

PE1534/S

Badenoch and Strathspey Conservation Group Letter of 19 January 2015

New Town - An Camas Mor (ACM) (originally called Cambusmore), Rothiemurchus Estate, Cairngorms National Park. Case study submitted by Badenoch and Strathspey Conservation Group (BSCG)



This case study concerns a major application for a new town – An Camas Mor, (originally called Cambusmore) in the Cairngorms National Park. There have been nationally and internationally significant environmental concerns regarding the application including the potential impacts on capercaillie, and freshwater pearl mussel. Originally the 2009 application was given outline permission in 2010, however it did not receive planning permission in principle (PPP) until 2013. The PPP was made despite there being considerable amounts of lacking or inaccurate information. It was subject to conditions and requirements for further detailed plans. The public had no opportunity to comment on the 2013 planning application that provided ACM with Planning Permission in Principle in 2013 because it was considered the same application as that made in 2009. The application has been granted planning permission in principle, despite Reporters being highly critical of the allocation in the local plan and there being considerable substantial unresolved issues that bring into question the principle of the development.

The proposal

- is on a site of 105 hectares on the Rothiemurchus estate it includes up to 1500 houses
- has been hailed as exemplar of a sustainable new community and yet its sustainability is questionable with regard to some fundamental arrangements such as the sewage, where there are unresolved issues which could lead to potentially significant adverse impacts
- will impact on Capercaillie, which are in crisis with 80% of the Scottish population now confined to the Cairngorms NP and could become extinct in Scotland
- will threaten the globally threatened freshwater pearl mussel a species that has declined by 50% in the last 10 years on the River Spey despite international, legal obligations.
- has been given planning permission in principle on the basis of very little concrete information relating to delivery, and relies heavily on conditions
- does not contain details on the sewage arrangements (which affect the River Spey), traffic impact on a national cycling route,
- has no masterplan, no recreation plan and no assessment of affects on capercaillie
- contains incorrect information on vegetation and invertebrates

The proposal site

- is wholly within the Cairngorms Mountain National Scenic Area (established in 1981).
- is wholly within the Cairngorms National Park (established 2003).
- is close to the River Spey & Tributaries Special Area of Conservation, the Cairngorms Massif SAC and Cairngorms SPA.
- includes forest on the Ancient Woodland Inventory
- includes Priority Habitats such as lowland heath and Caledonian forest
- supports European Protected Species, Scottish Biodiversity List and UK Priority species, Annex I species, Annex II species, UK Red Data Book species, Cairngorms Nature Action Plan short-list species, UK red and amber listed birds

Planning Process:

- Badenoch and Strathspey Conservation Group (BSCG) objected to the indicative allocation of what was originally called Cambusmore in Highland Council's emerging Local Plan in the early 1990s. The allocation was for some 750 houses. Scottish Natural Heritage (SNH) also objected to this allocation, on landscape grounds.
 - BSCG and members of the local community and other groups objected to the indicative allocation for a proposed 'New Community' An Camas Mor (ACM) in the Cairngorms National Park Authority's (CNPA's) first Local Plan (adopted 2010) and emerging Local Development Plan (to be adopted early 2015).
 - BSCG provided evidence to Reporters in person and/or in writing for both these plans.
 - BSCG and others objected to the first and only planning application for outline permission for ACM subject to a S75 and conditions. This application was made in 2009 and approved by the CNPA in 2010.
 - Planning Permission in Principle (PPP) for this application was not issued by the CNPA until March 2014, some 5 years after the application was made.
 - The CNPA planning committee resolved a second time to grant PPP, again subject to a S75/planning obligation and conditions, in August 2013. Crucially, this 2nd decision included an Appropriate Assessment under the Habitats Regulations.
 - This 2013 decision remains the substantive decision on this application. It was taken without public participation and 4 years after the application was made.
 - There was no opportunity for the public to comment on this 'application' because the CNPA did not treat this as a new application, but as part of the application made in 2009 (4 years earlier).
 - Notwithstanding, BSCG and some others did make written comments to the CNPA planning committee regarding this 2nd 'application'.
 - The only other application for ACM was made in May 2014 and withdrawn in July 2014 (without being determined).
 - This application was for Matters Specified in Conditions and included part of a MasterPlan.
 - BSCG (and many others) objected to this MSC application.
 - No other applications have been made for ACM since then.
 - Thus, the outline application made in 2009 remains the only application made for ACM that has been taken forward. This application was given outline permission in 2010
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- Accordingly, in spite of the proposal for a new town having first been included in a plan in 1990, a quarter of a century ago, the public have only had a single opportunity to respond to an application that the applicant has progressed to determination .

Why ERA is important for this case

Reserved matters in this case seem to be so substantial as to draw into question the principle of development (e.g. important habitat questions have apparently not been resolved) - this means that key issues of principle have apparently not been settled at the point when the principle of development was established. In this case ERA would have enabled the public to raise these important questions that have clear public interest implications in a national park setting

On a more general, principled note: The high profile and contested nature of the application, as well as the fact that reporters have raised serious concerns about the development also highlight how controversial and contested the balance of factors can be in planning cases. Recognising this, it is clear that there is a public interest justification in offering full and fair opportunities to scrutinise proposals

