

### Introduction Fair Collection Statement

The Proposed Local Development Plan (the Plan) sets out a strategy for future development in the Cairngorms National Park. It includes sites and proposals for development as well as the policies that will be used to make decisions on applications for planning permission. We aim to formally adopt the Plan in 2020 when the Local Development Plan 2015 comes to an end. The Plan focuses on the five year period until 2025. It also includes development proposals for the 10 year period until 2030, as well as providing a general indication of the likely scale and location of development as far as 20 years into the future.

### How to comment

You can use this form to submit your comments on the Plan. Please complete a separate form for each part of the Plan you want to comment on.

**All comments should be submitted no later than 5pm, Friday 5 April 2019.**

Email: [planning@cairngorms.co.uk](mailto:planning@cairngorms.co.uk)

Post:

**Cairngorms National Park Authority**

**FREEPOST NAT21454**

**Grantown-on-Spey PH26 3BR**

You must submit your name and address to ensure your comments can be considered valid. This is because the Cairngorms National Park Authority (CNPA) is required by legislation to contact you in relation to your response.

As a registered Data Controller, the CNPA will collect, store and use your personal data for the purpose of informing the content of the Cairngorms National Park Local Development Plan 2020. You may request to see personal information held by the CNPA at any time. Information will be shared with the Scottish Government Department of Planning and Environment Appeals and may be published on our website. We will not publish address details but may publish the name of the person who has completed the form. By completing and submitting the form, you are consenting to the above.

### Your details

Name **Victor Frederick John JORDAN**

Organisation ...**N/A**.....

Address [REDACTED]  
[REDACTED] .....

.....  
Postcode [REDACTED] .....

Email ..... [REDACTED] .....

If you are representing a third party, please give their details below.

Name .....**N/A**.....

Organisation .....

Address .....

.....

..... Postcode .....

Email .....

Continued on next page

## 2

**I Which section of the Plan would you like to comment on?** (Please state clearly which policy, settlement, site reference number, paragraph number etc, your comment relates to)

*The proposal for housing at site H1 north east of Monaltrie Park, Ballater, on page 106 of the proposed local development plan and also shown on the map of Ballater on page 104.*

**2.What is your comment on this section of the Plan?**

*My objection to this proposal is set out in the attached submission below.*

**3.Please state clearly what change/s you wish to see made to the Plan to address your comment**

*I urge that the proposal that this site be developed for housing be removed from the plan and that the land in the proposed site instead be protected as open space.*

Cairngorms National Park Proposed Local Development Plan 2020  
Consultation 25 January – 5 April 2019 **REPRESENTATION FORM**

### **What happens next?**

Following the consultation period, all responses will be collated and assessed. The Proposed Local Development Plan and all consultation responses will then be submitted to Scottish Ministers and subject to an Examination by an independent Planning Reporter.

You can keep up to date with progress on **[www.cairngorms.co.uk](http://www.cairngorms.co.uk)** and Facebook and Twitter via **@cairngormsnews**

Please see submission on the next page

## Submission against Ballater H1

1. The proposed development of land north east of Monaltrie Park for housing would be spectacularly, flagrantly and egregiously in breach of the first statutory aim of the national park, which is "to conserve and enhance the natural and cultural heritage of the area". Not only would houses across this part of the strath reduce to that extent the rural character of Ballater, degrade the setting of Monaltrie Park rendering it less attractive as a venue and mar the iconic view from Tullich south east to Lochnagar, but also there would be a need for big changes to the existing infrastructure of Ballater in order to provide adequate vehicular access to the site. Development of this site could also be in breach of the precautionary principle of the Scottish Government's policy to deal with the risk of flooding. Expert evidence opposed to this proposal for housing is adduced in paragraphs 11 to 14 below.

### **Change to the existing infrastructure of Ballater.**

2. Thus, for example, the proposed lay out on page 19 of "Ballater Summary Report Enquiry by Design November 2006", published by the Prince's Foundation for the Built Environment, (production 1) shows a new street round the south and southwest of Monaltrie Park along the route of a current foot path, a new street alongside the Deeside Way for the extent of H1, streets across the Deeside Way into the present cul de sacs and two new roads to the north east of the existing village providing direct links from the direction of H1 across the Deeside Way to the A93.

3. Such radical changes would be needed because the existing modern housing to the north east of the village abandoned the grid like system of the original village. The Scottish Government's Consultation Draft "Designing Streets" dated January 2009 on page 33 (production 2) said of Ballater that the ability for future growth is not compromised in the south-west of the village with its permeable street pattern but more recent cul-de-sac type development in the north-east does not allow for a connected growth of the village.

### **The iconic view from Tullich towards Lochnagar**

4. As can be seen from photograph MP1 (production 3), the site H1 is spread across the whole of the dominating view of the strath looking south west from Tullich towards Ballater and Lochnagar. On the right of the photograph is the elevated meadow land between the woodland of Monaltrie House, a listed building, and the modern housing at Monaltrie Avenue.. This elevated meadow land is environmentally protected in the currently operative Local Development Plan of 2015 but is now added to H1 in this proposed local development plan.

5. The view from Tullich towards Ballater and Lochnagar has been much praised. For example, Alex Inkson McConnachie in his book "Deeside" on page 104 of the 2<sup>nd</sup> edition (1895) writes:

"The view of Ballater and its surrounding mountains from the neighbourhood of Bridge of Tullich is magnificent-one of the finest prospects on Deeside."

6. "The Tourist's Guide to Deeside", published by the Aberdeen Daily Journal in the reign of King George the Fifth, in describing a journey westward says, on page 56:

"From the Bridge of Tullich the view is entrancing."

7. The artist, the late Eric Auld RSA in his statement on the proposal for H1 in what became the local plan for 2010 wrote:

"The view of the scene on the road from Aboyne is of the Strath, Ballater and Lochnagar. It is UNIQUE, a combination of road, countryside, village and mountain which is outstanding. Because it is such an unique combination of road, country and mountain I have painted it on countless occasions in my fifty years of painting. I have also put this view into print form with a sell-out in the editions. Thousands have a similar understanding of its appeal and it does mean that the public has a direct interest in its preservation.

Consideration of the aesthetic features of this area should be of such importance that this project should not go ahead. It is a denial of what Deeside has to offer."

### **Degrading the setting of Monaltrie Park**

8. H1 would degrade the setting of our small Monaltrie Park by boxing it in and giving it something of the appearance of an urban recreation ground. Monaltrie Park is not only a recreational benefit to the

village but is also of economic value. On average about 5,000 spectators attend the yearly Ballater Highland Games held in Monaltrie Park. There is commercial potential through other events being held there, such as the European Pipe Band Championships held there on 20<sup>th</sup> May 1995. It is a small park. It needs the spacious view north east towards Tullich (shown in photograph MP 4, production 4) to retain its attractiveness as a venue. H1 in itself would be a threat to the economic benefits of this park and tend to prevent its full potential being realised.

### **Suburbanising the strath**

9. H1 would accomplish significant suburbanising of the strath reducing its attractiveness as viewed, for example, from the surrounding hills. This can be seen from photographs MP3 (a) and (b) (productions 5 (a) and (b)). These show views from Pannanich Hill across to the elevated land south west of Monaltrie House. H1 extends to opposite this elevated land and includes it, thus going some way to the north east of the new housing visible next to the Deeside Way. Photograph MP3 (a) especially sheds interesting light on photograph MP 2 (production 6).

10. Photograph MP 2, taken by Michael Preston from the Coyles of Muick of the view towards Tullich, also shows that the site H1 is far more than a wedge. The tree lined Deeside Way can be seen extending north east away from the camera and, as it approaches Tullich, curving towards the A93. The area between the Deeside Way and the edge of the strath towards the left of the picture is a conspicuous part of the landscape and cannot fairly be dismissed as a wedge. The houses of the full H1 will stretch across that area on a strip extending towards Tullich substantially further than the modern estate on the right of the Deeside Way and will appear as an encroachment, an extension of the village into the farming land bordering the village.

### **Expert evidence opposing housing on H1**

11. The Cairngorms Landscape Character Assessment of 1996, done for Scottish Natural Heritage, states in its Landscape Character Area Guidelines, Landscape type: Straths (between pages 51 and 52) that for Character Area 18-Upper Deeside Estates the aim for the agricultural landscape should be "to conserve the farmed landscapes of the strath floor in order to retain visually contrasting land uses". There is a specific reference to Ballater implying that there should be no more building in the strath to the north east. The relevant sheet of the guidelines is my production 7

12. Aberdeenshire Council recognised the environmental importance of the strath north east of Monaltrie Park. On 24<sup>th</sup> June 2004 they approved the decision of the Infrastructure Services Committee on 14<sup>th</sup> June 2004 rejecting objections to their duly advertised proposal to modify what became the local plan of 2006 by removing the designation of land north east of Monaltrie Park as an area of search for a site for housing and by extending the protected area to cover the whole of what is now H1 in the proposed plan. In his statement explaining this modification Mr. William Ashcroft on behalf of Aberdeenshire Council said "the protected area has been extended in recognition of the importance to the settlement of this area as open space both in connection with the staging of the Highland Games and with the area's potential for contributing to the character and amenity of the settlement as a whole." Regrettably, the Reporter rejected the modification. Mr Ashcroft's statement and the map showing the modification are my productions 8(a) and(b).

13. Houses on H1 will block views and potential views from the south east to Monaltrie House, an important listed building in a significant position. Professor Emeritus David Walker, O.B.E., L.L.D., D.Litt., F.S.A., H.F.R.I.A.S., Chief Inspector of Historic Buildings in Scotland from 1988 to 1993, in commenting on what became the adopted local plan of 2010, said that Monaltrie House was the most historic building in the Ballater area, unique among Scottish country houses, and that its landscape setting is the key element in its importance as an historic building. Of H1 in that plan (which extended somewhat further on the eastern side but was largely the same as in the current proposed local development plan) Professor Walker said it would severely erode the landscape setting. Of the proposal to include the elevated meadowland, also in the current H1, he said the meadowland was an essential part of the policies of Monaltrie House.

14. I submit that even if there were a valid justification for H1 it would fall to be removed from the proposed plan under section 9(6) of the National Parks (Scotland) Act 2000 asp10 as being in conflict with the first national park aim in section 1(a) of the Act of 2000, namely "to conserve and enhance the natural and cultural heritage of the area."

### **Risk of flooding**

15. The exceptional spate of 30<sup>th</sup> December 2015 spread water some way up the centre of H1 coming from the direction of the River Dee downstream of the village. SEPA's current flood map is not intended to show the precise limits of each area subject to a particular degree of risk. The flood risk assessment referred to in the proposed local development plan should therefore have been carried out before H1 was included in this proposed local development plan since, according to paragraph 260 of Scottish Planning Policy of 2014, plans should use **strategic flood risk assessment** (SFRA) to inform choices about the location of development and policies for flood risk management. According to paragraph 255 the planning system should promote: a precautionary approach to **flood risk** from all sources, taking into account the predicted effects of climate change. The precautionary approach would seem to dictate that this ambitious proposal for an extension of the village by 250 dwellings should not be included in the local development plan in the present state of the evidence.

***I urge that the proposal that this site be developed for housing be removed from the plan and that the land in the proposed site instead be protected as open space.***

*Victor FJ Jordan 30th March 2019*

## APPENDIX OF PRODUCTIONS

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## Movement and Transport

### *Strategic Overview*

Movement and transport has always been central to Ballater, through its historic role as a key crossing point of the river and as a rail interchange for Balmoral. Whilst we must not lose sight of this illustrious past (and indeed there are opportunities as demonstrated by the Old Station to capitalise on this) we need to look to the current and future transport needs of residents and visitors to Ballater and ensure these are fully integrated within future plans for the town.

It is vital to consider both external movements – to and from Ballater and internal movements within Ballater and consider these within the wider transport and sustainability agenda, including growing concerns to minimise the environmental impacts of transportation and a desire to provide accessibility to services for all, including those without access to car and mobility difficulties due to age or disability.

By placing these objectives at the core of any new plans there is also real potential for Ballater to demonstrate best practice as a model for other small Scottish towns.

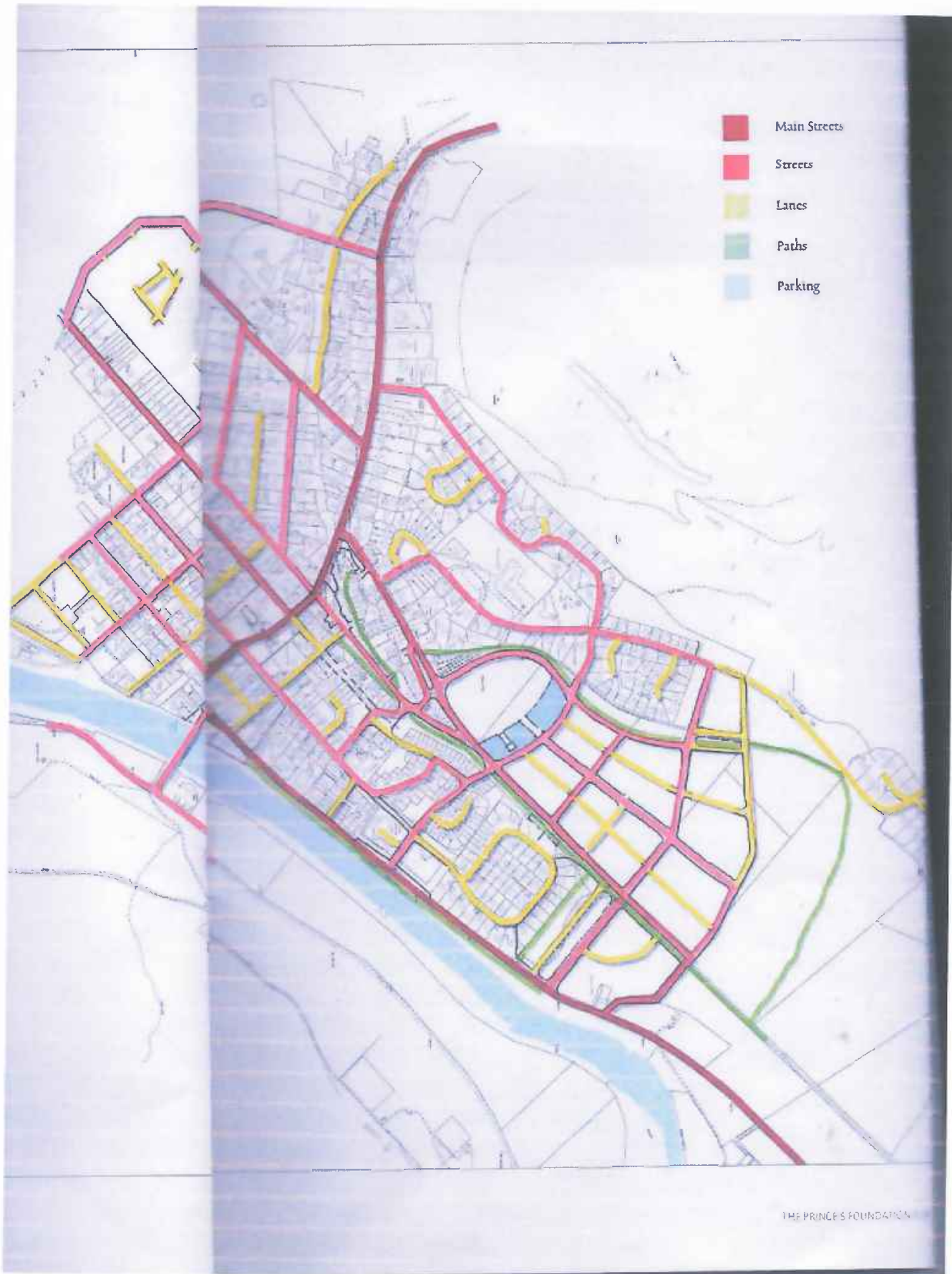
The 2001 census provides a good insight into the movement patterns for Ballater. Some 50% of journeys to work take place within Ballater itself with only 14% being commuter trips to Aberdeen. Modes of transport for these trips have changed much since the heyday of the railway with almost 50% of trips to work being made by car as a driver or passenger. However, walking is still very important, accounting for 35% of total trips to work and no less than 65% of trips to work within Ballater. Cycling only accounts for some 3% of the same trips.

These figures help set the challenges. How do we maximise the proportion of trips

made on foot or by bike within Ballater and what can we do to promote non-car use whilst maintaining good connections for both local and external movements?

For external links we have to accept that the re-instatement of regular passenger rail services is unlikely, certainly in the short to medium term, being precluded by cost and the very limited number of commuter movements to Aberdeen, (the key driver of regular passenger demand). It will be very important however to maintain this alignment for the future and potentially further develop it for walking, cycling and transport heritage functions (complementing the old rail station). Making bus services more attractive for both residents movements, for example for work and shopping in Aberdeen and to the secondary school in Aboyne together with visitors to Braemar and Balmoral will be a key challenge. Imaginative approaches to the latter could restore the historic role of Ballater as a transport interchange by encouraging visitors to swap from cars to bus or cycle for the last leg of their journey, for example to Balmoral.

For internal movements the challenge is to retain the relatively high proportion of trips currently made by foot and reverse trends to greater car usage. Given the ageing population, the needs of those with limited mobility must also be addressed.



## Section 2 | Movement and Transport

The following are suggested ways of tackling this challenge within the design of any future expansion of the community: re-establishing grid pattern: a grid pattern of streets characterises the older parts of Ballater and contributes greatly to ease of movement on foot within and through this area. The same cannot be said of the more recent cul-de-sac developments which discourage walking through indirect routes and thus longer walking times.

Maximise connectivity to the existing network: any new development within Ballater needs to be well connected to existing streets and key facilities such as the town centre and primary school by direct routes, particularly for pedestrians and cyclists.

Move towards current guidance on creating a good road environment: this approach to well connected and more permeable streets is promoted by recent Scottish Executive Guidance (PAN 76 Residential Streets) which promotes a move away from car-based street design that has characterised many more recent housing developments. Low traffic speeds are a key aspect of this approach, achieved by good initial design rather than bolt-on features.

Encourage/develop good walking habits: as well as promoting this through good design, educational and awareness raising mechanisms could be considered including work with school children and personal travel planning for families/employees. It is anticipated that the existing 5.5m

road width typical in the town will be maintained where appropriate within any new development.

It is proposed that the A93 approach to the town be treated to extend the 30mph speed limits, create entrance features/gateways, recreate the sense of a built environment and encourage lower traffic speeds. It is felt that the recent tendency to limit frontage access to the A93 encourages excessive speed.

The proposed layout emphasises and reinforces the existing walking routes from the current eastern edge of the town whilst providing facility for north – south pedestrian movements, connecting with existing developments.





## PRODUCTION 2



**Figure 3.3 Ballater, Aberdeenshire - the ability for future growth is not compromised in the south-west of the village (a) with its permeable street pattern, but more recent cul-se-sac type development in the north-east (b) does not allow for a connected growth of the village.**

3.6.8 Once the outline masterplan has been prepared and key movement routes identified, the next step will be to establish the characteristics of the various types of street that are required for the new development. Street character types should be developed by considering the space requirements of people and vehicles rather than through the application of standardised widths relating to dwelling numbers. A hierarchy should be established which relate to the character of the local area e.g. Roads, Drives, Terraces and Places. The mix and combination can help to create distinctive areas. This is because each character type will have key requirements for the dimensions of the street, its relationship with the buildings and the space that encloses it. More guidance on creating street character types is contained in chapter G4.

**PRODUCTION 3: Photograph MP1 of view from Tullich towards Ballater**  
(21/08/12 045.JPG taken by Michael Preston on 21/08/2012)



## PRODUCTION 4

Photograph MP 4 showing view from Monaltrie Park looking north east towards Tullich

(10.10.12 015. JPG taken by Michael Preston on 10<sup>th</sup> October 2012)



PRODUCTION 5(a)

Photograph MP3(a) of view from Pannanich Hill across H1  
(1.10.12 112. JPG by Michael Preston on 1/10/2012)





PRODUCTION 5 (b)

Photograph MP 3(b) showing a view from Pannanich Hill across H1



.( 140 JPG taken by Michael Preston on 1/10/2012)

## PRODUCTION 6

Production 6      Photograph MP2 of view from Coyles of Muick towards north east  
(Coyles Walk 098.JPG taken by Michael Preston on 26/05/2009)



15  
Production 7

**LANDSCAPE CHARACTER AREA GUIDELINES**  
Landscape Type: Straths

[Between pages 51 & 52] of ~~Edinburgh~~ *Edinburgh*  
*of Edinburgh* Landscape Assessment 1976 (for 2014)

CHARACTER AREAS	SPECIFIC LANDSCAPE GUIDELINES						
	Agricultural Landscapes	Semi-Natural Habitats	Extension of Woodlands	Amelioration of Existing Woodlands	Conservation of Designed Landscapes	Accommodation of New Development	Enhancement of Existing Development
16 Glenlivet	n/a	Conserve broadleaved woodlands aligning water courses	Encourage the extension of mixed woodlands onto farmland, interlocking with existing broadleaved woodlands	Consider the felling and/or non restocking of inappropriately scaled plantations or substantially extend to form extensive mixed woodlands on some hill slopes	n/a	n/a	Reduce the visual impacts of distilleries by encouraging the use of appropriate materials and more compact design in any future building and encourage the establishment of woodlands to screen outlying yards and buildings
17 Strathdon	Conserve the distinctive pattern of small scale pastures within the strath floor and encourage the retention of the existing strong pattern of shelterbelts and woodlands enclosing them and extending on to the lower hill slopes.	n/a	Aim to retain the overall pattern and balance of forested hill tops and farmed strath floor in considering new planting proposals	Reshape existing forestry, particularly on the hill tops to ameliorate geometric margins and introduce more species and age diversity	Encourage the protection and rehabilitation of gatehouses and estate walls within any conservation plans for Designed Landscapes, as they are a distinctive component of the landscape of Strathdon.	Promote the use of traditional materials and reflect the style and proportion of traditional estate houses, cottages and farmsteads in the design of new housing.	n/a
18 Upper Deeside Estates	Aim to conserve the farmed landscapes of the strath floor in order to retain visually contrasting land uses within the Character Area.	n/a	Retain the predominantly wooded character of the landscape, yet carefully consider the balance of open ground to woodland should new planting proposals occur	Encourage the sensitive felling and restocking of existing plantations in order to minimise visual impacts in this highly visible landscape.	Conserve the Designed Landscapes as a priority, taking care to conserve original features and remove any inappropriate additions.	n/a	Encourage the retrospective screening of intrusive housing on the fringes of Ballater, by planting woodlands which fit with the overall pattern of planting in the area.
19 Muir of Dinnet	Support and conserve agricultural land in the area in order to retain the diversity of the landscape.	Continue to conserve the diverse vegetation of the area, retaining areas of open land to provide visual contrast with the woodlands.	n/a	Encourage the amelioration of unsympathetic margins of coniferous plantations on the surrounding hills and interlock with the broadleaved woodlands within the basin landform	n/a	n/a	n/a
20 The Cromar Farmlands	n/a	Conserve the open character of the upper slopes of the hills bordering the Character Area, retaining a high proportion of the heather moorland covering them	Encourage the planting of medium to large scale mixed woodlands within the agricultural landscape to increase visual diversity	Ameliorate geometric margins of existing coniferous plantations, introducing native species and, where possible, linking with existing birch woodlands in the area.	n/a	n/a	n/a

16

PRODUCTION 891

P &amp; ES

Aberdeenshire Council  
Woodhill House Annex**Precognition / Statement**

by Aberdeenshire Council and Cairngorms National Park Authority

rpt-Precognition-Statement 2  
12/10/2004 at 13:15:53

Marr - Ballater

**Issue**  
205

Session Week Reporter

Area of Authority

**Objectors Appearing at Hearing**  
(Ballater Royal Deeside Limited)

806.1.1

**CW Objectors Proceeding by Written Submission****CW**

Bale, D Mr (Scottish Natural Heritage) 986.25.1

Farquharson-Black, E Ms (Paul &amp; Williamsons) 47.32.1

47.44.2

Lovie, J Mr &amp; Mrs 815.1.1

Pritchett, Clare Ms (Scottish Environment Protection Agency) 969.5.5

Sedgwick, S Dr (Ballater and Crathie Community Council) 289.3.1

Wright, B Mr (Ballater Royal Deeside Limited) 768.1.1

**Objectors Appearing at Inquiry****Precognition / Statement By**  
Bill Ashcroft**A. Qualifications and Experience**

My name is William Ashcroft. I was awarded a Diploma in Town and Regional Planning from the Duncan of Jordanstone College of Art, Dundee, in 1971, and was elected a member of the Royal Town Planning Institute in 1976.

I have been employed as a Planning Assistant, and Senior Planning Assistant with Dundee Corporation, Perth Burgh Council, Glenrothes Development Corporation, Moray District Council, and the former Kincardine and Deeside District Council.

I was transferred to Aberdeenshire Council in 1996, as a Policy Planner, which is the position I hold at this time.

Approximately half my Planning experience has been gained as a Development Control Officer, and the remainder as a Policy Planner.

**B. Scope of Evidence**

B.1 I will be presenting the Council's evidence on aspects of the proposals for Ballater.

**1. Provisions of the Development Plan****2. Summary of Objections**

2 Seven objections have been received, and are considered individually or grouped, as appropriate.

**3. Council Response to the Objections****3.1 DELETION OF FH1\* DESIGNATION AND COMMUNITY PROVISION IN AN EXTENDED PROTECTED AREA**

3.1.1 An fh\* designation is not warranted in this Plan and the Protected Area has been extended, in recognition of the importance to the settlement of this area as open space, both in connection with the staging of the Highland Games and with the area's potential for contributing to the character and amenity of the settlement as a whole.

**3.2 HOUSES SHOULD BE ALLOCATED**

3.2.1 Since the objection on this topic is in written form, in this case the Council's response remains as set out in the annex to the Statement of Participation.

**3.3 THE DECREASING HOUSING LAND SUPPLY**

CW = "" when Conditionally Withdrawn

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P4 ES

Aberdeenshire Council  
Woodhill House Annexe**Precognition / Statement**  
by Aberdeenshire Council and Cairngorms National Park Authority

PRODUCTION 8(g) (en) Ab

rpt/Precognition Letter 2  
12/10/2004 at 13:16:53

Map - Ballater

**Issue**  
205

3.3.1 Since the objection on this topic is in written form, in this case the Council's response remains as set out in the annexe to the Statement of Participation.

**3.4 DRAINAGE**

3.4.1 Since the objection on this topic is in written form, in this case the Council's response remains as set out in the annexe to the Statement of Participation.

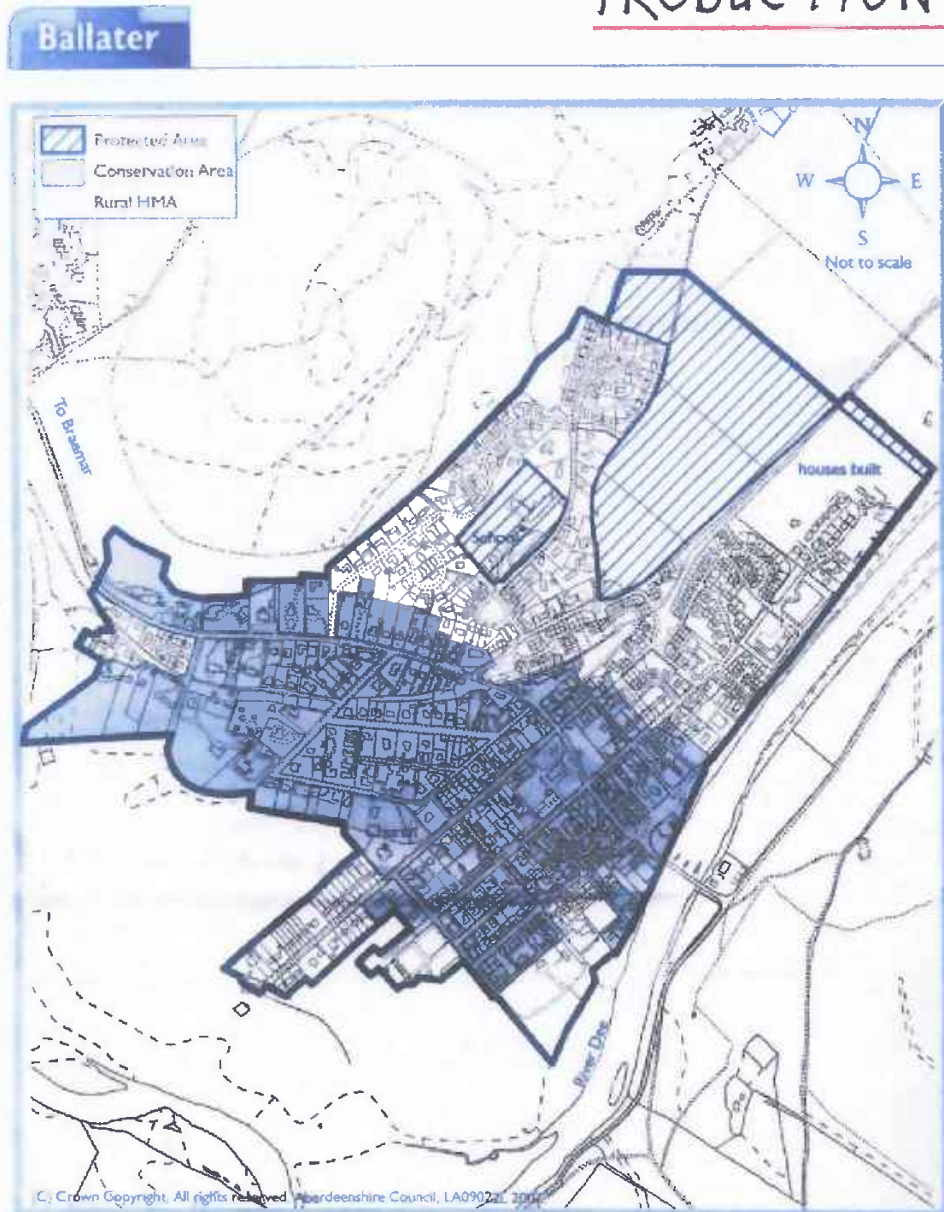
**3.5 DEESIDE AND LOCHNAGAR NSA**

3.5.1 Since the objection on this topic is in written form, in this case the Council's response remains as set out in the annexe to the Statement of Participation.

**4. Modifications Proposed to the Plan by the Council**

Delete Site fr1\* and extend Protected Area - see amended map

**5. Recommendation**



Within Ballater only development meeting the Plan's policies will be permitted.