Date:		
Issue:	Nethy Bridge – Protection of Open Space/Environment Areas Within Settlement	
Objector(s):	Barbara Paterson	Objection ref(s):	426
	William Stuart Paterson		409f and 409g
	David Dean		354
	Mr. P. Boyce Kenyon		373
	Mr. Steven Broadhurst		055
	J M Gaukroger		104

Reporter	Mr Hugh Begg
Procedure	Written Representation

1.0   Overview

1.1   This statement sets out the CNPA's response to a number of objections relating to the provision in the CNP Local Plan of Open Space/Environment areas in Nethy Bridge. This statement responds to these objections and recommends that no further modifications are required.

2.0   Provision of the Local Plan

2.1   The CNP Local Plan (Deposit) July 2007 (CD6.11) identified open space and woodland areas (NB/OS1) along the River Nethy and protected them from development. This was in line with the overall strategy stated at Paragraph 7.11 (Protected Open Space) (Page 60) of the Settlement Proposals. Paragraph 7.11 advised that such areas are identified because they are important to the amenity, setting and the overall urban fabric of settlements. The areas also provide locally important habitats or landscape features, or are important recreational resources within settlements. The 1st Modifications May 2008 (CD6.12) amended the title of such areas to "Environment" areas m(Paragraph 7.12) and allocated additional land in Nethy Bridge under this NB/Env designation. The 2nd Modifications October 2008 (CD6.13) maintains this position.

3.0   Summary of objections

- Objects – Land between Mountview and Nethy Bridge Hotels should be retained/protected as open space in line with the planning permission for the adjacent housing development **(055, 373, 409f/g, 426)**.
- Objects - Areas bounding the River Nethy should be expanded to include the area on either side of the river within the settlement boundary – extend at southern end of the settlement to include area between Dell Road and Lynstock House and Park **(055, 409f/g, 426)**
- Objects – Balnagowan Wood is wrongly identified as open space – this is misleading and could be problematic for such a sensitive area. **(354).**
- Objects – Balnagowan Wood and School Wood (beyond H2 designation) should be protected **(055, 373)**
- Objects – Football field adjacent to NB/C1 Community Site requires to be "protected from development" **(104).**

4.0   Summary of CNPA's Response

4.1   The objectors have not provided detailed boundaries for some of the sites suggested for inclusion in the "Environment" designation. However, modifications to the CNP Local Plan to include areas as NB/Env have been made where appropriate. Some areas suggested lie outwith the settlement boundary and therefore relate to the issue of the setting and boundary of Nethy Bridge. This issue is considered under objections relating to the protection of the setting and the boundary of the settlement (see statement Nethy Bridge – Protection of Setting and Boundary of Settlement).

5.0   CNPA Commendation to Reporter

5.1   It is commended to the Reporter that no further modifications are required in respect of these objections.

6.0   Assessment and conclusions

6.1   **055, 373, 409f/l/g and 426 Objects** – Land between Mountview and Nethy Bridge Hotels should be retained/protected as open space in line with the planning permission for the adjacent housing development.

6.2   **Response:** The CNPA has recognised the importance of this area to the character of this part of the village and accordingly has modified the CNP Local Plan to allocate the site as NB/Env where it will be protected from adverse development. In addition, the planning permission for the adjacent housing development (CNPA ref: 06/106/CP), at Condition No. 7, requires, unless otherwise agreed, this open area to be the subject of a maintenance and management scheme, implemented in perpetuity. No further modification is required.

6.3   **055, 409f/g and 426 Objects -** Areas bounding the River Nethy should be expanded to include the area on either side of the river within the settlement boundary – extend at southern end of the settlement to include area between Dell Road and Lynstock House and Park

6.4   **Response:** The exact boundaries of the areas suggested have not been put forward by the objectors. However, the CNPA has recognised the importance of the immediate River Nethy environment to the character of the village and as a locally important habitat and recreational resource. As such, the boundaries of the NB/Env area along the river have been extended in the Modified CNP Local Plan. No further modification is required.

6.5   **354 Objects** – Balnagowan Wood is wrongly identified as open space – this is misleading and could be problematic for such a sensitive area.

6.6   **Response:** Balnagowan Wood is identified as being outwith the settlement boundary. However, it's location extends into the centre of the settlement and therefore its contribution to the character of the village is recognised. Consequently it is now allocated as NB/Env. The supporting text for NB/Env designations, on Page 90 does refer to open spaces. However, this is not meant to reflect the physical appearance or nature of a particular area, just it's importance as an area of land that contributes in some way to the character of the village. Paragraph 7.12 (Environment) (Page 62) of the Settlement Proposals supporting statement provides an explanation of such areas. No further modification is required.

6.7   **055, 373 objects** – Balnagowan Wood and School Wood (beyond H2 designation) should be protected

6.8   **Response:**   Balnagowan and School Woods are located outwith the defined settlement boundary. However, due to its location (extends into the centre of the village), Balnagowan Wood has been afforded NB/Env status, thus providing protection from adverse development. School Wood extends much further beyond the built areas of Nethy Bridge. The approach to development proposals outwith the settlement boundaries of Nethy Bridge and all other settlements, defined in the CNP Local Plan, has been clarified in Paragraphs 7.2 and 7.5 of Section 7 (Settlement Proposals), (Page 61). This explains that outwith recognised settlements, development proposals will be considered against other policies of the Plan. Proposals outside identified settlement boundaries will require justification for their selected location and where no locational need exists, development on the periphery of settlements will be resisted. All proposals must consolidate the existing urban form, and not result in ribbon development or the sprawl of development into the countryside. It is submitted that this, along with other policies in the CNP Local Plan, provide adequate safeguards for protecting School Woods from adverse development. No further modifications are required.

6.9   **104 Objects** – Football field adjacent to NB/C1 Community Site requires to be "protected from development".

6.10   **Response:** The importance of the football field as an environmental resource linked to the adjacent Community Site NB/C1(Abernethy Games) is recognised and as such, it is now allocated as NB/Env, and protected from adverse development. No further modification is required.

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.

8.0   National planning policy/guidance

8.1   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
- CD3.2 NPPG14 Natural Heritage
- 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
- CNPA Planning Permission Ref:06/106/CP