

The Highland Council  
Planning & Development Services  
2<sup>nd</sup> Floor  
Kintail House  
Beechwood Business Park  
Inverness  
IV2 3BW

**Turnberry**

20 February 2017

Dear Sir/Madam,

**Town and Country Planning (Scotland) Act 1997 (As Amended)**  
**Section 42 Application to Vary Condition 1 of Planning Permission in Principle (PPiP)**  
**09/155/CP Relating to An Camas Mòr, Aviemore**

On behalf of the applicant, 'An Camas Mòr LLP', please find enclosed an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) to vary condition 1 of the existing planning permission in principle (CNPA Ref. 09/155/CP) for a new mixed-use community of up to 1,500 homes at An Camas Mòr, Aviemore.

We have been working extensively with necessary representatives of the Scottish Government; the Cairngorms National Park Authority (CNPA); and relevant statutory bodies in scoping the extent of Phase 1 infrastructure.

Our client appointed a design team to commence work on the detailed design of the infrastructure, as well as the review of the Masterplan and Phase 1 proposals during 2015. Their work has encompassed various on-site surveys, technical studies and discussions during several intensive workshop sessions and follow-up meetings in August, September and November 2015, together with update meetings in the first half of 2016. In addition, we have undertaken in 2016:

- A week-long workshop in August 2016 to start work on the preparation of a detailed Masterplan and landscape plan for the site, and specifically for phase 1. The Workshop re-engaged the design team, officers of CNPA joined and THC participated in some of these discussions in August this year and I know your department was also invited to participate; and
- Discussions with the Scottish Government and its advisors around advancing the design and planning process in order to get to a point where Infrastructure Loan Funding for exceptional external infrastructure can be released for this project.

Providing a phased approach to the development and extending the timescales will facilitate the infrastructure design development process and allow this work to complete.

The proposed change to condition 1 is essential to facilitate appropriate phasing of the development as the Design Team moves towards implementation of the development.

At the same time we would like to replace the current direction in order to extend the timescales for the submission of future detailed information required by the planning conditions. This will provide the Design Team with more time to complete the detail surrounding the Masterplan for Phase 1, the supporting infrastructure packages and detailed environmental information needed to inform/support this work.

The modified condition is set out below. In addition to retaining the requirement to provide detailed landscape and ecological mitigation strategies in support of the Masterplan, this is now placed within a broader requirement to submit details of phasing and land uses within each phase:

### **Condition 1**

- a) **No development shall commence until a Site-wide Phasing Plan (SPP) has been submitted to and approved in writing by the CNPA acting as planning authority. The proposed development shall then be implemented in accordance with the SPP with any amendments to the document to be submitted to and approved in writing by the CNPA.**
- b) **The SPP shall include a review of potential landscape and ecological impacts and associated mitigation strategy in respect of those phases beyond 630 residential units. Details of the Review shall be submitted to and approved in writing by the CNPA.**
- c) **Detailed Site Plans (DSPs) shall then be submitted to and approved in writing by the CNPA for each phase or sub-phase and shall define the range and quantity of uses proposed to include (but not exclusive to):**
  - **residential (Class 9);**
  - **residential institutions (Class 8);**
  - **retail (Class 1-3);**
  - **business (Class 4);**
  - **hotel (Class 7);**
  - **non-residential institutions (Class 10); and**
  - **leisure (Class 11).**

The Section 42 application comprises of this cover letter and the following documents:

- Completed application form.
- A copy of the original submission of the Planning Permission in Principle '09/155/CP'.
- Statement of validity in terms of the originally submitted Environmental Statement (ES) prepared by specialist EIA consultancy, Peter Radmall Associates; and
- A review of the ecology on the site since the original assessment undertaken by Applied Ecology Ltd.

The relevant application fee of **£202.00** has been paid online via the submission of this application on the 'ePlanning.scot' Portal.

The last two documents listed above have been prepared in order to review the original ES, together with the supplementary work that has been undertaken, in order to confirm whether it

continues to provide a robust basis for this application. Similarly, the Ecological Review assesses and comments on any ecological change that may have taken place since the 2009 Environmental Statement (ES).

This review has been informed by updated ecological surveys commissioned by the applicant and conducted over the period 2010-2016 to update, as considered necessary, the baseline survey work that informed the original ES, and walkover surveys of the site conducted by an ecologist from Applied Ecology Ltd in March and August 2016.

Since approval of the application in 2014, there have been changes to ecological planning legislation and recommended approaches to Ecological Impact Assessment, but these changes are not likely to have resulted in a significantly different ES outcome to that originally reported in relation to ecology and nature conservation.

The updated species surveys have confirmed that the animal and plant assemblages within the development site have not changed significantly in the intervening years, and that the original ES findings continue to provide a valid assessment of the likely impacts of the development on ecology and nature conservation.

In summary, the need for protected animal species mitigation to enable development was identified by the 2009 ES, and remains the same in 2017. While the location, scope and legislative basis for this mitigation has changed over time, the overall need, scope and feasibility of protected species mitigation has not materially changed.

Taking account of the policy context, the 2011 EIA Regulations, the technical guidance and the overall continuity in baseline conditions, it is considered that a high degree of reliance can be placed on the environmental information as it currently stands.

If the full EIA were to be re-run, it would use slightly different data-sets and methodologies to those applicable in 2009, and would therefore be likely to deliver slightly different results. However, all assessments are carried out within degrees of tolerance, based on worst-case assumptions. No material changes to these assumptions, or to the significance of the predicted effects, have been identified. In conclusion, the environmental information is considered to provide a reliable basis on which the PPIP may be re-determined.

The CNPA has completed an updated 'Habitats Regulation Assessment' (HRA) (dated August 2013) in relation to the An Camas Mòr development that supersedes the HRA in the 2009 ES. The HRA considers seven Natura sites that could be significantly affected by the development (Abernethy Forest SPA, Anagach Woods SPA, Cairngorms SPA, Craigmore Wood SPA, Kinveachy Forest SPA, Cairngorms SAC, and River Spey SAC). The HRA recommends mitigation that would ensure the development will not adversely affect the integrity and qualifying features of any Natura sites, and is considered by CNPA to be up to date and valid with respect to the existing PPIP.

We enclose a copy of the original planning application in support of this application and look forward to receiving confirmation of registration. We also fully expect that this Section 42 application will be called-in by the CNPA.

An Camas Mòr  
Section 42 Application to Vary Condition 1 of PPIP '09/155/CP'  
17 February 2017

Yours faithfully,

**Chris Pattison**  
Planning Director

cc. Gavin Miles - CNPA  
John Grierson - Aviemore & Vicinity Community Council