

**Consultation Title: Cairngorm National Park Authority – Main Issues Report**

**Date:** 02/03/2018

**To:** CNPA

**From:** Scottish Land & Estates

**Telephone:**

**E Mail:**

Scottish Land & Estates (SLE) is a member organisation that uniquely represents the interests of both land managers and land-based businesses in rural Scotland. SLE has members with interests in a great variety of land uses within the Park and we therefore welcome the opportunity to respond to this consultation.

SLE recognises the critical role that planning can and should play in developing Scotland's rural communities, both in terms of housing provision and opportunities for business growth and infrastructure development. Along with the CNPA we would like to see the Park planning system enable delivery of sustainable development that will allow communities within the Cairngorms thrive. Small working rural communities that depend on land based businesses are part of the Park's upland heritage and helping those communities thrive and grow should be a key priority embedded into the Park's vision. SLE members are already important delivery partners in terms of housing, tourism, employment provision and conservation etc., within the Park. It is our desire to see continued collaboration with the CNPA to enable delivery to continue and for our vision to be realised.

## Response to specific questions:

### Introduction

SLE considers that the quote in the introduction in relation to a "conflict between the first aim and any of the others, then greater weight must be given to the first aim" should be preceded with the phrase "if it appears to the authority that there is...." as it appears in section 9.6 of the [National Parks \(Scotland\) Act 2000](#).

### 1 - Long-term OUTCOMES of the Park

**Q1. We propose to use the vision and long-term outcomes set out in the CNPA Partnership Plan as the 'vision statement' for the LDP. Do you agree with this approach?**

We refer to the comments made in our response to the Partnership Plan in terms of our views on the outcomes and vision. However, if these principles are to be adopted by the LDP, the LDP must be able to deliver on said outcomes and vision – in particular on Rural Development. SLE is also of the view that the outcome of rural development in this context should include housing to ensure that delivery of housing is a key component of the Park's vision. For example, it could read; "Rural development – a sustainable economy supporting thriving businesses, amenities and the provision of housing".

In our view, there must be enough flexibility within the LDP to enable a sustainable economy which supports thriving businesses, amenities and housing, not only for tourism (which is mentioned in the outcomes) but also in the context of forestry, agriculture, game management, renewables and quarrying, all of which are important industries in the Park (but which are not mentioned). Ideally there would be reference to these industries incorporated into the 'vision statement' for the LDP. Small working rural communities that depend on these industries are part of the Park's upland heritage and helping those communities thrive and grow should be a key priority embedded into the Park's vision.

Integrating all the industries mentioned above into the Park's vision is crucial – particularly in the context of an ageing and declining population which is projected by the MIR. The LDP vision must acknowledge all its resources, not just tourism and housing, to enable communities to mitigate the effects of or reverse this trend if the Park is to thrive.

## 2 - Development strategy

### **Q2. 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?**

SLE is of the view that 'most new development' should take place where there is demand. The proposal to focus development around 'strategic settlements' should not be at the expense of creating housing or employment opportunities in the remote rural areas which are often a necessity when considering farming, forestry, game management businesses etc., – this is particularly important in the wider context of an ageing and shrinking population for the CNPA area where much employment comes from the aforementioned sectors. Housing need in these areas is often not recognised in Housing Needs and Demands Assessments and more local analysis is often required to get a true picture of need and demand. On this basis, we would question the logic of prioritising larger 'strategic settlements' over smaller 'rural settlements', instead we would prefer to see the emphasis placed on proven demand based on more detailed analysis. There must be sufficient flexibility in the system to allow for appropriate development in areas wherever it is needed. For example, the reclassification of Dalwhinnie as a 'rural settlement' and therefore giving it a lower priority for development than a 'strategic settlement' would seem at odds with the MIR's own recognition that important issues facing Dalwhinnie include; "provision of housing and maintaining the local population" and "attracting business".

SLE would also like to see greater priority given to encourage empty properties being put back into use. Currently this is not considered in the MIR but with enabling policy reuse of empty / redundant property has the potential to be of strategic importance to the Park.

## 3 - Designing great places:

**Q3(a). Do you agree that the new Local Development Plan should include a new policy requiring development proposals to show how they meet the six qualities of successful places?**

SLE seeks greater clarity as to how the CNPA intends to implement this policy at individual development level. For example, would it only apply to large developments over a certain size? Or would it apply to all development?

We are of the view that implementation of the six qualities should be light touch. It is important that these design principles are managed appropriately and efficiently and do not lead to a more bureaucratic, slower system that does not result in the desired outcomes. Having these six requirements should not be burdensome to any proposal and it should be noted that not all six qualities will apply to every development. For example, a barn needs to be functional rather than welcoming.

Resource efficient: yes, but in terms of sharing infrastructure, appropriate future-proofing must be a priority consideration in order for this to happen successfully.

Easy to move around and beyond: yes, but importance of motor vehicles for travel and work should not be underplayed – especially in a remote rural context.

Ample provision of rubbish collection, toilet and parking facilities to meet ever increasing tourist demand should be included in the context of designing great places. Currently the provision of these facilities is inadequate in many areas of the Park and without such facilities it will be difficult for people to enjoy an ‘outstanding visitor experience’ – one of the core outcomes of the Park. We would therefore prefer to see rubbish collection, toilet and parking facilities included in the MIR.

**Q3(b). Do you agree that we should include a clearer policy in the new Local Development Plan to set out when tools such as masterplans and development briefs will be used?**

We are of the view that the current policy is sufficient. Additional requirements and the potential for bureaucracy at an early stage could be a further disincentive to potential developers in an area where development delivery is already difficult. Circumstances often change and setting out when these tools will be used early on could be seen as removing flexibility in the system.

**4 - Impacts and opportunities from the A9 and Highland Main Line upgrades:**

**Q4(a). Do you agree with our proposals to allocate new employment land to take advantage of the opportunities for inward investment associated with the A9 and rail upgrades?**

While transport infrastructure upgrades should be seen as an opportunity for inward investment, we do not feel that future employment sites should be restricted to this corridor. There is over concentration on the corridor development opportunities. Much of the Park, for example Angus, is a considerable distance from the A9. The nature of many rural businesses often requires that places of work are located in more remote locations. We are

therefore of the view that greater flexibility is required, particularly if we are to reverse the trend of shrinking and ageing rural populations.

Digital connectivity is also a crucially important factor. Businesses will require access to sufficient broadband speeds as well as tangible infrastructure. For some micro-businesses the former might even be more important than the latter and their ability to open business premises should not be constrained by a policy which prioritises proximity to transport infrastructure when it is not necessarily a priority. SLE would also suggest that redevelopment of brown field sites should be more sympathetically looked at in terms of planning restrictions and Building Standards regardless of proximity to the main transport corridors.

**Q4(b). 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. Our answer to Q4(a) is relevant here. Land based businesses are very important sectors operating in the Park which could be at risk of being overlooked by this policy. Much of the development associated with all these industries do not necessarily take place within the transport corridors identified in the proposals. It is vital that these sectors are supported through planning policy wherever possible. If businesses are bypassed by the A9 then more and particular support should be directed through specific planning policies for those areas, for example, being more generous in terms of permitting new development opportunities.

The areas of Strathdon and Corgarff, for example, are reliant on tourism from sporting estates and it is this tourism that supports local shops, the improvement of poor and/or abandoned houses, B&Bs, new employment and supporting businesses etc.

5 - Housing:

**Q5(a). Do you agree with our proposed Housing Supply Targets for the next Local Development Plan?**

These targets seem low and we are concerned that demand is outstripping supply in some areas of the Park. We are of the view that an important factor in this is the low allocation of housing supply in the Local Development Plans.

For example, in our members experience, a site allocated for 20 houses (essentially 2 houses per year for 10 years) can be developed and sold relatively quickly (all 20 units) in areas that are considered desirable locations to live. Once that allocation is filled there is no scope for further development within the lifetime of the plan, despite there being continued demand. We would like to see higher targets set to accommodate the 'desirability effect' that many areas in the Cairngorms have. We recognise that this may vary from one area to another, but a cautious approach will do little to encourage sustainable growth within the Park. There must be flexibility in allocations to ensure that economic activity in the Park is not constrained as this would be contrary to the proposed three core outcomes proposed by the CNPA for the new LDP.

SLE is keen to see incentives for developing empty properties, both residential and non-residential. These developments cost more than new build but tend to have a lower impact on the environment and would help to preserve the Park's built heritage.

Members in Angus were particularly concerned with the 'zero' target for the area. They consider this to be discriminatory in Planning terms and believe it reinforces the Speyside-centric focus in the Park. Members noted that there is potential for uninhabitable former dwellings to be brought back into use but without support this work is unviable. The need for housing throughout the Park in all rural areas is paramount and the Angus glens and others have always been talked about as porous boundaries in the context of the Park. If there is no encouragement for housing then there will be no housing built. Businesses looking to grow will need houses for their employees, but unfortunately the numbers proposed are based on projections which bare no relation to aspirations of estates and employment companies. There is therefore a need for more local Housing Needs and Demands Assessments in order to understand the true situation.

**Q5(b). Do you agree that the proposed Housing Land Requirements are sufficiently generous?**

No, for the reasons given above. These requirements could be increased to ensure demand is met but this would also need to go hand in hand with suitable employment/economic allocations. There are also concerns that the Park will have varying needs across its settlements and we are of the view that caution must be taken not to apply a single policy.

SLE considers that 'long sites' could be used here. Sites can be allocated in the long term (i.e. longer than the usual length of an LDP allocation) and used if demand is such that they are needed.

**Q5(c). Do you agree with our overall conclusions about the need for additional new housing sites in the new Local Development Plan?**

No, we do not believe these go far enough for the reasons given above, in particular they do not take into consideration the aspirations of businesses looking to grow in the area. The CNPA is suffering from an affordable housing shortage and there should therefore be a flexible policy approach which can meet the needs of varying demands across the Park. For example, where a growing forestry or tourism business might require additional staff and subsequently accommodation in a remote area, the planning system should be adequately flexible to accommodate this need. Ideally there could be a policy which permits small developments which can be added to as and when required by housing and employment demand.

5(a) - Housing growth around Aviemore:

**Q6. 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?**

To maintain confidence in the planning system, once land has been adopted into the Local Plan, the authorities must make every effort to ensure that it is delivered in accordance with the policy at the time of adoption. SLE is generally supportive of 'long sites' where they can be used to support appropriate development and bring about greater certainty for developers, landowners and communities over the availability of land to meet any increase in demand. Essentially, we would support this proposal, however, any long-term

development land should be like-for-like in terms of design standards, amenity and employment provision to the proposed An Camas Mor site.

## 5(b) - The affordability of housing:

### **Q7(a). 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. We do not consider that this would be workable in what are essentially small rural settlements. Rural developments attract higher than average costs and in order to deliver affordable housing, it normally needs to be subsidised by open market housing. The risk is that there would be reduced delivery of housing if the appropriate balance cannot be struck. Furthermore, SLE does not feel that there is significant evidence to suggest that these settlements are suffering from a particularly acute lack of affordable housing to justify these proposals. We suggest that any data demonstrating that these settlements have significantly higher instances of second homes and vacant dwellings than in other parts of the Park be made available.

It should be noted the need to develop 25% of new homes at an affordable rate is generally supported but there are concerns that this enhanced policy could block some higher cost developments such as conversions which already struggle to be viable under the current policy. Also, where no demand for affordable housing can be demonstrated this policy would be frustrating.

The need for affordable housing in some areas of the Park is recognised by SLE members and many have emphasised that they are proud to already offer tenancies at affordable rates. Our members are enthusiastic about improving the quality and energy efficiency of their housing stock but the capital costs required to do so, alongside increased risk resulting from the new tenancy regime, may result in increased rents.

Ultimately, we believe this proposal will hinder rather than encourage development. Instead there needs to be strong support for flexible policy within the Park – there needs to be innovative ideas for the provision of affordable housing, for example, the use of Rural Burdens or selling homes at an affordable price for 3 months before going on the open market.

### **Q7(b). Do you agree that we should include policies to require a greater mix of house types and sizes, including more smaller homes?**

Where there is a clear need, or future need, for a particular type of housing which is not being delivered, then this kind of policy intervention could be acceptable. However, we are of the view that this should essentially be driven by market demand.

Additionally, a one size fits all policy regarding affordable housing would be inappropriate. There are a number of different housing markets within the Park. We believe policies should reflect this in order to avoid disincentivising appropriate development.

## 6 - Economic development:

**Q8. Do you agree that the new Local Development Plan should identify a limited number of new economic development sites?**

SLE agrees that new economic development sites should be identified, but as with our answers to Q4, we do not believe it is prudent to artificially 'limit' their number. Identifying sites should be based on evidence of demand. For example, units in Tomintoul are often empty and perhaps more could have been done to evidence demand before they were developed.

Furthermore, land based businesses are perhaps overlooked as important operators and partners in tourism and business and we would encourage this connection to be reflected in a more flexible policy approach. For example, economic sites can include windfarms, quarries and premises related to game management etc. As we have already said small working rural communities are part of the Park's upland heritage and many of those communities rely on industries not yet covered by the MIR. Sites related to land based businesses must be identified and promoted if the Park's economy is to be sustainable.

Another key issue in driving and meeting demand is through ensuring access to broadband.

7 - Impacts on Natura designations:

**Q9. Do you agree that the new Local Development Plan should include a more co-ordinated approach towards delivering wider packages of capercaillie mitigation and conservation measures?**

We would welcome more clarity on how the proposals would be carried out- for example, will it take into account the people who will be attracted to a new development rather than to areas where there are capercaillie? While considering further integration of the Capercaillie Framework, we would have welcomed consultation over the development of the Framework. The need to engage landowners and land managers in such considerations at an early stage is important to achieving consensus and is surely central to ensuring a co-ordinated management approach is adopted which safeguards the species.

We believe the focus should be on the proper authorities effectively enforcing the [Outdoor Access Code](#) ("the Code") rather than placing restrictions and further burdens on proposed developments. For example, the Code states that responsible behaviour by the public includes keeping a dog under close control or on a short lead during the spring (April to July) so that breeding birds are not disturbed. The Code also states that where possible land managers should provide paths and other facilities, including interpretation, to help people to exercise access rights responsibly. It is our view that if these requirements are properly enforced on new and existing development there would be less need for the additional measures proposed. SNH already has a duty to promote understanding of the Scottish Outdoor Access Code. It is our view that in respect of designated areas, more can still be done to promote best practice where endangered species are concerned.

8 - Planning obligations:

**Q10(a). Do you agree that the new Local Development Plan should include a revised and more rigorously justified policy on planning obligations?**

SLE would prefer not to change the current policy.

**Q10(b). 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?**

No, we believe this could potentially discourage developers from pursuing development. Circumstances can change over the course of a development and this proposal could further restrict flexibility within the system. We would prefer to see a less prescriptive policy in place. We believe that where developers reuse brownfield sites and derelict buildings planning obligations should be reduced to act as an incentive to this type of development.

9 - Flood risk and climate change and resilience:

**Q11. Do you agree that the new Local Development Plan should include a stronger policy requirement for Sustainable Drainage Schemes to be considered in all new development proposals?**

This seems a reasonable approach, however proportionality is key. SLE considers that the Park planning authority should look favourably on hydro schemes as a form of flood management.

10 - Land management in upland areas:

**Q12. Do you agree that the new Local Development Plan should include an amended policy to reflect the Cairngorms National Park Partnership Plan's presumption against new hill tracks in open moorland areas?**

No. We cannot agree with this as there is no justification for this proposal. There are already adequate measures in place for the creation of new hill tracks through full planning or the Prior Notification and Approval procedures. These measures along with detailed SNH guidance have helped raise quality control standards which minimise any detrimental effect on the landscape while ensuring the economy of many vulnerable rural communities remains viable. This point is well made in the MIR where it states, "The existing Local Development Plan includes a specific policy on landscape. ... This has been used effectively to control and mitigate the impacts of new hill tracks in cases where they require planning permission. We think the existing policy will continue to provide an appropriate means for controlling these forms of development in the future."

We do not feel there is a rush of hill track applications or unauthorised tracks to warrant such a prescriptive/restrictive policy change and powers already exist to allow planning authorities to remove Permitted Development rights within conservation areas.

SLE is of the opinion that this policy would be a retrograde step with consequences for access, economy and conservation and therefore against the four aims of the National Park under statute. In terms of access, the provision of tracks enables people of all abilities to access upland areas at relative ease and they are also vital for the Mountain Rescue services to carry out their work. Related to access, the tracks also encourage walkers and cyclists to stay clear of areas containing delicate habitats – ultimately protecting them from

erosion and destruction. Tracks also provide access to farming, forestry, hydro schemes, wind turbines and quarries etc, all of which provide much needed employment and valuable resources in fragile rural communities.

## **What's missing?**

The Park Authority could take an approach which would facilitate the development of low impact, high quality accommodation, such as huts, glamping, camping, etc. As mentioned in Q3a given that tourism is such a high priority for the Park, our members would welcome an equally high priority for the provision of toilet, rubbish and parking facilities to be demonstrated in the LDP.