

Our ref: PCS/156165
Your ref: Cairngorms LDP

If telephoning ask for:
Zoe Griffin

2 March 2018

David Berry
Cairngorms National Park Authority
14 The Square
Grantown-on-Spey
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By email only to: planning@cairngorms.co.uk

Dear Mr Berry

Cairngorms National Park Local Development Plan 2020 Main Issues Report (MIR)

Thank you for your consultation email which SEPA received on 17 November 2017 regarding the publication of the Main Issue Report (MIR) for Cairngorm National Park Local Development Plan (LDP).

The attached Appendix 1 contains our comments/answers to those questions set out in the MIR which have direct relevance to our interests, with Appendix 2 setting out a table with detailed comments on each of the preferred site allocations and the alternative sites. In Appendix 3 we provide comments on the existing LDP policies. Please note, although we make reference in this letter to the associated Environmental Report (ER) for the MIR, we have provided detailed comments on the ER separately (see SEPA Reference PCS/156231).

We look forward to working with the Cairngorms National Park Authority as you take forward the LDP with the production of the Proposed Plan later this year. Prior to this, we would welcome consultation on any draft policies relevant to our interests and any sites where we may not be able to support the principle of development if included in the LDP as detailed in the attached appendices.

We would highlight that any unresolved requests for policy coverage, site removal or developer requirements would result in an objection/modification request at the Proposed Plan Stage.

We have produced the following Development Plan Guidance Notes and associated background papers which set our requirements and recommendations for development plans by topic area.

- [Flood risk](#) supported by the [land use planning background paper on flood risk](#)
- [Water Environment](#) supported by the [water environment background paper](#)



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- [Sustainable Resource Use](#) supported by the land use planning background papers on [zero waste](#), [heat networks and district heating](#), and [renewable energy](#)
- [Soils](#)
- [Air Quality and co-location](#)

These have been used for the basis of our response to the MIR. We would encourage you to use these documents as a guides while development the Plan.

If you have any queries relating to this letter, or would find it beneficial to arrange a meeting with us to discuss any of our comments, or provide informal comments on any of the work you are currently undertaking on the proposed plan, please contact me by telephone on 01224 266636 or e-mail at planning.aberdeen@sepa.org.uk.

Yours sincerely

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Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

APPENDIX 1

Main Issue 1: Over-arching development strategy

Do you agree that the overall development strategy of the current LDP remains appropriate and that we should use this as the basis for the next LDP?

Yes, we agree most new development should continue to be focused on the main strategic settlements with smaller-scale development being accommodated in the intermediate and rural settlements. We note and support the remainder of the Park would be subject to a more restrictive approach to development aiming to support land-uses for conservation, forestry/woodland expansion, agriculture and recreational use.

This approach is in accordance with Scottish Planning Policy (SPP) paragraph 77 in helping to maintain and grow existing communities and at the same time supports our interests by making the best use of existing and proposed infrastructure whilst protecting important natural resources.

It allows for better sewerage and potable water provision, with positive consequences in terms of infrastructure maintenance and strategic future planning. It should also lead to less reliance on private motor vehicles, less travel and therefore less air pollution, more sustainable use of resources, more potential for district heating provision and less carbon emissions.

Main Issue 2: Designing great places

Do you agree that the new LDP should include a new policy requiring development proposals to meet the six qualities (as specified in SPP) of successful places?

Yes, we would support this proposal.

Two of the six qualities are very relevant to our interests. In terms of developments being 'Adaptable' (development that can accommodate future changes of use), we would support this particularly if it encourages developments that are designed capable of connecting to make use of existing/ future sources of district heat, and built to a water resilient design when in or adjacent to areas at risk of flooding.

However, we would wish to see any new policy or supporting text make clear that any future changes would have to be suitable for the site location. For example, a change of use which would increase vulnerability in terms of flood risk may not be supported. Similarly any future change of use which would introduce co-locational issues may not be supported.

As part of 'Resource efficient' development we would support allocations/development that re-use or share existing resources, maximise efficiency in resource use and prevent future resource depletion. We would particularly support the inclusion of reference to the opportunity to maximise co-location and delivery of district heating as part of resource efficient development.

In terms of both safer places, with particular regard to health, and adaptable spaces, any new policy in the LDP should take account of the Scottish Government's [Cleaner Air for Scotland](#) policy document. Spaces should consider the needs of pedestrians, cyclists and public transport ahead of private motor vehicles; developments should help to create a clear hierarchy and structure to open spaces and routes; and overall designs should be well connected and interlinked by transport. Electric vehicle/ low emission transport infrastructure should also be considered when designing places including provision of electric charging points and low emission fuel provision.

The Governments Green Infrastructure: Design and Placemaking guidance highlights how green infrastructure can contribute to each of the 6 qualities of successful places. Similar benefits can be derived from maintaining and enhancing water features (e.g. rivers, lochs, burns, lochs and wetland) and ensuring their connectivity is equally important. We believe sustainable placemaking should be underpinned by a policy framework that includes with the identification of existing, and creation of more, blue and green infrastructure. Blue/green infrastructure provides multiple benefits including a role in sustainable and natural flood risk management which has been identified in Main Issue 9 in the MIR.

Good air quality is an important element of sustainable place making and this should be recognised in policy coverage. We note that air quality is not covered specifically by any policy in the existing 2015 LDP. Fortunately, there are currently no air quality management areas (AQMA) in the Cairngorms National Park area. However, clean air quality is an important characteristic of the Park that should be maintained. Future development will inevitably introduce new sources of pollution and we request more policy coverage on air quality to ensure that any proposed development which could have a detrimental impact on air quality, through exacerbation of existing air quality issues or introduction of new sources of pollution, provides appropriate mitigation measures which are agreed with the local authority.

Please also refer to our comments on existing Policy 3 Sustainable Design in Appendix 3 of our response for further guidance on the design of successful places particularly in terms of energy use.

Do you agree that we should include a clearer policy in the new LDP to set out when tools such as masterplans and development briefs will be used?

We agree that the LDP should set out clearly when a masterplan or development plan will be used. However, we have no preference whether this is included in a new policy or incorporated into an existing policy and/or settlement statement.

Main Issue 3: Impact and opportunities from the A9 and Highland Main Line upgrades

Do you agree with our proposals to allocate new employment land at Aviemore (THC59, North Aviemore, THC61), Carr-Bridge (THC30/69), Dalwhinnie (THC016) and Kincaig (THC046/054) to take advantage of the opportunities for inward investment associated with the A9 and rail upgrades?

We will support opportunities for inward investment associated with the A9 and rail upgrades where there is no adverse environmental impacts on the site or neighbouring areas, or people in terms of health or flood risk. We have provided detailed comments on the acceptability of these individual preferred sites in Appendix 2.

Allocation	SEPA site assessment
Aviemore - THC59	Due to close proximity of the Granish Landfill site, certain economic uses may not be suitable for this site. May require a flood risk assessment (FRA) and Phase 1 habitat survey to inform site layout. May require a drainage impact assessment (DIA) to address surface water flooding. Adequate buffers along existing watercourses and good SUDs required.
Aviemore - North Aviemore	Due to close proximity of the Granish Landfill site, certain economic uses may not be suitable for this site. May require a flood risk assessment (FRA) and Phase 1 habitat survey to inform site layout. May require a drainage impact assessment (DIA) to address surface water flooding.

	Adequate buffers along existing watercourses and good SUDs required.
Aviemore - THC061	May require a flood risk assessment (FRA) and Phase 1 habitat survey to inform site layout. May require a drainage impact assessment (DIA) to address surface water flooding. Adequate buffers along existing watercourses good SUDs required. Opportunity to make morphological improvements to Aviemore Burn which we would welcome.
Carr-Bridge - THC30/69	A FRA will be required to inform site layout. A Phase 1 habitat survey may be required Adequate buffers along existing watercourses good SUDs required.
Dalwhinnie - THC016	We recommend removal from the plan due to flood risk unless the following can be guaranteed: no increase in use vulnerability and no decrease in the functional floodplain by increased building footprints or land raising Adequate buffers along existing watercourses and good SUDs required.
Kincraig - THC046	May require a flood risk assessment (FRA) to inform site layout. Adequate buffers along existing watercourses and good SUDs required.
THC054	May require a flood risk assessment (FRA) and Phase 1 habitat survey to inform site layout. Adequate buffers along existing watercourses and good SUDs required.

Do you agree that we should seek to support those communities that are at risk of being by-passed by the A9 dualling project?

Yes. This approach is in accordance with SPP paragraph 77 in helping to maintain and grow existing communities and at the same time supports our interests by making the best use of existing infrastructure. It may be helpful to list which communities are perceived to be at 'risk' if this is taken forward.

Main Issue 4: Housing

Do you agree with our proposed Housing Supply Targets for the next Local Development Plan?

No comment

Do you agree that the proposed Housing Land Requirements are sufficiently generous?

No comment

Do you agree with our overall conclusions about the need for additional new housing sites in the new Local Development Plan?

No comment

Do you agree that we should include long term development land in the Local Development Plan which could be released for development in the event that An Camas Mor does not progress as envisaged?

Yes, we support the inclusion of long term development land. Early assessment of future allocations allows for any site constraints to be highlighted as early as possible.

Main Issue 5: The Affordability of Housing

Do you agree that we should increase the affordable housing requirement to 35% in Ballater and Braemar, and to 45% in Aviemore and Blair Atholl?

No comment

Do you agree that we should include policies to require a greater mix of housing types and sizes, including more smaller homes?

No comment

Main Issue 6: Economic Development

Do you agree that the new LDP should identify a limited number of new economic development sites?

No comment

Main Issue 7: Impacts on Nature designations

Do you agree that the new LDP should include a more co-ordinated approach towards delivering wider packages of capercaillie mitigation and conservation measures?

We welcome and support the proposal to work closely with ourselves and Scottish Water to ensure there will be sufficient capacity to treat waste water created by new development and to ensure there will be sufficient capacity for water abstraction levels needed to support future development.

However, policies will also need to underpin the need for efficient resource use, including water use, with water efficiency measures required to help achieve environmental protection not only for freshwater mussels but water habitats as a whole.

Potable water provision should come from within Scottish Water's existing SEPA consented abstraction limits and as such the Cairngorms National Park Authority should liaise with Scottish Water to ensure this is achievable.

Main Issue 8: Planning obligations

Do you agree that the new LDP should include a revised and more rigorously justified policy on planning obligations?

We support this proposal. We note the current Policy 11 refers to waste facilities as one item contributions can be made towards and we would wish this to be maintained.

Do you agree that this should be supported by more specific guidance in the Plan about what planning obligations will be required in different settlements/locations?

Yes. We would support any measure that helps the LDP be clear, transparent and user friendly

Main Issue 9: Flood risk and climate change resilience

Do you agree that the new LDP should include a stronger policy requirement for Sustainable Drainage Schemes to be considered in all new development proposals?

Yes. We are pleased to see that flood risk and climate change resilience has been identified as a Main Issue, and the Local Development Plan will ensure that development complies with SPPs principles on flood risk. We support the preferred option outlined in the MIR on flood risk, and agree that the existing plan's policy on flood risk is still relevant, although minor amendments are recommended in Appendix 3 of this response.

We consider the water quantity aspects of surface water drainage and the majority of SUDS measures to be matters for the Local Authorities to consider. However, as SUDS can have benefits for managing surface water flood risk, we are supportive of the Plan's approach to

promote a stronger requirement for the incorporation of SUDS for all new built development. A stronger requirement for SUDS will not only benefit the management of flood risk but also provide multi-benefits in terms of helping to deliver other LDP policies and successful places as discussed above. We also recommend stronger SUDS requirements should not be limited to all new built development but should also apply to changes of use/redevelopment of existing sites where retrofitting SUDS would also provide these multi-benefits. Surface water should be controlled at source and SUDS designed in accordance with the latest CIRIA Manual (currently C753). Any policy framework should ensure the provision of sufficient space to provide both permanent and temporary/construction SUDS.

We note the Main Issues Report and Strategic Flood Risk Assessment has identified scope for new Natural Flood Management opportunities. Although we are generally supportive of any measures to reduce flood risk, as with any new development there is the potential it could increase flood risk elsewhere, for example by altering flow paths and/or floodplain storage and conveyance. Therefore we are pleased to see that the Strategic Flood Risk Assessment has identified this, and that any detailed Natural Flood Management proposals will need to be assessed if brought forward. As already discussed above, we would welcome a policy framework that supports sustainable flood risk management and blue/green infrastructure.

Following the severe flooding during winter 2015/16, we have had discussions with Cairngorms National Park Authority (CNPA) regarding records of flooding we hold, and are pleased to note that this has been used to inform the Strategic Flood Risk Assessment. Our detailed flood risk comments on proposed site allocations are provided in Appendix 2.

Main Issue 10: Land management in upland areas

Question 16: Do you agree that the new LDP should include an amended policy to reflect the Cairngorms National Park Partnership Plan's presumption against new hill tracks in open moorland areas?

Whilst landscape character is not within our remit to comment on, we would support any policy that helps protect peat and carbon rich soils by avoiding disturbance and excavation of carbon rich soil in the first instance. We request that areas of carbon rich soil should be identified as a constraint for areas of search for hill tracks.

Improvements to existing hill tracks, in some instances, may help to minimise existing environmental impacts caused by badly formed tracks and fords. We would welcome a policy that only permitted hill tracks if they were shown to minimise environmental impacts, such as soil erosion and water bodies, and a satisfactory maintenance programme is agreed with the planning authority. Encouragement of associated enhancements such as replacement bridge crossings for existing fords and culverts and peat restoration would also be welcomed.

APPENDIX 2 - SECTION 5 OF MIR – SETTLEMENT BASED ISSUES

General notes

We have assessed the preferred and alternative site options together with the proposed protected open spaces and proposed settlement boundaries as requested in the MIR using all the information available to us at the time of consultation. Individual site assessments are provided in the separate spreadsheet. The sites have been ordered in the order they appear in the MIR.

We have indicated where we wish to see site requirements highlighted in the settlement statement/attached to the allocations at the Proposed Plan stage. This will give more transparency and certainty to developers. It should be noted that should these requirements not be highlighted we are likely to object to the allocation in the Proposed Plan.

The undertaking of a FRA, Phase 1 habitat survey and/or a DIA including appropriate SUDS design as well as an assessment of appropriate buffer strips to waterbodies, should inform the siting, layout, design and capacity of the development on the site.

Groundwater dependent terrestrial ecosystems (GWDTE), are specifically protected under the Water Framework Directive. We have noted where we would wish to see a Phase 1 Habitat survey undertaken and should be used to identify if and where wetlands are present. If present then a National Vegetation Classification (NVC) survey should also be completed to establish if any wetlands are GWDTE. It should be noted that this requirement may be required on other sites as more information becomes available.

Flood risk

With regard to flood risk, we have indicated in the spreadsheet where any site falls into a Potentially Vulnerable Area (PCS) within the National Flood Risk Assessment published in 2011 by SEPA under the Flood Risk Management (Scotland) Act. Sites which are highlighted on the SEPA Flood Maps as potentially having surface water issues are also highlighted for the benefit of the local authority, who as Flood Risk Management Authority are generally responsible for drainage and surface water issues.

Unfortunately there are a number of sites where the principle of development appears to be compromised as a result of the flood risk information we hold, and we would be likely to **object** to their inclusion in the Local plan. The information we hold indicates that the majority of these sites may be at risk of flooding, or the development of these sites could have a detrimental impact on flood risk elsewhere. It is not clear from the information available at this stage that it would be possible to satisfactorily address the flooding issues at these sites, and so they should not be included in the Local Plan as the principle of development has not been demonstrated. The sites that this applies to are:

Preferred sites	Braemar AB023 Dalwhinnie THC016
Alternative sites	Kingussie THC053, Newtonmore THC051, Braemar AB005, Nethy Bridge THC017, Dalwhinnie THC056, Inverdrue THC025

Further information would have to be submitted in support of these sites to enable us to review our position prior to allocating these sites in the Plan. We would remove our objection to these sites if it is demonstrated that the flood risk issues do not affect the principle of development and where appropriate, can be addressed in accordance with the principles of

Scottish Planning Policy and sustainable flood risk management.

There are also a number of sites identified on the spreadsheet for which we think there are flooding issues which may affect part of the site, and where further information such as a flood risk assessment will be required to support detailed development proposals. The outcome of the assessment could reduce the area of the site that is developable, the capacity of the site, or the design or layout of the site. For these sites we would object to their inclusion in the Local Plan **unless** wording is included in the settlement or site text that highlights that flooding is a constraint and an assessment of flood risk would be required. This ensures that developers are aware from the earliest stage of any possible implications and of the additional costs that will be incurred in bringing development forward. In some cases the requirement for a flood risk assessment could be avoided through a precautionary approach and appropriate site layout. The sites that would require additional information, such as a flood risk assessment are:

Ballater

Aberdeenshire Council have commissioned RPS to carry out a flood study for Ballater. SEPA have been providing advice to the Aberdeenshire Council on the study, and have reviewed the hydrology. We hold copies of the **draft** flood extents for the model, which include modelled extents from Storm Frank. Following discussion with Aberdeenshire Council Flood Team, and the CNPA planning team we have agreed that for proposed sites within Ballater we have used the **draft** flood extent from the Storm Frank event, rather than the SEPA Flood Maps to screen potential sites, along with other information we hold. This is because the **draft** Storm Frank extents have been modelled using a more detailed site specific methodology than SEPA's indicative Flood Maps. For the Ballater H1 site (and extension to the H1 site) the **draft** Storm Frank extents should be used to inform the site capacity and layout, and avoid areas of flood risk. For currently developed sites that are within the **draft** Storm Frank flood extents consideration should be given to existing use of the site and if proposed development would increase vulnerability. For the Ballater ED1 site it is likely we would have no objection to development for a same or less vulnerable use. For the Ballater T1 site, we would have no objection to the continued use as a caravan site, however it is likely we would object to any future redevelopment of the site. We would strongly object to an increase in the number of caravans at the site as this will increase the number of residents at risk, and to any mitigation measures that may increase flood risk to neighbouring sites such as bunding or landraising. We would encourage a change of use to a lower vulnerability when there is opportunity.

Open spaces

For sites that have been identified for protected open space or are a new allocation for open space, we have indicated in the spreadsheet that we agree with their designation as this will maintain the storage and conveyance capacity of the functional floodplain. Many of the sites identified for open space are entirely within the medium likelihood flood extent, and therefore if proposed for any other development or land use it is likely we would object to their inclusion within the Plan. In addition, no land raising in open areas that have been identified within the flood plain. A FRA maybe required if land-use changes result in storage or conveyance impacts and increases flood risk to nearby receptors

Water

Ballater

The sewer system in Ballater is not known to have capacity issues, although Scottish Water would be better placed to assess this. We understand that both the works and the network is still under strain from material left behind from Storm Frank. It is not clear when this will be resolved and adding extra loading to the sewerage infrastructure before the effects of Storm Frank have been fully resolved may cause a downturn in treatment at the sewage works,

leading to undesirable impacts on the River Dee SAC. SEPA would expect all developments in Ballater to connect to the public sewerage system but the timescales for this should be discussed with Scottish Water.

Nethy Bridge

We are aware of potential capacity issues with regards to waste water treatment in Nethy Bridge. This should be confirmed with Scottish Water.

Potable water

Potable water supply is a concern, particularly in the Dee catchment, as climate change may bring about a reduction in available water, and increased abstraction from surface waters may lead to a downgrade in classification. Potable water supply should be assessed by Scottish Water as it may be difficult to approve additional abstractions from surface waters particularly in the Dee catchment.

Culverting

Several sites have watercourses through them and this has been noted on the spreadsheet. In line with current LDP policy we would not support any culverting and would welcome any re-naturalisation of any straighten sections of watercourses.

Co-location issues

Only a small number of sites appear to have potential co-location issues. For your information and further consideration, these are noted on the spreadsheet. In Aviemore THC045, THC059 and Aviemore North are in close proximity to the Granish Landfill. We have had odour issues with this site in the past originating from Jones Rd. area and any development on these sites will be substantially closer. The sites are also adjacent to a quarry, a Waste Transfer Station, a Waste Sorting Facility Concrete batcher (currently disused) and Aviemore WWTW. Certain land uses such as housing may not be suitable depending on proximity these activities. Likewise in Dinnet AB013 is adjacent to the sewage treatment works and it should be noted that SEPA does not regulate odour from sewage works under CAR.

APPENDIX 3 - PREVIOUS POLICIES

Previous Policies

Do you agree our conclusions about the changes that need to be made to policies in the existing LDP?

Do you think any other changes are needed?

We note the Monitoring Statement has been published within the MIR and this includes a review of each of the policies in the existing LDP against most recent planning guidance and legislation. We have provided comments and recommendations on each of the existing policies where relevant below. We would welcome the opportunity to review any draft rewording of existing policies. Where we have recommended specific rewording of a policy this is *italic* and underlined.

Policy 1 New housing development

Please refer to our comments on Main Issues 5 in Appendix 1 of this response.

Policy 2 Supporting economic growth

Please refer to our comments on Main Issues 3 in Appendix 1 of this response. We request any supporting text to the policy should refer to other policies in terms of protection of resources and not increasing vulnerability to flood risk, particularly in relation to development of tourism sites.

Policy 3 Sustainable design

Please refer to our comments on Main Issues 2 in Appendix 1 of this response above. In addition we have further recommendations for the revision of this policy as set out below.

We would support the inclusion of reference to the opportunity to maximise co location and delivery of district heating as part of resource efficient development. We also suggest that a change is made to the existing policy to state that in addition to minimising the energy usage, new developments are required to make use of renewable or low or zero carbon energy sources.

Development plans have an important role to support the development of heat networks and the use of renewable and low or zero carbon energy. Policies can also support the realisation of renewable heat capture through, where appropriate, requiring that new developments are designed to be capable of connecting to district heating networks that currently exist or are planned for the future.

This position is supported by a policy framework underpinned by SPP (paragraph 154) which indicates that the planning system should support a ‘transformational change to a low-carbon economy, consistent with national objectives and targets, including:

- 30% of overall energy demand from renewable sources by 2020;
- 11% of heat demand from renewable sources by 2020; and
- The equivalent of 100% electrical demand from renewable sources by 2020
- Support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity – and the development of heat networks.”

Minimising energy use is an important part of reducing our climate change impact, and enabling energy use to be provided from renewable or low and zero carbon energy sources will also



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contribute towards reducing our climate change impact. Including this reference will link the policy more clearly to policy 7 for Renewable Energy.

In relation to the promotion of sustainable transport methods (currently point f in the policy), we suggest including 'make provisions for electric vehicle charging points'.

Policy 4 Natural Heritage

We note only minor changes proposed to this policy. If read alone the current wording in the supporting text and supplementary guidance suggests that only developments directly impacting international and national designations require SUDs. Likewise, the issues of pollution and siltation from construction sites, pollution from waste water and water extraction do not apply just to developments impacting designated sites.

We request this policy makes it clear that these requirements are for all developments with cross reference to other policies and guidance.

Policy 5 Landscape

No comments other than those already made in relation to Main Issue 10 in Appendix 1 of this response.

Policy 6 Siting and design of digital communications equipment

No comment.

Policy 7 Renewable Energy

We note and support all the minor changes proposed to this policy.

We also recommend that air quality is considered within this policy. Renewable energy such as biomass can be detrimental to air quality. It is essential that air quality impacts arising from combustion plants (regardless of fuel type and technology) are appropriately assessed via an air quality impact assessment. This includes proposals for combined heat and power (CHP) plants, short-term operating reserves (STOR) and biomass boilers.

Combustion plants are used for a wide variety of applications (such as electricity generation, domestic/residential heating and cooling, providing heat/steam for industrial processes, etc.) and can be a significant source of air pollutants (primarily oxides of nitrogen (NO_x), particulate matter (PM) and sulphur dioxide (SO₂)). The impact of combustion plant on air quality will depend on the location of the plant, the fuel type, how the plant is operated and the rate of emission of pollutants. Suitable mitigation must be implemented where an assessment has determined that there may be a detrimental impact on Local Air Quality. Guidance on the assessment of biomass plants in regards to air quality impacts is provided in LAQM PG (S) 16 and LAQM TG 16. Development should not be supported where it is not possible to mitigate the adverse effects of combustion plants on air quality.

It is important that it is mentioned in the LDP or supporting guidance that combustion plants should be assessed for air quality impacts. In addition, we request the following additional bullet point is included in any revised policy:

1 All renewables developments

Proposals for renewable energy generation will be considered favourably where:

- a) they contribute positively to the minimisation of climate change;
- b) they complement the sustainability credentials of the development;
- c) they conserve and enhance the special qualities of the Park;
- d) they include appropriate means of access and traffic management;
- e) they adequately minimise all cumulative effects.

f) they adequately minimise detrimental impact on local air quality

And in the **Biomass** and **Energy from Waste** sections we recommend a requirement for air quality assessments to be undertaken to ensure there is no negative impact arising from the proposed development.

For your information and inclusion in supplementary guidance, SEPA regulate combustion plants, including biomass, through the [Pollution Prevention and Control \(Scotland\) Regulations 2017 \(as amended\)](#) ('PPC'). PPC Part A applies where the aggregated combustion capacity has a rated thermal input of equal to, or greater, than 50 megawatts (MW) and controls emissions to all media. PPC Part B applies where a single appliance has a rated thermal input of between 20MW and 50MW and only controls emissions to air.

The Medium Combustion Plant Directive (MCPD) has been transposed into domestic legislation by the Scottish Government ([The Pollution Prevention and Control \(Scotland\) Amendment Regulations 2017](#)). It requires that new combustion plant with a net rated thermal input of between 1 and 50MW coming into operation after 20 December 2018 be registered/permitted by SEPA and may require them to meet specified emission limits, depending on the operating hours, size, type of fuel, etc. Plant that is put into operation before December 2018 will also have to register and meet emission limits but at a later date (2024 or 2029 depending upon the size of the unit(s)) and therefore remain under local authority control until such time as they enter PPC.

The Clean Air Act (CAA) 1993 is the primary regulatory legislation for smaller combustion plant (both domestic and commercial) that fall outside the PPC system. Local authorities are the regulating body for the conditions of the Act. As the CAA does not require licence to operate, SEPA has no controls under the terms of the CAA. The CAA will apply to smaller-scale combustion activities (<1MW).

Combustion plants using biomass fuels are currently being encouraged to help meet various renewable heat and climate change targets. However, biomass combustion can lead to an increase in Particulate matter (PM) emissions and, compared to conventional gas-burning, can also result in an increase in the overall NO_x emissions. Therefore, it is important to balance the consideration of climate change emissions and impacts on local air quality (especially where there may be multiple combustion sources).

In terms of **Hydro power**, we request the following additional wording: *d) the passage of migratory fish, particularly salmonids.*

The protection of carbon rich soils and peat should not be restricted in this policy to Hydro power developments. Areas of carbon rich soil should be identified as a constraint for areas of search for all renewable energy proposals and this needs to be reflected in both the policy and supplementary guidance.

Policy 8 Sport and Recreation

No comments at this stage

Policy 9 Cultural heritage

No comments at this stage

Policy 10 Resources

1. Water Resources

The current Resources policy and supplementary guidance are generally acceptable in terms of covering our requirements for River Basin Management Planning, construction works and structures in and around the water environment, waste water drainage provision, and buffer strips.

With regards to our requirements for SUDS, we have already provided some detailed comments in Appendix 1 under Main Issue 9. We note and welcome it has been identified that the existing policy and supplementary guidance will need to make reference to the most up to date CIRIA

Manual (currently to C753). We note there is no specific requirement within the current policy, supporting text or supplementary guidance for construction SUDS. Construction SUDS are a legal requirement and as such we request that the submission of details of Construction SUDS including a location plan is highlighted as a requirement as part of any Construction Method Statement.

We expect new developments not only to protect but also, where possible, to improve the water environment. Whilst this is supported in the supplementary guidance, we would welcome stronger emphasis on this aspect in the actual policy.

We note at present that buffer strips are 'encouraged' rather than required. We request that the revised policy framework ensures the provision of appropriately sized buffer strips between a development and a waterbody by making buffer strips a requirement. Buffer strips should be at least 6m wide and may require to be wider as a result of local factors such as local hydro-geomorphology, need for enhanced pollution control, native species habitats, active travel or recreation provision.

As highlighted at the beginning of Appendix 2, Groundwater dependent terrestrial ecosystems (GWDTE), are specifically protected under the Water Framework Directive. The policy framework should highlight the requirement for Phase 1 Habitat surveys where these are known or likely to be present on or adjacent to a development site. The Phase 1 survey should be used to identify if and where wetlands are present. If present then a National Vegetation Classification (NVC) survey should also be completed to identify if GWDTE are present. If GWDTE are present they should be avoided by development with a buffer otherwise further assessment and appropriate mitigation will be required.

We would also welcome reference to the control and prevention of spread of invasive non-native species within the Resources policy framework.

2. Flooding

1.1 We note this section of policy 10 is likely to be reworded after consideration of Main Issue 9. However, to guide you in redrafting this policy we suggest the following rewording of the existing policy is incorporated in order to comply with SPP, particularly paragraph 263:

1.2

All development should:

- a) be free from *medium to high risk* of flooding from all sources taking into account predicted impacts of climate change; and
- b) not increase the risk of flooding elsewhere; and
- c) not add to the area of land that requires flood prevention measures; and
- d) not affect the ability of the functional floodplain to store or move flood waters.

1.3

In addition, the policy should ensure development accords with [SEPA's Land Use Vulnerability Guidance](#) and any development permitted in medium to high risk areas (that accords with the exceptions in the SPP risk framework) or is located adjacent to low to medium risk areas should be built to a water resilient design. We would also highlight that, in line with our Land Use Vulnerability Guidance, any development which falls within the definition of a most vulnerable land use may require to be located outwith the 1:1000 year extent.

The LDP also will need to highlight a FRA will be required for:

- all developments at risk of flooding from any source in medium to high risk areas and;
- for developments in low to medium risk areas identified in the risk framework (i.e. developments located in an area at the upper end of the probability scale, essential infrastructure and the most vulnerable land uses).

And that the FRA should be undertaken in accordance with [SEPA Technical Flood Risk Guidance](#).

3. Connection to sewerage

No comments at this stage

4. Waste management and minimisation

We note minor changes are proposed to part 4 to refer to safeguarding existing waste facilities and make reference to waste hierarchy and Zero Waste Plan

Our Development Plan guidance on Sustainable Resource Use and Energy states that we require local development plans to “identify on the proposals map and safeguard existing waste management sites, including safeguarding or protecting land for expansion surrounding existing waste facilities, to allow for growth without being prejudiced or restricted by adjoining land uses”. Whilst the policy currently safeguards existing waste management facilities, the LDP must also identify these sites.

There are waste facilities located in, or just outside, Aviemore, Grantown-on-Spey, Blair Atholl and Kingussie. The locations and information on the sites can be found online on our Waste Capacity Site maps. <https://www.sepa.org.uk/data-visualisation/waste-sites-and-capacity-tool/>

1.4

5. Minerals

Paragraph 248 of SPP stated ‘The review of mineral permissions every 15 years should be used to apply up-to date operating and environmental standards’. We would welcome additional wording to the existing policy which accorded with this to ensure the development is not adversely affecting the environment.

We would also welcome the inclusion of a requirement to submit mitigation and monitoring details alongside those listed in the existing policy.

6. Carbon sinks and stores

We request the policy is reworded to not solely focus on commercial peat extraction. Our Development Plan Guidance on soils seeks policies to protect peat and carbon rich soils by avoiding disturbance of carbon rich soil in the first instance by all developments. Where this is not possible development should be informed by an appropriate peat survey and management plan and suitable mitigation measures implemented to abate carbon emissions.

Supporting text should promote the protection of soils as a whole. Sources of relevant information should be signposted in the policy/supporting text to highlight where further site investigation may be required. For carbon rich soils Categories of soil 5 and 6 on Scotland soils web carbon richness map can be taken to indicate presence of carbon rich soils.

We wish to also see inclusion in the policy or supplementary guidance that ensures the sustainable use of soils during development and operation of sites and commitment to minimize soil sealing. This could be supported by reference to the DEFRA good practice on construction sites document: [Construction code of practice for the sustainable use of soils on construction sites](#)

7. Contaminated land

No comments at this stage

8. Landfill

See response to policy 4 above. The weblink provided will also link to the Landfill site and capacity information.

Policy 11 Developer contributions (page 48 of 2015 LDP)

For any amendments to this policy we refer you to our comments on Main Issues 8 in Appendix 1 of this response.