

AGENDA ITEM 5

APPENDIX 2

RECORDS OF REPRESENTATIONS & CHANGES TO SUPPLEMENTARY GUIDANCE

Appendix 2

Responses received to Proposed Supplementary Guidance

Contents	Page
New Housing Development	1
Supporting Economic Growth	6
Sustainable Design	8
Natural Heritage	12
Landscape	28
Renewable Energy	32
Sport and Recreation	39
Cultural Heritage	42
Resources	46
Developer Contributions	55
Development Briefs	60

Issue:	New Housing Development
Supplementary guidance reference:	Supplementary Guidance 2 (Policy 1)
Body or person(s) submitting a representation raising the issue (including reference number)	
040 Scottish Natural Heritage (SNH) 043 The Highland Council 057 Tulloch Homes Group Ltd 078 D Fairlie Partnership 110 Perth and Kinross Council 239 Ristol Ltd	
Provision of the supplementary guidance to which the issue relates:	
CNPA summary of the representation(s):	
<p><u>Commuted Sums</u></p> <p>Perth and Kinross Council (110) - Spending of commuted sums should include housing market areas in addition to relevant secondary school catchment areas to reflect existing delivery mechanisms of all housing authorities within the Park area.</p> <p><u>Contributions towards affordable housing provision</u></p> <p>Ristol Ltd (239) - Consider the benchmark of £25,000 per house is too high which may impact on the delivery of new housing in the rural areas. Reduction of this value to £10,000 would reflect 15-25% of rural land values and still be subject to an assessment of development viability by site.</p> <p>The threshold for affordable housing contributions should be set at 4 or more residential units given the cost of delivering rural housing to reflect higher design and service costs.</p> <p>Tulloch Homes Group Ltd (057) – The SG makes no reference to a flexible approach to affordable housing contributions in the application of the ‘Development Appraisal Toolkit’. A flexible approach is promoted in current and emerging national policy.</p> <p>The level of financial contribution payable in lieu of the provision of affordable housing on a site is unclear. Who is to carry out the assessment of value of the development land and how an alternative figure for a financial contribution is to be calculated is also considered unclear. This approach to financial contributions leads to uncertainty, contrary to SPP para. 87.</p> <p>D Fairlie Partnership (078) – Support the requirement for all residential development to contribute towards affordable housing (para. 2.11, 2.16 & 2.19). However, suggestion that the requirement for financial contribution should not be discounted for development of less than 4 houses. Discounting for these types of development may encourage small developments of low density, providing less contribution to local need (para. 2.19).</p> <p>Following the use of the toolkit for developer contributions, a formal approach is recommended for use where calculated levels cannot be achieved. Further consideration of the toolkit is requested (para. 2.12).</p> <p>Concern that the information required in identifying that affordable housing development may not always be available or necessary. Specifically, that the residents are in housing need, financial information and have a need to live in the chosen locality (para. 2.23 & 2.25) particularly in cases where low cost housing is provided without subsidy.</p>	

Housing development in existing rural groups

Ristol Ltd (239) – The increase in size of a rural group by over 1/3rd should be removed and replaced with an assessment of landscape, service capacity and impact on character to reflect the aims of rural housing in SPP.

The Highland Council (043) – The approach to development in existing rural groups is similar to that of The Highland Council. However is less restrictive in regards to the definition of where potential for development lies within a group of three ‘buildings’ rather than ‘houses’ as required by THC.

The potential for development on brownfield sites should be supported by information regarding why and when these sites became redundant. Consideration should be given to PAN 73 where new development should form the option for regeneration only where brownfield land cannot be returned to a Greenfield state without significant investment and remediation.

Conversions

SNH (040) – Recommend that the conversions of traditional and vernacular buildings should include reference to the possible need for a bat survey (para. 2.32).

Modifications sought by those submitting representations:

Commuted Sums

Perth and Kinross Council (110) - Modification of para 2.17 to state ‘The contribution will be put towards the provision of affordable housing to meet the need in the same housing market area or other such appropriate area as defined by the relevant housing authority’.

Housing development in existing rural groups

Ristol Ltd (239) – Reference to a threshold of no more than 1/3rd increase in rural group size should be removed and replaced with the need for site specific assessment of service capacity, impact on landscape and character.

The Highland Council (043) – The definition of brownfield land, in text and glossary, is refined to state clearly where and in what circumstances brownfield land will be viewed as having potential for new housing development.

Contributions towards affordable housing provision

Ristol Ltd (239) – The value of £25,000 should be reduced to £10,000 per unit for developments of three or more houses (para. 2.18).

Ristol Ltd (239) – That no affordable contribution is required for fewer than 4 houses.

Tulloch Homes Group Ltd (057) –

- Make it clear that a flexible approach to the application of the 25% requirement will be considered on a site by site basis (para. 2.11).
- Make it clear that the 25% requirement will not be applied rigidly in uncertain economic circumstances (para. 2.11).
- Reference to the value of the development land to the calculation of the appropriate financial contribution in lieu of the provision of affordable housing should be omitted. The guide figure of £25,000 should be applied to the circumstances of each site proportionately. The figure payable for contributions in lieu of the provision of

affordable housing should be capped at £25,000 (para. 2.18).

- Make it clear that the percentage requirement does not apply to allocated sites which have been carried forward and for which planning consent has already been issued.

D Fairlie Partnership (078) – Clarification that the toolkit is not intended to stop development and that the results achieved by the toolkit can be used to inform negotiations (para. 2.12).

Removal of proportional approach to financial contributions to developments of less than four dwellings (para. 2.19).

Amendment to para. 2.23 and 2.25 to state that the information required by the first 2 bullet points ‘may’ be requested depending on the type of affordable housing provision.

Conversions

SNH (040) – Modification of para. 2.32 to something similar to ‘If there is good reason to believe that the building contains bat roosts, you should commission a bat survey. If the presence of bats or their roosts is then established, you should prepare a species protection plan to accompany your planning application’.

Summary of responses (including reasons) by CNPA:

Commuted Sums

Perth and Kinross Council (110) – The Cairngorms National Park Authority (CNPA) accepts commuted sums in housing market areas in certain circumstances, providing these are within the Park. The addition of wording to para. 2.17 to read ‘The contribution will be put towards the provision of affordable housing in the relevant secondary school catchment area or housing market area if appropriate’ is accepted by the CNPA.

Housing development in existing rural groups

Ristol Ltd (239) – Regarding housing in an existing rural group, the CNPA do not support the removal of a cap to the number of additions to the group. The CNPA considers there to be a need to manage the growth of small groups of houses in the countryside, allowing them to grow in an organic and sympathetic way. This allows communities to absorb new development in a more acceptable way. The CNPA also seeks through this cap, to provide clarity to applicants on exactly what is likely to be acceptable. The removal of any cap would provide no indication of what may be acceptable and this would result in confusion for applicants, and communities who would be unable to conceive what is likely or possible during the life of the plan.

The Highland Council (043) – The CNPA has tested the existing policy using the terminology ‘houses’ and received few applications. The CNPA support this type of development and therefore do not support the proposed modifications. The use of ‘buildings’ is set out in policy and its use within the SG ensures consistency.

The Highland Council (043) – Regarding the need to define brownfield land the CNPA housing policy allows for a variety of options to provide sufficient choice to meet the demand for housing in the countryside. This is set out in policy and the CNPA does not support the inclusion of further text to expand on the current definition. The CNPA are consistent in the approach set out by SPP and the proposed modification is considered to

exceed this.

Contributions towards affordable housing provisions

Ristol Ltd (239) – The CNPA does not agree that the benchmark is too high. This level is set out in existing policy and is considered to provide appropriate levels of contributions towards affordable housing within the Park. Similarly, the threshold for affordable contributions is set in current policy and considered appropriate.

Tulloch Homes Group Ltd (057) & D Fairlie Partnership (078) – Reference to the Development Appraisal Toolkit has been removed. The toolkit is being reviewed to create a simpler template and more consistent approach for assessing sites and proposals. The considerations mentioned in the policy and SG will still be taken into account.

Tulloch Homes Group Ltd (057) - The CNPA accepts that the figure of £25,000 should be proportionate to each site for fewer than 4 houses. However, it is not accepted that this figure should be capped at £25,000 or that the value of the land is irrelevant for use in the toolkit. As specified in para. 2.11, 2.16 and 2.18 these figures are used as a guide to provide a starting point for negotiations. Individual site characteristics should be considered in each case.

For clarity the CNPA agree to modification of para. 2.19 to read ‘Where a development is of less than four houses...’ with the addition of text ‘Three houses – 15% of the £25,000 benchmark = £3,750’.

The CNPA do not consider it necessary to clarify that the percentage requirement does not apply to allocated sites or where planning consent has already been issued. Any permission issued is subject to the appropriate provisions applicable at the time it was granted.

D Fairlie Partnership (078) –It is not considered appropriate to remove the contributions for fewer than four houses. The CNPA is mindful of the possible impact of the proportional effect however, this threshold is set out in policy.

In regards to where information is required to ensure applicants require affordable housing, the modification is not supported. Information is required in all cases to ensure that the development is providing for a specific need, regardless of the type of affordable housing. Suggesting that the information ‘may’ be required reduces clarity for applicants. The CNPA will review the existing information note demonstrating need for affordable housing for further clarity.

Conversions

SNH (040) – In order to avoid repetition the need for bat surveys is set out in the Natural Heritage policy and SG. The CNPA does not support this modification.

Objections raised through Schedule 4 template:

Other issues

Inconsistencies in para 2.18 and 2.19 as a result of consolidation from previous policy. Modification is required to provide a consistent approach within the SG. Para. 2.18 to read ‘The guide for this financial contribution is £25,000 per unit for developments of four or more houses’. Correction to para. 2.19 is discussed above (Response to Tulloch Homes Group Ltd).

Changes:

The CNPA proposes the following amendments to the Supplementary Guidance for Policy I (Note that paragraph numbers in the SG now start with I):

Commuted Sums

- Modify third sentence in para 2.17 to read 'The contribution will be put towards the provision of affordable housing in the relevant secondary school catchment area or housing market area if appropriate'.

Contributions towards affordable housing provisions

- Modify Para 2.19 to state 'Where a development is of less than four houses...' with the addition of 'Three houses – 15% of the £25,000 benchmark = £3,750'.
- Amend second sentence of para. 2.18 to read 'four more houses'.

Other changes by CNPA:

- Remove reference to the Development Appraisal toolkit as a basis for negotiation.

Actions independent of Supplementary Guidance:

- Undertake a review of the Development Appraisal Toolkit to make it simpler.
- Review existing information note demonstrating need for affordable housing.

Issue:	Supporting Economic Growth
Supplementary guidance reference:	Supplementary Guidance 3 (Policy 2)
Body or person(s) submitting a representation raising the issue (including reference number)	
043 The Highland Council 078 D Fairlie Partnership 074 Tayside and Central Scotland Transport Partnership (Tactran) 239 Ristol Ltd	
Provision of the supplementary guidance to which the issue relates:	
CNPA summary of the representation(s):	
<u>General</u> D Fairlie Partnership (078) – Support.	
<u>Retail development</u> The Highland Council (043) – Where a retail proposal is put forward outwith a town centre location it is considered that SPG should require sufficient retail capacity information to allow the CNPA to consider whether there will be no detrimental impact on the vitality and viability of that settlement/centre (in accordance with policy).	
<u>Tourism and leisure development</u> Ristol Ltd (239) – Express provision should be made in support for chalet projects (para. 3.3). Tactran (074) - Access by non-car modes should be added to para. 3.6.	
Modifications sought by those submitting representations:	
<u>Retail development</u> The Highland Council (043) – Suggested amendment of information requirements for retail development to seek sufficient retail impact analysis information to support retail proposals for developments outwith town centres.	
<u>Tourism and leisure development</u> Ristol Ltd (239) – Express provision should be made in support for chalet projects (para. 3.3). Tactran (074) - Access by non-car modes should be added to para. 3.6.	
Summary of responses (including reasons) by CNPA:	
<u>Retail development</u> The Highland Council (043) – The Cairngorms National Park Authority (CNPA) agree to the addition of text to clarify requirements for retail impact analysis. Following para. 3.1 the following text is proposed ‘A retail impact assessment may be required depending on the scale of development’.	
<u>Tourism and leisure development</u> Ristol Ltd (239) – The CNPA do not agree that there is a requirement to list specific types of tourism developments. The CNPA supports tourism development and does not have a	

preference to certain development types over another. The proposed modification is not accepted.

Tactran (074) – The CNPA support low carbon methods of transport and agree with the addition of access to non-car modes to para. 3.6, bullet point 1 to read ‘access arrangements to/from/within the proposed development site including non-car modes’.

Objections raised through Schedule 4 template:

Identification of land for economic growth

Coast2Coast Architects (159) – The CNPA has carried out extensive research to seek out the ambitions of investors to provide the necessary land allocations to meet their investment aspirations over the plan period (Background Evidence Report 2 Economy SD13 page 55 onwards). The research proved inconclusive, providing no hard evidence of actual demand for particular allocations or the identification of specific sites for inward investment. The CNPA has therefore taken a flexible approach which provides a policy framework to allow appropriate development to come forward in a way which protects the special qualities of the Park. The CNPA will continue to work with the business sector to develop our knowledge of on-site requirements, and should such information come forward, may consider the use of another mechanism to formally identify land in the future, or include this in work to review the LDP in the future.

Objections raised through Schedule 4 template:

None

Changes:

The CNPA therefore propose the following amendments to the Supplementary Guidance for Policy 2 (Note that paragraph numbers in the SG now start with 2):

- Insert ‘A retail impact assessment may be required depending on the scale of development’ following para. 3.1.
- Addition of ‘including non-car modes’ to first bullet of para. 3.6.

Issue:	Sustainable Design
Supplementary guidance reference:	Supplementary Guidance 4 (Policy 3)
Body or person(s) submitting a representation raising the issue (including reference number)	
051 The Scottish Government 078 D Fairlie Partnership 170 D Dickie 235 Scottish Water 242 Highlands and Islands Transport Partnership (HITRANS)	
Provision of the supplementary guidance to which the issue relates:	
CNPA summary of the representation(s):	
<p><u>General</u></p> <p>D Fairlie Partnership (078) – Support.</p> <p><u>Use complementary materials</u></p> <p>D Dickie (170) – Concerns that the wording in para. 4.15 and 4.16 are too vague resulting in development that contrasts with existing buildings.</p> <p><u>Promote sustainable transport</u></p> <p>HITRANS (242) – Reference should be made to the need for new development to take into account the HITRANS Aviemore Active Travel Audit. Action Plans for other settlements have been recommended by Transport Scotland’s Cycling Action Plan for Scotland (June 2013) which may result in similar Action Plans over the lifetime of the LDP.</p> <p>The Scottish Government (051) – Welcome the fact that the SG makes reference to the need for a Transport Assessment however, the scope of the assessment should be agreed with Transport Scotland where there are potential impacts on the trunk road network (para.4.24).</p> <p>New accesses which may be private and not form part of the public road should be included in para. 4.25.</p> <p>Not all improvements required to support a development will relate to sustainable modes of transport (page 23).</p> <p><u>Provision of private amenity space</u></p> <p>The Scottish Government (051) – Suggest that information relating to parking and access of new development onto a classified road may be more appropriate within the heading ‘Promote sustainable transport’ (para. 4.40-4.42).</p> <p><u>Minimise effects on climate change</u></p> <p>Scottish Water (235) – Welcomes the mention of water use in the policy requirements table (page 19) however there is no specific mention of this in further sections where other policy/information requirements are expanded.</p>	

Modifications sought by those submitting representations:

Use complementary materials

D Dickie (170) - Specification of maximum height of 1.5 storey and use of local materials.

Promote sustainable transport

HITRANS (242) - Reference to be made to priorities and recommendations identified in the HITRANS Aviemore Active Travel Audit and similar action plans which may be developed.

The Scottish Government (051) – Addition of wording in para. 4.24 stating: ‘The need for, and scope of which, will be agreed in consultation with the relevant roads authority(s)’.

Insertion of the words ‘or access’ to the first sentence of para. 4.25 which should then read: ‘If a new or improved made-up public road or access is required then the proposed development must not be occupied until the road is constructed to a standard which satisfies the relevant roads authority’.

The heading ‘Promote sustainable transport’ (page 23) may be more appropriately named ‘Transport’.

Provision of private amenity space

The Scottish Government (051) – Movement of para. 4.40-4.42 to within the heading of ‘Transport’.

Minimise effects on climate change

Scottish Water (235) – Specific mention of what actual role water usage has to play in minimising the effects on climate change (page 21, para. 4.2-4.6). Scottish Water is happy to work with CNPA in providing some additional information in relation to promoting water efficiency as a sustainability measure.

Summary of responses (including reasons) by CNPA:

Use complementary materials

D Dickie (170) – The Cairngorms National Park Authority (CNPA) do not deem it necessary to promote the use of local materials further than is set out in the summary table (page 19) and para. 4.15 which states ‘...you will need to strike a balance between sourcing materials locally and bringing in specialised products...’. The CNPA supports development that complements existing buildings, including the use of local materials where possible. It is considered the policy and SG make suitable provision for this and the modification is not supported.

The inclusion of a maximum height of 1.5 storeys is not supported. Provision is given for design which is complementary to the existing character, traditional pattern and local vernacular. Including a maximum height of 1.5 storeys would prove restrictive in certain circumstances. The CNPA consider the SG explicit in supporting the use of local materials where its’ sustainability and long term performance is also considered. The modification is not supported.

Promote sustainable transport

HITRANS (242) - The CNPA agree to the inclusion of reference to travel action plans,

recommended by Transport Scotland, where there are potential impacts on the trunk road network. Modification to para. 4.22 to include the following ‘New development should be located to allow people to use existing sustainable transport initiatives (both motorised and non-motorised initiatives), and to create new multi-links where appropriate. Consideration should be given to local and national cycle action plans and Active Travel Audits where available (such as the HITRANS Aviemore Active Travel Audit)’ is proposed.

The Scottish Government (051) – The CNPA agree that Transport Assessments should be undertaken in consultation with Transport Scotland in certain cases. For clarity, the CNPA agree to the amendment of para. 4.24 to read ‘We will require a Transport Assessment, prepared in consultation with Transport Scotland where transport impacts of the development are considered significant’.

The CNPA agree that private roads should be included in para. 4.25 to ensure a consistent approach to access requirements for all proposed road development. Modification of para. 4.25 to read ‘If a new or improved made-up public or private road is required then the proposed development must not be occupied until the road is constructed to a standard which satisfies the relevant roads authority’.

In order to support and encourage sustainable travel the CNPA do not accept the proposed modification of the heading ‘Promote sustainable travel’ to ‘Travel’. Although the SG may not result in sustainable methods in every instance, the CNPA promote consideration of sustainable methods of transport within all new development.

Provision of private amenity space

The Scottish Government (051) – The section titled ‘Promote sustainable transport’ contains information relating to travel to and from sites (para. 4.40-4.42). Information relating to parking and access is contained within the ‘Provision of private amenity space’ (para. 4.36-4.43) which relates to use of the site. The CNPA consider that this provides sufficient clarity to readers and does not support the modification.

Minimise effects on climate change

Scottish Water (235) – In reference to the use of water efficiency contained on page 19, this is expanded within para. 4.18 which states ‘all new development should incorporate the most sustainable systems of energy, water and waste management to reduce pressure on the infrastructure within the Park’. The CNPA consider this sufficient to ensure sustainable water use is promoted in all proposals and does not support the modification.

Objections raised through Schedule 4 template:

Green Roofs in design

Buglife (139) – the CNPA has some sympathy with the representees’ request to encourage green roofs. 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.

Climate change

The CNPA has considered the approach taken by Perth and Kinross, as suggested. It accepts that the approach taken in the Cairngorms National Park does not set such definable standards as set out by Perth and Kinross. The CNPA can see the merit of setting

out clear standards which can be measurable, and agrees that a clear link to building standards is an excellent way to achieve this. CNPA suggests that in finalising supplementary guidance associated with this policy, additional information could be included to make clear the standards set out in Building Standards and to follow the approach taken in Perth and Kinross Council. This approach would allow the plan policy to remain accurate, with any amendments to supplementary guidance to take account of changes to building standards to occur as necessary.

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 deliver 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.

Changes:

The CNPA therefore propose the following amendments to the Supplementary Guidance for Policy 3 (Note that paragraph numbers in the SG now start with 3):

Promote sustainable transport

- Modify para. 4.22 to read ‘New development should be located to allow people to use existing sustainable transport initiatives (both motorised and non-motorised initiatives), and to create new multi-links where appropriate. Consideration should be given to local and national cycle action plans and Active Travel Audits where available (such as the HITRANS Aviemore Active Travel Audit)’.
- Amend first sentence in para 4.24 to read ‘We will require a Transport Assessment, prepared in consultation with Transport Scotland where transport impacts of the development are considered significant.’
- Amend first sentence in para. 4.25 to read ‘If a new or improved made-up public or private road is required then the proposed development must not be occupied until the road is constructed to a standard which satisfies the relevant roads authority’.

Changes in response to objections raised through Schedule 4 template:

- Restructuring the ‘Minimise effects on climate change’ section (from para. 4.2) to include greater emphasis on low carbon design, green infrastructure (including green roofs) and building standards for energy efficiency.

Other changes by CNPA:

- Move and condense the ‘Core Paths plan’ Supplementary Guidance into para. 4.29 - ‘Maximise opportunities to link to existing paths’. It is considered that reference should be made directly to the Core Paths Plan and therefore having a separate Supplementary Guidance for Core Paths is not considered necessary.

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Issue:	Natural Heritage
Supplementary guidance reference:	Supplementary Guidance 5 (Policy 4)
Body or person(s) submitting a representation raising the issue (including reference number)	
040 Scottish Natural Heritage (SNH) 043 The Highland Council 063 Scottish Environmental Protection Agency (SEPA) 139 Buglife 050 Glenprosen Estate	
Provision of the supplementary guidance to which the issue relates:	
CNPA summary of the representation(s):	
<u>General</u>	
<p>Glenprosen Estate (050) – Alteration to SG to include the relevant new National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP) policies on natural heritage.</p> <p>Alteration of SG to incorporate text, mapping and references to SNH’s Core Areas of Wild Land mapping to inform planning decisions.</p> <p>Alteration of SG to clarify that wind farms outside of the Park must take account of this policy, the policies and guidance of surrounding planning authorities. Include guidance to strengthen the policy to protect and enhance the setting of the Park and to ensure the Park remains one of the best National Parks in the world.</p>	
<u>Summary table</u>	
<p>SEPA (063) – Suggest that cross referencing to required information specified later in the section be contained in the summary table (page 26, principle 1). Specifically, the need for a Construction Management Statement (CMS), demonstration of capacity in waste water treatment works, capacity in the water supply and capacity for water extraction, if required (as set out in para. 5.53, 5.57, 5.58 & 5.59).</p>	
<u>How to meet the requirements of the policy: Principle 1 – ENSURE NO NET LOSS</u>	
<p>Buglife (139) – Agreement that there should be no net loss (including species not legally protected) but the Cairngorms Nature Action Plan is referenced for clarity. Explicit detail regarding the ‘mitigation hierarchy’ should be included which is currently only alluded to in previous paragraphs. It is portrayed that it is possible to compensate biodiversity loss whereas this should be stated as a last resort (para. 5.3).</p> <p>The compensation methodology is a form of biodiversity offsetting which recent research has demonstrated that some habitats are not replaceable in human lifetimes and their loss cannot be offset, particularly peat land and ancient woodland (para.5.7). Compensation and offsetting is a relatively new concept with varying level and quality of compensation to date. Biodiversity offsetting does not align with the aims of the National Park of which conservation should take precedence over the other aims.</p> <p>The Highland Council (043) – It is appreciated that the process identified by this policy ensures that nature heritage is given appropriate consideration. It is perceived that the policy approach which promotes the principle of no net loss of natural heritage may be at odds with the parent policy. Examples of planning applications and information requirements</p>	

would help clarify the pragmatic and proportional approach that will be followed.

How to meet the requirements of the policy: Principle 3 – MANAGE

Buglife (139) – It should be clearer that if there is any doubt about mitigation or compensation the precautionary principle will be applied. The end point of this may be planning permission not being granted (Para. 5.12).

Precautionary Principle

SNH (040) – Further information should be provided to explain the need for a species protection plan. Where mitigation is insufficient to provide protection, a species licence would be required. This information is available on the SNH website (para. 5.13).

How to compile the required survey evidence

Buglife (139) – Invertebrate surveys are required to help protect and enhance the invertebrate fauna which underpins the Cairngorms ecology, particularly in mountain, boreal and woodland areas and cooler climates. Surveys should cover a range of species and groups. This can be obtained from North East Biological Records Centre (Para. 5.14).

Reference to the Institute of Ecology and Environmental Management guidelines in assessing sites for development would promote a good level of assessment from the outset (para. 5.16).

SNH (040) – Concerns that it is implied that the need for early surveys will be eliminated. This is not always a suitable approach for example if there is a time lag prior to commencement of works requiring re-surveys (para. 5.20).

Protected species

SNH (040) – Species other than European Protected Species should include badgers (para. 5.26).

Other priority species

Buglife (139) - Positive to see the inclusion of species outside of legal protection are mentioned. This would be further enhanced by reference to Scottish Biodiversity List, UK BAP and Cairngorms Nature Action Plan (para. 5.27).

SNH (040) – In reference to other priority species this paragraph also discusses habitat protection but makes no reference to Annex I of the Habitats Directive. This paragraph gives the opportunity to include the new general duty introduced by the Conservation (Natural Habitats, &c) Amendment (Scotland) Regulations 2012 in regard to wild bird habitat. This requires “*public bodies must take such steps in the exercise of their functions to secure the preservation, maintenance or re-establishment of a sufficient diversity and area of habitats for wild birds in Scotland and competent authorities must use all reasonable endeavours to avoid pollution or deterioration of habitats (in undertaking these measures regard may be had to economic and recreational requirements)*”.

SEPA (063) – Highlight that groundwater dependent wetlands should be referenced within para. 5.27 and subsequent examples.

Soils and soil carbon

SEPA (063) – It is implied within para. 5.30 that a soil survey is not required for all development which is not in line with the ‘Information required’ in the summary table (page

26).

Examples of developments and requirements for natural heritage guidance

SEPA (063) – National Vegetation Classification (NVC) Surveys are frequently required for major developments in the CNP and should be included (para. 5.46).

Connectivity of habitat and fragmentation

SNH (040) – Welcome the inclusion of ‘green networks’. This could be clarified by additional reference to species movements (para. 5.35).

Initial site audits required

SNH (040) – Welcome the table relating to initial site audits required however, it could be enhanced through clarification of terminology ‘nearby’. Information is provided within SNH guidance ‘Assessing Connectivity with Special Protection Areas’ (2012).

Requirements for applications affecting an international or National Designation (Natura 2000 Site)

SNH (040) – It is inaccurate to state that Ramsar sites are given equivalent protection as Natura sites as a matter of policy as stated in SPP (2010) para. 136 and Draft SPP (2013) para. 140.

Suggestion that the extent of river Special Area of Conservation’s should be made clearer in para. 5.49, over and above the 49% of the park area that is physically covered by Natura designated areas.

It is not explicit that non-designated woodlands in the Cairngorms also have capercaillie present that are the qualifying feature of SPAs elsewhere (para. 5.50).

Applicants should give consideration to in-combination effects as part of the assessment where necessary (para. 5.51).

Pollution and Siltation from construction sites

SNH (040) – welcome the requirement for a CMS to protect water quality during construction works. However, for purposes of an appropriate assessment, a CMS should be submitted with the planning application rather than as a suspensive condition (para. 5.53).

Requirement for Sustainable Urban Drainage Scheme (SUDS)

SNH (040) – For purposes of appropriate assessment it is preferable for information regarding Sustainable urban Drainage Systems (SuDs) to be submitted with the planning application rather than the result of a suspensive condition (para. 5.55).

Pollution from waste water

SNH (040) – Concern over the current uncertainty over the standard of protection for phosphorus levels and both adult and juvenile freshwater pearl mussels (para. 5.56).

To provide a more logical and precautionary standard for removal of pollutants from waste water, levels should be based on the time of commencement. This would allow for time delays between approval of the development and commencement of development (para. 5.57).

Disturbance to Capercaillie

SNH (040) – Clarification is required to make explicit that capercaillie from SPAs can be

present in non-designated pine woodland and potential impacts can be more widespread than expressed (para. 5.62).

The text used within the Supplementary Guidance (SG) is not as strong as implied in the draft HRA. It doesn't refer to the need for a Recreation Management Plan, nor to proposals not being acceptable if the RMP and accompanying contribution towards the 'Capercaillie Action Plan' are regarded as insufficient to avoid adverse effects (para. 5.63).

Reference is required to connected non-designated woodland sites as well as affected SPA sites (para. 5.63, criterion 2).

Site specific mitigation is likely to involve a package of recreational management measures both 'on site' as part of the development site itself (e.g. paths, open spaces) which can be secured as part of a Recreational Management Plan. However, 'off-site' mitigation could be secured through agreed developer contributions via a Section 75 Obligation to a 'Cairngorms Capercaillie Action Plan' administered by CNPA in conjunction with landowners via the Cairngorms Nature Action Plan. SNH feel there is an important link to the Developer Contributions Supplementary Guidance (para. 5.63, criterion 5).

Mitigation measures should be legally- as well as practically enforceable (para. 5.63, criterion 7).

Recognition of the importance of proportionality. However, the evidence base, information and mitigation must be sufficient to enable the planning authority to conclude that there would be no adverse effect on the integrity of any Natura site, either alone or in combination with other plans or projects (para. 5.63, criterion 11).

Modifications sought by those submitting representations:

General

Glenprosen Estate (050) – Alteration to SG to include the relevant new NPF3 and SPP policies on natural heritage.

Alteration of SG to incorporate text, mapping and references to SNH's Core Areas of Wild Land mapping to inform planning decisions.

Alteration of SG to clarify that wind farms outside of the Park must take account of this policy, the policies and guidance of surrounding planning authorities.

Include guidance to strengthen the policy to protect and enhance the setting of the Park and to ensure the Park remains one of the best National Parks in the world.

Summary table

SEPA (063) – Cross-reference to requirements for CMS, demonstration of capacity in waste water treatment works and capacity in water supply from summary table (Principle I, Information required) as set out in para. 5.53, 5.57 & 5.58.

Reference to requirement for information on capacity for water extraction, if required in summary table (Principle I, Information required) as set out in para. 5.59.

How to meet the requirements of the policy: Principle I – ENSURE NO NET LOSS

Buglife (139) – Include reference to Cairngorms Nature Action Plan in para. 5.3.

Make more explicit that compensation is a last resort.

Include that avoidance is the best method of compensation followed by mitigation with conditions or agreements. Where avoidance or mitigation is not possible, a development

should not be approved.

The approach to compensation in para. 5.7 should be underpinned by robust metrics to calculate offsetting requirements. Specifically:

- These must be science based. Where there are gaps in knowledge, research must be carried out to ensure that most appropriate and effective methodology is being used.
- It should be accepted that some habitat losses or species impacts cannot be offset and these should be excluded from any schemes
- Species of conservation significance must be incorporated into the framework as opposed to the current focus on habitats which may lead to overlooking specialist habitat niches required by invertebrates
- All development must be assessed so that the gross impact of development on individual species and habitats is known. Directly measureable impacts of development on the immediate area and indirect impacts on wildlife habitats must be included
- Biodiversity offsetting must be the last resort with the principles within NPF should be adhered to.
- Offsetting must never lower the protection provided to SACs, SPAs, and SSSIs
- Offsetting must ensure the direct impact of development on individual species and habitats is remediated in terms of those species and habitats as close to the area of damage as is possible.
- Offsetting schemes must be strictly and independently regulated, transparent, enforced monitored and evaluated over an ecologically appropriate timescale; guaranteed in perpetuity through land safeguarding or covenanting and the finance needed to ensure long term security and management guaranteed.

The Highland Council (043) – Figure 1 should be placed at the start of this SG.

Examples of planning applications and information requirements would help clarify expectations.

How to meet the requirements of the policy: Principle 3 – MANAGE

Precautionary Principle

Buglife (139) – It should be explicit that the precautionary principle will be applied if there is any doubt about mitigation or compensation and subsequently planning permission will not be granted (para. 5.12).

SNH (040) – Addition of wording after para. 5.13 to cover species protection plans and to explain the relationship between planning and licensing.

How to compile the required survey evidence

Buglife (139) – Ensure that surveys are required to cover a range of species and groups with direction to the North East Biological Records Centre to show historic species.

Reference to the Institute of Ecology and Environmental Management guidelines within para. 5.16.

SNH (040) – Amend para. 5.20 to avoid the word ‘eliminate’. Include reference to the

circumstance where re-surveys are required prior to commencement of works.

Protected species

SNH (040) – Addition of ‘Protection of Badgers Act 1992 as amended’ to para. 5.26.

Other priority species

Buglife (139) – Ensure that surveys are required to cover a range of species and groups with direction to the North East Biological Records Centre to show historic species for each site within para. 5.27.

Reference to the Scottish Biodiversity List, UK BAP and Cairngorms Nature Action Plan to para. 5.27.

Scottish Natural Heritage (040) – Further examples of priority habitats should be added to para. 5.27 or in a separate paragraph headed ‘Other priority habitats’. This includes:

- Juniper woodland,
- Oak/hazel woodland,
- Lowland species rich grassland, both riparian and otherwise.

Reference should be added to the new general duty introduced by the Conservation (Natural Habitats, & c) Amendment (Scotland) Regulations 2012.

SEPA (063) – Groundwater dependent wetlands should be included as an example (para. 5.27).

Soils and soil carbon

SEPA (063) – Modification to para. 5.30 to make explicit that a soil survey is required for all developments.

Requirements of the soil survey should then be set out in para. 5.31.

Examples of developments and requirements for natural heritage guidance

SEPA (063) – NVC Survey should be included under ‘Other surveys which may be necessary’ (para. 5.46, table).

Connectivity of habitat and fragmentation

SNH (040) – Addition of wording similar to ‘The movement of species along these habitat networks should be considered, and creating barriers to movement avoided’ (para. 5.35).

Initial site audits required

SNH (040) – Amendment to second row to – ‘Is there a statutorily designated site, e.g. SPA, SAC, SSSI that may be impacted by the development (bear in mind that a development proposal may be quite a distance from a designated area but because of connectivity e.g. water flows or bird flight, may nevertheless impact upon it)?’ (Table I, page 35).

Amendment to ‘Example- woodland’ row to – ‘trees and woodland’ and required survey to include birds (Table I, page 35).

Requirements for applications affecting an International or National Designation (Natura 2000) Site

Scottish Natural Heritage (040) – Suggested amendment to para. 5.48 bullet point to read ‘Ramsar Site – an international designation which protects wetlands through the

accompanying SPA/SSSI designation.

Addition of wording after first sentence of para. 5.49 - 'In addition, river SACs are extensive throughout the park. For maps and details of all Natura sites, please see SNH's website (footnote to SNHi)'.

Addition of wording after the 3rd sentence in para. 5.50 - 'In addition some non-designated woodlands host capercaillie that are the qualifying feature of SPAs nearby'.

Addition of sentence to end of para. 5.51 – 'Please note that you must consider similar effects of other developments (approved or submitted) in combination with your own development where necessary'.

Pollution and Siltation from construction sites

SNH (040) – Modification of para. 5.53 to read – 'These measures must be set out in a construction method statement (CMS) which should be submitted with your planning application, and this must follow...'

Requirement for Sustainable Urban Drainage Scheme (SUDS)

SNH (040) – Modification of para. 5.55 to read – 'A Sustainable Urban Drainage Scheme (SUDS) must be submitted with your planning application and thereafter implemented...'

Pollution from waste water

SNH (040) – Deletion of the second sentence of para. 5.56.

Amend last sentence of para. 5.57 to read – '...to remove pollutants to recommended standards at the time of commencement'.

Disturbance to capercaillie

SNH (040) – Modification to para. 5.62 similar to – 'Capercaillie move about between forests in a particular locality, so that they may also need to be protected in non-designated woodland as part of the protection for SPAs'.

Modification to para. 5.63 to reflect wording in HRA, similar to – 'Mitigation required: the mitigation measures must include an approved on-site Recreation Management Plan and an agreed contribution (assessed on a case by case basis) to off-site mitigation works through the Cairngorms Capercaillie Action Plan, to comply with the following criteria. To be in accordance with this plan, and for planning permission to be granted, such mitigation must be assessed as sufficient to ensure that there would be no adverse effect on the integrity of the site(s), either alone or in combination with other plans or projects'

Amend para. 5.63 (criterion 2) along the lines of – '...understanding of current capercaillie population within the affected sites and within connected non-designated woodland'.

Amend para. 5.63 (criterion 5) along the lines of – 'The Recreation Management Plan should include a detailed package of on-site mitigation measures, and the agreed contribution to the Cairngorms Capercaillie Action Plan (assessed on a case by case basis) should provide for a detailed package of off-site mitigation measures, that address the issues raised in criteria 1-4...'

Correction to typing error in para. 5.63 (criterion 5) to read 'specific measures to increase dog control'.

Amend para. 5.63 (criterion 7) along the lines of – '...will be practically and legally enforceable and maintained...'

Amend para. 5.63 (criterion 11) along the lines of – ‘...and the size of the development, always however having regard to the fact that they must be sufficient, for planning permission to be granted, to demonstrate that there would be no adverse effect on the integrity of any Natura site, either alone or in combination with other plans or projects’.

Summary of responses (including reasons) by CNPA:

General

Glenprosen Estate (050) – The Cairngorm National Park Authority (CNPA) agree to make changes to include reference to natural heritage policies in NPF3 and SPP which were adopted by the Scottish Government in June 2014. In reference to incorporating text, mapping and reference to SNH’s Core Areas of Wild Land, this topic is covered extensively within the Landscape policies and Supplementary Guidance. To avoid duplication the CNPA do not agree to this inclusion in the Natural Heritage SG.

In reference to the addition of text relating to wind farms outside the Park, the CNPA do not agree to this within the Natural Heritage SG as it relates to the Renewables policy and SG. The CNPA cannot provide information in policy or supplementary guidance for developments outside of the Park where the neighbouring Planning Authorities LP/LDP applies and the CNPA LDP and SG may be used as a material consideration where appropriate.

The CNPA do not agree to include guidance to strengthen the policy to protect and enhance the setting of the Park. This is the underpinning of all policies and SG and set out in the National Park Partnership Plan. It is not considered necessary to make this explicit within each policy/SG.

Summary table

SEPA (063) – The requested modification to include reference to requirements for CMS, waste water treatment works capacity and water extraction capacity refers to international designations. Therefore, this is included within the summary table (page 26) and further discussed within para. 5.53, 5.57, 5.58 and 5.59. The CNPA do not accept the modification.

How to meet the requirements of the policy: Principle 1 – ENSURE NO NET LOSS

Buglife (139) – The CNPA agree to the addition of text to include reference to the Cairngorms Nature however, it is considered more suitable to be included within para. 5.2- ‘We will assess your planning application using the three principles set out in the checklist which must be addressed in turn. You should provide evidence of how your proposal meets all three principles. If you cannot achieve any of the three steps for Principle 1 your development proposal will not be considered appropriate. The sequence by which we will apply the hierarchy is shown in Figure 1 (p 29). All decisions will be informed by the Cairngorms Nature Action Plan (2013)’.

Buglife (139) and The Highland Council (043) – CNPA agree to make it more explicit that financial compensation is not appropriate where mitigation cannot be achieved. Figure 1 will be amended to clarify that a proposal is unlikely to be acceptable if mitigation or compensation is not possible.

In order to provide information relating to the approach to compensation, the CNPA will provide some clarity on offsetting requirements in the SG, however it is not possible to

quantify these in any certain terms. The requirements needed to offset the impact of a proposal on natural heritage must be assessed on a case by case basis due varying nature and importance of habitats and species. We will consider whether there is a need for more published information on ways of establishing compensation requirements.

Amend para. 5.7 to read ‘ If full mitigation is not possible on-site then it must be achieved using off-site compensation.

Compensation must be appropriate and proportionate to offset the likely impacts of a development proposal on a specific habitat. Compensation measures must reflect the quality of the habitat being compensated for and the length of time it will take to re-instate a habitat of equal quality on an alternative site. This is likely to require a larger area to offset the loss over time. All proposals requiring compensation will be assessed on a case by case basis’.

The Highland Council (043) – The CNPA do not agree to change the location of Figure 1 to the start of the SG. The diagram relates to compensation and mitigation and therefore is more appropriately located following the principles.

How to meet the requirements of the policy: Principle 3 – MANAGE

Precautionary principle

Buglife (139) – The CNPA agree to the addition to para. 5.12 in reference to the precautionary principle- ‘In line with the first aim of the National Park, we will apply a precautionary approach to the assessment of impacts upon a site. Where there are gaps in knowledge or uncertainty about mitigation or compensation proposals then we may ask you to provide additional information. Where uncertainty remains, the precautionary principle will be applied and planning permission will not be granted’.

SNH (040) – The CNPA agree to amend the wording to cover Species Protection Plans however feel it would be more appropriate in para. 5.25 which should to read ‘Where a European Protected Species is present on or adjacent to the site, the planning authority will require a Species Protection Plan that contains survey information and details of mitigation measures before it is able to make a decision’.

The CNPA also agree to the addition of text in respect of species licensing. This should be added to para. 5.26 reading ‘A species licence may be obtained from SNH to permit activities that may affect protected species. Information on this can be found in the planning advice note at www.cairngorms.co.uk and www.snh.org.uk.

How to compile the required survey evidence

Buglife (139) – The CNPA agree to the inclusion of a further sentence to para. 5.16 to include reference to existing species records – ‘You should look at existing sources of information in the first instance. For example, historic records held by regional record centres. These include: SNHi www.snh.org.uk/snhi and www.nesbrec.org.uk.

SNH (040) – To ensure that requirements for surveys in various circumstances the CNPA agree to modify para. 5.20 to read ‘...This will help you to ensure that you are able to provide the necessary natural heritage information with the minimum of survey work. In certain circumstances, for example where there has been a time lag since planning consent was granted, resurveying prior to commencement of works may be required’.

Protected species

SNH (040) – The CNPA agree to modify para. 5.26 to include reference to the Protection

of Badgers Act. In addition, as suggested as a modification to para. 5.27, the CNPA consider reference to the Conservation (Natural Habitats, & c.) Amendment (Scotland) Regulations 2012 to be an appropriate addition. Para 5.26 should read ‘In addition to European Protected Species, development must avoid adverse impacts upon species listed in:

- Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 as amended;
- Annexes II and V of the EC Habitats directive;
- Annex I of the EC Birds directive; and
- Protection of Badgers Act 1993 as amended
- Conservation (Natural Habitats, & c.)’.

Other priority species

Buglife (139) – To avoid repetition the CNPA agree to the proposed modification to add reference to regional record centres as this is set out in para. 5.16. which makes reference to survey requirements for all species, priority or otherwise.

CNPA do not agree to add reference to the Scottish Biodiversity List, UK BAP and Cairngorms Nature Action Plan as they are already referred to in the Natural Heritage policy and it is not necessary to repeat this.

SNH (040) and SEPA (063) – The CNPA agree to add examples of priority habitats to para. 5.27 – ‘Examples include native pine forest mixed birch and aspen woodland, juniper woodland, oak/hazel woodland, lowland heath, lowland species rich grassland both riparian and otherwise, groundwater dependent wetlands, red squirrel, lapwing oystercatcher, osprey, capercaillie, salmon, fresh water pearl mussel, crossbill and crested tit’.

Soil and soil carbon

SEPA (063) – The CNPA does not accept the proposed addition to para 5.30 to state that a soil survey is required for all developments. The policy states ‘Where there is evidence to indicate that a habitat or species may be present on, or adjacent to, a site, or could be adversely affected by the development, the developer will be required to undertake a comprehensive survey of the area’s natural environment to assess the effect of the development on it’.

It is considered that the existing policy provides adequate provision for requiring soil surveys where a habitat or species may be present or could be affected. It is not necessary to do this where this risk is not present and therefore is not required for all cases.

Examples of developments and requirements for natural heritage guidance

SEPA (063) – The CNPA agree to the inclusion of National Vegetation Classification (NVC) surveys within para. 5.46 (table) –

Application type	Survey requirements
Domestic extensions, for example conservatories, outhouses etc.	Bat survey.
Conversions of old or abandoned buildings including barns and steadings	Bat survey, Barn owl survey.
Conversion of loft space or change to roofs	Bat survey.

Housing development on greenfield site	Phase I survey, Notable species and mammal survey.
Other surveys which may be necessary depending on the nature of the site, the development and its setting	Reptile, Amphibians, Invertebrates, Nesting birds, National Vegetation Classification Survey.

Connectivity of habitat and fragmentation

SNH (040) – The CNPA agree to the addition of reference to habitat networks and connectivity to para. 5.35 – ‘Habitats are often linked to each other and are usually of greater ecological value as a consequence. Developments should maintain existing connections and seek to create more wherever possible. The movement of species along these habitat networks should be considered, and creating barriers to movement avoided. Fragmentation of existing habitats and habitat networks must be avoided. The assessment of a site must include analysis of the connectivity’.

Initial site audits required

SNH (040) – The CNPA do not agree to the modifications proposed. It is considered that the table repeats information already contained within the table at para. 5.46 and Table 2 so should therefore be removed.

Requirements for applications affecting an International or National Designation (Natura 2000) Site

SNH (040) – The CNPA agree to amend the final bullet point of para. 5.48 to read ‘Ramsar Site – an international designation which protects wetlands through the accompanying SPA/SSSI designation which is given equivalent protection as Natura as a matter of policy’.

Modification to para. 5.49 is agreed to include reference to river SACs – ‘Almost half of the area of the National Park (49 percent) is covered by Natura designated sites. Many developments have potential to affect them, both directly as a result of site specific impacts, and indirectly as a result of development on the qualifying features beyond the boundary of the designated sites. In addition, river SACs are extensive throughout the park. For maps and details of all Natura sites, please see SNH’s website www.snh.org.uk’.

The CNPA agree to addition of text at para. 5.50 after the third sentence – ‘In addition, some non-designated woodlands host Capercaillie that are the qualifying feature of SPAs nearby’.

Addition of a sentence to the end of para. 5.51 is agreed – ‘Please note that you must consider similar effects of other developments (approved or submitted) in combination with your own development where necessary’.

Pollution and Siltation from construction sites

SNH (040) – The CNPA agree to modification of para. 5.53 to read – ‘These measures must be set out in a construction method statement (CMS) which should be submitted with your planning application, and this must follow recognised guidelines and best practice’.

Requirement for Sustainable Urban Drainage Scheme (SUDS)

SNH (040) – The CNPA agree to the modification of para 5.55 to read ‘A Sustainable Urban Drainage Scheme (SUDS) must be submitted with your planning application and thereafter implemented. The SUDS will intercept water and either allow increased infiltration rates by using porous surfaces or slow runoff rates through storage mechanisms’.

Pollution from waste water

SNH (040) – The CNPA agree to remove the second sentence of para 5.56, which should read ‘Waste water from development contains a number of chemicals that could pollute water courses’.

The CNPA agree to the amendment of para. 5.57 to read ‘Development may not commence until it has been demonstrated to the planning authority that there is sufficient capacity in local waste water treatment works in terms of capacity and ability to remove pollutants to recommended standards at the time of commencement’.

Disturbance to Capercaillie

SNH (040) – In order to provide clarity to the reader the CNPA agree to amend para. 5.62 to read ‘Capercaillie are particularly sensitive to disturbance caused as a result of people recreating in pine woodland where their ground based lifestyle makes them particularly vulnerable to dogs. Capercaillie move between forests in a particular locality, so that they may also need to be protected in non-designated woodland as part of the protection for SPA’s’.

The CNPA agree to modify para. 5.63 to reflect working in the HRA to read ‘Mitigation required: the mitigation measures must include an approved on-site Recreation Management Plan and an agreed contribution (assessed on a case by case basis) to off-site mitigation works through the Cairngorms Capercaillie Action Plan, to comply with the following criteria. Such mitigation must be assessed as sufficient to ensure that there would be no adverse effect on the integrity of the site(s), either alone or in combination with other plans or projects’. The proposed inclusion of wording to state that planning permission will only be given if mitigation measures lead to no loss of integrity is not accepted. This is only one of a number of criteria set out in policy and SG and its inclusion could be misleading to the reader.

For reasons of clarity, the CNPA agree to the modification of para. 5.63, Criteria 2 to read ‘The mitigation proposals should be based on a detailed and evidence-based understanding of current recreational use of the area, (both spatially and over time) in terms of numbers, distribution, behaviour and reasons and take account of the predicted future recreation demand arising from the proposed development. This should give an understanding of current Capercaillie population within the affected sites and within connected non-designated woodland’.

For reasons of clarity, the CNPA agree to the addition of text within Criteria 5, prior to the existing bullet points to read ‘The Recreation Management Plan should include a detailed package of on-site mitigation measures that address the issues raised in criteria 1-4’.

The CNPA agree to correct a typing error in para. 5.63, Criteria 5 to read ‘specific measures to increase dog control’.

For clarity the CNPA agree to addition of wording in para. 5.63, Criteria 7 to read ‘The mitigation proposals should demonstrate that the measures will be practically and legally enforceable and maintained for the lifetime of the development.’

The CNPA agree to the modification of para. 5.63, Criteria 11 to read ‘The evidence base, information and subsequent mitigation measures must be proportionate to the level of potential effect and the size of development, always however having regard to the fact that they must be sufficient to demonstrate that there would be no adverse effect on the integrity of any Natura site, either alone or in combination with other plans or projects’.

Objections raised through Schedule 4 template:

Information included within the Plan

Regarding the information included in Appendix 2 (Definitions of natural, built and cultural heritage features of international, national and local/regional importance) of 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.

Changes:

The CNPA therefore propose the following amendments to the Supplementary Guidance for Policy 4 (Note that paragraph numbers in the SG now start with 4):

General

- Ensure compliance with SPP (2014) and NPF3 (2014).

How to meet the requirements of the policy: Principle 1 – ENSURE NO NET LOSS

- Addition of ‘All decisions will be informed by the Cairngorms Nature Action Plan (2013)’ to the end of para. 5.2.
- Amend para 5.7 to read ‘If full mitigation is not possible on-site then it must be achieved using off-site compensation.

Compensation must be appropriate and proportionate to offset the likely impacts of a development proposal on a specific habitat. Compensation measures must reflect the quality of the habitat being compensated for and the length of time it will take to re-instate a habitat of equal quality on an alternative site. This is likely to require a larger area to offset the loss over time. All proposals requiring compensation will be assessed on a case by case basis’.

- 2nd sentence regarding compensation to remove the suggestion that financial compensation will be required where mitigation measures are not possible.

How to meet the requirements of the policy: Principle 3 – MANAGE

Precautionary principle

- Addition of ‘Where uncertainty remains, the precautionary principle will be applied and planning permission will not be granted’ to the end of para. 5.12.
- Amend para. 5.25 to read to read ‘Where a European Protected Species is present on or adjacent to the site, the planning authority will require a Species Protection Plan that contains survey information and details of mitigation measures before it is able to make a decision’.
- Insert new para after para. 5.26 reading ‘A species licence may be obtained from SNH to permit activities that may affect protected species. Information on this can

be found in the planning advice note at www.cairngorms.co.uk and www.snh.org.uk.

How to compile the required survey evidence

- Addition of 'You should look at existing sources of information in the first instance, for example - historic records held by regional record centres. Others include: SNHi www.snh.org.uk/snhi and www.nesbrec.org.uk to para. 5.16.
- Addition of 'In certain circumstances, for example where there has been a time lag since planning consent was granted, resurveying prior to commencement of works may be required' following third sentence of para. 5.20.
- Addition of para. 5.26 to read: 'In addition to European Protected Species, development must avoid adverse impacts upon species listed in:
 - Schedules 1, 5 and 8 of the Wildlife and Countryside Act 1981 as amended;
 - Annexes II and V of the EC Habitats directive;
 - Annex I of the EC Birds directive; and
 - Protection of Badgers Act 1993 as amended
 - Conservation (Natural Habitats, & c.)'.
- Amend title of para. 5.27 to read 'Other priority habitats and species' and to third sentence in para. 5.27 to read 'Examples include native pine forest mixed birch and aspen woodland, juniper woodland, oak/hazel woodland, lowland heath, lowland species rich grassland both riparian and otherwise, groundwater dependent wetlands, red squirrel, lapwing oystercatcher, osprey, capercaillie, salmon, fresh water pearl mussel, crossbill and crested tit'.
- Include 'National Vegetation Survey' under 'Other Survey' within the table in para. 5.46.

Connectivity of habitat and fragmentation

- Addition of a sentence to para. 5.35 to read 'Habitats are often linked to each other and are usually of greater ecological value as a consequence. Developments should maintain existing connections and seek to create more wherever possible. The movement of species along these habitat networks should be considered, and creating barriers to movement avoided. Fragmentation of existing habitats and habitat networks must be avoided. The assessment of a site must include analysis of the connectivity'.

Initial site audits required

- Remove Table I: Initial site audit requirements due to repetition.

Requirements for applications affecting an International or National Designation (Natura 2000) Site

- Amend the final bullet point of para. 5.48 to read 'Ramsar Site - an international designation which protects wetlands through the accompanying SPA/SSSI designation and is given equivalent protection as Natura as a matter of policy'.
- Addition to para. 5.49 to read 'Almost half of the area of the National Park (49 percent) is covered by Natura designated sites. Many developments have potential to

affect them, both directly as a result of site specific impacts, and indirectly as a result of development on the qualifying features beyond the boundary of the designated sites. In addition, river SACs are extensive throughout the park. For maps and details of all Natura sites, please see SNH's website www.snh.gov.uk'.

- Addition of 'In addition, some non-designated woodlands host Capercaillie that are the qualifying feature of SPAs nearby' after third sentence of para 5.50.
- Addition of a sentence to the end of para. 5.51 reading 'Please note that you must consider similar effects of other developments (approved or submitted) in combination with your own development where necessary'.

Pollution and Siltation from construction sites

- Modify third sentence of para. 5.53 to read – 'These measures must be set out in a construction method statement (CMS) which should be submitted with your planning application, and this must follow recognised guidelines and best practice'.

Requirement for Sustainable Urban Drainage Scheme (SUDS)

- Modify para 5.55 to read 'A Sustainable Urban Drainage Scheme (SUDS) must be submitted with your planning application and thereafter implemented. The SUDS will intercept water and either allow increased infiltration rates by using porous surfaces or slow runoff rates through storage mechanisms'.

Pollution from waste water

- Remove second sentence of para. 5.56. It should now just read 'Waste water from development contains a number of chemicals that could pollute water courses'.
- Replace last word of para. 5.57 to read 'commencement' instead of 'approval'.

Disturbance to Capercaillie

- Addition of second sentence to para. 5.62 to read 'Capercaillie move between forests in a particular locality, so that they may also need to be protected in non-designated woodland as part of the protection for SPA's '.
- Modify para. 5.63 to read 'Mitigation required: the mitigation measures must include an approved on-site Recreation Management Plan and an agreed contribution (assessed on a case by case basis) to off-site mitigation works through the Cairngorms Capercaillie Action Plan, to comply with the following criteria. Such mitigation must be assessed as sufficient to ensure that there would be no adverse effect on the integrity of the site(s), either alone or in combination with other plans or projects'.
- Amend para. 5.63, Criteria 2 to read 'The mitigation proposals should be based on a detailed and evidence-based understanding of current recreational use of the area, (both spatially and over time) in terms of numbers, distribution, behaviour and reasons and take account of the predicted future recreation demand arising from the proposed development. This should give an understanding of current Capercaillie population within the affected sites and within connected non-designated woodland'.
- Addition of text within Criteria 5, prior to the existing bullet points to read 'The Recreation Management Plan should include a detailed package of on-site mitigation measures that address the issues raised in criteria 1-4'.

- Modify para. 5.63, Criteria 5 to read ‘specific measures to increase dog control’.
- Addition of wording in para. 5.63, Criteria 7 to read ‘The mitigation proposals should demonstrate that the measures will be practically and legally enforceable and maintained for the lifetime of the development.’
- Modify para. 5.63, Criteria 11 to read ‘The evidence base, information and subsequent mitigation measures must be proportionate to the level of potential effect and the size of development, always however having regard to the fact that they must be sufficient to demonstrate that there would be no adverse effect on the integrity of any Natura site, either alone or in combination with other plans or projects’.

Changes in response to objections raised through Schedule 4 template:

- Having considered the inclusion of additional information detailing different types of designations in Supplementary Guidance, it has been concluded that the glossaries within the SG and LDP itself provide the most appropriate mechanism and level of information and signposting.

Other changes by CNPA:

Additional changes have been made including:

- Amendment to Figure 1, replacing ‘contribution to Environment Fund assessed by and agreed with the planning authority’ with ‘The proposal is unlikely to be acceptable’.
- Removal of para. 5.19.
- Removal of ‘Killarney Fern, slender naiad and floating-leaved water plantain’ from para. 5.25 as these plants are not widely found in the Cairngorms National Park.
- Removal of Table 1: Initial site visits required as it repeats information contained in the tables at para. 5.46 and Table 2.
- Addition of sentence at the end of Para. 5.47 reading ‘The tests for considering proposals affecting Natura sites are strict and the planning authority must be satisfied that the proposal will not have an adverse effect upon the integrity of any Natura site’.

A number of other minor amendments have been made, including to the table in para 5.46 to include sites in or on ancient woodland, amendments to Table 2 regarding when surveys can be undertaken, reference to species management plans and to EUNIS in respect of NVC surveys. In addition, minor rewording has been undertaken in places to provide greater clarity.

Actions independent from the Supplementary Guidance

We will consider whether there is a need for more published information on ways of establishing compensation requirements.

Issue:	Landscape
Supplementary guidance reference:	Supplementary Guidance 6 (Policy 5 & Policy 6)
Body or person(s) submitting a representation raising the issue (including reference number)	
016 Mountaineering Council of Scotland 040 Scottish Natural Heritage (SNH) 043 The Highland Council 050 Glenprosen Estate 069 Sportscotland 222 RES UK and Ireland	
Provision of the supplementary guidance to which the issue relates:	The Supplementary Guidance sets out the information requirements to meet Policy 6 – Landscape.
CNPA summary of the representation(s):	
<u>General</u>	
<p>The Highland Council (043) – It is considered that a proportionate approach is taken relative to the assessment requirement on wild land impact.</p> <p>RES UK and Ireland (222) – Where reference is made to the special qualities of the Park there is no list of what the qualities are, nor does it refer to another document saying what they are.</p> <p>Glenprosen Estate (050) - Alteration of Supplementary Guidance (SG) to clarify that wind farms outside of the Park must take account of this policy, the policies and guidance of surrounding planning authorities. Include guidance to strengthen the policy to protect and enhance the setting of the Park and to ensure the Park remains one of the best National Parks in the world.</p> <p>The continuation and strengthening of the presumption against any development that does not comply with the Local Development Plan (LDP) policies to avoid inappropriately designed and/or located development and to ensure the Park remains one of the best National Parks in the world.</p>	
<u>Impact on wildness</u>	

Glenprosen Estate (050) - Alteration of SG to incorporate text, mapping and references to SNH's Core Areas of Wild Land mapping to inform planning decisions.

The Mountaineering Council of Scotland (016) support the guidelines on wildness.

Sportscotland (069) – Further explanation of access infrastructure in wild land areas is requested. Particularly due to the importance of recreational resources such as paths, pontoons, bridges, stiles etc. to allow users access to wild land.

SNH (040) – It is perceived that the text is explicit in stating that development must not impact on areas of high wildness value both within and outwith a development site. It is not considered necessary for this to be repeated (para. 6.25) as a sound landscape and visual impact analysis will pick up on these effects.

It is understood that reference to activity arising from development which may be inside or outwith the National Park is meant to refer to development which may be inside or outwith the area of high wildness value (Table 3, page 48).

It is considered that reference should be included to hill tracks as with the current SPG and in light of the recent review of the General Permitted Development Order. This could continue to provide information on various aspects including when planning permission is required, when permitted development rights might be withdrawn, if it would have a likely significant effect on a Natura site. This can also impact on good design of tracks and refer to SNH's guidance on constructed Tracks in the Scottish Uplands.

A less absolute but still firm approach should be taken in relation to the statement that screening is never considered a substitute for good design principles (para. 6.31).

Modifications sought by those submitting representations:

General

The Highland Council (043) – Provide examples of planning applications and the information requirement in support of these planning applications to help clarify expectations in respect of the assessment requirement on wild land impact.

RES UK and Ireland (222) – Reference should be made in the LDP policy as to what the special qualities of the park are or where they can be found and not in the Supplementary Guidance.

Glenprosen Estate (050) - Alteration of SG to clarify that wind farms outside of the National Park must take account of this policy, the policies and guidance of surrounding planning authorities.

In addition, they propose that guidance should be included to strengthen the policy to protect and enhance the setting of the National Park and to ensure it remains one of the best National Parks in the world.

The continuation and strengthening of the presumption against any development that does not comply with the LDP policies to avoid inappropriately designed and/or located development and to ensure the Park remains one of the best National Parks in the world.

Impact on wildness

Glenprosen Estate (050) - Alteration of SG to incorporate text, mapping and references to SNH's Core Areas of Wild Land mapping to inform planning decisions.

Sportscotland (069) – Request that there is reference to access infrastructure provision within the wild area bands of the Park (Table 3, page 48).

SNH (040) – Amend para. 6.25 (1st bullet point) to ‘avoid impact on areas of high wildness value’.

Amend sentence within ‘Development sensitivities’ (Table 3, page 48) to read – ‘These may be inside or outwith the area of high wildness value’.

Include a section on hill tracks along the lines of that already included in the Wildness Supplementary Planning Guidance.

Amend sentence within para. 6.31 to – ‘However we do not consider screening to be a substitute for good design principles’.

Summary of responses (including reasons) by CNPA:

General

The Highland Council (043) –The Cairngorms National Park Authority (CNPA) do not agree to provide further information relating to the information requirements in respect of wild land within the policy and SG. The CNPA is satisfied that this has been covered appropriately within the landscape SG. Proposals are required to demonstrate landscape impacts on landscape character of which wildness is a component.

RES UK and Ireland (222) – To avoid repetition, the CNPA do not agree to provide a list of the special qualities of the Park within the policy or SG. The SG is designed to provide clarity on the policy and therefore states that ‘The special qualities are set out in the National Park Partnership Plan’ (NPPP) (para. 6.3). The NPPP is a material consideration and provides strategic guidance for the LDP. Therefore it is unnecessary to repeat information contained in this. However, the CNPA does agree to more explicitly specify in the SG where the information can be found in the NPPP.

Glenprosen Estate (050) – The CNPA cannot provide information in policy or supplementary guidance for developments outside of the Park where the neighbouring Planning Authorities LP/LDP applies. Outside the Park the CNPA National Park Partnership Plan, LDP and SG may be used as a material consideration by neighbouring planning authorities in the determination of applications which all provide guidance relating to the protection of the Park’s special landscape qualities.

In relation to the requested modification to strengthen policies to avoid inappropriately designed/located development, the CNPA consider that the policies and SG are sufficiently strong to achieve this.

Impact on wildness

Glenprosen Estate (050), SportsScotland (069) and Scottish Natural Heritage (040) – The CNPA agree to replace the wild land and wildness maps within the SG to those prepared by SNH to provide consistency of approach throughout the country. This will result in a removal of all information using the CNPA methodology to that of SNH (Including Figure 2: Wildness in the Cairngorms National Park (page 47) and Table 3: Wildness band descriptions).

SportsScotland (069) – In addition to replacing wildness maps within the SG, SportsScotland (069) request the modification to access infrastructure provision within the wild area bands of the Park (Table 3, page 48). Following the modification accepted above, Table 3: Wildness band description will be removed and the SNH methodology will be applied.

SNH (040) – The CNPA agree to amend text in para. 6.31 to make it explicit that screening is not a suitable replacement for good design principles - ‘However we do not consider

screening to be a substitute for good design principles’.

The CNPA have prepared an advice note relating to tracks in light of the amended legislation. A section on tracks will be included within the Landscape SG which will refer to the advice note.

Objections raised through Schedule 4 template:

None

Changes:

The CNPA therefore propose the following amendments to the Supplementary Guidance for Policy 5 and Policy 6 (Note that paragraph numbers in the SG are now 5):

General

- Replace the wildness map (currently page 47) within the Supplementary Guidance with a new map containing the Wild land areas defined by Scottish Natural Heritage (2014) to provide consistency of approach.
- Remove the CNPA wildness bands (detailed in table 3). The ‘wildness’ section will be amended to reflect the SNH wild land areas.

Impact on wildness

- Modify second sentence in para 6.31 to read ‘However we do not consider screening to be a substitute for good design principles’.
- Amend the fourth sentence of Para 6.3 to read ‘The special qualities are set out on Page 19 of the National Park Partnership Plan’.
- Addition of ‘tracks’ section before para. 6.27 on Tracks as specified below:

Tracks

Private roads, tracks and footpaths are an essential part of the infrastructure of the National park that allow people to live here, land managers to do their work and the public to use for recreation and enjoyment.

All private roads, tracks and footpaths that are not on agricultural or forestry land and are not for agricultural or forestry purposes need planning permission to be created or changed.

Tracks that are for agricultural or forestry are classed as ‘permitted development’ in planning law and don’t normally need planning permission to be created or changed. However, the planning authority must be notified about the proposed tracks on agricultural or forestry land before they are created or changed and can decide that it needs to approve the proposed track before any work can take place.

If you need a new track or to alter or repair an existing track, Scottish Natural Heritage’s advice ‘Constructed Tracks in the Scottish Uplands’ (SNH, 2013) will help you design in a way that is most likely to be given planning permission or prior approval.

Further guidance can be found in CNPA’s guidance note ‘Planning Permission and Permitted Development Rights for Agricultural and Forestry tracks’ at www.cairngorms.co.uk.

Other changes by CNPA:

Having reviewed Policy 6 we conclude that the landscape and other SG's provide sufficient additional information on how to comply with the policy in respect of Digital Communications Equipment. In monitoring the plan we will review any implementation issues that arise.

Issue:	Renewable Energy
Supplementary guidance reference:	Supplementary Guidance 7 (Policy 7)
Body or person(s) submitting a representation raising the issue (including reference number)	
016 Mountaineering Council of Scotland 040 Scottish Natural Heritage (SNH) 043 The Highland Council 050 Glenprosen Estate 051 Scottish Government 063 Scottish Environmental Protection Agency (SEPA) 239 Ristol Ltd	
Provision of the supplementary guidance to which the issue relates:	The Supplementary Guidance sets out technology specific requirements for renewable energy developments.
CNPA summary of the representation(s):	
<u>General</u>	
<p>The Scottish Government (051) - A number of changes should be made to ensure that proposals do not compromise the safe and efficient operation of the trunk road network. Should a development have potential impacts on the trunk road network, in line with Scottish Planning Policy requiring consultation with Transport Scotland to identify and agree any mitigation that may be needed.</p> <p><u>Summary table</u></p> <p>SNH (040) – The checklist of information requirements for hydro development and wind energy development does not include anything for nature conservation e.g. basic assessment for impact on habitats and species (page 53).</p> <p>SEPA (063) – Wind energy developments may have an impact through the construction of access tracks and turbine foundations. Reference should be made to the impact on the water environment, peat and soil.</p> <p>Requirements for including sufficient storage capacity for biomass proposals will need to be balanced with any regulatory requirements to not store excess waste at a site.</p>	

Suggestion that the information requirement relating to 'Impact on water environment' for hydro development does not accord with the Policy. The supporting information requirements should indicate that development has no unacceptable detrimental impacts or that impact must be adequately minimised rather than 'no detrimental impact'.

Hydropower

Ristol Ltd (239) – The approach to assessing impact on the water environment should reflect SEPA's guidance (para. 7.18) (referenced as Para 7.1 in rep from oldp).

Scottish Natural Heritage (040) – There is no reference to ecology e.g. flow levels and any barriers to movement with reference to the 'Impact on water environment' (para. 7.18).

Wind energy

The Mountaineering Council of Scotland (016) support the exclusion of large scale wind turbines and requests clarification that 30m turbine relates to height to blade-tip or tower height.

The Highland Council (043) – Information requirements for noise assessment should state 'and achieve acceptable levels'. It is speculated that '10 x rotor diameter' should be used for shadow flicker rather than the stated terminology of 'blade length' which would bring the SPG in line with Scottish Government advice. It is suggested that hub or tip height be used for measurements (para. 7.24 and 7.25).

SNH (040) – There is no reference to basic habitats and species assessment in relation to small scale wind turbines. SNH guidance on this topic is available 'Assessing the impact of small scale wind energy proposals on the natural heritage (2012)' – <http://www.snh.gov.uk/docs/A669283.pdf> (para. 7.25).

SEPA (063) – Wind energy developments may have an impact through the construction of access tracks and turbine foundations. Reference should be made to the impact on the water environment, peat and soil (para. 7.23).

Glenprosen Estate (050) – Alteration of SG to include reference to all wind farms including applications under s36 of the Electricity Act to ensure a consistent approach.

Biomass development

SEPA (063) - Suggest that the requirement for including sufficient storage capacity for biomass proposals will need to be balanced with any regulatory requirements to not store excess waste at a site.

Modifications sought by those submitting representations:

Summary table

Scottish Government (051) – Modification of bullet point 3 within 'Information required' for 'All renewable energy developments' to read – 'Access and traffic management assessment including access to and around the site during construction, operation and decommissioning of the proposal which should be agreed with the relevant roads authority(s)' (page 53).

SNH (040) – Addition of bullet point within 'Information required' for 'Hydro developments' along the lines of – 'No adverse effect on aquatic ecology'.

Addition of bullet point within 'Information required' for 'Wind energy developments' along the lines of – 'Habitats and species – a basic habitats and species assessment, including identifying the presence of any protected species (including birds) and mitigation measures'.

SEPA (063) – Addition of bullet points for wind energy development information requirements ‘Impact on water environment’ and ‘Impact on peat and soil’ (page 53).

Modification of information requirements for hydro developments to indicate that ‘hydro developments should have no unacceptable detrimental impact or that impacts must be adequately minimised on the water environment including other hydro schemes in the catchment, the hydrology of the site and surroundings including any private water supply in the catchment and groundwater dependent wetlands’ (page 53, hydro developments).

Suggest that the requirement for including sufficient storage capacity for biomass proposals will need to be balanced with any regulatory requirements to not store excess waste at a site.

All renewable developments

Scottish Government (051) – Removal of ‘during the construction phases’ from the last sentence of para. 7.10.

Hydropower

Ristol Ltd (239) – Para 7.18 Impact on water environment should be modified to reflect SEPA’s guidance on the assessment of hydro projects.

SNH (040) – Addition of bullet point to 7.18 – ‘Aquatic ecology (e.g. as a result of reduced flows)’.

Wind energy

The Mountaineering Council of Scotland (016) requests clarity that 30m relates to turbine tip height rather than tower height.

The Highland Council (043) – Information required of wind energy developments should state that noise assessments ‘should achieve acceptable levels’ (para 7.29).

Also, consideration should be given to amending 10 times blade length to 10 times rotor diameter (para. 7.30).

Clarification of whether the heights mentioned are to hub or tip height (para. 7.24 and 7.25).

Scottish government (051) – Addition of new sub-heading titled ‘Trunk road considerations’ with the text ‘When siting wind turbines in the vicinity of a trunk road turbines should:

- Be set back a minimum of 1.5 times the height of the wind turbine (from ground level to the uppermost tip of turbine blade) away from the nearest kerb-line of the trunk road carriageway.
- Not form a distraction to trunk road users particularly where drivers are required to manoeuvre, react or make decisions (e.g. junctions, bends etc.).
- Be sited to ensure that vehicles on the trunk road would not be facing towards it with a low sun behind it, such as on early winter mornings, otherwise the turbines should be sited at a distance of 10 rotor diameters away from the carriageway.’

SNH (040) – Amend para 7.25 to – ‘...a basic level of Visual Impact Assessment and assessment on habitats and species should be carried out...’ and addition of bullet point – ‘Basic assessment of the potential impacts on habitats and protected species, including birds and bats’.

SEPA (063) – Information should be included for ‘Impact on water environment’ and ‘Impact

on peat and soil' within para. following 7.23.

Glenprosen Estate (050) – Alteration of Supplementary Guidance (SG) to include reference to all wind farms including applications under s36 of the Electricity Act to ensure a consistent approach. Clarification that wind farms outside of the Park must take account of policy, the policies and guidance of surrounding planning authorities. Inclusion of guidance on how to assess their impact on the setting of the Park, including applications under s36 of the Electricity Act.

Biomass developments

SEPA (063) - Suggest that the requirement for including sufficient storage capacity for biomass proposals will need to be balanced with any regulatory requirements to not store excess waste at a site.

Summary of responses (including reasons) by CNPA:

Summary table

Scottish Government (051) – The Cairngorms National Park Authority (CNPA) agree to modify the third bullet point to ensure suitable traffic management measures are in place throughout all phases of a development. (All renewable energy developments, information required) on page 53 to read 'Access and traffic management assessment including access to and around the site during construction, operation and decommissioning of the proposal which should be agreed with the relevant roads authority(s)'.

SNH (040) – For clarity, the CNPA agree to the modification of the second bullet point (Hydro developments, information required) to read 'Impact on water environment – demonstrate no detrimental impact on other hydro schemes in the catchment, any private water supply in the catchment and the aquatic hydrology of the site and surroundings'.

The CNPA do not agree to the inclusion of a bullet point relating to habitats and species within the information requirements for wind energy developments. The Natural Heritage policy states the requirement for habitat and species surveys for all development types, including wind energy developments. Inclusion of the proposed modification would exceed the requirements set out in policy and is not supported by the CNPA.

SEPA (063) – The CNPA do not agree to add information requirements for the impact on the water or peat and soil environment in the Summary Table on page 53 (Wind energy). However, in order to provide protection to the all components of the water environment, the CNPA agree to inclusion of these topics in the body of the SG as a final bullet point to para. 7.18 to read 'the water environment and hydrology of the site and its surroundings, including soil and peat'.

Similarly, the CNPA do not agree to the addition of information within the Summary Table to expand on the issues relating to unacceptable detrimental impact of hydro development. However, it is acknowledged that this information should be included in the body of the SG, in a new paragraph following para. 7.15, for clarity. The modification will read 'You must demonstrate that your proposal has no unacceptable detrimental impact or that impacts are adequately minimised on the water environment, including other hydro schemes in the catchment, the hydrology of the site and surroundings and any private water supply in the

catchment and groundwater dependent wetlands’.

CNPA agrees to add clarification to para 7.37 reading ‘You will also need to consider other regulatory constraints on storage and management of waste. Further information can found at www.sepa.org.uk’.

All renewable development

Scottish Government (051) – The CNPA agree to modification of the final sentence of para. 7.10 to ensure consultation is undertaken by Transport Scotland where relevant- ‘You should also contact Transport Scotland where there are any potential impacts on trunk roads’.

Hydropower

Ristol (239) –SEPA’s ‘Guidance for developers of run-of-river hydropower schemes’ and ‘Guidance for applicants on supporting information requirements for hydropower applications’ sets out requirements for hydro schemes to be consented by SEPA as required by The Water Environment (Controlled Activities) (Scotland) Regulations 2005. This consent regime runs in parallel with the application for planning consent and is administered by SEPA. Subsequently, it is not considered appropriate for inclusion within the SG as the CNPA, as planning authority could not measure, monitor or enforce these requirements.

Scottish Natural Heritage (040) – The CNPA agree to the addition of text to para 7.18 for proposals to demonstrate no detrimental impacts on the aquatic ecology. A final bullet point will read ‘aquatic ecology (e.g. as a result of reduced flows)’.

Wind energy

The Mountaineering Council of Scotland (016) and The Highland Council (043) – The CNPA agree to clarify the distinction between the heights of turbines by specifying ‘height to blade tip’. This will be inserted within para. 7.24, 7.25 & 7.26.

The Highland Council (043) – For clarity, the CNPA accepts the modification of para. 7.29 to state that noise assessments should achieve acceptable levels – ‘You must demonstrate that you have minimised the noise impacts of your development. Noise assessments should achieve acceptable levels. You must check with the relevant local authority environmental health service for details of what is required for your development and then submit that information with any planning application.’

For clarity, the CNPA agree to modify para. 7.30 to state ‘Turbines should be a minimum of 10 times rotor diameter from sensitive properties to avoid shadow flicker’.

Scottish Government (051) – The CNPA agree to the addition of a sub-heading ‘Trunk road considerations’ following paragraph 7.33 to provide clarity on siting requirements near trunk roads- ‘When siting wind turbines in the vicinity of a trunk road turbines should:

- Be set back a minimum of 1.5 times the height of the wind turbine (from ground level to the uppermost tip of turbine blade) away from the nearest kerblines of the trunk road carriageway;
- Not form a distraction to trunk road users particularly where drivers are required to manoeuvre, react or make decisions (e.g. junctions, bends etc.);
- Be sited to ensure that vehicles on the trunk road would not be facing towards it with a low sun behind it, such as on early winter mornings, otherwise the turbines should be sited at a distance of 10 rotor diameters away from the carriageway’.

SNH (040) –Habitat and species survey requirements for all types of development are identified in the Natural Heritage Policy and SG. For the avoidance of repetition the CNPA do not agree to amending para. 7.25 as this would require applicants to supply information which is not required by policy.

SEPA (063) – The CNPA do not agree to the addition of information following para. 7.23 relating to the impact on the water environment and peat and soil. However, it is acknowledged that this information should be included in a new paragraph following para. 7.15 as it can be applied to all developments. The modification will read ‘You must demonstrate that your proposal has no unacceptable detrimental impact or that impacts are adequately minimised on the water environment, including other hydro schemes in the catchment, the hydrology of the site and surroundings and any private water supply in the catchment and groundwater dependent wetlands’.

Glenprosen Estate (050) – The CNPA cannot provide information in policy or supplementary guidance for developments outside of the Park where the neighbouring Planning Authorities LP/LDP applies. Therefore, the CNPA’s Local Development Plan and SG may be used as a material consideration by neighbouring planning authorities in the determination of applications.

In relation to Section 36 applications, these are dealt with by Scottish Ministers and must take into account policy and material considerations in a manner similar for all scales of development. The CNPA do not agree that it is necessary to distinguish between scales of wind farm development outwith the Park.

Objections raised through Schedule 4 template:

None

Changes:

The CNPA therefore propose the following amendments to the Supplementary Guidance for Policy 7:

Summary table

- Modify the third bullet point (All renewable energy developments) to read ‘Access and traffic management assessment including access to and around the site during construction, operation and decommissioning of the proposal which should be agreed with the relevant roads authority(s)’.
- Modify the second bullet point (Hydro developments) to read ‘Impact on water environment – demonstrate no detrimental impact on other hydro schemes in the catchment, any private water supply in the catchment and the aquatic hydrology of the site and surroundings’.
- Amend final bullet point of para. 7.18 to read ‘the water environment and hydrology of the site and its surroundings, including soil and peat’.
- Addition of a new paragraph following para. 7.15 reading ‘You must demonstrate that your proposal has no unacceptable detrimental impact or that impacts are adequately minimised on the water environment, including other hydro schemes in the catchment, the hydrology of the site and surroundings and any private water supply in the catchment and groundwater dependent wetlands’.

All renewable development

- Remove ‘during the construction phases’ from the final sentence of para. 7.10, to read ‘You should also contact Transport Scotland where there are any potential impacts on trunk roads’.

Hydropower

- Addition of a new bullet point in para 7.18 to read ‘aquatic ecology (e.g. as a result of reduced flows)’.

Wind energy

- Modify para’s. 7.24, 7.25 & 7.26 to state ‘height to blade tip’ in reference to turbine heights.
- Addition of a sentence to para. 7.29, between first and second sentences, to read ‘You must demonstrate that you have minimised the noise impacts of your development. Noise assessments should achieve acceptable levels’.
- Modify para. 7.30 to read ‘Turbines should be a minimum of 10 times rotor diameter from sensitive properties to avoid shadow flicker’.
- Addition of a sub-heading ‘Trunk road considerations’ following paragraph 7.33 ‘When siting wind turbines in the vicinity of a trunk road turbines should:
 - Be set back a minimum of 1.5 times the height of the wind turbine (from ground level to the uppermost tip of turbine blade) away from the nearest kerbline of the trunk road carriageway;
 - Not form a distraction to trunk road users particularly where drivers are required to manoeuvre, react or make decisions (e.g. junctions, bends etc.);
 - Be sited to ensure that vehicles on the trunk road would not be facing towards it with a low sun behind it, such as on early winter mornings, otherwise the turbines should be sited at a distance of 10 rotor diameters away from the carriageway’.
- Addition to para 7.37 reading ‘You will also need to consider other regulatory constraints on storage and management of waste. Further information can found at www.sepa.org.uk’.

Issue:	Sport and Recreation
Supplementary guidance reference:	Supplementary Guidance 8 (Policy 8)
Body or person(s) submitting a representation raising the issue (including reference number)	
043 The Highland Council 069 Sport Scotland 074 Tactran	
Provision of the supplementary guidance to which the issue relates:	
CNPA summary of the representation(s):	
<p><u>General</u></p> <p>The Highland Council (043) – It is not considered that the Supplementary Guidance (SG) gives sufficient detail to enable the provision of new high quality, fit for purpose open spaces. Further details on the open space requirements within the National Park would enable the delivery of high quality open spaces through new development.</p> <p><u>New sport and recreation facilities, or extensions to existing provision</u></p> <p>Tactran (074) – Access by non-car modes should be added to para. 8.2.</p> <p><u>Reduction in facilities or sport and recreation opportunity</u></p> <p>Sport Scotland (069) – Consider that para. 8.7- 8.9 do not reflect Scottish Planning Policy. The requirement to consider alternative sites is not a requirement of SPP. Furthermore, supporting proposals where the loss of facilities is ancillary to the main use of the site does not capture the full requirements of SPP (para. 8.8). The requirement to upgrade the principle facility or provide an alternative facility of at least equal size is not always the best</p>	

solution in seeking compensation for the loss of a facility. Compensation measures should consider the particular merits of the site and proposal.

It is considered that the use of the term 'footpath' does not reflect the access rights that apply not only to pedestrians (Page 58).

Modifications sought by those submitting representations:

General

The Highland Council (043) – Further details of open space requirements, as addressed in the Developer Contributions SG may sit better within the Sport and Recreation SG.

New sport and recreation facilities, or extensions to existing provision

Tactran (074) – Access by non-car modes should be added to para. 8.2.

Reduction in facilities or sport and recreation opportunity

Sport Scotland (069) – Suggest the substitution of para. 8.7 – 8.9 with the following text to more accurately reflect SPP.

'There is a presumption against the redevelopment of playing fields and sports pitches unless:

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

The term 'footpath' should be modified to 'path' within the table on page 58.

Summary of responses (including reasons) by CNPA:

General

The Highland Council (043) – The Cairngorms National Park Authority (CNPA) has no objection to cross referencing of the Developer Contributions SG with the Sport and Recreation SG however, given that all policies and SG should be considered in a proposal, reference between sections is not considered necessary. For clarity, modification to para. 8.2 is accepted to read 'Depending on the scale of the proposed development, contributions may be required by the planning authority to ensure sufficient protection of sport and recreation facilities. Information may also be required on other infrastructure that is

required to support the proposed development i.e...’.

New sport and recreation facilities, or extensions to existing provision

Tactran (074) – The CNPA supports low carbon methods of transport and has no objection to the amendment of para. 8.2 to include access by non-car modes. Modification to the first bullet point of para. 8.2 to read ‘Access to and/or within the proposed development site (including non-car modes)’.

Reduction in facilities or sport and recreation opportunity

Sport Scotland (069) – CNPA do not consider the addition of the proposed wording necessary as it has already been incorporated within the Policy itself. Paragraphs 8.7-8.9 provide some additional guidance relating to the reduction of sporting facilities and will be retained but restructured to reflect the amended policy.

The CNPA has agreed to the modification within the Summary Table of page 58 to replace ‘footpath’ with ‘path’ to avoid discriminating between methods of transport.

Objections raised through Schedule 4 template:

None

Changes:

The CNPA therefore propose the following amendments to the Supplementary Guidance for Policy 8:

- Modify para. 8.2 to read ‘Depending on the scale of the proposed development, contributions may be required by the planning authority to ensure sufficient protection of sport and recreation facilities. Information may also be required on other infrastructure that is required to support the proposed development i.e...’.
- Modify the first bullet point of para. 8.2 to read ‘Access to and/or within the proposed development site (including non-car modes)’.
- Replace references to ‘footpath’ with ‘path’ in the Summary Table of page 58.

Other changes by CNPA:

- Amend headings to align with amended Policy. They should now read ‘New Development’, ‘Re-development’ and ‘Reduction of facilities’.
- Insert a new section after para. 8.5 with heading ‘Re-development’ along with the following text:

Re-development

‘The re-development of sports and recreation facilities, playing fields or pitches will only be acceptable where the proposal meets the criteria set out in Policy 8.

If your proposal seeks to re-develop an entire recreational facility, field or pitch, it must be demonstrated that there is an over-supply of recreational or sporting

facilities of this nature within the surrounding area. A playing field strategy prepared in consultation with Sportscotland will be required to evidence this.

It may also be acceptable to re-develop an entire sporting facility, field or pitch where it will be replaced - either on site or at a more suitable site – with a sporting facility of equal or greater benefit, standard and capacity. Ensuring the provision of sporting facilities is maintained is a priority.

The partial re-development of a facility, field or pitch will only be acceptable where it is ancillary to the existing use of the sports facility or the proposal involves the re-development of a minor part which will not affect the overall function of the facility or space’.

Issue:	Cultural Heritage
Supplementary guidance reference:	Supplementary Guidance 9 (Policy 9)
Body or person(s) submitting a representation raising the issue (including reference number)	
043 The Highland Council 051 Scottish Government	
Provision of the supplementary guidance to which the issue relates:	
CNPA summary of the representation(s):	
<u>General</u>	
The Highland Council (043) - Examples of planning applications and the information requirement in support of these planning applications would help clarify expectations and the pragmatic and proportional approach to be applied.	
Scottish Government (051) – The Supplementary Guidance (SG) would benefit from being restructured to highlight that in managing change within the historic environment, the first step is to understand the resource and its significance.	
<u>Meeting the requirements of the policy</u>	
Scottish Government (051) – Modification of para. 9.1. to add the term ‘archaeology’ to the second sentence.	

National designations

Scottish Government (051) – It is assumed that the term ‘sites not formally identified’ refers to unscheduled rather than as yet unknown archaeology (para. 9.19).

Formal consent for works to scheduled monuments is known as ‘Scheduled monument consent’ and would be required in addition to other permissions, including planning permission in advance of any works. It is considered unclear why only certain works affecting a scheduled monument have been included and it is recommended that applicants are directed to Historic Scotland.

It is implied that the planning authority will only consult Historic Scotland where development is within an Inventory garden and designed landscape or battlefield. Scheduled monuments and their setting, category A listed buildings and their setting, Inventory battlefields and gardens and designed landscapes should be included to reflect Historic Scotland’s role as a statutory consultee.

Demolition

Scottish Government (051) - The SG should highlight that there may be a need to undertake Environmental Impact Assessment (EIA) for such proposals, in line with the requirements of Circular 4/2011.

Modifications sought by those submitting representations:

General

The Highland Council (043) - Examples of planning applications and the information requirement in support of these planning applications would help clarify expectations and the pragmatic and proportional approach to be applied.

Scottish Government (051) – Modification of the section to highlight that the first step to managing change within the historic environment is understanding the resource and its significance. This should be followed by the current information within ‘All forms of development’.

Meeting the requirements of the policy

Scottish Government (051) – Modification of para. 9.1 to add the term ‘archaeology’ to the second sentence.

National designations

Scottish Government (051) – Clarification required (para. 9.19) that the term ‘sites not formally identified’ refers to unscheduled rather than as yet unknown archaeology.

Modification to terminology used within SG that ‘formal consent for works to scheduled monuments’ is known as ‘scheduled monument consent’.

Clarification that this would be required in addition to other permissions, including in advance of any works.

Clarification required as to why only certain works affecting a scheduled monument have been included in para. 9.22. Suggested modification that partial list is removed and replaced with ‘...and applicants should consult Historic Scotland prior to the submission of any application for Scheduled Monument Consent’.

Clarification that Historic Scotland is a statutory consultee and not only consulted when stated in para. 9.25. Wording should be added to include scheduled monuments and their

setting, category A listed buildings and their setting, Inventory battlefields and gardens and designed landscapes.

Demolition

Scottish Government (051) - Addition of text to highlight that there may be a need to undertake an EIA for such proposals (para. 9.35- 9.37).

Summary of responses (including reasons) by CNPA:

General

The Highland Council (043) – The Cairngorms National Park Authority (CNPA) do not agree to provide examples of planning applications and the information requirements for these proposals. However, in order to assist the reader, the CNPA will include reference within the SG to Historic Scotland guidance for further information on proposals affecting cultural heritage and examples of wider best practice.

Scottish Government (051) – Regarding the intervention in cultural heritage assets the CNPA agree to the addition of a paragraph under the section ‘All forms of development’ in order to support suitable management. This will read ‘The key to preserving the cultural heritage of the Park is managing change in an appropriate way. The aim should be to preserve the cultural heritage asset in a way which preserves its special qualities, and takes every opportunity to enhance it for the future.’

Meeting the requirements of the policy

Scottish Government (051) – For completeness, the CNPA agree to the modification of para. 9.1 to include reference to archaeology. This will read ‘Cultural heritage includes ‘structures and other remains resulting from human activity of all periods, language, traditions, ways of life and the historic, artistic and literary associations of people, places and landscapes’. It comprises buildings, structures, areas, landscapes, archaeology as well as features such as wells, caves, veteran trees, traditional meeting places, ancient routes and places mentioned in folk lore. It can be of international significance or a personal perception of something valued’.

National designations

Scottish Government (051) – The CNPA agree to clarification within para. 9.19 to ‘For unscheduled sites, you must demonstrate what efforts have been taken to preserve them in situ’.

For clarity, the CNPA agree to modification to para. 9.22 to read- ‘Applicants must consult Historic Scotland prior to the submission for any application for Scheduled Monument Consent. Applications are required in addition to other consents, in advance of any works and should be submitted to Historic Scotland, not the planning authority’.

It is agreed that ‘statutory’ should be added to para. 9.25 in reference to Historic Scotland being a consultee. This modification will read ‘If your proposal affects a scheduled monument, category A listed building, Inventory battlefield or Gardens and Designed Landscapes and their setting, you must highlight this in your planning application. The planning authority will notify Historic Scotland who are a statutory consultee and will have an input into the decision made on that application.’

In addition, reference will be added to Historic Scotland’s role as a statutory consultee in para. 9.18 to read ‘In the case of Scheduled Monuments you must demonstrate how your development will preserve known and formally recognised, or scheduled, archaeology in

situ. You should also ensure no adverse effect on the setting occurs. The planning authority will notify Historic Scotland who are a statutory consultee and will have an input into the decision made on that application '.

Demolition

Scottish Government (051) – For clarity, the CNPA agree to the addition of text in relation to the requirement of an EIA in certain cases. Following the final bullet point of para. 9.36 a sentence will be added which states 'For such proposals, an Environmental Impact Assessment may be required'.

Objections raised through Schedule 4 template:

Designated sites and information provided within the Plan

The Highland Council (043) – Regarding the information included in Appendix 2 (Definitions of natural, built and cultural heritage features of international, national and local/regional importance) 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.

Changes:

The CNPA therefore propose the following amendments to the Supplementary Guidance for Policy 9:

General

- Addition of a sentence at the start of para. 9.3 reading 'The key to preserving the cultural heritage of the Park is managing change in an appropriate way'

Meeting the requirements of the policy

- Amend the second sentence in para. 9.1 to read 'It comprises buildings, structures, areas, landscapes, archaeology as well as features such as wells, caves, veteran trees, traditional meeting places, ancient routes and places mentioned in folk lore'.

National designations

- Amend the first sentence in para. 9.19 to read 'For unscheduled sites, you must demonstrate what efforts have been taken to preserve them in situ'.
- Modify para. 9.22 to read- 'Applicants must consult Historic Scotland prior to the submission for any application for Scheduled Monument Consent. Applications are required in addition to other consents, in advance of any works and should be submitted to Historic Scotland, not the planning authority'.
- Modify para. 9.25 to read 'If your proposal affects a scheduled monument, category A listed building, Inventory battlefield or Gardens and Designed Landscapes and their setting, you must highlight this in your planning application. The planning authority

will notify Historic Scotland who are a statutory consultee and will have an input into the decision made on that application.’

- Addition of a sentence at the end of para. 9.18 reading ‘The planning authority will notify Historic Scotland who are a statutory consultee and will have an input into the decision made on that application’.
- Addition of a sentence following the final bullet point of para. 9.36 stating ‘For such proposals, an Environmental Impact Assessment may be required’.

Changes in response to objections raised through Schedule 4 template:

- Having considered the inclusion of additional information in Supplementary Guidance on details of designation, it has been concluded that the glossary of the LDP itself and the original information from SNH provides the right level of information and signposting. However the CNPA will direct readers to guidance prepared by Historic Scotland through the addition of a sentence at the end of para. 9.2 reading ‘Further information supporting this can be found in the guidance notes ‘Managing change in the historic environment’. These are available at: www.historic-scotland.gov.uk’.
- Addition of sentence at the end of para. 9.10 reading ‘Further guidance on this can be found in ‘New Design in Historic Settings’, available at www.historic-scotland.gov.uk.

It is not considered necessary to make specific reference to shared services within the SG. Historic Scotland’s Joint Working Agreement already outlines how Historic Scotland and Planning Authorities should work together and it is not necessary to repeat this.

Issue:	Resources
Supplementary guidance reference:	Supplementary Guidance 10 (Policy 10)
Body or person(s) submitting a representation raising the issue (including reference number)	
040 Scottish Natural Heritage (SNH) 063 Scottish Environmental Protection Agency (SEPA) 235 Scottish Water	
Provision of the supplementary guidance to which the issue relates:	
CNPA summary of the representation(s):	
<u>Summary table</u>	
SEPA (063) – Suggest that the information required within the summary table (page 66) should more clearly relate to the requirements for Water Resources, Flooding and Connection to sewerage.	
<u>Water resources</u>	
SEPA (063) – Support the requirement for consideration of groundwater and wetlands. However, suggestion that a section on the water environment specifically protected under the Water Framework Directive should be included.	
They consider that a section on engineering activities in the water environment should be	

added to highlight that culverting and unnecessary activities should be avoided but if unavoidable, appropriate mitigation must be provided. It should also encourage, where possible the removal of redundant structures and the return of water bodies to their natural state (page 69).

SEPA (063) also support para. 10.27 encouraging the provision of buffer strips however, consider that this should be a requirement as part of mitigation and enhancement measures.

It is considered that a section on River Basin Management Plans should be added to highlight that they contain measures to maintain and improve water bodies to reach good ecological status and are a material consideration.

Consider that a section on engineering activities in the water environment should be added to highlight that culverting and unnecessary activities should be avoided but if unavoidable appropriate mitigation must be provided. It should also encourage where possible the removal of redundant structure and the return of water bodies to their natural state.

Water quality

SNH (040) – There should be mention of the River Tay SAC as one of the major rivers the Park lies within.

Suggest cross-reference from para. 10.25 regarding SACs to the relevant section of Natural Heritage SG regarding measures to safeguard river SACs.

Flooding

SEPA (063) – Consider that it is not explicit that the findings of a Flood Risk Assessment (FRA) will inform the development proposals. Results could identify constraints to development e.g. developable area, achievable capacity, economic feasibility, volume and layout of development, scale and design (page 73).

Consider that reference to prevention and alleviation measures for flooding should be removed. Development which would require new measures would not normally be acceptable (as you note further on) and it may be misleading to suggest that measures are a way of developing areas otherwise unsuitable for development (para. 10.41).

Connection to sewerage

Scottish Water (235) – Support the benefits of water efficiency given that waste water from new development invariably drain to the sewer. This is considered of particular importance within the Cairngorm National Park Authority (CNPA) region.

Consider that the use of the term ‘constraints’ is misleading and could suggest that physical constraints may be insurmountable. Clarification of wording is required within para 10.47.

Waste management facilities

SEPA (063) – It is considered unclear if ‘recycling points’ identified on the proposals maps are the only sites safeguarded from incompatible neighbouring development (para. 10.55).

Defining carbon emissions, sinks and stores

SNH (040) – Reference can be made to the Policy on Control of Woodland Removal and associated guidance which requires compensatory planting where any tree felling is justified (para. 10.72).

Modifications sought by those submitting representations:

Summary Table

SEPA (063) – The addition of information requirements within the summary table (page 66) for Water Resources should include:

- 'A statement on water use and requirements including use minimisation, demand management and a risk assessment for private water supplies if required;
- A Drainage Assessment including foul drainage and surface water drainage showing sustainable drainage systems (SUDS);
- A hydrology survey covering both surface and groundwater including wetland habitats and natural flow regime, water quality with reference to existing WFD classification status, existing public and private water supplies from abstractions and springs and amenity and recreational water use if required'.

Further information requirements should also be included within the Supplementary Guidance (SG) - 'Details of and justification for proposals and the nature and scale of potential impacts including direct and cumulative;

Construction and operation method statements detailing mitigation measures and pollution prevention and including enhancement and restoration or other remedial works which meet best practice requirements'.

Modification to text within the 'Flooding' information requirements of the summary table (page 66) to read 'Proximity to area at potentially significant risk of flooding (0.5% or 1:200 year probability) as shown on SEPA's Indicative Flood Map'.

Removal of text within the 'Connection to sewerage' information requirements to read 'Justification of need for private system and demonstration that this will be to an adoptable standard if required'.

Water resources

SEPA (063) – Suggest the addition of a section relating to groundwater, including reference to groundwater dependent wetlands, indicating that these are part of the water environment specifically protected under the Water Framework Directive. This should be included following the section on surface waters.

Addition of a section on engineering activities in the water environment should be added. This should highlight that culverting and unnecessary activities should be avoided but if unavoidable appropriate mitigation must be provided. It should also encourage where possible the removal of redundant structures and the return of water bodies to their natural state (page 69).

Strengthen the support for buffer strips by making this a requirement (para. 10.27).

Addition of a section relating to River Basin Management Plans to highlight that they contain measures to maintain and improve water bodies to reach good ecological status and are a material planning consideration.

Water quality

SNH (040) – Amend para. 10.24 to – 'Almost all of the Park lies within the catchments of five major rivers – the Don, Dee, South Esk, Spey and Tay, The latter four are designated as Special Areas of Conservation (SAC)....'

Add cross-reference from para 10.25 to 'Requirements for applications affecting an

International or National designation (Natura 2000) Site’.

Flooding

SEPA (063) - It should be more explicit that the findings of a FRA should inform the development of a site. An explanation of potential constraints identified by an FRA could be included e.g. impact on the developable area, achievable capacity, economic feasibility, layout, scale and design (page 73).

Reference to prevention and alleviation measures for flooding should be removed (para. 10.41).

Connection to sewerage

Scottish Water (235) – Include reference to water efficiency to highlight the role of water efficiency in sustainable housing.

Modification of the statement ‘Scottish Water may require from you’ could be substituted with ‘as well as what network mitigation and investment may be required from you as a developer’ (para. 10.47).

The use of the word ‘constraint’ in relation to Scottish Water’s assets implies insurmountable issues which can often be overcome in practice. Modification to the word ‘issue’ is preferred.

Waste management facilities

SEPA (063) – All safeguarded sites for waste management facilities should be identified or a statement added for clarification as to the nature of these sites (para. 10.55).

Defining carbon emissions, sinks and stores

SNH (040) – Add reference that consideration should be given to the requirements of the Policy on Control of Woodland Removal, including in relation to the need for compensatory planting for any woodland felled (para. 10.72).

Summary of responses (including reasons) by CNPA:

Summary table

To ensure consistency with policy, the CNPA agree to the following additional information requirements within the ‘Water resources’ section of the summary table (page 66):

- ‘A statement on water use and requirements including use minimisation, demand management and a risk assessment for private water supplies if required;
- A Drainage Assessment including foul drainage and surface water drainage showing sustainable drainage systems (SUDS);
- A hydrology survey covering both surface and groundwater including wetland habitats and natural flow regime, water quality with reference to existing WFD classification status, existing public and private water supplies from abstractions and springs and amenity and recreational water use if required’.

For clarity, the CNPA agree to the modification of text within the ‘Flooding’ information requirements of the summary table (page 66) to read ‘Proximity to area at potentially significant risk of flooding (0.5% or 1:200 year probability) as shown on SEPA’s Indicative Flood Map’.

To ensure adaptability of private sewerage system, the CNPA agree to the amendment of the second bullet point within the 'Connection to sewerage' information requirements to read 'Justification of need for private system and demonstration that this will be to an adoptable standard if required'.

Water resources

SEPA (063) – The CNPA agree with the addition of a section on engineering activities in the water environment. Following para. 10.3 the following text will be added 'Where engineering activities in the water environment are required appropriate mitigation measures should be provided with an application. Where possible this should include the removal of redundant structures and the return of water bodies to their natural state'.

For clarity, the CNPA agree to the addition of two bullet points of information requirements within para. 10.6 to include:

- 'Details of and justification for proposals and nature and scale of potential impacts including direct and cumulative;
- Construction and operation method statements detailing mitigation measures and pollution prevention and including enhancement and restoration or other remedial works which meet best practice requirements'.

CNPA do not consider it necessary to include new section on groundwater as reference has already been made to the need to consider groundwater in para. 10.3. However CNPA do agree to add reference to SEPA's Groundwater Protection Policy for further guidance.

The CNPA agree to amend the wording of para. 10.27 to require applicants to demonstrate that buffer strips have been considered. This will read 'You should consider the inclusion of buffer strips within your application and provide reasoning for your proposal where this option has been discounted'.

The CNPA agree to the acknowledge River Basin Management Plans within the existing section 'Water quality' and highlight that they should be taken into consideration.

Water quality

SNH (040) – The CNPA agree to the amendment of para 10.24 to read 'Almost all of the Park lies within the catchments of five major rivers – the Don, Dee, South Esk, Spey and Tay, the latter four are designated as Special Areas of Conservation SAC)...'.

The CNPA do not agree to the cross-reference of text to the Natural Heritage SG. In this case cross referencing is considered to be unnecessary as the Natural Heritage and Resources policies and SG are considered complementary.

Flooding

SEPA (063) – The CNPA agree to addition of text to the end of para. 10.39 to make explicit the potential impacts a Flood Risk Assessment may have on a proposed development – 'This should be done as early as possible in the process to inform the proposed development and identify constraints which may impact on:

- the developable area,
- achievable capacity,

- economic feasibility,
- layout, scale and design.

The Flood Risk Assessment should adhere to the Technical Flood Risk Guidance for Stakeholders, available from SEPA www.sepa.org.uk'.

To provide clarity to the reader the CNPA agree to remove reference to prevention and alleviation measures within para. 10.41. This should avoid misleading applications that mitigation measures as are a way of developing areas otherwise unsuitable for development and will result in the removal of the whole paragraph.

Connection to sewerage

Scottish Water (235) – The CNPA do not agree to the inclusion of water efficiency within this section. The matter of sustainable resources, including the minimisation of energy, waste and water usage is dealt with under Policy 5: Sustainable Design. To avoid repetition it is not considered necessary to include this within the Resources SG and the modification is not accepted.

Scottish Water (235) – The CNPA agree to the modification of wording in para. 10.47 to provide clarity to the reader – 'If the system has insufficient capacity, you should contact Scottish Water to identify any programmed works which will address the issue(s). Alternatively, Scottish Water may advise on network mitigation and investment required by you as the developer. Further information on Scottish Water's Delivery and Investment Plan can be found at: www.scottishwater.co.uk'.

Waste management facilities

SEPA (063) – All safeguarded sites for waste management facilities are identified within the proposal maps of the Local Development Plan for strategic, intermediate and rural settlements. To avoid repetition modification to para. 10.55 is not agreed by the CNPA.

Defining carbon emissions, sinks and stores

SNH (040) – The CNPA agree that text should be added to 10.72 to clarify that compensatory woodland planting may be required if woodland is to be allowed. Modification to read 'You should avoid removing trees and woodlands as part of your development proposal. Compensatory planting may be required in cases where removal of trees or woodland is justified'.

Objection raised through Schedule 4 template:

Water resources – omission within proposed text

SEPA (063) - Regarding the limitations of the policy in respect of 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 representee.

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.

Waste Management and Minimisation

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.

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.

Changes:

The CNPA therefore propose the following amendments to the Supplementary Guidance for Policy 10:

Summary table

- Add and amend information requirements within the ‘Water resources’ section of the summary table (page 66):
 - ‘A statement on water use and requirements including use minimisation, demand management and a risk assessment for private water supplies if

required (replacing 'Risk assessment for water supplies');

- Drainage Assessment including foul drainage and surface water drainage showing sustainable drainage systems (SUDS) (Replacing existing bullet point 'Drainage Assessment' and);
- A hydrology survey covering both surface and groundwater including wetland habitats and natural flow regime, water quality with reference to existing Water Framework Directive classification status, existing public and private water supplies from abstractions and springs and amenity and recreational water use if required'.
- Remove 5th bullet point of 'Water resources' - 'SUDS or Surface Drainage Statement'.
- Modify first bullet point within the 'Flooding' information requirements of the summary table (page 66) to read 'Proximity to area at potentially significant risk of flooding (0.5% or 1:200 year probability) as shown on SEPA's Indicative Flood Map'.
- Amend second bullet point within the 'Connection to sewerage' information requirements to read 'Justification of need for private system and demonstration that this will be to an adoptable standard if required'.

Water resources

- Addition of a new paragraph following para. 10.3 to read 'Where engineering activities in the water environment are required appropriate mitigation measures should be provided with an application. Where possible this should include the removal of redundant structures and the return of water bodies to their natural state'.
- Amend para. 10.6, first bullet point to replace 'fulfilling best practice requirements' with 'detailing mitigation measures and pollution prevention and including enhancement and restoration or other remedial works which meet best practice requirements'.
- Amend para. 10.6, 2nd bullet point with
 - 'Details of and justification for proposals and nature and scale of potential impacts including direct and cumulative;'
- Addition of a sentence at the end of para. 10.3 to read 'Further guidance can be found in the Groundwater Protection Policy for Scotland, available at www.sepa.org.uk'.
- Addition of a sentence at the end of para. 10.27 reading 'You should consider the inclusion of buffer strips within your application and provide reasoning for your proposal where this option has been discounted'.
- Addition of a section stating 'River Basin Management Plans contain measures to include water bodies to reach good ecological status and are a material planning consideration'.
- Amend para. 10.4. to read 'There are a number of statutory and regulatory controls in addition to planning permission, such as the European Union Habitats Directive, and the Water Environment (Controlled Activities) (Scotland) Regulations which need to be considered. The latter deals with engineering activities, pollution, water flow, quality and quantity. In addition, River Basin Management Plans also provide

information regarding the ecological status of watercourses and should be taken into consideration through the planning process. The granting of planning permission does not remove the need to ensure other licences, permissions or authorisations are in place, which is the developers responsibility’.

Water quality

- Amend the first two sentences of para 10.24 to read ‘Almost all of the Park lies within the catchments of five major rivers – the Don, Dee, South Esk, Spey and Tay, the latter four are designated as Special Areas of Conservation SAC)...’.

Flooding

- Amend last sentence of para. 10.39 to read ‘This should be done as early as possible in the process to inform the proposed development and identify constraints which may impact on:
 - the developable area,
 - achievable capacity,
 - economic feasibility,
 - layout, scale and design.

The Flood Risk Assessment should adhere to the Technical Flood Risk Guidance for Stakeholders, available from SEPA www.sepa.org.uk’.

- Remove paragraph 10.41.

Connection to sewerage

- Amend wording from second sentence in para. 10.47 to read ‘If the system has insufficient capacity, you should contact Scottish Water to identify any programmed works which will address the issue(s). Alternatively, Scottish Water may advise on network mitigation and investment required by you as the developer. Further information on Scottish Water’s Delivery and Investment Plan can be found at: www.scottishwater.co.uk’.

Defining carbon emissions, sinks and stores

- Addition of text at the end of para. 10.72 to read ‘Compensatory planting may be required in cases where removal of trees or woodland is justified’.

Changes in response to objections raised through Schedule 4 template:

- Amend para 10.1 to read ‘The water environment is a key part of the park; its lochs, burns, rivers, wetlands and ground water contribute to its special qualities’.
- Insert new sentence after the first sentence in para 10.5 reading ‘It must be demonstrated that any impacts on river hydrology, sediment transport and erosion, nature conservation, ecological status or ecological potential, fisheries, water quality and quantity and flow rate, recreational landscape, amenity and economic or social impact can be adequately mitigated’.
- The CNPA supports an amendment to highlight the role of trees and woods in reducing the risk of flooding. Para 10.44 will be amended to read ‘Flood risk

management measures should target the sources and pathways of flood waters and the impacts of flooding. Where possible, natural features including woodland and trees, and characteristics of catchments should be restored to slow, reduce or otherwise manage flood waters’.

- Modify second sentence of para 10.55 to read ‘The Grainish and Grantown-on-Spey waste management facilities along with the sites identified on proposals maps within the Plan are to be safeguarded from incompatible neighbouring development to ensure that they are protected for the long-term provision of waste management facilities.
- Modify para. 10.73 to read ‘All development proposals must demonstrate sound management practices of moorland, forestry, woodland, wetland, soil and woodland habitats to take account of carbon storage, alongside the biodiversity importance of habitats’.

Issue:	Developer Contributions
Supplementary guidance reference:	Supplementary Guidance 11 (Policy 11)
Body or person(s) submitting a representation raising the issue (including reference number)	
040 Scottish Natural Heritage (SNH)	
043 The Highland Council	
051 The Scottish Government	
074 Tayside and Central Scotland Transport Partnership (Tactran)	
078 D Fairlie Partnership	

239 Ristol Ltd	
Provision of the supplementary guidance to which the issue relates:	
CNPA summary of the representation(s):	
<u>General</u>	
<p>The Highland Council (043) – considered this to be a useful document which will help to deliver certainty to the development industry.</p> <p>Ristol Ltd (239) – Reference should be made to Circular 3/2012 and the policy tests used as the basis for determining developer contributions.</p> <p>D Fairlie Partnership (078) – Support the policy approach subject to confirmation that such requirements will be sought in accordance with the legislative and policy requirements contained in Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements.</p>	
<u>Transportation and outdoor access</u>	
<p>Tactran (074) – There should be a requirement for the preparation and implementation of Travel Plans for larger developments. Reference should be made to making provision for liftshare arrangements and community car clubs.</p> <p>The Scottish Government (051) – Reference to developer contributions in relation to trunk roads is welcomed. Clarification is required where infrastructure is required to support development. Developers are required to fund and deliver improvements rather than providing a contribution to others to deliver necessary works. This should be identified within the Transport Assessment which should be scoped and agreed with Transport Scotland where potential trunk road impacts are identified.</p>	
<u>Open space</u>	
<p>D Fairlie Partnership (078) – Highlight that there may be some circumstances where the quality and nature of design may justify waiving the 20% open space provision (para. 11.12).</p>	
<u>Natural heritage</u>	
<p>SNH (040) – A section is required to set parameters and a mechanism for agreed developer contributions to a strategic management and mitigation plan for impact on capercaillie from residential developments. This should be based on an understanding of capercaillie distribution, the likely impact of residential developments through recreation (e.g. distances and numbers) and various on-the-ground measures necessary as part of a mitigation package. Contributions would then be made to delivery of the Cairngorm National Park Authority's (CNPA) Cairngorms Capercaillie Action Plan (para. 11.19).</p> <p>Replacement costs for designated sites and ancient woodland are given (page 84, table 4). However, there is concern at the ability to recreate such habitat once lost where the overriding preference is that development should not involve loss of designated woodland or Inventories ancient woodland.</p>	
Modifications sought by those submitting representations:	
<u>General</u>	
<p>Ristol Ltd (239) - Reference should be made to Circular 3/2012 and the policy tests used as the basis for determining developer contributions.</p>	
<u>Transportation and outdoor access</u>	

Tactran (074) – Addition of requirements for the preparation and implementation of Travel Plans for larger developments to para. 11.8. Also, reference should be made to making provision for liftshare arrangements and community car clubs.

The Scottish Government (051) – Modification of bullet point 6 (para. 11.8) to state ‘The Trunk Roads Authority will determine any contributions required in relation to trunk roads or works to be undertaken by the developer, dependent on the scale and nature of interventions identified as necessary within the Transport Assessment’.

Open space

D Fairlie Partnership (078) – Highlight that there may be some circumstances where the quality and nature of design may justify waiving the 20% open space provision (para. 11.12).

Natural heritage

SNH (040) – Addition of extra paragraph (following para. 11.19) to amplify what is set out in regards to developer contributions towards the ‘Cairngorms Capercaillie Action Plan’ as mitigation for likely significant effects on capercaillie Special Protection Areas in the Natural Heritage Supplementary Guidance (SG).

Addition of sentence to para. 11.19 and table 5 along the lines of ‘Due to their rarity and lack of scope for replacement once lost, in accordance with the Policy on Control of Woodland Removal, developments should seek to avoid loss to designated woodland nature conservation sites and to inventoried ancient woodland. Any loss of habitat in designated sites will only be acceptable if it complies with other relevant policies of the plan’.

Summary of responses (including reasons) by CNPA:

General

Ristol Ltd (239) and D Fairlie Partnership (078) – The CNPA agree to include reference to Circular 3/2012, specifically the policy tests to provide clarity to readers (Scottish Government Circular 3/2012, page 5, para. 14). Following para. 11.3 text will be added to read ‘As set out in the Scottish Government Circular 3/2012 contributions will be required to meet the following tests:

- Necessary to make the proposed development acceptable in planning terms;
- Serve a planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans;
- Relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of the development in the area;
- Fairly and reasonable relate in scale and kind to the proposed development;
- Be reasonable in all other respects’.

Transportation and outdoor access

Tactran (074) – The CNPA promotes sustainable transport methods and will highlight that Travel Plans may be required for larger developments.

CNPA supports the principle of liftshare and car sharing, however developer contributions will only be considered appropriate where a development may have an impact on an existing scheme. Therefore, it is considered more appropriate to include that opportunities to enhance sustainable travel may include ‘A contribution towards established community

transport solutions that would experience increased use’.

The Scottish Government (051) – For clarity, the CNPA agrees to the modification of bullet point 6, para. 11.8 to read ‘The Trunk Roads Authority will determine any contributions required in relation to trunk roads or works to be undertaken by the developer, dependent on the scale and nature of interventions identified as necessary within the Transport Assessment’.

Open space

D Fairlie Partnership (078) –The CNPA accepts the point raised and after further consideration does not consider it necessary to provide a specific figure for open space requirements. Development proposals vary in nature and scale and therefore the amount required may depend on the individual circumstances of the proposal. It is not considered necessary to include a requirement of 20% open space and therefore there is no need for the proposed amendment.

Natural heritage

SNH (040) – To avoid repetition the CNPA do not agree to include cross reference to species specific mitigation measures. SG 5: Natural Heritage provides methods to determine mitigation measures for capercaillie where appropriate with specific mention of the Cairngorms Capercaillie Action Plan. The Natural Heritage paragraph will be amended to make it explicit that developer contributions will only be acceptable after consideration of the measures set out in the Natural Heritage Supplementary Guidance.

The CNPA do not agree to the proposed modification to specify that any loss of designated habitat is only acceptable if it complies with other relevant policies of the plan. For the avoidance of repetition, the CNPA consider that it is not necessary to specify that all policies and Supplementary Guidance apply to all developments.

Objection raised through Schedule 4 template:

What the policy aims to do

NHS Grampian (230) - The CNPA welcomes and encourages early engagement with all stakeholders including health boards, and suggests that suitable wording is included in para 11.15 of the supplementary guidance (SD21) on Developer Contributions to highlight this.

How the policy will be applied

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

The representee has provided suggested wording to replace para 12.8 and the CNPA has no objection to the use of this wording, to completely replace the paragraph.

In addition the representee raises the requirement to include clarity on the tests of necessity as set out in paragraph 15 of circular 3/2012. The CNPA therefore suggests that suitable wording be included in para 12.9. The CNPA suggests an additional first sentence to this paragraph to read “The Authority will not use planning obligations or other legal agreements where issues can be resolved in another way. The Authority will consider:

1) use of planning conditions,

2) use of an alternative legal agreement

3) use of planning obligation only where successors in title need to be bound by the obligation.”

The CNPA will also ensure that the supporting supplementary guidance is updated to reflect these changes. (SD21)

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

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 (Schedule 4 form on Issue 4- Promoting Growth).

Changes:

The CNPA therefore propose the following amendments to the Supplementary Guidance for Policy 11:

General

- Addition of a new paragraph to read ‘As set out in the Scottish Government Circular 3/2012 contributions will be required to meet the following tests:
 - Necessary to make the proposed development acceptable in planning terms;
 - Serve a planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans;
 - Relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of the development in the area;
 - Fairly and reasonable relate in scale and kind to the proposed development;
 - Be reasonable in all other respects’.

Transportation and outdoor access

- Addition of additional bullet point para. 11.8:
 - ‘Travel plans for large scale developments;
- Modify bullet point 6, para. 11.8 to read ‘The Trunk Roads Authority will determine any contributions required in relation to trunk roads or works to be undertaken by the developer, dependent on the scale and nature of interventions identified as necessary within the Transport Assessment’.

Changes in response to objections raised through Schedule 4 template:

- CNPA is satisfied that the Healthcare section already includes ‘direct negotiations with the relevant health board, the planning authority, the Council and the applicant’

which will be retained.

- Amend third sentence in para. 11.3 to accord with policy change to read ‘The aim however always remains to deliver economic growth in a way which supports local communities and natural heritage, whilst ensuring that planned development is economically viable and have been fairly considered for developer contributions’.
- Re-structure Transportation and outdoor access section to provide guidance on the role of the developer in improving public transport, cycling and walking.
- Amend headings within the Supplementary Guidance to align with the Policy. These should now read Education, Libraries, Healthcare, Recycling & Waste, Sustainable travel, Community Facilities, Landscaping and Open Space and Natural Heritage.

Other changes by CNPA:

The Supplementary Guidance will be significantly restructured to provide consistency with the headings stipulated in the policy and text has been moved to fit more accurately with the new headings.

All calculations and figures for assessing developer contributions will be removed. The CNPA covers five different local authority areas with different methodologies and requirements for calculating contributions and therefore it is not considered appropriate to introduce a different approach within the CNPA. The Supplementary Guidance will outline the principles for how contributions will be determined and what information is required to do so, however this process will ultimately be determined in consultation with the relevant departments within the local authority i.e. education, roads etc.

The Natural Heritage section will be amended and the tables on pages 84 and 85 removed. Consistent with amendments made in the Natural Heritage Supplementary Guidance, the value of a feature of natural heritage cannot be quantified without taking into consideration the individual circumstances and impacts of the proposal. It is considered more appropriate to refer directly to the Natural Heritage policy and Supplementary Guidance which should be used to determine if an impact can be mitigated, and if so, what mitigation is required.

The Community Involvement section (page 86) will be removed as it did not help applicants comply with the policy. CNPA will review whether specific advice for communities is required.

Issue:	Development Briefs
Supplementary guidance reference:	Supplementary Guidance 12

Body or person(s) submitting a representation raising the issue (including reference number)	
024 Gordon Bulloch 051 Scottish Government 063 Scottish Environmental Protection Agency (SEPA) 139 Buglife 235 Scottish Water	
Provision of the supplementary guidance to which the issue relates:	The Supplementary Guidance sets out detailed development briefs for key development sites identified within the Plan.
CNPA summary of the representation(s):	
<u>Sustainable build and energy requirements</u>	
<p>Scottish Water (235) – The mention of water efficiency would be relevant in para. 12.20 as Scottish Water promote the benefits of water efficiency due to the waste which eventually drain into the sewer.</p> <p><u>Grantown-on-Spey HI</u></p> <p>Gordon Bulloch (024) – Supports wording of para. 12.1 to 12.37.</p> <ol style="list-style-type: none"> 1) Supports northern boundary of the site but believes the north-western boundary by Revoan is not effective and development should be prevented in this area to stop adverse impact on views. 2) Suggests the wording of para. 12.46 ‘building heights are acceptable from 1.5 storeys’ is unclear and could be mis-interpreted. 3) Concern that any access from Seafield Avenue will cross the Kynlintra Burn flood plain (para. 12.50). 4) Identifies that the eastern site boundary does not have a 15m peripheral planting boundary as set out in para 12.24. <p>Buglife (139) – The site is complex with a number of semi-natural pockets contributing to a mosaic of habitats that are unusual for the area. The mature woodland surrounding the proposed development site could support the Aspen hoverfly <i>Hammerschmidtia ferruginea</i> which is only found only in large stands of boreal aspen in the Scottish Highlands. This UK Biodiversity Action Plan (BAP) priority species is found in only 14 sites in the Highlands. The guidance should be explicit in the requirement for invertebrate species.</p> <p>SEPA (063) – Wording should be included regarding the Kynlintra Burn of which SEPA holds records of flooding associated with the Burn. A Flood Risk Assessment (FRA) is likely to be required to support any development proposals.</p> <p><u>Kincraig HI</u></p> <p>SEPA (063) - It is noted that waterlogged ground and burn restoration is mentioned in the development brief and an area prone to flooding is shown on the map. This site may be susceptible to flooding and a FRA will be required to support development proposals.</p> <p><u>Newtonmore HI</u></p> <p>The Scottish Government (051) – Transport Scotland has no record of having been consulted on the adjacent consented site (refs: THC – 07/00153/FULBS, CNPA – 07/230/CP). Given the potential impacts on the trunk road arising from site HI, Transport Scotland should be consulted on potential trunk road impacts. In line with Scottish Planning</p>	

Policy (paragraphs 174 and 175), given the development has the potential to affect the performance or safety of the strategic transport network a Transport Assessment should be undertaken to determine any trunk road impacts. If required, mitigation measures should be agreed with Transport Scotland and delivered by the developer.

Modifications sought by those submitting representations:

Sustainable build and energy requirements

Scottish Water (235) request the term ‘water-efficiency’ be included within para. 12.20 to highlight the role of water efficiency in sustainable housing.

Grantown-on-Spey HI

- 1) Gordon Bulloch (024) requested the boundary of HI is amended from the SW corner of Revoan back to the corner with the woods to the west of the site.
- 2) Gordon Bulloch (024) suggests change of wording to ‘Building heights are acceptable up to 1.5 storeys’ in line with existing adopted Grantown-on-Spey Development Brief.
- 3) Gordon Bulloch (024) suggests addition of words in para. 12.50 which require developers to carry out a flood risk assessment.
- 4) Gordon Bulloch (024) requested the boundary of HI is amended on the eastern site to reflect the 15m peripheral planting.

Buglife (139) requests the addition of wording to include invertebrates in para. 12.43. Invertebrate surveys should be required to ensure a development has no negative impact on these populations.

SEPA (063) – Modification of text relating to HI to include: ‘The Kyntra Burn runs along the north west boundary of the site. SEPA holds records of flooding associated with the Burn. A FRA is likely to be required to support any development proposals.’

Kincraig HI

SEPA (063) – Modification to text relating to HI to include: ‘A small watercourse runs along the site boundary which is culverted under a nearby road and the topography is very low and flat so it may be susceptible to flooding. A FRA will be required to support development proposals.’

Newtonmore HI

The Scottish Government (051) – Addition of paragraph within 12.82-12.84 to read ‘A Transport Assessment should be undertaken to determine the impact of the development on the safe and efficient operation of the trunk road. If required, trunk road mitigation measures should be agreed with Transport Scotland and delivered by the developer.’

Summary of responses (including reasons) by CNPA:

Sustainable build and energy requirements

Scottish Water (235) – For clarity, the CNPA agree to modification of para. 12.20 to read ‘The design of all development should seek to minimise requirements for energy, demonstrate sustainable use of resources and water efficiency and use non-toxic, low-embodied energy materials. Appropriate on-site renewable technologies should be used to strive towards a zero or low carbon development’.

Granttown-on-Spey HI

Gordon Bulloch (024) –The CNPA do not agree to amend the North-West boundary as the proposed planting is sufficient. However, it is agreed that the boundary of the HI site will be amended along the southern edge to match that of the allocation in the LDP for continuity.

For clarity, the CNPA agree to the amendment that 1.5 storeys is likely to be the most acceptable scale of development. Modification to para. 12.46 to read ‘Building heights are acceptable up to 1.5 storeys’.

Gordon Bulloch (024) and SEPA (063) – The CNPA agree to requirements for a flood risk assessment for proposed developments. Addition of paragraph under section ‘Physical condition’ to read ‘The Kylintra Burn runs along the north west boundary of the site. SEPA holds records of flooding associated with the Burn. A flood risk assessment is likely to be required to support any development proposals’.

Buglife (139) –The CNPA assume reference is being made to para. 12.43 which relates to natural heritage issues within Granttown-on-Spey HI. The CNPA do not agree to the proposed inclusion of reference to invertebrate surveys. Habitat and species survey requirements are set out in SG 5: Natural Heritage and for the avoidance of repetition it is not considered necessary to cross reference these policies and SG.

Kincraig HI

SEPA (063) – The CNPA agree to the addition of text relating to the physical conditions of the HI site. Following para. 12.54 the following text will be added ‘A small watercourse runs along the site boundary which is culverted under a nearby road and the topography is very low and flat so it may be susceptible to flooding. A Flood Risk Assessment will be required to support development proposals’.

Newtonmore HI

The Scottish Government (051) – The CNPA agree to the addition of text relating to the requirement for a transport assessment. Following para. 12.82 the following text will be added ‘A Transport Assessment should be undertaken to determine the impact of the development on the safe and efficient operation of the trunk road. If required, trunk road mitigation measures should be agreed with Transport Scotland and delivered by the developer’.

Objections raised through Schedule 4 template:

None

Changes:

The CNPA therefore propose the following amendments to the Development Briefs Supplementary Guidance:

Sustainable build and energy requirements

- Amend first sentence of para. 12.20 to read ‘The design of all development should seek to minimise requirements for energy, demonstrate sustainable use of resources and water efficiency and use non-toxic, low-embodied energy materials.’

Granttown-on-Spey HI

- Amend the boundary of the HI site to match that of the allocation in the LDP for

continuity.

- Modify last sentence in para. 12.46 to read 'Building heights are acceptable up to 1.5 storeys'.
- Addition of paragraph following para. 12.40 to read 'The Kyntra Burn runs along the north west boundary of the site. SEPA holds records of flooding associated with the Burn. A flood risk assessment is likely to be required to support any development proposals'.

Kincraig HI

- Insert new paragraph following para. 12.54 to read 'A small watercourse runs along the site boundary which is culverted under a nearby road and the topography is very low and flat so it may be susceptible to flooding. A Flood Risk Assessment will be required to support development proposals'.

Newtonmore HI

- Insert new paragraph following para. 12.82 to read 'A Transport Assessment should be undertaken to determine the impact of the development on the safe and efficient operation of the trunk road. If required, trunk road mitigation measures should be agreed with Transport Scotland and delivered by the developer'.