

Date:			
Issue:	AV/H2 and AV/H3 – allocated sites at Dalfaber, Aviemore		
Objector(s)	Angus Yarwood, Woodland Trust Scotland	Objection ref(s)	393d
	Catherine Hilary Mordaunt		063a, 063b
	RM Lambert		032
	Jim Cornfoot		432a, 432b

Reporter :	Mrs. Jill Moody
Procedure :	Written Representation

1.0 Overview

1.1 This statement sets out the CNPA’s 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 objections by the CNPA in its reports to Committee (CD7.3, 7.4 and 7.5). It recommends that the extent of land allocated for housing on proposal sites AV/H2 and AV/H3 be confirmed. This statement does not recommend any further modifications.

2.0 Provision of the Local Plan

2.1 AV/H2 and H3 : as a combined site these have an outstanding outline planning permission for up to 104 dwellings.

2.2 AV/H2 notes that an 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 AV/H3. Reference is also made in the text associated with both sites of the issues that would be considered in any applications for approval of reserved matters on the sites.

2.3 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 Six objections have been received, raising the following issues -

- Objecting to the site AV/H2 being allocated for development, referring to the site having identified woodland on it and suggesting that it should instead be used as a woodland regeneration site (393d);
- Objecting to the allocation of AV/H2 and AV/H3 for housing development as it would increase traffic problems in the area and there would be no natural break in housing development in the area. It is suggested that the sites should be allocated as amenity space (063a);
- Objecting to the allocation of the land for housing development as it would have an unacceptable impact on the loss of amenity and recreational land in Aviemore (032);

- Objecting to the allocation of AV/H2 and AV/H3 on the basis that no further development should be carried out in Aviemore to provide housing for second homes (063b);
- Objecting to the land at AV/H3 being allocated for unneeded housing and also noting that it is on a historical flood plain. It is suggested that the land should be designated as amenity woodland (432a and 432b).

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 objections to the allocation of proposal sites AV/H2 and AV/H3 for housing purposes have 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 sites proposed for housing at AV/H2 and AV/H3 in Dalfaber, Aviemore is appropriate and contributes 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 reflect the fact that the lands have an extant outline planning permission 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 objections detailed above are rejected and that the extent of land allocated as proposal sites AV/H2 and A/H3 for housing 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 (CD6.12 and 6.13) is accepted.

6.0 Assessment / Scope of Evidence

- 6.1 The objections received in relation to the proposed allocation of AV/H2 and AV/H3 generally suggest that the allocation of the sites for housing purposes is inappropriate and that the land should instead be protected from development and allocated as amenity woodland / woodland regeneration / open space. Other concerns have also been expressed in relation to the land suggested for allocation, in respect of part of the site being within a flood plain, the land forming an important habitat, the traffic implications of any development on the land, and the potential loss of amenity and recreational opportunities currently presented by the land.
- 6.2 **393d** objects to proposal site AV/H2 being allocated for development, making reference to the site having identified woodland on it and suggesting that it should instead be used as a woodland regeneration site.

- 6.3 **Response:** An extant outline planning permission exists on proposal site AV/H2, together with adjacent lands that form proposal site AV/H3 and AV/Env, with that outline permission being for a development of 'up to 104 dwelling units' (CNPA planning ref. no. 05/101/CP and Scottish Executive appeal decision P\PPA\001\8 refer). The impact on the woodland was assessed as part of the consideration of the proposal, with reference being made in the Scottish Executive Development Department Inquiry Reporter Unit's appeal decision to the need to develop a layout to protect and retain the woodland (appeal decision P\PPA\001\8 refers). In addition the potential impacts on woodland in the vicinity would be assessed in any future detailed planning application coming forward on the proposed site allocation AV/H2, as well as the proposal being assessed in the context of the four aims of the National Park.
- 6.4 In proposing to allocate site AV/H2 for housing, the distinction between the ecological characteristics of that site in comparison to the adjacent woodland in the vicinity was recognised. From an ecological perspective proposal site AV/H2 differs significantly from the adjacent woodland area in that it 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. The ecological value of the adjacent wooded area is in contrast significantly higher and this is accepted and reflected in its proposed allocation as site AV/Env. That proposed allocation also recognises the contribution of the woodland to the setting of Aviemore and will ensure its protection from adverse development.
- 6.5 **063a** objects to the allocation of AV/H2 and AV/H3 for housing as it would increase traffic problems in the area and there would be no natural break in housing development in the area. It is suggested that the site should be allocated as amenity space.
- 6.6 **Response :** The land, together with AV/H3, has the benefit of an extant outline planning permission for a development of 'up to 104 dwelling units' (CNPA planning ref. no. 05/101/CP and Scottish Executive appeal decision P\PPA\001\8 refer). The impacts on amenity and traffic were assessed as part of the consideration of the proposal, with the latter being informed by the carrying out of a traffic impact assessment. In addition, the Deposit Local Plan allocates a large area of woodland (AV/Env) between proposal sites AV/H2 and AV/H3, for open space / environmental protection. This allocation recognises the function of this land as a woodland open space, which contributes to the setting of Aviemore. The allocation would also afford it protection from adverse development.
- 6.7 **032** objects to the allocation of AV/H2 and AV/H3 for housing development as it would have an unacceptable impact, resulting in the loss of amenity and recreational land in Aviemore.
- 6.8 **Response :** A large area of woodland, located between proposal sites AV/H2 and AV/H3, is proposed to be allocated as AV/Env in recognition of the wooded character, which contributes to the setting of Aviemore. The proposed allocation would also afford it protection from adverse development. The allocation of this land for open space / environmental protection would continue to provide opportunities for amenity and recreational use.
- 6.9 Proposal sites AV/H2 and AV/H3, as well as AV/Env are the subject of an extant outline planning permission for a development of 'up to 104 dwelling units' (CNPA planning ref. no. 05/101/CP and Scottish Executive appeal decision P\PPA\001\8 refer). Potential impacts on amenity were assessed as part of the consideration of the proposal and will also be assessed in the event of future applications for detailed permission coming forward. In addition, any future development proposals coming forward on proposal sites AV/H2 and AV/H3 would be required to make adequate provision for amenity and recreation opportunities, in accordance with Policy 18 –

Design Standards for Development and other supplementary guidance, including the Sustainable Design Guide.

- 6.10 Policy 7 of the Deposit Local Plan (Landscape) would also provide additional protection for all lands. The policy wording was amended in the Deposit Local Plan, 1st Modifications (CD 6.12), to take a stronger position on landscape protection, stating that “there will be a presumption against development that does not make a positive contribution to the landscape character of the National Park by virtue of its location, siting and design. Such positive enhancements will be sought in all development proposals.”
- 6.11 **063b** objects to the allocation of AV/H2 and AV/H3 on the basis that no further development should be carried out in Aviemore to provide housing for second homes.
- 6.12 **Response** : The land is the subject of an extant outline planning permission for a development of ‘up to 104 dwelling units’ (CNPA planning ref. no. 05/101/CP and Scottish Executive appeal decision P\PPA\001\8 refer). In addition, 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 necessary and appropriate in order to provide the required level of housing within the area for the plan period.
- 6.13 In addition, Policy 21- ‘Contributions to Affordable Housing’ is included to ensure the delivery of a wide range of housing options. The imposition of a restriction on open market housing to limit second home ownership is considered inappropriate and unenforceable, and outside the scope / remit of the Local Plan.
- 6.14 **432a** objects on the basis that proposal site AV/H2 should be designated as amenity woodland.
- 6.15 **Response**: The land, together with proposal site AV/H3, has an extant outline planning permission for a development of ‘up to 104 dwelling units’ (CNPA planning ref. no. 05/101/CP refers). The impact on the woodland was assessed as part of the consideration and determination of the proposal, with reference being made in the Scottish Executive Development Department Inquiry Reporter Unit’s appeal decision to the need to develop a layout to protect and retain the woodland ((P\PPA\001\8 refers).
- 6.16 In proposing to allocate site AV/H2 for housing, the distinction between the ecological characteristics of that site in comparison to the adjacent woodland in the vicinity was recognised. From an ecological perspective proposal site AV/H2 differs significantly from the adjacent woodland area in that it 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. The large area of woodland which is located between proposal sites AV/H2 and AV/H3 is proposed to be allocated as AV/Env, in recognition of the land as an area of woodland open space, which contributes to the setting of Aviemore. The proposed allocation would also afford it protection from adverse development. The allocation of this land for open space / environmental protection would continue to provide opportunities for amenity and recreational use.

- 6.17 **432b** objects to the land at AV/H3 being allocated for unneeded housing and also notes that it is on a historical flood plain.
- 6.18 **Response** : The land, together with AV/H2, has an extant outline planning permission for a development of ‘up to 104 dwelling units’ (CNPA planning ref. no. 05/101/CP and Scottish Executive appeal decision P\PPA\001\8 refer). In addition, 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 necessary and appropriate in order to provide the required level of housing within the area for the plan period.
- 6.19 In response to the objectors reference to the proposal sites AV/H2 and AV/H3 lying within a historical flood plain, the CNPA refer to section 1.8 of the Plan, which details the fact that the Local Plan has been prepared following periods of public consultation, community engagement and detailed discussions with key stakeholders, local development forums and the four Local Authorities. SEPA have fully engaged as part of the process and have provided vital expert input and are continuing to do so at the present time. The CNPA are therefore satisfied that all relevant information and expert advice regarding the extent of flood plains etc. has been sought and is in the process of being received. In the event of further relevant information coming forward in respect of the extent of the flood plain as it relates to proposal sites AV/H2 and AV/H3 the final allocation proposals will be re-assessed and where necessary amended. However, at the present time, based on the most recent responses (response dates 24th February 2009 and 11th March 2009, ref. 399) SEPA does not object to the allocation of proposal sites AV/H2 and AV/H3. SEPA accept the suggested text associated with proposal site AV/H2 which states that *“part of the site lies within SEPA’s indicative 1 in 200 year flood risk area. A detailed flood risk assessment will therefore be required to accompany any development proposals for the site”* and also accept the text relating to proposal site AV/H3 which states that *“the consideration of reserved matters on this site will have to take into consideration the SEPA indicative 1:200 year flood risk maps and a detailed flood risk assessment will be required.”* SEPA also accepts the suggested text associated with proposal site AV/H3 which states that *“the consideration of reserved matters on this site will have to take into consideration the SEPA indicative 1:200 year flood risk maps and a detailed flood risk assessment will be required.”*
- 6.20 Flooding is also addressed in Policy 13(b) – Water Resources of the Local Plan, with paragraphs 4.74, 4.75 and 4.76 setting out the background and justification for the policy. Any future development proposals will be assessed against Policy 13, and in addition will be assessed with reference to national planning policy, including Scottish Planning Policy 7 Planning and Flooding (CD2.7).
- 6.21 In addition to the policies and measures included in the Local Plan to address hydrological issues, the CNPA also wish to point out that outline planning applications are currently with the National Park Authority on each of the proposed sites and as part of the assessment of the applications detailed flood risk assessments have been provided and are currently being assessed by SEPA.

7.0 Other material considerations

- 7.1 As referred to in foregoing section of this statement, an outline planning permission exists on the combined area of land encompassed within proposal 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 land has a history of being allocated for housing development, with the Badenoch and Strathspey Local Plan (1997) (CD6.6) having identified significant areas of the land that now forms proposal sites AV/H2 and AV/H3 for housing purposes. Pockets of land were 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)

- CD2.4 SPP3 Planning for Housing, 2003 and 2008
- CD2.7 SPP7 Planning and Flooding
- 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
- CD7.3 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 Deposit Local Plan
- CD7.16 SEA and Appropriate Assessment Local Plan Final
- 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 no. 05/101/CP
- Outline planning permission decision notice, as issued by the Scottish Executive Development Department Inquiry Reporters Unit, 16 November 2006. (Reference no. P\PPA\001\8);
- CNPA planning file no. 07/144/CP;
- CNPA planning file no. 07/145/CP.