a large area. Support is expressed for the inclusion of a paragraph in the text of the Deposit Local Plan 1st Modifications (CD6.12) to reflect the extant permission on the site. **456m** also objects to the allocation on the basis that the Local Plan does not address how this area is to be maintained in the future.
- 6.4 **Response** : The proposed allocation of sites AV/H2, AV/H3 and AV/Env has been considered in the context of the aims of the National Park. The CNP Local Plan, in line with SPP3 – Planning for Housing (CD2.4), and the objectives of the CNP Park Plan (CD7.1) is required to deliver effective housing land for the Local Plan period on the basis of the housing needs established for the area (see proposed modified background text to Housing policies CD7.28). This is further clarified through Topic Paper 3 Approach to Housing Land Supply and Affordable Housing (CD7.23). The development strategy, as defined in Housing Policy 22 (Page 45) and explained at paragraph 5.52, seeks to allow for new housing development within the settlements of the National Park. The extent of land allocated for housing in AV/H2 and AV/H3 is sufficient to provide the required level of housing within the area for the plan period.
- 6.5 The Deposit Local Plan and its proposed allocations have also been subject to Strategic Environmental Assessment (SEA) (CD7.14, 7.15 and 7.16). 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, with the proposed allocation of the land being recognition of its contribution to the setting of Aviemore and it is intended to ensure its protection from adverse development.
- 6.6 Amendments have been made in the text of the Deposit Local Plan 1st Modifications (CD6.12) associated with proposal sites AV/H2 and AV/H3 to omit the earlier reference to the suggested housing capacity of either of the sites, and instead recognise the extant outline planning permission pertaining to the lands. This approach is considered by the CNPA to be appropriate, accurately reflecting the fact that the principle of housing development has been established on the lands.
- 6.7 Whilst the CNPA accept that the existing outline planning permission encompasses both of the proposed housing allocation sites as well as the adjacent woodland area identified in the Local Plan as AV/Env, it has been necessary in recognition of the significant ecological value of the woodland area to distinguish it from the proposed housing allocation lands. The CNPA view this approach as necessary in the interests of ensuring that the allocations accord with the aims of the National Park, and in particular with the first aim which seeks to conserve and enhance the natural heritage of the area. It is also considered to be compatible with the recognition accorded to the value of the woodland in the appeal decision from the Inquiry Reporters Unit

(Appeal decision reference no. P\PPA\001\8 refers) which required any layout to make provision for the retention of amenity woodland.

- 6.8 The specific extent of land allocated for housing purposes on proposal sites AV/H2 and AV/H3 reflects the lower ecological value of those areas, in comparison to the adjacent woodland area. 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 also noted by the CNPA as being relatively species poor. Similarly proposal site AV/H3 is characterised by areas of horse-grazed grassland, broom scrub and disturbed ground, with evidence of the area having experienced considerable ground vegetation disturbance. The overall natural heritage value of proposal site AV/Env contrasts significantly with this. It is an area of extensive birch woodland forming an integral part of the tree and woodland structure for the area by providing a degree of continuity along the eastern edge of the settlement. Any reduction in the extent of land identified for open space / environmental protection (AV/Env) would significantly alter this key feature and would interfere with the integrity of the woodland.
- 6.9 The allocation of proposal sites AV/H2 and AV/H3 and the adjacent wooded area (AV/Env) was also informed by the Cairngorms Landscape Capacity for Housing Study (Aviemore and Cambusmore Final Report) (CD7.19). The report recognised the sensitivity of the landscape character of the 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. The proposed allocation of the woodland area as AV/Env is consistent with the assessment in the Cairngorms Landscape Capacity for Housing Study.
- 6.10 Consistent with the allocation of other areas of open space and land meriting a level of environmental protection elsewhere within Aviemore and also in other settlements in the National Park, the Local Plan does not impose prescriptive measures regarding the means by which such sites would be maintained in the future. It is likely that many of the sites proposed for allocation as 'Env' (open space / environmental protection) will continue to remain in their existing natural state. Other sites, including the proposal site AV/Env at Dalfaber, which lies adjacent to the proposed housing allocation sites AV/H2 and AV/H3, may have the potential for its future maintenance to be regulated in conjunction with any planning permission which might be granted on the adjacent proposed housing land. This is a matter which would be subject to the agreement of the relevant landowners / developers and would be dealt with as part of the planning application process, as opposed to utilising the Local Plan as a mechanism for the regulation of the maintenance of areas of open space. The Deposit Local Plan does however contain policies in relation to Other Open Space Provision (policy 36) and Outdoor Access (policy 34) and where appropriate future development proposals would be expected to accord with those policies.
- 6.11 The CNPA consider that references in the text associated with proposal sites AV/H2 and AV/H3 to matters which should be considered in a reserved matters application on either of the sites is appropriate and helpful in highlighting issues of significance in the future development of the area. It is accepted that the proposal sites AV/H2 and AV/H3 are also the subject of applications for outline planning permission at the present time, and that information in support of the applications has been provided covering many of the issues referred to in the Local Plan text. However given that a decision has not been made on the current planning applications, it is considered prudent to continue to highlight issues of significance in the text associated with the proposed housing allocation sites.

7.0 Other material considerations

- 7.1 As referred to in paragraph 6.7 outline planning permission exists on the combined area of land encompassed within proposal site allocations AV/H2, AV/H3, and 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) 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 also been requested.

8.0 List of documents (in addition to Core Documents)

- CD2.4 SPP3 Planning for Housing (2003 and 2008)
- CD6.6 Badenoch and Strathspey Local Plan (1997)
- CD7.1 Cairngorms National Park Plan 2007
- CD7.3 CNPA Committee Report Consultation May 2008
- CD7.4 CNPA Committee Report 1st Modifications October 2008
- CD7.5 CNPA Committee Report 2nd Modifications February 2009
- CD7.14 Strategic Environmental Assessment Environmental Report
- CD7.15 SEA Non-Technical Summary of the Deposit Local Plan
- CD7.16 SEA and Appropriate Assessment Local Plan Final
- CD7.19 Cairngorms Landscape Capacity for Housing Study
- CD7.23 Topic Paper 3 Approach to Housing Land Supply and Affordable Housing
- CD7.24 Topic Paper 4 Background Information regarding allocated sites
- CD7.28 Proposed Post-Inquiry Modifications, Committee Report, 3 April 2009
- CNPA planning file reference no. 05/101/CP
- Scottish Executive Development Department Inquiry Reporters Unit, Appeal decision, reference no. P\PPA\001\8
- Current CNPA planning file no. 07/144/CP
- Current CNPA planning file no. 07/145/CP

9.0 Cairngorms National Park Witnesses for Hearing

- Mary Grier – Planning Officer, Development Management, Planning Team.
- Matthew Hawkins – Senior Heritage Officer, Heritage and Land Management Team
- Justin Prigmore – Ecology Officer, Heritage and Land Management Team