

<b>Issue 4</b>	<b>Policies - promoting growth</b>	
<b>Development plan reference:</b>	Policy 4 Policy 8 Policy 9 Policy 12	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>028 Alvie Estate  179 An Camas Mor LLP  080 Badenoch and Strathspey Conservation Group  159 Coast2Coast Architects  186 Elisabeth and Keith Urquhart  050 Glen Prosen Estate  024 Gordon Bulloch  218 Kincaig and Vicinity Community Council  075 MacDonald Aviemore Highland Resort Ltd  079 Mar Estate  016 Mountaineering Council Of Scotland  048 Nestrans  230 NHS Grampian  044 North East Mountain Trust  095 Ramblers Scotland  222 RES UK and Ireland  239 Ristol Ltd  226 Rothiemurchus Estate  087 Scottish Campaign for National Parks  051 Scottish Government  040 Scottish Natural Heritage  063 SEPA  069 Sportscotland  074 Tactran  043 The Highland Council  196 Woodland Trust Scotland</p>		
<b>Provision of the development plan to which the issue relates:</b>	The Plan sets out a number of policies to promote growth. All representations made to these are considered under this Issue.	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>POLICY 4 SUPPORTING ECONOMIC GROWTH</b></p> <p><u>Delivery of Economic Growth</u>  An Camas Mor LLP (179) - Feel LDP must move beyond just supporting economic growth to a greater focus on delivery.</p> <p>Kincaig and Vicinity Community Council (218) - Development proposals are subject to review of impacts on the environment and natural heritage – there should be a recognition that the Park was established because of the existing</p>		

natural heritage and beauty created by the custodians of the countryside over the last 500 years, and not just since 2003 when the National Park was established. There is confusion about a clear way to drive the economy forward.

#### Use of the policy for different forms of development

Badenoch and Strathspey Conservation Group (080) - Object to policy which does not recognise the economic importance of wildlife and the need to properly protect biodiversity

Mar Estate (079) - Policy should recognise field sports.

North East Mountain Trust (044) - Should be clearer, stating that economic growth will only be supported where it does not conflict with the natural or cultural heritage of the area.

Ristol Ltd (239) - Paragraph 4.8 - Support the approach for tourism and leisure but request additional text to definition of accommodation to include chalet projects

Woodland Trust Scotland (196) - Agrees with Scottish Government's purpose To focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish. However, do not agree that the only delivery mechanism is sustainable economic growth.

Support inclusion of the statement within the Tourism and leisure development section of this policy: "a) It has no adverse environmental impacts on the site or neighbouring areas." And suggest it is included in the other economic development section of this policy.

#### Identification of land for economic growth

Coast2Coast Architects (159) - Request sites are identified for inward investment opportunities- current employment sites have proven unsuitable for this kind of development.

#### Adequate support for appropriate growth

Gordon Bulloch (024) - Supporting economic growth - policy should provide direction to resolve the issue of empty shops.

#### Role of Tourism

MacDonald Aviemore Highland Resort Ltd (075) - Suggest a separate policy dealing with tourism. Failing that, include text on page 21 of the importance of areas/settlements such as Aviemore as being key centres for recreation and tourism.

Para 4.3 Support reference to existing business and supporting the best developments to thrive and prosper.

#### Consideration of the environmental impacts of the policy

Rothiemurchus Estate (226) - Suggest tourism policy requirements for 'no adverse impact' are too restrictive and undermines the CNPA sustainable tourism strategy, perhaps reference to no adverse impact on the integrity of... Would be more appropriate, suggest criteria b) is too loose statement and that the reference to the core tourist season is not helpful as this is unsustainable and that filling the

shoulders and the off- seasons is more important to the economy and local communities.

#### Definition of sustainable economic growth

Ramblers Scotland (095) - Object to the use of 'sustainable economic growth' as a term without clearly defining it as used at national and international level

Scottish Campaign for National Parks (087) - What is meant by 'sustainable development'. Clarity is needed in light of cynicism amongst environmentalists about intentions of government, public and private sectors when it comes to the use of the concept of sustainable development.

#### How the policy will be applied

Scottish Campaign for National Parks (087) - NPA could go further in demonstrating its understanding of the concept of sustainability as expressed by the Brundtland Commission and supposedly adopted into the policies of all EU countries.

Planning for employment opportunities within the Park needs careful management to ensure it is the right scale, type and location and takes account of the need to house any increases in population concomitant on job creation

The policy on 'reduction of economic opportunity' should also encourage independent retailers as opposed to large supermarkets.

### POLICY 8 - RENEWABLE ENERGY

#### All renewable developments

Alvie Estate (028) - Suggests renewable energy offers rural diversification opportunities and authorities should be more proactive in promoting it.

Scottish Campaign for National Parks (087) - Whilst supporting the policy there should be clear direction on how approaches from communities wishing to cash in on alternative energy production will be considered.

Scottish Natural Heritage (040) - suggest reference to associated infrastructure-tracks, borrow pits, power lines etc. to aid clarity.

The Highland Council (043) - The policy suggests the "All Renewables Developments" section only applies to renewables as part of another development. Clarify text. Also clarify if points a,c,d,e all need to be met.

#### Hydropower

The Highland Council (043) - Under Hydropower is "no significant impact" in fact the intention rather than any detrimental impact. It also seems like (b) is intended to be existing recreational use and therefore adding "existing or active" here would provide greater clarity.

Ristol Ltd (239) - Paragraph 8.8 - Amend criteria for hyrdo power projects to exclude reference to "no detrimental impact on the water environment" and replace with "compliance with SEPA's guidance on the assessment of hydro projects on water environments" to reflect SEPA guidance

SEPA (063) - Hydropower - support the policy. However, consider it is not reasonable to expect all hydropower proposals to have no detrimental impact. Suggest that wording be changed. For example the wording no 'unacceptable' detrimental impact could be included or that the impacts be adequately minimised'.

#### Wind energy

Elisabeth and Keith Urquhart (186) - Do not support Government policy to develop wind farms and are disappointed with recent grant of permission for wind farm at Tom nan Clach, including the reporters assessment of the impact of this development on the National Park. Further concerned about future developments gaining approval thus surrounding the Park with a ring of wind farms.

Glen Prosen Estate (050) - Need for robust application of legislative and planning policy at a local level in particular regard to renewable energy developments, specifically wind farms. The policy should clarify the position of the landscape setting of the Park and make reference to the spatial planning policies of neighbouring authorities.

Mar Estate (079) - Welcome the policy but experience indicates that achieving consent for small-scale wind energy development is more difficult than the policy suggests. The principles of this policy should be carried forward in new supplementary guidance and implementation information for the officers dealing with planning applications for this type of development.

Mountaineering Council Of Scotland (016) - Support exclusion of large scale wind turbines, but request clarification as to whether 30m applies to blade tip or tower height.

RES UK and Ireland (222) - The text should clarify that there is no buffer applied to the area surrounding the Park boundary when considering any planning application. The periphery of the Park is of a lower quality than the core National Scenic Area (NSA), therefore the most valued landscapes within the Park are already buffered by the wider National Park boundary itself. Text should clarify direction from Paragraph 190 of SPP advises that "Planning Authorities should not impose additional zones of protection around areas designated for their landscape or natural heritage value".

SEPA (063) - Wind Energy - It is not clear if 'in addition' in the policy means that all text above in the policy including that under Hydropower applies to the relevant section or just the text in the first section. For the avoidance of doubt, wind energy proposals may have significant impact on the water environment, the recreational use of the water environment and peat and soil similar to hydropower proposals. We suggest that additional wording should be added to clarify and address this

The Highland Council (043) - Para 8.5 – does "affect its landscape setting" means any affect or should there be a significance test applied to this. Is the definition of "large scale commercial wind turbines" meant to be defined as "more than one turbine and more than 30 metres in height" or was it intended to be "more than one turbine and more than 30 metres in height". Does this refer to 30 metres in

height to hub or tip?

#### Biomass

The Highland Council (043) - Under Biomass need clarity on the intention to minimise the frequency of deliveries.

#### Energy from waste

The Highland Council (043) - Under Energy from Waste (a) could be reworded to make the intention clearer reflecting the Supplementary Guidance paragraph 7.36.

### POLICY 9 SPORT AND RECREATION

#### Aims of the policy

Sportscotland (069) - Para 9.2 object to lack of reference to sport.

#### Delivering for Scotland

Sportscotland (069) - Para 9.3 - object to focus of paragraph on young people as there is a need to highlight other Scottish government goals.

#### Forms of development covered by the policy

Ramblers Scotland (095) - Does not include fieldsports. Policy should be amended to include for this. Also, there is not mention of the role of recreation in achieving the Government's legacy from the 2014 Commonwealth Games which includes the establishment of Community Sports Hubs to provide a focus for sporting activities in communities

Woodland Trust Scotland (196) - Everyone should be able to access woodland within easy reach of their home. To achieve this we urgently need to create more woodland close to where people live.

#### Omission of the policy regarding playing fields and sports pitches

Sportscotland (069) - Policy wording - object to 2nd half of policy regarding reduction in facilities. Policy fails to recognise unique contribution that sports pitches and outdoor sports facilities make towards enabling participation in sport. The policy should be split into 2 sub sections dealing with pitches and sports facilities, and separately other recreational space separately. An additional subsection should also be added to deal with outdoor and adventure sports. Wording does not properly clarify the wording of para 156 of SPP. In d) Object to requirement to provide compensation of at least equal size. Quality may be better than quantity of provision. Compensation should be considered on the merits of the site and proposal. In e) object as there should be reference to sportscotland in the preparation of a playing field strategy. In e) requirements do not match those of SPP para 156 which sets out criteria for the redevelopment of playing fields. E) includes additions which are not material to the consideration. Para 9.10 does not reflect SPP in terms of compensation requirements. The text focuses on local loss and does not clarify the impact nationally. There is no mention of a requirement to consult sportscotland in the text.

#### How the policy will be applied

The Highland Council (043) - Para 9.10 modify final sentence to include reference

to the future management and maintenance of the replacement facility as well as its development, thus ensuring satisfactory long term management and maintenance arrangements are in place to retain a high quality, fit for purpose recreational facility in the longer term.

#### Impact of development on landscape

North East Mountain Trust (044) - This section needs to address issues of access and shelter in the wild core areas of the Park. We suggest that the Authority makes it clear in this section that approval will not be given to proposals for additional bridges or shelters in areas of high or medium wildness value.

### POLICY 12 DEVELOPER CONTRIBUTIONS

#### What the policy aims to do

Alvie Estate (028) - Object to the principle of developer contributions and the exploitation of the private sector to fund public services.

NHS Grampian (230) - Supports the assertion that development cannot be viewed in isolation. It is important to secure contributions where new development exceeds the capacity of existing healthcare facilities. The plan should encourage early engagement with health boards.

The Highland Council (043) - Para 12.3 should be augmented to state ... "arising from the proposed development" to ensure developer contributions sought will be done so in accordance with Circular 3/2012.

#### How the policy will be applied

Nestrans (048) - Welcome reference to improving pedestrian connectivity and achieving a more pedestrian and cycle friendly environment. Also welcome reference to the importance of public transport links. Reference to how this will be achieved through developer contributions should be expanded to include reference to public transport, cycling and walking.

Scottish Government (051) - Concerned references to circulars and planning agreements are out of date, and the test of necessity is not explicit.

Scottish Natural Heritage (040) - Paragraph 12.9 - This paragraph refers to developer contributions for impacts on communities, but they may also be required for impacts on the natural heritage. For clarity and certainty we would like to see this added here.

Tactran (074) - Include text to seek contributions to support new and improved bus services where justified

The Highland Council (043) - Para 12.8 - updated to refer to Circular 3/2012 rather than 12/1996.

#### Role of supplementary guidance

The Highland Council (043) - Suggest inclusion of an indicative list of what things likely to require developer contributions to help provide a level of certainty to the development industry.

Impact on woodland

Woodland Trust Scotland (196) - Loss of ancient woodland can not be mitigated for, at best it is compensation and this should be suitably high.

**Modifications sought by those submitting representations:**

POLICY 4 SUPPORTING ECONOMIC GROWTH

Delivery of Economic Growth

An Camas Mor LLP (179) - Paragraph 4.8 should be amended as follows:

“In the next 5 years we will have encouraged and seen the delivery of new investment and growth in the economy of the Park. Greater weight will be given to proposed new economic development that will achieve growth in a way which supports the aims of the Park and which protects the special qualities we value in the Park. Communities will be able to make a link between their prosperity and the value which comes as a result of the National Park as an international destination”.

Reason: A greater emphasis on actual delivery of economic development, and the weight to be accorded to it.

Kincraig and Vicinity Community Council (218) – provide clarity on how to drive forward the economy.

Use of the policy for different forms of development

Badenoch and Strathspey Conservation Group (080) - Alter Supporting Economic Growth policy to properly reflect the role of wildlife and need to protect biodiversity.

Mar Estate (079) - Policy should recognise field sports.

North East Mountain Trust (044) - State that economic growth will only be supported where it does not conflict with the natural or cultural heritage of the area.

Ristol Ltd (239) - Include chalet projects within the definition of tourism accommodation

Woodland Trust Scotland (196) – the plan should not rely on sustainable economic growth as the only way to create a more successful country.

Identification of land for economic growth

Coast2Coast Architects (159) - Identify sites for inward investment in the Plan.

Adequate support for appropriate growth

Gordon Bulloch (024) - Include additional policy to address long-term empty shops in high streets. This should include support for formation and development of local companies, proactive approach to engage with owners of empty shops, and provide more flexibility to allow conversion of shops to dwellings and dwellings to shops.

### Role of Tourism

MacDonald Aviemore Highland Resort Ltd (075) - Include a separate tourism policy, or reference in the existing policy of the importance of areas/settlements such as Aviemore, as being key centres for recreation and tourism

### Consideration of the environmental impacts of the policy

Rothiemurchus Estate (226) - Replace criteria a) b) and c) of the tourism and leisure section of the supporting economic growth policy with

- a) It supports the four aims of the Park in a co-ordinated way
- b) It makes a positive contribution to the CNPA Sustainable Tourism strategy

### Definition of sustainable economic growth

Ramblers Scotland (095) – use the term 'sustainable development' as used at national and international level

Scottish Campaign for National Parks (087) - Clarify what is meant 'sustainable development', following the concept of sustainability as expressed by the Brundtland Commission

### How the policy will be applied

Scottish Campaign for National Parks (087) - Planning for employment opportunities must ensure it is the right scale, type and location and takes account of the need to house any increases in population concomitant on job creation

The policy on 'reduction of economic opportunity' should encourage independent retailers as opposed to large supermarkets.

## POLICY 8 RENEWABLE ENERGY

### All renewable developments

Alvie Estate (028) - be more proactive in promoting renewable energy

Scottish Campaign for National Parks (087) - Clarity needed on how approaches from communities wishing to cash in on alternative energy production will be considered.

Scottish Natural Heritage (040) - suggests reference to associated infrastructure-tracks, borrow pits, power lines etc. to aid clarity

The Highland Council (043) - Also seeking rewording of the All Renewables Developments, Hydropower, Biomass, and Energy from Waste policy after considering the points raised, in order to clarify the intention of this policy.

### Hydropower

The Highland Council (043) - Also seeking rewording of the All Renewables Developments, Hydropower, Biomass, and Energy from Waste policy after considering the points raised, in order to clarify the intention of this policy.

Ristol Ltd (239) - Amend text from "no detrimental impact on the water environment" to "compliance with SEPA's guidance on the assessment of hydro projects on water environments"



SEPA (063) - Hydropower – amend wording – suggest no ‘unacceptable’ detrimental impact could be included or that the impacts be adequately minimised’.

#### Wind energy

Elisabeth and Keith Urquhart (186) - Create an approach which protects the National Park from damaging wind farm development

Glen Prosen Estate (050) - Amend the policy to include reference to the fact that the policy applies to all wind farms including those under S36 of the Electricity Act. Alter the policy to clarify that that wind farms outside the Park must take account of this policy, the policies of neighbouring authorities and include guidance to protect and enhance the setting of the Park.

Alter the policy to reinforce the presumption against large scale commercial wind turbines within the Park or where outside, they affect the landscape setting

Mar Estate (079) – carry forward the intentions of the policy into supplementary guidance and implementation information.

Mountaineering Council Of Scotland (016) - Clarify whether 30m applies to blade tip or tower height.

RES UK and Ireland (222) - Amend paragraph 8.5 from ‘... large scale commercial wind turbines are not compatible with the special qualities of the National Park and are not considered to be appropriate ... where outside the Park they affect its landscape setting,’ such that ‘landscape setting’ is changed to ‘special qualities’

SEPA (063) - Wind Energy - Suggest additional wording should be added to clarify confusion regarding what parts of the policy ‘in addition .....’ applies to

The Highland Council (043) - Consider amending to add “significant” in front of “affect” where this is the intention rather than “any affect” and clarify the definition of “large scale turbine”.

#### Biomass

The Highland Council (043) - Also seeking rewording of the All Renewables Developments, Hydropower, Biomass, and Energy from Waste policy after considering the points raised, in order to clarify the intention of this policy.

#### Energy from waste

The Highland Council (043) - Also seeking rewording of the All Renewables Developments, Hydropower, Biomass, and Energy from Waste policy after considering the points raised, in order to clarify the intention of this policy.

### **POLICY 9 SPORT AND RECREATION**

#### Aims of the policy

Sportscotland (069) - Para 9.2 include reference to sport to read “The policy aims to ensure the needs of local communities and visitors for sport and recreational space and facilities are accommodated, and existing facilities protected. This

includes informal and formal sport and recreation provision.”

#### Delivering for Scotland

Sportscotland (069) - Para 9.3 add text to read “The Scottish Government includes “increasing physical activity” as a national indicator. This is aligned to the strategic objective of making Scotland a healthier nation. Suitable protection and promotion of sport and recreational opportunities through the land use planning system make a positive contribution to this objective.”

#### Forms of development covered by the policy

Ramblers Scotland (095) - Include fieldsports. Include reference to the creation of Community Sports Hubs

Woodland Trust Scotland (196) – include additional land for the development of woodland to allow easy reach to everyone. This should reach a standard of one accessible woodland of no less than 20ha within 4km of people’s homes.

#### Omission of the policy regarding playing fields and sports pitches

Sportscotland (069) - Reword policy to separate Pitches and Sports facilities; and Other recreational facilities. The section for Pitches and Sports facilities should be reworded to read “Playing fields and sports pitches should not be re-developed except where:

- The proposed development is ancillary to the principal use of the site as a playing field or
- The proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training or
- The playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users, or by the upgrading of an existing playing field to provide a better quality facility either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing field capacity in the area; or
- A playing field strategy prepared in consultation with sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision”

Amend paragraph 9.10 to read “Where the proposal involves the loss of a sports or other recreation facility or opportunity to the local community, you must include compensatory measures to ensure the local community is not adversely affected. This must take the form of a replacement facility, or an agreement with the community, in consultation with sportscotland in the case of outdoor sports facilities, on how this should be best achieved. Provision of land to a community may be acceptable if the community is willing to take on the future development of the replacement facility.”

#### How the policy will be applied

The Highland Council (043) - Para 9.10 modify final sentence to include reference to the future management and maintenance of the replacement facility as well as its development, thus ensuring satisfactory long term management and maintenance arrangements are in place to retain a high quality, fit for purpose recreational facility in the longer term.

Impact of development on landscape

North East Mountain Trust (044) - This section needs to address issues of access and shelter in the wild core areas of the Park. We suggest that the Authority makes it clear in this section that approval will not be given to proposals for additional bridges or shelters in areas of high or medium wildness value.

**POLICY 12 DEVELOPER CONTRIBUTIONS**

What the policy aims to do

Alvie Estate (028) - Developer contributions: Revisit developer contributions approach.

NHS Grampian (230) – policy should encourage early engagement with health boards.

The Highland Council (043) - Para 12.3 should be augmented to state ... “arising from the proposed development” to ensure developer contributions sought will be done so in accordance with Circular 3/2012.

How the policy will be applied

Nestrans (048) – Under each settlement include within developer contributions the need to consider public transport, cycling and walking.

Scottish Government (051) - References to ‘planning agreements’ should be changes to ‘planning obligations’. Suggests para 12.8 should read ‘ Scottish Government Guidance on the use of planning obligations is provided in Circular 3/2012. This sets out planning obligations may be used to mitigate the adverse impacts of a development, where this cannot be achieved through other means such as conditions or other legal agreements. The Planning etc. (Scotland) Act 2006 allows such mitigation to include payment of money (developer contributions). Any contribution will be based on the costs of provision of infrastructure required as a consequence of the development, although this may include an element to address the cumulative effects of a number of small developments.’ The Plan also needs to acknowledge that the tests of necessity need to be met.

Scottish Natural Heritage (040) - The text in this paragraph should be amended to read – “.... of the impacts on the recipient community or the natural heritage undertaken jointly ....”

Tactran (074) - Amend text to include reference to contributions to support new and improved bus services where justified

The Highland Council (043) - Para 12.8 - updated to refer to Circular 3/2012 rather than 12/1996.

Role of supplementary guidance

The Highland Council (043) - Suggest inclusion of an indicative list of what things likely to require developer contributions to help provide a level of certainty to the development industry.

Impact on woodland

Woodland Trust Scotland (196) – the policy should clarify that loss of ancient woodland cannot be mitigated for, at best it is compensation and this should be suitably high.

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

POLICY 4 – SUPPORTING ECONOMIC GROWTH

Delivery of Economic Growth

An Camas Mor LLP (179); Kincaig and Vicinity Community Council (218) - The CNPA accept the objections raised regarding delivery, as it is keen that the Local Development Plan delivers the right development in the right places, and also has a clear and deliverable Action Programme to achieve this. The policy is intended to provide the framework to help achieve economic growth, and the CNPA will continue to work with the development sector to help facilitate appropriate growth in the National Park. This growth must be balanced against the special qualities of the Park and the aims which guide the work of the CNPA. The CNPA does not however support the request to place greater weight to certain forms of economic development. All developments will be assessed on their merits and in compliance with the National Parks (Scotland) Act 2000 Section 9(6) which states that “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) (to conserve and enhance the natural and cultural heritage of the area) and other National Park aims, the Authority must give greater weight to the aim set out in section 1(a).”

Use of the policy for different forms of development

Badenoch and Strathspey Conservation Group (080); Mar Estate (079); North East Mountain Trust (044); Woodland Trust Scotland (196) – the CNPA has not listed particular forms of development which might make up sustainable economic growth. The CNPA is not convinced that adding a list of such developments, which might include economic investment associated with field sports, wildlife or biodiversity would add any useful direction to applicants. Nor does the plan suggest that the only way to create a more successful country is through sustainable economic growth. The policy is only one of several set out in the Local Development Plan, which must be considered when looking at any proposal for development. The plan also contains policies and direction in regard to other key considerations, all of which are important in ensuring the National Park and its special qualities are protected in an appropriate way. The importance of the National Park as an asset to Scotland, nationally and internationally is at the heart of this.

Ristol Ltd (239) – the CNPA is not convinced of the merits of adding lists which define accommodation. It seems sufficiently clear to the CNPA that all forms of accommodation are included within this policy. This would include chalets amongst many other forms of accommodation.

Scottish Campaign for National Parks (087) - In terms of the objection raised

regarding independent retailers, the policy must remain even handed in its assessment of development proposals. The personal circumstances or private interests of an applicant are not normally a material consideration in the determination of planning applications, although we recognise that there can be exceptions to this. The policy should not therefore prejudice any one applicant, whether independent or corporate. It should, rather consider the merits of the development proposal and the impact it might have on the local economy or the quality of the visitor's experience.

#### Identification of land for economic growth

Coast2Coast Architects (159) – The CNPA has carried out extensive research to seek out the aspirations of investors to provide the necessary land allocations to meet their investment aspirations over the plan period (SDXxx evidence on The Economy). The research proved inconclusive, providing no hard evidence of actual demand for particular allocations or the identification of specific sites for inward investor. The CNPA has therefore taken a flexible approach which provides a policy framework to allow appropriate development to come forward in a way which protects the special qualities of the Park. The CNPA will continue to work with the business sector to develop their knowledge on site requirements and should such information come forward, may consider the use of Supplementary Guidance to formally identify land in the future, or include this in work to review the LDP in the future.

#### Adequate support for appropriate growth

Gordon Bulloch (024) – the policy is drafted in a way which supports appropriate growth and investment and resists the reduction/closure of businesses and tourist attractions and facilities. Where units have been empty and applications come forward to change them to other uses, for example, houses, the proposals would be judged against the policy as drafted. In such cases, it may be possible to allow such development, where it could be demonstrated that there would be no adverse impact on the local economy. For example, where a commercial unit has not been contributing to the overall local economy for many years, a change to a house may not therefore be contrary to the policy.

Whilst the CNPA has sympathy with the objector in terms of the closure of shops in our towns' high streets, the planning policy should not go as far as to include text as suggested. The CNPA, outside its function as planning authority, is supportive of the creation of local community companies, and engaging with property owners to improve the appearance of their units. This work will continue, and the CNPA will continue to work in a proactive way to promote opportunities for economic development and enhancement through its Rural Development Service.

#### Role of Tourism

MacDonald Aviemore Highland Resort Ltd (075) – the CNPA are committed to considering tourism in a way which links it directly to sustainable economic growth. The CNPA is clear that tourism plays a fundamental role to this, and are not therefore convinced of the need to separate this form of development from other economic development and create a new policy.

Neither is the CNPA convinced of the need to list particular settlements which are considered key centres for recreation and tourism. The settlement statements provided as part of the Plan make clear the role of those settlements. To repeat

that within the overarching policy would not add any further content or direction to the Plan and is considered unnecessary duplication.

#### Consideration of the environmental impacts of the policy

Rothiemurchus Estate (226) – the objection does not properly reflect the text of the policy. The policy requires no adverse environmental impacts. The CNPA remain convinced that the proper consideration of the environmental impacts is appropriate within this policy as tourism and leisure development can often occur on particularly sensitive sites where the impacts and any proposed mitigation can have a considerable impact on the environment and on the quality of the overall development achieved. The other criteria listed within the policy are drafted in a way to allow the proper consideration of all applications for tourism and leisure development. The criteria allow the impact on the wider visitor experience to be properly considered. Criterion c) is intended to provide direction to development which extends the core tourist season. As the objector observes, it is important to fill the shoulder and off seasons, and the wording of the policy is considered to help do this. Rather than supporting the existing core season it actively seeks to extend that period. The CNPA is not therefore convinced that the proposed wording provided by the objector improves the direction given to applicants, nor does it help to improve the quality of development.

#### Definition of sustainable economic growth

Scottish Campaign for National Parks (087); Ramblers Scotland (095) – the CNPA consider the use of the term ‘sustainable economic growth’ to be a valid one, as it is a term widely used by the development sector, the Scottish government and at both national and international level as one to define growth of the economy.

The term ‘sustainable development’ is defined in the glossary to the Plan. The CNPA remains confident that this definition is one which reflects properly the aims of the Park and the legislative framework within which the Plan is being developed. The CNPA is, however, aware of work to further define sustainable development in the emerging Scottish Planning Policy. The CNPA would not object to an amendment to its definition to bring it into line with this, should the definition be finalised and adopted by Scottish Government by the time of consideration of this issue at examination.

#### How the policy will be applied

Scottish Campaign for National Parks (087) - The policy is supportive of appropriate economic development, but the plan makes it clear that this policy must be read along with all other policies in the plan, including those which provide the necessary protection to the landscape, natural and cultural heritage, quality of design, etc. The approach to economic growth is matched with a housing strategy which provides land for growth in a way which takes account of projected changes to the population and the appropriate protection of the National Park environment.

Regarding the issue of the need for care in the way the policy is applied, the CNPA has some sympathy with this. The CNPA can understand the concerns raised, and can see that a permissive policy may result in applicants testing the market, gaining permissions for development which may not prove economically

viable. The CNPA can also see clear merit in more closely linking the approach to economic growth with the approach to housing, particularly in the countryside. The CNPA would therefore support an amendment to the policy to tighten this, with particular reference to tourism development. The CNPA therefore suggests an amendment to the final part of the policy regarding reduction of economic opportunity. In an effort to provide some sympathy to economic investment projects which ultimately fail and to link more closely with the overarching need for more affordable housing the CNPA can see merit in limiting changes of use in a way which secures a positive end to the wider community. The CNPA therefore suggest the addition of a final sentence to read "Where such a proposal involves the change of use of tourism accommodation to a residential unit(s), permission will only be granted where this creates a 100% affordable unit/s to be used to meet a demonstrable local need shown through community needs assessments, housing needs and demand assessments or other information available at the time of application."

The policy is clear in its underlying aim to ensure sustainable economic growth in a way which supports communities, and is also clear that it expects much of this development to occur within existing settlements. Where this is not the case a justification for the location is required. This will ensure that the needs of employees, including their housing needs, are fully considered at the time of considering the application.

#### POLICY 8 RENEWABLE ENERGY

##### All renewable developments

Alvie Estate (028); Scottish Campaign for National Parks (087); Scottish Natural Heritage (040); The Highland Council (043) – The CNPA considers the policy strikes the correct balance between encouraging the right scale of development while protecting the special qualities of the Park. The policy is positive in its support for proposals which comply with the stated criteria and the supporting text is clear on its desire to see an increase in the amount of renewable energy generated within the Park within the next five years.

The policy applies to all forms of renewable developments, and no special criteria are included for particular applicants, such as local communities. Each application is to be considered on its merits rather than based on the applicant. The CNPA has no objection however to the inclusion of reference in the first part of the policy to clarify that the text applies to all renewables developments and associated infrastructure to read "Proposals for all forms of renewable energy generation and associated infrastructure will be ....".

The policy is supported by detailed supplementary guidance which provides the applicant with information on how to meet the requirements of the policy. The two documents should be read together. This includes the requirements for all forms of development listed.

The policy as written sets out an overarching section which applies to all forms of renewable development. Sub sections set out the additional requirements for particular forms of development. The CNPA would have no objection to an amendment in the formatting and layout of the text to clarify that this is the case.

### Hydropower

The Highland Council (043); Ristol Ltd (239); SEPA (063) – Regarding the standards to be attained by hydropower developments, the CNPA does not accept the idea of a reduction in the impact made on the water environment. The text does not set a standard of ‘no impact’ but rather, ‘no detrimental impact’. It is considered appropriate that developments should ensure, through design, mitigation, etc that this will be the case. This may be assessed through an EIA or through works to secure a CAR licence. The CNPA do not however consider proposed wording to set a standard of that set by SEPA to be appropriate. This would not be a test which the planning authority could measure, monitor or enforce as the standard test rests with SEPA. To allow development which would have a detrimental impact on the water environment would not meet the standard set out in the first aim of the National Parks (Scotland) Act 2000 Section 1 which provides the aims, the first of which is to conserve and enhance the natural and cultural heritage of the area.

The text of the policy does not refer to existing recreational use of the water, but rather to any recreational use of the water now or in the future. The suggested change would reduce the protection offered and is not therefore considered appropriate.

### Wind energy

Elisabeth and Keith Urquhart (186); Mar Estate (079); Mountaineering Council Of Scotland (016); RES UK and Ireland (222); SEPA (063); The Highland Council (043) – Regarding wind energy, The National Park Partnership Plan is clear on its support for the development of a low carbon economy (page 42, Policy 1.3), but makes clear the limitations to this; “Large-scale commercial wind turbines (defined as more than one turbine and more than 30m in height) are not compatible with the special qualities of the National Park and are not considered to be appropriate within the National Park or where outside the Park they affect its setting.” The text of the policy repeats this text. This is a direct quote from the NPPP and the CNPA would therefore resist any amendment to this text, which has already been agreed by Scottish Ministers and formally adopted by the CNPA. The CNPA considers the reference to total height of turbine as 30m to be sufficiently clear. There is no implication within the text that this is not the total height.

Glen Prosen (050) – The objector seeks a change to the policy which would take it beyond the remit of the local development. The CNP Local Development Plan is not the relevant development plan for applications outside the National Park boundary. The National Park Partnership Plan is a material consideration in such circumstances however, and the CNPA continues its work to promote the role of that plan outside the work it does within the Planning service. The CNPA do not therefore support any change to address the issue raised.

Equally, the CNPA does not support the inclusion of reference to S36 of the Electricity Act. Applications made under this legislation are not determined by the planning authority, and the CNPA is confident that all relevant and material considerations are fully taken into account by the decision makers.

### Biomass

The Highland Council (043) – Regarding biomass, the text of the policy clarifies the need to provide sufficient storage to minimise the number of deliveries to the



site. The text is not considered to be ambiguous.

#### Energy from waste

The Highland Council (043) – Regarding the standards to be attained by energy from waste developments, the policy is clear that all proposals must maximise energy produced by using locally sourced waste. The additional clarification provided by the supplementary guidance, that this would therefore mean that the Park is not considered to be a place for large scale energy from waste plants is provided as additional information. It is not therefore considered appropriate to embed this into the wording of the policy. The CNPA do not consider the policy and supplementary guidance to be at odds, but rather complimentary.

### POLICY 9 SPORT AND RECREATION

#### Aims of the policy

Sportscotland (069) - The CNPA has no objection to the rewording of para 9.2 as suggested by the objector: “ The policy aims to ensure the needs of local communities and visitors for sport and recreational space and facilities are accommodated, and existing facilities protected. This includes informal and formal sport and recreation provision.”

#### Delivering for Scotland

Sportscotland (069) - The CNPA has no objection to the amendment of para 9.3 as suggested by the objector: The CNPA suggest the addition of text to read “The Scottish Government includes ‘increasing physical activity’ as a national indicator. This is aligned to the strategic objective of making Scotland a healthier nation. Suitable protection and promotion of sport and recreational opportunities through the land use planning system make a positive contribution to this objective.”

#### Forms of development covered by the policy

Ramblers Scotland (095); Woodland Trust Scotland (196) - The Sport and recreation policy is drafted to provide a policy framework to assess all development associated with the provision of informal and formal recreation provision. Whilst there is no direct reference to field sports, any physical development which required planning consent would be assessed under this policy. The CNPA do not consider there to be a need to explicitly list all forms of development to which the policy would apply, preferring rather to provide a short list of examples (Policy 9 para 9.1)

The policy does not extend to considering works which do not require planning consent, including many aspects of field sports and stalking and the creation of new woodland.

The CNPA has no objection to the inclusion of a reference to Community Sports Hubs and suggest this might be best placed within para 9.1.

#### Omission of the policy regarding playing fields and sports pitches

Sportscotland (069) – The CNPA has no objection to the amendment to the policy as suggested by the objector in regard to developments affecting Playing fields and sports pitches: “Playing fields and sports pitches should not be re-developed except where:

- The proposed development is ancillary to the principal use of the site as a

playing field or

- The proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training or
- The playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users, or by the upgrading of an existing playing field to provide a better quality facility either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing field capacity in the area; or
- A playing field strategy prepared in consultation with sportscotland has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision”

The CNPA suggests this might best follow on from sub section c) regarding new development above, with the existing section regarding reduction of sports and recreation facilities or opportunities would then follow. The CNPA suggest the addition of an additional word “other” before sport and recreation facilities or opportunity to clarify this section relates to developments other than those affecting playing fields and sports pitches. The CNPA further suggests the use of sub headings to clarify which part of the policy applies to which form of development.

Sportscotland (069) - The CNPA has no objection to the amendment of para 9.10 as suggested by the objector to read:

“Where the proposal involves the loss of a sports or other recreation facility or opportunity to the local community, you must include compensatory measures to ensure the local community is not adversely affected.

This must take the form of a replacement facility, or an agreement with the community, in consultation with sportscotland in the case of outdoor sports facilities, on how this should be best achieved. Provision of land to a community may be acceptable if the community is willing to take on the future development of the replacement facility.”

#### How the policy will be applied

The Highland Council (043) – The CNPA has no objection to the inclusion of reference to the need to build in a management and maintenance aspect to the requirements set out in para 9.10 to read “You must also include information on future management and maintenance of any replacement facility to ensure satisfactory long term management and maintenance arrangements are in place to retain the highest quality provision.”

#### Impact of development on landscape

North East Mountain Trust (044) – The issue of wildness and wild land is considered under Policy 6 Landscape, and in more detail in the supplementary guidance on Landscape.

## POLICY 12 DEVELOPER CONTRIBUTIONS

#### What the policy aims to do

Alvie Estate (028) – the concept of Developer contributions is a well established one, enshrined in circular 3/2012. The CNPA therefore remain committed to the

inclusion of a policy which sets out the framework to clarify when developer contributions will be required.

NHS Grampian (230) - The CNPA welcomes and encourages early engagement with all stakeholders including health boards, and suggests that suitable wording is included in para 11.15 of the supplementary guidance (SDXX) on Developer Contributions to highlight this.

The Highland Council (043) – the objector seeks amendment to wording in para 12.3 to clarify the circumstances when contributions will be required. The CNPA does not object to the proposed change of wording to read “arising from the proposed development”.

How the policy will be applied

Nestrans (048); Tactran (074) – regarding the way in which the policy will be achieved, the CNPA accept that in certain circumstances, there will be a requirement for a developer contribution. The CNPA however considers that the information provided within the supporting Supplementary Guidance on this topic (SDXx page 81, para 11.8) provides sufficient clarity to explain the role of developer contributions regarding transportation and outdoor access. The CNPA would not support any further change to the policy wording to further expand on this issue.

Scottish Government (051); The Highland Council (043) – the CNPA acknowledge the error in para 12.8, made in reference to the correct legislation and has no objection to correcting this reference to Circular 8/2012. The CNPA also acknowledges the error in use of terminology to planning agreements, and has no objection to correcting this reference to ‘Planning Obligations’.

The objector has provided suggested wording to replace para 12.8 and the CNPA has no objection to the use of this wording, to completely replace the paragraph. In addition the objector raises the requirement to include clarify on the tests of necessity as set out in paragraph 15 of circular 3/2012. The CNPA therefore suggests that suitable wording be included in para 12.9. The CNPA suggests an additional first sentence to this paragraph to read “The Authority will not use planning obligations or other legal agreements where issues can be resolved in another way. The Authority will consider:

- 1) use of planning conditions,
- 2) use of an alternative legal agreement
- 3) use of planning obligation only where successors in title need to be bound by the obligation.”

The CNPA will also ensure that the supporting supplementary guidance is updated to reflect these changes. (SDXxxxx)

Scottish Natural Heritage (040) – The objector seeks additional text to para 12.9 to make reference to natural heritage. The CNPA is committed to assessing the impact of development on natural heritage, and has included this clearly in the supporting supplementary guidance. The CNPA has no objection therefore to the inclusion of the additional wording as suggested “...of the impacts on the recipient community or the natural heritage undertaken jointly ....”

Role of supplementary guidance

The Highland Council (043) – The objector seeks a list of what things are likely to be required. The CNPA is of the view that this is set out clearly in the supporting supplementary guidance, and does not consider any changes to the policy or its supporting text are necessary.

Impact on woodland

Woodland Trust Scotland (196) - The objector seeks clarification regarding ancient woodland. The precise impact of development on Ancient Woodland is set out in Policy 6 and its supporting supplementary guidance. Further information is provided in the supporting supplementary guidance to the developer contributions policy to clarify that a financial contribution towards natural heritage, of any kind, is not an acceptable starting point. It goes into some detail to clarify the requirements towards natural heritage. The CNPA considers the information set out in this supplementary guidance to be sufficiently clear, and does not consider any changes to the policy or its supporting text are necessary.

**Reporter's conclusions:**

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**Reporter's recommendations:**

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