
CAIRNGORMS NATIONAL PARK DEPOSIT
LOCAL PLAN - PUBLIC LOCAL INQUIRY 2009

**INITIAL HEARING STATEMENT
AVIEMORE H2, H3 AND ENV**

Objector Reference: 456m

April 2009

On behalf of Reidhaven Estate



HALLIDAY | FRASER | MUNRO
PLANNING

1. INTRODUCTION

This initial hearing statement has been prepared by Halliday Fraser Munro on behalf of our client Reidhaven Estate. It should be read in conjunction with previous representations made to the Cairngorms National Park Authority Deposit Draft Plan and subsequent modifications.

The following statement will summarise our representation, the Cairngorm National Park Authority's position, the position of third parties and outline agreement on particular issues. We will conclude by recommending a course of action that would enable the objection to be resolved.

2. REPRESENTATIONS SUMMARY

Our representations, on behalf of Reidhaven Estate, relate to H2, H3 and ENV (formerly OS1) in respect of Aviemore. Given the close relationship between these allocations our representation considers these issues together.

Our client in general supports the principle of these allocations, however has some minor concerns in respect of the boundaries and within the reference text.

The site has a long and extensive planning history, which is pertinent to the consideration of the issues in respect of the various representations submitted both on behalf of our client and from third parties.

Deposit Local Plan (CD 6.11)

Our client's representation to the Deposit Local Plan supports the principle of the allocation of H2 and H3 for residential development.

Our client did however raise objection in respect of the indicative capacity for each of the sites. These concerns were however addressed through the first modifications which removed the reference to capacity to reflect the extant outline planning permission for the site. (At the time the Deposit Local Plan was published for consultation a decision from the Court of Session was awaited on the outline planning application for 104 serviced housing plots for the area covered by H2, H3 and ENV, known as Dalfaber).

A further point of representation referred to the boundary of the allocations. Our client sought to have the boundary of H2 extended to accommodate further development opportunities within the clearings. They also sought to extend the

boundary of the H3 allocation, subsequent reducing the area covered by the ENV designation.

A further concern was raised in respect of the lack of reference within the plan to the future management of area identified as part of the ENV designation.

Deposit Local Plan - First Modifications (CD 6.12)

The first modifications proposed an alteration to amend the designation from OS1 to ENV. Our client supports this modification as it was felt that an ENV designation more accurately reflected the use of the land, particularly as it is not considered to be a formal recreational area.

Modifications were proposed to the accompanying text for H2, H3 and ENV. In response to our client's concerns to the deposit plan, support was expressed for the deletion of the reference to the capacity of the site for both H2 and H3. (With an extant outline planning permission to cover all three sites for up to 104 dwellings it was felt that the exact detail could be determined through a reserved matters application).

Whilst our representation to the First Modifications expressed support for the reference to the extant permission for the site our client was concerned about the text referring to current applications. This representation outlined that as current applications are a continual process, the text within the plan could therefore become outdated very quickly. In this regard reference only need to be made to existing consents for the site.

A further point within the representation referred to the wording of the accompanying text to the allocations for H2 and H3. We suggested that this be reworded to "Development of this site will require to..." This would provide a more general approach in respect of this issue.

Deposit Local Plan - Second Modifications (CD 6.13)

No further modifications were made to the plan in respect of H2, H3 and ENV therefore no further representations were made at this stage.

Summary – Changes to the Plan to Satisfy Objection

Our client has been in continued dialogue in respect of a proposed site layout for the area covered by the H2, H3 and ENV designation. Whilst the representation sought the extension of the boundaries for the allocation our client is content that

these be amended to reflect the boundaries of the current layout for the site. The site boundaries of H2 and H3 should therefore be amended to reflect the existing site layout plan submitted in respect of the two current planning applications.

Alter text for H2 and H3 to read “Development of this site will need to work within....”

3. INITIAL HEARING STATEMENT

Principle of Development

We support the principle of the allocation of H2 and H3 for residential development. This area has an extensive planning history which has long identified the principle of the site as suitable for development.

- Part of the site is allocated for residential development within the existing Badenoch and Strathspey Local Plan 1997 (**CD 6.6**).
- An application for outline planning was submitted for the erection of 101 serviced housing plots (later amended to 104) in February 2005. This application included the area within the area designation of H2, H3 and ENV. This application was refused by the Cairngorms National Park Authority in March 2006.
- A subsequent appeal was lodged in respect of this decision. The appeal (P/PPA/001/8) (**Document RE1**) was upheld in November 2006.
- Following this a challenge was made by third parties on this appeal decision to the Court of Session. A Court of Session decision was issued in November 2007 which quashed this challenge (**Document RE2**).
- Two separate outline planning applications were lodged in March 2007. These are the subject of current applications (**Documents RE3 and RE4**). There has been continued dialogue with the Cairngorms National Park Authority in respect of these applications..

A number of the third party objections to these allocations raise issues in relation to natural heritage, access, the level crossing and flooding. These issues are considered through the planning applications process and as such have been discussed as part of the current planning applications and relevant technical reports submitted (**Document RE5**).

Based on this extensive history it is our view that the principle of development is established and we therefore support the allocation of both H2 and H3.

Site Boundaries

Our client has had a number of detailed discussions with the Cairngorms National Park as part of the current applications in respect of the proposed site layout for both sites. Our original representation sought the extension of H2 and H3 to accommodate further development. As a site layout has now been developed for the site in conjunction with Cairngorm National Park Officers we would be content that our objection be resolved through alteration of the site boundaries to reflect the extent of the current submitted layout.

4. CONCLUSIONS

In general our client supports the Cairngorm National Park Authority's position in respect of the allocations for H2, H3 and ENV at Aviemore. The site should continue to be allocated for development to reflect its planning history and the existing outline planning permission for the site. There are no outstanding technical issues, which would prevent the development of this site in the period of the plan.

Some further minor modifications to the plan would ensure that it provides the most accurate up to date position for this site.

Halliday Fraser Munro
April 2009