

# AGENDA ITEM 5

## APPENDIX 2a

2015/0290/DET

## REPRESENTATIONS OBJECTIONS

# **Comments for Planning Application 2015/0290/DET**

## **Application Summary**

Application Number: 2015/0290/DET

Address: Land East Of B970 Opposite Balliemore Nethybridge Highland

Proposal: Erection of house and outdoor horse livery - (resubmission of 14/03246/FUL)

Case Officer: Katherine Donnachie

## **Customer Details**

Name: Mr. Ronnie Dunn

Address: Lower Dell Cottage Nethy Bridge

## **Comment Details**

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I feel a house in this position would detract from the appearance of the approach to Nethy Bridge coming along the B970.

While enjoying horses in fields locally I don't think a livery stable in this location is acceptable, access problems with horse boxes entering and leaving in the middle of a double bend and the only areas for exercising horses without using the the B970 would seem to be rich in some of our rarer wildlife which would be adversely affected by such a disturbance.

# Comments for Planning Application 2015/0290/DET

## Application Summary

Application Number: 2015/0290/DET

Address: Land East Of B970 Opposite Balliemore Nethybridge Highland

Proposal: Erection of house and outdoor horse livery - (resubmission of 14/03246/FUL)

Case Officer: Katherine Donnachie

## Customer Details

Name: Mrs Susan Broyd

Address: Owner 20 Dirdhu Court Nethy Bridge

## Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

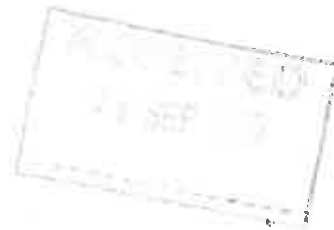
Comment: I should like to echo the comments made by other objectors. As a general rule, I would support the creation of a small business such as this, but the chosen site is not appropriate.

The area around the Old Kirk is of great beauty and the erection of the proposed buildings would seriously damage this and change the character of the area.

I do not think there should be any new houses built outside the village settlement area and only then as infill.

It is possible that a livery could provide benefits for the village but this is not a suitable site. The new entrance to the site is likely to cause traffic problems on a narrow road already used by a large number of vehicles.

Ellen Brae  
Nethy Bridge  
PH25 3DB  
Tel: [REDACTED]



Cairngorms National Park Authority  
14 The Square  
Grantown on Spey  
Scotland PH26 3HG

Dear Sirs,

Re: 2015/0290/DET | Erection of house and outdoor horse livery - (resubmission of 14/03246/FUL)  
Land East Of B970 Opposite Balliemore Nethybridge Highland

I wish to object to this application.

As a volunteer with Abernethy Old Kirk Association, I have experienced the reaction of visitors as they immediately sense the "specialness" of the Kirk and surrounding area. Many offer historical facts, documents, artefacts, anecdotes, memories and above all their support to the association for preserving and cherishing the building. Many visitors are now horrified at the proposed development.

A new business venture in a small village is one that I would normally welcome **but certainly not on this site**; clearly, it would be perverse to interfere with this historic area of Nethy Bridge. Furthermore it contravenes the Local Development Plan.

I now ask for the support of the CNPA to reject this application.

Yours sincerely,

Olwen Billington

28<sup>th</sup> September 2015

Amberley  
Mill Lane  
Nethybridge  
PH25 3EQ

20<sup>th</sup> September 2015

Dear Sirs,

2015/0290/DET Erection of house and outdoor horse livery – resubmission of  
14/03246/FUL – Land East of B970 Opposite Balliemore, Nethybridge Highland

I wish to object to the above application.

I have studied the CNP local development plan and can identify that this development would be in breach of the said plan.

This area of Nethy Bridge should be protected and preserved for its historic worth, beauty and the open landscape, which frames the Cairngorm mountain range.

As a resident in the CNP, I am relying on the authority to serve the Park community and make the correct decision to reject this and any future application of development on this land.

Yours sincerely,



Miss Ann Dorothy Wallace M.A.



Dear Sir,

With reference to the planning application No. 15/03242/FUL I would like to raise an objection to this application on behalf of the Castle Roy Trust - SCIO.

The Trust is mindful of the importance of commercial development within a rural community with the economic benefits it brings. However the Trust feels that a balance needs to be struck to preserve the nature of Nethy Bridge - The Forest Village.

The last mile on the road in from Grantown on Spey remains unspoilt as it winds over one of Telford's famous bridges and through the golf course. It also passes, on it's right, 3 of the Park's iconic buildings. Castle Roy, reputed to be Scotland's oldest masonry fortification. The Old Kirk that can date its origins back to the 12th century and Balliemore one of the original estate granite houses.

All three have magnificent and, almost, uninterrupted views across to the Cairngorm massif. This in itself makes these sites an important visitor attraction. To introduce a modern development with it's, inevitable, pressure to expand would be, I believe, detrimental to this unspoilt area.

The Trust also has grave concerns about traffic on this busy winding road and the danger of accidents as demonstrated by the bus/car crash by Castle Roy. Especially when there are funerals and weddings and, due to the lack of car parking, there are cars parked on the sides of an already constricted road.

Yours faithfully,

Maj (Retd) Richard Eccles

Chairman Castle Roy Trust - SCIO

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Richard Eccles, Abernethy Bunkhouses in the Cairngorms, Croftbank, Nethy Bridge PH25 3DS

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*(We work from home, please respect normal office hours whenever possible!)*  
E: [richard@nethy.org](mailto:richard@nethy.org) W: [www.nethy.org](http://www.nethy.org)

Facebook Twitter Trip Advisor

Ask, Book and Come along, as simple as ABC - Abernethy Bunkhouses in the Cairngorms

Before printing, please think about the environment. Thank you  
If you have received this e-mail in error, please notify the sender by return e-mail and then destroy it. I apologise for any inconvenience

**From:**Matthew Taylor  
**Sent:**18 Sep 2015 15:08:29 +0100  
**To:**Planning  
**Subject:**FW: Planning Application 2105/0290/DET and Council Ref: 15/03242/FUL

-----Original Message-----

**From:** denis johnston [REDACTED]  
**Sent:** 18 September 2015 13:18  
**To:** Matthew Taylor  
**Subject:** Planning Application 2105/0290/DET and Council Ref: 15/03242/FUL

Dear Sirs,

Having studied this application, I wish to register opposition to the plans.

The area concerned is one of a declining number of completely unspoiled rural corners in and around Nethybridge. From the old church, there is an exceptionally picturesque view down over fields and trees to the course of the Allt Mor, then up to the Cairngorms beyond. And the historical grouping of the church; the manse at Abernethy House; and the fine traditional mansion at Ballimore: this deserves your assiduous protection.

Our own family grave has occupied an elevated spot in the south-east of the graveyard, overlooking this scene, for well over a hundred years. Generation after generation of Grants and Macgregors have visited this place to pay their respects to their forebears, and have found solace and tranquillity in the quiet scene, and the view to the hills.

Many other local people share a feeling of nostalgia and affection for this corner of the village. Please protect it for future generations, and reject the application.

Yours faithfully,

Denis R. Johnston

Sent from my iPad

Cairngorms National  
Park Authority

17 SEP 2015

RECEIVED

15 Dindhar Court

Nethering Bridge

PH25 3EG

15th. Sept, 15

Dear Sir,

Re Planning Application 2105/0990/  
DET. land East of B970. opposite  
Ballymore, Nethering Bridge.

I wish to object to the above  
planning application. The area in  
question is a very rural setting,  
being opposite Ballymore Farm,  
the Old Kirk & Castle Roy.  
giving lovely views across to the  
Cairngorms. A lot of people have  
put in much effort in keeping  
the Old Kirk as a real part of  
the community of Nethering Bridge  
with not only weddings, funerals  
but also hosting interesting  
exhibitions. Part of the appeal of

the attraction to visitors is I am  
sure the beautiful setting. The  
building of an equestrian centre  
& domestic dwelling directly  
opposite would I have no doubt,  
have a detrimental effect. This  
also applies to Castle Roy where  
another committed band of volunteers  
are currently in the process of  
having the ruins made safe so  
that the venue can be used for  
different purposes, as indeed  
both the Old Kirk & Castle Roy  
were last weekend by visiting  
theatrical groups. The whole  
atmosphere of such events would  
be really compromised by  
an equestrian centre. It is  
totally out of keeping with  
the surroundings.  
Yours sincerely  
[redacted]



Franziska Henne-Ueberle  
Hermann Ueberle

Ueberle \* 2 Dulaig Court \* Grantown-on-Spey

Head of Planning  
Cairngorms National Park Authority  
Station Square  
Ballater  
AB35 5QB

The Thistle Townhouse  
2 Dulaig Court  
Grantown-on-Spey  
PH26 3QQ



Datum: 14th September 2015

**Re: Planning Application 2105/0290/DET & Council Ref: 15/03242/FUL— Land East of B970  
Opposite Balliemore, Nethy Bridge, Highlands**

Dear Sir,

I want to object about the above planning application.

I was quite surprised, as I think that such a development in a rural area would be contrary to the aims of any National Park as a conservator of historical sites, nature and beauty. I believe it would spoil the area which consists of Castle Roy, Abernethy Old Kirk, and Balliemore Farmhouse and the landscape with its beautiful views.

I do believe the Local Development Plan "Other housing in the countryside" implies that this area should be protected from any such development whatsoever. The existing buildings are of singular historic value.

I fear that the proposed equestrian centre would disturb the beauty of the ensemble, the rural landscape and the beauty of this special place.

Yours sincerely,  
Franziska Henne-Ueberle

Cairngorms National  
Park Authority

15 SEP 2015

RECEIVED

Nethybank  
Nethy Bridge  
Highland  
PH25 3DR

14 Sep 2015

Head of Planning  
Cairngorms National Park Authority  
Station Square  
Ballater  
AB35 5QB

Dear Sir

Ref: Planning Application 2015/0290/DET & Council Ref:15/03242/FUL – Land East of Balliemore, Nethy Bridge, Highland.

I write as a resident of Nethy Bridge who is very interested in preserving the natural and historical landscape and character of the village. I hereby object to the reference proposed development.

The area surrounding this development should be preserved unchanged to maintain the historical ambience created by the presence of Castle Roy and Abernethy Old Kirk.

Within the national park it is essential that areas such as this should not be further developed as this would have the effect of wholly eroding the aesthetic appeal of the surrounding area. Many visitors come to this area and comment on the appropriateness of the peace and solitude existing around these two significant buildings, Castle Roy and The Old Kirk. The impact on future tourism would be detrimental if modern housing were to be visible in close proximity of these old buildings.

A further concern with this proposed development is setting a precedent for further development in this area which would be wholly unacceptable.

Yours sincerely,



Douglas Burns

ROBERT  
GREENWOOD

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From: ROBERT GREENWOOD  
Sent: 12 Sep 2015 14:01:24 +0100  
To: Planning  
Subject: Application 2015/0290/DET for House and Livery stables  
Importance: Normal Dear Sir/Madam

I have seen and read the documents associated with the above application.  
I would like to object to the application and request that the application be declined.

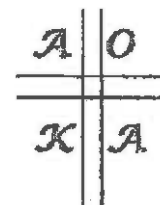
The proposed development would create additional traffic both during construction and very obviously afterwards. The type of vehicles as well would likely be those associated with equine transport and therefore considerably larger so creating greater hazard for other road users at a dangerous part of the carriageway.

Any building at the proposed location would have a seriously negative visual impact on the area and would seem to go against the Parks aim to protect the landscape and cultural heritage of the area.

Yours sincerely

Robert Greenwood  
Craigmores House  
Nethy Bridge  
PH25 3ED

# Abernethy Old Kirk Association



*"Preserving the Old Kirk for the benefit of the Community"*

Head of Planning

Cairngorms National Park Authority

Station Square

Ballater

AB35 5QB

Dear Sir,

Re: Planning Application 2105/0290/DET & Council Ref: 15/03242/FUL - Land East of 8970 Opposite Balliemore, Nethy Bridge, Highlands

At the recent AGM of the Abernethy Old Kirk Association, it was unanimously agreed by Directors and members present that a letter of objection to the above mentioned application must be submitted on behalf of the Association.

We believe the development would be totally contrary to the first aim of the National Park, in our view, having a detrimental effect on the spiritual and historical corridor that is the Abernethy Old Kirk, Castle Roy and Balliemore Farmhouse and therefore damaging to the landscape, character and cultural heritage of the wider national park.

Referring to the Local Development Plan, page 17, *3. Other housing in the countryside*: this will not reinforce the existing pattern of development since there is no nearby development in that area. Furthermore, we are of the view that because someone owns land, it should not be a reason to be granted permission for an inappropriate development. We believe that there are other areas in the locality more suitable for an Equestrian Centre.

We believe it fails to ensure *"that development contributes to a clear definition between settlement and countryside"*. We also believe it does not *"protect those parts of the village that are important to its character and setting"*.

Under Cultural Heritage; we are of the view that Castle Roy, Abernethy Old Kirk and Balliemore Farmhouse should all be taken together, with the open views to the Cairngorms, as an area of immense historical and cultural heritage importance. It should be remembered that Ministers of the Old Kirk from the 18th century, including The Reverend Dr. William Forsyth, who wrote the classic book *"In the Shadow of Cairngorm"* constantly used the pathway alongside the proposed site to traverse to the Kirk. On the north side of the proposed site, up the Milton pathway, is the location of the *"Communion Wall"*. The Wall was used to give refreshment to parishioners between the day long Sunday Services. The location, taken as a whole with Balliemore Farmhouse, the Old Kirk, Castle Roy, a spiritual and cultural corridor, should be preserved as such and nothing allowed to detract from the historic impact.

The Old Kirk relies a great deal on the initial aesthetic appeal of its surroundings to encourage couples to consider the Old Kirk as a wedding venue. This appeal would be seriously degraded if this application was to proceed. Since the Old Kirk has been run by the Association, 12 weddings have taken place. Also, it is important to note that the Old Kirk is traditionally where the people of Abernethy say goodbye to their loved ones who are then laid to rest in the Kirk-yard. We fear that the present solitude and tranquillity would be greatly compromised by the proposed Equestrian Centre. The Old Kirk's local environment is of paramount importance in maintaining its appeal and indeed the very *"beauty and spirit of the place"* or *"Genius Loci"* would be immeasurably spoilt.

The application should also be considered in relation to the number of visitors to the Old Kirk which currently stands in excess of 4000 per annum, many of whom have commented on the ethereal quality of the area. How many of these would be discouraged from visiting if this aesthetic appeal is damaged? The Old Kirk is currently registered with film and television companies to use as a location and any development would impact on its attraction. It is important for a charitable organisation, such as ours, with the kind of expensive running costs associated with an historic building, to be able to maintain its revenue stream and therefore to preserve it for future generations as a very important cultural asset within our National Park.

Yours sincerely,

  
F.D. Stuart Black, CHAIRMAN

11th September 2015



Supported by  
**The National Lottery**  
through the Heritage Lottery Fund



Abernethy Old Kirk Association is a company limited by guarantee No. SC372682, Scottish Charity No. SC041557

Registered Office, The Post Office, Nethy Bridge, PH25 3DA

Email: [oldkirk@nethybridge.com](mailto:oldkirk@nethybridge.com)

[www.oldkirknethybridge.org](http://www.oldkirknethybridge.org)

ANGUS FORSYTH

4/F & 5/F, Central Tower, 28 Queen's Road Central, Hong Kong.

Tel:

Fax:

Email:

8<sup>th</sup> September 2015

ePlanning Centre,  
The Highland Council,  
Glenurquhart Road,  
Inverness IV3 5NX,  
England.

Dear Sirs,

**The Old Kirk Abenethy – Application for Erection of House and Outdoor Horse Livery on land east of B970, opposite Ballimore, Nethy Bridge – your reference number 15/03242/FUL**

I write from Hong Kong where I have been resident for 40 years.

My great grandfather is buried in the Old Kirk Churchill, the Revd Dr. W.D. Forsyth.

I have visited the Old Kirk and have been very impressed with the work which has carried on in the beautiful surroundings.

I believe that the meeting of this planning application will be seriously deleterious to the ambience and the surrounding of this very peaceful and beautiful place and I strongly object to it.

Please record my objection.

Yours faithfully,

Roy Turnbull  
Torniscar  
Nethy Bridge  
Inverness-shire PH25 3ED  
Scotland

Katherine Donnachie,  
Case Officer,  
Cairngorms National Park Authority

15<sup>th</sup> September 2015

**Erection of house and outdoor horse livery, Opposite Balliemore, Nethy Bridge –  
Ref. 2015/0290/DET (resubmission of 14/03246/FUL)**

I object to the above planning application for the following reasons:

**1. Landscape and village setting**

The present environment of this application comprises a number of small irregular fields bounded in places by trees and bushes against a background of Craigmore pinewood to the east and north. It is complemented on the west of the B970 by the three ancient or traditional buildings of Castle Roy, Abernethy Church and Balliemore. It is an example of a classic Strathspey landscape that all previous planning regimes have striven to protect.

Some of the considerations that led to this protection, which were in place **before** the applicants purchased the land under application, are included within the papers provided by Highland Regional Council, dated 20<sup>th</sup> August 1994, for the **Badenoch and Strathspey Local Plan Public Local Inquiry in Issue No 21 Housing Nethybridge**. This includes the following comments (my emphasises in **bold**):

- 2.8 "The Draft Plan provisions for Nethybridge attracted a very considerable public response. The Planning Authority received some 35 written representations together with a further 30 letters of pro-forma type."
- 2.9 "Broadly, whilst some support emerged for the Plan's principles ... very significant concerns were expressed in relation to the amount of land allocated for housing development; the scale of change proposed, the proportion of holiday and second homes likely to be attracted; the need for greater emphasis on low cost accommodation for local people; and the perception that growth of Nethybridge would be damaging to its character and visitor appeal."
- 2.10 "Specifically, the Planning Authority received **weighty representations opposing development alongside the B970** close to the village centre and expressing a preference for retaining the existing open character of land in this vicinity"
- 2.11 "... The Nature Conservancy Council (subsequently represented by Scottish Natural Heritage) ... strongly supported policies to **protect the settlement edges**... The Countryside Commission for Scotland (also subsequently represented by Scottish Natural Heritage) felt that ... **development alongside the B970 north of the village** would encourage ribbon development. ... They also supported the provisions for the village edges and its setting."
- 2.12 "Badenoch and Strathspey Conservation Group ... opposed development **alongside the B970**"

## **"The Planning Authority's Response"**

- 2.16 "As part of this assessment, discussions were held with Nethybridge and Vicinity Community Council. ... The Planning Authority considered it important to examine with local people the constraints which might be regarded as "absolute" and those which might be regarded as "desirable" in order to help to sieve out areas unacceptable for development ... . This process reaffirmed ... ii) **the B970 approaches ... and the village's wider setting** as features preferably to be avoided ... ."
- 2.17 **"Land alongside the B970 towards Balliemore to the north of Nethybridge was discounted"** (as sites for housing development) "on the basis that these considerations" (concerning areas unsuitable for development) "would be compromised."

As a consequence of these considerations the adopted Local Plan gave, within the Principles for Nethybridge,:

"The main objectives for Nethybridge are to;

- protect the village setting, notably ... open land and river edges;
- avoid encroachment of development onto open land outwith Nethybridge;"

5.2 "The council will safeguard remaining open spaces important to the character and amenity of Nethybridge, including the **open approaches to the village**".

In addition, the minutes of the Nethy Bridge Community Council for its September 2005 meeting, which considered the then new CNPA local plan draft, states that the community **confirmed that the area around Castle Roy should not be zoned for development.**

## **Summary**

The above indicates that the present open and undeveloped aspect of this northern approach to Nethy Bridge resulted from a **deliberate policy of The Highland Council, which had the informed support of the Nethy Bridge community** in this respect, and which preceded the applicants' ownership of the land in question. This protection of the northern approaches to Nethy Bridge has continued with the establishment of the National Park and is also supported by paras.138 and 139 of Scottish Planning Policy (2014).

This proposal is contrary to **POLICY 5: LANDSCAPE** of the adopted Local Development Plan in that the proposal **"does not conserve and enhance the landscape character and special qualities of the Cairngorms National Park ... , and in particular, the setting of the proposed development."** Moreover, the proposal contains no "social or economic benefits of national importance".

Likewise this proposed development is contrary to certain of the **Objectives for Nethy Bridge** within the adopted LDP (p.188), namely, **"To ensure that development contributes to a clear definition between settlement and countryside"** and **"To protect those parts of the village that are important to its character and setting."**

## **2. Road Safety**

The exit track from the proposed property to the B970 is on a bend close to the bridge over the Allt Mor within a stretch of road that is one of the most hazardous between Grantown and Nethy. Drivers heading south into Nethy Bridge at this point need to concentrate on negotiating the narrow bridge ahead, which sometimes requires halting to enable oncoming vehicles to pass over the bridge.

The applicant does not make clear if he intends for horses and riders to enter and exit at this proposed track. If so, then this appears to be a dangerous activity. It cannot be over-emphasised that this stretch of the B970 is one that already requires careful negotiation, frequently resulting in manoeuvres to avoid other vehicles or people.

I note that the Transport Planning Team (Letter 7<sup>th</sup> September 2015) states that it "cannot support this application" until six issues that the Team identify have been resolved.

(The letter from the Transport Planning Team is not present on the CNPA website.)

### 3. Capercaillie

The proposal raises concerns about the future use of Craigmore Wood Special Protection Area, which is designated for European Annex 1 species capercaillie, and is one of the most important woods for this species and for its continued survival. Access legislation appears to guarantee equine access to the network of tracks in Craigmore, that is presently little disturbed. The main entrance to Craigmore Wood is a mere 500 metres from the proposed development and would indubitably be an attractive location for horse riders, and an important contributor to the financial viability of the proposed business. It is also indubitably the case that capercaillie are sensitive to disturbance, particularly during the breeding season, and scientific evidence continues to accumulate to demonstrate that fact.

Thus, the proposed development would create a conflict between the viability of the business, involving horse riding in Craigmore Wood, and the requirement to protect capercaillie from disturbance.

The proposal is therefore in conflict with **POLICY 4: NATURAL HERITAGE of the adopted Local Development Plan** in that it is **"likely to have a significant effect on a Natura 2000 site"** (Craigmore Wood) and it has **not been demonstrated** that the proposed development would have **"no adverse effect on the integrity of the site."**

Moreover, it has **not been demonstrated**, and nor is it conceivably the case, that

**"there are imperative reasons of overriding public interest including those of a social or economic nature"** in favour of the proposed development.

### 4. Pollution of Allt Mor

The proposal, by virtue of using a domestic septic tank and by accommodating several horses, will increase the pollution load to the Allt Mor, which is part of the River Spey Special Area of Conservation. A 2104 report to the CNPA commissioned from James Hutton Institute entitled "River Spey Water Quality and Effluent Chemistry" finds that the freshwater pearl mussel (one of four qualifying species for the SAC) has declined in the river from c. 10 million in 1989/90 to c. 5 million in 2013/4. The reasons for the decline appears to be i) low flows causing the mussels to dry out, ii) poor water quality iii) the spread of water weed (Ranunculus). Poor water quality and Ranunculus spread are associated with discharges from waste water treatment plants and agricultural sewage. The CNPA and SNH have described the implications of the report's findings as "significant" and "important" respectively.

### 5. Previous Appeal

A previous application by the same applicants for the erection of a dwelling house and stable block further to the north in the same field was dismissed on appeal (1 November 2005, File ref.: PPA/001/004). Much of the reasoning from that Reporter's Report still applies to this application and is a material consideration for this application. In this context, I would like to draw particular attention to the following direct extract from that report:

Para. 34, p. 9/10

**"The proximity of the two SPAs, especially Craigmore Wood, is obviously unhelpful. ... Planning permission would run with the appeal site, indefinitely, rather than with the appellants. It is difficult to envisage how the access routes chosen by future operators, trekking over extensive third party property, could be controlled. ... Since absolutely no increased risk to capercaillie can be tolerated, I find it impossible to condone this additional source of potential disturbance – however tentative and long term it may be. Drawing together this and the two previous paragraphs I find that the environmental impact of the development would be unacceptable. Therefore, ... I conclude that structure plan policy N1 is offended."**



It is, of course, the case that since that time, the evidence for the sensitivity of capercaillie to human disturbance has continued to accumulate, strengthening the case made by the Reporter to the above appeal.



Yours sincerely,

;

David  
Dean

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From: David Dean  
Sent: 16 Sep 2015 21:19:58 +0100  
To: Planning  
Subject: Planning Application 2015/0290/DET & Council ref. 15/03242/FUL Land east of B970 opposite Balliemore, Nethy Bridge, Highland

from David Dean OBE

Planning Application 2015/0290/DET & Council ref. 15/03242/FUL Land east of B970 opposite Balliemore, Nethy Bridge, Highland

Dear Sir,

I would like on two main grounds to register an objection to this proposed development.

1. The cultural heritage of this corner of the village of Nethy Bridge, with its extensive and unencumbered views to the Cairngorms, is unsurpassed. Castle Roy, now under a programme of stabilisation, is a place currently with relatively unknown history. I suspect that in the years to come and with greater forensic skills, yet to be discovered, we will know far more about this ancient fortress and how it was occupied and used in times past.

The Old Kirk, a Telford building of great character and, like Castle Roy, occupying a prominent position such that it is easily identifiable from the other side of the River Spey is another icon of its time. The kirk yard has tremendous significance for local families who have, for generations laid loved ones to rest in the peaceful and visually supportive pattern of higher ground, woodland and fields. These families are much supported spiritually by having the Old Kirk and its kirk yard just as they are and without disturbance.

Balliemore Farmhouse also adjacent to the proposed development is another building of great character. Together with Castle Roy and The Old Kirk Balliemore Farmhouse and the land surrounding has been revered as a part of the cultural heritage which this proposal would severely damage.

2. To suggest that these three buildings and their surrounds are simply a relic of the past would be to miss the point. I don't think I need to point out the current vibrant programme of cultural events being mounted by the Abernethy Old Kirk Association under the chairmanship of Stuart Black, one of Highland Council's most distinguished former members. What has been achieved is truly remarkable and with a visitor number tally of over 4000 a year it seems unwise, folly even for this programme and the building's high grade setting to be threatened by such a development which by its very nature will create an ever expanding collection of residential building, stables, stores, trailers, and all the impedimenta which goes with a thriving livery business.

Castle Roy is undergoing a stabilisation programme. It has already hosted one theatrical performance and more are planned. Balliemore Farm is sensitively farmed with the house as its centrepiece. Much thought has gone into the way it has grown and developed in recent years and the owners are to be commended just as are the voluntary committees who with unrelenting hard work have breathed new life into The Old Kirk and Castle Roy.

In other words, the rich history of this collection of settled areas, chronicled in history by The Reverend Dr William Forsyth in his 'In the Shadow of Cairngorm' and others now has a current and colourful function which would be much damaged by the visual and noise impact this development will surely impose.

Finally, I wish the applicant well in her efforts to create in or near Nethy Bridge the kind of facility she envisages. She is an entrepreneurial and hard working person. She was though, in my view, badly advised several years ago in the purchase of this particular field on which she proposes a quite inappropriate development.

Yours faithfully,

David Dean

Badanfhuarain

Nethy Bridge

Inverness-shire

PH25 3ED

Cairngorms National Park Planning Authority  
Grantown-on-Spey

Dear Sir,

Planning Application 2105/0290/DET & Council Ref: 15/03242/FUL  
Land East of B970 Opposite Balliemore, Nethy Bridge, Highlands

As a long standing horse rider myself I am happy to hear of a applicant local to the area wishing to develop a business which is rooted in the countryside and hopefully offering youngsters in the community useful working and leisure experiences as well as a part time job for a local person right from the start.

I do however have concerns about the wisdom of allowing a horse livery yard and equestrian centre to go forward at this particular location, and am pleased that the Park Planning Authority has called in this application for detailed consideration.

#### Safety

If the roads department have approved an entrance to the north of the small Telford 'Alltmore' road bridge on the basis of *visibility in relation to horse riders* as well as traffic speeds and volumes I am surprised. I could imagine serious difficulties with horses moving out at walking pace onto the B970, on an albeit open bend, but at the approach to what is a narrow bridge where already drivers from the north side (where the average speeds have been shown to be greater) have to focus and calculate carefully the speed and distances of oncoming traffic beyond the bridge in order to either wait or pass. Riders would then either turn left and have to cross this narrow bridge with traffic possibly negotiating through from either direction, or else turn right uphill towards what is a blind summit at the church gates. All these transitions could/would be risky for any horse rider, let alone for younger riders yet to acquire a full understanding of the demands made of car drivers in these situations.

The B970 is narrow and winding and can be especially busy with fast local drivers and often speedy bus services in both directions. As an experienced rider I have had to ride this road occasionally, as a last necessity, but never with any feeling of safety, knowing also that many drivers are not fully aware of the needs of horse riders on public roads.

Incidentally, the traffic speed and volume survey for this application, having been undertaken over 7 days in March, being one of the quietest months for holiday visitors in this area, is arguably not representative, and I would think further information would be needed to demonstrate an acceptable level of risk, as well as proof that visibility along the road is sufficient for the safety of horses and riders at any time of the year.

So unless there are arrangements that we don't know of in place to access off-road routes via neighbouring private land, (and obviously private access arrangements can be terminated at any time) I think this location for horse access may actually be an accident waiting to happen. Reading that the current intention is to operate a full livery service focussing on breaking and training horses as well as instructing on site, but it would be surprising if there was no likelihood of horses being ridden out either solo or in groups, and an escorted group of horses on the B970 would present no less significant problems for drivers on this stretch of road given the lack of appropriate visibility.

#### Landscape

I am concerned at the potential spoiling of what is the very well known, classic (iconic even) view of Abernethy Church and Castle Roy with their backdrop of the Cairngorms and the open country in the foreground. This has to be one of the best known views of Nethy Bridge and the Cairngorms, and arguably comprises those very cultural and historical elements which the National Park has been entrusted to preserve.

Although the proposed house and stable block would now be sited where the field falls away to the burn, the trees and the bridge, it would still definitely intrude on the landscape to the south when viewed from the church, despite the somewhat mitigating effect of trees along the field boundary beyond. I cannot see that there are any similar 'recent' houses or farming developments within sight here at all, and when you take into account the fact that any livery business would inevitably involve associated paraphernalia such as horse lorries and trailers, parked cars, probably a training arena with stored jumps etc., very likely muck collecting trailers, refuse collection and more, - all this developing gradually there over time, and possibly even spilling into the rest of the field, then it does not take much imagination to see that the iconic views and associated heritage value of this small stretch of land, quite distinctly outside the village boundaries, would be sadly compromised. Because livery yards in the UK are so frequently located in the suburban fringes of populated areas, for clear business reasons, I would suggest that this development would feel, for many people including visitors to the National Park, like an cultural anomaly within the landscape.

#### Futures

The Old Kirk by itself is now receiving in the region of 4000 visitors per year and relies on weddings in particular as a mainstay of their income stream. So the maintenance of this community owned heritage asset clearly depends in large part upon its very special setting, where countless photographs must be taken nowadays and sent literally all around the world.

Castle Roy also, now with its own future secure in terms of making it safe and accessible to the public as an important cultural attraction, would stand to have its function significantly devalued if the view from its walls were to be interrupted by an unfortunate planning decision at this stage.

Not to be forgotten also, is the fact that because the Old Kirk site, including the churchyard, goes back probably into pre-Christian history there may be much more to be discovered about it, and the surrounding area, in the future.

#### Economic and social aspects

As said before, it goes against the grain for me to object to an enterprising equestrian business development in Nethy Bridge, especially remembering the contribution made to the lives of village youngsters in the time of Pat Taylor here, in the '70s and 80's. With the main focus on horse training and dressage tuition, escorted hacking was also a popular sideline to her business, if I remember correctly. With the Park's interest in the social and economic health of communities within its boundaries I just wish that some alternative location could have been suggested for this enterprising applicant, who I think has been hoping to develop an equestrian business in Nethy Bridge for some years. Possibly an estate farm even, like the one currently being split up on the other side of the village adjacent to the Abernethy Forest? More space there, and direct safe riding access off public roads for those taking advantage of a livery service, so arguably more suitable and possibly more economically viable even than this location.

For the avoidance of doubt, this letter is one of objection to the said planning application.

With regards,

Valery Dean  
Badanfhuarain,  
Nethy Bridge

**From:** Olwen Billington <[REDACTED]>  
**To:** [REDACTED]  
**Sent:** Friday, September 11, 2015 9:58 AM  
**Subject:** Proposed development opposite Old Kirk/Ballimore

Dear members, friends and neighbours.

**Planning Application 2105/0290/DET & Council Ref: 15/03242/FUL - Land East of B970 opposite Ballimore, Nethy Bridge.**

Further to the proposed development opposite Ballimore and the Old Kirk/Castle Roy and following the Association's AGM on Tuesday evening, where it was decided a letter of objection must be submitted, the said letter is now attached for your perusal.

The proposed planning application has now been "called in" by the Cairngorms National Park Authority. Our letter has been forwarded to the CNP.

Letters of objection can be forwarded to the Highland Council, Planning Department for onward transmission to the CNP or posted directly to the CNP.

May we take this opportunity to thank you for your support and encouraging comments.

Kindest Regards

[REDACTED]

Olwen Billington

Company Secretary

**From:** [REDACTED]  
**Sent:** 29 Sep 2015 09:24:55 +0100  
**To:** Planning  
**Subject:** FW: Proposed development opposite Old Kirk/Balliemore

**From:** Christopher Forsyth [REDACTED]  
**Sent:** 26 September 2015 20:58  
**To:** Gavin Miles  
**Subject:** Fw: Proposed development opposite Old Kirk/Balliemore

----- Forwarded Message -----

**From:** Christopher Forsyth <[REDACTED]>  
**To:** Olwen Billington <[REDACTED]>  
**Sent:** Friday, September 11, 2015 10:37 AM  
**Subject:** Re: Proposed development opposite Old Kirk/Balliemore

Please forward my comments to the necessary authorities.

I, Alastair Forsyth, great grandson of Dr. William Forsyth, greatly object to a proposed development adjacent to the Abernathy Old Kirk.

It's setting, and that of Castle Roy, are of historical value and NO development should occur near them, as it would greatly detract from what the Old Kirk represents, which is a snapshot of historical times in the past, well documented by Dr. William Forsyth.

Regards

Alastair Forsyth

---

Head of Planning  
Cairngorms National Park Authority  
Station Square  
Ballater  
AB35 5QB

Dear Sir,

Re: Planning Application 2105/0290/DET & Council Ref: 15/03242/FUL– Land East of B970 Opposite Balliemore, Nethy Bridge, Highlands

We wish to object to the above mentioned application.

We believe the development would be totally contrary to the first aim of the National Park having a detrimental effect on the spiritual and historical corridor that is the Abernethy Old Kirk and Castle Roy and therefore damaging to the landscape, character and cultural heritage of the wider national park.

Referring to the Local Development Plan, page 17, 3, *Other housing in the countryside*; this will not reinforce the existing pattern of development since there is no nearby development in that area.

We believe it fails to ensure *“that development contributes to a clear definition between settlement and countryside”*. We also believe it does not *“protect those parts of the village that are important to its character and setting”*.

In respect of Cultural Heritage, we are of the view that Castle Roy and Abernethy Old Kirk should be taken together, with the open views to the Cairngorms, as an area of immense historical and cultural heritage importance which should be preserved as such and no development should be allowed to detract from its historic impact.

The Old Kirk relies a great deal on the initial aesthetic appeal of its surroundings to encourage couples to consider the Old Kirk as a wedding venue. This appeal would be seriously degraded if this application was to proceed. Also, it is important to note that the Old Kirk is traditionally where the people of Abernethy say goodbye to their loved ones who are then laid to rest in the Kirk-yard. We fear that the present solitude and tranquillity would be greatly compromised by the proposed Equestrian Centre.



Yours faithfully,

M and C Bloomfield  
Grey House Lodge  
Nethy Bridge

14 September 2015

Ellen Brac,  
Nethy Bridge,  
PH25 3DB

Tel: 0 [REDACTED]



Cairngorms National Park Authority  
14 The Square  
Grantown on Spey  
Scotland PH26 3HG

Dear Sirs,

Re: 2015/0290/DET | Erection of house and outdoor horse livery - (resubmission of 14/03246/FUL)  
Land East Of B970 Opposite Balliemore Nethybridge Highland

I wish to object to this application.

Considering that the 3 historic buildings, Castle Roy, Abernethy Old Kirk and Ballimore House (previously Factor John Smith's house), are of significant importance to the national park, it should be realised that the whole area around these are a potential gold mine for future discovery. Apart from some archaeological investigative work around Castle Roy, I know of no other competent research being undertaken in juxtapose areas.

The location of the application attributes itself to the type of multi-period landscape which, in pre-history, would have been a hunting/settlement as it is upon a medium rise and having fresh water; naturally it would have been wooded at those times.

Aberdeenshire Council Archaeologist Bruce Mann, recently said, "Not many years ago we thought we understood the glens of the Cairngorms as a landscape largely empty of people in pre-history". He also states, "Now (archaeological projects) has turned such thinking on its head and shows the importance why we support these projects...while providing an amazing story for visitors to the area". The Scottish Archaeological Research Framework (ScARF) reflects the current state of knowledge regarding Scotland's past and state that little is known of pre-history in upland, mountainous environments and is encouraging further research.

Ian Armit, Professor of Archaeology, University of Bradford, lectured at Elgin Museum on the 24<sup>th</sup> September 2015. He states that little is known of religious beliefs of the Picts who controlled most of Scotland, or what inspired their burial practices.

The CNPA will know of the discovery this year, found near Mar Lodge, which proves human existence c8300 – 4000 BC. Incidentally, the renowned architect, who built the present Mar Lodge, Alexander Marshall Mackenzie, also re-modelled Abernethy Old Kirk.

Several myths and legends apply to this special area of Nethy Bridge. See page 98 "In the Shadow of Cairngorm"

Most recently, people have offered information such as:

A carved Pictish type stone was seen in the area.

As youngsters, they played in a cavern deep underground.....could this be a souterrain?

Abernethy Old Kirk is most certainly on or near the site of a pagan settlement and would have had very simple origins. It is considered that a Christian presence predates the building of the ancient fortress nearby. Early records, Pre-Reformation will be deeply ensconced in Vatican archives but there is clear evidence of Kirk rent paid c1180s to Richard, Bishop of Moray. The present building was chiefly built by Alexander Cuie of Keith, (National Archive records of Old Kirk Minutes survive from 14<sup>th</sup> August 1743), constructed in 1767, later altered by Alexander Marshall Mackenzie who was then commissioned by Queen Victoria to build Crathie Kirk and Manse and other notable buildings.

I personally believe that this area of Nethy Bridge, lends itself to archaeological discovery/research.

Your planning guidelines now reinforce that no development should have a deleterious effect on existing businesses and neighbours and if this development is allowed, it will greatly affect the future of Castle Roy and the Old Kirk. The charities, Abernethy Old Kirk Association and Castle Roy Trust have aims offering unique tourist experiences. Both are achieving and developing a deep understanding of the highland history, providing successful changing programmes of appropriate exhibitions, events, plays, guided history walks, concerts, which in turn involves local residents and benefits local businesses. The Kirk is still active to its Christian roots, hosting weddings, funerals and occasional worship. The charities are run by unpaid volunteers with a great passion to promote this special area. This is relevant to the analysis of economic revenue for 19 independent museums in the Highlands carried out in 2010, calculated a total impact of £1,006,000 with an estimated tourism contribution to the highland economy of £3,000,000; *Steve Westbrook H.C.2010*

The B970 roadway is hazardous at the quietest of times and I have witnessed several vehicular incidents and the necessity for emergency services. Further egress/ingress on this stretch of road would exacerbate the situation.

It is the responsibility of all who can, within the Park, to help preserve the cultural heritage and beauty of this outstanding area. Steps should be taken for the whole landscape encompassing Ballimore, Abernethy Old Kirk, Castle Roy, Milton and the proposed site for development, to be designated as a Conservation area; I implore the CNPA to progress this.

Please refuse this application for development.

Yours sincerely,



Alan Billington

28<sup>th</sup> September 2015

# R&R Urquhart LLP

SOLICITORS - EST 1829

NAIRN • FORRES • INVERNESS

05 October 2015

OUR REF: JW/JV/K1151.2

YOUR REF:

Direct email: [jamie.whittle@r-r-urquhart.com](mailto:jamie.whittle@r-r-urquhart.com)

For the attention of: Katherine Donnachie  
Planning Officer  
Cairngorms National Park Authority  
14 The Square  
Grantown-on-Spey  
Moray PH26 3HG

By email: [planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)  
By fax: 01479 873527

Dear Sirs

**Mrs Elizabeth McKerchar**  
**Planning Application no: 2015/0290/DET**  
**Erection of house and outdoor livery**

On behalf of our client, Mrs Elizabeth McKerchar, of Balliemore Farm, Nethy Bridge, Inverness-shire, PH25 3ED, we hereby object to planning application 2015/0290/DET.

The application is essentially a resubmission of application 14/03246/FUL which our client objected to at the time before that application was withdrawn.

Our client lives within close proximity of the proposed development site and is therefore directly affected by this application.

We respectfully request that The Cairngorms National Park Authority rejects this planning application on the following grounds:

## Vehicular Access and Egress

1. The application requires accessing from/egressing to the B970. This section of the B970 road is very narrow, has no white line markings and is known locally as a notoriously precarious stretch of road in terms of traffic speed and frequency of accidents/incidents. Any increase in traffic activity on this part of the road can only exacerbate the situation. Based on previous proposals, our client calculates there could be up to approximately 60 additional traffic movements per day on this stretch of road should this application be approved. Also, due to the nature of vehicles using the facility in connection with horses being larger and slower, our client is concerned that the potential hazards will be further increased.

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ALL CORRESPONDENCE SIGNED BY  
A NAMED INDIVIDUAL IS SIGNED FOR  
AND ON BEHALF OF R&R URQUHART LLP

MAW

2. Specific reference is made to a memorandum dated 7 September 2015 by the Transport Planning Team at The Highland Council lodged on The Highland Council's website under reference 15/03242/FUL but which does not as yet appear on The Cairngorms National Park website following the call-in of this application. In that memorandum The Highland Council's Transport Planning Team sets out a number of issues that still require to be resolved. These points include the following:
  - The access to the site is insufficient and should be designed per drawing number SDB2 to accommodate larger vehicles such as horse boxes and cars with horse trailers.

The access gates should be a minimum of 15 metres from the edge of the road.
  - Clarification is required with regard to access for horses from the proposed livery to the adjacent field as there is no formal link shown between the two sites on the drawings.
  - The full extent of the appropriate visibility spays including the X and Y dimensions marked on it require to be provided.
3. The two photographs pasted at the foot of the first page of the design statement which accompanies the application are not representative of the visibility that would be afforded to a driver exiting the proposed egress point onto the B970.
4. The details on speed levels were notably recorded during the winter time (March 2015) and are not representative of the rate of speeds during the summer months.

#### Local Development Plan 2015

5. The application is not supported by policy 1(3) of the Local Plan in that the proposal does not reinforce the existing pattern of development (regardless of whether or not it might improve economic viability). Furthermore, the location is not on a rural brownfield site.
6. On page 188 of the Local Plan, the second objective for Nethy Bridge is "To ensure that development contributes to a clear definition between settlement and countryside", and the application will diminish that clear definition.
7. As such, policy 5, (Landscape) in the Local Plan is not supported. There are no social or economic benefits of national importance which outweigh the adverse impacts on the landscape character.

**Visual Impact**

8. In addition to an adverse impact on the landscape, our client considers that the proposed development will adversely impact the scheduled ancient monument of Castle Roy as well as Abernethy Old Church which are situated in close proximity to the proposed development

**Flooding**

9. The B970 is subject to pluvial flooding in this location, and this aspect requires to be properly assessed.

**Pollution of Allt Mor**

10. No proper assessment appears to have been provided in relation to the potential impacts upon the Allt Mor as a result of drainage/discharges. The Allt Mor forms part of the River Spey Special Area of Conservation.

**Previous Appeal**

11. Reference is made to the fact that the previous application was made by the applicants for the erection of a dwellinghouse and stable block in 2005 (reference PPA/001/004). Reference is made to the reasoning of the Reporter's report which is a material consideration for the application.

For the above reasons, we submit on behalf of our client that the proposed application is inappropriate for this location and should be refused.

Yours faithfully



R & R Urquhart LLP



[REDACTED]  
From: [REDACTED]  
Sent: 5 Oct 2015 23:49:09 +0100  
To: Planning  
Subject: Letter 2015/0290/DET

## Badenoch & Strathspey Conservation Group

Fiodhag, Nethybridge, Inverness-shire PH25 3DJ Tel [REDACTED]

Scottish Charity No. SC003846  
[REDACTED]

CNPA Planning

Grantown on Spey

4 October 2015

Dear Planner

**House and Livery opposite Balliemore, Nethy Bridge - 2015/0290/DET (resubmission of 14/03246/FUL)**

I am writing to object to the above application for the following reasons. BSCG wishes to address the planning committee when this application is discussed.



### Landscape and setting

The application site is set within an exceptionally scenic and historic landscape and within a setting of fine views to the wider countryside. The whole provides a prime example of a classic Strathspey landscape. To date, this landscape has retained its unspoilt character. The CNPA and a Reporter have previously rejected development in this field.

The application is in a relatively prominent location in this scenic northern approach to Nethy that has 3 significant and historic buildings – Castle Roy, the Old Kirk and Balliemore and the historic bridge over the Allt Mor. The proposal would negatively impact on this approach and we note that this is a highly visible location, for e.g. users of the B970, visitors to Castle Roy and the Old Kirk, walkers and cyclists.

The proposed buildings would be visible from all these four historic locations, impacting adversely on their setting and this exceptional cultural landscape.

### Environmental Impacts

We are very concerned that no appraisal of environmental impacts is provided by the applicant and no environmental surveys appear to have been undertaken for this proposal that encompasses an area of some 5000sq metres. This is a long-established field with features such as former river terraces, flood plain area and mature native trees and is adjacent to riparian woodland and the Allt Mor. This combination of habitats is valuable and may support species of conservation significance, including species on the Cairngorms Nature Action Plan shortlist

The application site comes to within some 13m of the Allt Mor that is part of the River Spey and tributaries SAC.

There is no assessment of potential disturbance issues to otter (a qualifying feature of the SAC) from the permanent dwelling despite the proximity of the curtilage boundary to the Allt Mor and the potential for lighting to impact on the Allt Mor as well as dogs.

The part of the Allt Mor adjacent to the proposal is very little visited or disturbed by people at present and we consider that the proposal would unavoidably add significantly to disturbance impacts, including during the hours of darkness. Otters use

the Allt Mor year round. BSCG found otter spraints in September 2014 on the Allt Mor close to the proposal site and again in October 2015 at 3 locations.

Otter in the Spey SAC are facing growing threats including ones associated with climate change and water quality. A further major threat is the recent population crash of one of their most important prey items, the European eel (*Anguilla anguilla*). Eel populations have dropped so dramatically that this species is now listed by the IUCN as 'critically endangered'. Consequently, otter populations could be coming under significant stress, making additional stress from disturbance of greater importance.

BSCG understands that on parts of the River Spey and tributaries SAC, SNH now considers that otters are no longer in 'favourable' conservation status following recent surveys.

The use of a septic tank and the presence of horses could impact on water quality in the Spey SAC. Freshwater Pearl Mussels (a qualifying feature of the SAC) are very sensitive to water quality and their population in the Spey has undergone a massive decline of over 50% in the last approximately 15 years. FPM are globally critically endangered and the Spey holds a significant proportion of the world's remaining population. The authorities therefore have international responsibilities to conserve this population that appears to be in free fall. A recent report from the James Hutton Institute found that waste water outflows and agricultural run-off were major sources of pollutants and that not only were current accepted pollutant levels too high for FPM, but that these levels were being exceeded at times.

Septic tanks provide a significant source of pollution into the Spey SAC and one that is less monitored and less effectively controlled than pollution from a WWTW.

Bats (European Protected Species) make considerable use of linear features such as the former river terraces and the riparian woodland. In guidance, SNH acknowledges the importance of habitats that include riparian woodland. BSCG is concerned that bats could be impacted through more intensive use of the field leading to the field becoming less productive for insect prey.

Brown long-eared bats are one of the bat species likely to be present in the area and to forage around mature woodland. Potential bat roosts close by include in the old buildings, including Balliemore House, mature trees and the bridge over the Allt Mor.

There is an issue of cumulative impacts taking account of the current allocation for houses at School Wood, which could impact on some of the same populations of bats.

BSCG is concerned at the potential increased disturbance impacts associated with the proposal in the nearby Craigmore Wood SPA. The internationally qualifying interest for the Craigmore Wood SPA is the Annex 1 capercaillie *Tetrao urogallus* which is on the UK Red List of birds of high conservation concern. The CNPA has international responsibilities under European law for capercaillie.

Craigmore SPA is now in 'unfavourable' conservation status ([http://gateway.snh.gov.uk/sitelink/siteinfo.jsp?pa\\_code=8486](http://gateway.snh.gov.uk/sitelink/siteinfo.jsp?pa_code=8486)). This is a fairly small wood with a relatively high density of tracks. Human disturbance can be considered as a significant contributory factor to its poor conservation status.

Human disturbance pressures on Craigmore Wood are increasing. For example, Aultmore House and Croft Maquien, both of which are right beside the wood, are now marketed as accommodation for parties; and running and mountain biking continue to grow in popularity.

We are concerned at the short and long term implications for disturbance to capercaillie arising from the provision of an equestrian centre so close to this SPA. The determination of a previous planning application and the appeal (PPA/001/004) identified that disturbance to caper is a major material consideration. In this context the Reporter stated "Since absolutely no increased risk to capercaillie can be tolerated, I find it impossible to condone this additional source of potential disturbance – however tentative and long term it may be" (paragraph 34).

In addition, we are aware that approving one house on this site, which in itself may increase disturbance in Craigmore through dog walking etc., would be likely to increase the probability of further development in the vicinity, and close to Craigmore SPA, over the longer term.

Human disturbance is justifiably considered a key concern in all woods supporting capercaillie in Strathspey. Understanding of the adverse impacts of recreational disturbance on capercaillie in Scotland and in particular in Strathspey has grown in recent years and concern on this subject has significantly increased.

The capercaillie is a short listed Cairngorms Nature Action Plan species identified by the CNPA as in urgent need of immediate conservation action. The CNPA's Capercaillie Framework specifies "Increasing productivity within the Strathspey population is critical to the survival and future expansion of the species in Scotland". The urgency and importance of successful capercaillie conservation identified by the CNPA, makes this site the wrong location for a development that could add pressure to the SPA. There is no imperative reason for this development to be sited at this location.

We are concerned that no appropriate assessment has been undertaken in relation to this application.

Cumulative impacts on capercaillie need to be taken into consideration. There are currently a high number of applications approved, pending or allocated that would all add to recreational disturbance in woodlands used by capercaillie and SPA European sites. For example, School Wood, Nethybridge allocated for housing; 32 permissioned houses in Boat of Garten wood; 96 houses most in woodland and the rest beside it at Carrbridge; numerous houses near Kinveachy SPA at Higher Burnside, by Scandinavian village and at Milton (all Aviemore); 1500 houses at An Camas Mor; 35 new wigwams permissioned at Badaguish; 5 permissioned houses at Coylumbridge; an application for 6 houses near Blackpark, Inverdrue.

Although no cause and effect has been demonstrated, it is noteworthy that the number of capercaillie at Glen Tanar has gravely declined since pony trekking started there; for some years numbers of caper have been low at Alvie in woodland with significant equestrian use; and at Anagach Wood, anecdotal evidence indicates increased equestrian use has coincided with decline in capercaillie.

As already noted, threats to capercaillie from increased disturbance associated with the proposal, pose significant difficulties that the competent authority needs to address.

#### LDP Policies

## Policy 1(Housing)

The proposals do not comply with 'Housing development in existing rural groups'. The house is unconnected to Balliemore, being separated by the road, hedges and fields.

The proposals could readily fail to comply with 'Other housing in the countryside'. This could occur if only the house were built (and not the stables), turning it into a domestic development not attached to a livery business; or if the house became separated from the business side of the proposal - through for example the business being closed down, or if the applicants retired and remained in the house.

Should the applicants cease to run the business themselves but retain the house, there would be a strong argument to build a second house on the site for someone else to run the livery business from. One of BSCG's concerns is that to permission one house in this field will make further houses more likely in the future.

Or the house might be sold (with or without the field) and become another second home in a location where such occupancy would be contrary to Policies.

It cannot be ruled out that the business element of this application could be viewed as a pretext to secure a house on the site.

We consider the use of a Section 75 to link a house to land or to a rural occupation is very problematic. Such an obligation is liable to be discharged sooner or later and there are multiple reasons for an owner to wish to do so. We note that planning Ref 14/03327/S75D is a recent example of an application to discharge a planning obligation to allow Kincardine Lodge to be sold separately from land (in an environmentally sensitive area in Strathspey), in order to release funds to start a new business.

The proposals do not comply with 3.7 in that the proposal would have an adverse impact on the features of natural and cultural heritage important to the Park.

## Policy 2 Economic Growth

The proposals do not comply with 'Tourism and leisure development', because the proposal would have adverse environmental impacts on the site and on neighbouring areas, and the proposal would not make a positive contribution to the experience of visitors.

The proposals do not comply with 'Other Economic Development', because the proposal is neither compatible nor complementary with existing business activity in the area in the form of the two community charities of the Old Kirk and Castle Roy.

The proposals do not comply with 4.9, with the many adverse impacts making the development unsustainable and inappropriate.

## Policy 4 Natural Heritage

The proposal does not comply with 1 and 2 (International and national designations) as it may contribute to an adverse impact on the integrity of Craigmore SPA and SSSI, and in addition an adverse impact on all other SPAs for capercaillie in Strathspey due to the metapopulation; and adverse effects are not outweighed by social, economic or environmental benefits of national importance.

The proposals are not compliant with 4 (Protected Species), due to adverse impacts on otters (EPS) as a result of the proposals' Otters are already not in favourable conservation status within the Spey and tributaries SAC, and the caveats in a) and b), relating to public interest and an alternative solution, do not apply.

The proposals do not comply with 5 (Other biodiversity) due to adverse impacts on the Annex 1 species capercaillie.

The proposals are not compliant with 6.16 as the development would weaken the integrity of the ecosystems of the NP, through adverse impacts on capercaillie, otter, etc.

## Policy 5 Landscape

The proposal does not conserve and enhance the landscape character and special qualities of the CNP and in particular the setting of the proposed development. There is no benefit of national importance to outweigh this.

The proposals do not support the policy statement of 7.9, which correctly states that "The diverse and spectacular landscapes are one of the Park's key assets and the distinctive character of the landscape is one of the reasons for the creation of the Park."

Castle Roy is an asset on a Park-wide basis (as referred to in 7.11) that would not be enhanced by the proposals.

### Policy 9 Cultural Heritage

Castle Roy is of national importance and is listed on the Schedule of Ancient Monuments. Castle Roy is one of the earliest buildings of its kind in Scotland and is the caput (i.e. capital) of the medieval lordship of Abernethy.

The proposals do not accord with Policy 9 as they adversely affect the setting of Castle Roy and these impacts are not outweighed by other benefits; and the proposals fail to enhance the character of Castle Roy, and the contribution it makes to the cultural heritage of the National Park.

The proposals are also contrary to Policy 9 due to failing to protect or conserve and enhance the setting of the Old Kirk, which is on the site of a medieval church.

### Nethy Bridge Community Information

The proposals would undermine two fundamental objectives for Nethy Bridge established in the LDP, which are to ensure that development contributes to a clear definition between settlement and countryside; and to protect those parts of the village that are important to its character and setting.

In addition, through adversely impinging on the cultural landscape, the proposals would conflict with the statement in the LDP that all listed buildings and structures, archaeological remains and sites, and features which are notable for their local cultural heritage will be protected and enhanced.

### Traffic Survey

The traffic survey gives no indication who carried it out, which draws into question how objective and reliable the survey information may be.

Business Plan and Financial Forecasts

We note that the applicant indicates that 'an outline business plan and financial forecasts' are attached. However, neither appears to be available on the CNPA website.

We consider it reasonable that the economic viability of the proposed business should be viewed as a significant material planning consideration, yet arriving at a view on this is problematic in the absence of these documents.

Yours sincerely

Gus Jones

Convener



