

<b>Issue 2</b>	<b>National Park Act Issues</b>	
<b>Development plan reference:</b>	National Park (Scotland) Act 2000 Vision	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>080 Badenoch and Strathspey Conservation Group  078 D Fairlie Partnership  186 Elisabeth and Keith Urquhart  218 Kincaig and Vicinity Community Council  075 MacDonald Aviemore Highland Resort Ltd  191 Martin Ashdown &amp; Susan Matthews  044 North East Mountain Trust  195 Ramblers Scotland  087 Scottish Campaign for National Parks  061 The Cairngorms Campaign  090 Victor Jordan</p>		
<b>Provision of the development plan to which the issue relates:</b>	Issues associated with the National Park (Scotland) Act 2000, including the way in which the aims of the Park are delivered.	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Delivery of four aims of the Park</u>  Elisabeth and Keith Urquhart (186) - The fourth aim of the Park "to promote sustainable economic and social development of the area's communities" should not be used as an excuse for unnecessary development, including in particular housing and wind farms. There should be greater focus on preserving natural heritage including its landscape by resisting damaging development  The fourth aim of the National Parks (Scotland) Act 2000 is fundamentally incorrect and should lose its current equivalent status which it seems it presently has with the other aims.</p> <p>MacDonald Aviemore Highland Resort Ltd (075) - Recognition should be given in para 1.12 to the key economic role of Aviemore for tourism, and as such the first aim within existing settlements should not override the strategic role of that settlement.</p> <p>North East Mountain Trust (044) - The document gives insufficient weight to the overriding "aim of conserving and enhancing the natural and cultural heritage of the area".</p> <p>Ramblers Scotland (195) - Economic benefits of development should not take precedence over the protection of the special qualities. The special qualities and subsequent different management of any development which ensues are not always made clear in the Plan, and should be given more weight in this document. For example, para 1.20, bullet point 6 does not clarify whether the NPA would reject development which would 'significantly erode or harm' the</p>		

special qualities of the Park. It is also not clear whether a development which would erode or harm the special qualities in a way which may not be significant, but which would nevertheless have an impact on these qualities, would be stopped.

Scottish Campaign for National Parks (087) - There is confusion in how to meet all four aims while giving primacy to the first aim. Use of the wording from the SPP could improve clarity.

The Cairngorms Campaign (061) - Suggest there is an inherent contradiction within the four aims of the National Park and that more weight should be given in law, policy, and practice to the first aim.

#### VISION

Badenoch and Strathspey Conservation Group (080) - Object to a vision that scarcely mentions the natural environment.

Para 1.20 - Object as it is internally inconsistent and fails to provide clarity of vision.

D Fairlie Partnership (078) - Paragraph 1.16: In addition to the NPPP vision, the LDP should also provide for a land use vision for the LDP itself. This should ensure that the LDP seeks to continue to promote and support sustainable economic growth, protect and enhance built and natural heritage, invest in green infrastructure and promote and support residential and mixed-use development of a high quality design.

New development should be directed to the main settlements such as Ballater, where new development can be delivered making best use of existing services and without placing undue burden on existing infrastructure.

The vision should seek to secure new development that is also capable of delivering growth, including securing much needed affordable housing.

Kincaig and Vicinity Community Council (218) - Support use of the vision from the NPPP. The LDP needs to be fair to both main elements of the NPPP, be consistent in its application and be no more prescriptive than is absolutely necessary. It needs to guide thinking in the right direction to enable fair and consistent outcomes to result.

Martin Ashdown & Susan Matthews (191) - Vision: where nature and people are involved then human needs override those of nature, from impacts such as worn paths, litter, disturbance, damage to flora and fauna.

Recommend the need to create places where humans are not encouraged to access; in accessible areas dogs to be kept on leashes at all times; mountain bicycling banned on footpaths and from hill tops; closure of sensitive natural areas to human activities; encouraging limitations in party size

Victor Jordan (090) - Concerned the Plan includes no vision statement for the Park and this has prevented proper community engagement with the Plan. Raises questions in relation the production of the National Park Plan, and how community consultation has been taken on board.

**Modifications sought by those submitting representations:**

Delivery of four aims of the Park

Elisabeth and Keith Urquhart (186) - Seek a change to the status of the 4th aim, which should not be equal to the others, and should not be used as an excuse for damaging development.

MacDonald Aviemore Highland Resort Ltd (075) - Para 1.12 recognition that the overriding aim of enhancing the natural and cultural heritage does not apply within existing settlements, such as Aviemore, given their strategic role in the Park.

North East Mountain Trust (044) - The plan should highlight that all developments will be tested against this objective.

Ramblers Scotland (195) - Clarify the role of the aims to ensure economic benefits do not take precedence over the protection of the special qualities. Clarify wording in para 1.20, bullet point 6 to clarify what would and would not be permitted significant and where non-significant harm occurs

Scottish Campaign for National Parks (087) - Clarify text on how the four aims will be secured by using the wording of the SPP.

The Cairngorms Campaign (061) – Clarify weight given to the aims of the Park.

VISION

Badenoch and Strathspey Conservation Group (080) - Include more reference to natural environment. Amend para 1.20 which is internally inconsistent. Provide a clear vision.

D Fairlie Partnership (078) - Amend the vision to include a more land use vision which seeks to continue to promote and support sustainable economic growth, protect and enhance built and natural heritage, invest in green infrastructure and promote and support residential and mixed-use development of a high quality and design.

Kincraig and Vicinity Community Council (218) – Ensure Plan is fair and consistent in its application of the NPPP.

Martin Ashdown & Susan Matthews (191) - Amend vision - create places where humans are not encouraged to access; in accessible areas dogs to be kept on leashes at all times; mountain bicycling banned on footpaths and from hill tops; closure of sensitive natural areas to human activities; encouraging limitations in party size.

Victor Jordan (090) - Request vision statement is developed and the failure to fully consider an alternative means the whole process should be revisited and a new Main Issues Report issued for consultation.

**Summary of responses (including reasons) by planning authority:**

Delivery of four aims of the Park

Elisabeth and Keith Urquhart (186) ; Scottish Campaign for National Parks (087); North East Mountain Trust (044); The Cairngorms Campaign (061); Ramblers Scotland (195) – The aims of the National Park and how they are to be applied is

set out in legislation (SDXXX). Paragraph 1.11 of the Plan reiterates that they are to be achieved collectively, and in a co-ordinated way. Legislation makes clear that it is only at times of conflict in trying to deliver these four aims that the CNPA should give greater weight to the first. The explanation set out in paragraphs 1.11 and 1.12 reiterates how the aims will be collectively achieved. The CNPA do not consider this wording to be unclear or contrary to legislation and does not therefore support any change to this as suggested.

MacDonald Aviemore Highland Resort Ltd (075) – Paragraph 1.12 sets out how the aims of the Park will be delivered in a general sense. The CNPA do not agree to any amendment to this paragraph which would list any caveats to that. The CNPA will consider development proposals on their merits and assess their impact against the aims of the Park as the need arises. The CNPA do not therefore support any amendment to this policy as suggested.

Ramblers Scotland (195) – Regarding para 1.20 the bullet point referred to is only one of 8, all of which must be read together. The paragraph is included to provide some explanation of how the LDP delivers the NPPP. It is not there to explain the decision making process which is elsewhere in the LDP and can be understood by reading all the relevant policies. The CNPA do not therefore support the suggested need to provide an explanation of various forms of development and their acceptability.

#### VISION

Badenoch and Strathspey Conservation Group (080); D Fairlie Partnership (078); Kincaig and Vicinity Community Council (218); Victor Jordan (090) – The preparation of the NPPP and LDP began in tandem, with communities being asked for comments on both documents. The links between the two were made clear and the CNPA do not agree that there has been any flaw in the process of plan preparation for either or both documents.

The Vision for the Local Development Plan is taken directly from the National Park Partnership Plan (NPPP) which was approved by Scottish Ministers on 30 May 2012. This document provides the long term vision and strategy for the Cairngorms National Park. The Local Development Plan helps to delivery it. The CNPA do not therefore support any amendment to the wording of the vision. Any change could result in a Local Development Plan which was not in accordance with the NPPP. It is the role of the Local Development Plan to provide land use direction to expand on the direction provided in the NPPP. Policies are drafted to provide this in a way which achieves the objectives of NPPP in a consistent and transparent way.

Regarding paragraph 1.20, the CNPA do not consider there to be any inconsistency. The objector (080) seems to seek a move to give greater weight to one part of the NPPP than another. The LDP is a document which must provide direction in a way where all issues can be balanced. It is the role of the planning system to ensure that achieving one part does not result in unacceptable conflict with others. The CNPA do not therefore support any amendment to para 1.20 to include greater reference to natural environment.

Martin Ashdown & Susan Matthews (191) – The issue raised regarding access is an overarching one for the whole of the Park, rather than a development planning

issue. The issue requires changes to land management practices which could not be achieved by a planning policy. The CNPA will continue to work with land owners, recreation interest groups and other key stakeholders to ensure appropriate access arrangements are achieved. The CNPA do not consider any change to the LDP would achieve this.

**Reporter's conclusions:**

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**Reporter's recommendations:**

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