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Our ref: LDP/NP/1
Our case ID: 300020251
Your ref: 01173 Environmental Report
2 March 2018

Dear Mr Harris

[Environmental Assessment \(Scotland\) Act 2005](#)
[Cairngorms National Park - Local Development Plan](#)
[Main Issues Report](#)

Thank you for your consultation which we received on 22 November 2017 about the above and its Environmental Report (ER). We have reviewed these documents in relation to our main area of interest for the historic environment. The first part of this response relates to the Main Issues Report with part two focusing upon its environmental assessment.

Part 1: Main Issues Report

Main Issues

We welcome the clarity with which the Main Issues have been set out, and are content with the preferred options set out in relation to the Main Issues.

Policy Changes

You have proposed some minor changes to Policy 9 Cultural Heritage. We are broadly content with these changes in principle, but would encourage consultation with HES on the revised text prior to inclusion within the Proposed Plan.

You have suggested that the section on demolition of listed buildings and buildings in conservation areas should refer to policy within the Historic Environment Strategy (which we have taken to refer to the Historic Environment Scotland Policy Statement 2016 (HESPS)). We recommend that your LDP policy should not depend on another policy document which may be subject to change during the lifetime of your Plan. We



recommend that instead you could replace the second paragraph (including points a) and b)) of section 6 and replace with the wording at paragraph 3.42 of HESPS).

For information, the term 'scheduled monuments' rather than 'scheduled ancient monuments' is preferred.

Settlement based issues and sites

We welcome the accessible way in which you have set out the spatial strategy issues and sites, and particularly welcome that you have incorporated historic environment considerations within many of the objectives for your settlements.

We have looked at the preferred and reasonable alternative development sites set out within the Main Issues Report, concentrating on scheduled monuments and their setting, A listed buildings and their setting, gardens and designed landscapes and battlefields appearing in their respective Inventories, and Conservation Areas.

Some of the proposed development sites have the potential for impacts on heritage assets within our remit. However, we consider that in the majority of cases, robust application of national and appropriate local policies should be able to mitigate any adverse impacts. Early engagement with Historic Environment Scotland on development proposals which raise complex or significant issues will be key to avoiding adverse impacts and optimising positive outcomes for the historic environment. We encourage you to ensure that all mitigation measures identified in the ER (or recommended below) are brought through to the site delivery requirements or otherwise embedded into the delivery of the adopted Plan. We have provided detailed comments on some of these sites below:

An Camas Mor: THC031

This site is in the vicinity of scheduled monument SM9337, Rothiemuchus, palisaded enclosure to the NW of Dell Farm. There are two alternative options for this site. We support the preferred option which excludes the scheduled monument and is less likely to have negative effects on the heritage asset. However, we would expect the Proposed Plan to include mitigation measures to ensure that negative effects are avoided. In the event that the alternative option is brought forward to the Proposed Plan, you will need to ensure that there are robust measures in place to mitigate potential significant adverse effects on the scheduled monument. We have provided further comments in relation to the assessment of effects and mitigation under Part 2.

Blair Atholl: PKC004

This site is adjacent to scheduled monument SM730 (adjacent to Clach na h'Iobairt, standing stone, Blair Atholl. The site is non-preferred; in the event that the site is brought forward into the Proposed Plan, robust mitigation measures will be required to ensure



that there are not significant negative effects on the scheduled monument. We have provided further comments in relation to the assessment of effects and mitigation under Part 2.

Braemar: AB002

This non preferred site contains A listed Tomintoul Croft. Whilst we consider that in principle it would be possible to deliver the level of development indicated without negative effects on the site and setting of the listed building, this would require robust developer requirements in relation to the scale and location of development within the site. We have provided further comments in relation to the assessment of effects and mitigation under Part 2.

Cromdale: THC018; THC019; THC020

These sites are within or adjacent to Battle of Cromdale. You have identified significant negative effects and we are content that you propose to mitigate this by not allocating the sites for development.

Laggan: THC065

This site is in the vicinity of scheduled monument SM4361 (Dun-da-Lamh, fort). The Environmental Report has identified significant negative effects for landscape and cultural heritage and consequently proposes to allocate only part of the site for development. We are content with this approach, but consider that additional mitigation is likely to be required in terms of developer requirements relating to scale, design and location of development.

Inverdrue: THC025

This site contains a B listed building (LB252 Dell Steading (Rothiemurchus Estate Office)). It is unclear whether the allocation of this site would involve repair and restoration, conversion or demolition of the listed buildings. National policy sets out a presumption against the demolition of a listed building. However, appropriate restoration and re-use would be likely to have positive impacts for the heritage asset. Consequently the acceptability of allocation of the site, given that the site boundary is closely drawn around the listed building, would be dependent on the manner in which development took place. In view of this uncertainty we are content that this is a non-preferred site. In the event that the site is brought forward to the Proposed Plan, we would expect the policy presumption to retain the building to be made clear in developer requirements, which should also set out requirements addressing the buildings' condition and re-use. We have provided further comments in relation to the assessment of effects and mitigation under Part 2.

Part 2: Environmental Report

We welcome the clear, concise presentation of the Environmental Report (ER), and we are broadly content with the summary findings of effects on the historic environment.



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However, we consider that in relation to the site assessments, effects on the historic environment, and related mitigation measures, have not been fully recognised in some cases. We have provided detailed comments on this and other elements of the ER in annex A below.

None of the comments contained in this letter constitute a legal interpretation of the requirements of the Environmental Assessment (Scotland) Act 2005. They are intended rather as helpful advice, as part of our commitment to capacity building in SEA.

We hope this is helpful. Please contact us if you have any questions about this response. The officer managing this case is Virginia Sharp who can be contacted by phone on 0131 668 8704 or by email on Virginia.Sharp@hes.scot.

Yours faithfully

Historic Environment Scotland



Annex A –detailed comments on the Environmental Report

Assessment of Main Issues

We welcome the clarity with which the assessment of the Main Issues is presented, and are content to agree with the findings in relation to effects on the historic environment.

Assessment of sites

The methodology proposed at scoping included the combination of landscape and cultural heritage within a single SEA objective. Whilst we continue to be content with this approach in principle, our review of the site assessments suggests that the focus in assessment and /or reporting of effects has been on the landscape elements of the objective, rather than the sub-objectives addressing the historic environment.

In many cases neither the site assessment pro-forma nor the environmental assessment recognises that heritage assets are either within or adjacent to the site, or provide an analysis of potential effects. In other cases, the site assessment pro-forma records heritage assets/s, but no analysis of effects is recorded, and the assessment scorings do not appear to indicate that historic environment effects have been taken into account. This is the case for several sites that have the potential to affect non-designated heritage assets, but also some sites which may affect designated heritage assets:

An Camas Mor: THC031

The assessment for this site identifies significant negative effects for the landscape and cultural heritage topic, and we agree with this finding. However, the assessment commentary does not include any discussion of the effects on the historic environment, and in particular scheduled monument SM9337. In view of this, it is unclear whether the effects on the historic environment have been assessed. Additionally, the assessment has not identified any mitigation measures in relation to either the preferred or alternative options. We would have expected the assessment to clearly set out whether the two options have differing environmental effects and mitigation requirements, to better inform decision making and consultation in relation to the two options.

Blair Atholl: PKC004

This non-preferred site contains or is adjacent to scheduled monument SM730 (adjacent to Clach na h'Iobairt, standing stone, Blair Atholl), and we consider that development of the site has potential for negative effects on the heritage asset. However, the assessment gives no indication that effects on the heritage asset have been considered, or that any mitigation measures have been identified.

Blair Atholl: PKC006



This site is within the Blair Castle Inventory Designed Landscape, and consequently we consider that development of the site has potential for negative effects on the heritage asset. However, the assessment gives no indication that effects on the heritage asset have been considered, or that any mitigation measures have been identified.

Braemar: AB002

This site contains A listed Tomintoul Croft and we consider that development of the site has potential for negative effects on the heritage asset. However, the assessment gives no indication that effects on the heritage asset have been considered, or that any mitigation measures have been identified.

Inverdrue: THC025

This site contains a B listed building (LB252 Dell Steading (Rothiemurchus Estate Office)). Whilst the environmental assessment recognises this, and suggests that demolition of the building may occur, it finds only a minor negative effect, due to uncertainty over the demolition. We suggest that it would have been helpful for the assessment to consider the effects of the two likely development scenarios, i.e. the demolition of the buildings or their retention and reuse. This would allowed the assessment to contribute to a more nuanced consideration of the acceptability of the site, and would led to identification of helpful mitigation and /or enhancement measures relevant to each scenario. We consider that a scenario involving demolition of the listed building would more accurately be described as significant negative effect. However, appropriate reuse and / or conversion of the buildings would be likely to have positive effects for the historic environment.

Mitigation

One of the key elements of environmental assessment is the identification of mitigation measures and opportunities for enhancement. Whilst in some cases the site assessment matrix contains general recommendations for mitigation measures, it is not clear how these measures will be integrated into delivery of the Local Development Plan. Effective integration of mitigation into the Plan itself and lower levels of delivery is essential to reducing negative effects and increasing opportunities for positive effects.

In view of this, we recommend that as you move towards Proposed Plan stage, you consider in more detail which mitigation measures are necessary, and how, when and by whom they should be delivered, eg through action programmes, masterplanning, developer requirements etc. Wherever possible, measures should be site specific rather than generic.



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