

Date :			
Issue:	Requests for the allocation of additional lands for development / residential purposes in Nethy Bridge area.		
Objector(s):	Goldcrest (Highland) Ltd	Objection ref(s):	445b
	Inverburn Ltd.		408a
	Speyburn Homes		450
	Hamish Jack		440

Reporter :	Mr. Hugh Begg
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, and it supplements the response made to the objections by the CNPA in its report to Committee (CD7.3, 7.4 and 7.5). The objections are primarily on the basis of the non allocation of land for residential purposes in various locations within and in the area surrounding the Nethy Bridge settlement. No further modifications are proposed following consideration of the objections.

2.0 Provision of the Local Plan

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

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

2.3 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 referred to the sites having permission for a housing development. The text was amended in the Deposit Local Plan 1st Modifications (CD6.12) to provide further clarity, stating that the sites have outline consent for a total of 40 dwellings.

2.4 In addition, Policy 22 - Housing Development within Settlement Boundaries, would also allow opportunities for development on land not specifically allocated.

3.0 Summary of Objections

3.1 Four objections have been received covering the following :

- Objecting to the non-inclusion of land within the settlement boundary and the failure to identify it for residential development. The objection has been made in the context of an associated objection (objection no. 445a refers) which sets out the objectors justification for an increase in housing land supply in the National Park. Objection 445a is addressed in a separate statement **(445b)**;
- Objecting to the non inclusion within the settlement boundary of additional land at School Wood / Craigmore Wood to the north and north east of the settlement and also Culstank Moss to the east and objecting to the failure to allocate it for housing, as it is considered by the objectors to have the potential to accommodate a low density development and / or high quality affordable housing in the long term **(408a)(450)**;

- Objecting to the non inclusion of land to the south of Nethybridge for housing development, which the objector contends would be suitable for buildings plots that would be affordable by first time buyers (440).

4.0 Summary of the 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, as an intermediate settlement, 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). The sites have already been allocated in the adopted Badenoch and Strathspey Local Plan 1997 (CD6.6). 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 allocating additional large tracts of land within the settlement or extending the settlement boundary to include lands suggested for housing by the objectors.

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 Nethy Bridge settlement boundary is accepted and in addition that the extent of land that has been allocated for residential development on proposal sites NB/H1 and NB/H2 is confirmed.

6.0 Assessment / Scope of Evidence

6.1 The objections primarily query the extent of land allocated for development within the settlement boundary of Nethy Bridge, suggesting that development opportunities are constrained, and that existing allocated lands have not progressed and are unlikely to become effective in the medium to long term. Consequently it is requested that various parcels of land be included within the settlement boundary and allocated for development.

6.2 **445b, 408a, 450 and 440** all object to the failure of the Local Plan to allocate their specific land interests for housing purposes.

6.3 **Response :** 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 housing allocations in the CNP Local Plan for Nethy Bridge have been made in this context. Proposal sites NB/H1 and NB/H2 have been allocated in the adopted Badenoch and Strathspey Local Plan (CD6.6) for residential purposes and both sites have extant planning permissions. The allocated lands are considered to be effective. There is no justification for additional allocations in terms of the housing needs studies. Paragraph 7.5 (Page 61) of the Cairngorm National Park 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 at this point in time to expand the settlement boundary for Nethy Bridge to facilitate the allocation of additional unneeded housing land. No further modifications are therefore justified.

- 6.4 Paragraph 5.41 of the Local Plan confirms 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 considered to be sufficient in facilitating the scale of development which is appropriate and necessary for Nethy Bridge in the five year lifetime of the Plan. The sites proposed for allocation also have extant planning permissions which have not yet been implemented and the lands therefore continue to provide ample opportunity within the settlement boundary to meet the majority of predicted housing demands for the five year period of the Local Plan. In addition, 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 as requested in objections 445b, 408a, 450 and 440 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.
- 6.5 **The following comments address specific aspects of each of the areas of additional land as suggested by the objectors.**
- 6.6 **445b** objects to the non-inclusion of land within the settlement boundary of Nethy Bridge and the failure to allocate it for residential development. The objector notes that the site is adjacent to the settlement boundary and a number of site attributes are listed in support of the requested modification.
- 6.7 **Response :** The objection is associated with objection ref. no. 445a in which an argument was advanced for an increase in housing land supply. The land which is requested for inclusion within the settlement boundary of Nethy Bridge is located adjacent to the east of the proposed settlement boundary, running to the rear of existing properties in MacKenzie Crescent, Lynstock Crescent and on Lettoch Road, in an area that is predominantly woodland and forms part of a larger belt of strategic woodland planting which envelopes the eastern periphery of Nethy Bridge.
- 6.8 The inclusion of this parcel of land and its suggested allocation for housing would be inconsistent with the findings of the Cairngorms Landscape Capacity for Housing Study, (Nethybridge Final Report) (CD7.19), which identifies the western boundary of the land suggested as ‘an edge reinforced by woodland’ listing its amongst one of the key characteristics of the settlement (pg.4). The pine woodland surrounding Nethybridge, of which the suggested land forms part, is described in the Cairngorms Landscape Capacity for Housing Study as being of high sensitivity, where “development would affect the integrity of this woodland and would impinge on the enjoyment of walking in the area.”
- 6.9 The CNPA also consider that the allocation of this parcel of land would be inappropriate and inconsistent with the first aim of the National Park, which includes conserving and enhancing the natural heritage of the area. The woodland is known to provide a valuable habitat for a wide variety of species, including red squirrel and Scottish crossbill. It is also a potential capercallie

habitat and forms an important part of the habitat network between populations at designated Special Protection Areas at Craigmore and Abernethy. In addition the northern part of the land which is requested by objector 445b to the allocated is included within the Ancient Woodland Inventory.

- 6.10 **450** and **408a** object to the non inclusion of additional land and the failure to allocate the land for housing, to accommodate a low density development and / or high quality affordable housing. **450** contends that such an allocation would be consistent with the way in which sites H2 and EDI on the opposite side of the road have been identified for development.
- 6.11 **Response** : The land which forms the basis of objection 408a includes three parcels, the first of which extends to approximately 40 hectares and is located to the east of the settlement boundary in the forested area of School Wood / Craigmore Wood. The land is partially bounded to the west and south by site allocation NB/H2. The second parcel of land referred to in objection 408a is located in Balnagowan Wood on School Road, opposite site allocation NB/H2 and measures an area in excess of 24 hectares. Both parcels of land are included within the Ancient Woodland Inventory. The third area of land which is requested for allocation for housing is located to the south west of the 24 hectare parcel, on land between the Nethybridge Hotel and the Mount View Hotel. The land is of a different character to the two other areas suggested for allocation, in that it is open grassland. The land which is requested for inclusion within the settlement and allocation for housing purposes in objection 450 is located to the east of the settlement, in Culstank Moss, and includes a land area of approximately 30 hectares.
- 6.12 The woodland area to the west of School Road, although outwith the settlement boundary, is identified as NB/Env. The area is one of a number of open spaces which have been identified for their contribution to the setting of the village, with the proposed allocation affording them protection from adverse development. The woodland area that forms part of objection no. 408a merges with Abernethy Golf Course to collectively contribute to the northern setting of the village. The exclusion of both of the large areas of woodland from the Nethy Bridge settlement boundary has been informed by the Cairngorms Landscape Capacity for Housing Study, Nethybridge Final Report (CD7.19) which identifies the land as woodland 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 and also being a well used recreational resource. The allocation of the large swathes of woodland suggested by the objectors as a housing allocation would be contrary to the Cairngorms Landscape Capacity for Housing Study which considers that incremental incursions into the woodland would adversely affect the integrity of the settlement edge.
- 6.13 In respect of the third and smaller area suggested in objection 408a as a housing allocation i.e. the land steeply sloping towards the B970 between the Mount View Hotel and the Nethy Bridge Hotel, the Cairngorms Landscape Capacity for Housing Study (CD7.19) describes the steep bank on the edge of the area as contributing to the localised setting of the Nethy Bridge Hotel. It is also noted that the area is visible from the A95 and Broomhill area to the west. The Landscape Capacity Housing Study only identifies the flatter terrace uphill to the east of the steep bank as having the potential to accommodate housing development, with there being a need to avoid the visually prominent steep bank. This approach had been followed and as a consequence the area comprising of the steep bank is proposed in the Local Plan as NB/Env, which is one of a number of open spaces within the Nethy Bridge area identified for its contribution to the setting of the village, and with the supporting text of the Local Plan also indicating that such areas will be protected from adverse development. The allocation of this land for the purposes of open space / environmental protection is also consistent with an extant planning permission pertaining to

both this and the flatter terrace uphill to the east (CNPA Planning ref. no. 06/106/CP refers), which secured the on-going management and maintenance of this area as open space. Its allocation for housing purposes would be contrary to the terms of the extant planning permission, which has already been implemented, and would also be inconsistent with the approach advised in the Cairngorms Landscape Capacity for Housing Study.

- 6.14 The area of land at Culstank Moss which is the subject of objection 450, is outside the proposed settlement boundary and is on land which has been identified in the Cairngorms Landscape Capacity for Housing Study as a woodland area in Nethybridge North. It is part of a wider woodland area which is considered to provide a rich landscape setting to the settlement by providing a well established and consistent visual backdrop and is therefore classified as being of high sensitivity. The woodland character area is also considered to be a well used rich recreational resource for the settlement. Similar to the requests by objector 408a the allocation of this woodland area would be contrary to the Cairngorms Landscape Capacity for Housing Study (CD7.19).
- 6.15 Nethy Bridge is widely known as 'The Forest Village' and this title is testament to the integral part that the woodland areas on the perimeter play in the setting of the village, with the woodland areas being amongst the strongest landscape character features. In addition, the CNPA are of the view that the non allocation of the woodland areas suggested in objection no's 408a and 450 is consistent with the first aim of the National Park in particular which seeks to conserve and enhance the cultural heritage of the area. The non allocation of the suggested lands recognises the fact that the woodland forms part of the Ancient Woodland Inventory. In addition the woodland is known to provide a valuable habitat for a wide variety of species, including red squirrel and Scottish crossbill. It is also a potential capercallie habitat and forms an important part of the habitat network between populations at designated Special Protection Areas at Craigmore and Abernethy.
- 6.16 **440** objects to the non inclusion of land to the south of Nethybridge for housing development, which the objector contends would be suitable for buildings plots that would be affordable by first time buyers. The land is part of a 9 acre croft which is located in excess of 300 metres outside the proposed western boundary of the settlement of Nethy Bridge. Objector 440 aspires to create a "model of what can be a style for the future of other similar sites within our Park" and refers to potential influences being The Bourneville Village by Cadbury, Birmingham and the Frys Factory at Sommerdale near Bath.
- 6.17 The land which is requested in objection 440 to be allocated for residential development is physically divided from the settlement area. The intervening area between the settlement edge and the suggested land is of a predominantly wooded character, interspersed with some open grassland. That intermediate area is identified in the Cairngorms Landscape Capacity for Housing Study as 'woodland' which is classified as being of high sensitivity in terms of landscape character and experience, where development would affect the integrity of the woodland. To consider an extension of the settlement boundary to encompass that land would be inappropriate as it 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 and would negatively impact on the setting and approach to the village. The allocation of this disparate parcel of land 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.

6.18 Finally, it must also be taken into account that there are a number of other policies contained within the Local Plan which have the potential to facilitate development occurring outside settlement areas. Policy 24 – Housing Developments Outside Settlements for example would provide an opportunity for affordable housing outside settlements, where such a development would not detract from the landscape setting and where it would meet a demonstrable local need in the rural location.

7.0 Other Material Considerations

7.1 Since the publication of the Deposit Local Plan 2nd Modifications, a planning application for the approval of reserved matters for the development of land at proposal site NB/H2 has been lodged and has been ‘called in’ for determination by the CNPA (CNPA planning reference no. 09/052/CP refers). Approval of reserved matters is sought for the erection of 30 houses, 10 affordable house plots, 8 small business units and associated infrastructure and landscaping.

8.0 List of documents (including Core Documents)

- CD2.4 SPP3 Planning for Housing 2003 and 2008
- CD6.6 Badenoch and Strathspey Local Plan 1997
- CD6.12 Deposit Local Plan 1st 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
- CD7.19 Cairngorms Landscape Capacity for Housing Study
- 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 ref. no. 06/106/CP
- Highland Council planning ref. file no. 02/00045/OUTBS