
CAIRNGORMS NATIONAL PARK AUTHORITY

FOR DECISION

Title: NATURAL HERITAGE, LANDSCAPE, CULTURAL HERITAGE AND RENEWABLE ENERGY NON-STATUTORY GUIDANCE

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Purpose of Report

1. To ask the Planning Committee to approve for consultation Draft Natural Heritage, Landscape, Cultural Heritage and Renewable Energy Non-Statutory Guidance to support the next LDP.

Summary

2. The Cairngorms National Park Proposed Local Development Plan was submitted to Scottish Ministers on September 20th 2019. The reporters' examination of unresolved representations is now underway. At the end of the process, the Reporter will publish an Examination Report, which will set out a list of recommended modifications to the Plan. Examination reports are largely binding on planning authorities, and the CNPA will have a three month period to consider the Reporter's recommendations and submit the Proposed Plan as modified to Scottish Ministers. Following agreement with Scottish Ministers, the Cairngorms National Park will adopt the LDP.
3. Supplementary Guidance and non-statutory guidance will support the LDP, though these do not need to undergo examination. The CNPA has been preparing the guidance with the intention that it be adopted alongside or shortly after the adoption of the LDP. It is intended that the consultation on these documents be staggered to enable those with an interest time to fully consider the contents of the guidance.
4. It is therefore proposed to produce that the following non-statutory guidance be consulted on first:
 - a) Natural Heritage
 - b) Landscape
 - c) Cultural Heritage
 - d) Renewable Energy

Recommendation

5. That the Planning Committee approve the publication of the following non-statutory guidance for a six week period of public consultation:
 - a) Natural Heritage
 - b) Landscape
 - c) Renewable Energy
 - d) Cultural Heritage

Background

6. The Cairngorms National Park Proposed Local Development Plan was submitted to Scottish Ministers on September 20th 2019. The reporters' examination of unresolved representations is now underway. At the end of the process, the Reporter will publish an Examination Report, which will set out a list of recommended modifications to the Plan. Examination reports are largely binding on planning authorities, and the CNPA will have a three month period to consider the Reporter's recommendations and submit the Proposed Plan as modified to Scottish Ministers. Following agreement with Scottish Ministers, the Cairngorms National Park will adopt the LDP.
7. Supplementary Guidance and non-statutory guidance will support the LDP, though these do not need to undergo examination. The CNPA has been preparing the guidance with the intention that it be adopted alongside or shortly after the adoption of the LDP. It should be noted that non-statutory guidance cannot introduce any additional policy requirements not currently within the LDP. It should also be noted that policy requirements within the LDP may change as a result of the examination, therefore amendments may need to be made to the non-statutory guidance following the receipt of the Examination Report. However, it is not envisaged that these changes will be significant enough to require the non-supplementary guidance to be re-consulted on.
8. It is intended that the consultation on the Supplementary and non-statutory guidance be staggered to enable those with an interest time to fully consider their contents. This paper therefore requests that the following four pieces of non-statutory guidance be approved for public consultation:
 - a) Natural Heritage
 - b) Landscape
 - c) Renewable Energy
 - d) Cultural Heritage
9. It is proposed that the consultation period will last six weeks.
10. It is intended that draft non-statutory guidance on economic development, resources and open space, sport and recreation be brought to committee in April and supplementary guidance on housing and developer obligations and non-statutory guidance on design and placemaking be brought to committee in May.

11. A brief summary of the guidance under consideration at this Planning Committee is provided below. Full copies of the guidance is provided in the appendices.

Natural Heritage Non-Statutory Guidance

12. This non-statutory guidance will support Policy 4: Natural Heritage of the Local Development Plan, which provides the framework for how consideration and safeguarding of natural heritage interests should be incorporated into development proposals. A range of natural heritage interests are identified, which includes habitats as well as wildlife.
13. The policy, and therefore the non-statutory guidance, applies to all developments, not just those in ecologically sensitive locations. This is because the effects of development on natural heritage interests can extend outside a development site (for example by increasing the number of people using a woodland for recreation, causing disturbance to ground nesting birds), and because many species are mobile and move through the landscape (for example some amphibians may hibernate in one location, but spend the rest of the year feeding and breeding in another, so a proposed development site could create a barrier between the two areas).

Landscape Non-Statutory Guidance

14. This non-statutory guidance will support Policy 5: Landscape of the Local Development Plan applies to all development and provides the framework for how consideration of landscape interests should be incorporated into development proposals. The guidance will provide information on the following policy concerns:
 - a) Special landscape qualities of the Park:
 - b) National Scenic Areas
 - c) Wild Land Areas
 - d) Landscape Character
 - e) Private Roads and Ways

Renewable Energy Non-Statutory Guidance

15. This non-statutory guidance will support Policy 7 of the Local Development Plan, which provides the framework for how consideration of renewable energy systems should be incorporated into development proposals.
16. The policy and non-statutory guidance applies to all developments that incorporate renewable energy systems that are not covered by permitted development rights. For example, new housing developments incorporating air source heat pumps as part of the development, as well as those that are solely concerned with energy production such as hydro-electricity or energy from waste developments.

Cultural Heritage Non-Statutory Guidance

17. This non-statutory guidance will support Policy 9: Cultural Heritage of the Local Development Plan, which applies to all development and provides the framework for how consideration of cultural heritage interests should be incorporated into

development proposals. The guidance will provide information on general principles in safeguarding heritage as well as assets specific to the National Park. These include:

- a) Listed buildings
- b) Conservation areas
- c) Inventory Gardens and Designed Landscapes
- d) Battlefields
- e) Archaeology and National Monuments Record sites
- f) Properties on the Buildings at Risk Register

Next Steps

18. We propose that the Draft Non-Supplementary Guidance will be published for a six week period of public consultation, which is expected to commence in April 2020. The consultation will be publicised on the CNPA's website and social media platforms.
19. All consultation comments will be summarised and used to inform the final non-statutory guidance. It should also be noted that modifications may also arise due to changes to the LDP that might be required the Reporter.
20. The consultation comments and a proposed final non-statutory guidance will be reported back to the Planning Committee for adoption. Once adopted, the guidance will support the implementation of the LDP and will be a material consideration for the future planning applications. It is anticipated that the proposed non-statutory guidance will be reported back to the Board for approval alongside the LDP in summer 2020.

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Appendices:

1. Draft Natural Heritage non-statutory guidance
2. Draft Landscape non-statutory guidance
3. Draft Renewable Energy non-statutory guidance
4. Draft Cultural Heritage non-statutory guidance