

<b>Date:</b>			
<b>Issue:</b>	<b>Request for the inclusion and allocation of additional land in the Nethy Bridge settlement</b>		
<b>Objector(s):</b>	Mr. D Black	<b>Objection ref(s):</b>	047
	CP Group		459a
	Reidhaven Estate		456r

<b>Reporter :</b>	Mr. Hugh Begg
<b>Procedure :</b>	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. The objections have been raised on the basis of the non-allocation of various lands for housing purposes in the vicinity of Nethy Bridge. This statement supplements the response made to the objections by the CNPA in its reports to Committee (CD 7.3, 7.4 and 7.5). It recommends that the identified settlement boundary and extent of land allocated for housing on proposal sites NB/H1 and NB/H2 be accepted as the full extent of identified housing allocations. This statement does not recommend any further modifications.

## 2.0 Provision of Local Plan

2.1 The CNP Deposit Local Plan identifies two sites specifically for housing in the settlement of Nethy Bridge.

Proposal site NB/H1 is a 0.47 Ha. site opposite the football pitch. The Deposit Local Plan (CD6.11) text initially suggested that it may be suitable for affordable housing or sheltered housing with space for around ten units. The text was amended in the 1<sup>st</sup> Modifications (CD6.12) to reflect the current position, where a detailed planning consent exists on the site for 13 amenity dwellings.

2.2 Proposal site NB/H2 refers to two sites at School Wood in the east of the settlement. The associated text in the Deposit Local Plan (CD6.11) referred to the land having permission for a housing development. The text was amended in the 1<sup>st</sup> Modifications (CD6.12) to provide further clarity, stating that the sites have outline consent for a total of 40 dwellings.

2.2 Related policies are:

- Tables 2-4 Housing Land Requirement and Supply
- Policy 22 Housing Development within Settlement Boundary (Incl. Background and Justification)
- Policy 24 Housing Developments Outside Settlements

## 3.0 Summary of Objections

3.1 Three objections have been received raising the following issues –

- Objecting to the Local Plan on the basis that the existing land allocated in Nethy Bridge has been allocated for some time without development progressing. The proposed allocated sites in the Local Plan are not considered by the objector to be effective in the short, or medium to long term. Some are also under mature woodland which impacts on the development potential of the site and the amount of affordable homes that could be developed. On the basis of those

views, the objector requests that an additional site at Lettoch Road be included within the settlement boundary and allocated for housing (047);

- Objecting to the Plan on the basis that residential development opportunities in Nethybridge are highly constrained and as such it is requested that land to the east of the village at Craigmore be allocated for residential development (459a);
- Objecting to the Plan on the basis that additional development opportunities for growth have not been identified in Nethy Bridge and consequently requesting that the former nursery site to the south east be identified for low density housing and also that land at Duackbridge be allocated for housing as a logical extension to the village (456r).

#### **4.0 Summary of Cairngorms National Park Authority Response**

4.1 The CNPA have identified housing sites in Nethy Bridge to contribute 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 Nethy Bridge 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. Two housing sites have been identified (NB/H1 and NB/H2). These sites have already been allocated in the adopted Badenoch and Strathspey Local Plan 1997 (CD6.6) and also have extant planning permissions. There is no justification for additional housing land to be allocated. The settlement strategy is to identify settlement boundaries and it is not appropriate to consider extending the settlement boundary to include lands suggested for residential development by the objector. In areas outwith the Nethy Bridge settlement boundary, such as Craigmore, any future development proposals will be considered against other policies in the CNP Local Plan.

#### **5.0 CNPA Commendation to Reporter**

5.1 The Cairngorms National Park Authority commend to the Reporter that the objections detailed above are rejected, that the Nethy Bridge settlement boundary is accepted, and in addition that acceptance of the extent of land that has been allocated for residential development within the settlement boundary is confirmed.

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#### **6.0 Assessment / Scope of Evidence**

6.1 **047, 459a and 456r** all object to the failure of the Local Plan to allocate their specific land interests for housing purposes.

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 (please refer to 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 housing allocations in the CNP Local Plan for Nethy Bridge have been made in this context. The sites proposed for allocation have been allocated in the adopted Badenoch and Strathspey Local Plan for residential purposes and have extant planning permissions. They are therefore considered to be effective. Paragraph 7.5 (Page 61) of the CNP Local Plan states that the settlement plans identify settlement boundaries. Outwith settlement boundaries, other policies apply and this is the mechanism for assessing development proposals in such areas. It would be inappropriate and inconsistent to

propose an extension to the identified settlement boundary of Nethy Bridge to facilitate the inclusion of the lands suggested by the objectors.

- 6.3 Paragraph 5.41 of the Deposit Local Plan provides further confirmation of the approach that has been taken in the allocation of sites, where it is intended to create a balance of development opportunities within the Park, in order to allow for a variety of scales of development to meet local needs. In the context of the scale of the existing settlement area of Nethy Bridge, the sites identified for housing are sufficient in facilitating the scale of development which is appropriate and necessary for Nethy Bridge in the five year lifetime of the Plan. In addition, Policy 22 – Housing Development within Settlement Boundaries (page 45) also provides opportunities for housing development on land within the settlement which is not specifically allocated for housing, but which is “compatible with existing and adjacent land uses and comprises infilling, conversion, small scale development, the use of derelict or underused land or the redevelopment of land.” Given the variety of opportunities which exist for the provision of housing within the proposed settlement boundary, the case for the allocation of additional land as requested in objections 047, 459a and 456r are not considered to be compatible with the delivery of housing in Nethy Bridge on a scale which would support the sustainable growth of the community. No further modifications are justified.
- 6.4 **047** objects to the Local Plan on the basis that that there is a need to provide affordable and mainstream housing in Nethy Bridge and that the two sites proposed at allocation NB/H2 have not progressed, despite being allocated for some time in the previous plan, and are unlikely to be effective in the short or medium to long term. On this basis **047** does not consider that adequate provision has been made for necessary housing land for the foreseeable future in accordance with the CNP’s Strategic Objectives for Housing, and consequently requests that the Plan be modified to include within the settlement boundary an area of land on Lettoch Road, and to allocate it for housing. 15 points have been put forward in justification of the suggested allocation, including reference to location, topography, natural boundaries, national planning policies, the need for affordable housing and also the site being deliverable in the short term.
- 6.5 **Response** : The land which is requested to be included within the settlement boundary and allocated for housing is located on Lettoch Road, immediately to the south east of the proposed settlement boundary and adjoins the relatively recently built residential development at Lynstock Park.
- 6.6 The CNPA case for the extent of housing land allocations within the settlement of Nethy Bridge has already been set out in paragraph 6.2 of this statement, including reference to the allocations according with the provisions of SPP3 – Planning for Housing (CD2.4), and the objectives of the CNP Park Plan (CD7.1), as well as the sites having extant planning permissions, and a history of allocation for residential purposes in the adopted Badenoch and Strathspey Local Plan. The proposed housing site allocations are therefore considered to be effective. In addition, as detailed in paragraph 6.3 of this statement in the context of the scale of the existing settlement area of Nethy Bridge, the sites identified for housing are sufficient in facilitating the scale of development which is appropriate and necessary for Nethy Bridge in the five year lifetime of the Plan. Other policies, such as Policy 22 – Housing Development within Settlement Boundaries also provides opportunities for housing development on land within the settlement which is not specifically allocated for housing, but which is “compatible with existing and adjacent land uses and comprises infilling, conversion, small scale development, the use of derelict or underused land or the redevelopment of land.” Given the variety of opportunities which exist for the provision of housing within the proposed settlement boundary, the case for the allocation of additional land at Lettoch Road as requested in objection **047** is not considered to be compatible

with the delivery of housing in Nethy Bridge on a scale which would support the sustainable growth of the community.

- 6.7 In further demonstration of the effectiveness of the allocated lands the CNPA wish to highland the history of planning applications on proposal site NB/H2 in particular. Proposal site NB/H2 has an existing outline consent (Highland Council Planning Ref. No. 02/00045/OUTBS refers) for a total of 40 dwellings, with the permission being granted in accordance with policies and land use allocations in the Badenoch and Strathspey Local Plan (1997). An application seeking approval of reserved matters for the development has recently been lodged with Highland Council and subsequently 'called in' by the CNPA (CNPA planning ref. no. 09/052/CP refers). This represents a clear intention on the part of the applicants to progress housing on proposal site GB/H2 and the objectors supposition that this land is unlikely to progress or be effective in the short, medium or long term is considered by the CNPA to be unfounded. The Cairngorms National Park Authority is of the view that the allocated site continues to offer the opportunity to be effective and it is competent to continue to identify this land for housing purposes.
- 6.8 In terms of the request in objection **047** for the allocation of additional land on Lettoch Road for housing purposes the CNPA has already outlined in earlier sections of this statement that the analysis of all sites has been linked to the need for housing land within the area, has also been judged against SEA findings and also the physical constraints of the sites. From a landscape perspective the CNPA do not consider that the land on Lettoch Road would be an appropriate extension to the settlement area for housing purposes. Much of the setting of Nethy Bridge is strongly influenced by woodland, with the influence punctuated by occasional interjecting sections of farmland. The land suggested for allocation by objector **047** is one such section of open farmland. The CNPA are of the view that a housing allocation on the suggested land would abruptly and inappropriately interrupt the subtle balance of field and woodland and would potentially extend housing further into the countryside with the effect of producing a block effect rather than the integrated pattern that currently exists throughout much of the settlement area.
- 6.9 The CNPA assessment of the landscape implications of the allocation suggested by objector **047** is further supported by the findings of the Cairngorms Landscape Capacity for Housing Study (CD7.19). The document, in setting out the context of the existing settlement, describes the recent housing development at Lynstock Park (adjacent to the objectors' site) as "occupying an open site on the edge of the settlement" and also commenting that recent housing development in this area has already compromised the settlement edge in part. The land suggested for inclusion by objector **047** is classified as being part of the Upper Nethy Farmland which is of high sensitivity in terms of landscape character due to the contrast between open light pastures and shaded woodland, which would be diminished by development. In considering the settlement form, the area is considered to be of very high sensitivity and it is advised that extending the settlement lengthways parallel to the river would result in a significant detachment from the core of the settlement. The Cairngorms Landscape Capacity for Housing Study concluded in respect of the Upper Nethy Farmland area that opportunities for development are constrained. Development in the vicinity of the site suggested for allocation in objection **047** would diminish the existing strong relationship of the existing settlement to the more dramatic wooded gorge like section of the river.
- 6.10 **459a** objects on the basis that residential development opportunities in Nethybridge are highly constrained and as such it is requested that a site identified by the objectors should be allocated for residential development.

- 6.11 **Response:** In conjunction with a request to allocate a parcel of land to the east of the settlement of Nethy Bridge for residential development (with the objector promoting the site for the provision of “three high quality residential dwellings that will complement the existing properties in this location”) representation 459a is an objection to the “approach of the housing policy in the Deposit Local Plan failing to provide a framework for the creation of mixed communities and a range of housing types and tenures in locations that would result in the provision of a cohesive group of properties.” The objection to general housing policies will be addressed in other statements and background to the housing policies is also provided in Topic Paper 3 Approach to Housing Land Supply and Affordable Housing (CD7.23).
- 6.12 In considering the specifics of Objection 459a as it relates to Nethy Bridge, the statement that opportunities for further residential development within the settlement are highly constrained is considered by the CNPA to be unfounded. The extent of land allocated for housing and the methods used to justify it being an appropriate approach have already been set out paragraphs 6.2, 6.3 and 6.6 of this statement. Given the variety of opportunities which exist for the provision of housing within the proposed settlement boundary, the case for the allocation of additional land for housing development as requested in objection 459a, some distance from the settlement boundary is considered inappropriate and unnecessary.
- 6.13 The land which is requested in objection 459a to be allocated for residential development is located approximately 0.65km to the east of the identified settlement boundary of Nethy Bridge, and is physically divided from the settlement area by a large tract of woodland. To consider an extension of the settlement boundary to encompass that land would be inappropriate and would create a settlement envelope which would be far in excess of that warranted by a settlement of the size and scale of Nethy Bridge. The allocation of such a remote parcel of land, separate from the main settlement area would also be inappropriate on the grounds that it would set a precedent for the ad hoc allocation of other land in the future, and would also be inconsistent with the overall approach of the Deposit Local Plan, which is intended to meet the sustainable development needs of the Park for the Local Plan’s lifetime. Any future housing development proposals at Craigmore would be assessed against (amongst other policies) Policy 24 (Housing Developments Outside Settlements). This policy permits new housing development in certain circumstances in such areas and does not preclude the principle of development, of the type suggested by the objector. There is therefore no justification for allocating land at Craigmore for this purpose nor would it be consistent with the hierarchical approach to settlements identified in the CNP Local Plan. No further modifications are required in response to objection **047**.
- 6.14 **456r** objects on the basis that additional development opportunities for growth have not been identified for Nethy Bridge and in particular requests the inclusion and allocation of the former nursery site on Dell Road to the south east for low density housing and also the allocation of land at Duackbridge for housing. The objectors contend that the former nursery site offers an opportunity to provide a low density development within the landscape setting and would provide a suitable transition as an entry point to the village. It is also pointed out that the site was allocated for housing in the Badenoch and Strathspey Local Plan (1997). The case made in respect of the request for inclusion of land at Duackbridge within the settlement boundary and its allocation for housing suggests that the site would provide a logical extension to the village and that it is closer to the village than other allocated sites.
- 6.15 **Response :** The land at the former nursery site on Dell Road is proposed to be allocated in the Local Plan as NB/Env and is one of a number of open spaces within Nethy Bridge which has been identified for its contribution to the setting of the village, and where it will be protected from

development. The land referred to at Duackbridge is proposed to be excluded from the Nethy Bridge settlement area in the Local Plan. The proposals for both sites have been informed by the Cairngorms Landscape Capacity for Housing Study (CD 7.19) which identifies the land as woodland (and young conifer plantation in the case of the nursery site) and advises that development in either of those areas is constrained by the importance of the woodland character in providing a backdrop and setting to the settlement. The nursery site on Dell Road and adjacent lands are also noted as being a rich recreational resource. The CNPA are of the view that the proposed allocation of the site as an area of open space / for environmental protection (NB/Env) is an appropriate recognition of the matrix of different woodland types and open space contained within it. The site is of mixed habitat with plantation woodland containing Norway Spruce, Scots Pine and some broadleaves, and the woodland area is considered to be a potential red squirrel habitat. The site has clear boundaries and consequently a strongly defined character. It is of significance to the settlement of Nethy Bridge in that it is a well used recreational area and also acts as a transition between the garden landscape of Dell Road and the more natural woodland setting beyond. The allocation of the land for housing would have a significant impact on the area in that it would diminish the quality and integrity of the site by reducing and fragmenting the open space and imposing conflicting elements.

- 6.16 In respect of the land at Duackbridge, the Cairngorms Landscape Capacity for Housing Study considers that the general area has an indistinct sense of arrival due to the fragmented form of recent housing development and suggests that further incremental incursions into the woodland would adversely affect the integrity of the settlement edge. The CNPA assessment of the Duackbridge land suggested in objection no. **456r** accords with this view. From a landscape perspective housing on the suggested land would inappropriately extend the settlement building line outward and would further confuse the settlement pattern by appearing to connect the existing village with the more dispersed dwellings along the B970 road towards Boat of Garten. From an ecological perspective, the land at Duackbridge is considered to have potential as a breeding wader habitat. In addition there is an area of extensive juniper scrub grading into mixed pine and birch to the south and west of the suggested site and the CNPA consider this to be of high conservation value. The area also contains some bear-berry heath (*Arctostaphylos uva-ursi*) which is a rare habitat highlighted in the National Park Plan. In light of the landscape and ecological value of the land the CNPA proposal to exclude the land from the settlement is considered the most appropriate course of action.

## **7.0 Other material considerations**

- 7.1 Proposal site NB/HI has the benefit of an extant planning application – CNPA planning reference number 06/363/CP and 07/443/CP refer), with condition no. 2 of the outline planning permission stipulating that the entire development shall comprise of 13 amenity dwellings.
- 7.2 Since the publication of the Deposit Local Plan 2<sup>nd</sup> Modifications (CD6.13), a planning application has been submitted on the ‘Nursery site’ at Dell Road (which is the subject of objection no. 456r) in which outline planning permission is being sought for the erection of 8 dwelling houses and the formation of an access road – CNPA planning reference number 09/024/CP refers. A planning application has also been submitted on the lands at Duackbridge (objection no. 456r) in which outline planning permission is being sought for the erection of 12 houses and the formation of an access road (CNPA planning reference number 09/030/CP refers).

## **8.0 List of documents (including Core Documents)**

- 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 1<sup>st</sup> Modifications October 2008
- CD 7.5 CNPA Committee Report 2<sup>nd</sup> 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 7.19 Cairngorms Landscape Capacity for Housing Study
- CD 7.23 Topic Paper 3 Approach to Housing Land Supply and Affordable Housing
- Highland Council planning reference file number 02/00045/CP
- CNPA planning file reference number 07/443/CP
- CNPA planning file reference number 09/024/CP
- CNPA planning file reference number 09/030/CP
- CNPA planning file reference number 09/052/CP

## **9.0 Cairngorms National Park Witnesses for Hearing**

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