

**CAIRNGORMS  
DEPOSIT  
LOCAL PLAN**

**For Planning Committee  
4 May 2007**



# CAIRNGORMS DEPOSIT LOCAL PLAN

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# 1. INTRODUCTION

## **The Cairngorms National Park**

- 1.1. The Cairngorms National Park was designated in 2003 by the Scottish Parliament because it satisfied the conditions for a National Park set out in the National Parks (Scotland) Act 2000:

**National Parks (Scotland) Act 2000 section 2,2.**

- a. That the area is of outstanding national importance because of its natural heritage, or the combination of its natural and cultural heritage;
- b. That the area has a distinctive character and a coherent identity;
- c. That designating the area as a National Park would meet the special needs of the area and would be the best means of ensuring that the National Park aims are collectively achieved in relation to the area in a co-ordinated way.

- 1.2. The Act also sets out four aims for National Parks in Scotland:

**National Parks (Scotland) Act 2000 section 1.**

- a. To conserve and enhance the natural and cultural heritage of the area;
- b. To promote sustainable use of natural resources of the area;
- c. To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public;
- d. To promote sustainable economic and social development of the area's communities.

- 1.3. The four aims must be achieved collectively and in a co-ordinated way, and it is the statutory function of the National Park Authority to ensure this collective and co-ordinated approach. The National Park Authority is required to prepare a National Park Plan setting out how this will be achieved.

- 1.4. The Cairngorms National Park Plan was approved by Scottish Ministers on 15 March 2007. It provides the context for development planning and management in the National Park, with general guidance and specific direction for the Local Plan.

### **Purpose**

- 1.5. The Local Plan provides one of the National Park Authority's tools to ensure the delivery of objectives of the National Park Plan and the collective and coordinated delivery of the aims of the Park. It is intended to promote sustainable development in the Park through sustainable economic and

social development of its communities, the sustainable use of its natural resources and the conservation and where possible, the enhancement of its outstanding natural and cultural heritage.

- 1.6. The Local Plan provides a framework of policies and proposals to guide and manage the development and use of land for a five year period. The Local Plan also identifies strategic sites and land for some development to provide certainty about the use of land in the medium to longer term beyond the next 5 years.
- 1.7. Once adopted, the Local Plan will be used by the planning authorities of the National Park to assess planning applications for development. The planning authorities are the four Local Authorities as well as National Park Authority when it acts as a planning authority in calling-in and determining planning applications.

#### **Development of the Deposit Local Plan**

- 1.8. The Deposit Local Plan has been prepared following periods of public consultation, community engagement and detailed discussions with key stakeholders and the 4 Local Authorities. The National Park Authority publicised its intention to prepare the Local Plan in September 2004. Between September and December 2004, the Park Authority held a period of “blank sheet” public consultation and engagement with communities of the Park to find out what they wanted from a Local Plan.
- 1.9. In September 2004, an area profile and questionnaire was sent to all household in the Park. Between October and December 2004, 44 meetings were held across the communities in Park to allow people to provide their views about how they would like to see their communities and the Park develop. Around 14% of the questionnaires were returned to National Park Authority and about 10% of the population of the park attended the meetings. The information from the people who responded to the consultation helped to inform the development of a Consultative Draft Local Plan that was published in 2005 and consulted on between November 2005 and February 2006.
- 1.10. The comments received on the Consultative Draft Plan helped to refine the policies, proposals and strategy of this Deposit Local Plan. The Deposit Local Plan has also been prepared with comprehensive new and updated

information, and in the light of emerging national guidance and the approval and adoption of the National Park Plan.

- 1.11. The Local Plan has been subject to Strategic Environmental Assessment (SEA) throughout its development. EC Directive 2001/42/EC and the Environmental Assessment (Scotland) Act 2005 (preceded by the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004) require that development plans are assessed to identify potentially significant environmental effects. The SEA of the Local Plan continues throughout its lifetime
- 1.12. The SEA assesses the likely significant environmental effects of the plan. It identifies opportunities to strengthen the positive environmental effects of the plan and ensures environmental considerations are integrated throughout. An Environmental Report of the SEA accompanied the Consultative Draft Local Plan. A revised Environmental Report accompanies the Deposit Local Plan. It takes account of the changes to the Plan and comments on the previous Environmental Report. A copy of its non-technical summary is provided with the Deposit Local Plan and the full report is available separately as a hard copy or in electronic format.

#### **Structure of the Deposit Local Plan**

- 1.13. The Plan provides a set of policies to manage development and a set of specific proposals for development requirements and opportunities. The Plan outlines the context for these policies and proposals as well as a vision for the Local Plan in Chapter 2. Chapter 3 links the Plan to the aims of the National Park. This Chapter also contains the first policy of the Plan to provide an overview of the decision-making framework in the Park and highlights the difference that the Park makes to the operation of the planning system. It sets out the role of the aims of the Park in planning decisions.
- 1.14. The first policy is supplemented and strengthened by a range of policies dealing with particular interests or types of development to provide more detailed guidance on the best places for development and the best ways to develop. They follow the 3 key themes of the Park Plan are outlined through Chapters 4 to 6 to provide a detailed policy framework for planning decisions:

- Chapter 4, Conserving and Enhancing the Park;

- Chapter 5, Living and Working in the Park;
  - Chapter 6, Enjoying and Understanding the Park.
- 1.15. The site specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 7. These proposals, when combined with the policies in the Deposit Local Plan are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime.

### **Implementing the Local Plan**

- 1.16. The Local Plan will be implemented by a wide range of organisations, individuals and groups. The planning authorities will implement it through the determination of planning applications. The Local Authorities have additional responsibilities as the providers of services and in administering the mechanisms support the successful delivery of many policies. Developers will implement the Plan by obtaining planning permission and completing developments that comply with the Plan and contribute to the strategic objectives of the National Park Plan. Other organisations, such as Scottish Water, contribute to the implementation by providing the necessary infrastructure to allow development.
- 1.17. The Local Plan will provide the basis for planning decisions but is supplemented by other policies, strategies, and guidance. The Park Plan is a material consideration in planning decisions and has component strategies such as the Cairngorms Outdoor Access Strategy and Cairngorms Sustainable Tourism Strategy that can also be relevant to individual planning applications.
- 1.18. Some proposals contained in the Local Plan require additional detail to ensure development minimises any negative environmental effects and makes a positive contribution to the aims of the Park and objectives of the Park Plan. The National Park Authority will work with local authorities, landowners, developers, communities and other interested parties to create development briefs, masterplans and framework plans as appropriate for such sites.
- 1.19. Similarly, some policies within the local plan will not provide sufficient detail for the long term implementation of the Plan and will be supplemented by additional planning guidance. The Park Authority is committed to preparing a



Sustainable Design Guide and sustainability checklist for new development proposals that will supplement the Local Plan's Sustainable Development and Design Standards policies. Further supplementary guidance will be prepared to provide additional guidance on other key topics such as the development of micro generation energy production.

- 1.20. The planning authorities will use conditions and legal agreements to ensure that consented developments comply with the Plan's policies. The provisions of the Plan will be implemented from the date of Deposit unless it is stated otherwise.

#### **How to Use the Local Plan**

- 1.21. Anyone who wishes to develop within the National Park should have carefully regard to the whole local plan when considering a potential site or development. The settlement proposals maps identify sites proposed for particular types of development. However, **development proposals must comply with all the policies of the Local Plan.**
- 1.22. Developers should incorporate measures in their proposals to comply with the policies and with any relevant supplementary guidance that has been published or referred to by the National Park Authority. All developers should discuss their proposal with the National Park Authority's planning team before submitting a planning application. This will help to ensure that developers obtain advice and the most current information on the planning policy or other material factors relevant to their development proposal, what additional information they may be required to obtain and potential measures to avoid conflict.

## **2. CONTEXT**

### **National Context**

- 2.1. The Cairngorms National Park is a special part of Scotland, and while it has an importance to the local economy, environment and communities, it also has an essential role in delivering national objectives, set by the Scottish Executive and its agencies. The National Park Plan lists the national policy context in which the Park is set, and the Local Plan has clear links to National Planning Policy in Scottish Planning Policies (SPPs), Planning Advice (PANs) and Circulars.

### **Regional Context**

- 2.2. The Cairngorms National Park sits at a meeting point of many cultural and administrative boundaries. The National Park includes areas within four local authorities – The Highland Council, Aberdeenshire Council, Moray Council and Angus Council. Being centred on a mountain massif, communities within the National Park naturally look out to, and have strong links with, the surrounding areas. The transport and social links naturally tend to follow the major river systems.
- 2.3. The National Park therefore looks out to the four cities of Inverness, Aberdeen, Dundee and Perth as well as other regional centres such as Elgin. The major transport routes into the Park link to these cities and these links play an important part in the economic and social life of people in the area. Given this central position, the Cairngorms National Park has the potential to be a significant asset to the wider region.



Map showing regional context

### **The Structure Plans**

- 2.4. Local plans normally take their strategic direction from structure plans. The Local Plan for the Cairngorms National Park should comply with the relevant Structure Plans but also takes its strategic context and direction from the National Park Plan. The National Park Plan provides the overarching context for planning policy within the National Park.
- 2.5. The Structure Plans pre-date the National Park Plan but the local authorities would be expected to use it to inform any revisions of structure plans overlapping the National Park. Under the terms of the Planning etc (Scotland) Act 2006, the development plan system in Scotland will change from a combination of Structure and Local Plans to a system of Strategic Development and Local Development plans. The Cairngorms Local Plan may take a different approach to that of the structure plans where the National Park Plan provides alternative guidance or direction that is material to the Local Plan.

### **The National Park Plan**

- 2.6. The Park Authority has prepared the National Park Plan, which is a key way of bringing together the partnerships needed to work towards the aims of the Park and articulate a shared vision. Approved by Scottish Ministers on 15<sup>th</sup> March 2007, the National Park Plan provides the overarching context for planning policy within the National Park, and is a material consideration in the determination of planning applications. The Park Plan's long term vision for the Park also drives the Local Plan and its shorter term implementation.
- 2.7. The Park Plan is the National Park's long term management plan. It provides:
- a vision for the next 25 years and set of 25 year outcomes;
  - a set of guiding principles to underpin the Plan and guide its implementation;
  - Strategic Objectives that provide a framework for managing the National Park; and
  - Priorities for action for the period 2007-2012 and intended 5 year outcomes.

- 2.8. The Park Plan’s strategic objectives draw together national policy and strategy and relate them to the National Park. They provide the long term strategic direction for planning in and management of the Park.
- 2.9. The Priorities for Action and 5 year Outcomes are particularly important to the Local Plan as they provide the focus for its strategy and deliver of the strategic objectives.

**The National Park Plan’s Vision for the Park:**

**Imagine a world-class National Park – an outstanding environment in which the natural and cultural resources are cared for by the people who live there and visit; a renowned international destination with fantastic opportunities for all to enjoy its special places; an exemplar of sustainable development showing how people and place can thrive together. A National Park that makes a significant contribution to our local, regional and national identity.**

**This is our vision for the Cairngorms National Park in 2030.**

**Other Plans and Strategies**

- 2.10. While the Park Plan provides an overview of the Park and its future management, it relies on the development and implementation of existing and new plans and strategies to deliver its objectives in particular areas. These include The Local Plan and other component strategies such as the Cairngorms Outdoor Access Strategy and Cairngorms Sustainable Tourism Strategy.
- 2.11. In addition to its material link to the Park Plan and other plans and strategies prepared for the National Park, the Local Plan has links to other plans and strategies, many of which are prepared for each Local Authority. They include Regional Transport Strategies, Waste Management Plans, Open Space Strategies and Housing Strategies.

**The Local Plan’s Vision**

- 2.12. The Local Plan takes its vision from the Park Plan. It is simply:

**The Park as an exemplar of sustainable development where people and place thrive together.**

2.13. This vision is supported by the Park Plan’s strategic objectives but it is the Outcomes for 2012 and Priorities for Action that provide the clearest indication of how this Local Plan must work towards to the vision. The Local Plan is obviously only one of the delivery tools of the Park Plan, and is not itself enough to achieve the vision. Many of the Outcomes for 2012 and the Priorities for Action are therefore not directly relevant to the Local Plan, or will not be influenced by it. However, those that do have a direct bearing on the Local Plan are highlighted below:

**Selected National Park Plan’s outcomes for 2012 and priorities for action that guide the Local Plan:**

<b><i>Conserving and enhancing biodiversity and landscapes:</i></b>	
<b>Outcomes 2012</b>	
i.	A Landscape Plan for the Park will identify the natural, cultural and built landscape qualities, the factors influencing them and underpin actions for positive management.
ii.	The key areas for the experience of wild land qualities will be identified, protected and enhanced as a major source of enjoyment of the Park and wild land qualities throughout the rest of the Park will be safeguarded.
iii.	The location, scale, layout and design of all new development will make a positive contribution to the natural, cultural and built landscapes of the Park and the adverse impacts of some existing developments will be reduced.
iv.	Species and habitats identified as the highest priorities in the Cairngorms Local Biodiversity Action Plan, the UK and Scottish Biodiversity Strategies and Action Plans and the Scottish Species Framework will be protected and under active conservation management.
v.	There will be enhanced connectivity within habitat networks through practical implementation of a planned, landscape-scale approach, with early emphasis on lowland agricultural habitat networks and forest networks.
vi.	All the designated nature conservation sites in the Park will be in favourable condition, or under positive management to bring them into favourable condition. This will be enhanced further by the appropriate management of the surrounding land to increase the ecological integrity and viability of these sites.
vii.	The habitat and water quality of rivers and wetlands will be enhanced through commencement of positive management initiatives guided by catchment management planning.
viii.	The diversity of rocks, minerals, landforms and soils of international, national and regional value will be safeguarded and more widely appreciated, together with the natural processes underpinning them.
ix.	An active programme will be underway to safeguard and manage priority historic landscapes and archaeology sites and to promote them to the public.

<b>ACTION PROGRAMME 2007-2012:</b>	
1d	Ensure that all approved developments are based on a site design plan to make a positive contribution to their local natural and cultural landscape setting and character.
1e	Provide guidance on design and encouragement for innovative design to enhance landscapes and townscapes as part of a Sustainable Design Guide.
2d	Safeguard the features and landscapes of archaeological, historical and cultural interest through planning and development control including design guidance and identification of buildings at risk.
3d	The Local Plan and development control procedures will ensure that all approved developments protect the Park's special habitat and species qualities and site design plans for development will make a positive contribution to biodiversity as appropriate to their location.
4c	Safeguard the Park's geodiversity and the natural processes underpinning them through planning policies and development and control.

<b><i>Providing High Quality Opportunities for Outdoor Access</i></b>	
<b>Outcomes for 2012</b>	
i.	A wider range of people will have the opportunity to enjoy the outdoors.
iii.	There will be a more extensive, high quality, well maintained and clearly promoted path network so that everyone can enjoy the outdoors and move around the Park in a way that minimises reliance on motor vehicles.
v.	There will be more effective connections between public transport and places with outdoor access opportunities.
<b>ACTION PROGRAMME 2007-2012:</b>	
1g	Identify and remove physical barriers that unnecessarily restrict opportunities for outdoor access or make appropriate modifications to encourage greater access.
1h	Improve provision for horse riders through removal of unnecessary barriers and specific marketing initiatives to promote opportunities.
1i	Provide more cycling opportunities through provision of off-road facilities, removal of unnecessary barriers and by developing specific marketing initiatives.
1j	Improve access opportunities to water by providing low-key, appropriately sited infrastructure at popular access and egress points.
1k	Improve availability and use of functional walking and cycling routes, especially near schools and work places.

<b><i>Making Housing More Affordable and Sustainable</i></b>	
<b>Outcomes for 2012</b>	

i.	There will be a reduction in the gap between housing need and supply in the Park to meet community needs.
ii.	There will be a reduction in the number of businesses identifying housing as a barrier to staff recruitment and retention.
iii.	There will be more good quality private rented sector accommodation available at affordable rents to meet local need.
iv.	New housing will be of a more sustainable design.
<b>ACTION PROGRAMME 2007-2012:</b>	
1b	Increase the supply of quality, affordable private rented properties and privately owned housing for rent (for example through a rural leasing scheme).
1c	Use the full range of low cost home ownership mechanisms to increase the level of affordable housing that remains affordable in perpetuity.
3a	Prepare a sustainable design guide to encourage new development and infrastructure to complement the built and landscape character of the Park and meet high standards of energy efficiency and sustainable design.
4a	Make provision for effective land and policies for housing in the Local Plan and regularly review.
4d	Identify land and means of procurement for housing development, including private/public partnership.

2.14. For a comprehensive list of the Park Plan's Outcomes for 2012 or Priorities for Action, the Park Plan itself is available from the offices of the National Park Authority or can be downloaded from [www.cairngorms.co.uk](http://www.cairngorms.co.uk).





### 3. THE AIMS AND SPECIAL QUALITIES OF THE PARK

#### Park Facts and Figures

- The Park covers 3,800 sq km and about 5 per cent of Scotland's land area;
  - Approximately 16,000 people live in the Park;
  - Approximately 1.4 million people visit the Park each year;
  - 39 per cent of the area of the Park is designated for nature conservation;
  - 25 per cent of the area of the Park is designated as being of European importance for nature conservation;
  - The Park is home to 25 per cent of the UK's rare and threatened species;
  - Approximately 75 per cent of the land in the Park is privately owned.
- 
- The Park includes:
  - Two National Scenic Areas;
  - Extensive mountain areas including four of Scotland's five highest mountains and internationally renowned summer and winter climbing;
  - Significant stretches of two of Scotland's major rivers, the Spey and Dee;
  - Internationally important geological record and landforms;
  - Most extensive area of arctic-alpine habitat in Britain;
  - Most extensive area of Caledonian Forest in Britain;
  - 424 listed buildings;
  - 60 scheduled ancient monuments.

3.1. The Cairngorms area is widely recognised and valued as an outstanding environment which people enjoy in many different ways. The National Park Plan acknowledges that people bring their own perceptions and interests to the Cairngorms, but that there are some special qualities of the area that are commonly recognised and referred to. It draws on the information gathered for the State of the Park report to highlight some of the natural and cultural qualities that combine to give the National Park its distinctive identity:

- Distinctive Landscape
- Rich Biodiversity
- Mountains
- Moorland
- Forests and Woodlands
- Straths and Farmland
- Rivers and Lochs
- Recreation and Enjoyment
- The Built Environment
- Culture and Traditions

- 3.2. Many of these special qualities are reflected in the natural or cultural heritage designations within the National Park or through the number and range of features of natural and cultural significance recorded in the National Park. The Local Plan takes its lead from the National Park Plan in directing development to the locations that will best deliver the Park’s aims or avoid significant conflict with the aims. However, it is recognised that not all developments will make equal contributions to all Park aims, and some developments may contribute to one or more aims whilst conflicting with others.
- 3.3. The National Park Plan highlights the interdependence of the people, places and special qualities of the Cairngorms National Park and takes an objective-led approach across the whole Park that seeks to establish a positive management approach for which all involved can take responsibility and which can be sustained in the long-term. The National Park Plan recognises that in managing this integrated approach, there will be differing views on many matters. It also emphasises that: *“The starting point must always be to work towards all four aims collectively, rather than to assume they are not mutually achievable. If, after taking this approach, there appears to the National Park Authority to be a “conflict” between the first aim of the Park – to conserve and enhance the natural and cultural heritage – and the other three aims, greater weight must be given to the first aim.”*
- 3.4. This approach reflects the requirements of section 9 of the Act:

**National Parks (Scotland) Act 2000 section 9.**

(1) The general purpose of a National Park authority is to ensure that the National Park aims are collectively achieved in relation to the National Park in a co-ordinated way.

(6) In exercising its functions a National Park authority must act with a view to accomplishing the purpose set out in subsection (1); but if, in relation to any matter, it appears to the authority that there is a conflict between the National Park aim set out in section 1(a) and other National Park aims, the authority must give greater weight to the aim set out in section 1(a).

### **Policy 1. Development in the National Park**

Development in the National Park will be permitted where it has been demonstrated:

- a) the aims of the Park and overall integrity of the area would not be compromised; or
- b) any significant adverse effects on the qualities for which the Park has been designated are clearly outweighed by social or economic benefits of national importance and will be mitigated to the satisfaction of the planning authority by the enhancement of qualities or features of equal importance to the National Park.

Development that makes a positive contribution to one or more aims of the National Park will be supported where it will not significantly conflict with any of the other aims or have any significant adverse effects on its special qualities.

Development that is likely to conflict with any of the aims of the Park, or lead to adverse effects on the Park's special qualities, will only be permitted where it is considered that these would be outweighed by the development's positive contribution to one or more aims and the Park's special qualities, and where appropriate measures are taken to minimise and mitigate the adverse effects of the development.

Where a development would be likely to lead to conflict between the first aim of the Park (*to conserve and enhance the natural and cultural heritage of the area*) and any other aim or objective, the decision on the development will give greater weight to securing the first aim than any other aim or objective.

### ***Implementation and Monitoring***

- 3.5. Policy 1 of the Local Plan sets out the role of the Park's aims and the special qualities in planning decisions, highlighting the need to give greater weight to the first aim in cases of conflict with it. It is the policy that will underlie all planning decisions within the Cairngorms National Park and will be the starting point and ending point in assessing planning applications.

- 3.6. This policy is not intended to be the only policy by which development proposals are determined. All the policies in the Local Plan are intended to support the coordinated delivery of the Park's aims and to promote and protect its special qualities as required. The detailed policies will provide a clear justification for approval or refusal of planning applications in their own right. However, Policy 1 provides the foundation for all planning decisions and links the detailed policies back to the aims of the Park. This policy also provides a basis for the assessment of any proposals that have not been anticipated in the other policies of the plan.
- 3.7. This policy will be monitored through analysis of planning approvals and how they impact on achieving the aims of the Park. Developments must comply with all policies in the plan to comply with Policy 1.

## **4. CONSERVING AND ENHANCING THE PARK**

### **Introduction – conserving and enhancing the special qualities**

- 4.1. The National Park Plan acknowledges that the conservation and enhancement of the special qualities which underpin the National Park's importance and attraction, as well as much of its economy and communities, must form the basis of successful long-term management. To achieve this it identifies a number of key areas on which to focus attention: conserving and enhancing the natural and cultural heritage; sustainable use of resources; and, integrated land management.
- 4.2. The Local Plan aims to address these key areas through policies which consider how best to encourage appropriate forms of development while working towards conserving and enhancing the special qualities of the National Park.
- 4.3. Much of the Park is covered by national or international designations or areas of particular importance for natural cultural or earth heritage reasons that developers must consider when making any new proposal. All planning applications will be assessed against the impact made on any important natural, cultural or earth heritage resources that might be affected by the proposed development.

### **Natura 2000 Sites**

#### **Policy 2: Natura 2000 Sites**

Development that would adversely affect the integrity of a Natura 2000 site will be contrary to the Local Plan.

Any development likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where:

- a) there are no alternative solutions; and
- b) there are imperative reasons of overriding public interest.

### ***Background and Justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Biodiversity*

- 4.4. Sites classified as Special Protection Areas (SPA) under the Wild Birds Directive and selected as Special Areas of Conservation (SAC) under the Habitats Directive form a European network of sites known as "Natura 2000". They are intended to maintain and restore the distribution and abundance of species and habitats that are endangered, vulnerable, rare or otherwise require special attention. Wetlands of international importance for birds listed through the Ramsar Convention on Wetlands are given the same protection as Natura 2000 sites in the UK.
- 4.5. The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) place a duty on public bodies to meet the requirements of the Habitats Directive. Detailed advice on the requirements of the Directive is contained in SED Circular 6/1995 (revised June 2000). The Habitats Regulations require that where a competent authority (either local authority or National Park Authority) concludes that a development proposal is likely to have a significant effect on a Natura 2000 site, it must undertake an appropriate assessment of the implications for the conservation interests for which the area has been designated. Further guidance on assessment of proposals affecting Natura 2000 sites is set out in NPPG14 Natural Heritage and Appendix A of Annex E to Circular 6/1995.
- 4.6. Where a priority habitat or species (as defined in Article 1 of the Habitats Directive) would be affected, the opinion of the European Commission should be sought through the Scottish Ministers unless development is necessary for human health or public safety reasons, or reasons of overriding environmental considerations (beneficial consequences of primary importance for the environment).

### ***Implementation and monitoring***

- 4.7. This policy must be implemented by local authorities and the National Park Authority wherever a proposal may affect a Natura 2000 site. Authorities will consult SNH for advice on both the need for appropriate assessment, and the specific requirements of individual assessments. When considering the need

for an appropriate assessment, and in preparing appropriate assessments, the competent authority will take account of potential cumulative effects of development proposals on Natura interests.

### **Other National Natural Heritage Designations**

#### **Policy 3: Other National Natural Heritage Designations within the National Park**

Development that affects a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where it has been demonstrated:

- a) the objectives of the designated areas and overall integrity of the area would not be compromised; or
- b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance and are mitigated by enhancement of qualities of equal importance to the National Park's natural heritage.

#### ***Background and Justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Biodiversity and Landscape*

4.8. The Cairngorms National Park, itself a national designation for its outstanding natural and cultural heritage, contains examples of all three of Scotland's national natural heritage designations. Sites of Special Scientific Interest (SSSIs) are areas of land (and land covered by water) that are considered by Scottish Natural Heritage to be of special interest by reason of their natural features. They provide the foundation for a range of other natural heritage designations and are therefore at the core of national and international arrangements for the protection of species, habitats and geological or geomorphological features.

4.9. Scottish Natural Heritage has a duty under Section 3 of the Nature Conservation (Scotland) Act 2004 to notify SSSIs and all public bodies must take reasonable steps to further the conservation and enhancement of SSSIs when exercising their functions affecting SSSIs.

4.10. National Nature Reserves (NNRs) are areas where some of the best examples of Scotland's wildlife and landscapes are protected and managed. It is Scottish Natural Heritage's policy that each NNR must achieve at least one of three key purposes:

- To provide opportunities for everyone to visit and enjoy the best of Scotland's nature;
- To allow specialised management for wildlife which depends upon it;
- To offer opportunities for long-term research in to management for nature, and to demonstrate good practice to others;

4.11. National Scenic Areas (NSAs) are Scotland's national landscape designation. They are those areas of land considered of national significance on the basis of their outstanding scenic interest which must be conserved as part of the country's natural heritage. They have been selected for their characteristic features of scenery comprising a mixture of richly diverse landscapes including prominent landforms, and freshwater lochs, rivers, woodlands and moorlands. The Park contains two NSAs covering the Cairngorm Mountains and Deeside and Lochnagar.

#### ***Implementation and monitoring***

4.12. This policy protects nationally designated sites from development that would compromise their integrity or objectives unless the development proposal would have social or economic benefits of national importance. When assessing the potential effects of development proposals on national designations, the planning authority will take account of potential cumulative affects on the designated natural heritage interests. The policy applies to developments affecting these sites, whether or not they are inside or outside the boundary of the designated area.

4.13. The policy will be monitored by review of planning consents and refusals for proposals that could affect any of these designations.

#### **Other Important Natural and Earth Heritage Sites and Features**

**Policy 4: Other Important Natural and Earth Heritage Sites and Interests**



Development that affects an ancient woodland site, semi natural ancient woodland site, Geological Conservation Review site, or other nationally, regionally or locally important site recognised by the planning authority will only be permitted where it has been demonstrated:

a) the objectives of the identified site and overall integrity of the identified area would not be compromised; or

b) any significant adverse effects on the qualities for which the area or site has been identified are outweighed by social or economic benefits of importance to the aims of the National Park and are mitigated by the developer to provide features of equal importance to those that are lost.

### ***Background and Justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Biodiversity and Geodiversity*

4.14. The outstanding natural heritage of the Cairngorms National Park is reflected in both the national and international designations in the Park and throughout the other habitats, species and geodiversity present within it. Many of these other habitats, rocks or landforms or are also nationally important due to their rarity or fragility.

4.15. Long established woodlands provide some of the most ecologically diverse habitats in the UK and can take hundreds of years to develop. Once an area of long established woodland has been lost, it is impossible to replace it with as diverse a habitat. It is therefore important that wherever possible, areas of long established woodland, which have the greatest capacity to support mature woodland habitats and species, are not lost to development.

4.16. The ancient woodland inventory records areas of woodland or plantation that are on sites where woodland or plantation was recorded on General Roy's 1750 Maps or the Ordnance Survey's First Edition maps of 1860. The semi-natural ancient woodland inventory records areas of semi-natural woodland that were present during the 1970's on areas identified by the ancient woodland inventory.

4.17. A number of sites within the National Park are considered to be nationally important because of their geology or geomorphology and have been

recorded through the Geological Conservation Review (GCR). GCR sites are intended to highlight the best examples of a range of geological and geomorphological features in the UK. Some GCR sites are designated as geological Sites of Special Scientific Interest, or form parts of other SSSIs.

- 4.18. In addition to these national records and inventories of sites, local authorities, NGO's and other organisations recognise a range of sites that have natural heritage interest or importance. These may include non-statutory Nature Reserves and Sites of Interest to Natural Science (SINS) in Aberdeenshire and Moray.

#### ***Implementation and monitoring***

- 4.19. This policy is intended to prevent loss of nationally, regionally or locally important natural or earth heritage sites that are not afforded special protection by designation. However, many of these identified areas do not pass through the rigorous assessment process to become designated sites and hence they are not all equally important examples or sensitive sites. When making decisions on proposals that would affect these sites, the planning authority will take into account the quality of the interests of the site and its contribution to the wider network of sites in addition to the direct effects of the development proposal.
- 4.20. The policy will be monitored by review of planning permissions affecting sites and the impact they have on loss of areas of habitat or sites.

#### **Protected Species**

##### **Policy 5: Protected Species**

Development that would have an adverse impact on any European Protected species will not be permitted unless:

a) there are public health, public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment; and

b) there is no satisfactory alternative; and

c) that the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

In addition to these, full consideration will be given to the protection of species listed in Schedules 1, 5 and 8 of the Wildlife and Countryside Act, 1981 as amended.

### **Background and Justification**

*This Policy supports the National Park Plan's strategic objectives for:*

- *Biodiversity*

4.21. A number of species are protected by law. They are listed through Schedules 1-8 of the Wildlife & Countryside Act 1981, Schedules 2, 3 & 4 of the Conservation (Natural Habitats, &c.) Regulations 1994 (hereafter referred to as the Habitats Regulations) and the Protection of Badgers Act 1992 which offers protection for the badger and its sett. For some species, a licence is required before it, or its habitat, can be disturbed. These licences are available from Scottish Natural Heritage (SNH) or the Scottish Executive for scientific, research or educational purposes.

### **Implementation and monitoring**

4.22. This policy ensures that the effects of development proposals on protected species are fully considered by the planning authority. Developers will be required to undertake any necessary surveys for species at their own cost and to the satisfaction of Scottish Natural Heritage and the planning authority. The policy will be monitored by review of planning permissions and the impact they have on protected species, and through consultation with Scottish Natural Heritage.

### **Biodiversity**

#### **Policy 6: Biodiversity**

Development that would have an adverse effect on habitats or species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, will only be permitted where:

a) the developer can demonstrate that the need and justification for the development outweighs the local, national or international contribution of the area of habitat or populations of species; and where

b) significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and / or management measures are provided and new habitats of equal nature conservation value are created as appropriate to the site.

Where there is evidence or likelihood to suggest that a habitat or species may be present on or adjacent to a site, or could be adversely affected by the development, the developer will be required to undertake a survey of the area's natural environment to assess the effect of the development on it.

### ***Background and Justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Biodiversity*

4.23. Protected areas and protected species play an important role in conserving biodiversity through giving legal protection to some of the rarest or best examples of habitats and species. However, the Cairngorms have many other habitats, networks of habitats and species that are not protected but that are just as important to the biodiversity and ecosystems of the Park.

4.24. The Nature Conservation (Scotland) Act 2004 places a duty on all public bodies to further the conservation of Biodiversity. It is therefore important that the value of habitats and species are considered in all planning decisions, and appropriate measures to conserve and enhance biodiversity are implemented through the planning process.

4.25. The Cairngorms Local Biodiversity Action Plan, UK Biodiversity Action Plan and Scottish Biodiversity List, all detail habitats and species that are of particular importance to the Park, Scotland, the UK and Europe. The particular conditions in the Cairngorms National Park mean some habitats and species may be frequent within the National Park but very rare elsewhere, making the Park even more important to the long term survival of that habitat or species.

### ***Implementation and monitoring***

- 4.26. This policy is intended to ensure that development does not weaken the overall integrity of the ecosystems of the National Park. The planning authority will assess the direct, indirect and cumulative effects development proposals on habitats and species. Developers should address issues of wildlife and biodiversity as soon as possible in their own planning of developments and incorporate suitable measures in their development. This will reduce the likelihood of delays in obtaining planning permission. The National Park Authority has published a leaflet titled “Biodiversity Planning Guidance: Note for the Householder” that provides more information.
- 4.27. This policy will be monitored by review of planning permissions and assessment of priority habitats and species affected by development.

### **Landscape**

#### **Policy 7: Landscape**

All Development will be sited, laid out, designed and constructed of materials so as make a positive contribution to the special landscape qualities of the Park.

Development that would have an adverse effect on the special landscape qualities of the Park, including its distinctive landscape character, scenic qualities, natural beauty, amenity, historic landscape elements or qualities of wildness will only be permitted where the adverse effects:

- a) are outweighed by social or economic benefits of primary importance to the aims of the National Park; and
- b) have been minimised and mitigated to the satisfaction of the planning authority through appropriate siting, layout, design and construction.

#### ***Background and Justification***

*This Policy supports the National Park Plan’s strategic objectives for:*

- *Landscape and Air*

- 4.28. The diverse and spectacular landscapes of the National Park are one the area’s key assets and the distinctive character of the Park is one of the reasons for the creation of the Park itself. Although the main landforms of the National Park have formed over hundreds of thousands or millions of

years, most of the patterns, vegetation and development that are seen today are the result of human activity over the last few hundred years.

- 4.29. The landscapes of the Park are attractive because of the mix of spectacular landform, mosaics of semi natural and man-made habitats and the sum of the patterns and buildings of human development. In some parts of the Park, only the most recent human activities are obvious in the landscape, but in many parts of the Park, the patterns of past human activity have left a clear imprint on the landscape.
- 4.30. The National Park has been systematically surveyed and described in two assessments. The Cairngorms Landscape Character Assessment<sup>1</sup> (LCA) identifies and describes the characteristics of the landscape in different parts of the National Park. The Historic Landscape of the Cairngorms<sup>2</sup> uses the Historic Landuse Assessment (HLA) and National Monuments Record of Scotland (NMRS) to identify general patterns in the historic parts of the landscape. It provides a tool to help record, understand and interpret the Park's cultural heritage.
- 4.31. In many parts of the National Park people can experience a sense of wildness that is related to the landscape character, the habitats, views and location. Although people's perceptions of wildness may vary, there are clearly parts of the National Park where a combination of the landscape character, a sense of remoteness or a perceived absence of recent development can combine to create a sense of wildness. The quality of the dark night skies in the Park is highlighted in the National Park Plan as significantly contributing to the sense of wildness that can be experienced.
- 4.32. The National Park Plan highlights the importance of this sense of wildness that can be experienced in the Park and has a strategic objective for its conservation and enhancement. The Park Plan also recognises that some activities and forms of development can affect the sense and experience of wildness by introducing new sights, sounds, or patterns in the landscape.

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<sup>1</sup> SNH 1996, Cairngorms Landscape Character Assessment. Prepared by the Turnbull Jeffrey Partnership.

<sup>2</sup> RCAHMS & Historic Scotland 2001, The Historic Landscape of the Cairngorms.

### ***Implementation and monitoring***

- 4.33. The planning authorities will use the Cairngorms LCA and any revisions or additions to inform planning decisions using this policy. They will also use specialist professional advice as appropriate to inform the decision making process. The planning authorities will also use the HLA to help identify potential issues with the historic environment and will seek appropriate advice where necessary. The National Park Authority will be conducting research to accurately identify the key characteristics that contribute to qualities of wildness during 2007. This research will inform assessments of the effects of development on qualities of wildness in the Park.
- 4.34. The planning authorities will ensure that developments are sited, designed and constructed of materials which make a positive contribution to the special landscape qualities of the Park. Developers should consider this requirement at the outset of a project and should seek appropriate advice on how best to choose a site and design their proposal. Relevant advice can be found in the Scottish Executive publications “Designing Places. A Policy Statement for Scotland”, PAN 72 Housing in the Countryside and PAN 68 Design Statements.
- 4.35. The planning authorities will ensure the consented development minimises light pollution by seeking the minimum level of light provision in developments for security, safety and operation, as well as minimising light spillage from consented developments.
- 4.36. The Policy will be monitored by review of planning permissions and assessment of cumulative effects of development on the landscape.

### **Gardens and Designed Landscapes**

#### **Policy 8: Gardens and Designed Landscapes**

Development affecting Gardens and Designed Landscapes as identified by Historic Scotland will protect, preserve and enhance such places and will not impact adversely on their character, on important views to, from and within them, or on the site or setting of component features which contribute to their value.

### **Background and Justification**

*This Policy supports the National Park Plan's strategic objectives for:*

- *Landscape, Built and Historic Environment*

4.37. The National Park contains many examples of gardens and estate policies that contribute to the historic and cultural interest and overall appearance of the landscape. Some of these sites are listed in the Inventory of Gardens and Designed Landscapes, maintained and updated by Historic Scotland, and last published March 2007. Under Article 15 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 as amended (circular 4/2007), planning authorities must consult Historic Scotland on any development proposals that may affect a site contained in the Inventory.

### **Implementation and monitoring**

4.38. This policy will be implemented through consultation with Historic Scotland where required. The planning authorities will also consider the effects of a proposal on historic gardens and designed landscapes that are not listed in the Inventory and will apply the provisions of the policy to such sites.

4.39. The policy will be monitored by review of the impact of planning permissions on historic gardens and designed landscapes and through consultation with Historic Scotland.

### **Cultural Heritage and the Historic Environment**

4.40. The National Park has a rich cultural heritage ranging from archaeological remains to internationally significant listed buildings and important architectural and historic townscapes. The Park also has other buildings, features or sites that have a historic importance or cultural heritage value that are not recorded systematically or officially.

4.41. The conservation and enhancement of all these elements which contribute to the cultural heritage of the National Park forms an intrinsic part of the 1st aim of the National Park. The National Park Plan recognises that physical records of the Park's cultural heritage are important to the Park, stating: "*This cultural record is one of the most valued qualities of the Park. The physical heritage needs greater repair and maintenance to secure its long-term conservation and enhancement of both sites and their settings.*"



## Archaeology

### Policy 9: Archaeology

Scheduled Ancient Monuments and other identified nationally important archaeological resources will be preserved in situ, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting will not be permitted unless there are exceptional circumstances.

All other archaeological resources will be preserved in situ wherever feasible. The planning authority will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications.

The developer may be requested to supply a report of an archaeological evaluation prior to determination of the planning application. Where the case for preservation does not prevail, the developer will be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development.

### ***Background and Justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Landscape, Built and Historic Environment*

4.42. The National Park has many nationally important archaeological sites and monuments that are scheduled and protected by the Ancient Monuments and Archaeological Areas Act 1979. There are also many other sites and monuments, of regional or local significance which contribute to the cultural heritage found within the Park. Many of these sites, though not all, are identified in the National Monuments Record of Scotland (NMRS) and more still are identified through Local Authorities' Sites and Monuments Records. All of these, whether scheduled or not, are fragile and irreplaceable. It is important that the setting of archaeological sites is safeguarded in addition to their physical integrity. National Planning Policy Guideline 5: Planning and Archaeology (NPPG 5) states that planning authorities should ensure that archaeological factors are as thoroughly considered as any other material

factor in both the development planning and the development control processes.

### ***Implementation and monitoring***

- 4.43. Planning authorities will take into account the potential effect of development proposals on all known archaeological sites in making decisions. They will follow the guidance of NPPG5 that recognises that not all remains are of equal importance and will consider the various categories of archaeological remains (as described in NPPG 5) as well as specialist archaeological advice as appropriate.
- 4.44. This policy will be monitored by review of planning permissions and the impact they have on archaeological sites. The impact made by conditions attached to consents and permissions will also be analysed.

### **Listed Buildings**

#### **Policy 10: Listed Buildings**

Development affecting a listed building, or its setting, will preserve and where possible, restore the integrity of the building, its setting, or any features of special architectural or historic interest which it possesses.

The layout, design, materials, scale, siting and use of any development will be appropriate to the character and appearance of the listed building and its setting.

Proposals for the total demolition of a listed building, or substantial demotion of parts thereof which have particular architectural merit, will only be permitted where it is demonstrated beyond reasonable doubt to the planning authority that every effort has been exerted by all concerned to find practical ways of retaining it, or where the demolition relates to parts of the building that do not have, or detract from the special interest of the building. This will be demonstrated by inclusion of evidence to the planning authority that the building:

- a) has been actively marketed at a reasonable price and for a period reflecting its location, condition and possible alternative uses without finding a purchaser; and

b) is incapable of physical repair and re-use through the submission and verification of a thorough structural condition report.

### ***Background and Justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Landscape, Built and Historic Environment*

- 4.45. Buildings of special architectural or historic interest are listed by the Scottish Ministers and divided into categories A, B or C(s). The purpose of listing is to ensure that any demolition, alteration, repair or extension that would affect the building's special interest is controlled. The National Park has more than 400 listed buildings that are an important element of its rich cultural heritage.
- 4.46. When determining planning applications, Sections 14(2), and 59(1) of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 place a duty on planning authorities to have special regard to the desirability of preserving a listed building, or its setting, or any features of special architectural or historic interest which it possesses. NPPG 18 provides the national policy context for listed buildings and is a material consideration in the determination of planning applications. The Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 provided advice on listed building consent matters and is supported by the SHEP series produced by Historic Scotland.

### ***Implementation and monitoring***

- 4.47. This policy will be implemented through the full consideration of the relevant provisions of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, NPPG 18 and The Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 and the SHEP series. The planning authority will seek specialist advice on these matters as appropriate.
- 4.48. This policy will be monitored by review of planning permissions affecting listed buildings, use of conditions in consents and how these impact on listed buildings and their integrity.

### **Conservation Areas**

### **Policy 11: Conservation Areas**

Development within a conservation area or affecting its setting will preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area.

The design, materials, scale and siting of any development will be appropriate to the character of the conservation area and its setting. Trees within Conservation Areas are protected. Given the importance of assessing design matters, outline planning applications will not be considered appropriate for developments in conservation areas.

Where an existing building within a conservation area contributes positively to its character, demolition will only be permitted where it is demonstrated beyond reasonable doubt that every effort has been taken to secure its long term future without success. Proposals for demolition will not be considered in the absence of a detailed planning application for a replacement development that enhances or preserves that character. Demolition will not begin until evidence is given of contracts let for the approved development.

#### ***Background and Justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Landscape, Built and Historic Environment*

4.49. Conservation areas are areas of special architectural or historic interest where it is important to preserve or enhance their character or appearance. The main implication of designation is that consent will be required for specific types of development that would not otherwise require it. This level of control can, in certain circumstances, be further extended through the introduction of an Article 4 Direction. Control extends to trees within the boundary of the conservation area and prior notification may be required for works to such trees.

4.50. There are four designated conservation areas in the National Park, at Ballater, Braemar, Inverey and Grantown on Spey. The village centres of Tomintoul, Kingussie and Newtonmore are also of historic and architectural interest. The National Park Authority will consider and consult on proposals for the designation of conservation areas in these locations in the future.

### ***Implementation and monitoring***

- 4.51. The policy will be implemented through full consideration by the planning authorities of the relevant provisions of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, the Town and Country Planning (Scotland) Act 1997, NPPG 18, The Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 and the SHEP series.
- 4.52. This policy will be monitored by review of planning permissions affecting listed buildings and use of conditions in consents.

### **The local and wider cultural heritage of the Park**

#### **Policy 12: The local and wider cultural heritage of the Park**

Development that seeks to protect, conserve or enhance a site, feature or use of land of local or wider cultural or historic significance or its setting will be supported.

Any development that would adversely affect a site, feature or use of land of local or wider cultural or historic significance or its setting, will take reasonable measures to avoid, minimise and mitigate those effects.

### ***Background and Justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Landscape, Built and Historic Environment;*
- *Culture and Traditions*

- 4.53. The National Park contains many examples of buildings, features or sites that have a historic importance or cultural heritage value that are not protected by designation or recorded systematically or officially. These include features such as wells, caves, trees, traditional places of recreation or meeting, traditional or vernacular architecture, ruins or places mentioned in folklore or local history. They clearly contribute to the cultural heritage of the Park and should be taken into account in planning decisions in a manner consistent with the first aim of the National Park.

### ***Implementation and monitoring***

- 4.54. This policy reinforces the direction of the National Parks (Scotland) Act 2000 by ensuring that the cultural heritage of the Park is explicitly considered in

planning decisions. It also provides a clear basis on which to employ Policy 1 of the Local Plan. The policy will be used to ensure that wherever a development proposal is likely to affect a site of local or wider cultural heritage significance to the Park, the importance of the site, feature or use of land is considered appropriately.

- 4.55. The policy relies on information being available during the period when a planning application is being considered and will require a reliable form of documentary evidence for the importance or significance of the site, feature, or use of land. It will be monitored through analysis of planning permissions and their impact on recognised sites or features of cultural heritage significance, and on the future recording of such sites or features in a co-ordinated way.

## **Sustainable Use of Resources**

### **Water Resources**

#### **Policy 13: Water Resources**

New development will:

- a) have no significant adverse impact on the current hydrology/water environment;
- b) be free from significant risk of flooding, not increase the risk of flooding elsewhere, not add to the area of land that requires flood prevention measure, or affect the ability of the functional flood plain to store or move flood waters. Development in areas susceptible to flooding (as defined by SPP7's Flood Risk Framework, SEPA's Flood Risk maps, or other flood risk information) will require a developer funded flood risk assessment;
- c) treat surface water discharge separately from foul waters and in the most sustainable manner;
- d) minimise use of water;
- e) have no significant adverse impact on existing or proposed public or private water supplies, or waste water treatment services within or linked to the National Park;
- f) utilise public water supply and waste water disposal services where reasonable and comply with best practice standards for private water supplies and waste water treatment facilities where connection to public services is unreasonable.

### ***Background and Justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Water*

- 4.56. The National Park Plan highlights the need for all development to make the most sustainable use of resources, including water resources. The need for management of the water environment has been reinforced by the EC Water Framework Directive, which established a legal framework for the protection, improvement and sustainable use of all water bodies across Europe. The Water Environment and Water Services (Scotland) Act 2003 implemented the Directive in Scotland. The Water Framework Directive introduces a number of new measures to ensure a higher standard of care for the water environment, including the production of River Basin Management Plans (RBMPs).
- 4.57. Additional guidance is provided through a number of Scottish Executive Planning Policy and guidance notes, including Scottish Planning Policy 7 (SPP7) Planning and Flooding, Planning Advice Note 79, Water and Drainage, and Planning Advice Note 61, Sustainable Urban Drainage, all of which focus on improving the current situation for the future, and ensuring that new development has given proper consideration to the impacts of water, in terms of its provision, disposal, and management.

### ***Implementation and monitoring***

- 4.58. The policy will be used to ensure that new development or engineering works requiring planning permission will not have significant adverse effects on the water environment of the National Park and areas around it. The water environment encompasses the water quality, quantity, hydrology, hydrogeomorphology and aquatic ecology of water bodies, river systems and groundwater.
- 4.59. It is national policy that development should not occur on the functional floodplain (areas with a 0.5% or greater chance of flooding per year or the 1 in 200 year flood). Developers should consult SEPA's Flood Risk Maps (available at <http://www.sepa.org.uk/flooding/mapping>) to help determine whether they will be required to fund a flood risk assessment. These maps show indicative flood risk areas that should be avoided wherever possible.

However, the maps do not provide accurate information about the likelihood of flooding on individual sites and are used to guide development to suitable sites and identify areas where more detailed information is required.

- 4.60. The Local Plan avoids allocating sites for development in areas at risk of flooding wherever possible. However, in some locations, the Local Plan identifies land where there is uncertainty about the risk of flooding. The Local Plan highlights the need for developers to fund detailed flood risk assessments on these sites in its proposals.
- 4.61. Wherever reasonable, new development will be required to connect to public water supplies and waste water treatment networks. Where this is either not possible or is unreasonable due to a lack of capacity or other constraints within the public systems, alternative and or interim measures may be permitted where they are demonstrated to comply with best practice and relevant standards. Wherever possible, new or upgraded water supplies, fresh water treatment facilities and waste water treatment facilities should utilise the lowest impact solutions in terms of energy use and effects on the environment.
- 4.62. To monitor the effects of this policy, and the impact it has on water resources within the National Park, development proposals will be assessed for their recognition of the importance of this resource, and in particular how new developments progress methods of conservation as identified through the sustainable design guide.

### **Earth Resources**

#### **Policy 14: Earth Resources**

Proposals for new mineral extraction, processing or recycling developments or extensions to existing mineral developments will only be permitted where:

- a) the developer can demonstrate the market within the National Park where the extracted or processed material will be used or provide other social or economic benefits, and
- b) no suitable and reasonable alternatives to the material are available.



Developers will incorporate measures to minimise potential effects on the environment and communities and ensure appropriate restoration, aftercare and after use. Bonds will be used where appropriate and secured by Section 75 Agreement.

Development likely to prevent the future viable extraction of a workable mineral reserve will only be permitted where:

- i) there is no alternative site for the development;
- ii) where the value of the development to the delivering the aims of the Park is considered to outweigh the value of the mineral resource; and
- iii) the opportunity has been provided for the extraction of the mineral resource before the development commences.

Proposals for new areas of commercial mechanised peat extraction will not be permitted.

All development will avoid unnecessary disturbance of soils and will adopt best practice for the movement, storage, management and reinstatement of soils.

### ***Background and Justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Geodiversity*

4.63. The resources found within the earth's surface, comprising soils, minerals and peat are an important natural resource essential to support all forms of biodiversity and provide the substrate for plant growth.

4.64. The need to extract some minerals for development, and the economic benefits gained from extraction and processing minerals must be carefully considered in the National Park. The Cairngorms National Park and its immediate surroundings have a market need for a number of mineral products, principally aggregates for the construction industries, which can be met by local mineral workings. However, mineral extraction can have a wide range of negative environmental impacts that may harm the special qualities of the National Park. Although the main mineral resources currently extracted commercially are sand, gravel and hardrock, in the future, other deposits may become commercially viable and the safeguarding of these deposits is an important consideration in any future planning.

- 4.65. The National Park also has large areas of mire and fen that store and create peat. These accumulations of peat may be active (forming peat), or non-active, and occur both as blanket bog over gentle slopes on the hills and within topographic hollows and on valley sides on lower ground. The rarity and range of species and associated plant communities on these areas of mire, and their history of formation and use make them both ecologically and culturally important.
- 4.66. In addition to the direct ecological value of the peat-forming habitats, all areas of peat play a role in the world's climate through storing carbon. The removal or disturbance of peat allows release of carbon to the atmosphere which may contribute to global climate changes. Domestic peat cutting has been a traditional activity in parts of the National Park. The practice has declined to become a relatively small scale activity with only a few participants.
- 4.67. Commercial extraction of peat for sale involves large scale stripping of layers of peat using machinery. The practice removes peat far faster than it can form, is ecologically destructive and releases a large amount of carbon dioxide into the atmosphere which may contribute to global climate change. There is one commercial peat extraction operation within the National Park, and the Cairngorms Biodiversity Action Plan notes that it is not a significant threat to the habitat within the Park at its current level.
- 4.68. Soils support and form the habitats for many other organisms including mammals, invertebrates and fungi. Healthy soil microbial communities also play a vital role in maintaining soil fertility, and in the environmental functions of soil which contribute to air and water quality. The National Park has a rich diversity of soils from the agricultural soils that are confined to the more fertile valleys; to undisturbed patterns of often fragile soils extending under ancient woodland, moorland, mountain slopes and summits.
- 4.69. Most forms of development and change in land use will disturb soils and impact on its physical, chemical and biological balance. In extreme cases, this can lead to permanent loss of soil or the destruction of soil biodiversity and environmental functionality through wash-out, sedimentation and pollution of water courses that can significantly increase the permanent

footprint of a development. All developments must carefully consider their impact on this valuable resource.

***Implementation and monitoring***

- 4.70. The policy will be used to ensure that mineral resources within the National Park are used in the most sustainable manner. In order to minimise potential negative effects on the environment of the Park and minimise the transportation of materials from the National Park to other areas, developments will need to demonstrate that there is a market with the Park or its surrounding areas or that the Park will derive other social or economic benefits and that there are no suitable (and lower impact) solutions available. The policy will be monitored by reviews of planning permissions for minerals developments.
- 4.71. The impact of any new peat extraction will be monitored to assess the environmental impacts of works, both on the site, and surroundings.
- 4.72. The planning authorities may use conditions to ensure that developments avoid unnecessary disturbance of soils and employ best practice for the movement, storage, management and reinstatement of soils. Developers may be required to prepare a soil management statement to describe the soils management measures that will be adopted. The detail and complexity of the soil statement will be determined by the size, and complexity of the proposed development.

**Contaminated Land**

<p><b>Policy 15: Contaminated Land</b></p> <p>Proposals for new developments on land that is contaminated, or suspected of being contaminated, will be approved where:</p> <ul style="list-style-type: none"><li>a) investigations and assessments are submitted with applications for development to identify actual or potential significant risks to human health and safety associated with the current condition of the site, and how contaminants currently interact with the surrounding ecosystem and the Park’s special qualities; and</li></ul>
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b) assessments are undertaken to identify actual and potential impacts, on-site and off-site, of all stages of development proposals on the risks to human health and also to the Park's biodiversity, geodiversity, hydrology and other special qualities; and

c) effective remedial action, including action controlling and limiting the release of contaminant to the surrounding environment, is taken to ensure that the site is made suitable for the development proposal use and potential reuse by other development, and that there are no significant detrimental effects on the Park's special qualities on or off site.

### ***Background and Justification***

4.73. National Policy is provided in PAN 33 Development of Contaminated Land, and in support of this the National Park Plan identifies the importance of conserving and enhancing landscape and natural heritage when considering new developments of all forms.

4.74. Contaminated land is land where current or previous land uses have lead to a local build up of pollutants in the ground. There may be sites within the Cairngorms National Park where current or previous uses have lead to contamination or suspected contamination. Wherever possible, contaminated land should be restored to remove potential threats to human health or natural systems within the Park. The local authorities have strategies for the identification and treatment of contaminated land, and SEPA can also provide advice on the identification and treatment of contaminated sites.

### ***Implementation and monitoring***

4.75. The assessment of contaminated land at the outset is key to ensuring that appropriate measures are included within designs to ensure the necessary mitigation steps are included from the outset. As such it is important that developers provide, at their own expense, the planning authority with adequate investigations and assessments of the impact their developments will have on the site, and the impact this may have on human health and safety and any impacts there may be on the surrounding ecosystem or biodiversity.

4.76. The reclamation and improvement of contaminated land within the National Park is important to the overall enhancement of the wider landscape of the

Park, and the success of this policy will be assessed against the local authorities registers detailing contaminated land, and any reductions made to these registers.

## **Energy Generation**

### **Policy 16: Energy Generation**

Proposals for small scale renewable energy schemes and micro generation will be favourably considered where they contribute positively to the minimisation of climate change, and where they compliment the sustainability credentials of the proposal. Schemes will ensure they are sited and designed to minimise any visual impact, including any cumulative impact, caused as a result of energy generation measures, and will not have an adverse impact on the amenity of neighbouring properties.

### ***Background and Justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Energy*

4.77. Nationally there is an increasing focus on small scale generation of energy and micro generation with individuals and communities realising the part everyone should plan in efforts to slow climate change. This is supported through the second aim of the Park: 'to promote sustainable use of the natural resources of the area'. Together with the sustainability credentials of all proposals, the inclusion of small scale energy schemes and micro generation promotes the careful use of resources generally, and the more sustainable use and generation of energy.

4.78. Whilst the National Park Authority is supportive of the drive to minimise climate change, it is considered that the National Park status of the Park together with the numerous natural heritage designations contained within it, and the duty placed on the Park Authority under international and national statutory obligations to protect its many special qualities, make it an area unsuitable for large scale energy production schemes.

### ***Implementation and monitoring***

4.79. The key consideration in the implementation of this policy is the impact proposals will have in landscape and visual terms. In general there will be a

presumption in favour of small scale energy schemes and micro generation proposals if appropriately sited, designed and serviced. The most current guidance on the topic, currently through SPP6 and PAN 45 Annex 1 will be used to assess the appropriateness of proposals in terms of scale and output capacities. The success of this policy will be monitored in association with the use of the sustainable design guide, to analyse the sustainability credentials of proposals presented. Supplementary guidance will be produced to support the development of small scale and micro generation schemes.

## **5. LIVING AND WORKING IN THE PARK**

### **Introduction – Encouraging Sustainable Development**

- 5.1. The National Park is a place of work and daily life for approximately 16,000 people, and the economic and social needs and issues faced by them are similar to those throughout rural Scotland. However, its designation as a National Park brings a new focus to finding solutions to sustainable living in the long-term for the Park and tackling global issues of sustainability. As well as improving opportunities for people within the area, the National Park has the potential to contribute significantly to the well-being of the wider region and play its part in minimising the impacts of climate change.
- 5.2. Sustainable development means that the resources and special qualities of the National Park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them. The Local Plan aims to ensure that all forms of development are sustainable, and that on a wider scale, all proposals contributes to the development and promotion of sustainable communities for those living and working within the National Park.

### **Sustainable communities and development**

- 5.3. All developers must consider how they can best include the principles of sustainability into their proposals, looking at both the impact on the environment and on the community. All planning applications will therefore be assessed on the basis of the proposals sustainability credentials and those making a positive contribution to sustainable design will be more favourably considered. The impact on the wider community including the affect on public facilities will also be assessed.
- 5.4. Reference should also be made to settlement specific requirements relating to sustainable community development later in the Plan.

### **Policy 17: Sustainable Development**

All proposals for new development in the Cairngorms National Park will include within the design integrated social, community, environmental and economic factors which ensure a healthy, affordable, resource efficient and functional building environment that respects the natural environment, makes a positive contribution to the minimisation of climate change, and demonstrates sustainable use of resources

ensuring the highest design standards, throughout the construction and within the future maintenance arrangements and any decommissioning which may be necessary.

#### **Policy 18: Design Standards for new development**

All new development will conserve and enhance the natural and cultural environment found within the National Park, and protect and enhance the landscape quality surrounding the development site. New developments will reflect and reinforce the pattern and character of the surrounding area, and reinforce the local vernacular and local distinctiveness. Materials used will compliment the setting of the building and appropriate landscaping will be used in all developments. Proposals will be in accordance with design standards and pallet of materials set out in the Sustainable Design Guide and any other supplementary guidance produced relating to design for new developments. The enjoyed by neighbouring properties will be protected and all proposals will include inclusive design to help create environments that can be used by everyone.

#### **Policy 19: Developer Contributions**

Where a development would give rise to a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, it will be approved where the developer makes a fair and reasonable contribution in cash or kind towards the additional costs or requirements. Such contributions will be consistent with the scale and nature of the development proposed and may be secured through a Section 75 Agreement where necessary.

**This Policy will be implemented from the date of adoption of the Local Plan within the Highland Council, Moray Council and Angus Council sections of the Park and from the date of deposit in the Aberdeenshire Council section of the Park.**

#### ***Background and Justification***

*These Policies support the National Park Plan's strategic objectives for:*

- *Landscape, Built and Historic Environment*
- *Biodiversity*
- *Geodiversity*
- *Culture and Traditions*



- *Energy*
- *Water*
- *Air*
- *Sustainable Communities*
- *Economy and Employment*
- *Housing*
- *Transport and Communications*
- *Waste Management*
- *Sustainable Tourism*
- *Outdoor Access and Recreation*

- 5.5. A move towards sustainable development is a key aim of both the UK and Scottish Governments, so ensuring that environmental concerns are at the heart of policy making within the public sector.
- 5.6. National Policy through the revised Planning etc (Scotland) Act 2006 explicitly requires that planning authorities include, throughout all their policy development and decision making, measures which contribute to sustainable development. This is re-enforced through topic based guidance and advice relating to all forms of development which are considered through the planning process.
- 5.7. The National Park Plan sees a new opportunity to focus attention on sustainable development, in terms of building on existing links between the economy, the natural environment and communities, and in the protection of the resources and special qualities of the National Park so that they can be used by current and future generations.
- 5.8. There is also a growing focus within Scottish Executive guidance on the importance of good design in all developments, and the need to ensure that developments respect their surroundings, and do not create a bland and featureless Scotland, which has its traditions of vernacular architecture eroded. 'Designing Places, a Policy Statement for Scotland' puts a new focus on this recognising the various benefits of good design, including economic investment, creating places that work and establishing and maintaining a distinct identity to the benefit of investors and users. It is key to achieving social, economic and environmental goals of public policy and can bridge the gap between aspiration and reality. The use of design statements is

encouraged to ensure that sites selected are the most appropriate, following a sequential approach is necessary, and have a design concept which will help achieve the quality of place which is desirable within the National Park.

- 5.9. Any development may lead to additional infrastructure or service requirements that would need to be met to allow the development. If these issues cannot be resolved through planning conditions imposed on the planning permission then a Section 75 Agreement may be an appropriate mechanism to secure the development. Circular 12/1996 provides guidance on the use of planning agreements and states that planning authorities should only seek contributions from developers if, in land use planning terms, it would be wrong to grant planning permission without them. Developer contributions can help to overcome problems in granting planning by reducing, eliminating or compensating for some negative impacts.
- 5.10. Although it is unrealistic for the local authorities in the National Park to anticipate every situation where the need for a contribution will arise, a number of themes will generally need to be considered. These are listed below:

<b>Table 1. Developer contribution themes</b>	
<b>Theme</b>	<b>Factors to be considered in calculating contribution</b>
<b><i>Secondary Schooling</i></b>	The effect of a development on a school role and the existing design capacity of the school.
<b><i>Pre-school &amp; Primary Schooling</i></b>	The effect of the development on a school/pre-school role and existing design capacity of facilities.
<b><i>Library provision</i></b>	The effect of the development on the adequacy of the existing public library service.
<b><i>Healthcare facilities</i></b>	Whether a development will have an effect on the relevant NHS trusts facilities considered to be “under pressure” by the NHS.
<b><i>Recycling facilities</i></b>	The effect of the development on existing recycling facilities
<b><i>Transportation</i></b>	The effect of the development on transport and infrastructure assessed against the relevant Local Transport Strategy.
<b><i>Community facilities including Care in the Community</i></b>	The effect of the development on existing community facilities and whether the development will increase the burden on care services
<b><i>Strategic</i></b>	The need for new or enhanced strategic landscaping, open space

<b>landscaping, open space and outdoor access</b>	or outdoor access nearby.
<b>Sports facilities</b>	The effect of the development on demand for facilities and the unmet demand in the settlements nearby.

***Implementation and monitoring***

- 5.11. These policies are important to all developments taking place in the National Park, and will be taken into consideration when assessing all planning applications, to establish their environmental and sustainability credentials. To assist in this a design guide looking specifically at the sustainable aspects of all development will be developed to ensure that all applicants are clear on the expectations of the National Park Authority. This guide will generate a ‘sustainability score’ and all proposals will be expected to attain an agreed score as a minimum standard. Proposals which exceed this minimum will be encouraged. The average score of developments within the National Park will be used to monitor improvements in this field. Innovative and exemplar examples of sustainable design will also be highlighted within National Park publications to help others learn from local best practice.
- 5.12. In the case of applications requiring developer contributions, every Agreement will be negotiated on its own merits and the final level of contribution sought will be based on an assessment of the impacts on the recipient community undertaken jointly with the developer and planning authority. In some cases, contributions may be sought on the basis of the cumulative effect of a number of small developments. In such cases, the contributions would be held by the relevant Council until such time as sufficient funds became available to allow work to progress.

## **Economic Development**

- 5.13. As the 4<sup>th</sup> aim of the National Park, the promotion of sustainable economic and social development is an important consideration in the analysis of any proposals for business and economic development. To maintain current population levels, and provide for the employment needs and aspirations of local communities it is important that the pressures facing those living and working in the National Park are addressed. Policies within the Local Plan must therefore be flexible enough to ensure that enterprise can occur in harmony with the important natural and cultural environment.

### **Policy 20: Business Development**

a) Within existing settlement boundaries, new proposals for business development will be favourably considered, particularly where this consolidates existing business centres or estates. Any proposal which undermines the economic viability of that centre will be resisted unless there is a demonstrable social or community need for the proposal. The potential cumulative impact of similar proposals will be taken into account.

b) Outwith settlement boundaries, proposals for business and economic development will be favourably considered where the proposal is for home based working or workshops which form an integral part of an existing development, or where there is a demonstrable locational requirement, where no suitable sites are available within settlements and where the proposal is supported by a detailed business plan. Where possible, proposals should be located adjacent to existing buildings and should have no adverse impact on existing business centres or any neighbouring land use. The potential cumulative impact of similar proposals will be taken into account.

c) Proposals for development which support the viability of rural business or promote diversification within that business will be approved where the proposal has no adverse impact on the natural and cultural heritage of the National Park or its landscape; where the proposal is complimentary to the current rural business activity within the site; and where the proposal will be subject to conditions or legal agreements to secure the appropriate long term management of the business.

**Policy 21: Proposals for Retail and Commercial development**

a) Within identified town centres proposals for new retail/commercial developments, extensions to existing developments and forms of development which add to the economic and visual vitality and have no adverse impact on neighbouring properties will be favourably considered. Proposals should consolidate the traditional high street found within the centre in terms of visual impact and built form and take into account any settlement statement and supplementary guidance relating to that settlement.

b) Outwith town centres, but within settlements identified within the Local Plan, proposals which undermine the existing commercial viability of that settlement will be resisted unless the development is in the wider interests of that settlement.

c) Outwith town centres and settlements, proposals for retail/ commercial development will only be permitted for proposals which have a specific and identifiable locational need and can demonstrate no adverse impact on existing retail enterprises within the area.

**Policy 22: Settlement Improvements**

Within identified settlements, all development proposals will be required to demonstrate how they contribute to the following criteria:

a) Developing attractions, e.g. by improved economic viability; increase the range and variety of shops and services; encourage housing provision; develop quality open spaces; include appropriate landscaping; safeguard existing services.

b) Increasing accessibility, e.g. by encourage a range of transport options; provide adequate parking; provide for special needs groups; provide for delivery of goods.

c) Improving amenity, e.g. make centres pedestrian friendly; introduce high standards of management and maintenance; promote good design, make the centre safe and secure.

## **Background and Justification**

*These Policies supports the National Park Plan's strategic objectives for:*

- *Economy and Employment*

- 5.14. The Local Plan has an important role to play in addressing the economic, social and environmental issues facing towns, settlements and rural areas within the National Park.
- 5.15. National Policy guidance regarding areas characterised by a mix of urban and rural development supports the identification of a hierarchy of centres, and the use of policies which encourage the most appropriate scale of development within the areas identified within this hierarchy.

*“Experience from National Parks outwith Scotland indicates that their clean and attractive environment can be a positive influence on the locational decisions of some businesses. Developments should be accommodated where they are appropriate to the purposes and character of the Park. Their siting and design should be of a high quality and support the Park's image and appearance”.<sup>3</sup>*

- 5.16. Within the National Park the predominant land use within the settled valleys are farming and crofting and the National Park Plan identifies objectives to maintain a productive and viable agricultural sector, encouraging the continued development of this sector and make land available for those who wish to farm. Within this sector, the importance of diversification is essential for long term economic growth, and this is particularly successful where the new enterprise and existing uses within the site are complementary. Such development is most likely to be most appropriate in locations where access and services can be provided at reasonable cost. Consideration should be given to the reuse of existing buildings within the site.
- 5.17. Town centres are also important, having economic, social, and cultural roles catering for a wide range of people and their needs. The Scottish Executive supports initiatives which promote town centre development through the planning system. The policies contained within the Local Plan are therefore

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<sup>3</sup> Scottish Planning Policy (SPP) 2: Economic Development; sec30.

designed to encourage both economic opportunities as well as improvements to the public realm of meeting places and social spaces.

- 5.18. The National Park Plan identifies the importance of sustainable communities in social, economic and environmental terms. To service these communities, there is a hierarchy of settlements within the National Park and policies have been developed to encourage growth and prosperity within all centres. Where possible smaller centres supporting local people will be protected to ensure the hierarchy of settlements is maintained.
- 5.19. To ensure that town centres and other settlements are appealing, and support the economic function, the creation and protection of attractive townscape is important, policies seek to ensure that all development within them considers both the economic and visual impacts and any wider impacts on the centre as a whole. All developments including new build and renovations, and works within the public realm should have a sense of local identity and character.

#### ***Implementation and monitoring***

- 5.20. The policies contained within this section of the Local Plan are important to the economic wellbeing of the National Park. They will be applied when considering planning applications relating to economic and retail proposals, developments which would affect the current economic status quo found in a locality, and those which will have an impact on the hierarchy of settlements within the National Park. Any relevant masterplans/settlement statements for the application area should also be referred to, to ensure that developments are in line with the most up to date guidance available from the National Park Authority. Additional information regarding site selection and any sequential testing which has been carried out to ensure the development of the most appropriate site should be included within the development proposals.
- 5.21. To monitor the success of these policies and the impact they are having on the vitality of settlements, health checks will be used in line with best practice regarding town centre and retail developments. The quality of design and respect to the local character of all developments will also be assessed to monitor the impact being made on the built environment

## **Housing**

- 5.22. The delivery of housing to meet the needs of the communities of the National Park is one of the key themes of the National Park Plan. The Park Plan's strategic objectives for Sustainable Communities and Housing are the most important for the Local Plan in this context.

### **Extract from the National Park Plan:**

#### **Selected Strategic Objectives for Sustainable Communities:**

- a) Encourage a population level and mix in the Park that meets the current and future needs of its communities and businesses.
- b) Make proactive provision to focus settlement growth in the main settlements and plan for growth to meet community needs in other settlements.

#### **Strategic Objectives for Housing:**

- a) Increase the accessibility of rented and owned housing to meet the needs of communities throughout the Park.
- b) Promote effective co-ordination and co-operation between all public and private organisations involved in housing provision in the Park and the communities living there.
- c) Improve the physical quality, energy efficiency and sustainable design of housing in all tenures throughout the Park.
- d) Ensure there is effective land and investment for market and affordable housing to meet the economic and social needs of communities throughout the Park.

- 5.23. In the introductions to these sections, the Park Plan acknowledges that the population of the National Park is expected to rise and that there are likely to be more households seeking accommodation. They also highlight an ageing population, the difficulties that many young people and those on low incomes have in accessing housing, the need for sustainable design in housing, and the strategic role of the larger settlements in the Park.

### ***The Structure Plans***

- 5.24. Although the CNP area is covered by four local authorities and four structure plans, only two areas within the Park are extensive enough for the structure plans to provide specific direction about likely housing requirements.
- 5.25. The Highland Structure Plan 2001 set a target of land for 1750 house units in Badenoch and Strathspey for the period 1998-2017. It acknowledged that in order to meet that land supply, a new community at Cambusmore (identified



in the adopted Badenoch and Strathspey Local Plan) would require infrastructure investment.

- 5.26. North East Together (NEST) 2001-2016, shows the CNP at the periphery of its rural housing market area. The Plan did not provide detail on numbers of houses required in the National Park. However, the plan did recognise that local plans might identify housing land in smaller settlements to support economic development or local services. It provided a target of 150 homes within the rural Marr area of which a proportion would be CNP area.
- 5.27. Both the structure plans pre-date the designation of the Park and the production of the National Park Plan.

### ***The Housing Issues in the National Park***

- 5.28. Housing demand is related to the ability and interest of households to fund their aspirations for housing. Much of this demand is met through existing housing stock, but new housing can improve choice and provide for particular requirements that are not available in existing housing stock.
- 5.29. Increasing house prices over recent years have pushed up the costs of buying a home in the area. This means that many more households working in the National Park have difficulty in purchasing a home than was the case previously. There is therefore a high demand for lower cost or affordable housing.
- 5.30. The National Park is not a housing market area in its own right. The Badenoch and Strathspey area of the Park has the greatest population. It has elements of its own housing market area but is also strongly linked to the Inverness and inner Moray Firth areas and their economic pull and housing markets. The other parts of the National Park in Moray, Aberdeenshire and Angus are at the periphery of housing markets looking towards Elgin, Aberdeen and Dundee respectively.
- 5.31. For a variety of reasons, supply of new housing has been limited in the CNP area during the past five years. The limited supply of effective land has meant that (in Badenoch and Strathspey in particular) fewer homes have been built than were anticipated in the development plan. The limited supply of land has encouraged inflation of land prices and the market has been able

to focus on the higher value and higher profit sales which are often unaffordable to those working in the area.

- 5.32. The Cairngorms National Park Authority commissioned work to assess housing need in the National Park<sup>4</sup> by drawing together the four local authority housing needs assessments. This concluded that there was likely to be a net need for between 99 and 132 new units per year in the National Park (for people who would not be able to buy new or second hand open market housing). The bulk of people in this estimate were new younger households who would be unlikely to have sufficient income to purchase a home.
- 5.33. Population and household projections for the National Park have been prepared for the National Park itself and for the Badenoch and Strathspey part of the Park (the area with the largest population and most dynamic economy). These are based on past trends in society, assumptions about likely future conditions, and give an indication of the likely changes that may occur and should be planned for. The projections suggest that the population of the National Park is likely to remain constant or rise slightly over the period 2006 – 2016. It is expected that over this period, more of the population will form smaller households of single persons, single parents and households of only 2 adults. This is likely to lead to an increase in the number of households in the National Park of between about 750 and 950.
- 5.34. New housing is important for a wide variety of social and economic reasons, but at its most basic, housing should provide comfortable, secure and healthy homes for people. The need for new housing comes from changes in the population such as new households being formed, the migration of new households into an area, and the movement of households within the housing market. New housing is needed to provide homes for a backlog of households who have been unable to access the open market as well as new households that will be formed in the future in the National Park.
- 5.35. For many people, home ownership is a real and desirable option, while for others, renting is more attractive or practical. The most pressing need for

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<sup>4</sup> *Cairngorms Housing System Analysis*. School of the Built Environment, Heriot-Watt University, 2006.

new housing comes through the combination of the reduced supply of social housing due to the sale of council owned property, and the increasing proportion of the population who have difficulty in accessing the open market due to its recent inflation. This means that new housing has an increasing role to play in providing the affordable housing for rent that a proportion of the population will always require. It must also provide a range of opportunities for those on modest incomes to enter the housing market through Low Cost Home Ownership (LCHO) or other mechanisms, and a balance of sizes of properties that allows realistic movement within the open market.

- 5.36. The Park faces a dilemma in its high need and demand for affordable housing from within the communities living and working in the Park. Firstly, the National Park is unlikely to attract enough public funding to build the numbers of houses required by those communities. Secondly, many of the communities require a wider range of housing options than conventional social housing provides with a greater emphasis on housing those in need locally. The National Park Authority, local authorities, Communities Scotland, developers and housing associations need to work together to provide housing to meets everyone's needs.

### **The housing land requirement and supply**

- 5.37. The Park Plan directs the Local Plan to provide enough effective land for market and affordable housing to meet the economic and social needs of the Park's communities, encouraging proactive settlement growth in the main settlements (Newtonmore & Kingussie, Aviemore, Grantown on Spey and Ballater) and the provision of land for housing growth to meet the social and economic needs of other settlements/communities. The Park Plan also encourages a population level and mix in the Park that meets the current and future needs of its communities and businesses and seeks increased accessibility of rented and owned housing to meet the needs of communities throughout the Park.
- 5.38. There is no exact measure of how many houses will be required in the future, nor accurate method of predicting of how many houses will be built during the lifetime of a Local Plan. The planning authority must make an estimate of the likely need and demand, as well as the implications of its own housing or economic objectives and zone appropriately. When making this estimate, it

must consider the likely growth in households, the need for housing, demand for housing, any infrastructure or other constraints or risks to the effectiveness of land and the historical operation of the housing market.

- 5.39. The Local Plan has identified a land supply that will, in combination with the housing and other policies of the Plan, provide for an improved supply of housing and a wider range of affordable housing options for the communities of the Park.
- 5.40. Based on the estimates of household growth for the Park of around 950 between 2006 and 2016, the Local Plan has calculated that it needs to allocated land for approximately 1640 households for that period as shown in Table 2. below:

<b>Table 2. Housing land requirement calculation</b>	
<b>Source of requirement &amp; rationale for figure</b>	<b>No. of units to 2016</b>
<b>1. Household projection</b> The upper household projection has been chosen to reflect both the backlog of demand for housing from recent years and the effect of workers from EU Accession Countries	<b>950</b>
<b>2b. A 50% allowance for Second Homes and vacant property</b> It is expected that demand for second homes in the National Park will remain higher than historical rates so a 50% additional allowance will be made to the household projection.	<b>475</b>
<b>3. Flexibility allowance for uncertainty</b> 15% additional requirement	<b>214</b>
<b>Total</b>	<b>1639</b>

- 5.41. The land requirement translates to a land supply for each local authority area over ten years as described in Table 3 below. Because the sites of the consented land supply were approved under different policies, they are assumed to make only a partial contribution to the strategy of the Cairngorms Local Plan.

<b>Table 3. Phased land supply by local authority area</b>				
<b>Local Authority Area</b>	<b>5 years</b>		<b>10 years</b>	<b>Total</b>
	Consented Supply	New land supply		

Highland – (Badenoch & Strathspey)	390	498	677	1565
Moray	0	12	13	25
Aberdeenshire	30	100	130	260
Angus	0	0	0	0
<b>Total</b>	<b>420</b>	<b>610</b>	<b>820</b>	<b>1850*</b>
*The figure of 1850 differs from the 1639 target as it is assumed that only half of the consented supply of 420 will contribute to the Park Plan's strategic housing objectives.				

5.42. The local plan must therefore allocate land to accommodate the potential development of around 1000 houses during its five year lifetime. It must also identify land for a further 800 houses to secure an ongoing 5 year land supply during its lifetime. The rate of land use will be monitored through annual housing land audits. An indicative schedule of the housing land allocated through the Local Plan is shown in table 4 below.

<b>Table 4. phased land supply by local authority area</b>					
Settlement or local authority	approximate consented supply not yet built	indicative capacity of additional sites identified	0-5 year target numbers of units LP (consented & new)	5-10 year indicative target	capacity for medium to longer term
Aviemore	220	80	250	50	0
An Camus Mor*		1500	100	300	1100
Grantown-on-Spey*		250	75	90	85
Kingussie*		300	75	75	150
Newtonmore*		220	75	75	70
Boat of Garten		70	50	20	0
Carrbridge	117	0	117	0	0
Cromdale*		80	30	30	20
Dalwhinnie		25	12	12	1
Dulnain Bridge		40	20	20	0
Kincraig		40	34	6	0
Nethy Bridge	50	0	50	0	0
<b>Total Highland</b>	<b>387</b>	<b>2892</b>	<b>888</b>	<b>678</b>	<b>1426</b>
<b>Target land supply</b>		<b>1175</b>	<b>888</b>	<b>677</b>	not estimated
Ballater*		250	90	120	40
Braemar	20	50	40	10	0
<b>Total Aberdeenshire</b>	<b>20</b>	<b>300</b>	<b>130</b>	<b>130</b>	<b>40</b>
<b>Target land supply</b>		<b>230</b>	<b>130</b>	<b>130</b>	not estimated
Tomintoul*		40	12	12	16
<b>Total Moray</b>		<b>40</b>	<b>12</b>	<b>12</b>	<b>16</b>
<b>Target new land supply</b>		<b>25</b>	<b>12</b>	<b>13</b>	not estimated
Total CNP		3192	1030	820	1466
Target CNPA			1030	820	not estimated

in the Local Plan inform how allocated sites develop and how and where other developments occur. These policies also provide the basis for development briefs on many sites. The policies are integral to the delivery of housing for the Park's communities as they will secure the affordable housing required and manage the increased land supply.

#### **Sustainable balance of house sizes.**

#### **POLICY 23: Sustainable balance of house sizes**

Proposals for housing development of 4 or more units will be required to demonstrate a balance of unit sizes based on a benchmark of 75% 2 bed and 3 bed units.

### ***Background and justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Sustainable Communities*
- *Housing*

- 5.44. This policy is intended to ensure that developments provide a range of house sizes that reflect the needs of the communities of the National Park. The household projections for the National Park show that the increase in numbers of households are dominated by 1 person households and 2 person "all adult" households.
- 5.45. Many recent developments have focussed on the market's ability to develop higher value homes that are larger and more costly than the homes required by most households living and working in the Park. This policy will ensure that the supply of smaller units increases while still retaining the financial viability of developments.

### ***Implementation and monitoring***

- 5.46. This policy will be used by planning authorities to ensure that house building reflects the housing requirements of the Park as well as the providing market flexibility. The principle will apply to both affordable housing and open market housing. The exact proportions may be modified to reflect local circumstances where a community needs survey has been prepared within the previous 3 years or where other information on local housing need has been collated by the National Park Authority or local authority within the previous three years. The planning authority will take into account any particular site constraints or conditions that would alter the prescribed mix.
- 5.47. This policy will be monitored through the analysis of planning consents and housing completions. The effects of the policy will be reviewed against future housing needs surveys.

### **Contributions to Affordable Housing**

#### **POLICY 24: Contributions to Affordable Housing**

Proposals for housing developments of 2 or more units will be required to incorporate a proportion of the total number of units as affordable housing. This housing will include social rented housing provided through Communities Scotland grants as well

as low cost home ownership and or rent options provided through public subsidy or by the developer-

Where public subsidy is available to help fund affordable housing, the overall affordable contribution of the development will be expected to be 50%, with any shortfall between the public subsidised element and 50% target made up by the developer.

Where no public subsidy is available, the developer will be required to provide all of the affordable housing on a site to a target of 30%.

Proposals for single open market houses will also be required to make a contribution towards affordable housing in the CNP area. This will be a cash payment towards the development of affordable housing in local area.

**The financial contribution from single house proposals will be sought from the date of adoption within the Highland Council, Moray Council and Angus Council sections of the Park and from the date of deposit in the Aberdeenshire Council section of the Park.**

### ***Background and justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Sustainable Communities*
- *Housing*

5.48. This policy is intended to ensure the delivery of a wide range of housing options to a wide range of households in the Park. The increased range of affordable housing options and numbers of units that would be delivered through this policy will change the availability of housing for a wide range of potential occupants who cannot currently access the open housing market.

5.49. Research into housing need in the National Park<sup>5</sup> demonstrated that the numbers of households considered to be in housing need (including being unable to access housing on the open market) were greater than the numbers of houses being built through programmed delivery of affordable housing by Communities Scotland, the housing associations and local authorities. This policy supports the proposed land requirement of the Local Plan by ensuring an increased rate of supply of housing for those in need in the National Park.

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<sup>5</sup> ***Cairngorms Housing System Analysis***. School of the Built Environment, Heriot-Watt University, 2006



5.50. For the purposes of the Policy and the Local Plan, affordable housing is defined as housing that costs less than market sale price or rent in perpetuity. It costs less than the market rate to the owner/tenant and subsequent owners/tenants. **It is offered to households in housing need who are unable to afford to buy or rent a home on the open market.** It can include:

- I. **Social housing for rent** provided by Registered Social Landlords;
- II. **Low cost home ownership properties funded by public subsidy** (eg Homestake, Rural Home Ownership Grant, Grant for Ownership);
- III. **Housing rented at affordable levels** agreed with Communities Scotland and based on local income levels. Eg proposed SRPBA rent model;
- IV. **Low cost home ownership properties funded by developers.** The homes will be built to an agreed standard and sold at a fixed prices (agreed with the planning authority Communities Scotland to be affordable to a particular group) to buyers nominated by local authorities. The discount in the property is the difference between the fixed sale price and the market price of an identical property. If the owner wishes to sell the property, the subsidy and a proportionate share of profits are payable to the local authority who pass this on to another nominee to help purchase the home;
- V. Housing built on **serviced plots that have been discounted** so that the gross cost of land and a completed house would be less than or equal to the Communities Scotland benchmark costs for an equivalent house. Plots of this type would normally be sold to self-builders;
- VI. Any other housing that costs less than the market rate to the first buyer/tenant and subsequent buyer/tenants and is agreed by the National Park Authority, local authorities and Communities Scotland to offer a sustainable housing solution to groups in need within the Park.

5.51. The policy also requires a financial contribution from single open market houses towards the development of affordable housing within the local area (defined as the relevant secondary school catchment). This provision ensures that all developments of open market housing make a contribution towards affordable housing in the National Park.

### ***Implementation and monitoring***

5.52. This policy will be used by planning authorities to ensure that many house units built in the National Park will be for households in housing need who live and work in the National Park and areas close to its boundary. Proposals for affordable housing alone will not be required to incorporate open market housing.

- 5.53. The range of tenures required in different developments will vary depending on site and time. The baseline assumption will be that between 15% and 25% of a development will be social rented housing, 15% to 20% will be forms of low cost home ownership housing and the remaining 5% to 20% will be affordable rented accommodation or serviced plots.
- 5.54. Within this context, and as long as the overall percentage of affordable units remains 50%, any of these percentages may be negotiated up or down by as much as 5% with the planning authority. This may depend on the availability of public subsidy or individual site considerations. Where a development is for 2 or 3 units only, the requirement will not include social rented accommodation but will be expected to incorporate an element of other forms of affordable housing. The planning authority will take into account any particular site constraints or conditions that would alter either the total affordable contribution or the target buyers/tenants.
- 5.55. If public subsidy is not available to assist development of a site, the developer will be required to provide all of the affordable housing on a site. In such cases, the affordable contribution will start at 30% and would be expected to provide a range of low cost home ownership, affordable rent and serviced plots for the local market. The planning authority will take into account any particular site constraints or conditions that would alter either the total affordable contribution or the target buyers/tenants. This would include the implications of incorporating highly discounted or subsidised affordable housing options.
- 5.56. If a community needs survey (prepared within the previous 3 years) or other information on local housing need collated by the National Park Authority or local authority (also within the previous three years) shows a strong need for a community to have either additional affordable housing or very different composition of tenures, the planning authority will seek additional contributions from developers. The planning authority will highlight any additional requirements to developers during pre application discussions.
- 5.57. The planning authority will make use of conditions and Section 75 planning agreements to secure the implementation of these policies with developers. In some cases, potential occupiers or owners of housing units will also be

required to enter into S75 agreements to ensure the longer term affordability of properties to subsequent buyers or tenants.

- 5.58. It is proposed that applicants and those eligible for any of the forms of affordable housing developed under this policy will be taken or nominated from the housing waiting lists of the local authorities, housing associations or from another organisation with an allocations policy appropriate to the National Park. The National Park Authority will continue to seek to influence the allocations policies operating in the Park as responsive to the needs of the Park as possible.

#### **How we plan to use the housing waiting lists and common housing register:**

The Deposit Local Plan's policy aims to increase the total supply of affordable housing for rent and for purchase. This means that more people will be able to rent or buy affordable homes. The National Park Authority sees the extended use of the existing housing waiting lists or common housing register as the best way of ensuring a fair and effective selection of potential tenants and owners of affordable property within the National Park.

The tenants of social rented housing are initially selected from the housing waiting lists using an allocations policy that prioritises those people in the most housing need. However, anyone can put their name on to the housing waiting list, and it is proposed that all potential tenants and buyers of affordable housing in the Park do so in order to be nominated into an appropriate form of housing developed through the Local Plan's policies.

The waiting list or common housing register would be used differently for homes for sale as the potential occupants would need to have sufficient income to obtain a mortgage for a proportion of the property. This means that a different group of people would be targeted for these homes, and while nominations would still be ranked by housing need, the local connection would become a more significant factor. The need to house key workers could also be brought into the use of the waiting list and priority could be given to key workers in nominations.

The National Park Authority will:

1. continue to encourage local authorities and housing associations to modify their allocations policies and the way applicants are awarded points to better reflect the Park Authority's housing objectives;
2. support the local authorities and housing associations in using the waiting list to identify tenants and nominate potential house buyers;

3. Encourage all those people in housing need living and working in the National Park to put their names on the relevant housing waiting lists.

If this mechanism fails to work due to complications in the use of the waiting lists or lack of eligible potential tenants or owners, the Park Authority will be required to duplicate the work of the local authorities and housing associations and develop its own allocations policy and waiting list for non-social rented affordable housing options.

5.59. The affordable element of proposals for housing development will always be sought in terms physical contributions of on-site house units, land, services or other infrastructure. If it appears to the planning authority that an off-site contribution would better contribute to a community's housing needs, then an alternative solution will be negotiated with the developer. This may include a cash payment towards the provision of affordable housing at another location in the same community.

5.60. The contribution towards affordable housing from single house developments will be based on the differential between the benchmark cost of a Communities Scotland home and the price of an equivalent unit on the open market. This model is currently employed in the Aberdeenshire Council part of the Park. The contribution would be waived where the developer can demonstrate that the occupant of the house would qualify to access a form of affordable housing within the Park by reason of their housing need and income.

5.61. The effects of this policy will be monitored through review of planning consents and housing needs surveys. Communities Scotland will be piloting a Homestake "off the shelf" within the National Park from September 2007. This grant should provide assistance for buyers to purchase homes on the open market. The results of this trial and any implications for future housing policies will be reviewed as appropriate.

### **Housing development in small rural settlements**

#### **Policy 25: Housing development in small rural settlements**

Proposals for new housing development as a part of existing small rural settlements where there is a cohesive group of 15 or more dwellings will be permitted where the proposal reinforces and enhances the character of the settlement.

### **Background and Justification**

*This Policy supports the National Park Plan's strategic objectives for:*

- *Landscape, Built and Historic Environment*
- *Sustainable Communities*
- *Housing*

5.62. The policy is intended to allow for development of housing associated with small rural settlements in the National Park. These settlements may have existing services that can be used, supported or improved through sensitive new development. They are defined as groups of 15 or more houses that are clearly connected through their built form, settlement pattern, or landscape features. They include settlements such as Dinnet and Laggan Bridge and Gergask.

### **Implementation and monitoring**

5.63. The policy will be used to allow the development of housing attached to small rural settlements where it would reinforce and enhance the character of the settlement. For developments to reinforce and enhance the character of the settlement they will need to carefully reflect or compliment the scale, materials and details of existing development. Development that would lead to growth of the settlement by more than 20% is unlikely to enhance the character of these settlements.

5.64. For a development proposal to form a part of a small settlement, it too must be demonstrated by the developer to be connected to the existing settlement through integration with existing built form, settlement pattern and landscape features. Proposals that are not demonstrated to be connected in this way to the satisfaction of the planning authority will not be determined using this policy.

5.65. The effects of this policy will be monitored through review of planning consents and housing completions.

### **Housing proposals outside settlements**

<b>Policy 25: Housing proposals outside settlements</b>
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Proposals for new affordable housing outside settlements will be considered favourably where there are no suitable sites within settlements and/or they meet a demonstrable local need in the rural location.

Proposals for other new housing outside settlements will be permitted where:

- a) the proposal is for a worker in an occupation appropriate to the rural location; and
- b) the presence of the worker on site is essential in order to provide 24-hour supervision of the rural business; and
- c) there is no suitable alternative residential accommodation available; and
- d) the proposed dwelling is within the immediate vicinity of the worker's place of employment; or
- e) the proposed dwelling is for a retiring farmer or crofter, on land managed by them for at least the previous 10 years, where their previous accommodation is required for the new main operator of the farm or croft business.

Where the proposal is for a location within or connected to a cohesive group of five or more houses, the proposal must not add more than 20% to the existing size of the cohesive group (based on the size of the group on the date the plan is adopted).

### ***Background and Justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Landscape, Built and Historic Environment*
- *Sustainable Communities*
- *Economy and Employment*
- *Housing*

5.66. The policy is intended to allow for the development affordable and essential housing outside settlements and to maintain thriving rural communities.

### ***Implementation and monitoring***

5.67. The policy will be used to allow the development of affordable housing outside settlements where there is a clear local need and no suitable sites exist within nearby settlements. Developments of affordable housing must still comply with all policies of the Local Plan.

5.68. Developers may be required to enter into Section 75 Agreements to ensure that other houses built under this policy remain linked to the rural business

and its workers. The effects of this policy will be monitored through review of planning consents and housing completions.

### **Conversions of existing traditional and vernacular buildings**

#### **Policy 26: Conversions of existing traditional and vernacular buildings**

Proposals for the Conversion of existing traditional and vernacular buildings will be permitted the following criteria are met:

- a) The building is redundant for its original use, and it can be demonstrated that it is unlikely to have a commercial or economic future; and
- b) The proposal is designed to maintain the style and character of the original building in terms of form, scale, materials and detailing where they contribute positively to the character of the area.

#### ***Background and Justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Landscape, Built and Historic Environment*

5.69. The policy is intended to allow for the conversion of existing traditional and vernacular buildings when they are no longer suitable for their intended use.

#### ***Implementation and monitoring***

5.70. The effects of this policy will be monitored through review of planning permissions and housing completions.

### **Replacement Houses**

#### **Policy 27: Replacement Houses**

The replacement of an existing house with a new house will be permitted where:

- a) the existing house is not a listed building;
- b) if the existing house is a traditional vernacular design, it is demonstrated to be to be structurally incapable of rehabilitation and cannot be retained;
- c) the existing house remains largely intact, with external walls and roof, or it has been permanently occupied within the previous 5 years;
- d) the proposals is for no more than the existing number of house units;

e) the new houses is located on the site of the existing house unless an alternative adjacent site would minimise any negative effects environmental, social or economic effects of development. If an adjacent site is permitted, the planning authority will normally condition the demolition of the existing house prior to occupation of the new house.

### ***Background and Justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Landscape, Built and Historic Environment*
- *Housing*

5.71. The policy is intended to allow for the replacement of existing houses when necessary or desirable.

### ***Implementation and monitoring***

5.72. The policy will be used to allow the replacement of houses where reasonable. The policy only applies to houses that are in existence or have been permanently lived in during the recent past. Development proposals on abandoned house sites and ruins would be considered as new housing development.

5.73. The effects of this policy will be monitored through review of planning permissions and housing completions.

### **House extensions and alterations**

#### **Policy 28: House extensions**

Development proposals for extensions or alterations to existing dwellings will be permitted except where the extension would:

- a) adversely affect the appearance and character of the dwelling and/or the surrounding area. Alterations and extensions should respect the design, massing, proportions, materials and general visual appearance of the area;
- b) have a significant and unacceptable detrimental effect on the residential amenity enjoyed by adjoining households;
- c) reduce the provision of private garden ground to an unacceptable level;
- d) result in inadequate off-street parking provision and/or access to property.



### ***Background and Justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Landscape, Built and Historic Environment*
- *Housing*

5.74. The policy is intended to allow for extensions and alterations to residential property.

### ***Implementation and monitoring***

5.75. This policy will be implemented with the provisions of the sustainable design guide. The effects of this policy will be monitored through review of planning permissions and house extension permissions.

## **Transport and Communications**

5.76. Within the National Park transport infrastructure is recognised as being central to the future sustainability of communities and to the development of the Park as a sustainable tourism destination. Integration between transport and communications is vital to achieve this end. The policies developed therefore relate to all forms of transport, including those which occur specifically because of the rural nature of the National Park, and the links required within the communications sector to ensure the best service to those living and working within the National Park.

### **Policy 30: Integrated and Sustainable Transport Network**

All proposals should make a positive contribution towards the improvement of the sustainable transport network within the National Park. Where the transport impacts of a proposed development are considered to be significant, by virtue of its size, nature or location, developers will be required to submit a transport assessment covering the local transport impacts of the development, including those during the construction phase, and also where appropriate, submit a green transport plan indicating measures to reduce the impact of travel to the development.

### **Policy 31: Telecommunications**

The siting and design of all proposals relating to radio telecommunication developments will demonstrate an established need, will minimise any visual and environmental impacts and will not have an unacceptable impact on the natural and cultural heritage of the Park or its landscape. All related power-lines will be routed underground where this does not have an unacceptable impact on affected ecology, habitats, or archaeology. Alternative sites will have been investigated, and the cumulative impacts of developments considered.

The sharing of masts, sites and other structures will be used where it represents the optimum environmental solution and does not result in adverse visual impact to the surrounding area. A new mast should be structurally capable of being shared by additional telecom systems, without adversely affecting the visual impact of its design. Decommissioning of redundant sites will occur within 6 months and a bond may be required as part of any permission granted to cover reinstatement works.

### ***Background and Justification***

*These Policies support the National Park Plan's strategic objectives for:*

- *Landscape, Built and Historic Environment*
- *Air*
- *Transport and Communications*

- 5.77. Scottish Executive guidance (Scottish Planning Policy Guidance 17: Planning for Transport) aims to encourage a prosperous rural economy through stable and increasing communities who have reasonable access to good quality services.
- 5.78. Integrated transport and communications are therefore vital to allow every community and visitor access to services, facilities and jobs within and outwith the National Park in the most sustainable way. New developments should ensure that they connect to any transport network which currently exists, and where this is not in place, make provision to improve the general provision for access to the development site. Efforts to reduce transport requirements should also be considered, and within such a rural setting as is found within the National Park, the opportunity exists to consider innovative options, for example through 'community cars' and car-sharing.
- 5.79. The National Park Plan identifies that within the Park, telecommunications are generally good in the main settlements, most of which are able to access broadband technology. For new telecommunications proposals, siting and design and the visual impact made on the landscape are the key issues to be addressed by the planning system. Consideration may also be given to the potential new and improved technology within this sector, and the use of temporary permissions may therefore be used to ensure the most appropriate long term result.

### ***Implementation and monitoring***

- 5.80. The development of sustainable communities which have adequate access and communication provision is important, and these policies will be applied to ensure that all developments make an appropriate contribution towards this. Through the determination of planning applications, the Local Plan policies will be monitored to assess what impact is being made to improving both transport networks and communication coverage within the Park.

## **Waste Management**

5.81. The careful use of our natural resources is important to all development proposals within the National Park, and the reduction of waste goes hand in hand with this. Supporting the constituent local authorities in the delivery of their Area Waste Plans/Strategies, the Local Plan seeks to make adequate provision within the Park for the reduction in the amount of waste produced.

### **Policy 32: Waste Management**

Proposals which are appropriately sited and designed and which assist local authorities to meet or surpass their Area Waste Plan targets will be favourably considered. This will include municipal solid waste schemes, and local schemes particularly where they involve the production of compost and/or energy from the waste, and also where there is a direct community benefit.

There will be a presumption against the development of new landfill sites within the National Park; proposals for the extension of existing sites may be considered acceptable, subject to the consideration of a full EIA. Prior to the closure of an operational landfill site (once it becomes full or redundant) details for its site restoration, after-care and after-use will be required for approval by the Planning Authority.

### ***Background and Justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Waste management*

5.82. National guidance regarding waste management is given in National Planning Policy Guidance 10, Planning and Waste Management, and Planning Advice Note 63, Waste Management and Planning. Through these the importance of promoting sustainability in all development is reinforced, and national aims of reduce, reuse and recycle are identified as key to all waste management developments.

5.83. The National Park Plan identifies the reduction in waste produced as important, and recycling facilities within communities is supported with all communities being able to access such facilities easily.

5.84. There are three Waste Strategy Areas that are each partially covered by the CNP area: Highland; North-East (Moray and Aberdeenshire) and Tayside

(Angus). They all have individual Area Waste Plan targets as well as lists of best practicable environmental options. The Local Plan policy is therefore designed to assist in the delivery of these targets and options, the responsibility of which lies with the relevant Waste Authority.

***Implementation and monitoring***

- 5.85. This policy will be applied where it is relevant to the implementation of the area waste strategies of the relevant Waste Authorities, and the National Park Authority will work closely with these authorities to assist where possible in the delivery of their strategies. The principle of development of waste transfer stations within recognised industrial areas will be supported in line with current best practice regarding such developments.
- 5.86. The success of the policy will be measured against the reaching of targets within the National Park boundary.

## 6. ENJOYING AND UNDERSTANDING THE PARK

### **Introduction – supporting the creation of a world-class experience**

- 6.1. The vision of the Cairngorms National Park is to develop a world class destination which compliments its outstanding environment and outdoor recreation opportunities and plays a part in the regional and national tourism economy. The National Park Plan therefore promotes a sustainable approach to developing tourism, an excellent quality provision of outdoor access and recreation opportunities and a significantly enhanced awareness and understanding of the National Park, its special qualities and management needs.
- 6.2. The National Park Plan seeks to promote a fuller enjoyment and understanding of the National Park through sustainable tourism developments, high quality access and recreation opportunities, and improved learning and understanding opportunities for people within and visiting the Park. The Local Plan therefore contains policies which support these goals, through positively guiding development proposals which further the aims of the National Park.

### **Sustainable Tourism**

- 6.3. Tourism is one of the key economic drivers within the National Park and maintaining and promoting a healthy tourism industry is vital to the area, its communities, and also to achieving the aims of the Park. Linked to traditional tourism development is a growing interest in sustainable tourism which *“meets the needs of present generations without compromising the capacity of future generations to meet their needs”* (Our Common Future, Bruntland Report, World Commission on Environment and Development). The National Park Authority has been awarded the European Charter for Sustainable Tourism in Protected Areas by the Europarc Federation, and to ensure that developments adequately address the obligations placed on the National Park as a result of this award, developers are asked to consult [www.european-charter.org](http://www.european-charter.org).
- 6.4. Within the National Park, there is a need to support tourism developments which maintain and enhance the range and quality of visitor attractions and facilities, to attract more visitors to the area, encourage them to stay longer,

and meet their needs and aspirations. Such development must also take into account the economic, social, and physical impacts of that development on both the environment and community.

### **Policy 33: Tourism Development**

Proposals for new or enhanced tourism related facilities/attractions will be favourably considered, where they enhance the range and quality of tourism attractions and facilities on offer, and/or lengthen the tourist season, with a beneficial impact on the local economy and without adverse environmental or landscape impact. Any change-of-use within or away from the tourism sector should not adversely affect the quality of standards provided, or the selection offered without adequate justification to the satisfaction of the planning authority

Supporting justifications for proposals should be based on best practice relating to European Charter for Sustainable Tourism in Protected Areas, and the standards established within the industry through Visitscotland.

All proposals should protect the current quality of the environment and amenity enjoyed by local communities, maintain and enhance the quality of the visitor's experience and ensure the long-term viability of the local tourism industry. Any proposal which would reduce the tourist facilities of an area will be resisted unless the effect can be compensated for/mitigated.

### ***Background and Justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Sustainable Tourism*

6.5. The National Park Plan identifies the fact that tourism accounts directly and indirectly for a significant part of the area's economy and has the potential to make significant contribution to the regional and national economy. Tourism within the Park can therefore be considered to be everyone's business. The experience of those visiting the Park is formed by everyone they have contact with and everywhere they go in the area. A collective commitment to high quality services and collaboration is therefore essential.

- 6.6. Scottish Executive guidance given in Planning Advice Note 73 accepts tourism as being of vital importance to the social, economic, environmental and cultural well-being of rural Scotland, and as a result planning authorities are requested to devise policies regarding the siting and design of such development, and be aware that this sector is a key market growth area linking business and cultural tourism. Countryside management, the provision of recreational facilities and the development of core path networks also have a recognised role to play in underpinning rural tourism

### ***Implementation and monitoring***

- 6.7. A good range and quality of tourist accommodation is vital to a healthy tourism industry. There are always opportunities to enhance and add to the existing provision, and this is particularly relevant where it links to rural diversification. Significant tourism developments should generally be located within or adjacent to existing settlements, where there is existing infrastructure capacity. All proposals requiring a site-specific countryside location must provide a comprehensive justification for the site selected. Whether within settlements or in the countryside, proposals must be of the highest quality, with no significant adverse impact on residential amenity or on the Park's natural and cultural heritage.
- 6.8. In regard to permitted operations within this provision, certain works can be carried out within dwelling houses which are used as B&B without the need for planning permission. This includes the use of up to 2 bedrooms where there are 4 or more bedrooms in the dwelling. Where there are less than 4 bedrooms only 1 bedroom can be used for B&B use. Where there are more rooms than this used for B&B a change of use is required and proposals will then be considered under this policy.
- 6.9. The success of this policy will be monitored through analysis of the number of developments which occur in the Park with a direct impact on the development of the Tourism sector and through combined reviews of the growth of visitors to the National Park in forthcoming years.

### **Outdoor Access**

<b>Policy 34: Outdoor Access</b>
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Development proposals which improve opportunities for responsible outdoor access consistent with the Cairngorms Outdoor Access Strategy will be permitted.

Development proposals which would result in a significant loss to the public of access rights, or loss of linear access such as core paths, rights of way, or other paths and informal recreation areas, or loss of access to inland water will only be permitted where an appropriate or improved alternative access solution can be secured to the satisfaction of the planning authority and access authority.

### ***Background and Justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Outdoor Access and Recreation*

6.10. The international reputation of the Cairngorms National Park as a venue for outdoor access and recreation makes it a popular venue for a wide range of activities. Under the Land Reform Act (Scotland) 2003 access rights apply to almost all land and water within the National Park. All forms of outdoor access must be carried out in a 'responsible' way to ensure there is no conflict with local communities, land managers, neighbouring activities, other recreational activities or significant disturbance or harm to wildlife. Land managers also have a duty to act responsibly. The Outdoor Access Strategy for the National Park was approved in March 2007.

### ***Implementation and monitoring***

6.11. Through the determination of planning applications, the Local Plan will seek to protect public access rights, paths that contribute to the proposed Core Path Network, wider path networks and rights of way. Developments that would affect outdoor access opportunities will be required to ensure appropriate alternative and improved opportunities. The planning authority will use the Outdoor Access Strategy to inform the ways that developments contribute to outdoor access.

### **Formal recreation facilities and open space**

#### **Policy 35: Formal recreation facilities**

Proposals for the development of additional formal recreation facilities, diversification of, or extensions to existing recreation-related business activities, or for the

enhancement of existing facilities in terms of quality and design will be supported where:

- a) they demonstrate best practice in terms of sustainable design and where there are no adverse environmental impacts on the site or neighbouring areas;
- b) where the total footprint of the affected area remains the same as currently permitted; and
- c) they will meet an identified community or visitor need.

### **Policy 36: Other open space provision**

Proposals to improve or add to current levels of public and amenity open space within the National Park will be supported. Development proposals which include specific detail on improving current provision to develop open space networks will be encouraged. All strategic sites identified within the Local Plan proposals maps will be required to make a contribution in space or commuted sum towards the provision of open space within the site or the affected community.

Proposals that would result in a loss of existing provision will be resisted, particularly where the affected site has been identified within the Local Plan proposals maps.

The loss of such open space will only be supported only where:

- a) it can be demonstrated that no alternative is available; and
- b) compensatory provision is made elsewhere within the community area of at least equal size and quality, or
- c) where a commuted sum is made to future provision of such open space.

### ***Background and Justification***

*This Policy supports the National Park Plan's strategic objectives for:*

- *Landscape, Built and Historic Environment*
- *Biodiversity*
- *Sustainable Communities*
- *Outdoor Access and Recreation*

6.12. The Cairngorms National Park hosts a wide range of formal recreational facilities from sports pitches and sports centres to ski centres, golf courses and formal mountain bike trails. There are also many other public and amenity open space, ranging from public parks, landscaping schemes within large scale developments, and formal equipped play areas.

- 6.13. All such provision is important in ensuring that the CNPA achieves its aims, and ensures that the landscape within the Park area, both within and outwith settlements best serves the local communities and visitors to the Park.
- 6.14. Scottish Executive policy given through National Planning Policy Guidance 11 – Sport, Physical Recreation and Open space seeks to protect and enhance the land and water resources required for the nation's sport and physical recreation. To achieve this Local Plan policies aim to ensure the needs of local communities for recreational space and facilities are accommodated, and protected where facilities exist. This should include both informal and formal recreation provision, including adequate provision of open space within new developments to meet local need.
- 6.15. The National Park Plan recognises that it is vital to many aspects of the National Park's environment, communities and economy that there are a range of high quality opportunities for people who enjoy the area in ways that conserve the special qualities and maximise the benefits to all sectors.

#### ***Implementation and monitoring***

- 6.16. Through the determination of planning applications, the Local Plan will seek to protect existing and future additions to formal recreational provision and other forms of public and amenity open space
- 6.17. With regards to formal recreation provision, the National Park Authority recognises the economic and recreational benefits that these centres provide to residents and visitors. The Local Plan recognises that many of these facilities are constrained by their sensitive location and supports their development where this is done in harmony with the location, and where the proposal adds to year round activities and is designed to the highest standards.
- 6.18. To assess the existing and future provision of both formal and other forms of public and amenity open space within settlements the National Park Authority will work with the relevant Local Authorities to carry out an Open space audit. From this an Open Space strategy will be developed to guide the future development of such spaces. Developers should refer to this and any other

relevant supplementary guidance such as site specific design briefs, in support of any applications.

- 6.19. The policy will be monitored using analysis of developments permitted which affect recreation opportunities within the Park, and which have had an impact on existing facilities.