

Planning Etc. (Scotland) Act 2006
Town and Country Planning (Scotland) Act 1997

**Cairngorms National Park
Local Plan Inquiry**

Statement of Case

**On behalf of
C P Group Limited**

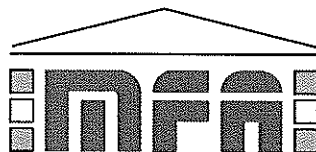
**by
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Local Plan Inquiry Reference 459 a/b

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1.0 INTRODUCTION

- 1.1 This Statement of Case is submitted by Montgomery Forgan Associates on behalf of C P Group Limited (CPGL) in relation to the Cairngorms National Park Local Plan Inquiry commencing on 18 May 2009
- 1.2 CPGL owns land to the north east of Nethy Bridge and a plan is attached which shows total land holdings (Document 1).
- 1.3 This Statement of Case relates to 2 sites within the total land holdings of CPGL.
- 1.4 Site 1 is known as Craigmore and lies approximately 0.4 kms east of Nethy Bridge. It measures 1.1 hectares (2.74 acres) and is considered capable of accommodation 3 high quality dwellinghouses which will complement the existing dwellinghouses at this location. Site 1 is shown on Document 2.
- 1.5 Site 2 is know as Land North of Mill of Garlyne and lies approximately 1.2 kms east of Nethy Bridge. It measures 2.95 hectares (7.3 acres) in area and is considered capable of accommodating 20 timber holiday lodges. Site 2 is shown on Document 3.
- 1.6 CPGL objects to specific policies in the Cairngorms National Park Local Plan as detailed in this Statement of Case which relate to housing development and tourism development and to the non-inclusion of Sites 1 and 2 within the Cairngorms National Park Local Plan for housing and holiday lodges respectively.

2.0 HOUSING

- 2.1 CPGL objects to the approach of the housing policy in the Local Plan as modified which fails to provide a framework for the creation of mixed communities and a range of housing types and tenures in locations that would result in the provision of a cohesive group of properties of similar design and scale, consistent with the Scottish Government planning policy contained in Scottish Planning Policy 3: Planning for Homes (Document 4).

SPP3: Planning for Homes

- 2.2 Paragraph 16 lists the key objectives of SPP3 which is to provide policy guidance on housing need and demand; the use of the planning system to provide quality housing in sustainable locations; the allocation of a generous supply of housing land; mechanisms to help ensure that planned housing is built and the creation of high quality places.
- 2.3 SPP3 recognises that the re-use of previously developed land should be in preference to greenfield sites and paragraph 68 states that:

“Where brownfield and infill sites cannot meet the full range of housing requirements, it may be necessary to release greenfield land next to built-up areas. Meeting housing requirements through extensions to existing towns and villages can have a number of advantages. Servicing costs can be reduced and new housing may benefit existing communities by helping to sustain local schools, shops and services.”

- 2.4 Paragraph 80 recognises the need to provide a choice of housing types and that not all sites will be capable of satisfying the full range of housing requirements.

“Scottish Government policy encourages more diverse, attractive and mixed-use residential communities, in terms of tenure, demographic and income. A range of housing types is needed to support the creation of mixed communities which provide housing options for the whole community and all segments of the market from affordable housing and starter homes to executive housing, as well as homes for families, older people and people with particular housing needs.”

The Cairngorms National Park Local Plan as Modified

- 2.5 Paragraph 5.23 of Local Plan acknowledges that the population of the National park is expected to rise, and that, as a consequence, there will be an increase in households seeking accommodation.

2.6 In addition to the likely increase in households, paragraph 5.29 states that:

"In recent years a number of factors have impacted on the availability of dwellings to meet the housing need. This issue has been recognised as a national problem and not one solely faced in the National Park. The key factors affecting the market include a reduction in the number of social rented, privately rented and cheaper owner occupier dwellings, a slow turnover in social rented dwellings, growth in second home ownership and holiday let purchases, and a growth in commuting outwith the housing area. Recent issues relating to the provision of infrastructure have also resulted in less new dwellings becoming available than were envisaged in previous local plans. House prices and private sector rents have risen, income levels have failed to keep pace with rises in cost, and therefore more households living and working in the National Park are having difficulty in accessing a home. Private sector rents have also risen."

2.7 Paragraph 5.37 states that the Local Plan must provide enough "effective" land for both market and affordable housing to meet the social and economic needs of the Park's communities outside the main settlement of Newtonmore, Kingussie, Aviemore, Granton-on-Spey and Ballater. This, therefore, includes Nethy Bridge.

2.8 Table 3 of the Local Plan identifies that in Badenoch and Strathspey, there is a total land supply requirement to accommodate 1,569 dwellings. There are currently 405 dwellings that are identified with the benefit of planning permission, leaving a residual supply requirement of 1,164 dwellings.

2.9 Table 4 identifies an indicative capacity of additional sites that have been identified that can accommodate 2,603 dwellings. Table 4 states that the land supply figures for 2006-2011 are "target numbers of units" and that those for 2011-2016 are an "indicative target". In addition, 1,100 dwellings, indicatively identified for the new settlement of An Camas Mor, will be provided beyond the Local Plan period. Table 4 does not represent an effective housing land supply, nor does the Local Plan indicate that all of the sites identified in Table 4 are available in terms of policy and advice provided in SPP3.

2.10 Policy 21: Contributions to Affordable Housing states:

"Developments of three or more dwellings will be required to incorporate a proportion of the total number of units as affordable housing."

Development solely for affordable housing will be favourably considered. Where public funding is available to help provide affordable housing, between 25% and 40% of all units will be expected to be affordable.

Where less than one third of the total cost of the development is available through public funding, the developer will be required to provide 25% of affordable housing on a site.

Proposals for one and two open market dwellings will also be required to make a contribution towards affordable housing. This will be a cash payment towards the meeting of housing need in the local area.

Proposals for off site contributions will be considered where community needs assessments, or similar assessments, support this as a better way of meeting the housing needs of the community."

2.11 Paragraph 5.42 states that:

"This policy is intended to ensure the delivery of a wide range of housing options to a wide range of households in the Park. The increased range of affordable housing options and numbers of units that would be delivered through this policy will change the availability of housing for a wide range of potential occupants who currently cannot access open market housing."

2.12 Policy 21 and Paragraph 5.42 are not consistent with Scottish Government planning policy provided by SPP3, in that they restrict the ability to provide for mixed communities.

2.13 Policy 24 is overly restrictive for smaller housing sites in relation to the provision of affordable housing on site. It may not be practical or desirable to incorporate an element of affordable housing on site due to the location of the site in relation to local services and public transport links.

2.14 The officer proposed post inquiry modifications (CD 7.28) takes a more pragmatic and realistic approach to contributions to affordable housing. Whilst it is accepted that the suggested modifications have not been endorsed by the Cairngorms National Park Authority Board, suggested changes to Policy 21 allow for a more flexible approach to contributions to affordable housing, which recognise that site constraints may affect the ability of a proposal to deliver on defined targets.

2.15 Policy 23 deals with housing development in rural building groups. It states that:

“Proposals for new housing development as a part of an existing rural building group which comprises three or more occupied dwellings will be permitted where the proposal reinforces and enhances the character of the group, does not detract from the landscape setting, and does not add more than 33% to the existing size of the group within the plan period (based on the size of the group on the date that the policy is implemented).”

2.16 The principles behind this policy are accepted, but it is not logical, practical or desirable to set an artificial limit of 33%. The Park Authority and developers will be inclined to work to this limit rather than consider what would be appropriate in terms of reinforcing and enhancing the character of the group and any impact on the landscape setting. It is considered that the 33% limit should be removed.

2.17 Policy 24: Housing Development Outside Settlements states that:

“Developments for new affordable housing outside settlements will be considered favourably where there are no suitable sites within the settlements where the development does not detract from the landscape setting, and/or they meet a demonstrable local need in the rural location.”

2.18 The reasoned justification for this part of the policy is that it is intended to allow for the development of affordable housing outside settlements and to maintain thriving communities.

2.19 This part of Policy 24 and the reasoned justification are inconsistent with SPP3 in that they do not allow the provision of residential development to accommodate mixed communities. In addition to which, the reference to affordable housing is dealt with in Policy 21 of the Local Plan.

2.20 Policy 24 section c) should also be amended to make reference to Policy 23. Section c) should read:

“The development is sites on land which has previously been significantly degraded by a former activity or which complies with Policy 23” (as suggested to be amended).

The Proposals Map

- 2.21 The Proposals Map for Nethy Bridge identifies as allocations, three sites within the settlement boundary for housing.
- 2.22 Proposal NB/H1 identifies a 0.47 hectares site opposite the football pitch which has detailed planning permission for 13 amenity dwelling.
- 2.23 Proposal NB/H2 identifies two sites which have outline planning permission for a total of 40 dwellings.
- 2.24 The Local Plan limits housing supply in Nethy Bridge to the three allocated sites. Opportunities for further residential development within Nethy Bridge are highly constrained. The allocated housing sites are all greenfield, demonstrating that there is no suitable previously developed land, capable of supporting residential development. The Local Plan therefore accepts that residential development on greenfield sites is appropriate.
- 2.25 There are no further sites within the settlement boundary that are appropriate for residential development. Given that there is a housing land supply requirement within Badenoch and Strathspey of 1,164 dwellings (excluding those sites with planning permission), suitable and available sites should be considered outside the Nethy Bridge settlement boundary. The CPGL site is close to the settlement boundary of Nethy Bridge and provides an opportunity to supplement and complement the housing proposals within the settlement. The CPGL site is therefore close to the local services that Nethy Bridge provides, and householders can walk or cycle to Nethy Bridge. This makes the CPGL site highly sustainable.

Summary of Objections to the Local Plan

- 2.26 The Local Plan should reflect and be consistent with Scottish Government policy and advice contained within SPP3, to provide residential development that creates mixed communities and that accommodates all segments of the housing market, including open market housing and homes for families.
- 2.27 The Local Plan should consider favourably residential development opportunities on land that is available and free from development constraints, where other Local Plan policies are satisfied, on land close to settlements and where there is no available housing land within that settlement; particularly in areas where there is already existing residential development. Such opportunities should be capable of contributing to providing a mixed community and should be at a scale and density appropriate to the location.

- 2.28 The CPGL land is close and well related to Nethy Bridge. There is only limited housing allocation in the settlement and in allocating these, the Park Authority has accepted that residential development of greenfield sites is appropriate. Further residential development opportunities in Nethy Bridge are highly constrained. The CPGL site is available and suitable for residential development and development of the site is capable of complementing existing dwellinghouses on its boundaries. The site should be allocated for residential development.
- 2.29 Policy 21, together with its reasoned justification in paragraph 5.42, restricts the ability of residential development to provide for a mixed community by placing an onerous requirement for affordable housing on all residential development. The officers proposed post inquiry modifications (CD 7.28) assist in addressing this concern.
- 2.30 The reference to a 33% limit in Policy 23 is artificial and unnecessary. Housing development in rural building groups should have cognisance to the character of the building group and the landscape setting. These matters will be able to guide dwelling numbers.
- 2.31 The reference to affordable housing in Policy 24, together with its reasoned justification in paragraph 5.65, is unnecessary as affordable housing is specifically dealt with in Policy 21. Any reference to affordable housing in Policy 24 should be removed. The Policy, as currently provided in the Local Plan is inconsistent with Scottish Government planning policy contained within SPP3, as it does not allow a full range of housing to provide for a mixed community. Section c) of Policy 24 should also be amended to accommodate Policy 23.

3.0 TOURISM

- 3.1 CPGL seeks to promote a site approximately 1.2 km to the north east of the settlement boundary of Nethy Bridge for self-catering tourism accommodation in the form of a maximum of 20 timber holiday lodges. The development will employ sustainable construction techniques and utilise sustainable materials from local sources wherever possible. In addition, it is proposed that the lodges will be energy efficient, making use of sustainable energy production technologies.
- 3.2 CPGL wishes to make representations on the approach of the Local Plan policies which affect tourism development (including holiday accommodation). CPGL also wishes to object to the Local Plan for not allocating the CPGL site for 20 timber holiday lodges. Such an allocation will support the principles behind the Local Plan policies which affect tourism development.

Tourism Need

- 3.3 There is a strong demand for self-catering accommodation in the area. VisitScotland monitors tourist accommodation in the Highlands area. The monitor differentiates between hotels, guest houses/bed and breakfast accommodation, self-catering accommodation and caravan/camping sites. The monitor demonstrates that self-catering accommodation has the highest levels of accommodation overall and particularly in the peak summer months (Document 5).
- 3.4 Accommodation within the Badenoch and Strathspey area reflects the Highland area self-catering trend and this is as a consequence of the significant tourist attractions in the area. It is recognised in the Highland Structure Plan (2001) that ***“tourism activity is very concentrated in Inverness, Lochaber and Badenoch and Strathspey, which contain fifteen of the top twenty recorded tourist attractions in Highland”*** (Document 6).

Tourism Objectives

- 3.5 These representations relate to policies in the Local Plan which effect the development of tourist accommodation. The policies considered are:
- Policy 1: Development in the Cairngorms National Park.
 - Policy 4: Other Important Natural and Earth Heritage Sites and Interests.
 - Policy 7: Landscape.
 - Policy 33: Tourism Development.

3.6 CPGL supports the Local Plan approach where it encourages tourism development that enhances the range and quality of facilities that has a beneficial impact on the economy. However to ensure a consistent approach with the National Park (Scotland) Act 2000, CPGL considers that equal weight should be given to all the stated aims of the National Park where appropriate.

3.7 CPGL is seeking the allocation of its land for tourist accommodation at Nethy Bridge, in light of the absence of any available land within the settlement boundary. The Local Plan seeks to restrain the unlimited urban sprawl of Nethy Bridge and identifies that there are no suitable sites for this type of development within the defined limits of the settlement. The Local Plan should recognise the potential for sites outside settlement limits to accommodate tourism accommodation, including the site owned by CPGL.

Policy 1

3.8 Policy 1 gives varying weight to the 4 aims of the national park depending on particular circumstances. These aims are as follows:

- To conserve and enhance the natural and cultural heritage of the area;
- To promote sustainable use of natural resources of the area;
- To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of area by the public;
- To promote sustainable economic and social development of the area's communities.

3.9 Policy 1 also establishes that development will be supported where the aims of the Park are collectively achieved in a co-ordinated way, or where the objectives of designation and the overall integrity of the area are not compromised.

3.10 Policy 1 states that greater weight will be given to securing the first aim, where development appears to cause conflict between the first aim of the Park and other National Park aims.

3.11 As details previously, the modest development of self-catering tourist accommodation within the CPGL land will support and complement the recognition of the significant role that tourism plays in the Highland economy whilst conserving and enhancing the natural and cultural heritage of the area.

Policy 4

- 3.12 Policy 4 deals with development affecting woodland sites, semi-natural woodland sites and other nationally, regionally and locally designated areas. The Policy states that development will be permitted where the reasons for the designation and its overall integrity would not be compromised or, where there are significant adverse affects caused by the development, they are outweighed by social or economic benefits of importance to the National Park aims and mitigation is provided.

Policy 7

- 3.13 Policy 7 states that there is 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. Development that would have a significant adverse effect on the landscape character of the Park will only be permitted where there is no alternative solution and where the adverse effects have been minimised and mitigated to the satisfaction of the planning authority.
- 3.14 Chapter 6: Enjoying and Understanding the Park, recognises that tourism is one of the key economic drivers within the National Park.
- 3.15 Paragraph 6.3 identifies that promoting a healthy tourist industry is vital to the area. The paragraph also identifies a growing interest in sustainable tourism.
- 3.16 Paragraph 6.10 states that:

“A good range and quality of tourist facilities and accommodation is vital to a healthy tourism industry. There are always opportunities to enhance and add to the existing provision... Most tourism developments will normally be expected to be sited within or adjacent to existing settlements... However there will also be occasions when locational requirements result in development coming forward in areas outwith settlements and these will be supported where there would be no adverse impact on the special qualities of the National Park, and where the proposal can demonstrate a need for its location.”

Policy 33

- 3.17 Policy 33 favourably considers tourism related facilities/attractions, where they enhance the range and quality of tourism attractions and facilities, and/or lengthen the tourist season, have a beneficial impact on the local economy and do not have any adverse impact on the special qualities of the National Park.

Maps

3.18 The Maps for the Local Plan, produced in Appendix 1 are at a scale that makes proper identification of the site hard to distinguish in relation to any designations. Earlier representations indicate that part of the site may be designated as a Special Protection Area and Ancient Woodland. Given the scale of the Maps, it is not possible to determine whether this is the case.

Representations

3.19 The Cairngorms National Park remains important for tourism, representing a significant revenue stream and employment resource in the Highlands. There is a recognised demand for development that provides tourist accommodation in suitable locations that enhances the economy. Allocating CPGL's land for 20 timber self-catering lodges will enhance a range of visitor facilities and improve the local economy both in terms of employment creation and generation of revenue from tourist spending.

3.20 CPGL recognises the four aims for the Park, established by the National Parks Act. The development of 20 timber lodges accords with Policy 33 of the Local Plan in that it will enhance the range and quality of tourism facilities on offer.

3.21 There are no suitable available sites for tourism accommodation within the defined settlement boundary of Nethy Bridge. CPGL maintains its position that the Local Plan policies should support development opportunities of suitable sites for tourist accommodation that do not have detrimental visual or environmental impacts, thereby helping to meet a defined need for self-catering accommodation in the area.

3.22 The Maps in Appendix 1 of the Local Plan are at a scale that does not make it possible to determine the precise extent of designations under Policy 4. CPGL suggests that the Maps are provided at a larger scale to determine precise extent of land designations.

3.23 The Proposals Map for Nethy Bridge shows only the defined limits of the settlement and not a wider local context. The CPGL land is capable of supporting self-catering tourist development in an appropriate and sustainable location in relation to Nethy Bridge. The Proposals Map should identify land in suitable locations, close to the settlement boundary, that is capable of supporting tourist development, which otherwise could not be provided in this area. The CPGL site should be specifically identified and allocated for tourist facilities on the Nethy Bridge Proposals Map.

- 3.24 There are no suitable sites for tourist development within the settlement of Nethy Bridge, as those sites that are allocated for development have now been developed or are committed for development. There are no allocations for tourist development in the Local Plan, thus the Plan is unable to satisfy its aims in relation to Nethy Bridge without allocating sites for tourist development outside of the settlement boundary.
- 3.25 CPGL therefore promotes modifications to the policy approach within the Local Plan which supports tourist development outside settlements that do not have a significant detrimental visual or environmental impact. This approach would help to meet a defined need for self-catering/chalet accommodation in this area. It would be of benefit to the local economy through job creation and the spending of tourists using the accommodation. The Local Plan should seek to allocate sites that are deemed suitable outside of development boundaries, including the CPGL site, that comply with other Local Plan policies where development would not have any significant adverse impact and which would contribute to the stated aims of the National Park.

4.0 CONCLUSION

- 4.1 The broad policy aims and objectives of the Local Plan are concurred with.
- 4.2 However, there should be specific land allocations within the Nethy Bridge proposals map to accommodate the two sites for the reasons given in this Statement of Case, for housing and tourist accommodation.
- 4.3 Additionally, relevant policies in the Local Plan relating to housing and tourism should be amended to reflect the flexible requirements of housing and tourism development. In particular the requirements for on-site affordable housing should be amended, as should the parameters affecting housing development in rural building groups.
- 4.4 The designation maps within Appendix 1 should be clearer and the Nethy Bridge proposals map should be extended to include the two CPGL sites.

5.0 LIST OF DOCUMENTS

- Document 1** Land holdings of C P Group Limited
- Document 2** Proposed Craigmore Housing Site
- Document 3** Proposed Land North of Mill of Garlyne Timber Holiday Lodge Site
- Document 4** SPP3: Planning for Homes (CD 2.4)
- Document 5** VisitScotland Accommodation Figures
- Document 6** Highland Structure Plan (2001) (CD 6.2)