

Issue 8	Community Chapter Introduction	
Development plan reference:	Chapter 13 Community Information	Reporter:
Body or person(s) submitting a representation raising the issue (including reference number):		
<p>129 Aviemore and Vicinity Community Council 080 Badenoch and Strathspey Conservation Group 040 Scottish Natural Heritage 274 Scottish Water 063 SEPA 196 Woodland Trust Scotland 048 Nestrans</p>		
Provision of the development plan to which the issue relates:	Chapter 13 Community Information	
Planning authority's summary of the representation(s):		
<p><u>Scale of Development</u></p> <p>Badenoch and Strathspey Conservation Group (080) Object to overall scale and pace of development which is contrary to the 4th aim of the NP, in some cases contrary to the other 3 aims of the NP, is not sustainable, is not justifiable in a NP, is not justified in terms of national housing need as Badenoch & Strathspey has a higher rate of housing growth in recent years than most other parts of Scotland.</p> <p>Badenoch and Strathspey Conservation Group (080) – Object to important information and requirements provided in the current LP not being included in the LDP when they are still applicable to the LDP (and potentially Plans that come after the LDP, see comments on Dulnain Bridge as an example).</p> <p><u>Natural Heritage Issues</u></p> <p>Scottish Natural Heritage (040) - SACs, SPAs, Ramsar sites, NNRs and SSSIs should be named within the relevant community section of the plan. There is a need for consistency in whether SSSIs are named or not when they are also European sites.</p> <p>Badenoch and Strathspey Conservation Group (080) Object to the incomplete nature of SPAs listed under Natural Heritage in Settlement information. Capercaillie exist as a metapopulation and must be managed as such. All SPAs for capercaillie in Badenoch & Strathspey need to be referred to, not just the nearby ones.</p> <p>Badenoch and Strathspey Conservation Group (080) - Ancient Woodland Sites should be protected from built development with a stated presumption against development. Where a housing allocation is adjacent to an AWI site there should be a stated requirement for house plots to be set back from, rather than about the</p>		

AWI to reduce the impact of garden invasive species in the AWI site.

Water and Sewerage Capacity Issues

Scottish Water (274) - Request settlement specific information is provided on capacity and details of underground assets for information purposes.

SEPA (063) - Support community plans and the identification of land to help provide support for and maintain sustainable communities. However, object to site specific wording in some cases and provide comments in Table 1 (provided separately). Requests additional wording for individual sites which include a mix of existing operations and uses and new sites.

Climate Change

Woodland Trust Scotland (196) - Support inclusion of of climate change proposals within the proposed developments but suggest consideration should be given to including measures which contribute to both mitigation of, and adaptation to, climate change.

Green Spaces and Networks

Woodland Trust Scotland (196) - Seek increased recognition of woodland and individual trees as a valuable kind of green space in green infrastructure strategies. Green Infrastructure means the network of natural environmental components and green spaces that lie within and between cities, towns and villages. Woodland Trust Scotland (196) also indicate that the creation of Green Networks can include the provision of paths, creation of open space to allow people to get out and about, and establish areas of land as sustainable urban drainage systems (SUDS). Some of these actions will also reduce habitat fragmentation, so a green network is likely to be delivering a broader range of benefits for both people and wildlife.

Flooding Issues

SEPA (063) - Note sites with significant planning consents are shown for information only. However it is unclear what would happen should permission lapse or a new application be submitted. On some sites should permissions lapse or new development proposals are brought forward instead, further consideration of flood risk may be required and development of the sites may be more constrained than currently expected. Updated or new FRAs may be required. Inconsistency of wording on sites where a FRA is likely to be required, in some cases making it a requirement, in some may be a requirement. Text should be consistent.

Transport

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

reference to public transport, cycling and walking. For settlements along the Deeside way, reference should be made to this route and options to link new development to it.

General Comments of Support

Badenoch and Strathspey Conservation Group (080) - Support that Open Space land will be protected from development.

Badenoch and Strathspey Conservation Group (080) Support that many communities are described as “thriving”, which indicates that the CNPA do not consider their future to be threatened by e.g. An ageing population or skewed population age structure.

Comments on the Wording of Chapter 13 (Proposed Plan pgs 51- 53)

Aviemore and Vicinity Community Council (129) Para 13.4 – Concerned about the terminology used. The word 'protected' is no better than 'safeguarded'. It is misleading as it should also say 'unless other Policies dictate otherwise', which gives a completely different meaning.

General Comments on Maps

Woodland Trust Scotland (196) - Maps should include all Ancient and Semi-Natural Woodland, forest network habitats, designated sites, national cycle routes and Core Paths. They argue that showing these in relation to site allocations, gives a clearer understanding of how green networks can be established, provides an overview of how site allocations may impact Ancient Woodland in the future, and how further fragmentation can be avoided.

Badenoch and Strathspey Conservation Group (080) Object to the grey land and to its description as ‘Existing permissions - for information only’. It is inaccurate and misleading, does not reflect conditions attached to permissions. It does not clarify that permissions may lapse or amended. Land in some cases does not have permission and is allocated in the current Plan as ENV.

Modifications sought by those submitting representations:

Scale of Development:

Badenoch and Strathspey Conservation Group (080) seek a reduced scale and pace of development and the inclusion of all important information and requirements provided in the current LP in the LDP in regard to how sites should be developed, when they are still applicable (Dulnain Bridge, given as an example).

Natural Heritage Issues:

Scottish Natural Heritage(040) seek the identification of all SACs, SPAs, Ramsar sites, NNRs and SSSIs within the relevant community section of the plan and consistency in SSSIs naming. Badenoch and Strathspey Conservation Group (080) seek a complete list of SPAs under Natural Heritage in Settlement information and that all the SPAs for capercaillie in Badenoch & Strathspey need

to be referred to, not just the nearby ones and they seek a clear presumption against development for all Ancient Woodland Sites, and that where an allocation is adjacent to an AWI any house plots should be set back from the AWI site.

Water and Sewerage Capacity Issues:

Scottish Water (274) request settlement specific information is provided on capacity and details of underground assets for information purposes. SEPA (063) suggest various changes (see their Table One) to text for various communities and additional wording for individual sites which include a mix of existing operations and uses and new sites.

Climate Change:

Woodland Trust Scotland (196) suggests consideration should be given to including measures which contribute to both mitigation of, and adaptation to, climate change.

Green Spaces and Networks:

Woodland Trust Scotland (196) seeks increased recognition of woodland and individual trees as a valuable kind of green space in green infrastructure strategies.

Flooding Issues:

SEPA (063) seek clarity on what would happen should sites which currently have permission lapse or be subject to a new application be submitted, especially for sites where a new or revised proposal may trigger further consideration of flood risk. Suggest updated or new FRAs may be required and seek consistency of wording on sites where a FRA is likely to be required.

Transport:

Nestrans (048) seek consideration of public transport, cycling and walking developer contributions under each specific settlement. For settlements along the Deeside way, reference should be made to this route and options to link new development to it.

Comments on the Wording of Chapter 13: (Proposed Plan pgs 51- 53):

Aviemore and Vicinity Community Council (129) seek revisions to para 13.14 to clarify exactly what is protected from development and what is not and the addition of the words 'unless other Policies dictate otherwise' to para 13.14.

General Comments on Maps:

Woodland Trust Scotland (196) – seek the identification of all ancient and semi-natural woodland, forest network habitats, designated sites, national cycle routes and Core Paths on the maps. Badenoch and Strathspey Conservation Group (080) seek clarification around the issue of showing 'Existing permissions - for information only' and how this relates to conditions attached to permissions; the fact permissions may lapse or be amended. They request that the grey sites (land with planning permission) show accurately where development has permission to happen on the ground, and not simply the red line site for any application.

Summary of responses (including reasons) by planning authority:

Scale of Development

Badenoch and Strathspey Conservation Group (080) - Scottish Planning Policy (SDXX) requires Planning Authorities' to plan for future housing development in their areas including ensuring that a five-year ongoing effective housing land supply is available to meet the identified housing land requirements. There is therefore a requirement for plans to identify sites that make up there effective housing land supply for the next 5 years, as well as a requirement for the plan to provide clarity up to ten years and indication of areas of growth for the next twenty years.

The overall scale and pace of development is informed by need and demand for housing (SDXx evidence report), growth aspirations to support the economy (SDXxx NPPP) and the policy direction of the NPPP to support sustainable patterns of settlement growth (SDXx NPPP page 42). Specifically regarding housing development, whilst there is a requirement for planning authorities to demonstrate that they have a five year housing supply in their Local development Plan, they must also offer clarity on housing sites for 10 years and an indication for up to 20 years. The CNPA does not agree that this is contrary the aims of the National Park. The proposed LDP has set out a growth strategy which takes account of the aims of the Park and provides direction for both growth and protection. The housing need and demand in Badenoch & Strathspey is clearly identified in the Highland Council's Housing Need and Demand Assessment (HNDA) (SDXX). This has been incorporated into the evidence to support the Main Issues Report and proposed LDP (SDXx). The HNDA identifies Badenoch & Strathspey as its own housing market area. As such, it is important that the housing needs of the area are met within that area. CNPA is aware of the higher growth rates which have occurred in Badenoch & Strathspey in recent years. However, the need and demand in this area remains strong and the plan has provided for that. There is no assumption that this will continue unchecked in the future, and monitoring work on the delivery of the adopted and future plan will assess growth against need and demand, providing the necessary evidence to make any required adjustments to the growth strategy in the future.

Regarding the level of detail contained within the Plan, CNPA has taken on board the direction provided in Circular 1 2009 para 93 pg 25 (SDXX) that Supplementary Guidance 'will form part of the development plan' and as a result some information currently contained within the adopted Plan has been included in Supplementary Guidance to support the proposed LDP. This included additional information regarding policies, and site specific development briefs.

Further, some information included in the adopted Local Plan has been superseded by events, including sites gaining planning permission, completed developments, and changes to government guidance, local authority data such as HNDAs and legislative changes. To simply carry forward information from one plan to another without review would be inappropriate and CNPA do not support any change as a result of this representation.

Natural Heritage Issues

Scottish Natural Heritage (040); Badenoch and Strathspey Conservation Group (080) - The CNPA would not object to Scottish Natural Heritage's (040)

suggestion that SACs, SPAs, Ramsar sites, NNRs and SSSIs should be named within the relevant community section of the plan and would support the need for consistency in the naming of SSSIs as this would clarify. The suggested changes have been dealt with in the Schedule 4 forms under the sections for each of the relevant communities, and are not repeated here.

Scottish Natural Heritage (040) - The CNPA accepts that it would be useful to include a complete list of SPAs under Natural Heritage heading in the Settlement Information sections. The suggested changes have also been dealt with in the Schedule 4 forms under the sections for each of the relevant communities, and as such are also not repeated here.

The CNPA recognises the importance of the Capercaillie metapopulation in Badenoch & Strathspey and the need to consider this issue in a holistic way. SNH have suggested additional wording in the relevant community section of the Plan, which are supported by the CNPA as helping to ensure the issues of Capercaillie are considered holistically and these too are dealt with in the Schedule 4 forms under the sections for each of the relevant communities, and so are not repeated here.

Badenoch and Strathspey Conservation Group (080) - The CNPA does not believe a clear presumption against development in Ancient Woodland Sites would be appropriate. There is no legislative requirement for this, and the proposed LDP contains a clear policy direction regarding Ancient Woodland. Further information is provided within supplementary guidance to support this policy. CNPA therefore consider that the appropriate level of clarity has been provided and does not support any further change.

The suggestion that where a housing allocation is adjacent to ancient woodland, house plots should be set back from the woodland in order to reduce the impact of garden invasive species is an interesting suggestion, and one that could be taken forward in an assessment of any detailed proposal. CNPA would support the inclusion of this consideration within development briefs for key housing sites. CNPA does not however support any change to text of the policy regarding Ancient Woodland or text associated with allocated sites set out in the plan itself.

Water and Sewerage Capacity Issues

Scottish Water (274) – regarding the inclusion of information on capacity and details of underground assets for information purposes to assist applicants and communities, the CNPA believes this information could be more usefully provided as additional information to applicants rather than included within the Plan itself. This information is factual data which will change over time and this approach would enable information to be kept up to date regularly and reflect current circumstances more accurately.

SEPA (063) - The CNPA has carefully considered the specific requests from SEPA (063) for wording amendments for particular settlements. The changes, suggested to the specific communities have been picked up in the relevant Schedule Four forms for each settlement.

Climate Change

Woodland Trust Scotland (196) - The CNPA has accepted that the Plan should be clearer in its direction on issues regarding climate change, and has made a commitment to the provision of this information in the policy regarding sustainable design, and expansion of supplementary guidance in its response to issues raised in Schedule 4 Miscellaneous Policies. In addition, The CNPA would support the addition of “and the mitigation of, and adaption to, climate change” to the end of the list of considerations listed in para 13.16 if this was felt to be helpful.

Green Spaces and Networks

Woodland Trust Scotland (196) - The CNPA supports the provision of additional information regarding green infrastructure but considers the most appropriate place to provide this is within Supplementary Guidance. This could then include an explanation of what green infrastructure is (the network of natural environmental components and green spaces that lie within and between towns and villages, made up of woodland and individual trees). Reference could also be made in Supplementary Guidance to the usefulness of green infrastructure strategies and an explanation of how the creation of Green Networks can delivering a broad range of benefits for both people and wildlife, including through providing paths and open spaces to allow people to get out, the establishment of areas of land as sustainable urban drainage systems (SUDS) and the reduction in habitat fragmentation, could also be added. CNPA does not however consider this level of detail is appropriate for inclusion within the policy section of the Plan itself.

Flooding Issues

SEPA (063) – regarding land with extant permission, CNPA agree that should current permissions lapse further detailed work regarding flooding, and many other topics, may be required. This would be required through the normal course of submission and assessment of planning applications and CNPA does not consider it necessary to include text to clarify this within the Plan itself.

Transport

Nestrans (048) - CNPA accept the representation made regarding the role of developer contributions in improving public transport, cycling and walking and has made a commitment to include this within supplementary guidance to support Policy 12 Developer Contributions. Text regarding this has been included in the Schedule 4 response on this topic (SDXx).

Regarding the Deeside Way, CNPA would not object to the addition of reference to the Deeside way and the opportunities to link new development to it into the relevant community sections of the Local Development Plan - Ballater (pages 71- 75), Dinnet (pages and 120- 122) Braemar (pages 90- 94). This point has been picked up in the Schedule 4 form for Aberdeenshire (SDXx).

General Comments of Support

Badenoch and Strathspey Conservation Group (080) - The general comments of support are welcomed.

Comments on the Wording of Section 13 (Proposed Plan pgs 51- 53)

Aviemore and Vicinity Community Council (129) – CNPA have considered the comparison made between the use of words in the current adopted plan and that used in the proposed LDP. It is unclear which part of the adopted plan the representee refers to, as ‘safeguarded’ is not used in the context of a general policy approach. In discussions with the representee CNPA is of the view that the issue relates to open space and the level of protection offered to this. The adopted Local Plan (SDXx page 81 para 6.11) requires open space to be protected from ‘adverse’ development. The proposed LDP in para 13.14 alters this to clarify ‘they are protected from development’. CNPA considers this change as significant and one which clarifies the position. In using para 13.14 open space is clearly protected and CNPA does not therefore consider there to be a need for further clarification or amendment.

General Comments on Maps

Woodland Trust Scotland (196) - The CNPA does not support the suggestion from Woodland Trust Scotland (196) that all ancient and semi-natural woodland, forest network habitats, designated sites, national cycle routes and Core Paths should be shown on the Local Development Plan maps.

The Core Path Plan is prepared under separate legislation and as such could be subject to a different timetable for its preparation and review. The Core Path Plan is therefore included in the Supplementary Guidance which can be updated more easily.

As stated elsewhere, CNPA is of the view that third party data which is not within the control of the authority should not be included on settlement maps. CNPA is committed to the provision of this additional information as a separate suite of data to support the reading of the Local Development Plan. CNPA will make available, and keep updated, this information once the plan is adopted. CNPA does not therefore support any further change to this approach.

Badenoch and Strathspey Conservation Group (080) – regarding the inclusion of land with permission on settlement maps, CNPA remains of the view that this is helpful to the reader and sets the settlement maps in context. Should applications lapse CNPA will review the site and the role any development plays in delivery of the plan and will build this into its monitoring and review work to influence the next plan. Sites shown include the land with permission in full, and not those parts of larger sites which include areas of built development and areas of open space. The information is included for information only and is not considered to be misleading as permissions exist. CNPA does not support any change to this approach.

Reporter’s conclusions:

Reporter's recommendations: