

Date:			
Issue:	Nethy Bridge – Allocation of Housing and Economic Development Site NB/H2 (School Wood)		
Objector(s):	DW & IM Duncan	Objection ref(s):	037t
	Woodland Trust Scotland		393g
	Lorna Crane		345

Reporter	Mr Hugh Begg
Procedure	Written Representation

1.0 Overview

1.1 This statement sets out the CNPA's response to objections from Angus Yarwood of the Woodland Trust Scotland, DW and IM Duncan, and Lorna Crane. The objections relate to the allocation of proposed housing site NB/H2 for 40 houses. The concerns relate to the site being on Ancient Woodland, the allocation being too great in scale, and a concern about the provision of safe access to the primary school through the site. This statement recommends that NB/H2 should remain as an allocated 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 NB/H2 for residential development of 40 houses. The supporting text (Page 86) advised that for NB/H2, two sites have permission for housing development in the School Wood. Development will retain enough woodland to allow for movement of species between areas of woodland to the sides of the sites. The 1st Modifications May 2008 (CD6.12) retained this position but added to the supporting text for NB/H2 reference to the need to retain the woodland setting of the village. 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 4 Other Important Natural and Earth Heritage Sites and Interests
- Policy 6 Biodiversity
- Policy 7 Landscape
- Policy 18 Design Standards for Development
- Policy 34 Outdoor Access

3.0 Summary of objection

- Objects strongly to the allocation of NB/H2 on the grounds that it sits within a larger area of ancient semi-natural woodland. Its loss and fragmentation is completely unacceptable. It is quite likely that the site requires extensive Plantations on Ancient Woodland Sites (PAWS) restoration and so in line with the CNP's own objective and the Scottish Forestry Strategy, the site should be under sustainable management to protect and restore it. If development of the site is permitted this would involve the removal of semi-natural woodland and as such is in contradiction of the UK Forest Standard, UK Woodland Assurance Standard, and the Cairngorms Local Biodiversity and UK Biodiversity Action Plans.**(393g)**.

- Objects to the scale of the allocation **(037t)**.
- Objects because the modifications do not require the provision/retention of existing safe access route to the primary school, along the cycle path at the site. The existing safe path to the school should not be affected by any development on the site, and it should have priority over any new access to serve the development. Traffic leaving any development will do so at the exact same time that school children are cycling or walking to school **(345)**.

4.0 Summary of CNPA's Response

4.1 The proposed housing development site NB/H2 has an extant outline planning permission for 40 houses and business unit, dating from 20 February 2006 (02/0045/OUTBS). An Approval of Reserved Matters application for 40 houses (10 affordable) and 8 small business units with associated infrastructure and landscaping, is currently under consideration by the CNPA (09/052/CP). The site has been allocated in the extant adopted Badenoch and Strathspey Local Plan since 1997. (CD6.6) The CNPA continues to identify this site in light of the extant planning permission. Issues regarding the impact on natural heritage interests, including Ancient Woodland, will be dealt with through consideration of the Reserved Matters application, and by the implementation of current and proposed policies in the Badenoch and Strathspey Local Plan and the CNP Local Plan and in the context of the conditions of the extant Outline Permission. Similarly, the issue relating to the retention /provision of a safe access to the primary school, is a level of detail not appropriate for the CNP Local Plan, but will be addressed through consideration of the Reserved Matters application, current and proposed policies, and the extant Outline Permission.

5.0 CNPA Commendation to Reporter

5.1 It is commended to the Reporter that no further modification to the allocation of proposed housing land at NB//H2 or its supporting text, is required.

6.0 Assessment and conclusions

6.1 **393g** objects strongly to the allocation of NB/H2 on the grounds that it sits within a larger area of ancient semi-natural woodland. Its loss and fragmentation is completely unacceptable. It is quite likely that the site requires extensive Plantations on Ancient Woodland Sites (PAWS) restoration and so in line with the CNP's own objective and the Scottish Forestry Strategy, the site should be under sustainable management to protect and restore it. If development of the site is permitted this would involve the removal of semi-natural woodland and as such is in contradiction of the UK Forest Standard, UK Woodland Assurance Standard, and the Cairngorms Local Biodiversity and UK Biodiversity Action Plans.

6.2 **Response:** The site benefits from an extant Outline Planning Permission for 40 houses and a business unit. An application for Approval of Reserved Matters for 40 houses and 8 business units, is currently under consideration with the CNPA. The outline permission therefore remains extant. In line with SPP3 and the objectives of the CNP Park Plan, and with this extant permission, housing site NB/H2 contributes to the housing land supply set out in the proposed modifications to Tables 3 and 4 (CD7.28). The Modifications to the supporting text in the Nethy Bridge settlement proposals advise of the need to retain enough woodland to allow for movement of species between areas of woodland to the sides of the site, and to retain the woodland setting of the village. The site is allocated for residential purposes in the extant adopted in the Badenoch and Strathspey Local Plan and has been since 1997 (CD6.6). In this

Local Plan, Policy 4.1.1. in the Nethy Bridge Development Areas Settlement section (page 30) advises that the development of the site should be in small groups of houses separated by treed compartments with safeguards for important species. This objective is maintained in the terms and conditions of the extant Outline Permission and its associated S75 Legal Agreement. The impact of any development of the site on natural heritage interests, including the Ancient Woodland designation and biodiversity, will be considered through the Reserved Matters application, and in the context of the Outline Permission, and current and proposed planning policies. It is submitted that no further modification is required in relation to the allocation of NB/H2, in respect of this objection.

6.3 **037t objects** to the scale of the allocation.

6.4 **Response:** The site has Outline Planning Permission for 40 houses. An application for Approval of Reserved Matters for 40 houses and 8 business units is currently under consideration with the CNPA. The outline permission therefore remains extant. In line with SPP3 and the objectives of the CNP Park Plan, and with this extant permission, housing site NB/H2 contributes to the housing land supply set out in proposed modifications to Table 3 and 4 (CD7.28). 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. In this context the allocation is not considered to be excessive. No further modification is required.

6.5 **345 objects** because the modifications do not require the provision/retention of existing safe access route to the primary school, along the cycle path at the site. The existing safe path to the school should not be affected by any development on the site, and it should have priority over any new access to serve the development. Traffic leaving any development will do so at the exact same that school children are cycling or walking to school.

6.6 **Response:** This objection relates to a level of detail which is not considered to be appropriate for consideration in the CNP Local Plan. However, the path route in question runs through the NB/H2 site but is also a proposed Core Path in the CNPA Draft Core Paths Plan April 2008 (CD7.12). This provides a level of safeguard to this route. The issue of priority and safety between the users of the path and vehicles entering any development on the site is a detailed design matter which will be addressed through the consideration of the Reserved Matters application, in consultation with Highland Council's Area Roads Manager. No further modification is required in this respect.

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, Biodiversity and Forest and Woodland Management; Living and Working in the Park (5.2) - Sustainable Communities, Housing; and Enjoying and Understanding the Park (5.3) – Outdoor Access and Recreation.

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
- CD3.2 NPPG14 Natural Heritage
- 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
- CD7.12 Draft Cairngorms Core Path Plan 2008
- CD7.28 Proposed Post Inquiry Modifications proposed by Officers through Inquiry Statements
- Planning application file 02/00045/OUTBS
- Planning application file 09/052/CP