

Date:			
Issue:	Boat of Garten – Allocation of Housing Site BG/HI		
Objector(s):	Badenoch and Strathspey Conservation Group	Objection ref(s):	400i(m)
	Roy Turnbull		390q

Reporter	Mrs Jill Moody
Procedure	Informal Hearing

1.0 Overview

- 1.1 This statement sets out the CNPA's response to objections from the Badenoch and Strathspey Conservation Group and Roy Turnbull. The objections maintain that the allocation of proposed housing site BG/HI for around 70 houses is excessive, conflicts with the aims of the National Park, and is contrary to the EU Habitats Directive. There is evidence that there are recreational disturbance impacts on capercaillie in woodland areas where there are paths. This statement recommends that BG/HI remains as an allocated and effective housing site in the CNP Local Plan.

2.0 Provision of the Local Plan

- 2.1 The CNP Local Plan (Deposit) July 2007 (CD6.11) identified BG/HI for residential development of around 70 houses. It was stated that the allocation should provide housing land for Boat of Garten's needs for the lifetime of the Local Plan. The design of the development should retain as much of the existing woodland of the site as possible. The 1st Modifications May 2008 (CD6.12) retained the allocation but amended the supporting text to include phasing of 50 houses in the period of 2006-2011, with additional capacity for 20 houses for future need in the period 2011-2016. Also added was reference to mitigation for important natural heritage interests, access management and the design of any development ensuring access to the adjacent Community Site BG/CI. The 2nd Modifications October 2008 (CD6.13) maintains this position.

- 2.2 Related policies are:

- Tables 2-4 Housing Land Requirement and Supply
- Policy 22 Housing Development within Settlement Boundaries (Incl. Background and Justification)
- Policy 1 Development in the Cairngorms National Park
- Policy 6 Biodiversity
- Policy 7 Landscape
- Policy 18 Design Standards for Development

3.0 Summary of objection

- Objects to the allocation of BG/HI on grounds of excessive scale, that it will increase recreational disturbance to capercaillie in the woodland, and that it conflicts with all 4 aims of the Park (**400i(m)**).
- Objects to the allocation of BG/HI because it is contrary to the first aim of the Park and the EU Habitats Directive (**390q**).

4.0 Summary of CNPA's Response

- 4.1 The site contributes to the housing land supply set out in proposed modifications to Tables 3 and 4 (CD7.28) of the Local Plan, and has been assessed through the site selection criteria set out in Topic Paper 4 (CD7.24). Boat of Garten is identified as an intermediate settlement in the CNP Local Plan. As part of the overall strategy for allocating housing land at existing settlements, Boat of Garten, is considered to have the capacity to accommodate the provision of land for housing growth to meet the social and economic needs of the local area. This site forms part of a larger development land allocation in the extant adopted Badenoch and Strathspey Local Plan 1997 (CD6.6). The site does not carry any natural heritage designation. However, the supporting text in the Boat of Garten settlement proposals (Page 76) recognises that there are important natural heritage interests relating to the site and the surrounding area and that appropriate mitigation and access management is required with any development proposal. This falls in line with the recommendations of Scottish Natural Heritage's Natura Appraisal of the site. Development proposals for the site will be considered against the terms of other policies in the CNP Local Plan.

5.0 CNPA Commendation to Reporter

- 5.1 It is commended to the Reporter that no further modification to the allocation and provision of housing land at BG/HI in the CNP Local Plan, is required.
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6.0 Assessment and conclusions

- 6.1 **400i(m) Objects** - to the allocation of BG/HI on grounds of excessive scale, that it will increase recreational disturbance to capercaillie in the woodland, and that it conflicts with all 4 aims of the Park
- 6.2 **Response:** The CNP Local Plan, in line with SPP3 (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 allocation of housing site BG/HI at Boat of Garten for around 70 houses has been made in this context. The objector has not expanded on why these allocations are considered to conflict with the aims of the Park. However, the provision of this site for residential development will contribute to the housing land supply and is in line with the objectives for Sustainable Communities and Housing in the CNP Park Plan. As such, it will help to promote the sustainable economic and social development of the Boat of Garten community (4th aim).
- 6.3 The site does not carry any natural heritage designations but it is accepted that the site and immediate area does carry some natural heritage interest. In particular, woodland areas to the south and south west of the site (but outwith the boundaries BG/HI) are known to carry populations of capercaillie (European Protected Species) and the area acts a "stepping stone" by facilitating capercaillie movements between the Kinveachy, Craigmore and Abernethy Special Protection Areas (SPAs). A previous outline application to Highland Council (02/00230/OUTBS), in 2002, for the development of housing, commercial, and business areas, on the larger area of land allocated for such uses in the Badenoch and Strathspey Local Plan 1997, extending to the

south, but including the subject site, was the subject of an appeal against non-determination in 2006. The appeal was dismissed on 21 June 2006 (PPA/270/380). The primary reason given for the dismissal was the likely impacts of potential increased recreational disturbance on the capercaillie populations in the woodland. BG/HI is significantly reduced in size from that allocated in the Badenoch and Strathspey Local Plan and does not extend significantly into the woodland. Scottish Natural Heritage (SNH) have carried out a Natura Appraisal for the site (CD7.18). It concludes that potential disturbance to the capercaillie population can be reduced to an acceptable level through mitigation measures, including an access management plan and tree retention at the time of any planning application. The Modified CNP Local Plan encompasses these requirements and planning mechanisms such as a S75 Legal Agreement can be used to secure these mitigation measures. Other natural heritage interests can be addressed at the time of a planning application. Indeed a current planning application with requirements for access management, tree retention and associated ecological survey work is under consideration by the CNPA – 08/272/CP. On this basis, it is submitted that the allocation does not conflict with the 1st aim of the Park.

- 6.4 Sensitive development, in line with the other policies of the CNP Local Plan and the Sustainable Design Guide will ensure compliance with the 2nd and 3rd aims of the Park.
- 6.5 **390q Objects** to the allocation of BG/HI because it is contrary to the first aim of the Park and the EU Habitats Directive.
- 6.6 **Response:** The CNP Local Plan, in line with SPP3 (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 paras 5.22 to 5.34 of the CNP Local Plan). 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 allocation of housing site BG/HI at Boat of Garten for around 70 houses has been made in this context.
- 6.7 As stated above, the site does not carry any natural heritage designations but it is accepted that the site and immediate area does carry some natural heritage interest. In particular, woodland areas to the south and south west of the site (but outwith the boundaries BG/HI) are known to carry populations of capercaillie (European Protected Species). A previous outline application to Highland Council, in 2002, for the development of housing, commercial, and business areas, on the larger area of land allocated for such uses in the Badenoch and Strathspey Local Plan 1997, extending to the south, but including the subject site, was the subject of an appeal against non-determination in 2006. The appeal was dismissed on 21 June 2006 (PPA/270/380). The primary reason given for the dismissal was the likely impacts of potential increased recreational disturbance on the capercaillie populations in the woodland. BG/HI is significantly reduced in size from that allocated in the Badenoch and Strathspey Local Plan and does not extend significantly into the woodland. Scottish Natural Heritage (SNH) have carried out a Natura Appraisal for the site (CD7.18). It concludes that potential disturbance to the capercaillie population can be reduced to an acceptable level through mitigation measures, including an access management plan and tree retention at the time of any planning application. The Modified CNP Local Plan encompasses these requirements. Other natural heritage interests can be addressed at the time of a planning application. Indeed a current planning application with requirements for access management, tree retention and associated ecological survey work is under consideration by the CNPA – 08/272/CP. On this basis, it is submitted that the allocation does not run contrary to the 1st aim of the Park nor the EU Habitats Directive.

7.0 Strategic issues

7.1 The Cairngorms National Park Plan 2007 (CD7.1) sets out a number of strategic objectives. Of relevance to this case, are those relating to Conserving and Enhancing the Park (5.1) - Landscape, Built and Historic Environment, and Biodiversity; and Living and Working in the Park (5.2) - Sustainable Communities and Housing.

8.0 National planning policy/guidance

8.1 SPP3 Planning for Homes 2008 (CD2.4) requires planning for housing to be based on the housing need and demand assessment process. Information derived from this process should form the basis of the local housing strategy and the land allocation for housing in the development plan. NPPG14 Natural Heritage (CD3.2) advises that while conservation of the natural heritage will be a key objective in any National Park, due weight must also be given to the social and economic interests of local communities.

9.0 Other material considerations

9.1 The National Parks (Scotland) Act 2000 sets out the aims of the National Park (CD1.3).

10.0 List of documents (including Core Documents)

- CD1.3 National Parks (Scotland) Act 2000
- CD2.4 SPP3 Planning for Housing 2008
- CD6.6 Badenoch and Strathspey Local Plan 1997
- CD6.11 Deposit Local Plan
- CD6.12 Deposit Local Plan 1st Modifications
- CD6.13 Deposit Local Plan 2nd Modifications
- CD7.1 Cairngorms National Park Plan 2007
- CD7.18 Appropriate Assessment Boat of Garten Wood
- CD7.23 Topic Paper 3 Approach to Housing Land Supply and Affordable Housing
- CD7.24 Topic Paper 4 Background Information regarding allocate sites
- CD7.28 Proposed Post Inquiry Modifications proposed by Officers through Inquiry Statements
- 02/00230/OUTBS
- PPA/270/380
- 09/272/CP

11.0 Cairngorms National Park Witnesses for Hearing

- Neil Stewart – Planning Officer
- Matthew Hawkins – Senior Heritage Officer
- Justin Prigmore – Local Biodiversity Action Plan Officer
- Adam Streeter-Smith – Outdoor Access Officer