



# Committee report

## **Development proposed:**

Residential development of 35no. units, formation of access road and SuDS at Land 160M South of Lynstock Park Nethy Bridge

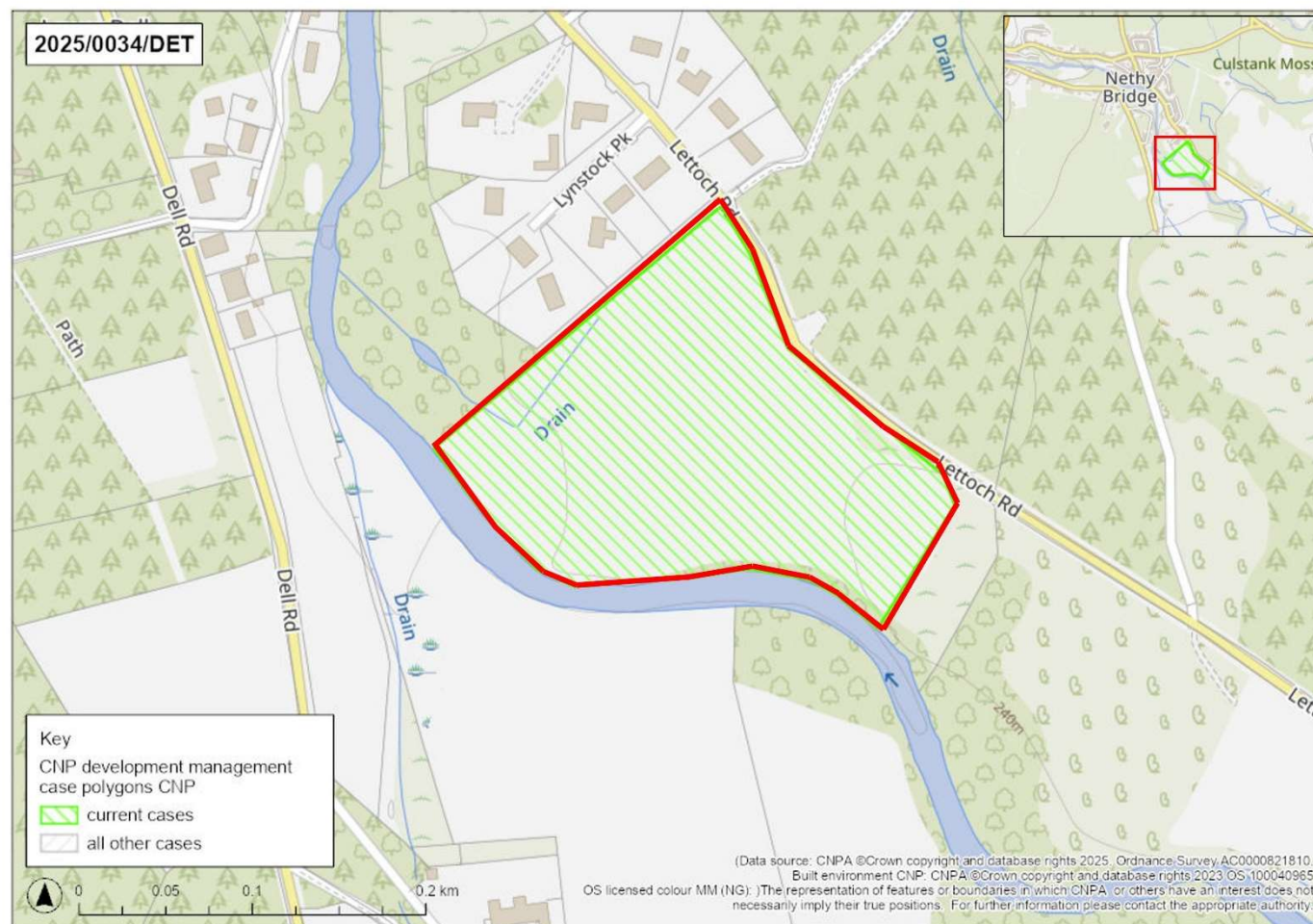
**Reference:** 2025/0034/DET

**Applicant:** AW Laing

**Date called-in:** 24 February 2025

**Recommendation:** Approve subject to conditions and legal agreement

**Case officer:** Katherine Donnachie, Planning Officer



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## Site description, proposal and history

### Site description

1. The application site comprises around 3.6 hectares of largely agricultural undulating grazing land located on the southern edge of the village of Nethy Bridge. The land slopes east to west and also upwards from north to south. It is bounded to the east by a minor public road leading south to Clachaig and Lurg. To the north lies a small residential development at Lynstock Park. The application site is separated from the gardens of these houses by an approximately 5 metres wide area of open land understood to be a wayleave for water infrastructure. This land is outwith the applicant's control.
2. To the west of the site lies the River Nethy which is a tributary of the River Spey, and part of the River Spey Special Area of Conservation (SAC). The application site runs down to this river and the lower part of site, beside the river, is designated on SEPA's flood maps as being at risk of river flooding. In terms of designated sites, apart from the River Spey SAC, the Cairngorms SAC and the Abernethy Forest Special Protection Area (SPA) are within 5 km of the application site lying to the west on the other side of the River Nethy.
3. There are no listed buildings of architectural and historic importance within the immediate vicinity of the site.
4. To the east of the site, on the other side of the public road, is woodland with Garlynn Moss beyond. To the south of the site the land slopes up to a small, vegetated knoll with agricultural land and shrubs/woodland beyond this. There are some trees within the western part of the site and riparian planting along the riverside. There are also areas of juniper along the roadside to the east and a small ditch type feature within the field close to the western boundary with the river and towards Lettoch Park. An electricity line crosses the site.



## Proposal

5. The drawings and documents associated with this application are listed below and are available on the Cairngorms National Park Authority website unless noted otherwise:

<http://www.eplanningcnpa.co.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S2H06USI0CP00>

Title	Drawing Number	Date on Plan*	Date Received
Plan - General Arrangement 3D views 04	2104-PL00-303	02/02/25	20/02/25
Plan - BT1 Affordable 3B5P semi detached	2104.00.20.00	01/11/23	20/02/25
Plan - BT1 Private 3B5P semi detached	2104.00.20.00	01/11/23	20/02/25
Plan - BT2 Affordable 4B8P detached	2104.00.20.00	01/11/23	20/02/25
Plan - BT2 Private 4B8P detached	2104.00.20.00	01/11/23	20/02/25
Plan - BT3 Private 5B10P detached	2104.00.20.00	01/11/23	20/02/25
Plan - Plot and Infrastructure Stage Landscape Maintenance Plan	101.24 SL-03	21/05/25	22/05/25
Plan - Plot and Infrastructure Stage Landscape Plan	101.24 SL-02	28/01/25	22/05/25
Plan - Overall landscape proposals	101.24 SL-01	21/05/25	22/05/25
Plan - Location Plan - Existing site layout	SK-00-002	01/05/24	20/02/25



Plan - Proposed Site Layout - 35 units	PL90-100	21/05/25	22/05/25
Plan - Proposed Site Layout - 35 Units	PL90-102	21/05/25	22/05/25
Plan - Road layout kerbing	DR-C-0102	23/05/25	23/05/25
Plan - Road Layout - surfacing	DR-C-0101	23/05/25	23/05/25
Plan - Road layout swept path (refuse)	DR- C- 103	23/05/25	23/05/25
Plan - Road Layout Plan	DR- C- 100	23/05/25	23/05/25
Plan - Road Layout - additional surfacing	DR- C- 104	23/05/25	23/05/25
Plan - Site Sections	PL90-200	08/05/25	22/05/25
Plan - Overland flow route	DR- C- 149	23/05/25	23/05/25
Plan - Drainage Layout	DR- C- 150	23/05/25	23/05/25
Plan - SUDS area layout	DR- C- 151	23/05/25	23/05/25
Plan - General Arrangement 3D views 01	2104-PL00-300	02/02/25	20/02/25
Plan - General Arrangement 3D views 02	2104-PL00-301	02/02/25	20/02/25
Plan - General Arrangement 3D views 03	2104-PL00-302	02/02/25	20/02/25
Other - Phase 1 Habitat and Walkover Protected Terrestrial Mammal Survey Report	Alba Ecology	01/11/23	27/02/25
Other - Construction Method Statement	A W Laing		06/03/25
Other - Biodiversity Statement			12/03/25
Other - Otter Protection Plan	Alba Ecology	01/01/25	12/03/25
Other - Comments on Objections and Responses	Colin Armstrong Architects		21/05/25



Other - Drainage Impact Assessment	C7581	21/05/25	22/05/25
Other - Householders Biodiversity Note			22/05/25
Other - Planning Image 1			21/05/25
Other - Planning Image 2			21/05/25
Other - Affordable Housing Statement	2104		20/02/25
Other - Design and Access Statement	2104		20/02/25
Other - Flood Risk Assessment	13036	08/05/24	20/02/25
Other - Natural Heritage Desk Study		01/01/24	20/02/25
Other - Pre Application Consultation Report	Colin Armstrong	01/01/24	20/02/25
Other - Landscape Management and Maintenance Plan	Keith Wood Landscape Design	19/05/25	22/05/25

\*Where no specific day of month has been provided on the plan, the system defaults to the 1st of the month.

6. This application seeks full planning permission for a plot layout of 35 residential plots, with associated landscaping, drainage and roads infrastructure. Full details of the road layout, landscaping and drainage have been supplied along with the division of plots. Indicative house types and design brief have been included, but further applications will be required for all new houses in terms of the detail of their finishes, design, and siting within the proposed plots. Plans of the proposals are included in **Appendix 1**.
7. Access is proposed via a new access point onto Lettoch Road, which will loop southwards around the site to serve the proposed plots. A footpath link back towards Nethy Bridge to join to the existing network is proposed, with existing dropped kerb build out features on the public road north of the site removed and





the road resurfaced (as recommended by the Roads Authority) and a crossing point provided by way of dropped kerbs.

8. Two landscaped corridors are proposed through the middle of the site running west from the public road towards the river. These are around 18 metres wide and will contain water features by way of rain gardens, grassland and wet meadow seed mixes and planting comprising a mixture of native trees and shrubs. Paths are proposed through these corridors from either side of the loop road. An approximately 5 metres landscape strip is also proposed along the northern site boundary abutting the strip of open land beside Lynstock Park with a mixture of scots pine, alder, birch and rowan trees to be planted. These landscaped areas will lead into the lower part of the site which lies within the flood plain. This lower part of the site will be retained as open space and left undisturbed to allow for natural regeneration. A play area is proposed in the southern part of the site beside the southernmost wildlife corridor, described as a trim trail play area / open space. No details of play equipment have been provided at this stage.
9. It is proposed to connect to public water and drainage supplies with a pumping station proposed. Surface water from the road system will be dealt with by a Sustainable Drainage System (SuDS) comprising surface water drainage system leading to a SuDS attenuation pond in the western part of site with outfall to the River Nethy. The pond will be planted with wet meadow mix and be around one metre deep. It is proposed that it will be adopted by Scottish Water and accessed by a stretch of grasscrete track off the main loop road. The pumping station will be located here too.
10. The application is a major application under the terms of the Scottish Government's hierarchy of development whereby pre application consultation with the community was required before submission. It is supported by a number of documents as follows:
11. Natural Heritage Information Desk Study – notes the main habitat is arable pasture with some designated sites adjacent.



12. Habitat Survey and Protected Species Report – concluded that the majority of the site was improved grassland with some semi-improved neutral grassland, a stand of Scots pine and an alder, and a patch of juniper scrub. Signs of occasional otter use in the study area were noted whereby an otter species protection plan was required along with pre-construction survey checks. Mature live and dead Scots pine on site held some bat roost potential and it was recommended that these and juniper scrub along the edge of the site be retained if possible and marshy habitats too. Mitigation measures for loss of habitats and enhancement measures to improve the ecological condition of the site were recommended by way of: additional planting along boundaries to provide cover for songbirds; increasing the ecological value of retained trees e.g. by planting of scrub species and wildflowers; provision of bird and bat boxes; and increasing the abundance of wildflowers to increase species richness and provide an increase in nectar for bees.
13. Otter Species Protection Plan – recommends a pre-construction survey be carried out to ascertain up to date otter use of the area and to inform the need for any license from NatureScot. Recommended actions include toolbox talks, marking out of otter sensitive zones, and capping of exposed pipes.
14. Biodiversity Statement – summarises the biodiversity enhancements being delivered by the development.
15. Householders Biodiversity Note – highlighting to new householders the environmental value of their surroundings and how to protect this value e.g. management of garden waste, suitable planting species in gardens, and keeping dogs on leads during bird breeding season.
16. Pre Application Consultation (PAC) report – summarising the pre-application consultation with the community. This comprised two public events in November 2024 held in Nethy Community Hall. Around 15-25 people attended each event. Focus event was also held with around 10 residents of Lynstock Park, website was set up, and the agent addressed the local Community Council meeting. A spreadsheet summarising how comments have been addressed is included.





17. Design and Access Statement – this explains how the design has evolved and why the proposed layout was chosen. Visualisations are included and the document concludes that a departure from the Local Development Plan (LDP) is justified on the grounds that the application site boundaries are defined by existing landscape and topographical features, permitting a more efficient, coherent, distinctive, safe and economically viable development, with more meaningful green space incorporated into the design, as well as helping to minimise the need for imported fill. A set of design principles are included to guide future development on the plots.
18. Construction Method Statement – focussing on noise, dust, pollution, traffic management and environmental issues.
19. Landscape Maintenance and Management Plan – setting out the landscape and biodiversity aims and how these are being achieved.
20. Landscape planting and maintenance plans – have been provided detailing proposed planting and maintenance across the site. This explains that it is proposed that the landscaping will be maintained by a factor.
21. Drainage Impact Assessment and drainage plan – explaining that soil conditions are not suitable for infiltration and setting out the proposed SuDS solution for the development.
22. Flood Risk Assessment – explains this is a site-specific assessment informed by hydraulic modelling and topographic survey work which identified that the lower lying part of the site is at flood risk from the River Nethy. The remainder of the site is suitable for development. Recommends that ground and / or building levels be raised sufficiently to achieve recommended minimum floor levels and freeboard together with implementation of SuDS compliant site drainage. Concludes that there is a flood free access to and egress from the site along Lettoch Road.
23. Affordable Housing Statement – sets out that it is proposed to deliver affordable housing on another site under the applicant's control in Nethy Bridge (Station Yard site) and explains the reasoning for this.



24. Site Section Plans – have been provided to show how development could sit in the landscape – the indicative 1:200-year flood event is shown on these sections.
25. Visualisations – to show how the houses could potentially sit in the landscape.
26. Indicative house type plans – including 3 bedroom semi-detached, 4 bedroom detached and 5-bedroom detached houses of 1 ½ or 1 ¾ storey design with dormer features.
27. Road layout plans – including swept path analysis plans, surfacing and kerb plans.
28. Following discussion with Park Authority staff and consideration of representations received, the application was amended slightly to provide a larger buffer to the knoll area to the south and to the river to the west. This affected the road layout at the south end of the development, reducing the size of the play area.

## **History**

29. PRE/2024/0015: Pre application advice was provided for this site in 2024 with Park Authority staff providing input to the Highland Council pre-application process. Issues to be addressed and information requirements were set out.
30. 2022/0305/DET: Station site Nethybridge – erection of 21 houses approved following notification to Scottish Ministers in relation to SEPA objection on flooding.
31. 2019/0222/PPP: Erection of 7 houses (5 affordable) at Lettoch Road, on opposite (east) side of public road from application site, was refused by the Planning Committee in January 2020 with a subsequent appeal against this decision dismissed by the Directorate of Planning and Environmental Appeals (DPEA). Reasons for refusal related to loss of woodland and adverse landscape impacts which were not considered to be outweighed by the benefits of delivering affordable housing.
32. 2020/0064/DET: Erection of 20 houses and associated infrastructure at School Road and Craigmore Road, Nethybridge (close to school) on northern side of



Nethybridge was refused by the CNPA Planning Committee in September 2020 with an appeal against refusal dismissed by the Planning and Environmental Appeals Division (DPEA). Reasons for refusal related to loss of ancient woodland, contrary to emerging LDP with any benefits in delivery of affordable housing not outweighed by the loss of ancient woodland.

33. 22/01536/PIP: erection of house to far south of application site near Mountain Bear lodge dealt with by the Highland Council (THC) and refused on landscape, character and flooding grounds

### **Habitat Regulations Appraisal**

34. A Habitats Regulations Appraisal (HRA) has been undertaken to consider the potential effects of the development upon the conservation objectives of European sites. The HRA document and an accompanying capercaillie assessment is attached as **Appendices 2 and 3**. The European sites in this case are: the River Spey Special Area of Conservation (SAC) designated for its Atlantic salmon, freshwater pearl mussels (FWPM), sea lamprey and otter interests; the Abernethy Forest Special Area of Conservation (SPA) designated for its osprey, crossbill and capercaillie interests; and the Cairngorms SAC designated for its habitats and otter interests. The River Nethy bounds the site and is part of the River Spey SAC, with the Abernethy SPA and Cairngorms SAC located to the far west of the site on the other side of the river.
35. The HRA considers that there are likely significant effects upon the qualifying interests of the River Spey SAC in terms of all of its qualifying interests relating to the potential for pollution from construction activities and, in the case of otter, from disturbance. With the Cairngorms SAC there is not considered to be any likely significant effects in terms of the habitat interests, but similarly to the River Spey SAC, there are likely significant effects for otter. There are also considered to be likely significant effects in terms of the Abernethy Forest SPA with respect to capercaillie. These relate to potential recreational disturbance and the potential for increased use of the woods to the north of the site which may affect its use as a stepping stone / connecting habitat for dispersing capercaillie moving between the Abernethy SPA and the Craigmore SPA further north.



36. The HRA has concluded that these likely significant effects can be satisfactorily addressed by suitable mitigation. In the case of the River Spey and Cairngorms SACs, this relates to provision of detailed pollution prevention plan to ensure no pollution of the River Nethy during construction, lighting plan to ensure no disturbance to otter and other species in the riparian corridor, otter protection measures, maintenance and management of the SuDs system, and a householder information pack to explain to residents the value of surrounding habitats and good practice to ensure no damage to these habitats e.g. disposal of garden waste, lighting, planting within gardens. For the Abernethy Woods SPA, mitigation involves the provision of open space within the development to enable dog walking on site (with suitable landscaping to deter users from accessing the riverbanks) with appropriate information sign here, along with provision of householder information pack to educate residents on appropriate dog walking behaviours to ensure no disturbance to capercaillie in the wider area. These measures can be secured by planning conditions with appropriate areas of open space already proposed within the site.
37. On this basis, it is concluded that the conservation objectives of the designated sites will be met and there will not be an adverse effect on site integrity of the designated sites. NatureScot have confirmed agreement with these conclusions.

## Development plan context

### Policies

<b>National policy</b>	<b>National Planning Framework 4 (NPF4) Scotland 2045</b> (Policies relevant to the assessment of this application are marked with a cross (x))	
Policy 1	Tackling the climate and nature crises	X
Policy 2	Climate mitigation and adaptation	X
Policy 3	Biodiversity	X
Policy 4	Natural places	X
Policy 5	Soils	X
Policy 6	Forestry, woodland and trees	X
Policy 7	Historic assets and places	X
Policy 8	Green belts	



Policy 9	Brownfield, vacant and derelict land, and empty buildings	X
Policy 11	Energy	
Policy 12	Zero waste	X
Policy 13	Sustainable transport	X
Policy 14	Design, quality and place	X
Policy 15	Local living and 20 minute neighbourhoods	X
Policy 16	Quality homes	X
Policy 17	Rural homes	
Policy 18	Infrastructure first	X
Policy 19	Heating and cooling	
Policy 20	Blue and green infrastructure	X
Policy 21	Play, recreation and sport	X
Policy 22	Flood risk and water management	X
Policy 23	Health and safety	X
Policy 24	Digital infrastructure	
Policy 25	Community wealth building	
Policy 26	Business and industry	
Policy 27	City, town, local and commercial centres	
Policy 28	Retail	
Policy 29	Rural development	X
Policy 30	Tourism	
Policy 31	Culture and creativity	
Policy 32	Aquaculture	
Policy 33	Minerals	

<b>Strategic policy</b>	<b>Cairngorms National Park Partnership Plan 2022 – 2027</b>	
<b>Local plan policy</b>	<b>Cairngorms National Park Local Development Plan (2021)</b> (Policies relevant to the assessment of this application are marked with a cross (x))	
Policy 1	New housing development	X
Policy 2	Supporting economic growth	X
Policy 3	Design and placemaking	X
Policy 4	Natural heritage	X



Policy 5	Landscape	X
Policy 6	The siting and design of digital communications equipment	
Policy 7	Renewable energy	
Policy 8	Open space, sport and recreation	X
Policy 9	Cultural heritage	X
Policy 10	Resources	X
Policy 11	Developer obligations	X

38. All new development proposals require to be assessed in relation to policies contained in the adopted Development Plan which comprises National Planning Framework 4 (NPF4) and the Cairngorms National Park Local Development Plan 2021 (LDP) The full wording of policies can be found at:

<https://www.gov.scot/publications/national-planning-framework-4/documents/>

and at:

<https://cairngorms.co.uk/wp-content/uploads/2021/03/CNPA-LDP-2021-web.pdf>

## Planning guidance

39. Supplementary guidance also supports the Local Development Plan and provides more details about how to comply with the policies. Guidance that is relevant to this application is marked with a cross (x).

Policy 1	Housing supplementary guidance	X
Policy 2	Supporting economic growth non-statutory guidance	
Policy 3	Design and placemaking non-statutory guidance	X
Policy 4	Natural heritage non-statutory guidance	X
Policy 5	Landscape non-statutory guidance	X
Policy 7	Renewable energy non-statutory guidance	
Policy 8	Open space, sport and recreation non-statutory guidance	X
Policy 9	Cultural heritage non-statutory guidance	X
Policy 10	Resources non-statutory guidance	X
Policy 11	Developer obligations supplementary guidance	X





## **Consultations**

40. A summary of the main issues raised by consultees now follows:
41. **SEPA** have no objections on the grounds of flood risk. They note that, in line with National Planning Framework 4 Policy 22, a precautionary approach should be taken to flood risk by avoiding development within areas at risk of flooding, noting that the site is partly within an area at risk of flooding from the River Nethy based on their future flood maps. They further note that they had significant pre application discussion with the applicant to ensure that this precautionary approach was taken. They have provided detailed commentary on the applicant's Flood Risk Assessment, noting that the site layout shows all properties to be located on ground with existing levels above the 1 in 200 year including climate change flood level as determined by the higher rainfall run-off flows. Consequently, they are satisfied that the proposed dwellings avoid the area of flood risk. In addition to this, information on finished floor levels demonstrates that the required 0.6m freeboard will be provided above design flood levels as determined by the higher rainfall runoff flows. It was previously confirmed that there was to be no landraising within the flood extent of the rainfall runoff modelling, and they are satisfied that the site sections confirm that any landraising is minimal in this area and set back from the flood extent
42. They finally note that garden grounds for plots 9 and 10 will be partly located within the flood risk area. Whilst they have no objection on these grounds, they recommend that the Planning Authority considers removing permitted development rights for these plots to ensure there is no impact on the floodplain as a result of any future development constructed within the garden grounds.
43. **Scottish Water** has no objections. They note that the development lies within the Aviemore Water Treatment Works catchment. The developer will require to submit a pre-development inquiry form so they can fully appraise the proposals. They have confirmed that there is currently sufficient capacity in the Nethy Bridge wastewater treatment works for a foul only connection. Further investigations may be required once a formal application for connection is made. They cannot reserve capacity at their works and will review capacity once consent is granted and a formal application made. They have confirmed that there are no Scottish Water



drinking catchments or water abstraction sources in the area that may be affected. They also note that they have live infrastructure in the proximity of the development whereby the applicant should identify any conflicts and contact the Asset Impact Team for an appraisal.

44. **SSEN Transmission** was consulted as there is an electricity line crossing the site. They have confirmed that there are no issues from their perspective as their nearest asset is over 2 km away. However, they recommended contact with the local electrical distribution network SSEN Distribution who have confirmed that there are 11 kW lines crossing the site whereby the applicant will require to take this into account and make an application for diversion / alterations at their own cost.
45. **Police Scotland Community Safety Officer** has no objections noting that the location is within a low crime area. The officer has made some recommendations to reduce crime including that any footpaths be well-lit and free of potential hiding places, boundaries between public and private space should be clearly defined, open spaces should have features which prevent unauthorised vehicular access and any planting should not impede good natural surveillance, and a maintenance plan should be implemented.
46. It is also recommended that the developer continues to liaise with the Police Scotland 'Designing-Out Crime' service at each stage of the development and seeks to attain the 'Secured by Design' award for the residential properties as this demonstrates that safety and security have been proactively considered.
47. **Nature Scot** was consulted on the Habitats Regulation Appraisal and agree that the development has potential to impact several designated sites. They have also confirmed that they agree with the conclusions of the HRA that any adverse impacts upon the designated sites can be avoided subject to the mitigation measures outlined in the HRA report.
48. **Spey Fishery Board** was consulted, and no comments have been provided to date.



49. **Highland Council Flood Risk Management Team** has no objections on flooding or drainage grounds subject to a planning condition being attached requiring submission of a fully detailed Drainage Impact Assessment (DIA).
50. In terms of flooding, they note that SEPA's online strategic flood mapping shows a large part of the site lies within the 1:200 years plus climate change fluvial flood plain of the River Nethy. It also indicates that there are two small, isolated areas of pluvial flooding in the west of the site with an appropriately designed drainage system being able to ensure risk from this is low. Avoidance of the fluvial flood plain would address any risk from fluvial flooding.
51. The Team considers the applicants Flood Risk Assessment (FRA) to be acceptable. They note that it shows that the actual area of the site at risk of flooding is less than is suggested by the strategic mapping and that it concludes that the minimum finished floor level in the lowest part of the site should be no less than 235.1metre AOD, which includes an allowance of 600 mm freeboard. They further note that the submitted plans indicate that the layout meets the requirements of the FRA, demonstrating that the houses would be suitably elevated above the 200 plus climate change flood plain.
52. With regard to drainage the Team note that the proposal is for an attenuation strategy using a SuDS basin sized for the 30 years plus climate change event with the remainder of any stormwater (up to 200 years plus climate change event) discharging to the lower ground. This is considered acceptable although detail will be required to demonstrate that any flow reaching the River Nethy will not cause erosion.
53. The Team also noted that as there are known flood risks further down the catchment at higher return period storm events any "betterment" provided for example in the freeboard of the SUDS basin would be welcomed and should be highlighted in the detailed DIA they recommend be secured by condition. The Team had no objection to the discharge location or rates and considered that there appeared to be sufficient space to enlarge the SUDS basin if necessary. They also noted that the applicant proposes to vest the drainage infrastructure to Scottish Water with the Highland Council adopting relevant remaining parts.



54. The applicant's considered these points and submitted a revised Drainage Impact Assessment (DIA). The Flood Risk Management Team has considered this DIA and note that it highlights that there would be room in the SuDS basin to store the 200 year plus climate change storm event with some outline calculations (including discharge rates) provided. They further note that the revised DIA and plans now suggest that only water attenuated to 200 years plus climate change would enter the River Nethy directly while exceedance water would discharge to lower ground within the site boundary. This is considered to be acceptable. The Team also accepts that a liner is not required in the SuDS basin due to the clay content of the ground here.
55. The Team advise that some final details should be secured by condition requiring a detailed DIA to secure information including further network simulations, statement describing exceedance flow to lower ground and its management, cross section with anticipated SuDS basin levels at various climate change stages and details of the outflow structure include. Methods of rainfall calculations to reflect best methods should also be included in the final DIA.
56. **Highland Council Transportation Team** welcome the widening of the U2036 Lettoch Road, removal of historic kerbed build outs along Lettoch Road to the west, and the provision of a roadside footway which will provide dedicated pedestrian connectivity between the site and existing footways. Details of this will need to be agreed through Road Construction Consent process.
57. The Team recommends that the existing speed limit gateway be relocated further east than originally shown (with the developer responsible for the costs of the supporting traffic regulation orders) and then enhanced with suitable features to enhance its visual impact. They also recommend that consideration is given to addressing existing issues with narrow carriageway and limited forward visibility beside 39 and 40 Lynstock Crescent to the north of the site in view of the increased traffic from the development in order to avoid overrunning of the verges or footway. The Team advise that ideally the carriageway should be widened if there is sufficient space or else a traffic management arrangement will be needed to



ensure the safe two-way movement of traffic through this section of road. Conditions will be required to address these points.

58. With regard to non-vehicle connectivity, the Team welcome the proposed connections to existing footways. They note representations have raised the need for a dedicated walking and cycling route to the school. Whilst such facilities do help support more cycling and walking it is not clear how this could be practically provided without some remote land being offered up, with no practical opportunities within the existing road boundary to widen existing footpaths for shared cycle use. Consequently, cyclists will need to share the carriageway with other road users as they already do. The Team has noted that if the applicant is aware of any opportunities to enhance walking and cycling connections then they would be open to understanding what these may be.
59. In terms of the internal site road layout, the Team are content with arrangements for refuse vehicles and welcome the incorporation of facilities for safe pedestrian movement – the final details of which will need to be agreed through the Road Construction Consent process. Suitable in curtilage parking and electric vehicle charging provision will be required for all houses. As all units appear to have their own gardens there is no need for dedicated cycle parking facilities in this case. Similarly, there appears to be sufficient space within gardens for bin storage. Proposed surface water drainage arrangements by way of shared roads and curtilage drainage and SuDS system should provide the required level of treatment with Scottish Water (buried sewers, detention basin and piped outfall) and Highland Council (road gullies and tails) to adopt the various systems - final details to be agreed through the Road Construction Consent process.
60. On receipt of revised plans which seek to deliver a wider ecology / landscape buffer between the plots and the Knoll to the south, the Team have advised they have no objections in principle to this change in respect of the altered road layout at the far eastern end of the loop road.
61. **Highland Council Housing Development** has advised that the site is located in a village with housing needs. They note that the developer has requested that the affordable housing provision be located on an alternative site at Station Road



Nethy Bridge where planning consent has been granted for housing and which is situated in a more central position in the village. The Team support this as the number of housing units on that site exceeds the combined affordable housing requirement of both sites together, thereby offering betterment.

62. **Highland Council Environmental Health team** was consulted, and no comments have been provided to date.
63. **Highland Council Forestry Officer** has noted that trees around the site, whilst not recorded in the Native Woodland Survey of Scotland nor the Ancient Woodland Inventory, have visual and ecological value and are worthy of retention and safeguarding. It is recommended that a tree protection plan be provided and tree planting schedule to accompany the planting plan.
64. **Highland Council Archaeology Officer** has noted that the site lies within an area of archaeological potential and recommends that a condition be attached requiring submission of a written scheme of investigation. This will deliver an initial evaluation to establish the archaeological content and potential and, dependent on the results, further study may be required.
65. Highland Council Contaminated Land Officer initially had no comments as they did not have any record of contamination on this site. When the potential previous use of the site as a prisoner of war camp was highlighted in a representation this information was passed onto the team. They have advised that further information on this use is required because if the site had military buildings there may be potential for Asbestos Containing Materials. The applicant advised that there was a First World War POW camp in the neighbouring Lynstock Park field, which has since been developed for housing, noting that the application site has been ploughed many times over decades with no evidence of any historical artifacts or asbestos found. The applicant also noted that the POW site is from the First World War, when asbestos use in construction was not commonplace.
66. Having considered this information the Officer has advised that due to uncertainty about the location of the former POW camp and its potential construction and activities there are still some concerns. The officer has noted that the Archaeology





Team requested a condition requiring archaeological evaluation and has suggested that this survey once available be passed onto the Contaminated Land team too so they can consider the requirement for any intrusive contamination inspection. On the basis of a suitably worded planning condition being attached to secure this the Officer has no objections.

67. **Highland Council Developer Plans team** was consulted in respect of developer obligations. They have noted that the requirement for affordable housing for this proposal would be 9 homes (25% of 35 proposed units) but understand that the applicant has agreed to provide affordable housing on a different site.
68. The Team has concluded that education contributions are not required towards either primary or secondary education capacity. The Team has noted that the Park Authority's LDP Delivery Programme 2021 – 2025 explains that financial contributions are required towards strategic community leisure facilities serving Nethy Bridge for this site. They further note that the Park Authority's supplementary guidance on developer obligations explains that contributions for community and leisure facilities will be determined in consultation with the relevant Local Authority or other appropriate body. In this regard they advise that the standard community facility rate contribution charged by the Highland Council is currently £1,568 per home. This rate was agreed by the Council's Economy and Infrastructure Committee when Members agreed to increase rates for developer contributions towards education and community facilities to address financial changes in the economy.
69. They conclude that advice on contributions towards other types of infrastructure, for example transport, will be provided by the relevant consultees.
70. **Cairngorms National Park Authority Recreation and Outdoor Access Officer** notes that a community route (the Lettoch Trail) runs adjacent to the site along the public road with all users using the public road. Whilst noting the user experience may be reduced slightly by walking past new houses for 200 metres rather than an open field, this is in the context of the previous section of the trail already running through a residential area with housing on both sides whereby it is not considered



that there will be a significant impact on users, with a buffer of native planting proposed between the houses and road.

71. Inclusion of new paths through the proposed wildlife corridors on the site are considered to be important links for recreational purposes and to allow enjoyment of green spaces. The officer has advised that whilst further information provided on the specification is satisfactory, further information on future maintenance is required.
72. **Cairngorms National Park Authority Landscape Officer** considers that the proposed layout and design (as illustrated in the visualisations) gives an impression of suburban character and uninspiring design. However, the proposed landscape works merit praise in their adoption of an integrated landscape and biodiversity approach including wildlife corridors, native tree planting, and establishment of wet hollows and meadow, together with retention of existing juniper. Planting of native trees within gardens and “soft” planting boundaries with low intrusion post and wire fencing is good to see together with judicious use of higher close board fencing.
73. It is considered that the openness of the site will contrast with the “forest village” feel which is a distinctive characteristic of Nethybridge, particularly in the short term, although tree planting within the site should in time create a more wooded setting in keeping with the character of the village. The southernmost housing units (plots 12-16) are likely to be more visually prominent due to their elevated position, and it is considered it would have been better to have omitted these in favour of planting of woodland to reinforce the knoll to the southeast and so provide a robust edge to the settlement. It is noted that whilst there is some scrub planting proposed on the southeastern boundary this is not substantial and the officer recommends that the width of this be increased
74. **Cairngorms National Park Authority Conservation Officer** initially noted that most of the site is currently an improved field/agricultural, with the proposed landscaping achieving significantly more diversity and also increasing connectivity to existing habitats to the north and south of the proposal. In general terms the use of surface level SuDS, meadow planting, shrubs and trees was welcomed.



75. However, it was considered that there was potential for negative impacts to some surrounding areas which offer existing ecological value, especially the knoll to the east, the riparian woodland to the southwest and unimproved grasslands along the edges of the site.
76. The knoll is significant as a waxcap grassland, with 13 different species. Although none of the recorded species have statutory protection, three of the species recorded are high richness indicators. Waxcaps are included in the Cairngorms Nature Action Plan. It was also noted that this is very old grassland with high nature value which may be vulnerable to shading by shrubs and trees with waxcaps being very sensitive to increased nutrients and to competition in the soil from other fungi associated with trees.
77. In this regard the officer noted that the gardens may be subject to fertiliser, and there is potential that householders may use the other side of their fences to dump cuttings and / or compost material. The officer recommended that the layout be amended to:
- a) Increase the distance between the garden boundaries and the knoll, with a buffer of at least 7 metres to reduce any additional nutrients from gardens reaching the unimproved grassland;
  - b) Reduce accessibility to the knoll from the gardens e.g. through fencing to discourage householders from composting any organic material near to the knoll;
  - c) Remove the proposal for tree planting along the edge as over time these could encroach onto the knoll and / or spread their seed / saplings onto it. This will help safeguard the existing mycorrhizae (the symbiotic relationship between fungi and plant roots).
78. The officer further noted that alternative options to green up any fencing could include native climbing plants which are less likely to spread seed / establish onto the grassland. It was also recommended that at the construction stage a generous buffer (10 metres) needs to be in place so that soil is not stripped and plant machinery is not tracking near the knoll which would damage the mychorizae underground.



79. With regard to impacts upon the riparian planting alongside the River Nethy it was noted that the landscape plan indicates that no access to the river embankments will be permitted which was welcomed. However, for watercourses of 2-15 metres in width, as is the case here, SEPA's Riparian Corridor Guidance recommends that a 15 metre wide riparian corridor is provided from the top of the riverbank. These undeveloped buffers increase climate resilience by giving rivers space to adapt to changes in flood frequency and magnitude and provide a wide range of benefits. Specific potential risks from here would include increased nutrients from gardens, dumping / composting of garden waste by residents which would increase nutrient levels and potentially introduce new / non-native species into the riparian zone, sound disturbance and light spill from houses / gardens which can impact nocturnal wildlife such as otter and bats. Consequently, the officer recommended a reduction in the extent of plots 11, 12 and 13 to achieve this corridor.
80. The officer finally noted that there is unimproved / semi-improved grassland around the edges of the development which is valuable habitat in its own right, especially for invertebrates and small mammals with contributors to this application highlighting the importance of these habitats to significant species including Small Scabious Mining Bee. The officer noted that whilst the planned meadow planting along the edges of the site is well intentioned it would be beneficial to retain the existing grassland habitats around the edges of the site where possible. Otherwise, the new meadow planting on the improved grassland / main development area is all welcomed.
81. The applicants subsequently revised their submission to increase the buffer of undisturbed land from the Knoll, reduce the size of plots bounding the river in order to provide the necessary width of riparian corridor, and retain some of the edge of site vegetation undisturbed.
82. Based on this revised layout, the Park Authority's Ecology Advisor has provided finalised comments. These comments conclude that effects on designated sites can be satisfactorily mitigated by the measures outlined in the HRA. With regard to European Protected Species, it is noted that impacts on otter can be addressed by a species protection plan and care with lighting, whilst the retention of existing



trees with bat roosting potential and the creation of proposed new habitats will reduce any potential impacts on bats. Impacts on pine martens can similarly be avoided by retention of the tree which has some potential for a pine marten den, and avoiding work in the bird breeding season will similarly protect bird interests.

83. With regard to priority species (waxcaps), discouraging of access to the Knoll area through the use of planting together with the landscape design of the development should help reduce any impact, whilst the creation and retention of habitats will help support diversity for invertebrates. With regard to the water environment, the retention of the marshy areas as open space together with implementation of an appropriate construction method statement and pollution prevention plan will reduce any impacts.
84. Finally, the officer notes that the proposed landscaping includes a number of measures which will help enhance biodiversity and promote ecological interest at the site, including retention of existing native trees and deadwood; retention of semi improved grassland as open space; inclusion of wildlife corridors incorporating rain gardens, native shrubs, and areas of species rich grassland with suitable management to keep nutrient levels low; and installation of bat and bird boxes.
85. In conclusion, the officer has no objection to the application subject to appropriate planning conditions being attached to address the various points made.
86. **Nethy Bridge and Vicinity Community Council** was consulted and their comments are attached as **Appendix 4**. They advise that there is general agreement regarding the need for more affordable housing within the village, with a suggestion that a group of smaller terraced houses be included to be more affordable for local families/individuals and that there be some wooden cladding on the houses.

## **Representations**

87. The application was advertised in the local press and a total of **16** representations were received (two from the same party) which are attached as **Appendices 5 (a)**



**and (b).** Seven of these object to the development, the remainder are general letters.

88. Key issues raised are summarised as follows:

- a) Departure from Local Development Plan allocation which is contrary to Local Development Plan and National Planning Framework planning policies which states decisions to be made in accordance with Development Plan. 35 houses now proposed as opposed to 20 indicated in designation which is a substantial increase in numbers (75%) and in site area. This designation was subject of public consultation.
- b) The applicant's reasons for departing from the designation relate to efficiency and has resulted in development being too close to the existing houses, producing a suburban character inappropriate to this fringe of settlement location.
- c) Development so close to River Nethy which is part of the River Spey SAC is not acceptable. It will impact upon sensitive riparian woodland, biodiversity and species of the SAC here.
- d) Plots 11, 12 and 13 too close to the River Nethy whereby adverse impacts on riparian habitats from lighting, garden waste, dogs and children.
- e) Adverse landscape impacts including upon important open views which is contrary to the wording in the LDP. It will also degrade the experience of a much appreciated cycle / walk promoted route and affect a landscape asset which contributes to the tourist economy and provides inspiration to both visitors and residents.
- f) Southernmost plots (12-16) have adverse impacts on landscape and biodiversity and should be removed in accordance with the advice of the Park Authority's Landscape Advisor.
- g) Flood risk area encompasses gardens of plots 9 and 10 with houses too close to flood risk area presenting flood risk. The sensitivity analysis also indicates that plots 8 and 11 could be subject to flood risk. Removal of these plots would also enable a wider wildlife corridor alongside the River Nethy.
- h) Attractiveness and experience of Lettoch Road network would be reduced - demands on this walking and cycling trail will increase and a risk assessment may be required.





- i) Need safe appropriate non-motorised user (NMU) route to be constructed for safety reasons, promotion of active travel and to encourage 20 minute neighbourhoods all in line with NPF4 policy. Walking and cycling should be appropriately segregated with a specific focus on people accessing the primary school. Lettoch Road beyond Lynstock Park also requires to be widened to allow for increased usage and the construction of the NMU.
- j) Segregation of affordable housing is not desirable, and it is also hard to know how many of the houses on site will be out of the range of local people or will become holiday homes. Terraced housing as suggested in the LDP designation would be more valuable to the community.
- k) Indicative design of housing is inappropriate, suburban and not of sufficient design quality for the local area.
- l) SuDS design undersized, not sized for 30 year plus climate change event, has potential for groundwater ingress and is located within the 1:200 year flood risk area whereby if the River Nethy overtops the SuDS will not operate.
- m) Proposed drainage systems should be designed to reduce flood risk on adjacent land at Lynstock Park.
- n) Light pollution impacts upon freshwater habitats and dark skies - all lighting should be downwards facing.
- o) Insufficient consideration of impact on otter.
- p) Increased number of people will increase recreational disturbance for capercaillie. Development also interrupts habitat connectivity given that this area is part of a vital woodland link between Abernethy and Craigmore woods for capercaillie.
- q) Development contrary to National Planning Framework 4 Policy 3: Biodiversity because of its location and scale. Important species close to and within the development site would be disturbed including those on the Scottish Biodiversity List. Full details of species (invertebrates, fungi, birds, mammals) within and around the site are provided to illustrate its value.
- r) Housing is too close to the knoll which is an important wildlife habitat close to national importance for the range of fungi it supports, including rare waxcaps. Key plant species are also present here which are important for the number of insects they support and the National Park Authority has plans and targets to prioritise the conservation of long-established flower and fungi rich sites such



as this. Full consideration of the impacts on this area should be given including survey of the knoll area.

- s) No breeding / over wintering bird survey done.
- t) Contrary to aims of National Park by reducing agricultural land.
- u) Wider more meaningful habitat strip required beside Lynstock Park (increased to 30 metres) as this is the only connecting habitat corridor that will not go through houses. It also links existing native woodland areas and on to ancient woodland sites which is important in order to meet NPF4 policy on strengthening nature networks and connections between them and to help balance the significant increase in housing with creating a wider nature network. It would also improve the amenity of adjacent residents.
- v) Encouraging natural regeneration of native woodland on the flood plain would also enhance the site.
- w) Planting strips throughout development of insufficient size.
- x) Development should ensure that any antiquities associated with former Prisoner of War camp should be appropriately cared for and safeguarded.

## **Appraisal**

### **Procedural issues**

89. As this is a major planning application, under the terms of the Scottish Government's Hierarchy of Developments, there is a requirement for statutory pre application consultation with the community which has been undertaken with a Pre-Application Consultation Report submitted. The application for the wider site was screened in relation to the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. Having considered the characteristics of the development, the location of the development and characteristics of the proposed development, it was concluded that the proposal was not an EIA development.

### **Background**

90. Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the Development Plan. This now comprises the Cairngorms National Park Local Development Plan 2021 and the National Planning Framework 4 (NPF4). Where there is conflict between policies, NPF4 policies take precedence.



91. The main planning considerations in this case are the principle of development, siting and layout, environmental impacts, servicing issues, and delivery of affordable housing and developer obligations. These are considered in detail below.

## Principle

92. **National Planning Framework 4 (NPF4) Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings**, states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP. **NPF4 Policy 16: Quality Homes** sets out that development proposals for new homes on land allocated for housing in the LDP will be supported. Policy 16 also sets out that development proposals on land not allocated for housing in the LDP will only be supported in limited circumstances where the proposal is: (i) supported by an agreed timescale for build out; and (ii) otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods; and (iii) either delivery of sites is happening earlier than identified in the deliverable housing land pipeline, or the proposal is consistent with policy on rural homes, or it is for smaller scale opportunities within an existing settlement boundary, or it is for the delivery of fewer than 50 affordable homes as part of a local authority supported affordable housing plan. **NPF4 Policy 29: Rural Development** explains the circumstances where development which contributes to the viability, sustainability and diversity of rural communities and the local rural economy will be supported.
93. **Local Development Plan (LDP) Policy 1: New Housing Development** part 1.1 similarly explains that new housing proposals will be supported where they are located on an identified allocated site or within an identified settlement boundary and meet the requirements for the settlement as outlined in the community information section and reinforce and enhance the character of the settlement.
94. In this case part of the application site is allocated for residential development in the LDP under the designation H1– Lettoch Road. Twenty of the proposed plots lie within the allocated area. The five southeasternmost plots (12-16) and the adjacent landscape corridor are outwith the allocated area and the Nethy Bridge



settlement boundary, as are some of the westernmost plots (some 10 plots), SuDS basin and green area towards the river.

95. The LDP's H1 allocation states that the site has an indicative capacity for 20 dwellings and identifies that any proposals must take account of, and complement, the nature of the woodland opposite, views towards the Cairngorms, and the nature of nearby development. It states that semi-detached and terraced dwellings in a similar pattern to Lynstock Crescent are desirable here. It also highlights that there is medium to high probability flood risk adjacent to the site whereby a Flood Risk Assessment may be required to determine the developable area. It also highlights that the site will need to take account of and respond to the wider landscape context, particularly views towards the Cairngorms plateau. Finally, it refers to ecology study requirements and notes that water infrastructure runs through the site.
96. Nethy Bridge is designated as an 'intermediate settlement' in the LDP. The LDP's overall spatial strategy is based on focussing most development to the main 'strategic settlements' of Aviemore, Ballater, Grantown, Kingussie and Newtonmore. Intermediate settlements are expected to accommodate development to meet wider needs, albeit at a more modest scale than within the strategic settlements, with development in rural settlements primarily aimed at meeting local need only.
97. The community information section of the LDP explains that within intermediate settlements development will be of a scale which contributes to meeting wider needs within the Park but primarily supports local communities to ensure their future sustainability. Housing site allocations are made to support this aim. It notes that the plan identifies settlement boundaries outwith which it is expected that proposals will require justification for their selected location. Where no locational need exists, development on the periphery of settlements will be resisted. It also notes that the housing site allocations include indicative housing density information. It explains that this information should be used as a guide to site capacity and that proposals should not be constrained by these figures and should seek to create attractive urban environments.



98. The settlement information for Nethy Bridge in the LDP explains that Nethy Bride is a small woodland village and an attractive destination for visitors with a good range of community facilities and an extensive local path network. It outlines settlement objectives to support the delivery of housing that supports local needs and to increase and enhance flood management and resilience. It also highlights that all developments should include 25% affordable housing and that planning obligations will be sought towards increasing capacity at strategic community leisure facilities serving Nethy Bridge.
99. Set against this background, the principle of housing development on the allocated part of this application site is established subject to the details of layout, landscaping and servicing being satisfactory. However, the proposed site is considerably larger than the H1 allocation in terms of both the site area and the number of housing units relative to the indicative housing capacity stated in the LDP.
100. As outlined previously, the site capacity figures set out in the H1 allocation are indicative only, and it is not necessarily a departure for a development to include more houses – particularly where this could support the stated settlement objective of delivering housing to support local needs. However, the fact that a considerable part of the proposed development lies outwith the boundary of H1 housing allocation and the settlement boundary of Nethy Bridge on both the south and west sides, does constitute a departure from policy.
101. The applicants have put forward their case for departing from development plan policy within their Design and Access Statement. They explain that they consider that a departure from the LDP is justified on the grounds that the proposed application site boundaries are defined by existing landscape and topographical features, permitting a more efficient, coherent, distinctive, safe and economically viable development, with more meaningful green space incorporated into the design, as well as helping to minimise the need for imported fill and also avoiding any land locked land being left in the flood plain area. They consider that this will also spread the cost of infrastructure across more units so helping the affordability to meet local housing needs. They believe that the existing prominent knoll and rising ground to the southeast will help provide a more natural end to the village



whilst also helping to screen the properties on the higher land. They have provided visualisations which they consider substantiates this assertion.

102. This case will now be considered in the context of the siting, landscape and environmental impacts of the proposed development, and whether or not the development otherwise complies with LDP and NPF4 policies.

### **Placemaking, layout and siting**

103. **NPF4 Policy 15: Local living and 20-minute neighbourhoods** requires development proposals to contribute to local living including 20-minute neighbourhoods within settlements, with consideration to be given to existing settlement pattern and the interconnectivity of new residential development with the surrounding area to ensure there is local access to various amenities, including transport.
104. This is achieved with the application site, which is located at the edge of Nethy Bridge within walking distance of the facilities and amenities of the village and connecting to existing footpath and path links to the school. The location is therefore considered to readily support the principles of 20-minute neighbourhoods.
105. **NPF4 Policy 14: Design quality and place** states that development proposals will be designed to improve the quality of an area whether in an urban or rural location and regardless of scale. It requires proposals to be consistent with the six qualities of successful places which are healthy, pleasant, connected, distinctive, sustainable and adaptable. Proposals which are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with these qualities will not be supported. Similarly, **LDP Policy 3: Design and Placemaking** requires all developments to meet the six qualities of successful places and also sets out principles of sustainable design to be met within new development. This includes requirements to ensure that new development is sympathetic to the traditional pattern and character of the surrounding area whilst encouraging innovation in design and materials, minimising the effects on climate change in terms of siting and construction, and using materials and landscaping to complement the setting of development. It also requires new developments to incorporate accessible





multifunctional open space of appropriate quality and quantity to meet the needs of the development and to connect to wider blue / green networks.

106. **NPF4 Policy 21: Play, recreation and sport** supports developments likely to be occupied by children and young people where they incorporate well designed good quality provision for play, recreation and relaxation which is proportionate to the scale and nature of the development and existing provision in the area. Policy 21 also highlights that development proposals which include new streets should be inclusive and enable children and young people to move around safely and independently maximising opportunities for informal and incidental play in the neighbourhood, outlining the various requirements for new play provision. **Policy 3: Design and Placemaking part 3.1 of the Cairngorms Local Development Plan** also sets out that development should incorporate accessible multifunctional open space of appropriate quantity and quality.
107. As noted earlier, the LDP settlement information for Nethy Bridge sets out the various requirements to be met here in relation to taking account of and complementing the nature of the woodland opposite, views towards the Cairngorms, and the nature of nearby development.
108. The proposed development has incorporated two wide corridors of open space running through the site plus landscape strips at either end of the site. Path links will run through the two main landscape corridors. Large areas of open space beside the river will be maintained, with a SuDS feature located at the edge of this. A play area is proposed within the site adjacent to the landscape corridor. The development therefore offers a selection of play experiences from more formal play equipment on the play area to the wider swathes of open space leading through the site. A variety of plot sizes is proposed which could accommodate both detached and semi-detached properties. Denser development is proposed closest to the village near to Lynstock Park, with the largest plots proposed at the southeast end of the site leading towards the agricultural land beyond.
109. With regard to safer communities, the applicants have advised that the development has been designed in accordance with the principles of Secured by Design and that details of the final lighting scheme will be submitted in order to



address both safety and wildlife (in relation to light spillage) issues. In addition, the landscape corridors will be overlooked by the plots so ensuring a level of surveillance.

110. It should be noted that approval is not sought for detailed house designs at this stage. Supporting material on indicative house types and indicative house positions has been provided to help demonstrate that the site is capable of accommodating 35 units, although this is indicative only at this stage. In the event of this application being supported, detailed planning applications for the design and siting of houses within any approved plots would require to be submitted. Conditions can be attached to provide some guidance to prospective developers as to what would be expected.

111. In these circumstances is it considered in general terms that the proposed plot layout, landscaping and areas of open space is reflective of the forest village character of Nethy Bridge and complies with the principles of NPF4 and LDP placemaking policies.

## **Landscape impacts**

112. **NPF4 Policy 4: Natural places** sets out that development proposals which affect a National Park will only be supported where the objectives of designation and the overall integrity of the area will not be compromised and any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. **LDP Policy 5: Landscape** sets out similar objectives with a presumption against any development that does not conserve or enhance the landscape character or special landscape qualities of the National Park.

113. As noted earlier, the Park Authority Landscape Advisor considers that in the short term the openness of the site will contrast with the “forest village” feel which is a distinctive characteristic of Nethy Bridge, although tree planting within the site should in time create a more wooded setting in keeping with the character of the village.



114. The advisor also considered that the southernmost plots 12-16 were likely to be more visually prominent due to their elevated position whereby it would have been better to have omitted these in favour of planting of woodland to reinforce the knoll to the southeast. This approach was discussed with the applicants at the pre application stage and they have sought in the submission and in revised plans to address this concern through submission of visualisations and cross sections. These seek to demonstrate how the development could sit comfortably in the landscape using the rising ground of the Knoll as a backdrop and as a landscape feature leading to the agricultural land beyond.
115. The area of land which will accommodate these southernmost plots is presently an undulating part of the site with sections demonstrating how parts could be lowered to create the desired backdrop effect and reduce visual prominence, along with the use of tree planting with the plots. Visually, it may have been desirable to increase the landscaped strip at the south of the plots to help reinforce the visual backdrop, and it should be noted that the layout has been amended to increase the distance of the plot boundaries from the Knoll a further 3 metres away. However, due to ecological conditions on the Knoll (as described in the consultations section earlier) it is not desirable to have more planting here. The compromise offered by the applicants is native tree planting within the plots, native shrub planting to the rear of the plots in the form of a landscaped strip, and increasing the distance of the plots from the Knoll in accordance with the advice of the Ecology Advisor. This has been achieved by moving the loop road further northwest and reducing the size of the play area. The applicants have also indicated agreement to planting the landscape strip at this end of the site at an early stage of the development in order to help create a stronger landscape setting as soon as possible. This would be important to help achieve a good landscape setting over time and could be secured by planning condition. Other planting within plot boundaries would be achieved as and when the plots are developed, with the landscape plans showing hedging along key plot frontages and tree planting within plots.
116. On balance, it is considered that the proposed landscaping of the site, including advance planting, has the potential to enable new houses to sit comfortably within the landscape by creating a good setting through and around the site. This high quality landscape setting is key to ensuring the development conserves and



enhances the landscape by creating a good setting for houses to fit into. Over time this will help to reflect the forest village character of Nethy Bridge.

117. As noted earlier, the detailed designs of houses are not being considered with this application, and it will be essential to consider this aspect carefully when detailed designs are submitted in the future to avoid any suburban feel arising and to ensure that the development of plots is organic in nature. Suitable planning conditions could be attached in the event of the application being approved to secure this, covering matters such as palette of materials (including use of timber in finishes which would be reflective of the surrounding area), use of contours, varied building lines, informal boundary enclosures and landscaping within plots.
118. Whilst creating a good landscape setting could also have been achieved by omitting some of the plots, the Planning Authority must consider the acceptability of the proposal submitted in landscape terms on its own merits. Overall, it is considered that the plot layout reflects the edge of settlement setting. The extent of proposed plots at the northern end generally lines up with the extent of the housing development at Lynstock Park, with the size of plots increasing southwards across the site towards the Knoll area which provides a visual “stop” and then transition to wider agricultural landscape beyond. The buffer proposed will also help the new development to lead visually into this area together with digging into the site to lower the ground levels. Furthermore, the lower density at this end of the site, combined with alterations to ground levels, should help ensure that the setting, including in terms of long distance views to the mountains, is not adversely impacted.
119. In these overall circumstances, the development is considered to comply with relevant NPF4 and LDP planning policies.

## **Ecology and biodiversity impacts**

120. **NPF4 Policy 3: Biodiversity** requires that development proposals contribute to the enhancement of biodiversity including, where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. They should also integrate nature-based solutions where possible. Developments for major development will only be supported where it is



demonstrated that the proposals will conserve, restore and enhance biodiversity including nature networks so they are in a demonstrably better state than without intervention. This to include future management and be informed by best practice. A series of criteria to achieve this is set out. **NPF4 Policy 4: Natural places** does not support development which will have an unacceptable impact on the natural environment, or which will have a significant effect on European Site designations which include Special Areas of Conservation and Sites of Special Scientific Interest. **NPF4 Policy 20: Blue and green infrastructure** sets out that development which results in fragmentation or net loss of existing blue and green infrastructure will only be supported where it is demonstrated that the proposal would not result in or exacerbate a deficit of blue or green infrastructure provision, and the overall integrity of the network will be maintained. Developments which incorporate or enhance blue and / or green infrastructure will be supported, with effective management plans required.

121. Similarly, **LDP Policy 4: Natural Heritage** requires new development to have no adverse effects on the integrity of designated sites, the National Park, or on protected species or habitats. **Policy 3: Design and Placemaking** also requires development to create opportunities for further biodiversity and to promote ecological interest.
122. The applicant's supporting ecological information has considered the ecological value of the site. It was noted that some of the mature trees may be suitable for pine marten or bats but as these are being retained this is not an issue. There was some evidence of otter on site and a further otter survey will be required before work starts on site. Furthermore, the actions for ensuring no disturbance to otters detailed in the submitted Otter Species Protection Plan will need to be implemented. This can be secured by planning condition. Existing trees and vegetation within the site are to be retained and can readily be protected during construction by appropriate fencing to exclude them from the construction site. Again, this can be secured by condition as necessary. Considerable tree planting is proposed such that the proposals do not conflict with **NPF4 Policy 6: Forestry, woodland and trees** which supports development that enhances, expands and improves woodland cover with any woodland removal only supported where there are clear and significant public benefits and compensatory planting is provided.



123. The ecological surveys also highlighted opportunities for enhancing the biodiversity on site by planting additional native scrub and trees around site boundaries to increase ecological value, and also increasing the value of retained trees by planting of scrub species and wildflowers and provision of bird and bat boxes. Increasing the abundance of wildflowers through sowing a mixture of locally sourced grassland species was recommended as a way of increasing the species richness and to provide an increase in nectar for bees. These recommendations have been taken on board in the landscape plans although details of the number and location of bird and bat boxes has yet to be confirmed. This aspect can be secured by planning condition.
124. The applicant has provided a Biodiversity Statement which summarises the biodiversity enhancements being delivered by the development. The proposed planting and biodiversity measures are considered to deliver biodiversity net gain on the site. The provision of suitably planted nature corridors, rain gardens and SuDS feature should help support wildlife as well as providing connecting habitat. A supporting biodiversity note for householders also provides useful advice to householders to help them to understand how to respect the surroundings of the site and a planning condition can be imposed to secure the level of detail required by the HRA and the Ecology Advisor's comments.
125. It is appreciated that, as noted by contributors, there is value in unimproved grassland as it is becoming an increasingly rare resource, although it must also be acknowledged that this field could be ploughed up at any time. The landscape plans have been amended to retain some of the edge of site unimproved grassland for wildlife. As noted above, it is considered that the proposed planting within the site is generally satisfactory and should enhance biodiversity by providing wildlife corridors, rain gardens, and native planting to replace unimproved grassland.
126. The proposed landscape scheme includes a mixture of native trees and shrubs, along with wildflower planting. This will all contribute over time to provide a good visual setting and backdrop for the new development with the mixed planting offering good opportunities for biodiversity together with the rain gardens proposed throughout the site. These proposals are considered overall to provide an opportunity to deliver green and blue infrastructure.





127. The impacts of the development on adjoining habitats, as highlighted by contributors, also requires to be considered – in particular, the knoll feature to the south which lies outwith the application site. This area is important for species including waxcap and it is necessary to ensure that the root system of these fungi is not disturbed. The applicants have addressed this issue by increasing the undisturbed buffer beside the knoll. Also of concern was the proximity of the gardens on plots 11-13 to the River Nethy. Following discussion, the layout here has been amended to ensure that guidance from SEPA on riparian corridors is adhered to with additional planting along this boundary and outwith the plots now proposed. Similar to the landscape planting beside the ecological buffer at the Knoll, advanced planting of this area could be secured by condition so that it is established before houses are built here.
128. The Park Authority's Ecology Advisor is satisfied with the submission subject to appropriate planning conditions being attached to any planning permission. In these overall circumstances the ecology material submitted by the applicant is considered to be satisfactory and matters requiring some further work such as pre-construction otter survey, householder information pack, design of the open space area and its signage, and supervision by an Ecological Clerk of Works can be addressed by planning conditions.
129. Finally, with regard to impacts on designated sites, as noted in the Habitats Regulations Appraisal section of this report there will not be an adverse effect on the integrity of the relevant sites subject to appropriate mitigation. For the Cairngorms and River Spey SACs this relates to pollution prevention plan, lighting, otter protection measures, maintenance and management of the SuDs system, householder information pack to help explain to residents the value of surrounding habitats and good practice to ensure no damage to these habitats e.g. disposal of garden waste, lighting, planting within gardens. For the Abernethy Woods SPA, mitigation involves the provision of open space within the development to enable dog walking on site (with suitable landscaping to deter users from accessing the riverbanks) with appropriate information sign here, along with provision of householder information pack to educate residents on appropriate dog walking



behaviours to ensure no disturbance to capercaillie in the wider area. These measures can all be secured by appropriate planning conditions.

130. In these overall circumstances, it is considered that satisfactory measures are proposed to safeguard features and species of interest in and around the site and to deliver significant biodiversity enhancements. Accordingly, the development is considered to comply with NPF4 and LDP policies subject to conditions to ensure delivery of the various measures.

## Drainage and flooding issues

131. **NPF4 Policy 22: Flood risk and water management** explains that development proposals at risk of flooding or in a flood risk area will only be supported if they fall into a series of categories including essential infrastructure. This policy sets out that development proposals must not increase the risk of surface water flooding to others, and that all rain and surface water is managed through sustainable urban drainage systems (SuDS) with areas of impermeable surfaces minimised. **NPF4 Policy 20: Green and blue infrastructure** is also of relevance. This supports development which incorporates new or enhanced blue and / or green infrastructure with proposals for their future management to be included.
132. **LDP Policy 10: Resources** requires development to minimise the use of treated and abstracted water, treat surface water in accordance with the SuDS manual, ensure no adverse impacts on private water supplies, and ensure no detrimental impacts on the water environment as well as to be free from flood risk and not increase the risk of flooding elsewhere.
133. In terms of flooding, the western part of the application site lies within an area designated on SEPA's flood maps as being at risk of flooding, with the Nethy Bridge settlement information in the LDP highlighting that the H1 housing allocation lies adjacent to an area of medium to high probability flood risk. The development does not fall into any of the exception criteria set out in NPF4 Policy 22. However, the areas to be developed (plots, roads and SuDS infrastructure) lie outwith the flood risk area, and a Flood Risk Assessment has been undertaken to inform the layout of the development. The Flood Risk Assessment concludes that the lower lying part of the site is at flood risk from the River Nethy with the majority



of the site suitable for development. A Drainage Impact Assessment has also been submitted to support the proposed arrangements for disposal of surface water, and this has been revised to take account of comments from the Highland Council's Flood Risk Management Team.

134. This material has been considered by the technical consultees (SEPA and Highland Council Flood Risk Management Team) who have no objections to the proposals on flood risk grounds. SEPA have requested a planning condition be attached regarding control of permitted development rights within part of the large rear gardens of two of the plots as they fall within the flood risk area and it is therefore important to ensure that there is planning control over the construction of any future structures within these gardens. An appropriate planning condition can be attached to secure this.
135. In terms of drainage, the technical consultee (Highland Council Flood Risk Management Team) has considered the drainage information. They consider the proposed surface water drainage arrangements to be acceptable, and they have no objections on this basis. They do, however, require some further finer detail on calculations and details of the outflow structure by way of a detailed Drainage Impact Assessment. This can be addressed by planning condition.
136. In these circumstances, it is considered that development complies with relevant NPF4 and LDP policies subject to conditions to address the requirements of the technical consultees.

## **Transport and outdoor access**

137. **NPF4 Policy 13: Sustainable transport** supports new development where it is line with the sustainable transport and investment hierarchies and, where appropriate, provides safe links to local facilities via walking, wheeling and cycling networks, is accessible by public transport ideally supporting the use of existing services, provides low emission vehicle charging points, provides secure cycle parking, is designed to incorporate safe crossing for walking and wheeling and reducing the speed of vehicles, takes account of the transport needs of diverse groups, and adequately mitigates any impact on local public access routes.



138. **LDP Policy 3: Design and Placemaking** part 3.3 also requires development to have an appropriate means of access, parking and promote sustainable transport methods and active travel. It also requires new development to maintain and maximise all opportunities for responsible outdoor access including links into the existing path network and ensuring consistency with the Cairngorms National Park Core Paths Plan.
139. The proposed development is accessed by an existing public road (Lettoch Road) and the section of road serving the site access is to be widened with footpath provided to link into the existing path network in the village. The existing speed limit sign will be moved further southeast down the road, a gateway feature provided, and existing kerbed build outs further west towards the village will be removed and the road surfaced, all in line with the requirements of the Transport Team.
140. There is no proposal for a dedicated pedestrian and cycling link to school or non-motorised user route as requested by a number of contributors. The existing road network is not sufficiently wide to accommodate this and any such proposal would need to be through land outwith the applicants' control, which in itself could raise environmental issues in directing people through woodland and would require consent in its own right. The development as proposed will link into existing footpath links to the school with a dropped kerb crossing provided to enable residents of the development site to link into the paths on the other side of the public road leading back to the village. As noted by consultees, cyclists already share the road network with vehicles, all within the speed limit. The Highland Council Transport Team are satisfied with these links, noting that the Highland Council road safety team who also develop and deliver safer routes to school projects have confirmed that they have not been involved in any plans to enhance the existing active travel route connecting Abernethy Primary School to Nethy Bridge.
141. The site itself is well located in relation to services and amenities, readily accessible by bike, foot and car, with a bus stop within walking distance of the site too.



142. Other matters raised by the Transport Team in relation to parking, electric charging provision and gateway feature can be addressed by appropriate planning conditions and informatives as requested by the Team, with the requirement for a gateway feature providing an opportunity to enhance the entrance to the village from Lettoch Road.
143. The Transport Team have requested a condition that there should be road improvements at Lynstock Crescent, in front of numbers 39 and 40 Lynstock Crescent adjacent to the play area, where there is an existing issue of constricted space for two-way movements. They consider that the proposed development will intensify traffic and active travel movements through this section of road which will heighten the risk of conflicts occurring. They have advised that the ideal solution would be to undertake localised carriageway widening but that if this is not possible then a form of formalised traffic management arrangement may be required, such as a priority give-way arrangement, so that drivers negotiating that section are clear who has priority and where the drivers having to give-way need to wait. This can be secured by planning condition.
144. In conclusion, the technical consultees (Highland Council Transport Team and the Park Authority's Outdoor Access Team) have no objection to the proposal subject to appropriate conditions being attached and in these circumstances the application is considered to comply with Development Plan policies.

## **Sustainability and climate change**

145. **NPF4 Policy 1: Tackling the climate and nature crises** states that when considering all development proposals significant weight will be given to the global climate and nature crises. **NPF4 Policy 2: Climate mitigation and adaptation** also seeks to ensure that development is sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to be able to adapt to climate change risks. **LDP Policy 3: Design and Placemaking** also requires new development to minimise the effects on climate change in terms of siting and construction. NPF4 recognises the need to minimise waste, with **NPF4 Policy 12: Zero waste** seeking to encourage, promote and facilitate development that is consistent with the waste hierarchy and **Policy 5: Soils** seeking to protect soils. Similarly, **LDP Policy 3: Design and Placemaking** also requires new development



to make arrangements for storage, segregation and collection of recyclable materials and provision for composting, and to make sustainable use of resources including minimisation of waste and energy usage. **LDP Policy 10: Resources** also seeks to ensure minimisation of waste during construction and life of developments.

146. The site is considered to be satisfactorily located in terms of being on the edge of a settlement, close to facilities and amenities, and able to be serviced by a range of modes of transport. It is understood that soil movements will be limited to within the site with the various recontouring works to create the road layout meaning that there should not be a need to import soil. This matter can be considered as part of a Construction Environment Management Plan which can be secured by planning condition.
147. As there are no details of the houses contained in this application, there are no details on energy use to assess at this stage – that will come with the detailed planning applications, as will details of the bin storage. There would however appear to be ample room within plots to accommodate bin storage, with swept path analysis plans provided to show how the road layout can accommodate refuse vehicles.
148. In these circumstances the development is considered to comply with Development Plan policies.

## **Amenity**

149. **NPF4 Policy 23: Health and safety** sets out that development which is likely to have a significant adverse effect on health or air quality, or which is likely to raise unacceptable noise issues will not be supported. **LDP Policy 3: Design and Placemaking** requires new developments to protect the amenity enjoyed by neighbours including minimisation of disturbance caused by access to the development site
150. In this case there are not considered to be any particular amenity issues, with existing houses at Lynstock Park considered to be sufficiently far away from the new development to safeguard their amenity and privacy. There is an existing 5





metre wide strip of wayleave land running along the rear boundary of Lynstock Park, and this will be supplemented by a proposed 5 metre wide landscaping strip giving a total distance of 10 metres between the rear boundaries of the new plots and those at Lynstock Park. The proposed plots themselves are considered to be of sufficient size to ensure satisfactory privacy and amenity for future residents.

151. Future lighting is also an amenity consideration, in relation to police safety issues and also light spillage for wildlife. As noted earlier in the report, this can be addressed by a planning condition.

152. On this basis the application is considered to comply with Development Plan policies.

## **Cultural heritage**

153. **NPF4 Policy 7: Historic assets and places** notes that where there is potential for non-designated buried archaeological remains to exist below a site, developers should provide evaluation of the site at an early stage. This policy also seeks to ensure that any proposals affecting the setting of a listed building should preserve its character and special interest. **LDP Policy 9: Cultural Heritage** also sets out similar requirements.

154. In this case there are no listed buildings within the immediate vicinity of the site. The technical consultee (Highland Council Archaeology Team) noted that the site lies within an area of archaeological potential and recommends that a condition be attached requiring submission of a written scheme of investigation. This will deliver an initial evaluation to establish the archaeological content and potential and, dependent on the results, further study may be required. A planning condition can be attached to cover this matter.

155. On this basis, the development is considered to comply with Development Plan policies.

## **Contamination**

156. **NPF4 Policy 9: Brownfield, vacant and derelict land and empty buildings** sets out that where land is known or suspected to be contaminated then proposals will



need to demonstrate that the land is, or can be made, safe and suitable for the proposed use. **LDP Policy 10: Resources, Part 10.8 Contaminated Land** sets out development affecting contaminated land will be considered favourably where assessments are undertaken to identify actual and potential impacts and effective remedial action taken as necessary.

157. As noted earlier, the technical consultee (Contaminated Land Officer) was made aware of a previous prisoner of war camp in the area dating from WW1. As the exact site of the camp is unclear, the consultee has requested that further information be provided as with military buildings there is the potential for asbestos containing materials to have been used in their construction. Given that investigations will be required in relation to possible archaeological interest at the site, the consultee has advised that these investigations will help inform whether or not there is a requirement for further investigative work in relation to potential contamination. Both archaeology and contaminated land officers are content with a joint planning condition to address this matter.

158. On this basis and subject to such a planning condition the development is considered to comply with Development Plan policies.

### **Affordable housing / house types**

159. **NPF4 Policy 16: Quality Homes** sets out that development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need, with provision of at least 25% sought unless the LDP sets out locations where a higher or lower contribution is sought. This policy also explains that proposals which improve affordability and choice by being adaptable to changing and diverse needs will be supported. Similarly, **LDP Policy 1: New Housing Development** states that developments of four or more dwellings should include provision for affordable housing. In Nethy Bridge, 25% of the total number of dwellings proposed must be affordable. Supporting supplementary guidance explains that where assessments demonstrate that the provision of affordable housing is more suitable on a different site this will be considered. The guidance notes that such proposals will only be supported where details of the method of delivery have been agreed, and that the development of both sites may need to be



subject to a legal agreement to ensure that the affordable housing is built within an agreed timeframe.

160. In this case the applicants have provided an affordable housing statement outlining that it is proposed to deliver affordable housing on another site in Nethy Bridge (at Station Road). This site has planning permission for 21 housing units and is under the current applicant's control (planning reference 2022/0305/DET). It is considered to be a suitable location for the provision of affordable housing as it is closer to the centre of village, transport links, and the primary school. For that site of 21 houses, five affordable units would be required to meet the 25% policy requirement. With the current application, nine affordable housing units are required to meet policy requirements of 25% provision. Accordingly, the total requirement for both sites is 14 units. However, the applicant is currently in talks with a social housing provider to deliver the entire Station Road site for affordable housing i.e. 21 units in total. This would result in an uplift in provision of seven additional affordable housing units, and an overall provision of 37.5% affordable housing for both sites. The applicant is willing to enter into a legal agreement to deliver this. The statement sets out that it is anticipated that this provision would be included in the 2025/2026 Strategic Housing Plan, thereby supporting Highland Councils' strategic objective to address the region's housing shortage.
161. The Highland Council Housing Service has confirmed that the proposed development is located in a village with housing needs. They note the proposal for affordable housing provision to be located on an alternative site at Station Road, Nethy Bridge where planning consent has been granted for housing and which is situated in a more central position in the village. The team support this as the number on that site exceeds the combined affordable housing requirements of both sites together, thereby offering betterment.
162. Given that this approach will deliver more affordable housing overall, both sites are under the control of the same applicant, the affordable housing will be located closer to the centre of the village, and the Housing Authority has offered support, it is considered that the proposal complies with Development Plan policy and guidance. This is subject to a legal agreement being attached to ensure the delivery of the affordable housing.



163. It is noted that some contributors have raised concerns that this approach does not deliver integration of affordable housing into the new development. This concern is noted, however policy does allow for this and, for the reasons outlined above, it is considered that a satisfactory case has been made for this approach which will deliver more affordable housing ultimately.
164. With regard to house types, NPF4 policy supports affordability and choice, with LDP policy also seeking a mix of dwelling types and sizes to help secure a balanced housing stock. It is also noted that the Community Council has requested that the potential for terraced housing be considered. In this regard, it is important to note that the current application is seeking consent for plot layout with details of house types to be dealt with by separate planning applications as the site progresses. The supporting plans and possible house types are indicative only. There is a range of plot sizes proposed which could accommodate semi-detached and detached houses, and it is considered that there is sufficient future choice to support development plan aspirations to secure a balanced housing stock. The developer has advised that to date they have not received demand for terraced housing, but if they did post approval, then this would be considered.
165. In these overall circumstances, the development is considered to comply with relevant Development Plan policies.

## **Developer obligations**

166. **NPF4 Policy 18: Infrastructure first** sets out that the impacts of developments on infrastructure must be mitigated. Similarly, **Policy 11: Developer Obligations** of the LDP states that where development generates a need to increase and improve public services or infrastructure or to mitigate adverse effects, the developer will be required to make a fair and reasonable contribution, in cash or kind, towards the additional costs or requirements.
167. The LDP settlement information for Nethy Bridge sets out that contributions will be sought from any housing developments towards increasing capacity at strategic community leisure facilities serving Nethy Bridge. The requirement for developer obligations has been assessed as summarised in the consultation section, and it



was concluded that a contribution per house should be secured towards community facilities.

168. Park Authority officers have discussed with Highlife Highland whether there are any proposals for increasing capacity at their strategic facilities. They have advised that there is a project aspiration to extend the leisure offering at the Badenoch Centre in Kingussie, but that they would also be supportive of contributions being directed towards more local community centre proposals. In this regard, the Community Action Plan for Nethy Bridge has identified potential projects to increase capacity at the community hall. Adding capacity to this functional community hall is considered to be in line with the requirements of the LDP and directly linked to the proposed development. The applicant is agreeable in principle to the suggested contributions which could be secured by a legal agreement.

169. On this basis the development is considered to comply with Development Plan policies.

### **Other issues raised in representations**

170. Issues raised by consultees and contributors have been addressed throughout this report. One issue that has not been specifically covered is the concern raised over the loss of agricultural land to the proposed development. In this regard, **NPF4 Policy 5: Soils** states that development on prime agricultural land or land of lesser quality that is culturally or locally important (as identified in the LDP) will only be supported in specific cases as set out in the policy. In this regard the land is not prime agricultural land nor is it identified in the LDP as being locally or culturally important. As such, there is no conflict with policy arising from the proposed development on agricultural land.

### **Overall conclusion and reasons for departure**

171. Overall, subject to appropriate conditions and legal agreement, this proposed development is considered to comply with all relevant Development Plan policies relating to environmental, cultural and landscape impacts, servicing, placemaking, flooding, developer obligations and affordable housing provision. It will help deliver a choice of housing in Nethy Bridge and support the sustainability of the local



community. The layout is considered to reflect the forest nature of the village and will help deliver biodiversity benefits.

172. As stated earlier, the proposed development is a departure from LDP policy on the grounds that a considerable part of the site lies outside the Nethy Bridge settlement boundary and is not allocated for development. However, it is not considered to be a significant departure from policy in that it is not considered contrary to the vision or wider spatial strategy of the LDP.
173. As previously identified, the LDP's spatial strategy is based on a settlement hierarchy which directs most development to 'strategic settlements', more modest scale development aimed at meeting wider needs to 'intermediate settlements', and development aimed at meeting local need to 'rural settlements'. Nethy Bridge is categorised as an intermediate settlement and has two housing allocations, including the current site which is partly allocated as site H1 with an indicative capacity for 20 units.
174. At 35 units, the proposed development would exceed the indicative H1 allocation by 15 units. This increase is not considered to have any significant adverse impact on the LDP vision. It would also not be inconsistent with the spatial strategy because the total level of growth within the settlement would remain at a relatively modest scale and would be comparable with the level of growth planned for other intermediate settlements. It is, however, a departure from the local designation and also a departure from NPF4 and LDP policy which directs housing development to allocated sites.
175. It is considered that there is a case to depart from development plan policy in this respect, given that the development complies with all other relevant development plan policies, with the enlarged site helping to deliver a lower density development reflective of the forest village of Nethy Bridge, with the edge of village location leading visually into the rural landscape beyond. The proposed western expansion of the designation towards the River Nethy is largely in line with the extent of the existing housing at Lynstock Park, whilst the expansion to the south stops short at a clear visual landmark – the Knoll.





176. In these circumstances, it is considered that the locational need has been sufficiently established in relation to extending in a satisfactory manner an allocated housing site on the edge of a settlement, using and supporting existing servicing and facilities, and providing much needed new housing.
177. In conclusion, it is considered that the application is an acceptable departure from **Policy 9: Brownfield, vacant and derelict land and empty buildings** and **Policy 16: Quality homes** of the NPF4 and **Policy 1: New Housing Development** of the LDP. The proposal is in accordance with all other aspects of the Development Plan and there are no material considerations that indicate otherwise. Approval is therefore recommended subject to appropriate conditions and the conclusion of a legal agreement.
178. Finally, at present there is not a phasing plan for the development and given the relatively modest size (35 units) this would not necessarily be required. However, it would be preferable to have some control over how the site expands and ensure that landscaping is provided timeously whereby a condition to secure a sensible phasing of the development is recommended. This would also accord with Policy 16: Quality Homes of NPF4 which sets out that development proposals on land not allocated for housing should be supported by an agreed timescale for build out.

## Recommendation

That members of the committee support a recommendation to **APPROVE** the application for Residential development of 35no. units, formation of access road and SUDS at Land 160M South of Lynstock Park Nethy Bridge, subject to the following conditions and to the conclusion of a legal agreement to secure developer obligations towards community facilities and the delivery of the required affordable housing at the Station Yard site in Nethy Bridge (reference 2022/0305/DET)



## Conditions

Those conditions listed below in bold text are suspensive conditions, which require to be discharged prior to implementation of the development.

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

**Reason:** The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended

2. **No development shall commence on site until a site-specific Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The CEMP shall include, but not be limited to, the following information**
  - a) Details of an appointed Environmental Clerk of Works (ECOW), their remit, scope of their work, and reporting and monitoring schedule which should reflect the need for a visit at each key stage of development i.e. pre-construction, construction and post-construction;
  - b) If any works are to be undertaken during the bird breeding season, (April to September) species protection plans for any birds that would be disturbed;
  - c) Plan to show location and type of fencing to ensure the exclusion and protection from the construction site of existing trees, shrubs, flood plain area, ditch, riparian habitats, and the proposed riparian corridor;
  - d) Confirmation that the toolbox talks will raise awareness of the sensitivity of the wet/ hydrologically connected areas including the river, wet grasslands, and ditch and the communication of otter issues to site staff;
  - e) Confirmation that the proposed working hours will take account of the need to avoid disturbance to otter using the riparian habitats in accordance with [NatureScot guidance for otter](#) and reflecting the need for no work to take place in the vicinity of otter habitat during the hours of darkness and within two hours after sunrise and two hours before sunset. This may be reduced



to one hour between November and February (inclusive) because of the limited daylight;

- f) Confirmation that no flood lighting will be used and that there will be a speed limit of 10mph on site;
- g) Details of water management to prevent run off from the site during construction work;
- h) Site specific pollution prevention measures to protect the water environment from all sources of pollution (sediment, oils, fuels, etc.) including confirmation that the location of refuelling areas/storage areas/wash out areas will be located at an appropriate distance from the River Nethy and the ditch/wet areas on site. (SEPA guidance suggests a 10m buffer for storing chemicals/concrete wash out or any other potential polluting activity);
- i) Waste and Soil Management Plan including details of the management/storage of soil and construction materials;
- j) Confirmation that traffic management practices will aim to avoid deliveries occurring during school drop-off and pick-up time.

All work shall thereafter proceed in accordance with the approved details with monitoring reports from the ECOW provided to the Cairngorms National Park Authority in accordance with the agreed monitoring schedule.

**Reason:** To ensure that the construction of the development is satisfactorily implemented and supervised in order to ensure that there are no adverse effects on the natural heritage of the National Park, including NATURA interests and protected species, or any pollution of watercourses in accordance with Policy 4: Natural Places, Policy 3: Biodiversity, Policy 5: Soils, Policy 12: Zero Waste, and Policy 22: Flood Risk and Water Management of the National Planning Framework 4 and Policy 4: Natural Heritage, Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2021.

3. No development shall commence on site until a detailed Householder Biodiversity Advice Note has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This note is to



expand upon the contents of the outline Householders Biodiversity Note and include the following information:

- a) Information on alternative walking routes for example [https://cairngorms.co.uk/wp-content/uploads/2020/01/NETHY-BRIDGE-CPL\\_screen-1.pdf](https://cairngorms.co.uk/wp-content/uploads/2020/01/NETHY-BRIDGE-CPL_screen-1.pdf);
- b) Raise awareness/encourage dog owners of the importance of keeping dogs on leads during capercaillie breeding season March – August;
- c) Reference to the sensitivities near The Dell during capercaillie breeding season;
- d) Reference to the potential function of the wood to the north of the site in spring and autumn for capercaillie dispersal and encouragement to keep dogs on leads;
- e) Management of garden lighting to avoid impacts to riparian zone;
- f) Avoiding disturbance to the riparian zone.

Thereafter the approved note shall be provided to all residents.

**Reason:** To ensure that there are no adverse effects on the natural heritage of the National Park, including European site interests and protected species, or any pollution of watercourses in accordance with Policy 4: Natural Places, Policy 3: Biodiversity, Policy 5: Soils, Policy 12: Zero Waste, Policy 6: Forestry Woodland and Trees and Policy 22: Flood Risk and Water Management of the National Planning Framework 4 and Policy 4: Natural Heritage, Policy 3: Design and Placemaking and Policy 10: Resources of the Cairngorms National Park Authority Local Development Plan 2021.

- 4. No development shall commence on site until existing trees, vegetation, floodplain and the proposed riparian corridor and ecological corridors at the rear of plots 11 - 15 have been fenced off from the construction site in accordance with the details approved in the Construction Environment Management Plan. The trees and vegetation shall be retained thereafter on site throughout the lifetime of the development unless otherwise agreed in writing with the Planning Authority



**Reason:** To ensure that features of landscape, water management and biodiversity value are retained and not damaged by construction and to ensure the ongoing protection of trees in accordance with Policy 3: Biodiversity, Policy 4: Natural Places, Policy 22: Flood Risk and Water Management and Policy 6: Forestry Woodland and Trees of the National Planning Framework 4 and Policy 4: Natural Heritage, Policy 10: Resources and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021

5. **No development shall commence on site until an Otter Pre-Construction Survey has been undertaken by a suitably qualified person and the results submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. All mitigation measures shall thereafter be implemented in accordance with the survey and the otter protection actions as detailed in table 2 of the approved Otter Species Protection Plans and overseen by the appointed Environmental Clerk of Works. This survey to be carried out just prior to construction work commencing on site (six weeks.) Dependent on the results of the pre-construction survey the Construction Environment Management Plan required by condition 2 may require to be updated to include measures such as appropriate exclusion zones and otter sensitive areas marked on site by the appointed Environmental Clerk of Works.**

**Reason:** to ensure that there are no adverse effects on protected species in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework 4 and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

6. **No development shall commence on site until details of the location and design of the proposed bat and bird boxes have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Thereafter no residential unit shall be occupied until the boxes have been provided in accordance with the approved details under the supervision of the appointed Environmental Clerk of Works.**

**Reason:** To ensure that biodiversity is enhanced in accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework



and Policy 4: Natural Heritage of the Cairngorms National Park Authority Local Development Plan 2021.

7. **No development shall commence on site until details of the design of the proposed undisturbed open space area in the north-western part of the site have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. These details to reflect the requirement for fencing to maintain the riparian buffer, removal of the corner gate and/or provision of suitable planting to discourage residents from walking along the river to the west of the site, and installation of an information sign containing key information from the householder pack required by condition 3**

**Thereafter no residential unit shall be occupied until this landscaping, fencing and signage has been implemented in accordance with the approved details under the supervision of the appointed Environmental Clerk of Works.**

**Reason;** to ensure suitable space is available on site for recreation to assist in reducing disturbance pressure on the wood to the north to maintain it as a dispersal corridor for capercaillie, safeguard otter in the riparian zone and to ensure users of the open space, including dog walkers, are aware of any environmental sensitivities in order to ensure that there are no adverse effects on the natural heritage of the National Park, including NATURA interests and protected species, in accordance with Policy 4 :Natural Places and Policy 3: Biodiversity of the National Planning Framework 4 and Policy 4: Natural Heritage, of the Cairngorms National Park Authority Local Development Plan 2021.

8. **No development shall commence on site until details of the proposed lighting scheme for the development have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This scheme to include details of the strength, design and direction of all lighting, reflecting the need for lighting to be directed downwards and to avoid light spillage to sensitive neighbouring habitats, in particular riparian corridors.**





**No residential unit shall be occupied until the scheme has been implemented in accordance with the approved plans with the approved lighting retained throughout the lifetime of the development hereby approved.**

**Reason:** To minimise light pollution from the development and to ensure no adverse effects on natural heritage and protected species. accordance with Policy 4: Natural Places and Policy 3: Biodiversity of the National Planning Framework and Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

9. **No development shall commence on site until an archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Historic Environment Team and the Highland Council Contaminated Land Team, and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. It shall also consider any evidence of former Prisoner of War camp presence or absence onsite so that the Contaminated Land Team can confirm whether any contaminated land assessment will be required.**

**Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied or brought into use unless a Post-Excavation Research Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.**

**Should the archaeological works reveal the need for contaminated land assessment then no development shall take place on site until a scheme to deal with potential contamination has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning**



**Authority in consultation with the Highland Council Contaminated Land Team. The scheme shall include:**

- a) The nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk (i.e. a land contamination investigation and risk assessment), the scope and method of which shall be submitted to and agreed in writing by the Planning Authority, and undertaken in accordance with PAN33 (2000) and British Standard BS 10175:2011+A2:2017 Investigation of Potentially Contaminated Site Code of Practice;
- b) the measures required to treat/remove contamination (remedial strategy) including a method statement, programme of works, and proposed verification plan to ensure that the site is fit for the uses proposed;
- c) measures to deal with contamination during construction works;
- d) in the event that remedial action be required, a validation report that will validate and verify the completion of the agreed decontamination measures;
- e) in the event that monitoring is required, monitoring statements shall be submitted at agreed intervals for such time period as is considered appropriate by the Planning Authority.

Thereafter no development shall commence until written confirmation has been received from the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Contaminated Land that the scheme to deal with potential contamination has been implemented, completed and, if required, monitoring measurements are in place.

**Reason:** In order to protect the archaeological and historic interest of the site and in order to ensure that the site is suitable for redevelopment, given the potential nature of previous uses/processes on the site in accordance with Policy 9: Brownfield, Vacant and Derelict Land and Empty Buildings and Policy 7: Historic Assets and Places of the National Planning Framework and Policy 10: Resources Contaminated Land and Policy 9: Cultural Heritage of the Cairngorms Local Development Plan 2021.



10. **No development shall commence until an updated Drainage Impact Assessment has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Flood Risk Management Team. The document shall include full details of the design and siting of the outflow structure from the SuDS basin; cross sections with anticipated SuDS basin levels at 2 year/Qbar (mean annual flood) plus climate change, 30 years plus climate change and 200 years plus climate change using the selected hydrobrake; rainfall calculations using appropriate calculation methods; and network simulations to show the capacity of the system and quantities of exceedance water anticipated together with a statement describing that this will be appropriately managed.**

**Thereafter no residential unit shall be occupied until the surface water drainage arrangements serving it have been implemented in accordance with the approved details. The arrangements shall be maintained thereafter in accordance with the approved details throughout the lifetime of the development.**

**Reason:** To ensure that surface water drainage is provided timeously, complies with the principles of SUDS and in order to protect the water environment and in accordance with Policy 22 Flood Risk and Water Management of the National Planning Framework and Policy 10 Resources of the Cairngorms National Park Local Development Plan 2021

11. The SuDS scheme shall not be brought into use until confirmation has been provided to, and approved in writing by, the Cairngorms National Park Authority acting as Planning Authority, that the system is being adopted by an appropriate authority such as Scottish Water or The Highland Council or until details of the proposed management and maintenance proposals for the SuDS scheme have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority.

The scheme shall thereafter be maintained in accordance with the approved details throughout the lifetime of the development hereby approved and no residential unit on the development shall be occupied until its surface water is connected to the approved scheme.



**Reason:** To ensure that surface water drainage arrangements are satisfactorily maintained in order to protect the water environment and natural heritage of the area in accordance with Policy 22: Flood Risk and Water Management and Policy 4: Natural Places of the National Planning Framework and Policy 4: Natural Heritage and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021.

12. **No development shall commence on site until details of the proposed gateway feature on Lettoch Road have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Team. These details to reflect the requirement for the feature to be visually striking in order to encourage drivers to slow down. No residential unit on the development hereby approved shall be occupied until the gateway feature has been provided in accordance with the approved plans.**

**Reason:** In the interests of road safety and to encourage drivers to slow down as they enter the village in accordance with Policy 13: Sustainable Transport of the National Planning Framework and Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

13. **No development shall commence on site until details of alterations to the road configuration beside 39 and 40 Lynstock Crescent adjacent to the play area have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority in consultation with the Highland Council Transport Team. These proposals shall reflect the requirement for localised carriageway widening or traffic management scheme (for example a formalised priority give-way arrangement so that drivers negotiating that section are clear who has priority and where the drivers having to give-way need to wait) in order to enable safe two-way movement through this section of road. Any proposals should retain a useable dedicated footway for pedestrians walking along this section of road. No residential unit on the development hereby approved shall be occupied until works have been completed in accordance with the approved plans.**



**Reason:** In the interests of road safety and network management purposes to facilitate safe two-way movement of traffic and in accordance with Policy 13: Sustainable Transport of the National Planning Framework and Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

14. **No development shall commence on site until details of the design, surfacing, drainage, maintenance and timing of delivery of the path links though the site have been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The path links shall thereafter be implemented in accordance with the approved details and timetable unless otherwise agreed in writing with the Cairngorms National Park Authority, as Planning Authority.**

**Reason:** To ensure the provision of safe and suitable access routes within the development in accordance with Policy 13: Sustainable Transport of the National Planning Framework and Policy 3: Design and Placemaking Cairngorms National Park Local Development Plan 2021

15. **No development shall commence on site until a phasing strategy for the development has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. Development on site shall proceed thereafter in accordance with the approved strategy unless otherwise agreed in writing by the Cairngorms National Park Authority acting as Planning Authority.**

**Reason:** to ensure the timely build out of the site in accordance with Policy 16: Quality Home of the National Planning Framework 4

16. Applications for full planning permission shall be required for all residential units and these shall include full details of siting, design, layout, landscaping, external finishes, boundary enclosures, access, drainage (foul and surface water), existing and proposed ground levels, waste management and parking arrangements. These details shall reflect the principles of the approved Design and Access Statement (section 5.6 refers) and the following requirements:



- a) Landscaping within the plots to reflect the principles and details established in the approved landscape plan and maintenance regime for planting within plots and hedging;
- b) Building lines to reflect need for frontages facing the road network and landscape corridors with dual frontage design used depending on plot location;
- c) House positioning on plots to reflect the requirement for varied building lines;
- d) Boundary enclosures designed to retain an open feel to the development and reflecting the approved landscape scheme. Use of picket fencing or hedging to be employed in front gardens or open plan;
- e) Units on sloping sites to minimise cut and fill operations and consider use of split level housing;
- f) Parking provision within plots at ratio of two in curtilage spaces per single residential unit up to and including four bedrooms, and 3 spaces for residential units up to five bedrooms;
- g) Details of cycle storage, bin storage, energy source, electric vehicle charging and recycling provision for units;
- h) Residential units on plots 9 and 10 to be sited outwith the flood plain area as hatched on the approved site plans drawing number PL90-102 Revision A and PL90-100 Revision H with permitted development rights within this hatched area restricted as per the terms of condition 22.

**Reason:** Planning permission has been granted for plot layout only whereby full details of all residential units require to be approved and to ensure that the new development conserves and enhances the landscape character of the area, is of a high quality sustainable design, and is appropriately set out and is serviced in accordance with Policy 14: Design, quality and place, Policy 16: Quality Homes and Policy 4: Natural Places of the National Planning Framework 4 and Policy 3: Design and Placemaking, Policy 1: New Housing Development and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

17. The development hereby approved shall be constructed in accordance with the approved sections, levels and plans.

**Reason:** To ensure the development complements and enhances the landscape in accordance with Policy 4: Natural Places and Policy 22: Flood risk and water





management of the National Planning Framework 4 and Policy 5: Landscape and Policy 10: Resources of the Cairngorms National Park Local Development Plan 2021

18. The proposed landscaping along the rear of plots 11-15 shall be implemented as advance planting in accordance with the approved plans in the first planting season following the commencement of development on site. All other landscaping and planting shall be implemented in accordance with the approved landscape scheme in the first planting season following the completion or occupation, whichever is the sooner, of the first residential unit in the development hereby approved.

The landscaping and biodiversity enhancements shall be retained and maintained thereafter in accordance with the approved plans and details throughout the lifetime of the development hereby approved.

**Reason:** To ensure the long-term retention of an appropriate landscaping setting, enhanced biodiversity, protection of sensitive habitats and riparian corridors and to ensure the development complements and enhances the landscape accordance with Policy 3: Biodiversity and Policy 4: Natural Places of the National Planning Framework 4 and Policy 4: Natural Heritage and Policy 5: Landscape of the Cairngorms National Park Local Development Plan 2021.

19. **No development shall commence on the construction of any residential unit on the site until details of the equipped play area, surfacing, equipment and its ongoing maintenance have been submitted to and approved in writing by the Cairngorms National Park Authority, acting as Planning Authority. The equipped play areas shall thereafter be provided in accordance with the approved details and be available for use prior to the occupation of 50% of residential units unless otherwise agreed in writing by the Cairngorms National Park Authority acting, as Planning Authority. Thereafter the play areas shall be maintained in accordance with the approved maintenance arrangements and retained throughout the lifetime of the development hereby approved.**



**Reason:** To ensure the adequate provision of equipped play areas and its future maintenance in accordance with Policy 21: Play, recreation and sport of the National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms Local Development Plan 2021.

20. **No residential unit on the development hereby approved shall be occupied until the road improvements and footpaths as shown on the approved roads layout plans and additional surfacing plan (drawing DR- C- 0104 Revision B) have been implemented in accordance with the approved plans.**

**Reason:** To ensure the provision of a safe and suitable access, including for pedestrians and cyclists, to the development in the interest of road safety in accordance with Policy 13: Sustainable Transport of the National Planning Framework 4 and Policy 3: Design and Placemaking of the Cairngorms National Park Local Development Plan 2021.

21. There shall be no land raising within the flood plain area as defined on the approved site plans drawing number PL90-102 Revision A and PL90-100 Revision H

**Reason:** to ensure that there is no adverse impact upon the flood plain as a result of ground works and development in accordance with Policy 22 Flood Risk and Water Management of the National Planning Framework and Policy 10 Resources of the Cairngorms National Park Local Development Plan 2021

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 and any order amending this, planning consent will be required for the erection of any structures or buildings within the hatched area of the rear gardens of plots 9 and 10 as shown on the approved site plans drawing number PL90-102 Revision A and PL90-100 Revision H

**Reason:** to ensure that there is no adverse impact upon the flood plain as a result of ground works and development in accordance with Policy 22 Flood Risk and Water Management of the National Planning Framework and Policy 10 Resources of the Cairngorms National Park Local Development Plan 2021.



## **Informatives**

1. The person undertaking the development is required to give the Planning Authority prior written notification of the date which it is intended to commence the development. Attached to this decision notice is a Notice of Initiation of Development for completion and submission. Submission of this information assists the Cairngorms National Park Authority Monitoring and Enforcement Officer in monitoring active work within the area to ensure compliance with the approved details and to identify and correct any potential problems, as they arise, rather than later when it may be more difficult and more costly to rectify. Failure to give notice would constitute a breach of planning control which may result in enforcement action being taken.
2. Following completion of the development, a notification of completion shall, as soon as practicable, be given to the Planning Authority. Attached to this decision notice is a Notice of Completion of Development for completion and submission. Submission of this form will assist the Cairngorms National Park Authority Monitoring and Enforcement Officer in making a final inspection and checking compliance with the approved drawings and conditions. If the development hereby approved is to be carried out in phases, then a notice of completion should be submitted at the completion of each phase.
3. The permission as granted relates to a national or major development (under the Town & Country Planning (Hierarchy of Development) (Scotland) Regulations 2009) or is a development of a class specified in Schedule 3 of the Town & Country Planning (Development Management Procedure) (Scotland) Regulations 2008. Under Section 27C of the 1997 Act, as amended the developer must, for these types of development and for the duration of the development (until works are completed) display a sign or signs containing certain information, which should be provided and displayed in a prominent place at or in the vicinity of the site of the development, be readily visible to the public and be printed on durable material. This will provide the general public with information regarding the proposal and where further information can be obtained - notice attached.



4. Construction work (including the loading/unloading of delivery vehicles, plant or other machinery) should not take place outwith the hours of 0800 hours to 1900 hours Mondays to Fridays, 0800 hours to 1300 hours on Saturdays or at any time or Bank Holidays to minimise disturbance to residents in the area. The contents of condition 2 apply in terms of working hours to ensure no disturbance to otter – i.e. no work to take place in the vicinity of otter habitat during the hours of darkness and within two hours after sunrise and two hours before sunset. This may be reduced to one hour between November and February (inclusive) because of the limited daylight.
5. The person undertaking the development should note the comments of SEPA who advise that details of their regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the [regulations section](#) of our website. If the developer is unable to find the advice needed for a specific regulatory matter, please contact a member of the local compliance team at [GS@sepa.org.uk](mailto:GS@sepa.org.uk)
6. The person undertaking the development should note the comments of Police Scotland who recommend that the developer liaise with the Police Scotland 'Designing-Out Crime' service at each stage of the development, for more detailed advice and for the purposes of designing out crime using the principles of Crime Prevention Through Environmental Design (CEPTED). They also encourage the applicant to attain the 'Secured by Design' award for the residential properties as this demonstrates that safety and security have been proactively considered and that this development will meet high standards in these respects. The SBD Homes Guide 2024 is now on the SBD website. finally advise that All door sets allowing direct entrance into homes (front and rear) should be certified to the appropriate standard.
7. Police Scotland also advise that ground floor and easily accessible windows should ideally be installed to the PAS 24:2016 or where available PAS 24:2022 and LPS 2081: 2014 standards. Laminate glazing to P1A should be installed in all glazed panels within doors and immediately adjacent to entry doors, and any windows which are easily accessible and do not benefit from good levels of natural surveillance. Also that due consideration should also be given to crime reduction



measures during the construction phase to ensure that goods and materials are not subject to theft.

8. The person undertaking the development should note the comments of the Highland Council Transport Team who advise as follows:
  - a) The design details for twin-tracking the section of the U2036 Lettoch Road beyond the vehicular access into this site and to provide a roadside footway will need to be agreed through the corresponding Road Construction Consent (RCC) which will be required for this development.
  - b) Road Construction Consent (RCC) will also be required from The Highland Council for the new roads proposed within this development. The process of applying for an RCC is set out on The Highland Council website at [https://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/767/road\\_construction\\_consent](https://www.highland.gov.uk/info/20005/roads_and_pavements/767/road_construction_consent)
  - c) Similarly, the design details for extending the speed limit gateway on Lettoch Road will also need to be agreed through the corresponding RCC process. It should be noted that the gateway will need to be sufficiently visually striking to help encourage drivers to slow down. This relocating of the speed limit gateway will require advertisement of the necessary changes to the supporting Traffic Regulation Order and will require to be dealt with through the corresponding RCC The promoter will require to cover all the costs for this and will then be responsible for implementing the required physical change.
  - d) Any traffic management works required in connection with fulfilling condition 13 should bear in mind that the designs for such an arrangement would need careful consideration and may require some localised limited widening to create a safe and visible location for vehicles to wait until their route is clear for them to negotiate. It may also require a Road Safety Audit if it is not able to achieve an arrangement that adheres with current recommended design criteria.
  - e) No works should be undertaken on or directly adjacent to the existing local public road network until a permit for such works has been sought from and accepted by The Highland Council acting as the Local Roads Authority. The process of seeking such permits is set out on the following link [https://www.highland.gov.uk/info/20005/roads\\_and\\_pavements/101/permits\\_for\\_working\\_on\\_public\\_roads/2](https://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)



9. The person undertaking the development should note the comments of Scottish Water who advise that the development lies within the Aviemore Water Treatment works catchment and the developer will require to submit a pre development inquiry form so they can fully appraise the proposals. Whilst there is currently sufficient capacity in the Nethy Bridge waste water treatment works for a foul only connection, further investigations may be required once a formal application for connection is made. They cannot reserve capacity at their works and will review capacity once consent is granted and a formal application made. They have confirmed that there are no Scottish Water drinking catchments or water abstraction sources in the area that may be affected. They also note that they have live infrastructure in the proximity of the development whereby the applicant should identify any conflicts and contact the Asset Impact Team for an appraisal. Please refer to their comments for more detail,
10. The person undertaking the development should note the comments of SSEN Transmission who have noted that an electricity line crosses the site and they recommended contact is made with the local electrical distribution network SSEN Distribution who have confirmed that there are 11 kW lines crossing the site whereby the applicant will require to take this into account and make an application for diversion/alterations at their own cost.