



Case reference	NA-CNP-002
Application details	Construction of new farm buildings, farmyard, associated utilities/drainage, landscape & access road to new farm
Site address	Land East of Lynvoan, Lynchat, Kingussie
Applicant	Balavil Estate Ltd
Determining Authority	Cairngorms National Park Authority
Local Authority Area	The Highland Council
Reason(s) for notification	Objection by Government Agency (Transport Scotland)
Representations	NIL
Date notified to Ministers	19 November 2018
Date of recommendation	10 December 2018
Decision / recommendation	Call in

Description of Proposal and Site:

- This notified application relates to the proposed relocation of Balavil Home Farm. Proposed in principle in the planning application is construction of new farm buildings, farmyard, associated utilities, drainage, landscaping and access roads to a new farm located on land to the East of Lynvoan at Lynchat, just outside Kingussie.
- The planning application was originally submitted to Highland Council. Cairngorm National Park Authority (CNPA) called in the application for their own consideration. The Planning Committee of the National Park Authority then resolved to approve the application, following which it was notified to Scottish Ministers.

EIA Development:

- This specific application has a site area of 1.92 Ha. The proposal fits the description of being an urban development project under 10(b) of the table in Schedule 2, and is above the size threshold of 0.5 Ha. However, the site is not located within a sensitive area, and therefore the Council and National Park Authority consider that no EIA is required.

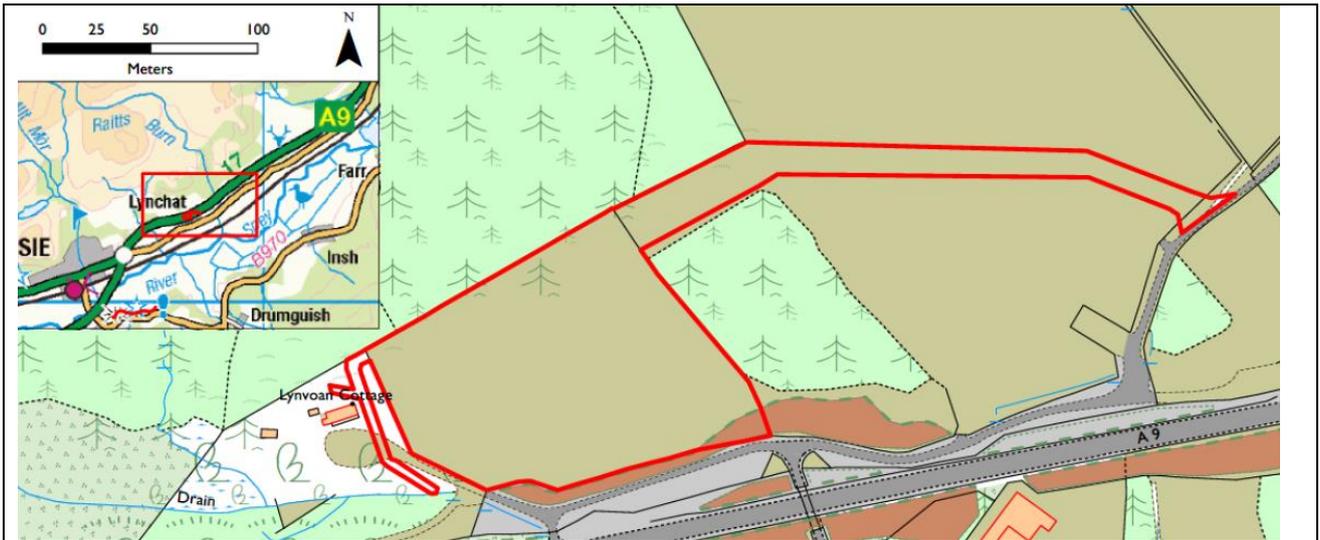


Figure 1: Site boundary of planning application



Figure 2: A9 Dualling (From Transport Scotland Environmental Statement) with approx. site position overlaid red

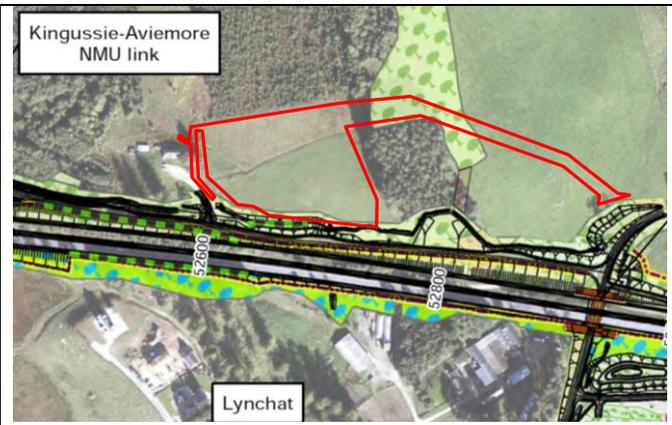


Figure 3: A9 Dualling in immediate area (From Transport Scotland Environmental Statement) with approx. site position overlaid red

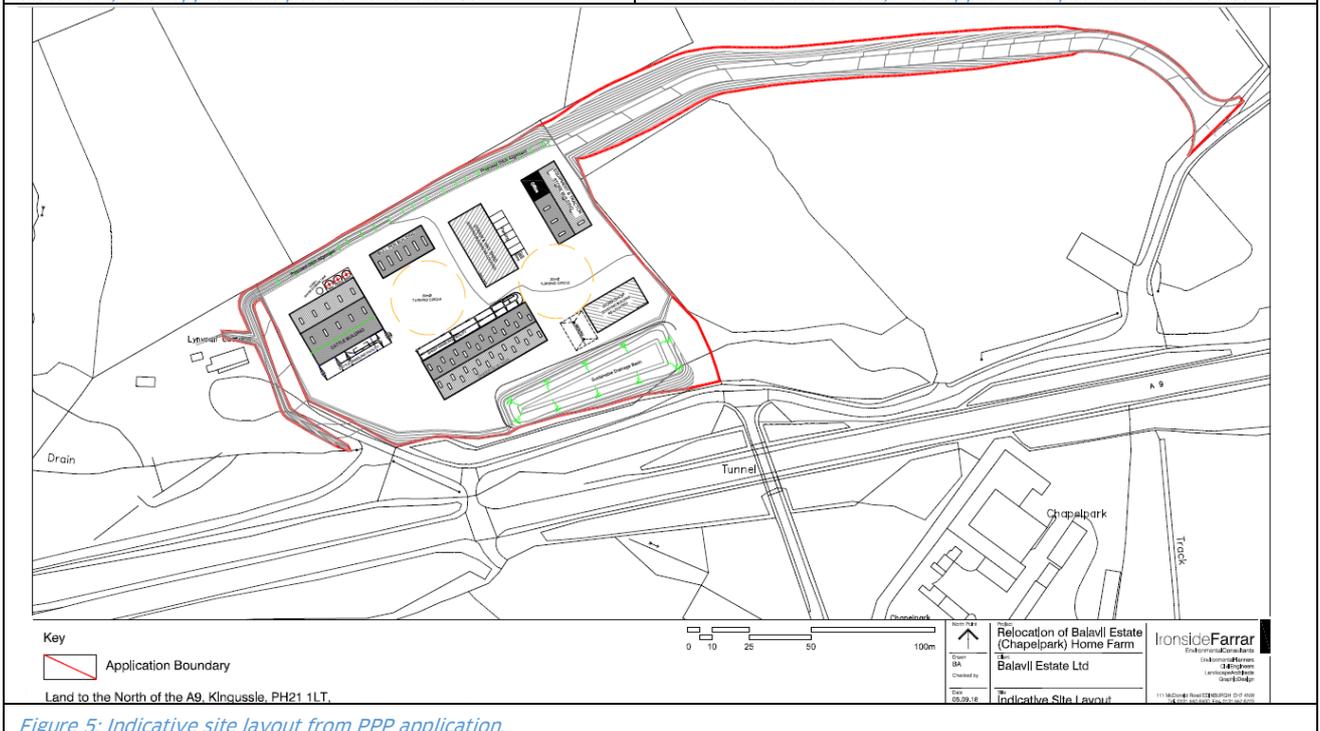


Figure 5: Indicative site layout from PPP application.

Consultations and Representations:

- The application was notified to Scottish Ministers due to the outstanding objection by Transport Scotland, who object to the application because it overlaps some areas of land they have identified for compulsory purchase for the A9 dualling project and consider that it impacts upon:
 - a) Delivery of the northbound carriageway;
 - b) An access track to Lynvoan Cottage, which also forms part of a new shared Non-Motorised User (NMU) facility;
 - c) The diversion of an unnamed watercourse lying to the south of Lynvoan Cottage and passing under the existing A9 at this location;
 - d) Environmental mitigation including native woodland planting, mammal fencing and noise mitigation.
- PAD undertook consultation with Transport Scotland (SG) following notification of the planning application.

Assessment:

1. Transport Scotland consider there is conflict between the proposal, and the implementation of the A9 dualling. Design work for the dualling programme has been carried out and the plans are largely finalised. An Environmental Statement has been produced for the proposed dualling. The compulsory purchase order (CPO) process for this part of the A9 dualling is underway, with draft CPO published.
2. Points of potential conflict between the planning application and the draft CPO could be:
 - All 46,286 m² of the published CPO Plot 728 (land owned by Balavil Estates Limited (BEL)) is required to form the A9 Northbound Carriageway, including a culvert over the Allt Cealgach watercourse, and northbound side open channel watercourse diversion of an “unnamed” watercourse above Lynchat, an alternative means of access to “Lynvoan” cottage and NMU shared facility providing access to “Upper Raitts” and Raitts Cave (ultimately providing an NMU link north to Aviemore and south to Kingussie), environmental mitigation and replacement native woodland planting.
 - All 133,040 m² of the published CPO Plot 801 (land owned by BEL) is required to form the A9 Northbound Carriageway, including a culvert over the Raitts Burn, and another small “unnamed” watercourse above Lynchat, an alternative means of access to “Lynvoan” cottage and “Upper Raitts” and environmental mitigation replacement native woodland planting. This land also includes for Compensatory Flood Storage and a new replacement underpass providing access to the northbound side of the Balavil Estate and also have an impact on proposals to create an open channel drainage ditch on the upslope of the access to Balavil House. The BEL proposals also impact on ES Schedule 21 environmental commitment to provide noise mitigation to “Lynvoan” cottage.

3. The National Park Authority (as planning authority) is content that the concerns of Transport Scotland can be suitably addressed further at Approval of Matters Specified in Conditions Stage, when TS will be consulted again.
4. PAD consulted Transport Scotland (SG) following notification of the application. TS dispute CNPA position that the road proposals are at an interim design stage and not yet fixed. TS view is that the draft orders and Environmental Statement are the outcome of 4 years of design work, and the design now is essentially fixed. TS confirms their view that the opportunity to amend the design of the dualling project is very limited. TS advise the proposals will impact upon the A9 dualling scheme, and there may be difficulties in resolving their concerns. It is noted by TS that the indicative plan conflicts with the draft CPO (the new farm road conflicting with planting). TS note that it would have been possible for the farm to operate from its existing location, without relocation, in a manner which could accommodate the A9 dualling project.

Decision/Recommendation:

5. There is a conflict between the proposal and the A9 dualling project. It is therefore appropriate that this application be called in to enable DPEA to give full scrutiny for the implications of the development, and to ascertain fully the potential for any conflict with the nationally important dualling scheme on the A9. There must be no risk of any conflict between the development and the A9 dualling details in order for the principle of development to be suitably established here.
6. It is recommended that the application be called in for further scrutiny by DPEA.