

Cairngorms National Park Local Development Plan 2020

Main Issues Report

Comments Form

Consultation Responses on Behalf of Balavil Estate Ltd

25th February 2018

The following responses reflect Balavil Estate's comments upon the CNPA LDP 2020 Main Issues Report.

These comments are to be considered in sequence with the CNPA Comments Form.

Planning in the National Park:

Balavil Estate supports the use of vision and long term outcomes as set out in the CNP Partnership Plan. This provides a stable planning framework for investors and developers, important in the prosperity of the CNPA area.

Progress in Delivering the Current LDP:

Balavil Estate agrees with the CNPA conclusions about changes that need to be made to policies in the existing Local Development Plan. [Subject to comments made by Balavil as part of this MIR procedure].

Main Issue 1: Over-Arching Development Strategy.

Balavil Estate acknowledges the overall development strategy of the current LDP. Whilst it is considered sustainable to direct development to existing settlements, certain initiatives within the CNPA area, will create bespoke development opportunities out with recognised settlement areas. Such a case in question, is the dualling of the A9 and its impact upon Balavil Estate, notably on land in and around Lynchat. Whilst Lynchat is not a recognised settlement in the current or proposed LDP, an opportunity has arisen to relocate the existing farm business to a new more appropriate site to the north of the A9. This is a sensible approach to farm management and husbandry and one that is supported by the SAC. The residual land can be classified as Brownfield as reflected in SPP, being 'previously' developed land. It is considered the optimum new land use is residential. The site can readily accommodate a well designed residential development, which would complement the style and pattern of existing houses at Lynchat. There also exists an adjacent field, which would become surplus to the agricultural requirements of the Estate. It is considered that this land would be ideally suited to a Phase 2 future development, notably for affordable housing and self – build units. In such circumstances there should be no restriction on the number of houses and should not be reliant on 'local needs.' This matter will be further raised as part of Main Issue 3.

Main Issue 2: Designing Great Places.

Balavil Estate supports the principle of good design and the importance of the 'six' qualities of successful places. The extent of information required should however, be commensurate with the scale of the development.

The use of Master Plans and Development Briefs are considered a useful planning mechanism. Again however, the requirement of such plans/briefs should be commensurate with the size of the development proposal.

Main Issue 3: Impacts and Opportunities from the A9 and Highland Main Line Upgrades.

Balavil supports the principle of new economic development is association with the dualling of the A9. As previously detailed, the upgrade of the A9 will have significant impact upon Balavil Estate, notably on land in and around Lynchat.

It is requested that the area denoted as business land on the attached Plan, is detailed within the proposed Draft Finalised LDP 2020. This land is promoted for a new farm building complex.

It is also feasible that this site could initially be used as a contractor's compound for works associated with the duelling of the A9.

Transport Scotland is finalising its dualling plans for this section of the A9, where there exists a number of complicating matters, such as listed buildings, designed landscapes, archaeological sites, flooding and existing access and egress points and all that entails. In tandem with Transport Scotland's final duelling plans, it is recommended that the CNPA not only promotes new dedicated employment sites, but also retains the existing more flexible policy on supporting economic development on unallocated land. By retaining this more flexible policy, would permit bespoke uses in settlements or unallocated settlements, which otherwise might be prejudiced against through restrictive economic policies. This would assist those communities who might otherwise be impacted upon by the duelling of the A9.

The provision of the new employment land policy and the retention of the more flexible policy is supported.

Main Issue 4: Housing. (A)

Balavil Estate does not agree with the CNPA's assessment of Housing Supply Targets for the next LDP. Likewise Balavil considers that the proposed Housing Land Requirements is not sufficiently generous.

Balavil supports the use of higher housing supply targets. A further important aspect of provision of houses in the CNPA area, is a clearer understanding of what type of housing can be promoted. Whilst there are tested policies on new agricultural and forestry workers houses, there is limited promotion of new houses linked into 'work from home', or indeed self-build units.

It is requested that the CNPA considers a new policy supporting such uses in appropriate locations. Such locations do not need to be site specific. Such proposals can be regulated by Legal Agreement. The provision of such a policy would also support the principle of affordable housing as well as encouraging employment. The provision of such a flexible policy, may in some limited way create suitably priced houses as well as small business start-ups.

Main Issue 4: Housing. (B)

Balavil supports the principle of identifying additional land for housing, as a safeguard against AN Camas Mor, not progressing as expected. This is a sensible approach and one recommended as part of SPP. It is recommended that these sites are spread through the CNPA area.

Main Issue 5: The Affordability of Housing.

Balavil does not support the principle of increasing the percentage of affordable housing as part of larger developments. This will create financial and viability problems, which may very well sterilise residential development. The standard percentage of 25% is as recommended in SPP.

Perhaps the most effective method of providing for greater numbers of affordable housing in the CNPA area, is to introduce an innovative and progressive policy on affordable housing provision. This would entail a variety of ways of provision of affordable houses, from self-build, work from home to land owners initiatives.

In this regard the requirement for a mix of house types is supported.

Main Issue 6: Economic Development.

Balavil does not support the principle of provision of a limited number of new economic development sites. Rather the CNPA should adopt the 'preferred policy' as well as the 'reasonable alternative option.' As previously explained, the 'preferred option' whilst benefiting from potential service provision and possible funding options on a limited number of dedicated sites, the adoption of this Policy may likely prejudice more localised employment opportunities. This may very well impact upon Main Issue 3, where the CNPA seek to support communities that will be by-passed by the A9 dualling project.

Main Issue 7: Impacts on Natura Designations.

Balavil does not agree that the new LDP should include a more co-ordinated approach towards delivering wider packages of Capercaillie mitigation and Conservation measures.

Capercaillie is predominantly a woodland bird, native to Caledonia woodlands and pine forests. Such habitats, by character are usually far beyond settlement boundaries. It is difficult to understand the juxtaposition between development and Capercaillies and how this can be administered through the Planning system. There would seem to be very limited chance of conflict. The key to increasing the population is woodland management, predator control and control of footpaths through sensitive areas. The adoption of the 'preferred policy' will lead to confusion and further unnecessary expense in preparation and submission of applications.

Main Issue 8: Planning Obligations.

Balavil agrees with the 'preferred option,' to provide an open and transparent framework for planning obligations. These obligations require to be fit for purpose and not undermine the viability of proposed developments.

The CNPA should also look to recent legal case law, notably in Aberdeenshire, where contributions paid by developers for certain infrastructure works, were recently deemed ultra vires. It is likely that monies will require to be paid back to the developers. In addition there is confusion over obligations relating to healthcare, where a case is made that this is not the responsibility of the developer.

Whilst obligations for education for example, are recognised, as part of certain development schemes, it is important that the CNPA clearly details how these obligations are defined and calculated.

Main Issue 9: Flood Risk and Climate Change Resilience.

Balavil disagrees with the 'preferred option,' to provide stronger policy requirements for Suds. It is considered that the existing LDP Policy is robust and fit for purpose, particularly for larger developments. Applying a robust Suds policy on smaller, perhaps single developments may render the development unviable.

Main Issue 10: Land Management in Upland Areas.

Balavil disagrees with the 'preferred option,' to presume against new hill tracks in open moorland areas. The open moorland areas require to be managed for agricultural and sporting uses and a presumption against such hill tracks could have far reaching implications. There should be a presumption in favour of hill tracks when supported by appropriate documentation, such as from the SAC.

25th February 2018.



25TH February 2018,

Fao Murray Fergusson

Cairngorms National Park Authority

Freeport NAT 21454

Grantown-on-Spey

PH26 3BR

Dear Murray,

Balavil Estate: Response to The CNPA Local Development Plan 2020 [MIR]

Please find attached completed 'Comments Form,' to be read in conjunction with this letter, attachment and proposed site plan for Balavil Estate's proposals for land in and around Lynchat.

In summary and as explained at the last CNPA Developers Forum, Balavil's land and existing operation will be significantly impacted upon by the dualling of the A9. Whilst Transport Scotland has not finalised the detail of the A9 dualling, it is accepted that the existing A9 will be extended mainly on the north side of the carriageway.

Balavil has 4 existing access/egress points directly to and from the A9, with one underpass onto the B9152 at Lynchat. The underpass connects Balavil's agricultural land to the north of the road with the farm buildings to the south of the road. This is not an efficient or effective method of farming, raising animal husbandry and security matters. Balavil is working with Transport Scotland on the impact of the dualling, however, it is very likely that this underpass will be retained, but increased in size. [It is possible that the underpass may also move slightly.]

Balavil has been advised by Transport Scotland that the increase in size of the underpass, dependent on height, will impact on land take in this locality. If the height of the underpass is as requested by the Estate, then it is likely that part of the existing cattle shed will have to be demolished. There is also a culvert running north to south at this location, which will also have to re-designed. Taking into account the location of the farm buildings inter alia, the agricultural land and the likely impact on the existing farm buildings, the opportunity arises to relocate the farm buildings operation to a suitable site north of the A9. The attached plan details:

- The existing farm buildings area [pink] to be relocated, with the residual area for residential.
- The proposed site for the new farm, to the north of the A9 delineated as 'Business.' [Brown]
- Surplus land [Orange], promoted for mixed use residential, including affordable and self-build units.

- There is also the possibility that the proposed business site may initially be used as a compound by Transport Scotland and its contractors, as part of the A9 dualling.

There is a clear opportunity to create a well designed residential development at this location, providing for a more compatible land use adjacent to the existing houses at Lynchat.

It is therefore requested that the CNPA considers the aforementioned and identifies the attached Plan promoting the various land uses in and around Lynchat, in the Finalised Draft LDP 2020, namely:-

- Proposed new site for the farm business
- The residual area [brownfield] promoted for residential use [Phase 1]
- The surplus field to be promoted for mixed use residential, including affordable and self-build units.

Yours sincerely

[Redacted]
For and on Behalf of Balavil Estate Ltd.





Cairngorms
NATIONAL PARK
Pàirc Nàiseanta a' Mhonaidh Ruaidh

#BIGPARK #BIGQUESTIONS

Cairngorms National Park Local Development Plan 2020 Main Issues Report

Comments Form

Introduction

We are asking for your views on the big issues that the Cairngorms National Park Local Development Plan 2020 will need to address and the options for tackling them. The Main Issues Report sets out choices for the land allocations that could be made for development, and for policies that will be used to make decisions on applications for planning permission. This consultation is your chance to influence the new Local Development Plan to help make sure it:

- provides the homes, jobs and services that our communities need
- protects and enhances the Park's unique environment and cultural heritage for future generations

The consultation runs from **17 November 2017 to 2 March 2018.**

- All documents are available to view at www.cairngorms.co.uk
- Comments can be emailed to planning@cairngorms.co.uk
- Or posted to:
Cairngorms National Park Authority
FREEPOST NAT 21454
Grantown-on-Spey PH26 3BR

Please use extra sheets if required.

Alternatively, an online version is available to complete at www.cairngorms.co.uk

All comments must be received by 5pm on Friday 2 March 2018.

Your details

Title BALAVIL ESTATE LTD

Name [REDACTED]

Organisation (if applicable) MACBARNIE & CO LTD

Address [REDACTED]

Email [REDACTED]

Telephone [REDACTED]

Please tick if you are happy to receive correspondence via email

Please tick to confirm you are happy for us to hold and use your personal data according to fair collection purposes

Please note we will not store personal data for anyone aged 16 or under – please tick if you are aged 16 or under

Data protection

Your details will only be used for purposes associated with the Main Issues Report consultation and Cairngorms National Park Local Development Plan 2020. You may request to see personal information held by the CNPA at any time.

Fair collection statement

As a registered Data Controller, the Cairngorms National Park Authority will collect, store and use your personal data for the purpose of informing the content of the Cairngorms National Park Local Development Plan 2020. We will not publish any address information, but may include your name against any comments, if you have confirmed that you are happy for us to do so in the 'Your Details' section.

Key Questions (YIN – delete as appropriate)

Planning in the Cairngorms National Park

Q: We propose to use the vision and long-term outcomes set out in the National Park Partnership Plan as the 'vision statement' for the Local Development Plan.

Do you agree with this approach? **Select**

Please explain your answer
YES.
PROVIDES A STABLE FRAMEWORK FOR PLANNING

Please explain your answers
SEE ATTACHED

Progress in delivering the current Local Development Plan

Q: Do you agree with our conclusions about the changes that need to be made to policies in the existing Local Development Plan? **Select**

Q: Do you think any other changes are needed? **Select**

Please explain your answers
SEE ATTACHED

Main Issue 3 Impacts and opportunities from the A9 and Highland Main Line upgrades

Q: Do you agree with our proposals to allocate new employment land to take advantage of the opportunities for inward investment associated with the A9 and rail upgrades? **Select**

Q: Do you agree that we should seek to support those communities that are at risk of being by-passed by the A9 dualling project? **Select**

Please explain your answers
SEE ATTACHED

Main Issue 1 Over-arching development strategy

Q: Do you agree that the overall development strategy of the current Local Development Plan remains appropriate, and that we should use this as the basis for the next Local Development Plan?

Please explain your answer
SEE ATTACHED

Main Issue 4 Housing

A) How much new housing do we need and where should it be built?

Q: Do you agree with our proposed Housing Supply Targets for the next Local Development Plan?

Q: Do you agree that the proposed Housing Land Requirements are sufficiently generous?

Q: Do you agree with our overall conclusions about the need for additional new housing sites in the new Local Development Plan?

Please explain your answers
SEE ATTACHED

Main Issue 2 Designing great places

Q: Do you agree that the new Local Development Plan should include a new policy requiring development proposals to show how they meet the six qualities of successful places?

Q: Do you agree that we should include a clearer policy in the new Local Development Plan to set out when tools such as masterplans and development briefs will be used?

B) Housing growth around Aviemore

Q: Do you agree that we should include long-term development land in the Local Development Plan which could be released for development in the event that An Camas Mòr does not progress as envisaged?

Please explain your answer

YES.
IT IS UNLIKELY THAT AN CAMAS MÒR WILL PROGRESS AS ENVISAGED. TO MAINTAIN AN EFFECTIVE HOUSING SUPPLY - ADDITIONAL SITES SHOULD BE PROMOTED.

Main Issue 5 The affordability of housing

Q: Do you agree that we should increase the affordable housing requirement to 35% in Ballater and Braemar, and to 45% in Aviemore and Blair Atholl?

Q: Do you agree that we should include policies to require a greater mix of house types and sizes, including more smaller homes?

Please explain your answers

PLEASE SEE ATTACHED

Main Issue 6 Economic development

Q: Do you agree that the new Local Development Plan should identify a limited number of new economic development sites?

Please explain your answer

PLEASE SEE ATTACHED

Main Issue 7 Impacts on Natura designations

Q: Do you agree that the new Local Development Plan should include a more co-ordinated approach towards delivering wider packages of capercaillie mitigation and conservation measures?

Please explain your answer

WHILST THIS IS A NATURA REQUIREMENT IT IS DIFFICULT TO UNDERSTAND HOW THE PLANNING PROCESS CAN EFFECTIVELY MANAGE CAPERCAILLIE. THIS IS A WOODLAND BIRD. PREDATION MANAGEMENT IS KEY.

Main Issue 8 Planning obligations

Q: Do you agree that the new Local Development Plan should include a revised and more rigorously justified policy on planning obligations?

Q: Do you agree that this should be supported by more specific guidance in the plan about what planning obligations will be required in different settlements/locations?

Please explain your answers

SEE ATTACHED

Main Issue 9 Flood risk and climate change resilience

Q: Do you agree that the new Local Development Plan should include a stronger policy requirement for SUDS to be considered in all new development proposals?

Please explain your answer

PLEASE SEE ATTACHED

Main Issue 10 Land management in upland areas

Q: Do you agree that the new Local Development Plan should include an amended policy to reflect the National Park Partnership Plan's presumption against new hill tracks in open moorland areas?

Please explain your answer

PLEASE SEE ATTACHED.

Settlements

Please tick which settlement you are commenting on.
Comments for different settlements should be provided on separate sheets.

An Camas Mòr	<input type="checkbox"/>	Cromdale	<input type="checkbox"/>	Killiecrankie	<input type="checkbox"/>
Angus Glens	<input type="checkbox"/>	Dalwhinnie	<input type="checkbox"/>	Kincraig	<input type="checkbox"/>
Aviemore	<input type="checkbox"/>	Dinnet	<input type="checkbox"/>	Kingussie	<input type="checkbox"/>
Ballater	<input type="checkbox"/>	Dulnain Bridge	<input type="checkbox"/>	Laggan	<input type="checkbox"/>
Blair Atholl	<input type="checkbox"/>	Glenlivet	<input type="checkbox"/>	Nethy Bridge	<input type="checkbox"/>
Boat of Garten	<input type="checkbox"/>	Glenmore	<input type="checkbox"/>	Newtonmore	<input type="checkbox"/>
Braemar	<input type="checkbox"/>	Glenshee	<input type="checkbox"/>	Strathdon	<input type="checkbox"/>
Bruar & Pitagowan	<input type="checkbox"/>	Grantown-on-Spey	<input type="checkbox"/>	Tomintoul	<input type="checkbox"/>
Calvine	<input type="checkbox"/>	Insh	<input type="checkbox"/>		
Carr-Bridge	<input type="checkbox"/>	Inverdrue & Coylumbridge	<input type="checkbox"/>		

LYNCHAT

(Y/N – delete as appropriate)

- Q: Have we identified the right issues for this settlement (where relevant)? **Select**
- Q: Do you agree with the proposed settlement objectives? **Select**
- Q: Do you agree with the preferred site options (where relevant)? **Select**
- Q: Do you agree with the protected open spaces (where relevant)? **Select**
- Q: Do you agree with the proposed settlement boundary (where relevant)? **Select**

If you have any other general comments on the topics you think the Local Development Plan 2020 should address, please let us know.

PLEASE SEE ATTACHED.

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Please explain your answers

N/A.

What happens next?

Consultation responses will be collated and a report of the consultation published. We will use this to inform the preparation of the Proposed Cairngorms National Park Local Development Plan 2020. We expect to publish this for a further period of public comment in late 2018.

We will regularly update on progress via www.cairngorms.co.uk and on Facebook and Twitter via [@cairngormsnews](https://twitter.com/cairngormsnews) and [#BigParkBigQuestions](https://twitter.com/BigParkBigQuestions).

Queries

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Tel: 01479 873535 Email: planning@cairngorms.co.uk