

the contribution of development to vibrancy of the local economy. In short, it will not make enough specific contribution to the needs of young and employed residents towards achieving sustainable communities. We are firmly of the view that CNPA's approach lacks the precision and refinement needed to meet the considerable magnitude of the affordable housing challenge."

CNPA has included this paragraph in its Analysis of Reporters' Recommendations. CNPA, in its paragraph 1.5 states it is "commissioning further research into ways to provide affordable housing to meet local needs."

note that, more than six years ago, CNPA stated that: The CNPA considers that housing, in particular to provision of affordable housing, is the most serious and intractable problem that it has to deal with." (ref CNPA Planning Paper 5, 7th May 2004, paragraph 7).

In view of the progress by CNPA in this area over the past six years, it would be appropriate for CNPA to provide a public explanation of how it now proposes to bring about the delivery of affordable housing at this time.

e) Reporters' paragraph 24.50 states: "We have set out elsewhere in this report our serious reservations about the amount of the housing land supply in the local plan. We recall also that the commissioned research did not provide a guide to the number of affordable housing units required for any of the settlements in the Park. Unfortunately, these deficiencies have been taken forward through successive drafts of the local plan. In short, we conclude that the local plan is not sufficiently clear or focussed enough on the scale and distribution of affordable housing that can be delivered. However, the supporting text commits to monitoring these outcomes during the lifetime of the local plan, so that if, as seems highly likely, the overall policy approach fails to deliver affordable housing in a timely, efficient and effective manner, the review process will reveal that shortcoming and create an opportunity for review. We strongly recommend that review should examine in more depth the potential value of the various options rejected by CNPA, including

the examples provided from other UK national parks and the occupancy restriction for new dwellings. Other research should include the capacity of particular allocated sites to deliver affordable housing and the amount needed per settlement.

It appears that CNPA has not addressed the points made in Reporters' paragraph 24.50. It would be appropriate, given the prevailing circumstances and CNPA's delivery performance in affordable housing over the past six years, for CNPA to place a halt on all further private housing development in Ballater until the needs of local people for affordable housing and the best means of meeting those needs have been realistically assessed.

Required Changes:

a) Reporters' paragraph 24.36: CNPA does not appear to have responded to, or even acknowledged this very important issue. It must do so.

B) Reporters' paragraph 24.37: CNPA should identify sites for 100% affordable housing and amend the settlement proposals maps.

C) Reporters' paragraph 24.39: CNPA should take the opportunity to respond to these suggestions from Reporters.

D) Reporters' paragraph 24.49: CNPA should provide a public explanation of exactly how it proposes to bring about the delivery of affordable housing at this time.

E) Reporters' paragraph 24.50: CNPA should place a halt on all further private housing development in Ballater until the needs of local people for affordable housing and the best means of meeting those needs have been realistically assessed.

Brief summary of key issues

Object to CNPA having not responded to the issue of off site contributions.

Object to non compliance with SPP3 to allocate land for 100% affordable housing. Object to the way in which land has been sought for the LDP.

Object to CNPA not responding to other suggestions for development options.

CNPA should provide a public explanation of how it proposes to bring about the delivery of affordable housing.

CNPA should also address the issue of occupancy restrictions.

CNPA analysis and response

CNPA have not taken forward the third set of officer led modifications referred to in the Reporters Report. CNPA has set out its response to the comments of the Reporters in this regard. CNPA has also responded to the issue of the identification for 100% affordable housing. Matters relating to the LDP are not relevant to the wording of this Plan. CNPA has responded to all suggestions and options for alternative methods of delivering affordable housing

suggested prior to the Inquiry. The Reporters considered these in conjunction with the response from CNPA.

In regard to a public explanation of how CNPA intends to bring about the delivery of affordable housing, this is not a matter for the text of the Local Plan. The Local Plan provides the development framework guiding development proposals and acting as one tool in the delivery of the National Park objectives. It is not a document to set out CNPA's wider position on topics such as the delivery of particular forms of development.

Regarding occupancy restrictions, CNPA has set out its position on this, and how this will be taken forward in the future.

The matters raised have been considered by the Reporters and responded to by CNPA. The objections raise no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the policy as published.

CNPA decision - no change. Do not refer the objections to a second Local Plan Inquiry.

Objector Ref John Anderson

Agent

463r

Kincraig and Vicinity Community Council

Modified Policy/Proposal ref Policy 19

Response to Post Inquiry Modifications

Policy 19 refers to 'Contributions to Affordable Housing' where we note at P 5.47 that '... the ability to extend such dwellings in the affordable sector) may also be controlled by the removal of permitted development rights.' The operative word is 'may' and our concern is that it might apply — possibly retrospectively — to the Ardgeal assisted-purchase project.

The Supplementary Guidance Note on Affordable Housing indicates that between 25 and 40% of the houses should be 'affordable', with developments of less than three houses making a cash contribution (sum unspecified) instead. The sum needs to be specified, while the same sentiments regarding 'unintended consequences' recorded above in relation to Policy 18 should again apply.

We note at P 8.3 that 'If a developer knows that a site on which they are seeking planning permission is included in either a Council or Registered Social Landlord investment programme, the evidence of this must be submitted with the planning application.' When, where and by whom is the decision to include either programme taken and made known? One would have thought there would have been mention in the Kincraig H1 Development Brief We might wish to indicate a preference for Council housing for let following community consultation, in responding to the eventual planning application. If however we require to make our preference known at an earlier stage so that the developer is aware of the community preference before seeking planning consent, the process by which we would achieve this needs to be included here.

Brief summary of key issues

The objection relates to option within the policy to remove permitted development rights with particular regard to the Ardgeal project. The objector also raises issues relating to the supplementary guidance which is being consulted on for this topic.

CNPA analysis and response

The objector raises issues regarding the supplementary guidance for affordable housing. These will be addressed through the consultation on that guidance.

Policy 19 and the issue of retaining stock as affordable in perpetuity were previously considered by the Reporters who were of the view that any mechanism to retain stock as affordable must have a break point and opportunity for review. The issue of permitted development rights was also considered by the Reporters who expressed concern that this might act as a disincentive to property improvement and maintenance and run counter to the ethos of current planning reforms which include unburdening householders. The changed wording is included to reflect the need for the option for review and to assess the option of a break point, and to allow for its use in specific cases as appropriate.

The policy is not drafted to create particular circumstances in regard to any one development, particularly one which has already been granted permission.

Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the change sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the policy and supporting text as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref Graham Adams

Agent

531h

Modified Policy/Proposal ref Policy 19

Response to Post Inquiry Modifications

Subject of Objection: CNPA's change of wording in paragraph 5.47 of the Post Inquiry Modifications

Relevant Documents: Post Inquiry Modifications, paragraph 5.47.

Reasons for Objections

a) In paragraph 5.47 of the Post Inquiry Modifications, CNPA proposes to change the wording from "will" to "may" (affected text is shown as bold below) in the statement: "The planning authority may make use of conditions and Section 75 Planning Agreements to secure the implementation of these policies with developers and retain the units as affordable in perpetuity. To retain the mixture of stock provided through this policy, the ability to extend such dwellings may also be controlled by the removal of permitted development rights." This represents a significant degradation of the wellbeing of those people most in need of affordable housing and is unacceptable.

Also, this change has not been considered by the Reporters during the inquiry conducted in May / June 2009.

Required Changes: Reinstatement of the word "will" in the text of paragraph 5.47.

Alternatively, if CNPA chooses not to implement my requested change, I wish to exercise my rights under the terms of Regulation 37(1)(d)(i) of the Plan Regulations, SI1983 No 1590.

Brief summary of key issues

Reinstate the word 'will' to para 5.47 rather than the modified word 'may'.

CNPA analysis and response

This matter was considered by the Reporters in their report (para 24.43) and their reservations on this matter formed part of their recommendations. The matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Policy 19 as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

531j

Modified Policy/Proposal ref Policy 19

Response to Post Inquiry Modifications

Subject of Objection: CNPA's failure to acknowledge and respond to Reporters' criticisms of key parts of Policy 21.

Relevant Documents: Reporter& paragraphs 24.36, 24.37, 24.39, 24.49, 24.50.

CNPA's Analysis of Reporters' Recommendations and Post inquiry Modifications to Cairngorms National Park Local Plan Text, Policy 21.

Reasons for Objection:

a) On the subject of offsite contributions toward affordable housing, the Reporters' paragraph 24.36 states: "The third set of post inquiry proposed modifications introduces the wider option of offsite contributions for all developments as opposed to small-scale only. We consider that this suggestion represents another unjustified dilution of both earlier versions of the local plan, and it suffers the same problem as those earlier versions over how this money will be controlled and spent. In particular, the proposed change does not address the distinct possibility that the size of the market housing allocation will use up the supply of effective housing land, nor does it link to any specific allocations for affordable housing. In other words, there can be no certainty that the money raised could be targeted and spent in an appropriate way to address a clear and distinct local need."

CNPA does not appear to have acknowledged this very important issue.

b) Reporters' paragraph 24.37 states: "The finalised plan introduces the notion that development solely for affordable housing will be favourably considered. However, we note with concern that this presumption in favour is not carried forward into the proposals maps for individual settlements as seems to be required by SPP 3 and the CNPP 2007."

CNPA's response, in its paragraph 1.12, includes the following two statements: "CNPA accept that the identification of sites in the proposals maps is in accordance with SPP3. Through its previously stated commitment to gather community based information to inform the Local Development Plan, CNPA accept that this would be an appropriate way forward in the future."

The first statement seems like a claim by CNPA that it is compliant. To rectify this misunderstanding, the words "in accordance with" should be changed to "a requirement of". The second sentence is a statement of commitment "to gather community based information to inform the Local Development Plan".

c) Reporters' paragraph 24.39 states: " The objectors make 3 other suggestions that have relevance for the wording of the policy, namely:

: make better use of brownfield and infill sites;

: allow developments of about 75% affordable housing on and beside existing community areas; and

: encourage particular kinds of affordable housing on some crofting land."

CNPA has failed to take the opportunity to respond to these suggestions from Reporters.

d) Reporters' paragraph 24.49 states: "Faced with the imperative of providing as many affordable houses as possible, but in the absence of any clear idea of the total number of affordable houses needed in each settlement within the Park, the CNPA approach has been to allocate substantial greenfield areas for the development of new open market housing and to devise a policy whereby the developers of these sites make a cash or kind contribution towards the provision of affordable housing. We have considerable reservations about this overall approach, especially bearing in mind the impact of the current economic downturn on house building. Further, from our experience, we find it probable that providing a more generous supply of market housing land than is required will encourage greater second home and ownership by retired persons, to further skew demographics and undermine the contribution of development to vibrancy of the local economy. In short, it will not make enough specific contribution to the needs of young and employed residents towards achieving sustainable communities. We are firmly of the view that CNPA's approach lacks the precision and refinement needed to meet the considerable magnitude of the affordable housing challenge."

Reporters' paragraph 24.50 states: "We have set out elsewhere in this report our serious reservations about the amount of the housing land supply in the local plan. We recall also that the commissioned research did not provide a guide to the number of affordable housing units required for any of the settlements in the Park. Unfortunately, these deficiencies have been taken forward through successive drafts of the local plan. In short, we conclude that the local plan is not sufficiently clear or focussed enough on the scale and distribution of affordable housing that can be delivered. However, the supporting text commits to monitoring these outcomes during the lifetime of the local plan, so that if, as seems highly likely, the overall policy approach fails to deliver affordable housing in a timely, efficient and effective manner, the review process will reveal that shortcoming and create an opportunity for review. We strongly recommend that review should examine in more depth the potential value of the various options rejected by CNPA, including the examples provided from other UK national parks and the occupancy restriction for new dwellings. Other research should include the capacity of particular allocated sites to deliver affordable housing and the amount needed per settlement.

It appears that CNPA has not addressed the points made in Reporters' paragraph 24.50

Brief summary of key issues

Object to CNPA having not responded to the issue of off site contributions.

Object to non compliance with SPP3 to allocate land for 100% affordable housing.

Object to CNPA not responding to other suggestions for development options.

CNPA should also address the issue of occupancy restrictions.

CNPA analysis and response

CNPA has not taken forward the third set of officer led modifications referred to in the Reporters Report. CNPA has set out its response to the comments of the Reporters in this regard. CNPA has also responded to the issue of the identification for 100% affordable housing. CNPA has responded to all suggestions and options for alternative methods of delivering affordable housing suggested prior to the Inquiry. The Reporters considered these in conjunction with the response from CNPA.

Regarding occupancy restrictions, CNPA has set out its position on this, and how this will be taken forward in the future.

The matters raised have been considered by the Reporters and responded to by CNPA. The objections raise no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the policy on affordable housing as published.

CNPA decision - no change. Do not refer the objections to a second Local Plan Inquiry.

537d

Modified Policy/Proposal ref Policy 19

Response to Post Inquiry Modifications

Paragraph 5.43

1) I strongly object to the removal of the names of those who carried out the research and the removal of the titles of the documents in which they made the results of their research available to readers. This modification will detract from the usefulness of the plan. Even someone who already has the relevant reports in their possession will need either to refer to their copy of the deposit plan or to consult the website merely in order to find the title of the relevant report so that they can search for that report. Someone who for a purpose like arguing a planning case or conducting research needs to show what was the piece of research relied on for the local plan will presumably have to produce a printout from the website.

Paragraph 5.47

2) I object to the substitution of the word "may" in place of the word "will". If the Park Authority intends to secure implementation of the policies then it should use the word "will". The threat of planning conditions will be available to secure enforcement of these policies and therefore there would be a use of conditions as a threat even in the very unusual case of the policies being implemented without, in a particular case, any condition or section 75 agreement. The word "will" is used to express a similar sentiment to paragraph 5.47 in the first sentence of the proposed new paragraph 2.18 and should also be used here.

Brief summary of key issues

Object to the removal of the full references used to support this policy.

Object to the change of the word 'will' in para 5.47 to the modified word 'may'.

CNPA analysis and response

The reference information is removed to remove unnecessary text, avoid duplication, and ensure only that information necessary for the use and implementation of the policy is included, in line with best practice for the writing of Local Plans. The reference matter will of course remain available on the CNPA web site, and in printed form on request, along with any other research information used by CNPA in support of the Local Plan.

Regarding the wording 'will' and 'may' this matter was considered by the Reporters in their report (para 24.43) and their reservations on this matter formed part of their recommendations.

The matters raised were previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Policy 19 as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref M B Preston
543b

Agent

Modified Policy/Proposal ref Policy 19

Response to Post Inquiry Modifications

The idea that open market housing would pay for up to 40% affordable housing has already been altered downwards to an undefined level. It now appears that any affordable houses actually built, only MAY remain affordable in perpetuity. Not WILL remain affordable etc. (As the original reason given for developing all this land, was to raise money for affordable housing, this seems important).

Brief summary of key issues

Object to the change from 'will' to 'may' retain the affordable stock as affordable in perpetuity.

CNPA analysis and response

Policy 19 and the issue of retaining stock as affordable in perpetuity were previously considered by the Reporters who were of the view that any mechanism to retain stock as affordable must have a break point and opportunity for review. The issue of permitted development rights was also considered by the Reporters who expressed concern that this might act as a disincentive to property improvement and maintenance and run counter to the ethos of current planning reforms which include unburdening householders. The changed wording is included to reflect the need for the option for review and to assess the option of a break point, and to allow for its use in specific cases as appropriate.

The matter was therefore previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the change sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the policy and supporting text as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref The Proprietors of Mar Centre
394k

Agent Halliday Fraser Munro

Modified Policy/Proposal ref Policy 20

Response to Post Inquiry Modifications

The concern over this policy relates to its restrictive nature. A more flexible approach is sought when defining settlement boundaries in order to meet future demand as and when it arises. The removal of the reference to the 'landscape setting' of the settlement is supported, as this was considered unnecessary.

Changes Required to Resolve the Objection

As the policy remains inflexible regarding settlement boundaries we maintain our original objection. To resolve the objection, the policy would have to adopt a more accommodating, flexible approach to settlement boundaries and not simply distinguish between development that is either within or outwith a settlement boundary, to encourage development in places such as Braemar.

Brief summary of key issues

The objector seeks a more flexible approach to defining settlement boundaries.

CNPA analysis and response

This matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the change sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the policy as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref John Anderson

Agent

463q

Kincraig and Vicinity Community Council

Modified Policy/Proposal ref Policy 20

Response to Post Inquiry Modifications

Policy 20 'Housing Development within Settlement boundaries' starts with the comment that 'Settlement boundaries have been identified which indicate the extent to which these settlements may expand during the Local Plan period '. Settlement Plans are only provided for the larger settlements, so the document should confirm that plans for smaller settlements are held in Local Authority planning offices.

Para b) requires that the proposed development 'is compatible with existing and adjacent land uses. The proposal should also reinforce and enhance the character of the settlement ... ' The proposals for Kincraig H1 would currently fail both tests.

P 5.59 contains the sentence 'The principle of achieving a sustainable balance of house sizes will apply to both affordable and open market housing.' We strongly support this sentiment as we do not want to see a repeat of the near uniform, albeit Scots vernacular house styles exemplified by the Macbean Road development in Kincraig or worse still, the even more tightly packed 'toy town' houses built by Robertson Homes in Aviemore.

Brief summary of key issues

The plan should state that confirm that plans for smaller settlements are held in local authority planning offices. The objector also considers that proposals for KC/H1 fail to comply with the policy.

CNPA analysis and response

It is incorrect to include a reference to the plans held in local authority planning offices. Once this local plan is adopted the previously held Local Authority Local Plans and their content in full will no longer hold any jurisdiction in the National Park.

Regarding any proposals for development, if they do not comply with the policy they will not meet the requirements of chapter 2 of the Plan on 'how to use the plan' .

The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the policy as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref Dr A M Jones

Agent

400p

Badenoch and Strathspey Conservation
Group

Modified Policy/Proposal ref Policy 20 and settlement boundaries

Response to Post Inquiry Modifications

Object to the opening paragraph due to the presence of large areas of white land and the expansive settlement boundaries in the LP.

We consider the extent of white land, which is unallocated but is available for development, is unjustifiable, and almost appears to represent an absence of planning.

The extent of the settlement boundaries is too large to reasonably reflect "the extent to which these settlements may expand during the LP period".

The treatment of settlement boundaries is inconsistent. Some communities have the settlement boundary drawn tightly around the present built up area of the community, and others have settlement boundaries that are distant from the built area yet are not enclosing proposed development land.

The CNPA has demonstrated that white land can be available for highly controversial, locally unpopular, and large scale developments, as at Milton Burn, Aviemore. It could be concluded that white land is a means of land being developed that has failed to 'get through' the LP process.

The CNPA has informed BSCG that the reason for the white land existing is that the CNPA do not want to trigger a second Inquiry. We object to this reason for making a decision that has very far-reaching consequences.

Throughout the period of this LP the areas of white land are available for developers to make any proposal they wish, yet such proposed developments will have never been through a LP process, and will be on sites that have been rejected for development (or development within the timeframe of this LP) through the LP process. •

The CNPA's unilateral view that a part of that land can be available for proposals should go through a future LP.

Communities are being denied proper input because proposals, including highly unpopular, controversial, and substantially sized ones, are not subjected to scrutiny through the LP process.

Change: Remove white land and realign settlement boundaries accordingly.

Brief summary of key issues

Object to the opening paragraph based on the amount of land identified as being within settlement boundaries on the proposal maps. The settlement boundaries should be redrawn and the 'white' land removed. Supporting arguments included.

CNPA analysis and response

The objection relates to a paragraph of the policy which has not been changed as a result of post inquiry modifications. This paragraph was included in the policy at 1st modifications stage, and prior to the Local Plan Inquiry. At this stage any person or organisation may object to or make representation in support of a proposed post inquiry modification to the plan, including the decision of the planning authority not to accept a recommendation made by the Reporter. Objections cannot be lodged at this stage to the content of the original plan. The objection raises here matters which should have been raised prior to the Inquiry and is not therefore considered to be duly made.

With reference to the settlement boundaries identified in the Local Plan, these were considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objectors. This objection does not raise new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the policy or proposals maps as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref The Proprietors of Mar Centre
394m/p

Agent Halliday Fraser Munro

Modified Policy/Proposal ref Policy 22

Response to Post Inquiry Modifications

Our client's previous objection to this policy referred to the restrictions it imposes and its contrary nature to Local Plan Policy 21 (previously Policy 23). Policy 21 allows for cohesive groups within the rural areas to expand outwith existing boundaries (and we support that policy) whereas Policy 22 restricts housing developments to locations within an arbitrary boundary line over the 5-year plan period, or restricts residential developments outwith such a boundary to be purely affordable housing or housing for essential workers or retiring farmers. We previously suggested that in fact it should be possible to consider small-scale mainstream housing as a standalone or mixed-tenure development at the edge of any settlement. As previously stated we feel that a more flexible boundary should be considered for Braemar but this could also be applied across the board with conditions required to be met before such sites are released e.g. high demand, lack of effective housing supply plus other environmental and design quality requirements.

In our previous response we also suggest that in part b) of the policy 'where relevant such proposals will be secured through planning condition or legal agreement'. We feel that this reference is unnecessary, as the occupancy of the house will already be restricted through the justification used to secure planning permission.

The replacement of the term 'dwelling' with 'development' in terms of part c) of the policy is welcomed. The clarification that paragraph 5.67 is only relevant to the second part of the policy is also supported.

Changes Required to Resolve the Objection

As our previous objection has only been partially satisfied we maintain our position in terms of how the Policy could go further in encouraging small scale rural development and in terms of its reference to planning conditions/legal agreements.

Brief summary of key issues

The policy should go further in encouraging small scale rural development and should also be more positive in reference to planning conditions and legal agreements.

CNPA analysis and response

This matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the change sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the policy as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref Strathdee Properties Ltd
4531

Agent Halliday Fraser Munro

Modified Policy/Proposal ref Policy 22

Response to Post Inquiry Modifications

Our client's previous objection to this policy referred to the restrictions it imposes and its contrary nature to Local Plan Policy 21 (previously Policy 23). Policy 21 allows for cohesive groups within the rural areas to expand outwith existing boundaries (and we support that policy) whereas Policy 22 restricts housing developments to locations within an arbitrary boundary line over the 5-year plan period, or restricts residential developments outwith such a boundary to be purely affordable housing or housing for essential workers or retiring farmers. We previously suggested that in fact it should be possible to consider small-scale mainstream housing as a standalone or mixed-tenure development in appropriate locations with conditions required to be met before such sites are released e.g. high demand, lack of effective housing supply plus other environmental and design quality requirements. In our previous response we referred to part b) of the policy that states 'where relevant such proposals will be secured through planning condition or legal agreement'. We feel that this reference is unnecessary, as the occupancy of the house will already be restricted through the justification used to secure planning permission. The replacement of the term 'dwelling' with 'development' in terms of part c) of the policy is welcomed. The clarification that paragraph 5.67 is only relevant to the second part of the policy is also supported.

Changes Required to Resolve the Objection

As our previous objection has only been partially satisfied we maintain our position in terms of how the Policy could go further in encouraging small scale rural development and in terms of its reference to planning conditions/legal agreements.

Brief summary of key issues

The policy should go further in encouraging small scale rural development and should also be more positive in reference to planning conditions and legal agreements.

CNPA analysis and response

This matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the change sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the policy as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref Phillip John Swan

Agent

462q

Modified Policy/Proposal ref Policy 22

Response to Post Inquiry Modifications

Subject of objection - Policy 24 - Housing outside settlements

Relevant Documents - Reporters' paragraph 27.5.

First paragraph of Policy 24 (now 22) in the PIMs.

Reasons for Objections:

a) The Reporters' paragraph 27.5, in pursuit of "scope to revisit and improve the clarity of Policy 24" has, I hope unintentionally, led to a narrowing of the conditions under which affordable housing will be considered favourably; as a consequence of this comment, the first paragraph of Policy 24 has been modified as shown below: the words "and/or" have been replaced by "and" in the text of the first paragraph as shown here:

"Developments for new affordable housing outside settlements will be considered favourably where there are no suitable sites within settlements where the development does not detract from the landscape setting, and/or they meet a demonstrable local need in the rural location."

I object to this modification on the ground that it is likely to lead to further degradation of the supply of affordable housing in the countryside.

Required Changes:

Change the words "and/or" to "or" not "and".

Brief summary of key issues

Object to the change to 'and/or' as it will lead to further degradation of the supply of affordable housing in the countryside.

CNPA analysis and response

This matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented to the Inquiry the Reporters did not recommend the change sought by the objectors. The change is as a result of the Reporters Report. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the policy as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref Dr A M Jones

Agent

400q
Badenoch and Strathspey Conservation
Group

Modified Policy/Proposal ref Policy 23

Response to Post Inquiry Modifications

It is unclear whether all of the issues (a-d) have to be met or only some, e.g. if the house has been lived in within last 10 years but has become structurally unsound. There appears to be a contradiction between d and 5.72.

Brief summary of key issues

There is a contradiction between the policy and paragraph 5.72. Also the policy is unclear in the criteria that have to be met.

CNPA analysis and response

The contradiction is noted and is an error. The original sentence within the supporting text will be removed in accordance with the policy wording, and in line with the CNPA analysis of this policy in light of its review of the Reporters Report.

The additional point does not raise a new planning issue. The policy sets out 4 criteria. The wording does not include and/or. All four criteria apply. The policy was considered by the Reporters during the Local Plan Inquiry. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or formal modification to the policy as published. The amendment to the supporting text will be addressed in line with Circular 32/1996 paragraph 57.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref Strathdee Properties Ltd
453n

Agent Halliday Fraser Munro

Modified Policy/Proposal ref Policy 23

Response to Post Inquiry Modifications

Strathdee Properties Ltd made previous representations against this policy based on the following issues: more than one house should be considered suitable on appropriate sites; a staged recognition policy similar to that used by The Moray Council should be considered for assessing the existing house; and there should be no requirement for occupancy conditions.

In terms of the amendments proposed to this Policy through the Post Inquiry Modifications, we would comment as follows: the Policy wording and supporting text contradict each other, requiring both that the existing house has been vacant for at least ten years and that the house has been permanently lived in at some stage during the past ten years. This requires clarification, we would suggest that reverting back to the reference that the existing house has been occupied at some stage in the previous twenty five years would be more appropriate. Our client's suggestions on using a staged recognition system still stand, this would allow for the Policy to encourage new development on abandoned sites, as does the previous suggestion of allowing more than one new house on appropriate sites.

Changes Required to Resolve the Objection

Further clarification and amendments to reflect the above suggestions would be required to the Policy before our client's objection could be removed.

Brief summary of key issues

The policy wording and supporting text are contradictory which needs clarification. The Policy should also encourage new development on abandoned sites. It should also support more than one house on appropriate sites.

CNPA analysis and response

The contradiction is noted and is an error. The original sentence within the supporting text will be removed in accordance with the policy wording, and in line with the CNPA analysis of this policy in light of its review of the Reporters Report.

The additional points raised by the objection were considered by the Reporter during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objectors. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or formal modification to the policy as published. The amendment to the supporting text will be addressed in line with Circular 32/1996 paragraph 57.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref Phillip John Swan
462r

Agent

Modified Policy/Proposal ref Policy 23

Response to Post Inquiry Modifications

Subject of objection: Policy 25 (now 23) Replacement Houses

Relevant Document - Post Inquiry Modifications Policy 23 Replacement Houses.

Reasons for Objection:

- a) Item d) of Policy 25 (now 23) states that one of the conditions for permitting replacement of an existing house is that it must have been vacant for at least 10 years.
- b) However, paragraph 5.72 in the second sentence states: "The policy only applies to houses that are in existence and have been permanently lived in at some stage during the past 10 years" (the policy previously stipulated 25 years, to prevent ruins from being proposed as candidates for replacement housing).
- c) This contradiction must be resolved. The requirement that a house should have been occupied or vacant (which ever option CNPA cares to adopt) during the previous 10 years seems somewhat irrelevant to a decision on whether to approve demolition and replacement, because 10 years is too brief a period to use as a basis for such a decision. Thus the importance of the 10 year limit needs to be further justified, or dispensed with; however the 25 year limitation does seem to be more relevant if it is indeed CN PA's intention to prevent ruins from being proposed as candidates for replacement housing.
- d) The new item c) of Policy 23 clarifies that the new house should incorporate the footprint of the original house. This point of clarification, together with increased emphasis on the reuse of salvaged materials from the original house (paragraph 5.75) leads on to the idea of a further relevant requirement: replacement houses within Conservation Areas should be designed so that the external appearance is a replica of the original house.

Required Changes:

- Reverse the proposed change to the period of occupancy and reinstate the 25 year limit.
- Clarify whether the 25 year limit relates to occupancy or vacancy — I suggest this should in fact be occupancy.
- Include a stipulation that replacement houses in Conservation Areas should, externally, be replicas of the originals

Brief summary of key issues

The policy and supporting text are contradictory. The Policy should revert to the requirement for 25 years vacancy, it should be clear if this means occupancy or vacancy, and include a stipulation that in a conservation area replacements should externally be replicas.

CNPA analysis and response

The contradiction is noted and is an error. The original sentence within the supporting text will be removed in accordance with the policy wording, and in line with the CNPA analysis of this policy in light of its review of the Reporters Report. The amendment to the supporting text will be addressed in line with Circular 32/1996 paragraph 57.

The change to the years vacant is as a result of the Reporters Recommendation and CNPA has set the reasons for its acceptance of this. The issue of a replica in a conservation area would be considered under policy 10.

The policy was considered by the Reporters during the Local Plan Inquiry. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or formal modification to the policy as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref The Proprietors of Mar Centre
394n

Agent Halliday Fraser Munro

Modified Policy/Proposal ref Policy 25

Response to Post Inquiry Modifications

The Mar Estate generally supports this policy however feels that the relocation of a business to a site elsewhere within the National Park should not be considered contrary to it. As it stands the relocation of a business to an alternative site elsewhere in the Park would be contrary to part d) of the Policy. As there has been no clarification on the position of the CNPA on the relocation of business within the Park we maintain our original objection.

Changes Required to Resolve the Objection

Amend the Policy to allow for the relocation of a business to an alternative site elsewhere in the National Park.

Brief summary of key issues

The policy should allow for the relocation of a business to an alternative site elsewhere in the National Park.

CNPA analysis and response

This matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the change sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the policy as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref Phillip John Swan
462s

Agent

Modified Policy/Proposal ref Policy 25

Response to Post Inquiry Modifications

Subject of objection: Policy 27 Business Development (now 25)

Relevant Documentation: Post Inquiry Modifications paragraphs 5.77 to 5.79. Reporters' paragraph 29.13.

Reasons for Objection:

a) The title shown above paragraph 5.77 is "Economic Development" which presumably should read "Business Development".

Required Changes:

Correct the heading title for this policy

Brief summary of key issues

The title of para 5.77 should read 'Business Development'

CNPA analysis and response

The section referred to sets the context for a number of policies relating to economic development, and not just business development. The objection does not raise a new planning issue and there is no material change in the circumstances to warrant either reference to a further Local Plan Inquiry or modification to the wording of the section title.

CNPA decision - no change. Do not refer the objections to a second Local Plan Inquiry.

Objector Ref Phillip John Swan
462t

Agent

Modified Policy/Proposal ref Policy 26

Response to Post Inquiry Modifications

Subject of objection: Policy 28 (now 26) Retail Development

Relevant Documentation: Post Inquiry Modifications Policy 26.

Reasons for Objection:

a) I object to the deletion of the final sentence in items b) and c) of this Policy, because it will aggravate the threat to the viability of existing, traditional high street retailers in Ballater, many of whom are already concerned about the effects of the current economic situation.

Required Changes:

Reinstate the sentence in items b) and c): "Such development should not undermine the commercial vitality and viability of the town / village centre."

Brief summary of key issues

Object to the removal of the final sentence in b) and c) as it will aggravate the threat to the viability of the existing high street retailers in Ballater.

CNPA analysis and response

The policy has been modified to reflect the recommendations of the Reporters regarding SPP8. This matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented to the Inquiry the Reporters did not recommend the change sought by the objectors. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the policy as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref Zoe Griffin

Agent

399m

SEPA

Modified Policy/Proposal ref Policy 31

Response to Post Inquiry Modifications

1.1 Our comments regarding waste management have been prepared taking into account of the Zero Waste Plan which was published on 9 June 2010 and Scottish Planning Policy. The planning system is crucial to delivery of the Zero Waste Plan as new facilities will require planning consent and all new developments will require to be designed to allow for the minimisation and proper management of waste. It is acknowledged that the publication of the Zero Waste Plan coincided with the publication of the PI Modifications; however the issues raised below have already been identified in Scottish Planning Policy and in the draft of the Zero Waste Plan. In order to deliver the Zero Waste Plan emerging development plans must address the issues set out below.

1.2 We object to the proposed modification, and request that policy wording is amended and the following is included:

'All new developments (including residential, commercial, business and industrial) shall include appropriate provision of facilities for the collection and storage of all recyclable materials and/or composting facilities. This may include provision for kerbside collection and/or centralised mini recycling centres and composting facilities. Any communal recycling facilities must be sited on an accessible, convenient location'

Reason: At 4.4 of Annex B of the Zero Waste Plan it indicates that a role of 'development plans is to facilitate and enable the prevention, reuse, recycling and recovery of waste from all types of development'. Therefore, there is a need to have a policy that says that there is a requirement for minimisation etc of waste from all developments as this gives it a more statutory basis.

1.3 We note in policy 31 as there is 'a presumption in favour of safeguarding the protection of existing strategic waste management facilities and all sites required to fulfil the requirements of the Area Waste Plans'. It should be noted that for planning purposes the Zero Waste Plan together with other documents, constitutes the National Waste Management Plan and replaces the Area Waste Plans. Therefore, this and all reference to Area Waste Plans should be removed. This updated policy supports Scotland's Zero Waste Plan (at Annex B at 4.6).

1.4 Scottish Planning Policy (SPP) requires at paragraph 215: 'All development plans must identify appropriate locations for all waste management facilities, where possible allocating specific sites and provide a policy framework which facilitates the development of these facilities'. The SPP also states at paragraph 213: planning for waste management infrastructure to meet all waste needs within the each local authority area - municipal, commercial and industrial and construction and demolition — is a key part of fulfilling their responsibility in planning for waste. In the Zero Waste Plan it states that waste management facilities can be considered appropriate for sites allocated in development plans for employment and other industrial use, subject to detailed site specific considerations and provided that allocations of sites adjacent to waste management facilities do not compromise waste handling. Class 5 and Class 6 land have been considered, however the Park Authority may wish to include other sites as outlined in paragraph 4.9 in the Zero Waste Plan in order to meet their commitments.

1.5 With regards to Background and Justification, paragraph 5.102, the careful use of resources is also supported by the reuse of waste etc as outlined in the waste management hierarchy. We therefore suggest the following wording; ... 'development proposals, and the reduction of waste as outlined in the waste management hierarchy goes hand in hand with this'

1.6 In addition reference to 'Area Waste Plans' should be deleted. It could be replaced with 'Zero Waste Plan and any relevant waste strategies', therefore including the Park's own waste management plan or strategy, if it is your intention to publish one, and any that the local authorities may publish.

1.7 With reference to paragraph 5.103, Scottish Planning Policy 10 has been superseded by the Scottish Planning Policy document, therefore this reference should be removed and replaced with Scottish Planning Policy; no change is required to the reference to PAN63. The reference to 'national aims' should be altered in line with the Zero Waste Plan that gives the waste management hierarchy as including: waste prevention, reuse, recycling and recovery. Also the paragraph refers to the objectives of the Area Waste Plans (which should be deleted), National Waste Strategy and National Waste Plan, currently the National Waste Strategy has not been replaced however the wording may be more appropriate and succinct if it was be amended 'to comply with the objectives of the Zero Waste Plan'.

1.8 We note that the text in 5.104 is unchanged. However a requirement of the Z Zero Waste Plan is that SEPA will produce, publish and maintain waste infrastructure maps. We recommend reference be made in the text to 'All existing waste management facilities are identified on the proposals map' and this could be added to end of paragraph 5.104. Local authority waste infrastructure maps are available on our website at: http://www.sepa.org.k/waste/waste_infrastructure_maps/local_authority_maps.aspx, however, please note that we do not have a specific Cairngorms infrastructure map.

1.9 We note that the text in 5.105 is unchanged. However this text will need to be amended due to the demise of the Area Waste Plans, and as mentioned above, could include a reference to the Park's own waste management plan or strategy and any that the local authorities may publish.

1.20 With regards to Implementation and Monitoring, paragraph 5.106, the reference to 'recognised industrial areas' may need to be revised in line with our comments above on the policy.

1.21 In paragraph 5.107, SEPA would like the text amending with regard to energy from waste, ensuring compliance with the Thermal Treatment of Waste Guidelines which can be found at:

http://www.sepa.org.uk/waste/waste_regulation/energy_from_waste.aspx. For planning purposes SEPA's Thermal Treatment of Waste Guidelines 2009 is a material consideration and constitutes along with other documents the National Waste Management Plan.

1.22 The Zero Waste Plan covers all waste types and therefore the inclusion of paragraph 5.108 supports the Government's policies. However, we would like to see the material in this paragraph under policy, see earlier comments. Notwithstanding these comments, reference to Area Waste Plan targets should be removed and replaced by Zero Waste Plan targets. The reference to 'site waste management facilities' could be confused with Site Waste Management Plans in this context, see

<http://www.netregs.gov.uk/netregs/businesses/construction/62359.aspx>. It is suggested that this may be opportunity to refer to Site Waste Management Plans in the text, as they are a useful tool to demonstrate the management of waste, then expand this topic in any waste management plans/strategies or related waste management guidance within supplementary guidance. Scottish Planning Policy at paragraph 218 supports the use of Site Waste Management Plans to minimise waste at source on construction sites.

1.23 Paragraph 5.109 - The success of the policy should also be measured against the Zero Waste Plan.

Brief summary of key issues

The policy should be amended to reflect the Zero Waste Plan and reference to Area Waste Plans should be deleted. The Policy should also be amended to reflect SPP and reference to SPP10 should be removed.

CNPA analysis and response

The modifications made to the policy is in accordance with the Reporters Recommendation and takes on board their suggestion to use the model policy set out in SPP10. The background text is set out to explain the justification for the policy and how it is to be implemented. The provisions of the Zero Waste Plan will be a material consideration in any planning application, and will be treated accordingly, and the retention of Policy 31 will not prejudice any applicant or objector to a planning application. However since the matter was previously considered by the Reporters during the Local Plan Inquiry CNPA is minded to make no further change to the policy.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref John Anderson

Agent

463v

Kincraig and Vicinity Community Council

Modified Policy/Proposal ref Policy 31

Response to Post Inquiry Modifications

Policy 31 'Waste Management' needs to be more aggressively promoted if our understanding is correct that the land fill option will no longer be available after 2020. With regard to recycling volumes in rural and remote areas, we would urge the NP to canvas the Scottish and UK governments to legislate to reduce the range of packaging materials with the aim of raising the bulk of the remainder to quantities which will be more economical to handle. We have previously deplored the transport of waste from the NP communities travelling long distances to land fill outwith the Park. This needs to be resolved by recycling, composting or incineration to generate heating or power, preferably within the Park boundary or as close to it as possible.

Brief summary of key issues

The policy needs to be more aggressively promoted.

CNPA analysis and response

The objection seeks the full and aggressive implementation of the policy. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the policy as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref Zoe Griffin

Agent

399n SEPA

Modified Policy/Proposal ref Policy 32

Response to Post Inquiry Modifications

2.1 SEPA object to this policy unless an additional condition is included, that of supporting the Zero Waste Plan. Reason: The Zero Waste Plan has outlined additional measures to reduce the amount of waste to landfill, such as source segregation, landfill bans and a maximum of 5% of waste to landfill by 2025. These measures are to be adopted to prevent valuable resources going to landfill, reducing Scotland's climate change impact and to support high re-use and recycling rates for all waste.

2.2 Paragraph 5.110 - SEPA objects to the wording of this paragraph and suggests that it is amended to more fully reflect Scottish Planning Policy and the aims of the Zero Waste Plan. We suggest the following wording:

'National Guidance regarding landfill is given in Scottish Planning Policy and in the Zero Waste Plan, this includes a reduced reliance on landfill and a requirement for Planning Authorities to ensure that new landfill sites or extensions to existing landfill sites do not lead to a disproportionate burden of negative environmental impacts on nearby settlements or other sensitive receptors such as the landscape.'

Reason: The inclusion would support the waste hierarchy and clarify that landfill is not the preferred means of waste management, and would give more strength to paragraph 5.111.

2.3 Alternatively, as commented on earlier, appropriate allocations of land have been identified under Policy 31. In addition existing waste management facilities including landfill could be identified on the proposals map. The following wording would then be suggested:

'Proposals for allocation of new landfill or landraise sites will only be supported where:

: It is demonstrated that is required to facilitate the delivery of the emerging Zero Waste Plan objectives, and represents the best practicable environmental option for the waste stream;

: Only pre-treated residual waste will be landfilled in line with the Zero Waste Plan — i.e. all recoverable/recyclable material has been removed or recycling/pre-treatment of waste;

: The location of the site complies Policy 31 Waste Management and with the principles of self sufficiency and the proximity principle, located as close as practicable to the source of the generation of the waste and minimising, where possible, the transportation of waste.'

2.4 Paragraph 5.112 does not reflect the policy wording above. It is not clear whether this is suggesting that extensions would be acceptable only on the basis of an Environmental Impact Assessment. We therefore suggest the following wording:

Proposals for the extension of existing landfill sites may be considered acceptable, subject to Policy 32 Landfill and the consideration of a full Environmental Impact Assessment (EIA....

2.5 Paragraph 5.113 - The success of the policy should be measured against the Zero Waste Plan.

Brief summary of key issues

The policy should be amended to reflect the Zero Waste Plan and reference to Area Waste Plans should be deleted. The Policy should also be amended to reflect SPP and reference to SPP10 should be removed.

CNPA analysis and response

The modifications made to the policy is in accordance with the Reporters Recommendation and takes on board their suggestion to use the model policy set out in SPP10. The background text is set out to explain the justification for the policy and how it is to be implemented. The provisions of the Zero Waste Plan will be a material consideration in any planning application, and will be treated accordingly, and the retention of Policy 32 will not prejudice any applicant or objector to a planning application. However since the matter was previously considered by the Reporters during the Local Plan Inquiry CNPA is minded to make no further change to the policy.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref Campbell Gerrard
380c SportsScotland

Agent

Modified Policy/Proposal ref Policy 35

Response to Post Inquiry Modifications

SportsScotland notes from the 'Analysis of Reporters Recommendations and Post Inquiry Modifications to Cairngorms National Park Local Plan' that no modification is to be made to Policy 35 Sport and Recreation Facilities. According to paragraph 38.9 on page 192 of above analysis, the Reporters recommended that no modification be made to Policy 35 on the proviso that the CNPA will prepare a local facility strategy and a playing field strategy in the context of the forthcoming Local Development Plan. The CNPA on page 193 of the above analysis accept the need for a local facility strategy and a playing field strategy to be prepared in the context of the forthcoming Local Development Plan. The CNPA have also introduced as a modification additional background text (paragraphs 6.18-6.24) to explain Policy 35.

sportsScotland has the following comments to make in relation to the above position.

1. For clarity, it should be noted that for the purposes of the protection of playing fields it is a playing field strategy alone that does this. A facility strategy does not address playing field issues and focuses solely on indoor sports provision, such as a sports hall or swimming pool. '
2. Clarity is needed on what remit the CNPA has in preparing facility and playing field strategies. Such strategies are prepared by local authorities and it is not clear whether such functions extend to national parks. sportsScotland is in no way opposed to the CNPA preparing a facility or playing fields strategy but considers that the CNPA remit in this area should be confirmed.
3. In relation to this, some of the five local authorities whose boundaries extend into the national park have already prepared or may be in the process of preparing facility and playing field strategies. It is not clear how a national park facility or playing field strategy would relate to any strategies that may already exist or be in preparation. sportsScotland encourages the CNPA to speak to the relevant local authorities on this. sportsScotland would be interested to know what any outcome of such discussions might be. It is likely that collaborative working with the Councils would be needed to develop any facility or playing field strategies and sportsScotland would be happy to assist with this.
4. SportsScotland notes that it is the intention that a facility and playing field strategy be prepared at the same time as the Local Development Plan. In relation to this, we advise that playing field and facility strategies take time to prepare, and we suggest any work on this should commence concurrently with work starting on the preparation of the Local Development Plan.
- 5 - sportsScotland considers that, depending on the CNPA's view on our points above, the new supporting text introduced as a modification to Policy 35 should include reference to the CNPA's intention to prepare, a playing field strategy for the national park. We suggest the following wording:
To ensure the protection of playing fields within the national park and in accordance with the SPP, the CNPA will develop a playing field strategy in consultation with sportsScotland (this accords with paragraph 156 of the SPP).

Brief summary of key issues

SportsScotland wish a clear undertaking be made in the supporting text to Policy 35 that a playing field strategy be developed in consultation with SportsScotland.

CNPA analysis and response

CNPA has set out in its analysis of the Reporters Recommendations its intention to comply with the requirements of SPP regarding open space and playing fields as part of its forthcoming work to produce a Local Development Plan. This remains the CNPA intention. CNPA is not minded to list in this Local Plan tasks to be completed in the next Local Development Plan. The matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector be included as text within the policy. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the policy as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref John Anderson

Agent

463y Kincaig and Vicinity Community Council

Modified Policy/Proposal ref Policy 35

Response to Post Inquiry Modifications

Policy 35 'Sport & Recreation' at P 6.19 'recognises the importance (the Scottish Government attaches) to providing play space and other opportunities for children and young people to play freely, explore, discover and initiate their own activities.' We strongly support this sentiment and will expect such provision to be made at the proposed Kincaig HI development

Brief summary of key issues

The objector supports the policy.

CNPA analysis and response

The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the policy as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref Scottish and Southern Energy Plc

Agent Jones Lang Lasalle

447a

Modified Policy/Proposal ref previous policy 1 now deleted

Response to Post Inquiry Modifications

SSE supports the Reporters' first conclusion with regard to this policy, in that "it serves no useful purpose and that, consequently, it should be removed from the local plan". At the Hearing into this policy there was considerable debate as to the purpose, meaning and effect of this policy. SSE would support a PM to the Local Plan on the basis suggested by the Reporters.

However, should the CNPA choose to retain Policy 1 as currently drafted, or similar, we strongly recommend, as per our previous submissions and the evidence presented to the Hearing sessions, that the CNPA would require to provide Supplementary Planning Guidance in very early course to provide developers with clear locational guidance on where the special qualities that make up the park lie. We recommend that the CNPA provide a clear statement within the plan committing to provide this guidance should this policy be retained.

Brief summary of key issues

The objector supports the recommendation to delete the policy.

CNPA analysis and response

CNPA has accepted the Recommendation to delete the Policy. The matter is in accordance with the Reporters Recommendation which comes following their consideration of the evidence presented at the Inquiry. The objection raises no new planning issues and there is no material change in circumstances to warrant reference to a further Local Plan Inquiry or modification to the plan as published.

CNPA Decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref Dr A M Jones

Agent

400i(g) Badenoch and Strathspey Conservation
Group

Modified Policy/Proposal ref Settlements - An Camas Mor

Response to Post Inquiry Modifications

Object to the unspecific nature of the development principles to which ACM must accord.

The ACM development principles, as they are written at present, are unclear and unspecific, they are subjective, and they lack anything remotely akin to measurable targets. Each principle is open to a wide range of subjective interpretations. It is completely opaque what objective criteria are to be used to determine the extent to which any aspect of the ACM proposal is meeting the relevant principles, what further work would be required in order to be of a standard to comply with the principles, etc. The open-ended, aspirational vagueness of the development principles can be regarded as a major and unjustifiable weakness, and a recipe for continuing conflict and dispute over whether the principles are being accorded with or not. The development principles as they are currently worded are not of the world class standard to which ACM aspires.

As they are presently written, the principles could fairly be regarded as greenwash, that at the end of the day may come to mean very little. Clearly this is not the intention of the LP.

Change: Augment each development principle with further information. This information should be specific, clear and objective. It should provide measurable criteria against which each principle can be objectively assessed. It should be sufficiently detailed to enable everyone to objectively agree when any component part of the ACM proposal has or has not met the relevant development principles. This information should complement the existing text for each development principle.

Brief summary of key issues

Object to the development principles to which ACM must accord. The information within these is unclear, subjective and without measurable targets. Each should be augmented with further information.

CNPA analysis and response

The development principles are included in the Local Plan at Appendix 4. The matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objectors. The post inquiry modifications have included the development principles in accordance with their recommendation. This objection does not raise new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the plan as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref D Scobbie

Agent

458b

Modified Policy/Proposal ref Settlements - An Camas Mor

Response to Post Inquiry Modifications

I am comforted by the deletion of the timescale set for the first 100 houses but concerned that the Park does not appear to have considered the financial aspects. The cost of infrastructure provision for An Camas Mor will be far beyond the capabilities of Highland Council in the foreseeable future. The text of Appendix 4 is admirable but, in the current financial and commercial climate, is no more than A wish list and almost amounts to a document of little more than philosophical interest.

Unless CNP can persuade potential developers to invest in providing infrastructure at a level they have not hitherto experienced, An Camas Mor (as currently envisaged) will not be completed within the 25 year period. At present the CNP planning department and Board are not capable of delivering the level of technical and managerial oversight that Appendix 4 demands and I doubt if Highland Council will have the staff, organisation, finance and time to provide the expertise required. Both the Park and the Council face increasing responsibilities generated by central governments' legislation. An example common to both institutions is care for the elderly. The forecast significant rise in ageing population and the attendant and startling increase in dementia in all its forms.

Highland Council and NHS Highland have recognised the problems this will bring and one of its strategies is to provide more care in the home. But the Park plan does not give any indication of consideration of the effects of the increase in ageing, frail and special needs population and the changes in housing design, facilities, sheltered or special needs provision and transportation. If current forecasts are to be believed, 50% of the Park's population could be over retirement age by 2035.

I suggest the Park, in concert with Highland Council and NHS Highland, consider the likely effects of the foregoing matters and their impact on the Park plan and strategies. Ideally a coherent and joint response to mutual problems could be developed.

Brief summary of key issues

Object to the local plan, with regard to large and medium sized developments, not considering the financial aspects affecting infrastructure.

CNPA analysis and response

In terms of the payment of services required to support various developments proposed through the Local Plan, this is addressed through Policy 18 Developer Contributions. This policy was considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector raised here. No material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the text and allocations for development as published has occurred.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref Dr A M Jones

Agent

400i(b) Badenoch and Strathspey Conservation
Group

Modified Policy/Proposal ref Settlements - Aviemore

Response to Post Inquiry Modifications

Object to white land at flood risk in H1.

Object to ED1 remaining in the LP.

Object to H2 and 1-13 not containing any ENV land

The white land in H1 identified as at flood risk should be green land ENV. This cannot be built on, and ENV land beside the Milton Burn is an appropriate designation. (Similarly, the other area of white land in H1, between the housing allocation and the A9, with scattered, natural birch, should also be green ENV land).

Throughout H2 and H3 land that is not within the curtilage of buildings or roads should be zoned as green ENV land.

This would give it an appropriate status for a future high level of care.

ED1 - There is no information provided to suggest that within the lifetime of this LP +5 years that the current industrial site will reach capacity. It is therefore premature to zone ED1 for development.

BSCG remains very concerned at ED1 being zoned for industrial development. It is an area of long established, unimproved grassland, rich in biodiversity and a habitat that the CNPA has identified as important; it also plays an important amenity and landscape role, being situated between the built up industrial estate area and the very attractive stretch of the Speyside Way LDR running above the Achantoul Burn.

Changes: Designate areas of white land as ENV in H1, H2 and H3. Delete ED1 from the proposals map.

Brief summary of key issues

Object to land within/adjacent to H1, H2 and H3 which is not allocated as housing should be allocated as ENV. This should include in H2 and H3 land that is not within the curtilage of buildings or roads.

Object to ED1 based on there being no evidence of need. The site should be deleted from the proposals map.

CNPA analysis and response

The settlement boundary of Aviemore, the allocations at ED1 and the housing allocations at H1, H2 and H3 were matters considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the change sought by the objectors. These objections do not raise new planning issues and there is no material change in circumstances to warrant a further Local Plan Inquiry or modification to the Proposals and map for Aviemore.

CNPA decision - no change. Do not refer these objections to a second Local Plan Inquiry.

Objector Ref Richard Hughes
408c Tulloch Homes Ltd

Agent Bracewell Stirling

Modified Policy/Proposal ref Settlements - Aviemore - Settlement boundary

Response to Post Inquiry Modifications

I refer to the draft modification recommended by the Inquiry Reporters and accepted so far by your Committee to delete the housing site at High Burnside from the Aviemore village boundary.

While I realise that the motivation for this change may be to deter further housing applications on the west side of the A9, it nevertheless fails to recognise the reality of the situation created by the High Burnside development. Planning Permission was granted previously on the basis of a development plan housing allocation and High Burnside has subsequently developed by the construction of a major under pass under the A9. It is inextricably linked to the settlement of Aviemore and de-facto it now exists as part of that community. It would in our view and of our Client, Tulloch Homes Ltd be consistent that the settlement boundary reflects what is developing and has extant planning permissions rather than ignore a sizeable grouping of houses which are committed. The Planning Authority will still maintain adequate control over any further development west of the A9 through the development management process.

Brief summary of key issues

The settlement boundary of Aviemore at Highburnside should include the development as it forms part of the settlement.

CNPA analysis and response

The issue of the settlement boundary was considered by the Reporters at the Local Plan Inquiry and CNPA has set out the reasons for its acceptance of their recommendation to amend the settlement boundary at Highburnside. The matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals and map for Aviemore as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref Susan Matthews

Agent

437u

Ballater and Crathie Community Council

Modified Policy/Proposal ref Settlements - Ballater

Response to Post Inquiry Modifications

The allocation of site BL/H1 for housing and the development of a masterplan before the development of a vision for Ballater. In its analysis and comment to the Reporter's Report CNPA states 'that the vision will form part of the stakeholder engagement on the Local Development Plan.' The Reporters Report 48.42, 48.43 and 48.44 provide clear arguments as to why the starting point should be to have a clear vision for Ballater.

Changes to resolve objection - content that shows the flow, timing and connections between: the overall vision for the Park; the vision for Ballater, including economic development and affordable housing plans; the masterplan for Ballater; the allocation of land for housing - in the order as written.

Brief summary of key issues

The vision for Ballater should be developed before the allocation of BL/H1 and the development of a masterplan for the site. The Plan should provide a timeline for the production of the vision for Ballater, the masterplan and then the allocation of land for housing in that order.

CNPA analysis and response

CNPA has set out its response to the Reporters recommendations regarding the production of a vision for each settlement. The matter of settlement visions was considered by the Reporters at the Local Plan Inquiry. The allocation of land BL/H1 in Ballater was also considered, as was the issue of the production of a masterplan to guide any development on the site. The Reporters did not recommend a timeline as requested by the objector. The objection does not raise any new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the plan as published.

CNPA Decision - no change. Do not refer the objections to a second Local Plan Inquiry.

Objector Ref Susan Matthews

Agent

437x

Ballater and Crathie Community Council

Modified Policy/Proposal ref Settlements - Ballater

Response to Post Inquiry Modifications

Insufficient detail in addressing the need to protect the elevated grassland to Monaltrie House. The text is too vague. Reference Reporters Report para 48.39. The Local Plan should be clear about how this area will be protected before allocating land around for building i.e. BL/H1. This should include specific statements about how this will be achieved.

Brief summary of key issues

The text should be clear that the area of elevated grassland to Monaltrie House should be protected.

CNPA analysis and response

This matter was previously considered by the Reporters during the Local Plan Inquiry. Following consideration of the evidence presented at the Inquiry the Reporters did not include this change as a recommendation in their Report. The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the proposals for Ballater as published.

CNPA decision - no change. Do not refer the objection to a second Local Plan Inquiry.

Modified Policy/Proposal ref Settlements - Ballater

Response to Post Inquiry Modifications

Subject of Objection: Inconsistent data and excessive allocations of housing numbers for Ballater in the period to 2016.

Relevant Documents - The Settlement Proposal for Ballater (pages 70 to 72 of the Post Inquiry Modifications).

Appendix 2 of the PIMs, Tables 1 to 4.

Reporters' paragraphs 7.27, 48.17, 48.50.

Reasons for Objection:

a) Tables 1 to 4 of Appendix 2 show an allocation of 90 housing units for Ballater over the period to 2016. However, the first paragraph of the Settlement Proposal for Ballater (pages 70 to 72 of the Post Inquiry Modifications) states that the site H1 will have "90 dwellings envisaged for construction during the life of the local plan [2006-2011]. It is expected that a further 100 houses will be built in the period between 2011-2016 leaving capacity for 60 for the longer term". The inconsistency between these documents is a significant mistake that must be corrected, using appropriately revised housing numbers (as discussed above).

b) The Deposit Local Plan, as submitted to the Inquiry, indicates a total of 1639 housing units for the period to 2016, which CNPA now proposes to cut to 950, which is too high, as I have shown above (Objections 462/1 & 2). However, based on CNPA's currently proposed Post Inquiry Modifications (specifically the Ballater Settlement Proposal), the housing total for Ballater in the same period remains unchanged at 190, with a total capacity of 250. This makes no sense, because Ballater's "share" of the total new housing numbers to 2016 has arbitrarily leapt from 11.6 to 20 per cent of the National Park total, based on the numbers proposed by CNPA's PIMs. Clearly, the distribution of effective housing land for the period to 2016 requires further attention.

c) Since the end of the Inquiry, evidence has emerged from further research and investigation that there is no identifiable justification for the capacity of 250 housing units on Ballater I-11 (refer to Attachment A to this document, which is a copy of email exchanges between P Swan (Objector 462) and D McKee (CNPA) between August 2009 and January 2010). Further, there is evidence in Attachment A of a lack of clarity in CNPA as to where the number 250 came from. This figure appears to be entirely spurious and should be discarded, as it clearly does not provide a legitimate basis for zoning land in Ballater. Accordingly, the stated "capacity" of H1 should be reduced significantly from 250 in all relevant documentation.

d) Reporters' paragraph 7.27 states : "...as far as Ballater is concerned, it is a serious deficiency that CNPA has not explained briefly and clearly in the emerging local plan:

: why there is a combined requirement for 190 affordable and market houses over the period to 2016;

: what the impact would be on Ballater as a sustainable community of a large proportion of market housing within that total;

: why the need for affordable houses cannot be met by prioritising the development of windfall and brownfield sites..."

CNPA has not answered these insightful observations and it must do so, as they are central to Ballater's future.

e) Reporters' paragraph 48.17 states: "The deficiencies which we have identified in the overall calculations, and the allocations to particular settlements including Ballater, are serious deficiencies in the preparation of the CNPLP; and they should be rectified before the plan is progressed to adoption." CNPA's response is that: "In considering the recommendations made in regard to HI in Ballater, CNPA have already provided modified information regarding housing land supply, which has taken account of the requirements of SPP3. This criticism made by the Reporters is therefore dealt with in the analysis on General Housing Land Supply."

I can find no evidence to support the claim made in the final sentence of the previous paragraph — CNPA's responses to Reporters' comments on General Housing Land Supply contain no references to or explanation of CNPA's proposed actions to address serious deficiencies in the allocation of housing in Ballater. In fact, the contents of the CNPA's analysis of Reporters' findings on General Housing Land Supply do not include any mention at all of Ballater or BL/H1. Thus the deficiencies referred to still require correction.

f) Reporters' paragraph 48.50 states (objector's emphasis): "In the interest of brevity and clarity we present below

our suggestions on how the supporting plan text might be adjusted to incorporate what we understand to be the CNPA position at the end of the hearing. Site BUHI, of 16.12 hectares, is located to the northeast of Monaltrie Park and provides an opportunity for housing and mixed use. The site has a capacity for around 250 units with 90 dwellings envisaged for construction during the life of the local plan. It is expected that a further 100 houses will be built in the period between 2011-2016 leaving capacity for 60 for the longer term...."

The above text (in italic) was offered by the Reporters as an aid to CNPA in getting the wording of the text in the Ballater Settlement Proposal sorted out. It is possible that CNPA might wish to use the detailed data in this text as evidence that the Reporters have endorsed the housing allocation numbers incorporated in the text of paragraph 48.50. This is not the case, as is demonstrated by the Reporters' comments in their paragraph 7.27, where they challenge the allocation of 190 houses in Ballater up to 2016. Also, the qualification that the text in italic suggests "how the supporting plan text might be adjusted to incorporate what we understand to be the CNPA position at the end of the hearing" is clearly intended to leave it for CNPA to work out the appropriate housing allocation numbers for Ballater. Note also that the argument put forward in objection 462/1 emphasises that the Reporters have at no time specified the CNP total housing number of 950.

g) North East Scotland Together — Aberdeenshire Structure Plan 2001-2016 (NEST) is, I assert, still the prevailing structure plan for the area of the CNP that lies within Aberdeenshire. This structure plan states that local plans for settlements including Ballater should be of small scale and only for the purpose of supporting local services and economic development. NEST included provision for the period 2011 to 2015 for a total of 2,200 houses in the whole of the Aberdeenshire Rural Housing Area. On the basis of population of Ballater as a proportion of the whole of Aberdeenshire Rural Housing Area, it is clear that allocation of 190 houses for Ballater in the period to 2016 is excessive. On the basis that the housing allocation to Ballater remains non-compliant with the relevant structure plan, object to the number of 190 new houses as proposed.

h) Focusing now on the outstanding number of new houses required (or justified) at Ballater to 2016, I believe the corrected number should be based on the following data:

: the total number for Ballater should be $(690 \times 190 / 1639) = 80$

: to date, 35 of these have been built (The Monaltrie)

: therefore, the remaining allocation to 2016 for Ballater is $80 - 35 = 45$

Required Changes:

There should be a very significant downward adjustment in the total number of required new houses remaining for the period to 2016. Evidence revealed in objections 46211 & 2 above indicates a figure of 514 is appropriate for the whole CNP. Of these, Ballater should be allocated a reduced number of 45, as shown in H) above. In practice, it is highly likely that there will be in excess of this number of new affordable houses needed in Ballater over the period to 2016, probably around 75. Many of these could be developed from windfall and brownfield sites, as suggested in Reporters' paragraph 7.27. Thus, the required capacity of H1 to 2016 will be somewhat lower than 75.

In the mean time, I believe there should be no more private development in this settlement until the needs of local people for affordable housing and the best means of meeting those needs have been realistically assessed. I suspect the outcome from such an assessment would be that all new housing development in Ballater in the period to 2016 should be affordable.

Brief summary of key issues

Objects to inconsistency between the housing land supply tables and text regarding the projected development on BL/H1. The proportion of the total need for the Park is too great for Ballater and should be reduced in Ballater to reflect the overall reduced number. There is no justification for the allocation in Ballater - supporting information supplied. There has been no CNPA response to the Reporters criticisms regarding affordable housing need in Ballater. Nor is there a CNPA response to address the serious deficiencies in the allocations for Ballater H1. CNPA should not use the wording offered by the Reporters to support the case for the housing allocation in Ballater, nor should 950 be used as a figure for overall need. Growth in Ballater should reflect the requirements of NEST 2001-2016. Alternative figures are put forward by the objector. There should therefore be a significant downward adjustment in the total number of houses required up to 2016. Focus should be placed on the provision of needed affordable houses on windfall and brown field sites. Until such changes are made and the needs of affordable housing for local people is assessed no more private development in Ballater should occur.

CNPA analysis and response

The matters of housing land supply and the relationship of the Plan with the Structure Plans was previously considered by the Reporters during the Local Plan Inquiry. CNPA has set out its assessment of the Reporters recommendations and has revised its housing land supply information to address these. The wording and figures included in the published document reflects the current published effective housing land supply and also the findings of the Reporter in regard to the commissioned study on by the University of Manchester. CNPA has also set out its response to the Reporters recommendations regarding affordable housing, to allocations of land for development by settlement and also how this relates to the objectives of the National Park Plan. CNPA has also responded to the suggested wording of the Reporters.

Prior to the publication of the finalised document however all figures and text will be cross checked to ensure consistency and accuracy.

The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the policy as published.

CNPA decision - no change other than correction of typing errors and cross checking of figures. Do not refer the objection to a second Local Plan Inquiry.

Objector Ref Phillip John Swan
462k

Agent

Modified Policy/Proposal ref Settlements - Ballater

Response to Post Inquiry Modifications

Subject of Objection - Removal of references to PFBE from the Local Plan
Relevant Documents - Settlement proposal for Ballater, page 70 of the Post Inquiry Modifications to the local plan.
Reporters' recommendation 48.47 and CNPA response.

Reasons for Objection:

- a) CNPA has shown itself to be heavily dependent on PFBE as a source of guidance in responding to objections to the zoning of Ballater H1. This is demonstrated by CNPA responses to objections against Ballater H1 as presented in the DLP in 2007. In section 7 of the CNPA Analysis of Consultation, pages 521-554 inclusive, on the CNPA web site, it can be seen that, for 28 out of 43 objections to Ballater H1, CNPA responses commenced with an identical reference to PFBE: "The allocated site at Ballater 1-'11 will be reviewed in light of additional information being sought from the Prince's Foundation". In addition to this, there were 8 other objections to Ballater where PFBE is cited as a source of further information. Overall, therefore, PFBE was cited by CNPA as a source of relevant information in response to 36 of the 43 objections.
- b) In view of the level of past exposure of the PFBE to the Ballater community (September / October 2009 as well as 2006) it is clear that removal of references to PFBE will aggravate misunderstanding rather than avoid it as suggested by the Reporters. Without clear and publicly visible guidance from PFBE, CNPA will appear incapable of resolving the Ballater design challenge and there can be no public confidence that the outcome for Ballater will not be a source of regret. CNPA must either revoke this modification or abandon its own reliance on PFBE for design guidance but, to do this it will have to abandon the zoning of H1
- c) The minutes of the CNPA Board meeting of 31st October 2008, in paragraph 13 d), record the statement by CNPA: "It was reiterated that the current proposed Local Plan provided for 90 houses in the area in question. The idea of 250 longer term was part of the view emerging from the Princes Foundation work which was aiming to plan a long way ahead". This is clear evidence that CNPA was (or at least it believed itself to be) heavily dependent on the guidance coming from PFBE.
- d) Reporters, in their paragraph 48.47 were correct in saying that PFBE's input was no substitute for the formal planning process. However, it can be a critical and valid complement to this process. On past experience of the widely criticised results from the application of the "formal planning process" that the Reporters appear to revere so highly, there can be little confidence that this process alone can deliver a satisfactory design for Ballater without input from PFBE.

Required Changes:

Reinstate PFBE's role in the text of the DLP, or abandon BL/H1.

Brief summary of key issues

The Plan should reinstate the reference and role of the Princes Foundation document in light of the number of objections which referred to it, the role the work has had in the community, the reliance on the work by CNPA and the role the work has in complementing the planning process. The site allocation should be abandoned if this is not done.

CNPA analysis and response

The matter of the work of the Princes Foundation was previously considered by the Reporters during the Local Plan Inquiry. The CNPA response to this has been set out. Following consideration of the evidence presented at the Inquiry the Reporters did not recommend the changes sought by the objector. The changes have been made as a result of their recommendations.

The objection raises no new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the plan as published regarding Ballater.

CNPA Decision - no change. Do not refer the objections to a second Local Plan Inquiry.

Objector Ref Phillip John Swan

Agent

4621

Modified Policy/Proposal ref Settlements - Ballater

Response to Post Inquiry Modifications

Subject of Objection: Lack of a "vision" for Ballater

Relevant Documents: Reporters' recommendations 7.27, 48.44 and CNPA's response.

Reasons for Objection:

a) Reporters' recommendation 7.27 states: "...we can readily accept that the distinctive characteristics and hence future requirements of strategic, intermediate and rural settlements are rather different from one another. Even strategic settlements such as Aviemore and Ballater are clearly different, as are the intermediate settlements of Kingussie and Nethy Bridge.

It is disappointing that no clear vision for these, or for any other settlement of the National Park, has been articulated by CNPA as an integral part of the local plan. Consequently, there should be no surprise that differing views from stake holders, including current residents, have emerged." CNPA has acknowledged this comment but decided not to comply.

b) Reporters' paragraph 7.27 further states: "... as far as Ballater is concerned, it is a serious deficiency that CNPA has not explained briefly and clearly in the emerging local plan:

: why there is a combined requirement for 190 affordable and market houses over the period to 2016;

: what the impact would be on Ballater as a sustainable community of a large proportion of market housing within that total; nor

: why the need for affordable houses cannot be met by prioritising the development of windfall and brown field sites."

The answers to questions such as those posed by the Reporters in paragraph 7.27 would flow naturally from a timely vision for Ballater. However, CNPA has decided not to comply.

c) Paragraph 48.44 of Reporters' report states: "a vision which reflects the problems and potentials of Ballater and complies with the overall vision for the Park should preface the proposals map; and the vision for the masterplan for BL/H1 and its immediate vicinity should flow seamlessly from that."

d) CNPA have rebutted the Reporters' recommendation to create a "vision" for Ballater at this late stage, but intend to defer it to the Local Development Plan. The reason given for this by CNPA is it too late at this stage in the development of the Local Plan. This statement is a non sequitur, because the fact that CNPA has failed to complete this important task in due time can be no reason for further delay. Notwithstanding the inconvenience for CNPA (due to its anxiety to get the Local Plan adopted), it is axiomatic that a clear vision for Ballater is a prerequisite for doing any planning in Ballater that gives confidence that the design will not be another source of regret. For these reasons I object to CNPA's response to the Reporters' comments and recommendations.

Required Changes:

Compliance with Reporters' recommendation in their paragraphs 7.27 and 48.44.

Brief summary of key issues

The Plan should comply with the recommendations of the Reporters to produce a vision for Ballater as a prerequisite for doing any planning in Ballater

CNPA analysis and response

CNPA has set out its response to the Reporters recommendations regarding the production of a vision for each settlement. The matter of settlement visions was considered by the Reporters at the Local Plan Inquiry. The allocation of land BL/H1 in Ballater was also considered, as was the issue of the production of a masterplan to guide any development on the site. The Reporters did not recommend a timeline as requested by the objector. The objection does not raise any new planning issues and there is no material change in circumstances to warrant either reference to a further Local Plan Inquiry or modification to the plan as published.

CNPA Decision - no change. Do not refer the objections to a second Local Plan Inquiry.

