The proposed new town in the Cairngorms â?? the conservation and access implications of the An Camus Mor planning application

Description



An Camas Mor visualisation from 2008 re-submitted February 2017. ACM is in the Cairngorm Natio

On Friday the Cairngorms National Park Authority Planning Committee will consider a revised planning application for An Camus Mor (see here), the proposed new town across the Spey from Aviemore. (Click here for link to the Parkâ??s planning portal and all 236 documents associated with the application). The main change proposed by the the application is to vary planning condition 1, which restricted the development to 630 houses (out of a potential 1500) until the impact of this initial phase of the development on landscape and ecology had been completed. Instead the applicants, An Camas Mor Limited Liability Partnership, the development vehicle of the landowner, Johnnie Grant of Rothiemurchus, are proposing a phased approach.

The abandonment of the precautionary approach

There is no explanation, from either the applicant or the Park about why the planning application needs to be varied. The applicantâ??s letter 2017_0086_DET-SECTION_42_COVER_LETTER-100124269 claims that â??The proposed change to condition 1 is essential to facilitate appropriate phasing of the development as the Design Team moves towards implementation of the developmentâ?• without explaining why. The Parkâ??s Committee Report repeats this claim without explaining what it means.

The Committee report then fails to consider the proposed changes in relation to the precautionary principle or the National Parkâ??s statutory objectives, which state that when their is a conflict between any of the Parkâ??s statutory objectives, in this case sustainable economic development and conservation, conservation should come first. That there is a conflict is clear from para 24 of the Committee Report:

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> *SNH advise that the proposal is likely to have a significant effect on:*
> *a) The Capercaillie qualifying interest of Cairngorms SPA (Special Protection Area for birds), Abernethy Forest SPA, Kinveachy Forest SPA, Anagach Woods SPA and Craigmore Wood SPA;*
> *b) The acidic scree, alpine and subalpine heath, blanket bog, dry heath, wet heath, plants in crevices on acid rocks, and otter qualifying interests of Cairngorms SAC; and*
> *c) The otter, Atlantic salmon, fresh water pearl mussel, and sea lamprey qualifying interests of River Spey SAC.*

Under the original condition, if the development of this site had a larger impact than was being predicted or could be mitigated â?? and the whole site is basically surrounded by protected sites, including those important to the Capercaillie which once again is close to extinction in Scotland â?? it could be halted. Johnnie Grant is now effectively asking for this limit on the development to be waived and the Parkâ??s officers, in recommending the application is approved, are agreeing with him. Its difficult to see any justification for this in conservation terms.

So why is this happening? The most likely explanation is that the proposed change is being driven by financiers who will want guaranteed returns. As a result of the infrastructure costs associated with developing the site (building new roads, relocating wildlife etc), it is likely that it will only be when house numbers reach a certain figure â?? probably over 630 â?? that the profit will really start rolling in. Hence the reason for this application. The financiers want to remove the risk that the development will not be highly profitable and the main risk of this happening in Planning Condition 1. Money, it

appears, is more important than conservation in our National Parks.

Had the National Park officers been recommending that the development be reviewed and potentially halted at each phase of the development, that would have strengthened the precautionary approach, but unfortunately that is not what is being proposed. Once the go-ahead is given for the whole development, and the block plan for the proposed housing has already been approved, it will become impossible to stop, whatever the evidence of impacts on the natural heritage. In effect under a phased plan all the CNPA will be able to do is comment on matters of detail, not the wider impacts of the development.

The environmental impact of the proposed development and the implications for access rights

The main new document associated with the proposal is a 240 page Habitat Regulations Appraisal (HRA) dated 20th June, but which was only made public on Monday when it was uploaded to the CNPA planning portal, and which was drafted by CNPA staff with support from SNH (Appendix 4 of the Committee Report).

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The HRA starts out by stating that the An Camus Mor Development will have a â??likely significant effectâ?• on no less than seven protected European sites: Abernethy Forest Special Protection Area (SPAs protect birds); Anagach Woods SPA; Cairngorms SPA; Craigmore Wood SPA; Kinveachy Forest SPA; Cairngorms SAC (Special Area of Conservation â?? protects things other than birds); River Spey SAC. Basically the reason for this is 1500 new households at An Camus Mor will go out into the neighbouring countryside, which happens to be these protected areas, to do everything from walking dogs to mountain biking (and the people likely to be attracted to live at An Camas Mor, like Aviemore, are likely to be more active than most of the population).

The Habitats Regulations Appraisal however says that these impacts can be mitigated. While there is a huge amount of detail (much of which is highly debateable in the report) In a nutshell what it is saying is that the CNPA and developer can compensate for additional recreational impacts from a larger resident population around Aviemore by reducing existing recreational impacts. The outcomes required to mitigate for An Camus Mor and the measures that will be needed to make this happen are set out for each part of each protected area (hence the length of the document). While the Habitat Regulations Appraisal at one place suggest these outcomes only apply to An Camus Mor residents there is no way of course of differentiating between local residents and visitors and, as phrased, most of the outcomes will affect everyone. Here is the example for Inshriach, which is not exactly next door to An Camas Mor:

C: Inshriach (Thieves Road, Inshriach Forest to Feshiebridge, Tracks to Inshriach House) **This is all located on Forestry Commission Scotland Land**	Required Outcomes: 6. No off-path recreational activities, nor development of new informal routes within this area. 7. Residents & visitors keep to the main promoted existing routes in this area, and dogs do not stray off the routes. 8. Improved screening between the main routes and areas important for capercaillie. 9. No increase in dog walking. 10. No increase in mountain biking beyond the main forest tracks and promoted routes.

What this is saying is that in order to compensate for An Camas Mor, access rights will be restricted, so off path recreational facilties will stop and both residents and visitors will have to keep to â??promoted existing routesâ?•. This is far more draconian than the Loch Lomond and Trossachs National Park byelaws and if implemented would in effect end access rights in large parts of the Cairngorms National Park. Worryingly, the document even states that byelaws are a measure of last resort. So, the CNPA is in effect proposing to sacrifice access rights to enable An Camas Mor to go ahead. This is a national scandal and should not be being decided by the Planning Committee of the National Park.

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There are all sorts of other implications for access to, as is clear from the measures proposed for Glenmore:

B. Glenmore (Woodlands around Sluggan Pass, Badaguish, and North Loch Morlich Woods, Ryvoan, Cairngorms Bridge, 'Piccadilly' area, Rothiemurchus Lodge, South Loch Morlich woods, Allt Ban, Glenmore Forest and Meall a Bhuachaille) **This is all located on Forestry Commission Scotland Land**	**B. Glenmore** (Woodlands around Sluggan Pass, Badaguish, and North Loch Morlich Woods, Ryvoan, Cairngorms Bridge, 'Piccadilly' area, Rothiemurchus Lodge, South Loch Morlich woods, Allt Ban, Glenmore Forest and Meall a Bhuachaille) Required Outcomes: 1. No off-path recreational activities, nor development of new informal routes. 2. Improved screening between the main routes and areas important for capercaillie. 3. No net increase in use of paths and tracks that are currently lightly visited. 4. No increase in mountain biking away from the main forest tracks and promoted routes at the Sluggan and Glenmore. 5. Revegetation of the unused path through Blar Ban and Glenmore. Measures: • Removal of any new informal mountain bike tracks that evolve – especially to south of Badaguish, Sluggan Pass and within 1km of known lek sites or core brood rearing areas. • Proactive management to make some areas, including Sluggan Pass and South Loch Morlich Woods, unattractive for mountain biking eg facilitating wind blow, and monitoring and removal of informal mountain biking trails • Restrict parking at Sled-dog centre, Badaguish road end and Milton end of Sluggan pass • Complete blocking of old layby and timber loading area and other informal parking areas on Ski road • Improved screening in woods south of Badaguish/Sluggan tracks, Glenmore Forest and south Loch Morlich Woods from users on paths through active woodland management • Awareness raising and promote responsible access through off site measures, (eg media/leaflets Ranger events targeted at ACM residents) • Promotion of alternative dog walking locations • Removal of trees that have fallen across River Luineag to avoid facilitating access to sensitive areas • On site ranger presence during key season • Management for continued revegetation of 'Hidden Path' across River Luineag and track through Blar Ban, and liaise with OS re not marking it on maps • Management for revegetation of low use dead end tracks in upper

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What this in effect says is that in order to enable the An Camas Mor development to go ahead existing car parks will be reduced in size or blocked off completely, certain access routes will be blocked off, particularly for mountain bikers etc etc. Just how this fits with the Cairngorm and Glenmore Strategy, which was agreed less than a year ago, in unclear. And similar measures are proposed for much of the rest of Speyside. The implications for recreation and tourism are huge and yet there has been no public consultation. There needs to be and the Planning Committee should refuse to take a decision until there has been full public consultation on the CNPAâ??s Habitats Regulations Appraisal otherwise it will be digging a very very deep hole for itself. I am confident that if consultation did take place on the proposed mitigation measures, the proposals will collapse.

So, what is the explanation for what is going on?

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In 2014 the Scottish Government paid Johnnie Grant Â£7.2m for part of the Rothiemurchus estate in a secret deal (see here). The question as to why Johnnie Grant needed to sell this land, or why the Government needed to purchase it when it was not at any risk, has never been answered. One possible explanation is that Johnnie Grant needed to raise funds to help finance the An Camas Mor development. If even an element of this Â£7.2 has been or is going to be spent on An Camas Mor, the Scottish Government has already been effectively helping to finance the development.

Whatever the case, there is a statement in the applicantâ??s letter that since the original planning application it has had:

> *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.*

This appears to indicate that the Scottish Government is fully behind this application. It would take a very strong National Park Board to reject the Scottish Governmentâ??s wishes and the suspicion has to be that both senior staff and Board have not approached this according to matters of principle, but rather are doing what they have been told to do. To repeat, because of the implications for access of their proposed mitigation measures, they are digging a very deep hole for themselves.



Osprey on post at centre ACM, June 2016 which it was still using in August 2016. Photo credit Bade

The suspicion of a stitch-up is re-inforced by the failure of the Committee Report to consider more up to date information on the wildlife to be found on the An Camas Mor site. The Badenoch and Strathspey Conservation Group, who have been looking at the wildlife on the site for some time and discovered a

number of species not reported in the original planning application (see here for brilliant photos of the wildlife), have been asking the Park for updated environmental surveys for some time. Earlier this week, the CNPA at last added a survey on badgers to the planning portal but at the same time redacted most of the content. Presumably someone doesnâ??t want the public to know how many badgers may be affected by the development because badgers are likely to arouse more public support than bugs.

More importantly, the Badenoch and Strathspey Conservation Group had been asking for a copy of the Habitats Regulations Assessment for weeks. The CNPA refused to provide this, on the grounds they planned to publish this, which they eventually did this Monday â?? despite the massive implications for access rights. The CNPA apparently expects the BSCG and Cairngorms Campaign, both of have both asked to address the Committee on Friday, to be able to assimilate and respond to this 240 page document in four days. Thatâ??s not right, although this situation has been partly mitigated â?? excuse me using that term â?? because SNH, to their credit, did agree to release the information.

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Why the secrecy? I had expected better of the CNPA. And what is the CNPA scared about? I hope I have provided enough information here for some Board Members to start asking some searching questions.

The level of support for the proposals

Despite a sustained local campaign to raise support for the proposal â?? see the ACM leaflet May 2017 which was delivered to every house in the Aviemore area â?? there were only 12 general expressions of support for the revised An Camas Mor planning application. â??*Of those supporting, nine were from individuals (eight from Aviemore and one from Pitlochry) and the remainder werefrom Visit Scotland, Scottish Tourism Alliance and Aviemore Sports Centreâ?*• This compares to 23 general objections of which â??*16 were from individuals (from Aviemore, Kingussie, Nethy Bridge, Aboyne, Bettyhill, Broughty Ferry, Comrie, Ellon, Dunblane, Glasgow, Inverness, Limekilns in Fife, East Molesey in Surrey, Kendal and Wirral in Merseyside). The remainder were from the North East Mountain Trust, Scottish Wildlife Trust, Scottish Campaign for National Parks, The Cairngorms Campaign, Butterfly Conservation Scotland and the Badenoch and Strathspey Conservation Group.â?*•

This is hardly an indication of high levels of support for the proposals, a factor which usually influences the politicians. Part of the reason why may be because people working in Aviemore who currently donâ??t have suitable housing are not convinced that An Camas Mor will meet their housing needs. When they learn it may affect their access rights too â?? and there is a much higher proportion of people who mountain bike in Aviemore than the rest of the country â?? they might actually start to oppose the whole development. I hate to say this, but it looks like someone in the CNPA has reached the same conclusion, which is why the Habitats Regulation Appraisal has only been published at the

last minute (I am happy to give the Park a right of reply on parkswatch to explain their position).

The wider picture

The big question is why, having created National Parks to protect parts of Scotland which are particularly important for conservation and recreation, are they in a position where much of their time and resources is devoted to developing new towns, leisure developments like Flamingo Land and inappropriate developments up mountains?. Surely our National Parks were created to do things differently?

I can understand our politicians wanting to create jobs and build better places for people to live â?? I think this is necessary too â?? but to do this in the same old ways, basically giving land over developers to produce yet more inappropriate developments, shows a complete lack of imaginative thinking or ideas of how to promote sustainable economic development. Both our National Parks need an alternative economic strategy, and to pioneer new paths to sustainable economic development.

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Added to the inappropriateness of developments such as An Camas Mor, is the fact that its located adjacent to Glenmore, the place most under pressure in the whole of the Cairngorms National Park. Why then is the CNPA directing development to the very area that can least support it? There are plenty of other places, such as Dalwhinnie and Laggan, which could sustain further development and if developed would help spread visitor load. Instead, the implications for all those who currently enjoy visiting Glenmore is that in order to offset the impact of more people living locally (and cycling or walking their dog in Glenmore) new visitor management measures will be introduced which will have a drastic impact on access rights. This means this development has implications for the whole recreation community, including people who go to Glenmore to enjoy wildlife.

The big test for the CNPA on Friday is whether it will put the needs of the developer and the wishes of politicians before its duty to promote conservation and public enjoyment of the countryside.

Category

1. Cairngorms

Tags

1. access rights
2. CNPA
3. Development Plan
4. Freedom of Information

5. planning
6. Scottish Government
7. secrecy

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