AGENDA ITEM 6

APPENDIX 2

DESIGN AND PLACEMAKING NON-STATUTORY GUIDANCE

TABLE OF CONSULTATION POINTS RAISED AND CNPA RESPONSE

Appendix 1 – Design and Placemaking non-statutory supplementary guidance consultation: points raised and CNPA response Consultation 5th October 2021 – 19th November 2021

ID	Respondent	Extract of point(s) raised	How this has been addressed
1	NatureScot	The layout of the guidance in places doesn't appear to flow as well as it could which makes it difficult to follow	Addressed in response to specific points below.
1	NatureScot	Pages 3-4; Development Plan policy and allocations - We note this section refers to both natural heritage and landscape considerations and provides a link to the LDP which is welcomed. To help direct the reader to the exact location within the LDP, we would like to suggest that the relevant policy numbers are also included here.	The CNPA has included the following reference to (page 3) "...and there are specific policies and guidance relating to these factors (policies 4 Natural Heritage and 5 Landscape)."
1	NatureScot	Page 6; The Design Process - To help the reader understand what the six qualities of successful places are, we would like to suggest including a footnote on this page to direct readers to page 25 so that they are aware there is an explanation of these six qualities of successful places further on in the guidance.	In the "Placemaking Principles" box, a reference to the "Placemaking Principles" section has been added.
1	NatureScot	Pages 7-8; Submitting a proposal - We found it difficult to work out the main headings from the subheadings within this section which makes the document hard to follow, and we would welcome these being made clearer.	The headings have been reviewed and altered to make the document easier to follow.
1	NatureScot	Pages 7-23 - The detail and ordering of information on these pages don't appear to match the Design Process chart on page 6, which makes it confusing and difficult to follow. For example, the current information on page 7 includes Design Statement, and page 8 includes Design Concept which appears to work in the opposite direction of the flow chart, while other steps are mixed through. Our advice would be to have headings that match and follow the order of the Design Process chart headings on page 6. We would also recommend using consistent terminology that matches with the Design Process chart. For example, it could help make the guidance clearer if the step for 'SITE APPRAISAL' was covered on page 7 with the same clear main heading, and within it the sub-heading 'Wider, Local and Site Based Analysis' and to include the relevant narrative within them, and so on.	The order of the Design section has been altered to reflect the preceding process diagram with the terminology consistent with the diagrams headings.
1	NatureScot	Page 38; Resource Efficient - Green features that benefit biodiversity can improve shelter in winter, create shade in summer and reduce the requirement for insulation, for example green roofs and ameliorating microclimate adjacent to buildings, and we would like to suggest including these example measures in the guidance. We also note that there is no reference to climate change, or examples throughout the rest of the guidance to demonstrate how to help the effects of	Guidance is to aid implementation of the policy, so cannot stray outwith the topics contained within the policy (i.e. climate change). However, the guidance has been reviewed with the inclusion of an additional green building feature example

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		climate change. Therefore, as a way of linking into Policy 3, we would suggest that this section is a good place to note how these measures could help minimise the effects of climate change.	for grass covered permeable parking design.
2	Aberdeenshire Council	We note references are made to low carbon energy, low embodied energy materials, and reusing materials, but perhaps reference to the circular economy could be added? Although the circular is not reference in the LDP, under 3.3 Sustainable Design, paragraph c) makes reference to sustainable use of resources.	While policy 3.3 section d refers to sustainable use of resources, it relates to energy efficiency, materials and resource use rather than the circular economy model. A reference to the circular economy has been included in the first section of the guidance (page 4) where the text supports its inclusion.
3	Scottish Government	1st paragraph on page 7 – states 'the special built and natural environment' – we would suggest using 'the historic and natural environment' to tie in with the 'Valuing the Historic Environment' sections in SPP.	text has been amended to clarify this point i.e. "....built (both historic and more contemporary)...".
3	Scottish Government	4th paragraph on page 8 – states "A good site analysis will identify, amongst other things, how the landform, built environment and ecology…". We would suggest it should read 'built and historic environment and…'	Amended as above.
3	Scottish Government	Page 14, Policy 3 - suggest text change (in red): "Access and Roads - Access and Roads Designers need to consider how the proposed development will link to the existing road network (if necessary). Separate restrictions generally apply to the use of private access tracks but all connections to a public road need to be acceptable in terms of visibility splays to allow and ensuring safe access and egress." New junctions on to the trunk road network require approval from Transport Scotland and will only be considered if they are designed in accordance with the Design Manual for Roads & Bridges (DMRB) and where there would be no adverse impact on road safety or operational performance.	The document has been amended as suggested.
3	Scottish Government	2nd paragraph on page 16 – states "… The final design will need to respond to these elements as well as the existing built environment and the natural heritage in the area." We would suggest it should be changed to 'The final design will need to respond to these elements as well as the existing built form, historic environment assets and natural heritage in the area.'	The text has been amended to clarify this point i.e. "....built (both historic and more contemporary)...".
3	Scottish Government	Page 17 under Key Considerations bullet point says "Location and connectivity with areas protected for nature conservation, of archaeological importance or affecting the built heritage." In order to reflect SPP, we would suggest changing this to	Amended as above.

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		'…areas protected for nature conservation, of archaeological importance or affecting historic environment assets.'	
3	Scottish Government	Page 38-40 - 'Resource Efficient' – suggest specific reference to low/zero carbon heating as well as developments taking consideration of Local Heat and Energy Efficiency Strategies and Heat Network Zones as set out in the Heat Networks (Scotland) Act 2021 if available.	Already includes reference to low carbon energy in the third column, second point. However the following bullet point has been added to include reference to heat networks i.e. "…renewable energy/low carbon energy and consideration of potential for a heat network ".
4	RSPB	The introduction says this guidance forms part of the LDP. If it is not statutory 'Supplementary Guidance' we understand it will not be part of the LDP but a material consideration.	Clarified in introduction.
4	RSPB	The approach does not reflect policy 3.3(k) of the CNPLDP which states that 'All development proposals must also be designed to: k) create opportunities for further biodiversity and promote ecological interest. The Supplementary Guidance seems to water down policy 3.3 (k) by stating within the Wider Landscape Appraisal on p11 that, 'in line with the statutory aims of the National Park, natural heritage features are a key part of any development appraisal and proposals should, where possible, make a positive contribution to the natural environment by promoting and creating opportunities for biodiversity'. This wording should be changed to accurately reflect the policy of the LDP. The current wording downplays the important role that developers have in contributing to the first statutory aim of the National Parks (Scotland) Act 2000: 'to conserve and enhance the natural and cultural heritage of the area'. Enhancement, as well as protection of existing biodiversity should be integral to any development design, and not seen as an added extra.	The wording has been amended to read:" In line with the statutory aims of the National park, natural heritage features are a key part of any development appraisal and proposals should, create opportunities for further biodiversity and promote ecological interest."
4	RSPB	We would also suggest that the wording in the site appraisal section on p10 should be adapted to reflect policy 3.3(k): "How will the development relate in terms of details, materials, spaces, landscaping (soft and hard), drainage, green infrastructure and access points? Have adverse effects on natural and cultural heritage constraints been avoided through careful design and opportunities taken to deliver positive effects for biodiversity?" The approach does not reflect policy 3.3(k) of the LDP as explained above.	The wording has been amended to read: "How will the development relate in terms of details, materials, spaces, landscaping (soft and hard), drainage, biodiversity, green infrastructure, access points and opportunities taken to further biodiversity and promote ecological interest?"

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4	RSPB	Cairngorms Nature Action Plan could be referred to. Developers could refer to this to better understand the priorities of the Park and ensure any their development supports this.	This has been included on page 4 after the LDP link, with wording that "Developers may also find the Cairngorms Nature Action Plan useful to identify where particular habitats and species are of particular importance. It is available via https://cairngorms.co.uk/caring-future/cairngorms-nature/ "
5	Highland Council	However, as this is non- statutory guidance the Council does wonder if reference to other CNPA documents would be appropriate, namely the Cairngorms National Park Partnership Plan, alongside greater signposting within the non-statutory guidance to other relevant CNPA LDP policies.	The guidance supporting other LDP policies is referred to on pages 3 and 4, with a link provided. The NPPP is a park-wide high level strategic document. Reference to it is unlikely to be helpful to readers of the guidance who will be looking to apply design and placemaking principles to specific sites. No change has therefore been made.
5	Highland Council	Pg. 7 Submitting a Proposal To avoid reader confusion the Highland Council would ask for this section to be expanded to inform applicants the process of applying and the consideration of planning permission within the CNPA. It is also suggested that some form of mapping is provided to allow applicants to establish the correct LA to apply to. The suggestion of seeking pre-application advice is welcomed and to avoid user confusion, Highland Council suggests that the weblink to our pre-application advice page is inserted (along with similar links to the other LAs (link as follows: https://www.highland.gov.uk/info/205/planning_-_policies_advice_and_service_levels/785/preapplication_ advice/2)	The following text has been included in the relevant section: ""All planning applications in the National Park are made to the relevant local authority. Most are also decided by the local authority. If the application is big or important to the National Park then it will be 'called-in' and decided by the National Park Authority. An Advice Note on this can be found via https://cairngorms.co.uk/planning-development/making-an-application/ ". The advice note includes links to all the planning authorities, so it is not necessary to include that in the Design and Placemaking guidance.
5	Highland Council	Pg. 7 Design Statements: The use of Design Statements is generally supported, but it should be made clear if these are required for all forms of development including	There is no set criteria for when a design statement may be required - it is up to the

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		householder applications, in order to ensure this are sought as part of the application validation process.	planning officer considering the case to decide if one would be useful to enable consideration of the application against policy. It is not possible to decide this at the validation stage. No change has therefore been made.
5	Highland Council	Pg. 15 E-Charging Points The Highland Council is aware and recently provided feedback to the Scottish Government on the proposal to set a statutory requirement around the provision of e-charging stations both on new building stock and existing commercial buildings (https://www.gov.scot/publications/scottish-buildingregulations- proposed-changes-energy-standards-associatedtopics/ pages/7/) and therefore this section might be superseded by the enactment of this legislation.	The guidance already includes reference to electric vehicle charging points on page 15. No change has therefore been made.
5	Highland Council	Pg 23 Infill Development As noted above, the Highland Council considers the diagrams are clear and informative; however the only exception to this is the 'acceptable' infill development diagram. The Council is concerned that this diagram encourages backland development which seems to be at odds to a linear streetscape. Whilst we support appropriate infill development, we feel this diagram should be revisited.	The guidance is clear from the outset that applications will be assessed against LDP content in relation to particular settlements as well as the policies (page 3), as well as encouraging consideration by developers of the context of the proposed development site. The diagram is considered to be an example of an appropriate scale of development for the limited context shown. No change has therefore been made.
5	Highland Council	Pg 32. The Highland Council supports the principles and ambition of Scottish Government Designing Streets, but would recommend that reference is also made to the relevant LA own road design guidance.	The following sentence has been added to the end of the list stating: "Developers should refer to the relevant Local Authority's guidance on roads design for additional local requirements."
6	Anonymous	Within section 3.3 Sustainable Design, it states that all development proposals must also be designed to: a) minimise the effects of the development on climate change in terms of siting and construction and, once complete, achieve at least the minimum standard in compliance with the Building Standards Technical Handbook - but how do you ensure that this is followed?	Comment does not seek change.

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6	Anonymous	Again there is a section around natural heritage features being a key part of development appraisal and proposals should, where possible make a positive contribution to the natural environment by promoting and creating opportunities for biodiversity, retain existing trees and vegetation and responding to existing habitats and species found on sites. We completely agree with all these statements- however again, how can we be assured that this is being undertaken correctly?	Comment does not seek change.
6	Anonymous	As all of the above goes totally against a build that is being attempted behind where we reside. The meadow/orchard behind our property has all of the above- mature trees, woodland, amenity space already used by walkers, dog walkers, cyclists, with lots of peace and quiet and biodiversity for wildlife to co-exist. Our garden is full of squirrels multiple times every single day .... they even bury nuts in the meadow behind our garden (and also in our garden), as their dreys are in the trees within the meadow. Plus lots of other wildlife is available within the meadow, including deer, birds and pine martens .... and snakes from Craigendarroch Hill occasionally appear. So surely based on this information, this meadow would be better left as it is? It is a biodiverse area utilised by all the community, by all types of wildlife, is in an area where is on the edge of a wooded area with high grass and wild flowers and cannot be entered via a road unless utilising a single track private road, or desecrating a historic pathway which has been in place over 120 years to access the Pass of Ballater. There needs to be very dear reasoning as to why these types of areas, that meet your documentation, are still used for housing. So the overall approach is correct, but the guidance is not being used/being ignored, when looking into new house builds.	Comment does not seek change and speculates about possible future development proposals.
6	Anonymous	Couple of areas require further information. Firstly the guidance advises that there are "other documents supporting a planning application, such as an ecological survey report or landscape and visual impact assessment". What does visual impact mean in this perspective? I think this needs to be expanded within the document. As from our perspective with regards to the houses being planned behind us, putting houses on a meadow field that is full of trees (including mature), nature, biodiversity, flowers would have an extreme negative visual impact for properties who currently view this meadow to have to view bricks and mortar.	Further information about landscape and visual impact assessment is provided in the Landscape guidance, available via https://cairngorms.co.uk/planning-development/ldp-2021/. No change has therefore been made.
6	Anonymous	Also it advises that it will "create opportunities for further biodiversity and promote ecological interest". But again, surely building on an existing meadow used by the whole community (and not just the residents beside the meadow}, does the	Comment does not seek change and speculates about possible future development proposals.

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		opposite of this? So need to have very clear reasoning within the guidelines as to why you would go against this to complete a build.	
6	Anonymous	Cairngorms National Park Core Paths Plan is mentioned within the documentation .... but what is this? Shouldn't this be detailed within this document, or minimum a link to this information?	The following text has been added to the section: "Information on core paths can be found via https://cairngorms.co.uk/working-together/authority/national-park-strategies/core-paths-plan/ "
6	Anonymous	Also shouldn't there be something detailed within the documentation around tree preservation orders being required for mature trees? There is nothing that legally shows that mature trees should not be cut down, but you mention it throughout the documentation.	Tree preservation orders are assigned to specific trees, they do not apply to all mature trees. The effects on trees and woodland is assessed for each application under policy 4 (Natural Heritage) of the Local Development Plan. No change has therefore been made.
6	Anonymous	Lastly, there needs to be something in the documentation around wide spread consultation within some build areas. For example, the proposed build in the meadow behind our property seen neighbouring residents being consulted_ .... however this is an area used by many people outwith the neighbouring properties. Those who use the meadow to exercise, cycling, dog walking etc are not even consulted around plans to build housing even though it will affect them greatly.	Comment does not seek change and speculates about possible future development proposals. No change has therefore been made.