

Issue 5	Policies - Protecting the environment	
Development plan reference:	Policy 5 - Sustainable Design Policy 6 - Natural Heritage Policy 7 - Landscape Policy 10 - Cultural Heritage Policy 11 - Resources	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
209 Aberdeenshire Council 231 Albyn Housing Society Ltd 028 Alvie Estate 080 Badenoch and Strathspey Conservation Group 139 Buglife 159 Coast2Coast Architects 050 Glen Prosen Estate 092 Jane Angus 218 Kinraig and Vicinity Community Council 079 Mar Estate 185 Nethy Bridge and Vicinity Community Council 044 North East Mountain Trust 195 Ramblers Scotland 226 Rothiemurchus Estate 087 Scottish Campaign for National Parks 051 Scottish Government 040 Scottish Natural Heritage 235 Scottish Water 063 SEPA 061 The Cairngorms Campaign 070 The Crown Estate 043 The Highland Council 057 Tulloch Homes Group Ltd 196 Woodland Trust Scotland		
Provision of the development plan to which the issue relates:	The Plan sets out a number of policies to protect the environment from inappropriate development. All representations made to these are considered under this issue.	
Planning authority's summary of the representation(s):		
<p>POLICY 5 - SUSTAINABLE DESIGN</p> <p><u>Costs of higher quality design</u> Albyn Housing Society ltd (231) - The policy should recognise the additional costs associated with design and sustainability aspirations</p> <p>Nethy Bridge and Vicinity Community Council (185) - Concerned that additional design requirements add to the cost of building ones own house, which is a local tradition to support local people. This is particularly so with development contributions applied to individual house builders. These charges should be for</p>		

speculative builders and those building holiday homes.

Greenroofs in design

Buglife (139) - Request inclusion of a requirement for greenroofs. Greenroofs can enhance biodiversity help mitigate against climate change, and improve residential amenity and energy efficiency.

National Park as showcase for good design

Coast2Coast Architects (159) - CNP should be a showcase for good design. Design criteria should be developed to establish a basis and methodology for Planning Authorities to evaluate future design submissions. This design framework should be available for issue to applicants and used for pre-app advice. CNPA should use 3rd party accredited methodologies to demonstrate compliance with environmental performance benchmarks. Compliance with building standards is not enough.

Use of materials

Scottish Campaign for National Parks (087) - There should be a presumption against the use of artificial materials. NPA should investigate opportunities to open up suitable quarry sites for stone blocks to encourage traditional building skills which would also help maintain existing building stock.

Water efficiency through design

Scottish Water (235) - Support information provided to promote water efficiency. Keen to further promote this concept. Suggest inclusion of wording to make specific reference to water efficiency within the home.

Ask that the importance of early engagement between SW, CNPA/ Local Authorities and developers is highlighted either as part of the supporting text, or under each settlement/site.

Design statements

The Crown Estate (070) - Believe the requirement for all developments to include a design statement covering all eleven points in the policy is unduly onerous, especially as many developments already require a design and access statement. Question if the requirement applies to agricultural buildings.

The Highland Council (043) - Requirement for design statement for all development proposals is too onerous, particularly for minor applications. Support however, the requirement for design statements for major applications and those that have potential to have a significant impact on the landscape, built or historic environment.

Trees in design

Woodland Trust Scotland (196) - We welcome the inclusion of criteria a), g), h) and k)
Seek inclusion of criteria to encourage the inclusion of trees and woodland in open spaces in new developments.

POLICY 6 - NATURAL HERITAGE

Balance of policy direction

Alvie Estate (028) - Concerned about increasing amount of designations covering the Park (now up to 49%) and that the protection of this land results in development on some of the most productive farmland. Concerned the presumption against development in ancient and semi-natural woodland is also encouraging development on productive farm land, reducing food self-sufficiency and that this is contrary to aims of a long term sustainable rural economy. Disagree with the weight attributed to preserving designated features and species, and the preservation of wildness. This is at the expense of economic activities, accessibility and sustainability.

Kincraig and Vicinity Community Council (218) - The park is a place for people. The plan has prioritised natural heritage over economic development and this must be redressed. There is conflict between the community aspirations for growth and the policies regarding things like wildness and how land is managed. This is particularly true for the section relating to Kincraig. Why is so much emphasis being placed on the concept of wildness. Who or what determines the value of land? What is perceived as high value for some will not be seen as high value to others; it is purely subjective. Use of this concept is premature to the current SNH consultation on wild land.

National Designation (Natura 2000) Site policy requires development to address the mitigation measures which amongst other conditions must not disturb otters; a further example of limiting potential development. These sites are being sites of preservation rather than conservation. A balance needs to be struck

Provision of adequate protection

Badenoch and Strathspey Conservation Group (080) -

para 6.1 - welcome statements which refer to the importance of natural heritage and the need for its protection all of which underpins all 4 aims of the Park. Object if any are removed or altered.

Para 6.2 and Recommendation of Second Tier Sites – support, however,, there are also undesignated sites that are of national importance and possibly international importance which should be recognised. BSCG is concerned about the future of sites that are important at a local level or beyond. We welcome that the CNPA has identified their value (in 6.2 and by inference in 6.1). In order to protect them we recommend that a system of second tier sites should be introduced in the CNP. This would enable important yet undesignated sites to be identified and flagged up with the expectation that they would be appropriately protected from development.

Para 6.10 - Object that only NSAs are referred to, with no mention of other national designations such as SSSIs and NNRs and the CNP.

Para 6.12 - Object that this paragraph should refer to prevention of degradation of such sites as well as to prevent “loss “ of these sites.

Para 6.15 - Object that this paragraph only refers to developments that will be encouraged, rather than also referring to the types of development that would not be looked on favourably.

Para 6.16 - Object to the word ‘overall’ in “The policy will be applied to ensure that development does not weaken the overall integrity and connectivity of the ecosystems of the CNP” as it reduces clarity of how the policy will be applied and could weaken its application.

Precautionary principle

Badenoch and Strathspey Conservation Group (080) -

Para 6.17.– object to any removal of this reference. Object as more information should be provided and recommend that this should include all species on the Cairngorms Nature Action Plan (the top 26 and the Annex species which we understand from the CNPA will include species listed in Nature of the Cairngorms Eds Shaw and Thompson, including species listed in Table 15.1), all SBL and UK BAP Priority species, and all birds on the UK red and amber lists.

Rothiemurchus Estate (226) - Concerned para 6.17 is confusing as the precautionary principle has different legal meaning according to context- whether applied to Natura interests following Habitat regulation requirements, or when used for non-Natura purposes following the National Park (Scotland) Act. In relation to first context concerned Plan test is too lenient, where is respect of the second it does not adequately reflect Ministers views with regards the precautionary principle and the need for National Park aims to be advanced together.

What the policy will achieve

Badenoch and Strathspey Conservation Group (080) -

Para 6.7 - Object to the simplistic statement that “In five years we will have improved the quality of natural heritage found in the Park”. This is internally inconsistent. The settlement maps show major losses of important sites for habitats and species, making deterioration in quality far more likely than an improvement. In addition, it is questionable how the CNPA can realistically measure ‘the quality of natural heritage’. They hold very scant information on the subject.

North East Mountain Trust (044) - Para 6.7 - how can proposed developments “improve the quality of the natural heritage found in the Park”. The text should be expanded to give examples of how this apparent contradiction can be resolved. The policy should give complete protection for Natura 2000 sites and remove any possibility of an appeal to Ministers to override a statutory designation.

Impact of recreation

Buglife (139) - Support need to protect and enhance Cairngorms unique and important biodiversity including its mountains, peatland, and river deltas which provide habitat for many rare species but concerned by threats posed by recreational pressure, overgrazing, trampling, and climate change.

Jane Angus (092) - There is a need for care, protection and mutual action throughout the Park when considering biodiversity.

Impact on national and international designations

North East Mountain Trust (044) -

Para 6.3 - the get out clause should be removed as it is in contravention of the overriding aim of the Park.

Para 6.10 - support that an equivalent level of consideration (to that afforded to National Scenic Areas) will also be given to the landscape throughout the whole Park.

Para 6.11 - mitigation should apply to any proposed development and should not

be restricted to natural heritage? Include a separate section to clarify this applies to all aspects of a proposed development

Cumulative Impact

Scottish Campaign for National Parks (087) - There should be greater consideration of the cumulative impact of development on integrated networks and habitat corridors and water courses, particularly housing. The policy does not tackle issues as hybridisation of wild cats have not been tackled.

NPA should take a stronger stance on anticipating environmental damage through potential development. This includes the need for robust surveys and environmental statements. This should not be developer led. There should be a policy where the NPA take the lead in certain cases

Enhancement

Scottish Natural Heritage (040) - Although welcoming of the natural heritage policy believe it could be strengthened in regards enhancement. This would offer a stronger link with the SG and SEA which highlight the importance of enhancement. Suggest wording should be amended to correlate with SPP and Draft SPP and request greater clarity that part b) refers to mitigation, not compensation. Request amendments to reflect the current legislative position with regards wildlife licenses and the addition of badgers to the policy as they too are protected. Requests reference to birds is moved to the biodiversity section next part of the policy as they are not strictly protected species in the statutory sense. This would clarify the two tests are policy tests not licensing ones and reference should be made to bird species on the red and amber lists and this should be done in the Other biodiversity section of the policy. Believe requirements for species surveys are so important they should be at the front of the policy and this section should also refer to a species protection plan, which can avoid the need for licensing. Suggest wording is too general and should be clear surveys are required for species that have some conservation significance.

Para 6.11 should also refer to compensation, it is currently unclear. It would be helpful if compensation and mitigation were consistently used and defined.

Para 6.14 should refer to species protection plans which can help secure mitigation and meet licensing tests

Para 6.16 should include reference to woodlands and hedgerows in line with SPP and Draft SPP

Sites not formally designated

SEPA (063) - Support the policy. However the policy relating to 'Other biodiversity' does not adequately protect those habitats, networks of habitats and species that are not protected by designations. This could be addressed by including the slightly re-worded second sentence of Section 6 – Natural Heritage - Para 6.16 as set out below in the policy itself. "The planning authority will consider the direct, indirect and cumulative effects of development proposals on habitats, networks and species. Developments should therefore conserve and enhance natural and semi-natural habitats for the ecological, recreational, landscape and natural heritage values, including water bodies, watercourses, wetlands, peat and river corridor."

Information included within the Plan

The Highland Council (043) - International and National Designations, National

Designations, and Other Important Natural and Earth Heritage Sites and interests should be listed and mapped so it is clear which are being recognised by the Planning Authority. Text should clarify CNPA position regarding Special Landscape Areas – eg Ben Alder, Laggan and Glen Banchor Special Landscape Area (SLA) and any future changes to SLAs at Drynachan, Lochindorb and Dava Moors. Additionally you may wish to provide supporting information similar to Appendix 2 of the Highland wide Local Development Plan (HwLDP).

Requirements for surveys

Tulloch Homes Group Ltd (057) - Object to the requirement for extensive ecological and survey information prior to determination of applications. Many of these issues could be dealt with by suspensive conditions or under delegated powers once a willingness to approve has been given.

Loss of woodland

Woodland Trust Scotland (196) - Development impacts on Ancient Woodland in a number of ways: pollution, disturbance, fragmentation, introduction of non-native plants, cumulative impact.

Seek a clear statement that the loss of Ancient Woodland cannot be mitigated, and therefore warrants protection from development. This should include any woodland included in Scottish Natural Heritage's Ancient Woodland Inventory (or AWI), which is present on historical maps or which exhibits a significant numbers of ancient woodland indicators. Please note that the AWI is not comprehensive, so other woodland, not listed on it, may be important too as a result of their high ecological value. Development which would result in loss of ancient woodland should be removed from the plan. Development likely to have an impact on adjacent woodland should include a suitable buffer.

Object to the wording of the policy which allows loss or damage in stated circumstances, since loss cannot be mitigated against, at best this is classed as compensation.

Compliance with current legislation

Glen Prosen Estate (050) - The policy should reflect the emerging NPF3 and SPP particularly in reference to design and siting of new development within the landscape character setting. It must clarify the position of the landscape setting of the Park and make reference to the spatial planning policies of neighbouring authorities.

POLICY 7 – LANDSCAPE

Protection offered by policy

Scottish Natural Heritage (040) - Concerns part a) is a weaker policy than that for national designations in the natural heritage policy as it does not require the provision of features of commensurate or greater importance than those lost- this creates inconsistency and uncertainty. Suggests more weight should be given to wildness in the policy to strengthen the link between the supporting text and SG

Continuity of text

The Highland Council (043) - Para 7.3 of the supporting text is not in accordance with the policy text and does not reflect the exceptions that are made for social and economic benefits.

What the policy will achieve

North East Mountain Trust (044) - Para 7.1 - support stress placed upon "wildness".

Para 7.3 - remove the get-out clause as it is in contravention of the overriding aim of the Park.

Badenoch and Strathspey Conservation Group (080) - para 7.3 - Object to the simplistic, idealised nature of this paragraph which fails to reflect the practical realities, conflicting interests and compromises involved in the planning process.

Para 7.7 - Object to "we will have capitalised on opportunities for new development to enhance the landscape of the Park".

How the policy will be applied

North East Mountain Trust (044) - Para 7.10 - include specific reference to the wildness maps being prepared/revised by SNH. The Cairngorms Landscape toolkit should not be used to provide a different reference point. The text should clarify that there will be no development in areas of high wildness value and development in areas of medium value would only be supported if no alternatives exist.

Support item on Dark Skies which deserves a separate paragraph to include guidance on sound pollution, e.g. In relation to roads.

Badenoch and Strathspey Conservation Group (080) - Para 7.9, 7.10, 7.11 How it will be applied - welcome references to 'wildness' and acknowledgement that "people's perception of wildness may vary" and that "new development will be assessed to consider the cumulative impact on . the sense of wildness found in the relevant area". There is also importance of relatively wild areas close to communities which should be valued by CNPA and given effective protection. We object to the lack of specific reference to this.

Impact of new development on landscape

Badenoch and Strathspey Conservation Group (080) – Housing estate developments cannot improve the landscape in practice. All recent development has not achieved this and we are unconvinced that a major turnaround is going to be accomplished in the next 5 years.

Scottish Campaign for National Parks (087) - Built development cannot meet the wording of the policy 'enhance the landscape'. The landscape character of much of the National Park is characterised by the high mountains and the extensive pinewoods where development should be hidden as far as possible, or where this is not possible, weaved into the landscape in as natural a way as possible.

The Cairngorms Campaign (061) - Suggest new development always detracts and damages the landscape and CNPA should make efforts to improve existing harm to landscape by requiring more tree planting, use of less prominent colours, more natural stonework and an end to large scale housing allocations. Question how realistic the improvement envisaged by para 7.7 are and support first paragraph of Landscape Policy. Support precautionary principal outlined in the first two sentences of para 6.17 but object to the third sentence as there may be occasions where the harm caused by a development should result in

development being impeded. Welcome recognition of the importance of wildness in para 7.9 because man-made development spoils this wildness and the mountains and views to and from the mountains should be given the greatest importance.

Contribution made to the landscape by existing development

Mar Estate (079) - policy should recognise the contribution made to the landscape by existing settlements, and the fact that development related to an existing settlement would have a significantly less impact. This should be included in the 'how it will be applied' section.

Permitted development

Ramblers Scotland (195) - Support in general. But remain concerned about the impact of permitted development rights which allow construction of tracks and fencing without the need for permission. The policy should state that the NPA discourages landowners from using their permitted development rights and encourages early consultation with the NPA

Landscape impact of woodland

Woodland Trust Scotland (196) - Action for woodland biodiversity should be carried out at a landscape-scale, taking an holistic approach, looking at biodiversity, designations, impact of economies and agriculture, eco-tourism, geo-diversity and the health and social benefits of the environment.

Suggest including a more complex list of issues to be addressed when considering landscape –

- Area-based as opposed to individual site based.
- Managed to develop capacity to adapt to change
- Management directed towards learning and problem solving
- consider biodiversity, social and economic objectives
- Success judged through the functioning of the eco-system
- Run with, for, and often by, local people rather than experts.
- Planned as part of a wider strategy.
- Multi-agency landowners

Compliance with current legislation

Glen Prosen Estate (050) - The policy should reflect the emerging NPF3 and SPP particularly in reference to design and siting of new development within the landscape character setting. It must clarify the position of the landscape setting of the Park and make reference to the spatial planning policies of neighbouring authorities.

POLICY 10 - CULTURAL HERITAGE

Amended text to clarify requirements

Scottish Government (051)

INFORMAL COMMENTS - Text should be redrafted.

Text checks needed on terminology – the term Scheduled monuments should be used rather than scheduled ancient monument

Note the key concept of 'enhancement'. The policy aims should clarify this might not always be appropriate. In such cases the text should clarify that CNPA will consider applications on a case by case method taking the necessary specialist

advice.

National designations:

Text for scheduled monuments should state that development should require remains to be preserved in situ and in an appropriate setting unless there are exceptional circumstances, in line with national policy contained in SPP.

The statement that assets 'which have been formally recognised for the contribution they make to the cultural heritage of the National Park or the understanding and enjoyment of this contribution' should be removed from the policy and added to the policy aims on page 40.

Furthering our knowledge: Provision for building recording should be added to the second paragraph on this subject.

The Highland Council (043) - In light of the role cultural heritage plays in place-making and tourism text at 10.4 should incorporate promotion "the Policy aims to conserve, enhance and promote the rich cultural heritage of the Cairngorms..."

Demolition

Scottish Government (051) - Demolition - Text is repetitive and unclear and should be revised.

The latter part of the second paragraph in the text box on page 42 after 'Proposals... will only be considered favourably where every effort has been exerted to find practical ways of retaining it.' should be deleted, including points a and b.

Additional information on this has been provided in the Supplementary Guidance and should be cross referenced here.

The Highland Council (043) - The section on Demolition sub-section a) should set down a time period – suggest a minimum period of six months and in sub section b) could refer to an appropriately qualified and experienced engineer to ensure that a conservation led solution is sought first and foremost.

Other cultural heritage

The Crown Estate (070) - In relation to Chapter 10 page 41 requests a definition of 'other local cultural heritage' is provided, as it currently unclear and open to interpretation, leaving applicants unclear which features would come under the policy.

Conservation area appraisals

The Highland Council (043) - It would be useful if the plan contained a commitment to achieving conservation area appraisals and management plans within the Park.

Designated sites and information provided within the Plan

The Highland Council (043) - National Designations, Conservation areas and Other Local cultural heritage should be listed and mapped to provide clarity.

Additionally you may wish to provide supporting information similar to Appendix 2 of the Highland wide Local Development Plan (HwLDP).

Partnership working relating to cultural heritage

Aberdeenshire Council (209)

INFORMAL COMMENTS - Highlighting the services of the Aberdeenshire Council's Archaeology Service, and highlighting the opportunities for partnership working with particular reference to our Historic Environment Record database.

POLICY 11 – RESOURCES

Water resources - Abstraction

Alvie Estate (028) - Suggest it is better to abstract a small amount of water from a range of areas and then discharge waste water close to where it is abstracted.

Water resources – omission within proposed text

SEPA (063) - Support the policy. However, in addition to the requirement to not cause a deterioration in the ecological status of water bodies, there should be a clearer policy statement on all development avoiding unacceptable detrimental impacts on the water environment. This would tie in with other policy requirements eg renewable energy – hydropower and wind power.

The following statement raises all the issues we would expect to see addressed:

Proposals should avoid unacceptable detrimental impacts on the water environment. The water environment includes wetlands, rivers, lochs and groundwater. Proposals affecting the water environment will only be approved where it is demonstrated that any impacts (including cumulative) on river hydrology, sediment transport and erosion, nature conservation, ecological status or ecological potential, fisheries, water quality, quantity and flow rate, recreational, landscape, amenity and economic or social impact can be adequately mitigated. Existing and potential impacts up and downstream of the proposed development, particularly in respect of potential flooding should be addressed. There is a presumption against the culverting of watercourses and any unnecessary engineering works in the water environment. An appropriately sized buffer strip will require to be retained around all water features. Proposals should be designed to link in with blue/green networks and contribute to open space requirements. Developer contributions may be required.

Water resources – impact on supplies

SEPA (063) - It is not clear what is meant by: c) have no significant adverse impact on existing or private water supplies

We suggest that the policy section on Water Resources point c) should be amended to state: c) have no significant adverse impact on public or private water supplies or wastewater treatment services

Water resources – water quality

Woodland Trust Scotland (196) - Increasing native tree cover strategically could substantially improve water quality.

Flooding

Woodland Trust Scotland (196) - Trees and woods have role to play in reducing the risk of flooding.

Connection to sewerage

Alvie Estate (028) - Suggest majority of River Spey pollution comes from publicly managed sewerage systems, so disagree development should be connected to this network.

Waste Management and Minimisation

SEPA (063) - Support the references to the Zero Waste Plan, the safeguarding of sites, the creation of facilities and the requirement for a site waste management plan. However, the policy requires re-wording as the word 'or' between each point is confusing and reference should be made to 'employment' land in accordance with the SPP and the ZWP. We suggest the following wording:

Waste Management and Minimisation

All development should:

- a) safeguard existing strategic waste management facilities and all sites required to fulfil the requirements of the Zero Waste Plan;
- b) ensure the minimisation of waste from the construction of the development and throughout the life of the development as defined in a site waste management plan or statement

New waste management facilities must contribute towards the delivery of the Zero Waste Plan and should be located on existing waste management sites, or land identified for General Industrial development, employment land or storage and distribution development.

Confirmation is required that there are no further sites for waste management within the CNP, including outwith settlements or details of these should be provided. We note the reference to SEPA's Waste Infrastructure Maps but suggest that relevant information from these should be included in the Plan.

Minerals

Alvie Estate (028) - Feel the current minerals policy will discourage the use of local mineral resources

Landfill

Alvie Estate (028) - current landfill policies encourage the Park area to import consumables and export their waste which is not responsible.

SEPA (063) - Support the presumption against the development of new landfill sites unless the development includes the principles of self sufficiency and provides facilities for recycling/waste treatment.

Carbon sinks and stores

SEPA (063) - Support the policy. Suggest that the policy section on Carbon sinks and stores should also refer to forestry and woodland as a carbon store, and to the potential release of carbon resulting from deforestation associated with development proposals and to the issue of forest waste.

Modifications sought by those submitting representations:

POLICY 5 - SUSTAINABLE DESIGN

Costs of higher quality design

Albyn Housing Society Ltd (231) - Amend policy to recognise the additional costs associated with design and sustainability aspirations.

Nethy Bridge and Vicinity Community Council (185) - Policy should not impose requirements which add to the cost of building individual houses for local people

Greenroofs in design

Buglife (139) - Include a requirement for Greenroofs.

National Park as showcase for good design

Coast2Coast Architects (159)- Develop Design criteria to be given to applicants and used in pre-app advice.

Establish clear environmental and energy performance standards using established third party methodologies.

Use of materials

Scottish Campaign for National Parks (087) - Include presumption against the use of artificial materials.

Investigate opportunities to open up suitable quarry sites for stone blocks

Water efficiency through design

Scottish Water (235) - include wording to make specific reference to water efficiency within the home.

Highlight the need for early engagement between SW, CNPA, Local Authorities and developers

Design statements

The Crown Estate (070) - Revisit if a design statement should be required in all cases, and clarify if the requirements apply to agricultural buildings.

The Highland Council (043) - Limit requirement for design statement to certain types of application, eg conservation area, sensitive sites, sites which are visually prominent from a public place or are of a scale or nature that would have a significant impact on the locality or for development that would extend or significantly or affect the setting of a listed building. Or exclude house extensions and other minor applications unless it impacts a listed building, conservation area or would have a significant landscape impact.

Trees in design

Woodland Trust Scotland (196) - Seek inclusion of criteria to encourage the inclusion of trees and woodland in open spaces in new developments.

POLICY 6 – NATURAL HERITAGE

Balance of policy direction

Alvie Estate (028) - Place greater weight on economic sustainability, as opposed to preserving designated features, species and wildness.

Developers should not be required to connect to public sewerage network. The CNPA should encourage and promote the use local stone and mineral resources rather than importing materials from outside the Park. Suggest resources policy needs revisiting.

Kincraig and Vicinity Community Council (218) - Redress the imbalance in the plan between natural heritage and economic development.

Provision of adequate protection

Badenoch and Strathspey Conservation Group (080)

Para 6.2 – include a new second tier suite of locally important sites

Para 6.10 - include other national designations such as SSSIs and NNRs and the CNP.

Para 6.12 - refer to prevention of degradation of such sites as well as to prevent “loss “ of these sites.

Para 6.15 - refer to the types of development that would not be looked on favourably.

Precautionary principle

Badenoch and Strathspey Conservation Group (080)

Para 6.17– include more information taken from Cairngorms Nature, all SBL and UK BAP Priority species, and all birds on the UK red and amber lists.

Rothiemurchus Estate (226) - Delete existing and insert:

One of the challenges of the national parks is to integrate and co-ordinate the aims: we do not regard the aims as polar opposites; they are mutually supportive and must operate together.

The precautionary principle will be applied where the impacts of a proposed development on the integrity of internationally and nationally significant landscapes or natural heritage resources are uncertain but there is sound evidence for believing that significant irreversible damage could occur. Where the precautionary principle is justified, modifications to the proposal which would eliminate the risk of irreversible damage should be considered. The precautionary principle will not be used to impede development unnecessarily. Where the development is constrained on the grounds of uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered so that the aims operate together in a co-ordinated and integrated way

What the policy will achieve

Badenoch and Strathspey Conservation Group (080)

Para 6.7 – text should clarify what will be done differently from the past ten years to achieve the stated aims

North East Mountain Trust (044) - Para 6.7 - include additional text to provide examples of how to comply with the policy .

Impact of recreation

Buglife (139) - Support importance of protecting biodiversity.

Jane Angus (092) - Include the need for care, protection and mutual action

throughout the Park when considering biodiversity.

Impact on national and international designations

North East Mountain Trust (044)

Para 6.3 - remove text providing a get out clause

North East Mountain Trust (044) - Amend text to provide complete protection for Natura 2000 sites and remove any possibility of any appeal to Ministers to override a statutory designation.

Para 6.11 - Include a separate section to clarify mitigation applies to all aspects of a proposed development

Cumulative Impact

Scottish Campaign for National Parks (087) - Include greater consideration of the cumulative impact of development on integrated networks and habitat corridors and water courses, particularly housing.

Include direction on issues such as hybridisation of wild cats

Include a policy to clarify when the NPA will take the lead on the preparation of robust surveys and environmental statements.

Enhancement

Scottish Natural Heritage (040) - The Natural Heritage Policy should begin with a bold statement such as "All development should seek to further the conservation of biodiversity through its maintenance and enhancement". The policy should be amended to read "Development that affects the Cairngorms National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where- a) it will not adversely affect the integrity of the area or the qualities for which it has been designated; or b) any such adverse effects are clearly outweighed by social, economic or environmental benefits of national importance, and compensated by the provision of features of commensurate or greater importance than those that are adversely affected. After the first part on European Protected Species, the policy should be amended to read "Development that would have an adverse effect on species protected under Schedule 5 (animals) or 8 (plants) of the Wildlife and Countryside Act 1981 as amended would not be permitted unless: a) undertaking the development will give rise to, or contribute towards the achievement of, a significant social, economic or environmental benefit; and b) there is no other satisfactory solution; and c) 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. Development that would have adverse effect on species protected under Schedule 1, 1A or A1 (birds) of the Wildlife and Conservation Act 1981 as amended will not be permitted unless: a) the development is required for preserving public health and safety; and b) there is no other satisfactory solutions; and c) the development will not be detrimental to the species concerned at a favourable conservation status in their natural range. Development that would have an adverse effect on badgers or their setts will not be permitted unless the development fully complies with the requirements of the Protection of Badgers Act 1992 as amended".

At the beginning of the 'other biodiversity' section of the Natural Heritage Policy should be added " Development that would have an adverse effect of species listed in Annexes II or V of the EC Habitats Directive or Annex I of the EC Birds Directive will not be permitted unless: a) there is no other satisfactory solution;

and b) the development will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range". After list that starts Cairngorms Nature Action Plan add 'Birds of Conservation Concerns (red and amber). Move the para beginning 'Where there is evidence' to the beginning of the Protected Species policy. And add to the end of this paragraph "and to submit a species/habitat protection plan where necessary to set out measures to avoid, reduce or mitigate such effects". Add "as set out below" to reference to habitat and species.

After sentence on mitigation in para 6.11 add "Compensation is defined here as 'the provision of replacement areas of habitat to an equal quality (short term or long term) to offset habitat that will be adversely affected by development" .At the end of para 6.14 add "where protected species are found to be present, or potentially affected by development, a species protection plan should be prepared and submitted to demonstrate how any offense under the relevant legislation will be avoided".

Sites not formally designated

SEPA (063) - Second sentence to be redrafted:

"The planning authority will consider the direct, indirect and cumulative effects of development proposals on habitats, networks and species. Developments should therefore conserve and enhance natural and semi-natural habitats for the ecological, recreational, landscape and natural heritage values, including water bodies, watercourses, wetlands, peat and river corridor."

Information included within the Plan

The Highland Council (043) - List and map International and National Designations, National Designations, and Other Important Natural and Earth Heritage Sites and interests

Clarify text regarding Special Landscape Areas

Consider adding supporting information similar to Appendix 2 of the Highland wide Local Development Plan (HwLDP).

Requirements for surveys

Tulloch Homes Group Ltd (057) - Natural Heritage Policy should be reworded to allow a flexible approach to the need for additional information and an explicit acknowledgement that suspensive conditions could be used.

Loss of woodland

Woodland Trust Scotland (196) – include a statement that the loss of Ancient Woodland cannot be mitigated and warrants protection from development. This should include any woodland included in SNH Ancient Woodland Inventory (or AWI), which is present on historical maps or which exhibits a significant numbers of ancient woodland indicators.

Development which would result in loss of ancient woodland should be removed from the plan.

Development likely to have an impact on adjacent woodland should include a suitable buffer.

Redraft wording of the policy which allows loss or damage in stated circumstances, since loss cannot be mitigated against, at best this is classed as compensation.

Compliance with current legislation

Glen Prosen Estate (050) – Amend the policy to include the relevant new NPF3 and SPP policies on natural heritage

Amend the policy to make reference to SNH core areas of wild land

Alter the policy to clarify 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.

POLICY 7 – LANDSCAPE

Protection offered by policy

Scottish Natural Heritage (040) - Part (a) of the Landscape policy should be amended to read “...any significant adverse effects on the landscape character of the Park are minimised as much as possible, are clearly outweighed by social, economic or environmental benefits of national importance, and are compensated for by improvements to landscape character elsewhere in the Park;”. Amend first part of policy to read “...that does not conserve and enhance landscape character and special qualities of the Cairngorms National Park, including wildness, and in particular....”

Continuity of text

The Highland Council (043) - Amend paragraph 7.3 to refer to the policy exceptions for where significant adverse effects on the landscape are clearly outweighed by social and economic benefits of national importance.

What the policy will achieve

North East Mountain Trust (044) -:Para 7.3 - remove the get-out clause

Badenoch and Strathspey Conservation Group (080) - para 7.3 – accurately reflect practical realities, conflicting interests and compromises involved in the planning process.

Para 7.7 – clarify how development will meet the requirements of this policy

How the policy will be applied

North East Mountain Trust (044) -Para 7.10 - include specific reference to the wildness maps being prepared/revised by SNH and remove reference to the Cairngorms Landscape toolkit which provides a different reference point. Provide text to clarify that there will be no development in areas of high wildness value and development in areas of medium value would only be supported if no alternatives exist.

Include separate paragraph to provide greater direction on dark skies and sound pollution

Badenoch and Strathspey Conservation Group (080) - Para 7.9, 7.10, 7.11 – include greater reference to wildness found in close proximity to communities

Impact of new development on landscape

Badenoch and Strathspey Conservation Group (080) – Request revisiting of this policy approach.

Scottish Campaign for National Parks (087) Policy should require development

in high mountains and the extensive pinewoods to be hidden as far as possible, or where this is not possible, weaved into the landscape in as natural a way as possible.

The Cairngorms Campaign (061) - Request revisiting of this policy approach.

Contribution made to the landscape by existing development

Mar Estate (079) – within ‘How it will be applied’ add text to recognise the contribution made to the landscape by existing settlements, and the fact that development related to an existing settlement would have a significantly less impact.

Permitted development

Ramblers Scotland (195) - Amend policy to clarify the NPA discourages landowners from using their permitted development rights and encourages early consultation with the NPA

Landscape impact of woodland

Woodland Trust Scotland (196) – Include a more complex list of issues to be addressed when considering landscape –

- Area-based as opposed to individual site based.
- Managed to develop capacity to adapt to change
- Management directed towards learning and problem solving
- consider biodiversity, social and economic objectives
- Success judged through the functioning of the eco-system
- Run with, for, and often by, local people rather than experts.
- Planned as part of a wider strategy.
- Multi-agency landowners

Compliance with current legislation

Glen Prosen Estate (050) - Include text to inform decision making regarding SNH Core Areas of wild land

Amend the policy to clarify that windfarms 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.

Continue presumption against any development that does not comply with the LDP

POLICY 10 - CULTURAL HERITAGE

Amended text to clarify requirements

Scottish Government (051) - Text should be redrafted.

Text checks needed on terminology – the term Scheduled monuments should be used rather than schedules ancient monument

Note the key concept of ‘enhancement’. The policy aims should clarify this might not always be appropriate. In such cases the text should clarify that CNPA will consider applications on a case by case method taking the necessary specialist advice.

National designations:

Text for scheduled monuments should state that development should require remains to be preserved in situ and in an appropriate setting unless there are

exceptional circumstances, in line with national policy contained in SPP.
The statement that assets 'which have been formally recognised for the contribution they make to the cultural heritage of the National Park or the understanding and enjoyment of this contribution' should be removed from the policy and added to the policy aims on page 40.

Furthering our knowledge: Provision for building recording should be added to the second paragraph on this subject.

The Highland Council (043) - Para 10.4 incorporate promotion "the Policy aims to conserve, enhance and promote the rich cultural heritage of the Cairngorms..."

Demolition

Scottish Government (051) - Demolition - Text is repetitive and unclear and should be revised.

The latter part of the second paragraph in the text box on page 42 after 'Proposals... will only be considered favourably where every effort has been exerted to find practical ways of retaining it.' should be deleted, including points a and b.

Additional information on this has been provided in the Supplementary Guidance and should be cross referenced here.

The Highland Council (043) - In Demolition sub-section a) should set down a time period (six months) and in sub section b) refer to an appropriately qualified and experienced engineer to ensure that a conservation led solution is sought first and foremost.

Other cultural heritage

The Crown Estate (070) - Cultural heritage: Define the term local or wider cultural significance in the Plan.

Conservation area appraisals

The Highland Council (043) - Include commitment to achieving conservation area appraisals and management plans within the Park.

Designated sites and information provided within the Plan

The Highland Council (043) - List and map National Designations, Conservation areas and Other Local cultural heritage

Consider providing supporting information similar to Appendix 2 of the Highland wide Local Development Plan (HwLDP).

Partnership working relating to cultural heritage

Aberdeenshire Council (209)

Include reference to shared services regarding archaeology and opportunities for partnership working.

POLICY 11 – RESOURCES

Water resources - Abstraction

Alvie Estate (028) – Place greater weight on economic sustainability, as opposed to preserving designated features, species and wildness.

Suggest resources policy needs revisiting.

Water resources – omission within proposed text

SEPA (063) - Water resources – Omission

Include clearer policy statement on all development avoiding unacceptable detrimental impacts on the water environment.

Suggested wording:

Proposals should avoid unacceptable detrimental impacts on the water environment. The water environment includes wetlands, rivers, lochs and groundwater. Proposals affecting the water environment will only be approved where it is demonstrated that any impacts (including cumulative) on river hydrology, sediment transport and erosion, nature conservation, ecological status or ecological potential, fisheries, water quality, quantity and flow rate, recreational, landscape, amenity and economic or social impact can be adequately mitigated. Existing and potential impacts up and downstream of the proposed development, particularly in respect of potential flooding should be addressed. There is a presumption against the culverting of watercourses and any unnecessary engineering works in the water environment. An appropriately sized buffer strip will require to be retained around all water features. Proposals should be designed to link in with blue/green networks and contribute to open space requirements. Developer contributions may be required.

Water resources – impact on supplies

SEPA (063) - Clarify what is meant by c) have no significant adverse impact on existing or private water supplies

Include amended text c) have no significant adverse impact on public or private water supplies or wastewater treatment services

Water resources – water quality

Woodland Trust Scotland (196) - Increasing native tree cover strategically could substantially improve water quality.

Flooding

Woodland Trust Scotland (196) - Recognise the role trees and woods have role to play in reducing the risk of flooding.

Connection to sewerage

Alvie Estate (028) – Developers should not be required to connect to public sewerage network.

Waste Management and Minimisation

SEPA (063) - Waste Management and Minimisation

the policy requires re-wording as the word ‘or’ between each point is confusing and reference should be made to ‘employment’ land in accordance with the SPP and the ZWP. Suggested text:

All development should:

- a) safeguard existing strategic waste management facilities and all sites required to fulfil the requirements of the Zero Waste Plan;
- b) ensure the minimisation of waste from the construction of the development and throughout the life of the development as defined in a site waste management plan or statement

New waste management facilities must contribute towards the delivery of the Zero

Waste Plan and should be located on existing waste management sites, or land identified for General Industrial development, employment land or storage and distribution development.

Waste Management and Minimisation

Confirmation is required that there are no further sites for waste management within the CNP, including outwith settlements or details of these should be provided. We note the reference to SEPA's Waste Infrastructure Maps but suggest that relevant information from these should be included in the Plan.

Minerals

Alvie Estate (028) – The CNPA should encourage and promote the use local stone and mineral resources rather than importing materials from outside the Park. Suggest resources policy needs revisiting.

Landfill

Alvie Estate (028) –amend current landfill policies which encourage the Park to import consumables and export their waste

SEPA (063) – none

Carbon sinks and stores

SEPA (063) - Text on Carbon sinks and stores should also refer to forestry and woodland as a carbon store, and to the potential release of carbon resulting from deforestation associated with development proposals and to the issue of forest waste.

Summary of responses (including reasons) by planning authority:

POLICY 5 - SUSTAINABLE DESIGN

Costs of higher quality design

Albyn Housing Society Ltd (231); Nethy Bridge and Vicinity Community Council (185) - – The CNPA is aware that good design can sometimes cost more, but remain of the view that this additional cost can often be managed through the land deal and more than compensated for through enhancements to overall development value. The CNPA remain committed to seeking high quality in design, including those aspects of good quality design that need not necessarily add to the overall costs of development, for example, the way the property is situated and orientated, the use of solar gain, energy efficiency and carbon reduction measures, and the way the applicant thinks about the resources needed to make sure waste is minimized, etc.

Neither is the CNPA convinced by the argument that points raised regarding developer contributions. Such contributions may where appropriate still be required and the way in which developer contributions are applied is set out in the accompanying supplementary guidance, in line with legislation and relating directly to the impact of the proposed development.

The ability of the applicant to pay, or not, is not a consideration which applies to this aspect of the decision making process. The CNPA is committed to raising the standards of quality of design in all development across the Park including those for affordable housing which we consider need not become less affordable as a

result. The CNPA considers that no change to the policy or its supporting text is required.

Greenroofs in design

Buglife (139) – the CNPA has some sympathy with the objectors request to encourage greenroofs. However the CNPA is not convinced that this should be a requirement. Greenroofs may not be appropriate in all circumstances and should be considered depending on the nature of the development. However the CNPA is happy to consider the inclusion of clear support for greenroofs, where appropriate, within the detail provided in the supplementary guidance supporting the policy.

National Park as showcase for good design

Coast2Coast Architects (159) – the CNPA is sympathetic to the points raised by the objector but does not think the appropriate place to include good examples is within the Plan itself, in the interests of brevity and clarity. The CNPA intends to provide additional online information for applicants on a variety of topics to detail good examples of development within the Park, examples from elsewhere which may be applicable, and best practice information on emerging technology and development techniques. The CNPA therefore considers an online information digest is the best place for this.

The CNPA considers that the policy and supporting supplementary guidance provides the framework sought by the objector. The CNPA considers this framework to be sufficiently clear and does not consider any further change necessary to the policy or guidance.

Use of materials

Scottish for National Parks (087) – The policy encourages the use of complementary and sustainably sourced materials. With regard to the use of artificial materials we consider that there may be occasion when their use is likely to provide the most sustainable design solution, and the policy has been drafted to allow for this. The CNPA, in Policy 11, has also provided for options to source stone and other minerals from existing quarries within the Park. The CNPA do not therefore consider it necessary to provide any further changes or clarification to this or Policy 11.

Water efficiency through design

Scottish Water (235) – Policy 5 (d) includes wording to highlight the need to minimize the use of water. Policy (d). Policy 11 Part 1 Water Resources also includes the need to minimize the use of treated and abstracted water. The wording provided at 11.8 Text within the supplementary guidance supporting the Resources Policy also highlights the need to engage with Scottish Water. The CNPA considers the wording as drafted provides the necessary clarification on this matter and does not consider there to be a need for any further change.

Design statements

The Crown Estate (070); The Highland Council (043) - – the current Local Plan (Policy 16 Design Standards) includes a requirement to supply a design statement with all applications. In monitoring this policy the CNPA has seen the benefit of this requirement and also has seen good examples of short statements to accompany and explain smaller proposals which do not place undue additional

work onto the applicant and simply and concisely provide the necessary evidence that all criteria have been considered in the design process. The CNPA remains committed to this approach, now in its third year of implementation as a good method of ensuring applicants explain and consider design fully as part of their proposal and, as such we do not consider any dilution of this approach to be appropriate.

Trees in design

Woodland Trust Scotland (196) – the CNPA has some sympathy with the points raised regarding tree planting, but does not consider it appropriate in all cases, particularly in areas of open heath land where tree planting would be inappropriate. The policy and supplementary guidance regarding natural heritage provides some additional direction regarding woodland and trees within development, and more generally on the need to consider the impact of the development on biodiversity which may be best addressed through tree planting. The CNPA do not consider that there is a need to change this policy or Policy 6 Natural Heritage to expand on this.

POLICY 6 - NATURAL HERITAGE

Balance of policy direction

Alvie Estate (028); Kincaig and Vicinity Community Council (218) – The CNPA do not agree that there is any imbalance between the policies regarding natural heritage and economic growth. The CNPA has devised a Plan which must be read in total, and there is no inference that one policy should trump another. Each application should be considered against all relevant policies. The CNPA do not, therefore, agree that the plan gives greater weight to natural heritage, and does not agree that there should be any greater weight given to economic sustainability.

Provision of adequate protection

Badenoch and Strathspey Conservation Group (080) – regarding Para 6.2 the CNPA is of the opinion that the policy adequately offers protection to all important natural heritage sites and species. It clearly provides for formally designated sites and species, and then goes on to provide for those sites and species not formally designated, and in doing so provides the second tier protection sought by the objector. The CNPA do not consider it appropriate to map or formally identify these second tier sites and species in a mapped way. This would then exclude all other sites and species, and in doing so might omit key routes, unknown sites and not make proper provision for species which are by their very nature, mobile. The fact that the whole of the Park is formally designated provides a level of protection not found within other planning authority areas, and the CNPA remains committed to providing appropriate protection to the whole of the Park. It does not want to split up the areas of the park which are not formally designated to give any sense that some parts are of more value to the special qualities of the Park than others. It is the whole of the Park which is of value, and as a result the CNPA do not support the introduction of formally identified second tier sites.

Regarding Para 6.10, the paragraph is intended to provide some additional information on how the policy will be applied to National Scenic Areas. The policy itself provides the approach which will be used in all national designations and paragraph 6.11 goes on to provide more information regarding these. It is not

considered necessary to list every form of designation in these background paragraphs when they are fully provided for in the policy. The CNPA do not therefore support the suggestion that additional lists should be included.

Regarding Para 6.12 the policy clearly states that any adverse effect would only be supported where the objectives of the site and its integrity are not compromised, or where there is significant adverse effect appropriate mitigation is employed. The background information is intended to provide additional guidance. The CNPA do not therefore consider it necessary to repeat that in paragraph 6.12.

Regarding Para 6.15 the text is intended to provide some additional information on developments which enhance or restore. It is not considered necessary to go on to say explicitly that developments which do not achieve this will not be encouraged. This is implicit and the CNPA do not therefore consider there to be a need for additional text as suggested.

Regarding Para 6.16 the CNPA accept that the word 'overall' is not required as it does not provide any further clarity to the reader. The CNPA would therefore support a change to the text which removed the word.

Precautionary principle

Badenoch and Strathspey Conservation Group (080); Rothiemurchus Estate (226) Regarding Para 6.17 Precautionary Principle, the CNPA accept that the term has different legal meanings in respect of Natura and non-Natura sites. The CNPA support the concept of some change to this paragraph, but consider the wording suggested confuses the issue with the application of the four aims of the Park in a way which is not helpful to the reader.

The CNPA therefore support an amendment to the first sentence of Para 6.17 to read "The precautionary principle will be applied where the impacts of a proposed development *on the integrity of* internationally and nationally significant landscapes or natural heritage resources are uncertain but there is sound evidence for believing that significant irreversible damage could occur."

The CNPA do not however consider it appropriate to include within this paragraph lists of species. The paragraph is intended to explain when the precautionary principle will be employed. The CNPA consider the text provides this and is not therefore supportive of further change other than that which is detailed above.

What the policy will achieve

Badenoch and Strathspey Conservation Group (080); North East Mountain Trust (044) - Regarding Para 6.7 this paragraph is intended to give the reader some clarity on the aim of the policy. The CNPA do not consider it unreasonable to aspire to improvement of natural heritage in light of the first aim of the Park (SDXXXX) which requires the CNPA to conserve and enhance the natural and cultural heritage of the area. The policy sets out what will be done to achieve this aim. The objectors' position is not, in the view of the CNPA, justification to amend the direction of travel to achieve enhancement. The CNPA do not therefore support any dilution of this aspiration.

Impact of recreation

Buglife (139), Jane Angus (090) – The CNPA shares the concerns raised regarding the possible impact of development on biodiversity, and specifically recreational pressure, overgrazing, trampling and climate change. The policy is written in a way to ensure only appropriate development goes ahead. The CNPA

do not therefore consider there to be a need to change the policy to address the impact of the listed issues on biodiversity.

Impact on national and international designations

North East Mountain Trust (044) – Regarding the impact on internationally or nationally designated sites the policy has been written to comply with other legislation regarding Natura 2000 sites (SDXXXXX). To remove the reference to the economy as requested would leave the policy in conflict with this legislation and the CNPA do not therefore support such a change.

Regarding para 6.11, mitigation or compensation are considered on a case by case basis in line with this and all other relevant policies. The text in this paragraph is referring to national designations. The need to consider this for all developments in their impact on natural heritage is clarified in detail in the supplementary guidance on the topic. The CNPA do not therefore consider there to be a need to repeat this in a separate section. The CNPA do not therefore support any further change as suggested by the objector.

Cumulative Impact

Scottish Campaign for National Parks (087) – The issue of cumulative impact of development is considered under Policy 6 in a number of ways. Specifically regarding Natura 2000 sites, paragraph 6.9 details the need to consider the impact of development on the integrity of the site, either alone, or in combination with other plans or projects, which could include other planning consents. Paragraph 6.11 provides details regarding national designations, where it is clearly stated that the cumulative effects will be taken into account. Paragraph 6.13 clarifies the need to consider the impact of development on the wider environment including habitat networks. Paragraph 6.14 requires the need to consider cumulative impact on species. Paragraph 6.16 further requires the need to consider the direct, indirect and cumulative impact on other biodiversity. The CNPA is therefore firmly of the view that it has included clear and direct requirements regarding cumulative impact. The CNPA do not therefore consider there to be a need for further text to repeat this or amplify what is already included.

The issue of wildcat hybridisation is not directly considered in the policy, but is specifically mentioned in the supplementary guidance on the topic. Paragraph 5.25 of that supplementary guidance (CD XXXXX) clarifies the point. The CNPA do not therefore consider there to be a need to repeat this within the LDP itself.

Regarding the need to anticipate environmental damage through potential development, the evidence reports which informed the writing of the LDP included surveys of sites suggested and proposed. Further survey work has been done to inform the SEA and HRA which accompany the Plan.

The Plan and supplementary guidance require a variety of surveys to accompany submission of applications and detailed information is provided to assist developers with this. The CNPA therefore considers it has taken the necessary steps to anticipate environmental issues and provide the necessary guidance for applicants. The CNPA do not therefore support the idea of further amendment to the plan to amplify this.

Enhancement

Scottish Natural Heritage (040) – The representations made by SNH are detailed and informative, and the National Park CNPA, in the main, agree that the

suggested amendments to the text of both the policy provide better clarity on what is required.

Regarding the need for clarity that all development should seek to enhance, the CNPA is of the opinion that paragraph 6.3 sets this out. With conservation and enhancement enshrined in the first aim of the Park, this paragraph endeavours to clarify that the aim of the policy is to achieve this aim. The CNPA do not therefore support a change to the wording of the policy itself to include this. The CNPA, however would support an additional paragraph prior to para 6.8, below the heading 'How it will be applied' to clarify that in the application of this policy, "All development should seek to further the conservation of biodiversity through its maintenance and enhancement".

Regarding the wording of the policy affecting national designations, the CNPA accepts that the suggested wording better reflects current and draft government policy and supports the proposed changes to the wording of sub paragraphs a) and b):

"a) it will not adversely affect the integrity of the area or the qualities for which it has been designated; or

b) any such adverse effects are clearly outweighed by social, economic or environmental benefits of national importance, and compensated by the provision of features of commensurate or greater importance than those that are adversely affected."

Regarding the wording of the policy affecting protected species, the CNPA accepts that the suggested wording better clarifies the species affected, and the requirements of European legislation regarding them (SDXxxx). The CNPA therefore supports the suggestion of a change to the second part of this section of the policy in line with the modifications sought by the objector to read:

"Development that would have an adverse effect on species protected under Schedule 5 (animals) or 8 (plants) of the Wildlife and Countryside Act 1981 as amended will not be permitted unless:

a) undertaking the development will give rise to, or contribute towards the achievement of, a significant social, economic or environmental benefit; and

b) there is no other satisfactory solution; and

c) 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.

Development that would have adverse effect on species protected under Schedule 1, 1A or A1 (birds) of the Wildlife and Conservation Act 1981 as amended will not be permitted unless:

a) the development is required for preserving public health and safety; and

b) there is no other satisfactory solutions; and

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

Development that would have an adverse effect on badgers or their setts will not be permitted unless the development fully complies with the requirements of the Protection of Badgers Act 1992 as amended".

Regarding the wording of the policy affecting Other Biodiversity, the CNPA accept that the wording does not properly provide for species listed in Annexes II or V of the EC Habitats Directive or Annex I of the EC Birds Directive and therefore supports the suggested modification sought to include an additional paragraph at the start of this part of the policy to read:

“ Development that would have an adverse effect on species listed in Annexes II or V of the EC Habitats Directive or Annex I of the EC Birds Directive will not be permitted unless:

- a) there is no other satisfactory solution; and
- b) the development will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range”.

Regarding the existing wording, the CNPA accept that there is an omission regarding birds, and supports the inclusion of ‘Birds of Conservation Concerns (red and amber)’ into the list ‘Cairngorms Nature Action Plan, UK Biodiversity Action Plan’

Regarding the representations made regarding the final paragraph of the policy, the CNPA are of the view that this should apply to all developments and affected sites. The CNPA do not therefore support a move to place it under Protected Species. The CNPA do however support the idea of adding an additional heading before this paragraph to clarify that it affects ‘All developments’. Regarding this wording of this paragraph, the CNPA accept that the additional wording suggested as a modification does clarify to the applicant what is required, not just to carry out a survey, but to then assess its findings and produce a protection plan accordingly. The CNPA therefore support the additional final wording to this paragraph to read: “and to submit a species/habitat protection plan where necessary to set out measures to avoid, reduce or mitigate such effects”.

Regarding the wording of the supporting text, and in light of the changes supported to the policy wording regarding National Designations, the CNPA support an amendment to the wording of para 6.11. There is a need to include, for clarity, a definition of the term ‘compensation’ and the CNPA support the wording suggested by the objector in this regard. After the sentence on mitigation the CNPA support the inclusion of an additional sentence to read “Compensation is defined here as ‘the provision of replacement areas of habitat to an equal quality (short term or long term) to offset habitat that will be adversely affected by development”.

In light of the modification supported above regarding the final paragraph of the policy, the CNPA support the suggested modification to Para 6.14 to clarify the need to include a species protection plan to help secure mitigation and meet licensing tests and supports the proposed mitigation suggested by the objector at the end of the paragraph, reading: 14 add “where protected species are found to be present, or potentially affected by development, a species protection plan should be prepared and submitted to demonstrate how any offense under the relevant legislation will be avoided”.

Regarding the wording of Para 6.16 the CNPA accept that additional wording is needed to bring this paragraph into line with SPP and supports, therefore the addition of woodlands and hedgerows into the list at the end of the paragraph.

Sites not formally designated

SEPA (063) – Regarding paragraph 6.16, the CNPA consider this information to be properly located within the section ‘How it will be applied’ rather than embedded within the policy itself. The sentences referred to clearly relate to how

the planning authority intend to apply the policy and are therefore not supportive of any suggested move to include this within the policy. The CNPA do not consider there to be a need to make a change as a result of this objection.

Information included within the Plan

The Highland Council (043) – Regarding the mapping of information, the CNPA will supply, on its website, information to clarify designated sites. However, the CNPA do not support the concept of including, as part of the Plan, data which is held and controlled by third parties and could be subject to change without warning to the CNPA.

Regarding the various SLAs listed, the CNPA do not consider the LDP to be the place to set out its position on sites which fall outside the boundary of the Park and would not support any change in this regard.

Regarding the information included in the Highland wide Local Development Plan (HwLDP), the CNPA can see the merit of including such additional detail and will add this to the Supplementary guidance on the topic.

Requirements for surveys

Tulloch Homes Group Ltd (057) – The CNPA considers the setting of standards for surveys at the outset essential to the smooth processing of planning applications. Whilst the use of suspensive conditions may, in some circumstances, be possible, in other circumstances (eg where European Protected Species are present and where Natural legislation is a material consideration) then suspensive conditions are not permitted as a matter of law. The CNPA considers it essential to have survey work complete and undertaken during the appropriate time of year/season (which can vary depending on the species being surveyed) so that appropriate and legally acceptable decisions can be made in light of the information gathered.

Loss of woodland

Woodland Trust Scotland (196) – regarding the loss of Ancient Woodland, the CNPA consider the wording of the policy to provide sufficient clarity. It is clear from the policy that development must demonstrate that the objectives of the site and overall integrity would not be compromised or, if this is not the case, that mitigation is used. In the event that mitigation is not possible, in the case of ancient woodland, b) would not therefore apply. Development would therefore not be possible if the objectives of the site and its overall integrity were compromised. The glossary provides information on what falls within the definition of Ancient Woodland. The CNPA considers this definition to be suitably clear. Other woodland, which is significant, but not considered to fall within Ancient Woodland would be considered under the part of the policy 'Other Biodiversity'. This part of the policy provides for compensatory measures as mentioned by the objector.

Regarding sites identified in the Plan which impact on Ancient Woodland, the text associated with that settlement provides guidance on appropriate development. This, together with supplementary guidance on the topic, provides additional information regarding the requirements for developments affecting natural heritage designations including ancient woodland. The CNPA do not therefore support any further change to this information.

Compliance with current legislation

Glen Prosen Estate (050) - The CNPA have some sympathy with the complication of emerging Scottish Government Policy and the timing of this matched with the production of the Local Development Plan. However, at present the emerging NPF3 and SPP remain in draft, and are not finalised. The CNPA support any amendment that is considered appropriate should this position change as the objections are considered and the examination runs its course.

POLICY 7 – LANDSCAPE

Protection offered by policy

Scottish Natural Heritage (040) – The CNPA accepts the concerns raised. However, for applications falling within national or international designations, Policy 6 would apply. The CNPA considers the test set by the suggested wording to be excessive and does not see the merit in repeating the standard within Policy 7 and so does not support the modification proposed.

Regarding wildness the CNPA considers the clear guidance on wildness contained within the supplementary guidance to be sufficiently clear to raise this issue up the agenda. It does not therefore see the merit in highlighting a list, or individual issues within the policy itself. The CNPA is of the opinion that a policy which provides clear guidance for all landscape characters is of more benefit and therefore does not support the change proposed.

Continuity of text

The Highland Council (043) – Regarding Para 7.3 the CNPA do not agree that the wording is not in accordance with the policy. Paragraph 7.3 sets out an aspiration of what the policy will achieve, and whilst the policy might allow for exceptions to the first part of the policy, this does not mean that the aim of the policy should change. The CNPA do not support any amendment to this paragraph based on the representation made.

What the policy will achieve

North East Mountain Trust (044); Badenoch and Strathspey Conservation Group (080) – Regarding Para 7.3 the CNPA are clear that this paragraph sets out an aspiration of what the policy will achieve. It does not provide any kind of get out clause to inappropriate development and so the CNPA do not support any reduction or amendment to this paragraph as suggested by the objector. Nor does the CNPA consider it appropriate to temper these aspirations with modifications to reflect conflicting interests and possible compromises required with development. The CNPA is clear that this aspiration should include setting out what the policy is trying to achieve as a starting point.

How the policy will be applied

North East Mountain Trust (044) – Regarding Para 7.10 the CNPA do not agree that it should include reference to SNH maps. The supplementary guidance on the topic (SDXxxxx) includes detailed Park wide maps with supporting information which were prepared as a pilot to the SNH work and have been prepared using the same methodology. The CNPA remains committed to this important piece of work which provides detailed information for the Park. The use of the Cairngorms

Landscape Toolkit is not a tool used simply to assess wildness or wild land and has much broader application. The CNPA intends to expand this toolkit and use it as a method to assess the impact of development on all landscape characters. The removal of this reference would undermine the way in which the policy could be applied and the CNPA are therefore not in support of this suggested modification.

Regarding the text associated with the wildness maps, the objection will be dealt with under an assessment of supplementary guidance.

Regarding para 7.10 and text on Dark Skies, the issue is in relation to the visual impact of development on the landscape. The CNPA do not therefore consider this to be an appropriate place to consider the impact of sound and so do not support any further amendment to this paragraph.

Badenoch and Strathspey Conservation Group (080) – regarding wildness the CNPA do not see the merit in the impact wildness has on different components of the population. The supplementary guidance on the topic clarifies in some detail the different values placed on wildness across the park and the CNPA remain convinced that this provides adequate guidance for applicants. The CNPA do not therefore support any change to this approach to wildness.

Impact of new development on landscape

The Cairngorms Campaign (061) - The objector considers all development to detract from the landscape of the Park. The CNPA is not of this view and in its duty to apply the four aims of the Park seeks development which meets all of these in a way which conserves and enhances the natural heritage of the area. The objector is sceptical about the policy and its application. However the CNPA is committed to securing the best form of development which, as above, achieves the aims in a collective way to the benefit of the Park. The CNPA is also committed to its approach on landscape, which is considered to set a very high standard for all development. The CNPA do not, therefore, support any further amendment to the policy.

Badenoch and Strathspey Conservation Group (080); Scottish Campaign for National Parks (087) – Regarding the impact of built development, the CNPA consider the policy to provide adequate protection to high mountains and extensive pinewoods since it clearly states that there is a presumption against development that does not conserve and enhance the landscape character and special qualities of the Park. In the event that an application is received which does not meet this standard, and does not fall into the sub paragraph criterion of a) and b) then permission should be refused. The CNPA do not therefore support any amendment to the wording of the policy.

Contribution made to the landscape by existing development

Mar Estate (079) - regarding the value existing settlements make to the landscape quality, the CNPA do not dispute that existing built development makes a contribution, whether this is an existing building in a remote location, or existing settlements along the Straths. The policy and supporting text refers to landscape quality, and it is the view of the CNPA that an existing settlement creates its own landscape quality, in the same way as a wild landscape creates a different quality. This is followed through in the supplementary guidance on the topic, where guidance is provided on how best to fit new development into the existing

landscape quality. (SDXXXX) The CNPA do not support the suggestion that particular forms of landscape quality are listed, preferring, as is included in the supporting text at para 7.10, to use the Cairngorms Landscape Toolkit and other techniques set out in supplementary guidance to help assess the character and quality of the landscape in question. The CNPA do not therefore support the inclusion of a list of landscape or any inclusion of a diminishing scale of impact. Each should be considered against its landscape character.

Permitted development

Ramblers Scotland (195) – Regarding the impact of permitted developments, the CNPA are not able to amend the permitted development rights by way of a LDP policy. The supplementary guidance on the topic provides some guidance on the issue of tracks in the section on Landscape, but this does not apply to development which requires an application. The CNPA remains committed to best practice regarding track development and will work with landowners to achieve this. This work, carried on outside the planning process will continue. The CNPA do not therefore support any amendment to the policy in the manner suggested by the objector.

Landscape impact of woodland

Woodland Trust Scotland (196) – The CNPA agrees that there is a need to take a broader view of the impact of development on landscape. Its proposed use of the Cairngorms Landscape Toolkit sets out a methodology which is detailed and robust. Further information of this toolkit is provided by way of the supplementary guidance on the topic. The CNPA therefore considers it has provided adequately for the assessment of development on the broader landscape. Whilst the CNPA welcome the efforts made to suggest a complex list of considerations, the CNPA considers its approach to be clear, directional, robust and sufficiently informed to provide the right level of information to the applicant. The CNPA do not therefore support any further change to this methodology.

Compliance with current legislation

Glen Prosen Estate (050) - The CNPA have some sympathy with the complication of emerging Scottish Government Policy and the timing of this matched with the production of the Local Development Plan. However, at present the emerging NPF3 and SPP remain under consultation and in draft, and are not finalised. The CNPA supports any amendment that is considered appropriate should this position change as the objections are considered and this examination runs its course.

POLICY 10 - CULTURAL HERITAGE

Amended text to clarify requirements

Scottish Government (051) – The CNPA acknowledge that the comments have been made on an informal basis but have found them useful and are therefore keen to set out its thinking on the points raised
Regarding the use of terms, the CNPA accepts this point and will amend the text accordingly as part of its non-notifiable modifications.

Regarding 'enhancement', the CNPA accepts this point. The CNPA would therefore support an amendment to paragraph 10.10 to clarify that enhancement

may not always be appropriate and that specialist advice will be sought to ensure appropriate development, to read” This should include seeking specialist advice to ensure appropriate development.”

Regarding national designations, the CNPA accepts the points raised regarding scheduled monuments. The CNPA would therefore support an amendment to the text of the policy to include an additional paragraph to clarify: “Development affecting a scheduled monument should require remains to be preserved in situ and in an appropriate setting unless there are exceptional circumstances”.

Regarding the text ‘which have been formally recognised for the contribution they make to the cultural heritage of the National Park or the understanding and enjoyment of this contribution’, the CNPA accepts that this wording is not the reason for the designation and is therefore not appropriate as part of the Policy. The CNPA therefore supports the removal of this text. The CNPA do not consider it necessary to move the text to the paragraphs regarding Policy Aims, as it may result in some repetition.

Regarding Furthering our Knowledge, the CNPA accepts the inclusion of provision for the recording of the building and supports an amendment to the second paragraph accordingly to read: “to be made for building recording, archaeological excavation, .”

The Highland Council (043) – Regarding para 10.4, the text here is closely linked to the first aim of the National Park (SDXxxx) and the inclusion of this additional wording would not fit with the text from the National Parks (Scotland) Act 2000 Section 1. The CNPA do not therefore support the inclusion of such a change to the wording which would confuse text within the policy when compared with the aims of the Park. .

Demolition

Scottish Government (051) – Regarding the section on Demolition, the CNPA accept that the text includes a lot of detail and is perhaps, not as clear as possible. The CNPA is however keen to retain suitable guidance on the three parts of the policy: a) loss of a listed building or building in a conservation area; b) partial demolition of buildings of merit; and c) need for a detailed planning application in the event of demolition. CNPA would therefore suggest the use of sub paragraph numbering to clarify perhaps with appropriate headings to each paragraph. CNPA does not support the removal of large parts of text here as this would leave applicants with no guidance on situations where partial demolition is being considered.

The Highland Council (043) – Regarding demolition, the CNPA do not support the inclusion of a prescribed timeframe. It is the view of the CNPA that a ‘one size fits all’ approach to this issue would not be appropriate. The time involved to market a small domestic building may be quite different to the time required to market a large commercial property for example.

Regarding sub section b) the CNPA do not support the inclusion of text referring to an appropriately qualified and experienced engineer. The CNPA consider a qualified structural engineer is sufficiently qualified to provide the necessary

information to comply with this aspect of the policy.

Other cultural heritage

The Crown Estate (070) – The CNPA do not consider there to be a need to include a definition of ‘other local cultural heritage’ as the text of the policy clearly lists the type of site, feature or use of land which would be considered as part of this policy i.e. sites other than national designations and conservation areas which are of local or wider or cultural or historic significance.

Conservation area appraisals

The Highland Council (043) – The representation regarding conservation area appraisals and management plans is noted. Carrying out this work is the responsibility of the Local Authorities (XXXX reference to the bit of the NP act that leaves this duty with the LPs) and the CNPA will work with the constituent authorities to bring these forward. However the CNPA do not consider there to be a need to include this within the Plan itself. The CNPA would, however, support an amendment to the Action Programme to include reference to the completion of conservation area appraisals and the preparation of management plans for all conservation areas across the Park within a timeframe to be agreed with the Local Authorities.

Designated sites and information provided within the Plan

The Highland Council (043) – Regarding the mapping of designations, Conservation Areas are shown on individual settlement maps. Regarding other formal designations the CNPA will be providing links to such information which is held by third parties on its website following adoption of the Plan. It does not consider it appropriate however, to embed information which it is not in control of within the Plan itself. Regarding sites of local cultural heritage, the CNPA is of the opinion that this is a much more ad hoc form of cultural heritage, which is not currently mapped, and developments must consider the impact being made on a case by case basis. The CNPA will provide guidance on the type of site which may be affected on adoption of the plan.

The Highland Council (043) – Regarding the information included in the Highland wide Local Development Plan (HwLDP), the CNPA can see the merit of including such additional detail and will add this to the Supplementary Guidance on the topic.

Partnership working relating to cultural heritage

Aberdeenshire Council (209) – The CNPA welcomes the good working relationship with Aberdeenshire Council. Whilst it is not considered appropriate to include this level of detail within the Plan itself, the CNPA will include reference to the shared services within the Supplementary Guidance associated with Cultural Heritage.

POLICY 11 – RESOURCES

Water resources - Abstraction

Alvie Estate (028); SEPA (063) – regarding abstraction of water, the CNPA have written the policy informed by comments from SEPA as the government’s environmental protection agency. The CNPA is committed to the careful and

considered use of resources, including water, and considers it reasonable to endeavour to minimise the use of treated and abstracted water. The policy does not specify whether, in the event of abstraction, this should be spread across a number of sources, or from one source. Such decisions would come at the time of consideration of any given development proposal, ensuring that the option taken did minimise the need for abstraction. Supplementary guidance on the topic sets out how water supply should be dealt with, including the provision of private supply. The CNPA therefore considers the approach to be correct, and sustainable, and the level of information to be sufficiently clear to guide applicants. The CNPA do not therefore support any change to the policy on the issue raised.

Water resources – omission within proposed text

SEPA (063) - Regarding the limitations of the policy in regard to avoiding unacceptable detrimental impacts on the water environment, the CNPA accept that the addition of text on this issue would provide further direction and clarity, and would ensure the policy was dealing with this issue in a consistent way throughout the plan.

SEPA have provided suggested wording to deal with this omission, and the CNPA support the principle of the wording suggested, but consider it to be excessively detailed for inclusion within the policy itself. The CNPA therefore suggest that an additional criterion be added to the policy:

“f) avoid unacceptable detrimental impacts on the water environment. Development should demonstrate any impacts (including cumulative) can be adequately mitigated. Existing and potential impacts up and downstream of the development, particularly in respect of potential flooding should be addressed.”

The CNPA would also suggest the addition of a final sentence to this part of the policy to deal with culverting in line with the suggested wording:

“There is a presumption against the culverting of watercourses and any unnecessary engineering works in the water environment. An appropriately sized buffer strip will require to be retained around all water features.”

The CNPA suggests the remainder of detail be included within supplementary guidance on the topic to provide the required level of detail sought by the objector.

Water resources – impact on supplies

SEPA (063) – Regarding c) of the policy, the CNPA accepts that the wording is unclear in regard to supplies, and supports the inclusion of the amended text suggested by the objector to read:

“c) have no significant adverse impact on public or private water supplies or wastewater treatment services”

Water resources – water quality

Woodland Trust Scotland (196) – obtaining increased tree cover is accepted by the CNPA as a way to improve water quality. However, the CNPA can only encourage this type of planting, rather than require additional planting to occur. The CNPA therefore do not support any change to the policy in this regard, but will continue to work with landowners to promote increased native tree planting as part of its land management work.

Flooding

Woodland Trust Scotland (196) – regarding the role of trees, in reducing the risk of flooding, the CNPA have some sympathy with the point being made. Whilst the policy deals with all forms of development, the CNPA can see the merit of providing additional guidance on this issue within the supplementary guidance on the topic. The CNPA would therefore support the addition of paragraphs within the supplementary guidance to explain the important role played by existing trees and woods, and the considerations which would be required when they are to be removed.

Connection to sewerage

Alvie Estate (028) – regarding the need to connect to the public sewerage network, the approach has been developed in discussions with SEPA as the government's environmental protection agency, and Scottish Water. The CNPA therefore considers that the approach is a sound one and has not attracted further comment or objection from either of these parties. The way in which this part of the policy will be applied is set out in some detail within the accompanying supplementary guidance (SDXxxx) and includes clear guidance drafted with assistance from SEPA to guide applicants on the approach.

The CNPA would not support any reduction in the approach being proposed by this part of the policy.

Waste Management and Minimisation

SEPA (063) – Regarding the use of 'or' within this part of the policy, the CNPA agree that this creates confusion. The removal of this will provide clarity that where relevant, all criteria must be met. The CNPA therefore support this proposed change.

The CNPA also accepts the removal of criteria b) as this would be better set out as an overarching paragraph separate to the assessment criteria. The inclusion of information regarding employment land will also improve clarity and is supported by the CNPA. The CNPA therefore support the proposed wording of this section of the policy in line with the objection received to read:

"All development should:

- a) safeguard existing strategic waste management facilities and all sites required to fulfil the requirements of the Zero Waste Plan;
- b) ensure the minimisation of waste from the construction of the development and throughout the life of the development as defined in a site waste management plan or statement

New waste management facilities must contribute towards the delivery of the Zero Waste Plan and should be located on existing waste management sites, or land identified for general industrial development, employment land or storage and distribution development."

Regarding further sites for waste management, the CNPA confirm that waste management sites have been identified within the settlement maps for information. Where the sites fall outwith the boundaries of identified settlements the CNPA accept that further information would be helpful to highlight their location. The CNPA therefore supports the addition of a list within supplementary guidance on the topic to provide the address of each site. The CNPA do not

however support any amendment to the maps contained within the Plan to list these as they are subject to change and as a dataset held by a third party, are best included within guidance which is subject to more ready change.

Minerals

Alvie Estate (028) – The CNPA considers it appropriate to restrict the exploitation of minerals within the National Park in a way which ensures the delivery of the four aims of the Park. It recognises that mineral reserves are a finite resource which is extremely limited. The CNPA is therefore committed to ensuring that reserves are protected where appropriate, and where extraction is appropriate, that it is done in a way which benefits the National Park and its aims. As such, it considers it reasonable to focus exploitation of minerals to sustainable levels which balance conservation with meeting the needs of local communities. The CNPA considers the criteria as set out to be reasonable to allow the use of local resources in certain circumstances which are closely linked to the needs of the National Park rather than allowing widespread export to areas outwith the Park. The CNPA would not therefore support any dilution of the criteria to allow greater exploitation of the limited reserves found within the Park.

Landfill

Alvie Estate (028); SEPA (063) - the approach is generally supported by SEPA as the government's environmental protection agency. The approach does presume against new landfill sites or extensions to existing sites unless several criteria are met. This is to ensure development delivers the four aims of the Park and encourages careful thought on how to deal with waste and waste reduction. This is in line with government thinking on the issue of waste, and the CNPA would not support any amendment to this.

Carbon sinks and stores

SEPA (063) – regarding a reference to forestry and woodland, the CNPA have chosen not to list all the possible resources which may provide a carbon sink or store within the policy. It considers the need to separate out the various resources to add unnecessary complexity to the policy. However, the CNPA agrees that there may be merit in the provision of additional information within supplementary guidance on this issue. The CNPA would therefore support an amplification of the supplementary guidance to provide greater clarity on role of woodland and forests, and the possible impact forestry works may have on this important resource. The CNPA do not however support any change to the policy regarding this issue.

Reporter's conclusions:

Reporter's recommendations:

