

AGENDA ITEM 5

APPENDIX I

NON-STATUTORY GUIDANCE

TABLE OF CONSULTATION POINTS RAISED AND CNPA RESPONSE

Appendix I - Heritage non-statutory supplementary guidance consultation: points raised and CNPA response

Responder ID	Guidance response relates to	Extract of point(s) raised	CNPA response to points raised
Consultation 29 June 2020 - 7 August 2020			
1	Natural heritage	<p>Agree with overall approach in guidance: The overall approach in the non-statutory guidance is welcomed. Particularly “Figure 3 - process to be applied when considering development proposals under Policy 4” on page 5 of the guidance should go a long way to provide clarity for developers on what is acceptable and what is not. The guidance provides clear links to relevant documents that need to be referred to during the preparation and assessment of planning applications.</p>	Noted.
		<p>Guidance covers all the relevant issues referred to in the Policy: In line with the Woodland Trust Scotland’s Planners’ Manual for Ancient Woodland and Veteran Trees (2019) the working principle is to find alternative solutions to any given planning issue by following these principles: - Avoid harm - Provide unequivocal evidence of need and benefits of the proposed development - Provide biodiversity net gain - Establish likelihood and type of any impacts - Implement appropriate and adequate mitigation and compensation - Provide adequate buffers - Provide adequate evidence to support proposals</p>	Noted.
		<p>We note that in response to our representation on the PLDP from 2019 (see page 67 in here https://cairngorms.co.uk/wp-content/uploads/2019/09/Schedule-4s-Summary-of-Unresolved-Representations.pdf) that the CNPA did not consider changing the wording in policy “4.3 Woodlands” to refer to ancient woodland more widely. We also note the CNPA did not acknowledge the fact that the SNH – Ancient Woodland Inventory (AWI) is a provisional guide, and that some ancient woodland sites have not been recorded. This needs to be included within the policy on Natural Heritage. This is very disappointing but we understand that if the inclusion of these changes in policy 4.3 on the face of the PLDP is not possible, then a better place for these changes would be in this non-statutory guidance. Therefore, we strongly suggest that this is referred to in this supplementary guidance to help address the fact that the AWI does not provide a complete picture of ancient woodland within the Park, and to encourage assessments to be based on a range of mapping resources and site assessment. Including the following would be highly relevant information that the guidance can refer to: “The Ancient Woodland Inventory (AWI) is a PROVISIONAL guide to the location of Ancient Woodland. To determine the antiquity and extent of a woodland area, the following mapping resources and process should be used: the assessment should start by looking at the Ancient Woodland Inventory (AWI), then the historic OS maps 1840-60’s (at six inches to the mile) should be revisited, and then the Native Woodland Survey of Scotland (NWSS) should be looked at to assess the presence and extent of matures trees common in the canopy. A woodland survey could also be conducted where the antiquity of a woodland is uncertain.” While the “4.3 Woodlands” policy aims to give protection to all woodlands and assess sites based on merit, the Trust is making the case that: - - All ancient woodland is irreplaceable therefore it has to be given special status within the Park. - Not all ancient woodland is on the AWI. The AWI is incomplete and is provisional so stating that sites within the AWI are considered as an irreplaceable resource is not adequate. It is not sites on the AWI that are considered irreplaceable but rather all ancient woodland sites.</p>	<p>The examination of the proposed Local Development Plan has picked up on this point and directed that modification(s) be made as below, which addresses the suggestion made: i) that Policy 4.3 Woodlands on page 44 be modified by amending the first sentence of the policy “Woodland removal for development will only be permitted where it complies with the Scottish Government’s Policy on the Control of Woodland Removal and where removal of the woodland would achieve clearly defined additional public benefits.” ii) and by amending the second paragraph so that it starts “There will be a strong presumption against removal of ancient semi-natural woodland, including sites in the Ancient Woodland Inventory, which is considered to be an irreplaceable resource. Only in exceptional circumstances will loss of ancient semi-natural woodland be permitted..” iii) and by replacing the references to “AWI” in criterion b) with “ancient semi-natural woodland”. In accordance with the examination, this is the full extent to which the policy can be amended.</p>
<p>We also suggest that “exceptional circumstances” be more clearly defined as “Exceptional circumstances are considered to be: infrastructure projects where significant and clearly defined additional public benefit clearly and demonstrably outweighs the loss or deterioration of habitat”, especially in the context of “only in [wholly] exceptional circumstances will loss of ancient woodland be [considered]”. In addition to exceptional circumstance, an agreed and suitable compensation strategy must be in place prior to any development that compensates for loss or deterioration. The compensation strategy should not form part of the assessment to determine of the assessment of whether the exceptional benefits of the development proposal outweigh the loss.</p>	<p>The examination of the proposed Local Development Plan has picked up on this point and directed that modification(s) be made as below, which addresses the suggestion made: i) Policy 4.3 Woodlands on page 44 by amending the last sentence to state: “Where removal of ancient semi-natural woodland is deemed acceptable, compensation for such loss (involving the planting of native species) will be mandatory” In accordance with the examination, this is the full extent to which the policy can be amended.</p>		
2	Landscape	<p>It lacks sufficient detail to drill down to specifics. It pays lip service to the best of intentions where on face value high standards of compliance would be the intended outcome, but there always appears to be a get out clause where if a sufficiently credible case can be made for an alternative, then that course of action could succeed thus negating the high principles of conservation and landscape improvement espoused.</p>	<p>The guidance is not is not a stand-alone document and needs to be read alongside the LDP and all other relevant guidance, including Scottish Planning Policy. It is a signposting document to other more detailed information on specific topics, such as provided by the statutory organisations with specific remits in the topic areas, such as NatureScot, where more detailed guidance can be found. No change proposed.</p>

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		<p>To the layman reading the document it would appear that CNPA owns and runs the geographic land mass within its boundary. There is no mention of the numerous Estates, private owners, and other bodies such as the RSPB. Do they all share the same views on landscape as the CNPA? How are their landscape priorities if at odds with the CNPA reconciled? Is there an arbitrator? What hope has an individual to challenge the CNPA or an Estate with their plans?</p>	<p>It is not clear where this suggestion arises from, as there is no mention of land ownership within the document. As part of the Cairngorms National Park Partnership Plan drafting and implementation processes, landscape issues and priorities in the Park are discussed and agreed with partner organisations (which includes a wide range of organisations, land owners and managers, as well as community councils). The Partnership Plan is also open to public suggestions during the drafting stage. Planning applications are also open to public comment before decisions are taken. So there are a variety of options available to provide feedback on proposals on a landscape and individual development scale. No change proposed.</p>
		<p>Landscape assessment and design process Step 5 'Assess the predicted landscape and visual effects of the designed development against the baseline conditions' This appears not to apply telecommunication masts for mobile phones etc. 'Minimise: secondary mitigation If significant adverse landscape and visual effects are identified, explore alternatives and amend the design to reduce these effects'. In the photo the mast is just above the tree line in summer but is very visible against the skyline. Simply painting the structure in DPM or using netting would greatly reduce the visual impact on the landscape.</p>	<p>There are only two photographs in the guidance, one on the cover and one on page 5, neither of which include a mast. There is no mention of telecommunication masts in the text. It is therefore unclear what the comments relate to. No change proposed.</p>
<p>3</p>	<p>Natural heritage</p>	<p>This version of the Natural Heritage supplementary guidance has been much slimmed down from the previous (2015) iteration. Whilst we understand that CNPA may be keen to keep the supplementary guidance clear and concise, in this case we feel that important information is no longer included to the detriment of the document. In our opinion the natural heritage supplementary guidance provides an opportunity to set out clear and comprehensive guidance on key aspects that should be considered in relation to natural heritage when developing a planning application.</p>	<p>The guidance is not a stand-alone document and needs to be read alongside the LDP and all other relevant guidance, including Scottish Planning Policy. It is a signposting document to other more detailed information on specific topics, such as provided by the statutory organisations with specific remit in the topic areas, such as NatureScot, where more detailed guidance can be found. No change proposed.</p>
		<p>In particular we are disappointed to see that 2 of the key principles outlined within the previous version of the Natural Heritage supplementary guidance against which planning applications were assessed have been dropped. The principles were: 1. Ensure no net loss of natural heritage value, 2. enhance existing natural heritage value and 3. manage and maintain natural heritage value. Inclusion and explicit statement of these are vital to ensure sustainable development within the National Park. We welcome the inclusion of the mitigation hierarchy and figure 3 in the guidance which covers principle 1. However the removal of principles 2 and 3 is a backward step for the park. Not only is it a missed opportunity to contribute to the aims of the Cairngorms National Park Partnership Plan and but also to secure delivery of some projects within the Cairngorms Nature Action Plan. It is also out of alignment with steps being taken towards biodiversity net gain within National Planning Framework 4. We believe the supplementary guidance should include further explanation and supporting information on potential biodiversity enhancement. Page 1 of the guidance states 'this guidance should be used.... to identify measures to safeguard and/or enhance natural heritage interests'. This ties in with the Park Partnership Plan outcome 'Conservation – a special place for people and nature with natural and cultural heritage enhanced' and the proposed Local Development Plan (LDP) that states 'the plan will help to deliver these outcomes by making sure.... the special qualities of the park are enhanced by new development where possible'. The supplementary guidance would therefore present the perfect opportunity to provide detailed guidance on this and emphasise incorporating enhancement into proposals where possible. However, little further mention is made within the document on how developers/applicants can enhance natural heritage interests. RSPB Scotland requested a modification to the proposed LDP so that Policy 4 included the wording, 'All development proposals will be required to identify measures which will be taken to enhance biodiversity in proportion to the potential opportunities available and the scale of the development'. Although the CNPA does not propose a modification to the Plan it is currently at Examination and the wording could be altered. While we appreciate that the supplementary guidance refers to Policy 4 of the proposed plan therefore its remit is focused on this, we note that the CNPA's reasoning for not including the wording within Policy 4 is that Policy 3.3 (k) states that "All development proposals must also be designed to... create opportunities for further biodiversity and promote ecological interest". Therefore, whether policy 4 is modified to include a reference to biodiversity enhancement or this only remains in Policy 3.3(k), we believe that the supplementary guidance should make reference to the relevant section of the LDP, support the overall plan and give further guidance and encouragement on how developers can deliver biodiversity enhancement.</p>	<p>The guidance provides supporting information for the policy in the proposed Local Development Plan, and cross refers readers to other policies in the LDP, which, while not being explicitly mentioned, would include policy 3.3(k). It cannot introduce additional requirements or topics that are not included in the natural heritage policy. No change proposed.</p>

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		We welcome the clear steer on the need for adequate survey work to inform proposals and mitigation. However, we would prefer to see more detailed information included as within the previous version. There is now no mention of issues such as non-native invasive species and deep peat for example and the survey calendar (page 14) that gives guidance on the most appropriate timing for survey work for different species is no longer included. Given the greater weight provided by the National Parks (Scotland) Act 2000 on the 1st statutory aim of the National Park 'to conserve and enhance the natural and cultural heritage of the area' in our opinion it is important that this document provides developers with clear and comprehensive guidance on all factors they should be taking into account when developing a planning application. We would particularly welcome the inclusion of information on capercaillie SPA's, development and recreation similar to paragraphs 63 to 75 of the existing supplementary guidance on Policy 4 Natural Heritage. WWT and RSPB have also produced guidance on SUDS to benefit wildlife: https://www.rspb.org.uk/globalassets/downloads/documents/positions/planning/sustainable-drainage-systems.pdf	The guidance is not intended to be a fully detailed definitive guide, rather it provides supporting information for the policy in the proposed Local Development Plan, signposting readers to other more detailed information on specific topics. For example, as provided by the statutory organisations with specific remits in the topic areas, such as NatureScot. It cannot introduce additional requirements or topics that are not included in the policy. However, NatureScot have made CNPA aware of their "Natures Calendar", so a link to that will be included in the guidance. Should the policy wording change following examination, further consideration will be given to the other points raised. Consideration will also be given to whether the capercaillie information referred to could be used to create a separate Planning Advice Note.
5	Cultural heritage	We feel that this topic is outside of our remit, and are content for Historic Environment Scotland (HES) to provide comments.	Noted
6	Renewables	We welcome that the guidance appears to cover the main technologies and issues relevant to the Cairngorms National Park (CNP) area.	Noted
		The guidance appears to be thorough in detail and covers all of the renewable energy systems included in the Policy. It is clear and concise with relevant links where more detail is required.	Noted
		We welcome the opportunity to comment on your draft non-statutory guidance: Policy 7 - Renewable Energy, and have the following points to note: - Page 3 – to avoid potential confusion with appropriate assessments as part of the Habitats Regulations Appraisal (HRA) process, it is suggested that the wording could be changed from 'appropriate assessments' to relevant assessments or similar.	Page 3 is the policy text is taken from the proposed Local Development Plan, so it is not possible to amend it outside the remit of the examination. The examination has not resulted in any changes in this regard. However "appropriate assessments" on page 6 (under noise) and page 7 (under SEPA advice) will be amended to 'relevant' assessments.
		Page 4/5 – there is much guidance on the potential need for assessments which is positive, however, it may be pertinent to include the possible need for appropriate Controlled Activities Regulations (CAR) authorisation.	Text will be added on page 4, third paragraph ("...require detailed Environmental Impact Assessment (EIA) and consents or licenses as well as planning permission."). It is not felt necessary to provide a direct link as a link to SEPA advice on hydro electric schemes, which includes information about CAR licenses, is provided on page 6. No further change proposed.
		Page 5: second bullet point – along with fish, otter and lower plants associated with damp habitats, beaver are also reliant on the water environment and perhaps should also be noted.	There are no current plans to re-introduce the beaver into the Cairngorms National Park. The bullet point list is not intended to be an exhaustive list, it is intended just to give examples/ context. The final paragraph on page 4 directs readers to Policy 4 (Natural Heritage) of the Local Development Plan, and associated guidance. This will ensure that should beaver be found in the Park in the future, they will be taken into account during the planning process. No change proposed.
		Page 7: Heat Networks – The inclusion of considering co-locating heat networks with other green infrastructure to minimise impacts on the environments is suggested.	Although there are currently a range of loans/ grants offered to support community and local energy projects in Scotland, it is not practical to list all the schemes in the guidance document, particularly as they are subject to change over time. No change proposed.
		Page 8 - The link to SNH's page on protected species is welcome, however, it would be good to see inclusion within the main text reference for the possible need of a species license. The following link provides more information on European protected species and licensing: - https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/european-protected-species-licensing	The final paragraph of the habitats and species bullet point refers readers to Policy 4 (Natural Heritage) of the Local Development Plan and associated guidance, which includes information about protected species and licensing. However, for clarity text can be added to the paragraph so it reads "More information about natural heritage interests (including protected species and licensing requirements) can be found in Policy 4 of the Local Development Plan and accompanying Natural Heritage supplementary guidance..."
Page 8 – we welcome the inclusion of Landscape and Visual Impact Assessments (LVIAs) and other types of assessments that may be required for wind energy. It may also, however, be useful to include reference to Assessing the Effects on Special Landscape Qualities (SLQs).	The NatureScot and National Park Authorities guidance on 'Assessment of the Effects on Special Landscape Qualities' is currently in preparation. Once it is finalised, a link will be provided in the guidance.		

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		Pages 8 and 10 - footers 3 and 5 – we note that the link is incorrect. Please refer to the following correct link: - https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species	Noted - the link will be amended in the guidance.
		Page 10 – as with wind energy, the reference to Landscape and Visual Impact Assessments (LVIAs) and other types of assessments that may be required for solar power (heat and electricity) is welcomed. However, it would be useful to include reference to Assessing the Effects on Special Landscape Qualities (SLQs).	The NatureScot and National Park Authorities guidance on 'Assessment of the Effects on Special Landscape Qualities' is currently in preparation. Once it is finalised, a link will be added to the first bullet point in column three.
		Page 11 – we suggest the link should be for solar guidance which can be found at: - https://www.nature.scot/guidance-natural-heritage-considerations-solar-photovoltaic-installations	A link will be provided to the NatureScot solar energy page https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/renewable-energy/solar-energy . The page has information and links to relevant NatureScot guidance and is felt to be more appropriate than the suggestion (which is a direct link to guidance that may be superseded over time).
		Page 11 - it may also be worth considering including a link to our service statement which outlines what we want consulted on: - https://www.nature.scot/professional-advice/planning-and-development/our-planning-role-and-consulting-us .	The link in the guidance is a more appropriate link for the accompanying text. Readers should be able to navigate to the range of NatureScot guidance and advice from the link provided in the text. It is not possible to include links to all aspects of an organisation's work remit, as doing so for one organisation would require replication for other organisations, making the guidance unwieldy. No change proposed.
		Reference to opportunities for environmental enhancement could be a general requirement for all of the energy systems. For example, our solar guidance (referred to above for page 11) recommends site-specific biodiversity action plans which outlines potential natural heritage gains.	It would not be appropriate to insert the suggested link as it refers to a specific technology. In addition, the guidance provides supporting information for the policy in the proposed Local Development Plan. It cannot introduce additional requirements or topics that are not included in the policy. No change proposed.
		We would like to see recognition and consideration within the guidance of potential cross-boundary issues that could occur as a result of renewable energy developments in neighbouring planning authority areas. It is possible that these developments, if sited on or just outside of the CNP boundary, could have negative impacts on the CNP area.	Developments situated outwith the Park boundary will be dealt with by the relevant Planning Authority. Their Local Development Plan policies and any associated guidance should refer to cross boundary effects on the Park designation. No change proposed.
		There appears to be considerable repetition in terms of links to assessment approaches, which we feel interrupts the flow of this guidance. Opportunities to place the references to this guidance within one section that is applicable to all renewable energy systems, may help streamline the guidance.	It is felt that having links specific to the topics under each title is appropriate, as readers may only read the section specific to their development/ installation type. No change proposed.
		The use of images within the document helps to break up the text and makes for easier reading, however, it is not clear if these images are providing further help to understand the considerations required when dealing with the various renewable energy systems. There may be an opportunity, therefore, to include images that demonstrates the guidance provided even further.	The images have been chosen to compliment the text and increase visual appeal, whilst still being relevant to the accompanying text, to increase engagement as the guidance is aimed at a range of audiences. No change proposed.
		For information, Scottish Natural Heritage (SNH) plans to rebrand to NatureScot on the 24th of August 2020. It may be useful to have updated the brand name for your final version of your non-statutory guidance that will support your newly adopted Local Development Plan. If you would like to discuss any of our comments, please do not hesitate to contact Anne-Marie Gauld at anne-marie.gauld@nature.scot .	Noted - the guidance will be updated.
6	Landscape	We welcome a thorough draft guidance with relevant links which provides more detail when required.	Noted.
		Generally, the guidance is clearly set out and the approach to landscape assessment, consideration of design and references to sources of guidance and information are welcomed.	Noted.
		We welcome the opportunity to comment on your draft non-statutory guidance: Policy 5 - Landscape, and have the following points to note: - Page 1: 5.1 - We note that, while this consultation is not for commenting on the policy content of the LDP, we would like to comment on the policy content within this draft guidance. The following wording 'setting of the proposed development' appears incorrect and we feel that it perhaps should state (for example) 'setting of the proposed Park/Designation'. Further to using the correct terminology, the use of the word 'setting' has not been robustly assessed or defined, and could lead to ambiguity in relation to the assessment of effects of proposals in this context. We would, therefore, like to suggest alternative wording which refers to wider landscape and visual character that contributes to Special Landscape Qualities (SLQs) experienced in the park, or similar.	The guidance provides supporting information for the policy in the proposed Local Development Plan, which is currently undergoing examination by Scottish Government. It is not possible to introduce additional requirements or topics that are not included in the policy. No change proposed.

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		Page 2: Landscape Considerations in the Park – We note the following ‘All landscapes within the Park have a high sensitivity to change, reflecting the National Park designation as an IUCN Category 5 Protected Landscape.’ We query whether the IUCN Category 5 specifically refers to the term ‘sensitivity’ as referred to within your text and if this instead equates to current guidance (GLVIA) which considers sensitivity to include susceptibility and value. We ask if the wording should be, for example, ‘the susceptibility to change in the landscape is high in the Park.’ For example, the opposite could be that the sensitivity to change with small scale native woodland planting within an existing strath where native woodland is an SLQ would not likely be high.	This is a reasonable adjustment to clarify the wording, which will be done by splitting the sentence - ‘the national park is designated as a ...’ / separate sentence that ‘all landscapes with the park have a high sensitivity’.
		Page 3: National Scenic Areas – it is not clear from the description how NSAs are assessed within Cairngorms National Park (CNP). The inclusion of the separate process for describing NSAs outside of the CNP may be causing some confusion, and it may be helpful, therefore, to focus on the special qualities of National Parks only.	It would not be appropriate to ignore National Scenic Areas as they are a national designation. So while it is agreed that on first appearance the distinction is confusing, the text is correctly outlining the process of identifying special landscape qualities as described by NatureScot. No change proposed.
		Page 5: Private Roads and Ways – while there are potential impacts on landscape from these types of development, there may also be negative impacts on other aspects such as natural heritage. This subject may, therefore, be better placed under different guidance to landscape and where other types of development are covered.	This guidance supports the specific policy for landscape in the proposed Local Development Plan, which includes policy on private roads and ways. While there may be other effects, eg on natural heritage interests, the main effects will be on landscape, which is the focus of this guidance. Effects on natural heritage and other interests are addressed by separate Local Development Plan policies and associated guidance. No change proposed.
		Page 9: Table 1 – within this table, we have a few queries regarding links between some of the steps and existing guidance/information as follows: - 3 Develop design objectives – should there be a tick against ‘NSA and Park SLQ descriptions’?	This is addressed in step 2, which will inform step 3. The table is aimed at landscape architects, designers and developers, whilst being simplified to aid other readers understanding of the considerations. No change proposed.
		Page 9 Table 1: 6 Effects on landscape character – we question why there is a tick against ‘NSA and Park SLQ descriptions’. Typically, the assessment of effects on landscape character is separate from the assessment against SLQ.	While the assessment of effects on landscape character and on Special Landscape Qualities (SLQs) are separate assessments, landscape character informs the SLQs and so consideration of both are relevant. No change proposed.
		Page 9 Table 1: 6 Effects on landscape character: Effects on SLQs – It is considered that the Effects on SLQs should also take into account and tick ‘Guidelines for Landscape & Visual Impact Assessment’, ‘Cumulative LVIA’, ‘NSA and Park SLQ descriptions’, ‘WLA descriptions’, and ‘Landscape Character Type/area descriptions’.	These have been separately highlighted in the table in the rows below the landscape character row, to highlight their importance to the readers. No change proposed.
		For information, Scottish Natural Heritage (SNH) plans to rebrand to NatureScot on the 24th of August 2020. It may be useful to have updated the brand name for your final version of your non-statutory guidance that will support your newly adopted Local Development Plan. Should you wish to discuss any of our comments, or if you would like us to help contribute further to this guidance which we would be happy to do, please do not hesitate to contact Anne-Marie Gauld at anne-marie.gauld@nature.scot.	Noted - the guidance will be updated.
6	Natural heritage	We welcome a very thorough draft guidance which is clear and concise with relevant links where more detail is required.	Noted.
		We support the overall approach and we believe that the guidance covers all of the areas addressed within the policy.	Noted.
		We welcome the opportunity to comment on your draft non-statutory guidance: Policy 4 – Natural Heritage, and have the following points to note: - We note that this is shorter and more focused than previous versions of the guidance, and we assume that this is in accordance with Scottish Government planning guidance.	Noted.
		Page 1 – It may be helpful for the reader to define what is meant by natural heritage, i.e., flora, fauna, habitats, geology, soils and geomorphology (land form).	The proposed Local Development Plan (LDP) provides a definition of natural heritage. It is not considered necessary to include a definition in the guidance, as it refers to the LDP and readers are likely to read that before being directed to the relevant guidance. No change proposed.
		Page 1 - As with the Renewable Energy draft guidance, it may be useful to mention permitted development rights in a Natural Heritage context. That is, permitted development rights do not apply, where relevant, on European sites until a Habitats Regulations Appraisal (HRA) has demonstrated no Adverse Effect on Site Integrity (AESI).	The guidance provides supporting information for the policy in the proposed Local Development Plan for proposals that require planning permission. Permitted development is covered by separate legislation and requirements. It is therefore not considered necessary to include a reference to permitted development in the guidance document. No change proposed.

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	<p>Page 4 - As seen in the non-statutory guidance: Policy 7 – Renewable Energy document (page 3), it would also be useful to make cross references with other relevant policies within this non-statutory guidance. For example, both Policy 5 – Landscape and Policy 7 – Renewable Energy may need to be considered when referring to the natural heritage guidance.</p>	<p>This would be useful. Insert text on page 4 under 'Process for considering natural heritage interests' heading "In addition to using this guidance, cross reference to other Local Development Plan policies and their supplementary guidance (where present) will be required to ensure that relevant issues are considered."</p>
	<p>As identified within the policy 4 - natural heritage, the policy includes geodiversity as well as biodiversity. There doesn't, however, appear to be mention of sites important for geodiversity within the draft guidance. For example, there are currently un-designated GCR sites which are afforded the same policy protection as Sites of Special Scientific Interest (SSSIs). We would, therefore, like to see inclusion of geodiversity interests such as GCR sites within this guidance.</p>	<p>Policy 4 does not include reference to geodiversity. The guidance provides supporting information for the policy in the proposed Local Development Plan. It cannot introduce additional requirements or topics that are not included in the policy.</p>
	<p>Page 6 – We note that footnote 3 has the incorrect link. Please refer to the following link: - https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species</p>	<p>Noted - the link will be updated.</p>
	<p>Page 8 – we welcome the mention of Species Protection Plans and it may be useful to add a footnote to the following link for further information on them: - https://www.nature.scot/professional-advice/protected-areas-and-species/licensing/species-protection-plan</p>	<p>Agreed - link will be added.</p>
	<p>Page 8 – has noted that Special Areas of Conservation (SACs) and Special Protection Areas (SPAS) were previously known as Natura Sites. We note that there is a move to refer to Natura Sites as European sites now that we have left the European Union (EU). For accuracy and consistency purposes, it may be useful to make that same reference where there is mention of Natura Sites throughout the rest of the document, but also to state that European sites will still be afforded the same level of protection as they did before we left the EU.</p>	<p>The only other reference to Natura sites is in the purple box on page 1 of the guidance. This is copied from the proposed Local Development Plan (LDP) policy, which was prepared before the full implications of the Brexit referendum were known. The proposed LDP is recently undergone examination by Scottish Government. As part of that process, CNPA highlighted to Scottish Government that some text in the LDP requires updating in light of Brexit. The examination has picked up on this point and directed, as suggested by CNPA, that modification(s) be made as below, which addresses the suggestion made: i) Modify Policy 4: Natural Heritage by replacing all references to 'Natura', 'Natura 2000' and 'Natura sites' with the term 'European sites'. In accordance with the examination, this is the full extent to which the policy can be amended.</p>
	<p>We welcome the consideration of protected species. We would also like to see detail included in the guidance regarding surveys for European Protected Species. It should explain that a survey must be provided along with an application, and that conducting a survey after such a time cannot be included as a condition for planning approval. Applications for SNH licences will not be processed until planning permission has been obtained.</p>	<p>This is covered by the section "Need for ecological surveys" as well as the first bullet point on page 8 and the links provided directly to NatureScot advice on protected species and licensing, so it is not felt necessary to add further to the guidance. No change proposed.</p>
	<p>The inclusion of buffer strips along watercourses provides many benefits such as protecting corridors so that wildlife can move up and down stream, retaining green spaces within developed areas, allowing space for flood water, and allowing natural vegetation to develop where appropriate. The size of buffer strips should be proportional to the size of the water course. It would, therefore, be highly beneficial to build this into the guidance.</p>	<p>The guidance is not a stand-alone document and needs to be read alongside the LDP and all other relevant guidance, including Scottish Planning Policy. It is a signposting document to other more detailed information on specific topics, such as provided by the statutory organisations with specific remits in the topic areas, such as NatureScot, where more detailed guidance can be found. No change proposed.</p>
	<p>It may add value to the guidance to include mention of and a link to our Nature's Calendar which provides detail of optimal survey periods and lifecycle stages for a variety of species and general habitats. The calendar can be found at the following link: - https://www.nature.scot/natures-calendar</p>	<p>Agreed - link will be added.</p>
	<p>It is not clear if this is covered within other guidance, however, we would like to see included the protection of deep peat and carbon rich soils or at least a cross reference to it, if it is covered elsewhere. Avoiding the development of these areas or adequate mitigation plus careful planning would help to avoid the release of carbon to the atmosphere.</p>	<p>Policy 4 does not include reference to deep peat or carbon rich soils - these are covered by policy 10, Resources, of the proposed Local Development Plan, which is subject to separate guidance. No change proposed.</p>
	<p>We would also like to see mention of invasive non-native species and the need to avoid spreading these during construction.</p>	<p>Policy 4 does not include reference to invasive species. The guidance provides supporting information for the policy in the proposed Local Development Plan. It cannot introduce additional requirements or topics that are not included in the policy.</p>

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		For information, Scottish Natural Heritage (SNH) plans to rebrand to NatureScot on the 24th of August 2020. It may be useful to have updated the brand name for your final version of your non-statutory guidance that will support your newly adopted Local Development Plan. If you would like to discuss any of our comments, please do not hesitate to contact Anne-Marie Gauld at anne-marie.gauld@nature.scot.	Noted.
2	Natural heritage	The Headings are clear and understandable. There is consistency of language under the Headings. "What the Policy Aims to do" and "Applying the Policy" are both clear and helpful The use of planning language and plain English is well balanced.	Noted.
		Would the Guidance benefit from definitions with examples for concepts such as "overriding public interest", "significant adverse effect" and "significant social, economic and environmental benefit"?	As these have slightly different technical meanings depending on the legislation relevant to the context, it was decided not to try to provide a definition in the guidance to avoid causing confusion. No change proposed.
2	Cultural heritage	Guidance refers to Scheduled Monuments and Listed Buildings. It covers demolition of buildings but does not cover demolition of part of building nor does it provide details of alterations which may be unacceptable. In 9.3 Conservation Areas it refers to an HES document which in turn refers to the Planning Authority - a bit circular and unhelpful.	It is felt that the first suggestion is already covered in the guidance, for example in the first sentence on page 4. With regard to the second suggestion, the guidance is not intended to be a fully detailed definitive guide, rather it provides supporting information for the policy in the proposed Local Development Plan, signposting readers to other more detailed information on specific topics (such as the link to additional information about Conservation Areas provided by HES). It is therefore not felt necessary to include specific information about alterations as suggested, particularly as what may be acceptable in one situation may not be for another, making providing examples potentially misleading. No change proposed.
		Would this document benefit from more information on who should do what between Developer, Owner and CNPA, as well as how development will be monitored and Regulations enforced?	As there are different consenting regimes, as well as different organisations responsible for monitoring and enforcement, including detailed information on these matters would make the guidance overly complicated and lengthy. The guidance already provides links to other more detailed information on specific topics to help readers with specific issues. It is therefore not felt necessary to include specific additional information as suggested. No change proposed.
11	Landscape	It is important that policy is written to be as accessible as practical, particularly for individuals who might not be familiar with general landscape policy. It is currently a bit complex and could be simplified. A definition of what landscape is, is often a good starting point. Different individuals often have a different understanding of what landscape is - particularly in the context of planning. The principle that all landscapes in the CNP are valuable and have some sensitivity to development should be emphasised.	The policy text on page one is from the proposed Local Development Plan (LDP), which has undergone examination by Scottish Government. No changes to the policy were recommended by Reporters in this matter and therefore it is not possible to change the policy text.
		The development management process needs to be geared up to facilitating quality, appropriate development in the landscape. Particularly for major proposals, a pre-application meeting between the planning authority and the developer is required at which the implications for landscape impact can be discussed which would be desirable in terms of promoting quality development that minimises its impact on the landscape resource. The category of major application would need to be defined.	The guidance is seeking to support the proposed Local Development Plan policy, so applies to all applications regardless of the size or category of development. It is therefore not considered necessary to include reference to major applications, which are defined in national guidance. No change proposed.
		Generally principles in the Guidelines for Landscape and Visual Impact third edition (GLVIA 3) should be followed by all developers with proposals in the CNP, and the findings/conclusions of the LVIA process should be fundamental to the subsequent development design decision making process.	Not all development will require a detailed landscape and visual impact assessment in accordance with GLVIA - CNPA would expect the scale, type and location of the development in relation to landscape sensitivities to inform the level of assessment. No change proposed.
		Commercial forestry activities need to comply with raised operational requirements associated with the CNP area. Commercial forestry at all stages of production has the potential to significantly impact the positive qualities of the CNP area.	CNPA would expect forestry to follow the relevant industry guidelines in relation to consideration of landscape interests. No change proposed.
		The implementation of circular economy principles in any developments requires to be included as preferable and/or required. Developing a more circular economy is part of national strategy and is likely to become more and more important and should therefore be at the heart of development plans and guidance.	The guidance is providing supporting information to enable readers to better understand the context and requirements of the policy, signposting to more detailed information. While the sentiment of the suggestion has merit, it is not possible to introduce new requirements in the guidance that are not part of the policy. No change proposed.

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11	Cultural heritage	<p>General Check the spelling and grammar a few errors and typos throughout. It is not clear who the target audience is. Layout in regards three columns makes it a difficult read, portrait would be a better layout. This would also facilitate larger images of projects in the Park with supporting text. The structure of the document is unclear, there is some really good information but the layout, lack of concise language and ambiguity in the terminology and what each section is referring to, is making it a difficult read. It is very general and then jumps to being very specific, but the specific advice given is unlikely to be appropriate to all circumstances.</p>	<p>With regards to 'spelling and grammar' - this will be addressed before publication of the final version of the guidance. The document is supporting guidance for the proposed Local Development Plan (LDP) policy, so anyone reading/referring to the LDP will be the audience. With regards to layout, this is the layout adopted by all the guidance documents, so provides a consistent style across the range of non-statutory guidance documents. No further change proposed.</p>
		<p>The terminology used is not in line with national guidance i.e. cultural interest is more universally understood as Significance. Re-purpose is more readily understood as Adaption.</p>	<p>The term 'cultural heritage interest' is felt to better represent the range of features within the Park, without inferring any form of hierarchy of significance. For example, a Scheduled Monument is of wider national importance than a feature identified by a local community, but both may be of equal significance when considering development that affects them in a Park context. It is also felt that re-purpose better reflects the accompanying text than adaptation. No change proposed.</p>
		<p>The guidance should be more robust such as replacing 'are likely' to 'will' when carrying out alterations, extensions and demolition works to a listed building or structure and also better explain the general principles of a designation such as the premise of seeking to 'preserve or enhance' the 'character or appearance' of a conservation area.</p>	<p>The wording is considered appropriate as it allows flexibility for the Planning Authority to consider each proposal on it's own merits rather than inferring a blanket rule. No change proposed.</p>
		<p>When supporting information is required it should be more explicitly stated. For example, for listed buildings or those in a conservation area it would be helpful to be able to ask for a Design Statement including a Heritage Significance Statement clearly demonstrating an understanding of the significance of the building and why the proposal is appropriate. Where significant intervention or a change of use is involved it would be helpful to be able to also ask for an Options Appraisal clearly demonstrating explicitly why it is the most viable option.</p>	<p>Readers are signposted on page 16 as to the kinds of assessments, information, etc that may be requested. It is felt that this list encompasses what may be included in a Design or Heritage Significance Statement, with the accompany text explaining that "The scope of the information required will vary depending on the circumstances of the case, but may include:" and "Advice from the relevant planning authority should be sought... ". It is felt that this is sufficient and allows planning authorities the flexibility to request the information that they feel is necessary for each individual case. No change proposed.</p>
		<p>The projects, instead of just being mentioned they would make better case studies with photos (if they are in areas of the Park people do not know they will mean little to them). It would also help to keep the policy advice more concise.</p>	<p>The cases mentioned, usually with associated images, are examples to provide context that readers can explore further outwith the guidance if they wish, rather than being case studies as such. Adding further information would lengthen the document, which is likely to put readers off before they start reading. No change proposed.</p>
		<p>Throughout the document there is a merge in trying to have guidance which covers anything from a conservation area to an archaeological site and they are very different things with different legislation. They are merged slightly at NPF level, but at this level of guidance it helps to have them separated out.</p>	<p>This guidance supports the policy in the Local Development Plan, which refers to the different types of cultural heritage feature covered by the guidance. The features are separated in the guidance by sub-headings. No change proposed.</p>
		<p>The document would read better if the principles of conservation, conversion and demolition followed the actual designations which should explain what a scheduled monument is, listed building, conservation area etc. Suggest moving the specific guidance relating to Listed Buildings, Scheduled Monuments, Conservation Areas, etc to the front so that the reader can understand the relevant designations under consideration currently found from page 7 to page 12.</p>	<p>A contents page is provided to enable readers to navigate the document. The order of document is considered appropriate for use, explaining the broad principles then the specifics for different cultural heritage features. No change proposed.</p>
		<p>Safeguarding Cultural Heritage The text on page 3 should be realigned to first explain 'cultural heritage' and then outline its importance in the national park. Might be helpful to use bullet points to make the section easier to read i.e. statutory designations could be easily bulleted. Would be helpful in this section to explicitly say which Planning Authorities are within the Park and that they are the first point of contact. The language would benefit from being simplified and it would be beneficial to have bullet points of overarching conservation principles.</p>	<p>The first three paragraphs under the heading "Safeguarding cultural heritage - general principles" on page 3 explain what cultural heritage is and it's importance in the context of the Park. Where relevant, links to the five Park Planning Authorities have been provided within the document, with direction to contact the relevant Planning Authority. In addition, the proposed Local Development Plan explains that the Park includes part of five Planning Authorities areas, so it is not felt necessary to repeat this information. It is felt that figure 2 effectively bullet points the conservation principles, whilst adding the sequence in which they should be considered. No changes proposed.</p>
		<p>The section on reversible processes, I am not sure is helpful, reversibility is a factor in conservation but again maybe bullet points of overarching conservation principles would be clearer.</p>	<p>The paragraph on reversibility on page 5 is considered an important consideration. No change proposed.</p>

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	<p>Fig 2 - The flow chart is a bit confusing and not sure it aligns with how development is assessed. Although demolition/ replacement is something we deal with the flow chart format almost lays it out as a viable option rather than something that is actively discouraged and a last resort.</p>	<p>The flowchart in figure 2 highlights the three conservation principles and the order that they should be considered. It supports the accompanying more detailed text. The 'Replace' section on page 6 makes it clear that replacement is a last resort, but is an option where otherwise development would not be considered. No change proposed.</p>
	<p>There is no guidance on Enabling Development.</p>	<p>This is covered directly in the policy 9.1, and expanded upon in the options flow chart on page 4 - repairing, restoration and repurposing are elements of enabling development to occur. No change proposed.</p>
	<p>Repair and restore for re-use This title is confusing, most applications will be for buildings/ structures which are in use and will remain in the same use and so although a section on suitable repair and maintenance would be welcomed re-use does not sit easily here. The paragraph on repairs is too wordy, repairs should simply be appropriate to the age and construction of the property to ensure an aesthetically and technically appropriate repair. This paragraph is almost aimed at a very purest conservation approach and would only be applicable in limited cases, it is technically correct, but is confusing here. Is there an example project in the Park as opposed to the Forth Road Bridge? Pollhollick Bridge and Cambus O May Bridge, both have been subject to multiple repair projects over the years, most recently as a result of Storm Frank.</p>	<p>Reusing the cultural heritage asset for it's original purpose is an important concept for the first approach in the general principles for safeguarding cultural heritage. No change proposed. With regards to the Forth rail bridge example, it has been used as it is a well recognised example that a wide audience can relate to. Using smaller less know examples would take away from the purpose of giving a clear relatable example of repairing and restoring for reuse. No change proposed.</p>
	<p>Re-purpose Not really a recognised terminology. I think Re-use could be shifted to this section and the heading be. 'Use and adaption' to bring it in line with national guidance. Again, the wording could be simplified.</p>	<p>It is felt that re-purpose conveys the meaning intended in the guidance, of repurposing a cultural heritage asset to a different use than when it was originally created. No change proposed.</p>
	<p>Replace Demolition, it should be explicitly stated that they should contact the relevant planning authority to clarify what permissions are required in the case of demolition, and then list the planning authorities within the Park. The New Design in a Historic Setting is quite urban in focus and may not be that helpful in most instance. The principles are good so might be better to structure this whole section around the principles of new design in a historic setting rather than referring to the document, so you can ensure it is tailored to the Park.</p>	<p>The requirement for permissions is covered in the second paragraph of the text under sub-heading "Replace". No change proposed. While the 'New Design in Historic Settings' guidance may have more of an urban focus, it is the relevant national guidance and is so felt to be appropriate. Design in a Park context will be covered in the emerging Design and Placemaking non-statutory guidance. A link to that will be added once published.</p>
	<p>Cultural heritage interest in the Park Would recommend splitting in to. - Statutory or Designated Assets - Non-statutory or Non-designated Assets</p>	<p>All of the cultural heritage in the Park is important. Splitting the designations mean some sites may be seen as less significant and create confusion for the reader. No change proposed.</p>
	<p>Page 12 – change title from “Archaeology and National Monuments Record sites” to “Nationally Designated and other Archaeological Sites” as National Monuments Record is no longer a used term within the sector.</p>	<p>Agree with the suggested change in terminology and will make the amendment.</p>
	<p>Page 13 – The statement “Planning applications should demonstrate how National Monument Record sites and other archaeological interests have been taken into account” places an inappropriate amount of value on the National Monument Record which as a dataset is caveated as not being suitable for development management purposes. As such the sentence should be changed to “Planning application should demonstrate how nationally designated sites and other archaeological sites have been taken into account”, and remove the link to National Monument Record (this dataset is actually known as the National Record Historic Environment rather than the now outdated NMR).</p>	<p>Agree with the suggested change and will make the amendment.</p>
	<p>Page 13 – Move Angus Council to under the Aberdeenshire heading as we cover them as well.</p>	<p>As the link to the Angus Council webpage provides their thoughts on cultural heritage interests, and readers may not be aware of the service provided by Aberdeenshire Council for other planning authorities, the Angus link will be retained for completeness. However, the text "Aberdeenshire Council (also covering Moray as part of north east Scotland)" will be amended to include Angus.</p>
	<p>Planned Towns and BARR should be in their own sections it is confusing to have them merged in with recognised designations. BARR – needs rewording. The details do not seem to give weight to how work (including demolition and re-build) should be carried out and how any new development should complement the existing listed building and how the design should hold value and enhance the site. This part is worth exploring so “listed gardens” are not lost.</p>	<p>"Planned Towns" and "Buildings at Risk Register (BARR)" already have their own sections. All works affecting cultural heritage features are expected to follow the general principles for safeguarding cultural heritage set out in that section of the guidance. Each cultural heritage interest then has further information to help readers understand more specific considerations for that interest. No change proposed.</p>

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		Steer away from numbering how many designations are in the park as this will vary across the term of the plan.	The figures are provided as context to help readers understand the volume and variety of different interests within the Park. If there is a significant change the guidance will be updated as necessary. No change proposed.
		Supporting information for planning applications P.15 The flow chart on consents is not right and is not a true reflection of the consent process. The wording of this section is not clear. The scope of information on P.16 is not helpful it does not mention Design Statements (a key planning tool) and could be more structured in terms of what we ask for when and why. There is no requirement for "Construction Method Statement" either, only a reference to "a repair schedule" on P.16. It is important to ensure that the correct construction methods are followed when repairing/extending/etc a listed building.	The flowchart is intended to be an indicative and simplified diagram, with the supporting text giving further explanation. In particular, the preceding text places the onus on the developer to ensure all relevant permissions and consents are in place. The title of the figure will however be clarified to "indicative consents and supporting information flowchart" to avoid confusion. Readers are signposted on page 16 as to the kinds of assessments, information, etc that may be requested. It is felt that this list encompasses what may be included in a Design or Heritage Significance Statement, with the accompany text explaining that "The scope of the information required will vary depending on the circumstances of the case, but may include:" and "Advice from the relevant planning authority should be sought... ". It is felt that this is sufficient and allows planning authorities the flexibility to request the information that they feel is necessary for each individual case. No change proposed.
		The implementation of circular economy principles in any developments requires to be included as preferable and/or required. Developing a more circular economy is part of national strategy and is likely to become more and more important and should therefore be at the heart of development plans and guidance.	The guidance is providing supporting information to enable readers to better understand the context and requirements of the policy, sign posting to more detailed information. While the sentiment of the suggestion has merit, it is not possible to introduce new requirements in the guidance that are not part of the policy. No change proposed.
11	Renewables	The implementation of circular economy principles in any developments requires to be included as preferable and/or required. Developing a more circular economy is part of national strategy and is likely to become more and more important and should therefore be at the heart of development plans and guidance.	The guidance is providing supporting information to enable readers to better understand the context and requirements of the policy, sign posting to more detailed information. While the sentiment of the suggestion has merit, it is not possible to introduce new requirements in the guidance that are not part of the policy. No change proposed.
11	Natural heritage	I note that Policy 3.3K identifies the need for all developments to provide enhancement for biodiversity and ecological interest. This is a key requirement and one that isn't really referenced in Policy 4 or in the draft guidance both of which focus on avoidance of, and compensation for impacts rather than moving beyond impact to enhancement. I'd suggest 3.3K is referenced in this guidance document if Policy 4 isn't going to have its own standalone guidance. One place it could be mentioned would be the second paragraph of 'Introduction and context' on page 1 – all developments are expected to provide enhancement as per Policy 3.3K.	The guidance provides supporting information for the policy in the proposed Local Development Plan, and cross refers readers to other policies in the LDP, which, while not being explicitly mentioned, would include policy 3.3(k). It cannot introduce additional requirements or topics that are not included in the natural heritage policy. No change proposed.
		A link to the Control of Woodland Removal Policy could be provided in the resources section at the end. CoWRP is referenced in the Proposed LDP but does not seem to be mentioned in this draft guidance.	Agreed - link will be added.
		The implementation of circular economy principles in any developments requires to be included as preferable and/or required. Developing a more circular economy is part of national strategy and is likely to become more and more important and should therefore be at the heart of development plans and guidance.	The guidance is providing supporting information to enable readers to better understand the context and requirements of the policy, sign posting to more detailed information. While the sentiment of the suggestion has merit, it is not possible to introduce new requirements in the guidance that are not part of the policy. No change proposed.
2	Renewables	No additional advice or information just typos and grammatical inconsistencies Page 7 1st Para - careful integration not carefully integration Page 9 2nd full para - level of assessment depending on - not in Page 10 1st full para consider "appropriately experienced (and licensed where required) ecological surveyors" rather than "a survey by a suitably experienced and licensed ecological surveyor" for consistency Page 12 4th para running from the water "source" to/from the heat exchanger and 5th para then returned to the water source - not course? Organisations (SEPA, EST, SNH) are singular not plural - inconsistent use in Document	Noted - the document will be checked before final publication.
16	Cultural heritage	Yes, the non-statutory guidance seeks to explain the expectations associated with the policy and the supporting information which would be expected to accompany sensitive proposals. It makes clear the aims and intentions of the National Park in regard to cultural heritage, which are fully recognised.	Noted.

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		<p>No, the policy recognises that there will be instances where proposals which have significant social and/or economic benefit may be permitted despite conflict with the usual aims and intentions of the policy. Exemptions to allow for such situations are included in terms of perceived significant adverse impact of listed buildings, demolition of listed buildings, cultural and historic designations, conservation areas and archaeology. Whilst we do not consider it is essential for the guidance to set out what such exemptions may relate to, or how this test will be judged (as this will differ significantly on a case by case basis) it would be helpful for the supporting text of the guidance to explicitly refer to this scenario. If examples were to be introduced, we would support essential infrastructure projects being identified as one such. In order to achieve wider sustainability and decarbonisation objectives as included within the recently published 'Rail Services Decarbonisation Action Plan' Network Rail has been remitted to progress the electrification of the Highland main line along its length from Perth to Inverness, including through the Cairngorms National Park. The Action Plan requires the decarbonisation of rail passenger services by 2035, and to secure significant benefits to freight over the next 15-25 years. Whilst this project is currently at an early stage and will be discussed in full with the Council as individual proposals are more clearly defined, the exemptions offered by the policy as set out above may be relevant where existing listed buildings, structures (including footbridges) and other cultural and historic designations are impacted upon. Network Rail would wish the Council to give consideration to such scenarios in the formulation of this guidance. The opportunity to consider repairs/alternatives where proposals relate to listed buildings or other designations located on, over or immediately adjacent to the railway corridor for instance are extremely limited. This is recognised to be especially complex in terms of listed stations along the route, but there are also Scheduled Ancient Monuments, Battlefields, Garden and Designated Landscapes and Conservation Areas along the length of the route.</p>	<p>The proposed LDP policy refers to consideration of "significant social and economic benefits" in relation to Listed Buildings only (policy section 9.1). Because each case would be judged on its own merits, identifying specific types of project that may be permitted in conflict with the policy would not be helpful, as they may not always be permitted. No change proposed.</p>
17	Landscape	<p>LINK wishes to make comments on the section relating to Private roads and ways. The national park authority will be aware of the long-running LINK campaign to bring hilltracks fully into the planning system and we have welcomed the efforts made within the park to address this issue, including a clear focus in the CNPA local development plan on tracks with a presumption against new tracks in open moorland areas. LINK is pleased to note that any applications for new tracks will only be considered if they are part of a programme of work which includes the removal of other tracks. We believe this will help land managers to consider the stewardship of their estates at a more strategic level and is to be welcomed. We are also pleased to note the statement in this guidance that some tracks are never appropriate development, given the difficulties in mitigating any significant visual, or indeed environmental, impacts from a proposed track and therefore permission would be refused.</p>	<p>Noted.</p>
		<p>As an addition to this guidance, LINK has long been concerned about the proliferation of 'informal' vehicle tracks in upland areas; that is, tracks created, in effect, by the repeated use by ATVs along a particular route, but without any significant construction activities taking place. This is a particular issue in that we have seen cases recently in the NP where land managers have made applications for the construction of tracks on the basis that these were upgrades of existing tracks, whereas in our view they were new tracks and should have been assessed on that basis. We therefore suggest that the guidance could be strengthened by the addition of text clarifying what a new track is, and is not.</p>	<p>Roads have a specific definition in planning, which is outlined in the guidance with a link provided to a more detailed legal explanation in the footnote 3 on page 5. It is not possible for CNPA to add to or amend the legal definition. No change proposed.</p>
		<p>We are aware that the NP has been developing guidance on responsible ATV use and would be pleased to see a reference to this within this landscape guidance.</p>	<p>While this suggestion appears beneficial, there is concern that by including reference to the guidance, it could be seen as encouraging an alternative to going through the prior notification or planning permission process. No change proposed.</p>
		<p>Finally, the NP will be aware that one of the main issues relating to permitted development rights for hilltracks is the difficulty in assessing the primary purpose of a track, and therefore whether it falls under permitted development. LINK would therefore be keen to see a reference here to a requirement for land managers to provide evidence relating to the proposed use of the track to help planners in this assessment process.</p>	<p>Scottish Government requirements for information to be provided with prior notification of agricultural and forestry tracks do not include the need for evidence on the purpose of the proposed track (see Appendix F of the Scottish Government Planning Circular on Non-Domestic Permitted Development Rights, available via https://www.gov.scot/publications/planning-circular-2-2015-consolidated-circular-non-domestic-permitted-development/pages/11/). It is not possible for CNPA to include additional requirements above those set out in legislation and/or Scottish Government. No change proposed.</p>

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		As a separate point regarding the format of the guidance, we suggest that there is a link to a version of Figure 4 that can be zoomed into, so that location details can be seen accurately and it can be established whether areas are in pink or grey zones (and therefore whether there is or isn't a presumption against tracks).	This is a good suggestion. An interactive version of the proposed Local Development Plan(LDP), which includes zoomable version of the map, is available via https://nationalparks Scot.maps.arcgis.com/apps/MapJournal/index.html?appid=422d726a16a04ff89aa1cf23407c8b7f . Once the proposed LDP has been adopted, a link to it can be added to Figure 4.
18	Renewables	(no text entered)	
19	Cultural heritage	Overall, we found it clear and informative and covers the relevant information. Providing the LDP policies up front is helpful but the overall document is quite word heavy and benefit from more visuals to help create an accessible document to the general public.	There is a balance to be struck between length of the document and providing images to make it appealing. Do not want to make the document overly long as the length could put readers off. It is felt that the current mix of text and images is appropriate. No change proposed.
		The flowchart on page 15 is not really clear – it has perhaps been too simplified as there are a number of actions that require to be undertaken to gain consent. Scheduled monuments, listed buildings and conservation areas have to be approached differently and it might be useful to provide more information regarding these separate processes to help applicant understand the different authorities involved. For instance, you may get planning consent, but if you don't receive Scheduled Monument consent from HES, you will not be legally allowed to go ahead with the development. The information provided with the flowchart does go into further detail but many people will potentially overlook this if the flowchart is not also clear.	The guidance is intended as a signposting document, with the flow chart providing a visual aid to the accompanying more detailed text, to introduce less experienced readers to the processes they need to consider when submitting a planning application. The caption for the figure could make this clearer, so will be amended.
		While there is no policy with regards to geodiversity within the proposed LDP, the definition of Natural Heritage within includes geodiversity. There is no mention however of geodiversity or geology within the Natural Heritage supplementary guidance. There are several SSSIs part designated for their geological interest and GCR sites that fall within the Perth & Kinross Council area of the Cairngorms National Park Planning Authority boundary. It would be of benefit if the introduction to the guidance noted that natural heritage includes geodiversity and that elsewhere in the text it be requested that impacts on geodiversity for SSSIs be addressed. Consideration could also be given to noting the presence of GCR sites but it is recognised that these have no formal designation and may not have been recently reviewed or may not be considered significant in the Park's context.	Policy section 4.2 covers national designations such as SSSIs, requiring that development does "not adversely affect the integrity of the area or the qualities for which it has been designated". This would include SSSIs with geodiversity interests. However, policy 4 itself does not include reference to geodiversity. The guidance provides supporting information for the policy in the proposed Local Development Plan. It cannot introduce additional requirements or topics that are not included in the policy.
19	Renewables	Page 4 – “Large-scale commercial wind turbines I are not compatible with the landscape character or special landscape qualities of the National Park and will not be supported.” This statement is supported to avoid any negative impacts on the special qualities associated with the Cairngorms NP arising from the development of large-scale commercial wind development(s). To further support this aspiration text could be added to the SG - under a 'cross-boundary impacts' heading - to highlight where there is a need to consider the special landscape qualities of the National Park where developments are being proposed in close proximity to the boundary of the National Park. The latest draft SG we have prepared on Renewable & Low Carbon Energy provides coverage for ensuring the special landscape qualities of the National Park are safeguarded, including any impact on key gateway routes. This includes impacts both from the turbines themselves as well as any associated infrastructure and operations.	Developments situated outwith the Park boundary will be dealt with by the relevant Planning Authority. Their Local Development Plan policies and any associated guidance should refer to cross boundary effects on the Park designation. No change proposed.
19	Natural heritage	Page 1 The reference to the European Commission needs to be removed.	The text in the purple box on page 1 of the guidance is copied from the proposed Local Development Plan (LDP) policy, which was prepared before the full implications of the Brexit referendum were known. The proposed LDP is recently undergone examination by Scottish Government. As part of that process, CNPA highlighted to Scottish Government that some text in the LDP requires updating in light of Brexit. The examination has picked up on this point and directed, as suggested by CNPA, that modification(s) be made as below, which addresses the suggestion made: i) modify Policy 4.1 International designations on page 44 by adding the following text at the end of the policy “(or compliance with the relevant process established following the UK's departure from the EU)”.
		Page 2 The guidance describes the principle of “no net loss of biodiversity” and we suggest this phrase is included because the principle is well described in government planning advice. Within a National Park we would expect the principle of “net gain for biodiversity” to be applied to developments.	The guidance provides supporting information for the policy in the proposed Local Development Plan, and should use consistent terminology. It cannot introduce additional requirements or topics that are not included in the natural heritage policy. No change proposed.

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	<p>Page 2 We do not agree that a legitimate reason for removal of an Ancient Woodland Inventory site should include “where it can be clearly demonstrated that the AWI site has low ecological value”. The Scottish Forestry Strategy provides clear targets for restoration of such sites and these should take priority over development in the National Park.</p>	<p>The examination of the proposed Local Development Plan has picked up on this point and directed that modification(s) be made as below, which addresses the suggestion made:</p> <ul style="list-style-type: none"> i) modify Policy 4.3 Woodlands on page 44 by amending the first sentence of the policy as follows “Woodland removal for development will only be permitted where it complies with the Scottish Government’s Policy on the Control of Woodland Removal and where removal of the woodland would achieve clearly defined additional public benefits.” ii) modify Policy 4.3 Woodlands on page 44 by amending the second paragraph so that it starts “There will be a strong presumption against removal of ancient semi-natural woodland, including sites in the Ancient Woodland Inventory, which is considered to be an irreplaceable resource. Only in exceptional circumstances will loss of ancient semi-natural woodland be permitted..” iii) modify Policy 4.3 Woodlands on page 44 by replacing the references to “AWI” in criterion b) with “ancient semi-natural woodland”. iv) modify Policy 4.3 Woodlands on page 44 by amending the last sentence to state “Where removal of ancient semi-natural woodland is deemed acceptable, compensation for such loss (involving the planting of native species) will be mandatory.” <p>In accordance with the examination, this is the full extent to which the policy can be amended.</p>
	<p>Page 2 Off-site compensation for an AWI appears to be a contradiction in terms. The compensation should emphasise restoration of low ecological value AWI sites.</p>	<p>The examination of the proposed Local Development Plan has picked up on this point and directed that modification(s) be made as below, which addresses the suggestion made:</p> <ul style="list-style-type: none"> i) modify Policy 4.3 Woodlands on page 44 by amending the first sentence of the policy as follows “Woodland removal for development will only be permitted where it complies with the Scottish Government’s Policy on the Control of Woodland Removal and where removal of the woodland would achieve clearly defined additional public benefits.” ii) modify Policy 4.3 Woodlands on page 44 by amending the second paragraph so that it starts “There will be a strong presumption against removal of ancient semi-natural woodland, including sites in the Ancient Woodland Inventory, which is considered to be an irreplaceable resource. Only in exceptional circumstances will loss of ancient semi-natural woodland be permitted..” iii) modify Policy 4.3 Woodlands on page 44 by replacing the references to “AWI” in criterion b) with “ancient semi-natural woodland”. iv) modify Policy 4.3 Woodlands on page 44 by amending the last sentence to state “Where removal of ancient semi-natural woodland is deemed acceptable, compensation for such loss (involving the planting of native species) will be mandatory.” <p>In accordance with the examination, this is the full extent to which the policy can be amended.</p>
	<p>Page 4/5 Off-site compensation is rightly identified as a last resort measure. However, the guidance should contain some outline framework or reference to other accepted guidance for assessing the extent of any necessary compensation.</p>	<p>As each development site will have different sensitivities and will have a different combination(s) of habitats and species affected, it is not possible to provide a generic framework or links to each potential scenario. Instead, the guidance requires the applicant to assess the potential effects of the proposed development and provide sufficient information, so that an appropriate level of mitigation and/or compensation can be discussed and agreed with the determining authority. No change proposed.</p>
	<p>Page 6 para 2- We suggest this is changed to “---additional information will be required--”.</p>	<p>In the scenarios described in the paragraph, specialist officers at the determining authority or statutory consultees may be able to fill the gaps and so additional information may not always be required from the applicant. Therefore, the wording of “additional information may be requested” is considered appropriate by allowing flexibility. No change proposed.</p>

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23	Landscape	Page 2 Special landscape qualities of the Park. We suggest "The exceptional quality of the landscape of the Park was one of the main reasons for its designation as a National Park."	Agree that this would be helpful, amend wording in the guidance.
		The SLQs include "less tangible qualities such as the evocation of wilderness, naturalness, remoteness, cultural continuity and recreational exploration" and "vastness of space, scale and height". The Guidance should try to address these aspects more explicitly.	The guidance is a signposting document to other more detailed information (such as provided via the link to SLQ information within the guidance text). It is also not felt necessary to expand upon the SLQs in detail as this would make the guidance overly long, particularly as other landscape interests would need similar expansion for completeness. No change proposed.
		Page 5 We welcome the prominence given to hill tracks and commend the CNPA on becoming a leader in Scotland on addressing problems associated with these. In particular, NEMT is pleased that the Park will require the removal of existing tracks when submitting applications for new ones. This should lead estates to assess their long term requirements for access rather than submitting applications piecemeal, a real step forward.	Noted.
		The draft Guidance does not address the serious emerging issue of estates applying for what is presented in applications as upgrading of tracks which have been created almost entirely by ATVs and 4x4s being driven over open moorland. We think that applications such as these should not be treated as upgrades but as applications for new tracks.	Noted. Each application is considered on its own merits, which includes consideration of the ground condition and land use. No change proposed.
		We suggest that in the box outlining Policy 5, "New Private Roads and Ways" are defined along the lines of the following: "New private roads and ways are defined here as any proposed tracks which do not follow a line of an older track which has been constructed using, e.g. hardcore".	The examination of the proposed Local Development Plan has picked up on this point and directed that modification(s) be made as below, which addresses the suggestion made: i) modify Policy 5.2 Private roads and ways on page 50 to read: "There will be a presumption against new private roads and ways in open moorland areas unless: a) it can be demonstrated that they are essential for land management purposes; AND b) they are designed to minimise landscape and environmental impacts, and they conserve and enhance the landscape character and special landscape qualities of the National Park including wildness; OR, WHERE APPROPRIATE, c) they form part of a programme of works including the removal of other existing private roads and ways to deliver a net benefit for the special landscape qualities of the National Park including wildness." In accordance with the examination, this is the full extent to which the policy can be amended. It is not possible to introduce additional requirements or definitions that are not included in the policy. No change proposed.
		We also think that the following should be included on page 5 to reinforce the point: "Tracks which have been created by vehicles being driven over open moorlands are not considered to be existing private roads and ways".	Roads have a specific definition in planning, which is outlined in the guidance with a link provided to a more detailed legal explanation in the footnote 3 on page 5. It is not possible for CNPA to add to or amend the legal definition. No change proposed.
		We also think the section on Permitted Development on page 5 would be strengthened with the addition of the following: "For a proposed forestry or agriculture track to be considered permitted development, there must be clear evidence that these activities are its main and ongoing purpose."	While this suggestion aligns with the principles of the Town and Country Planning (General Permitted Development) (Scotland) Amendment (No. 2) Order 2014 in relation to agricultural and forestry private roads and ways, Scottish Government requirements for information to be provided with prior notification of agricultural and forestry tracks do not include the need for evidence that agricultural or forestry are the main and ongoing purpose. It is not possible for CNPA to include additional requirements and therefore it is not appropriate to include the suggested text. No change proposed.
		Page 6 The map shows An Camas Mor in large letters as a Strategic Settlement. Given the current lack of progress with the project, this needs to be qualified by adding an appropriate comment.	The map is consistent with the proposed Local Development Plan (LDP). The proposed LDP is has undergone examination by Scottish Government, where Reporters are considered representations on An Camas Mòr and were satisfied with its status within the Plan. No change proposed.

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		We think that the Guidance should state that tracks do not "complement or enhance the landscape character of the National Park".	It is not considered necessary to include the suggested text, as guidance already highlights that "in some locations significant adverse landscape and visual effects are unavoidable and so tracks will not be appropriate (figure 4)", with figure 4 identifying that the majority of the Park has a "presumption against new hill tracks". No change proposed.
		Page 9 We cannot fully understand this Table and suggest that others will have this problem. More explanation should be provided.	It is agreed that to those unfamiliar with the complexities of landscape and visual impact assessment the table may be difficult to understand. The table is a simplification of what can be a complex set of assessment processes. However it is not possible to simplify it further without losing key elements. No change proposed.
24	Renewables	The Supplementary Guidance covers the key issues. The problem here is the limited resources devoted to enforcement of the planning conditions. However, that is not an appropriate subject for this Guidance.	Noted.
25	Cultural heritage	We suggest that mountain bothies be included in the example list of cultural heritage assets as any proposal to modify them creates considerable interest. In addition, they generate problems with waste and litter, the management of which needs to be addressed in any planning application.	While it is agreed that mountain bothies can be assets and places of interest, the description of cultural heritage in the first paragraph under "Safeguarding cultural heritage - general principles" is felt to encompass a variety of structures that includes mountain bothies. No change proposed.
26	Natural heritage	no comments	
26	Renewables	The renewable energy development types addressed in this SG have the potential for both physical and setting impacts on the historic environment. Whilst you refer to the relevant LDP policy at the beginning of the SG, the lists of types of assessment that may be required for each development type do not include reference to assessment of impacts on the historic environment. We appreciate that these lists are not intended to be a comprehensive indication of all assessments that may be necessary. However, we consider that making users of the SG aware that assessment of impacts on the historic environment may be necessary, and indicating the issues likely to arise for the historic environment for each development type, would be helpful to users and would support better outcomes for the historic environment.	This is covered in the last paragraph on page 4, which directs readers to consider other Local Development Plan policies and associated guidance. No change proposed.
		We suggest adding a reference to relevant guidance in relation to EIA, such as the joint SNH and HES Environmental Impact Assessment Handbook (https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=6ed33b65-9df1-4a2f-acbb-a8e800a592c0) alongside the SNH guidance on EIA referred to in the 'Considerations for all renewable energy proposals' section (page 3.)	The link in the guidance is considered appropriate, as it encompasses all environmental impact assessment topics. In addition, the last paragraph on page 4 directs readers to consider other Local Development Plan policies and associated guidance, such as cultural heritage. No change proposed.
		We suggest including a reference to the Managing Change in the Historic Environment: Setting guidance: https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationid=80b7c0a0-584b-4625-b1fd-a60b009c2549 as this will have particular relevance in relation to renewable energy developments - especially wind energy developments because of their visual impact on the historic environment.	Cultural Heritage issues are dealt with separately within another policy of the proposed Local Development Plan (LDP). The last paragraph on page 4 of the guidance directs readers to consider other LDP policies and associated guidance, which would include cultural heritage. No change proposed.
26	Cultural heritage	References to notifying Historic Environment Scotland (HES) of Listed Building Consent, Conservation Area Consent, and planning applications with the potential to affect a scheduled monument, category A listed building, inventory battlefield or gardens and design landscapes and/or their setting (e.g. on pages 6, 8 and 15) should be amended to state that HES will be consulted on these applications.	This will be amended where relevant as suggested.
		Page 11, section on Inventory Gardens and Landscapes: This should be amended to say that the relevant planning authority is required to consult HES on planning applications where the development may affect an Inventory garden or designed landscape (i.e. all types of development which may affect a GDL, not just 'landscaping and redesign works').	This will be amended where relevant as suggested.
		For the avoidance of doubt, Inventory historic gardens and designed landscapes are not legally protected sites under the Ancient Monuments and Archaeological Areas Act 1979, and the text should be amended accordingly.	In the guidance, the text says "legally recognised", which is correct, rather than 'protected'. No change proposed.
		Page 12, section on Battlefields: This should mention that the PA is required to consult HES where development may affect a battlefield	This will be amended where relevant as suggested.

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		<p>Any works to a scheduled monument requires the prior written consent of Historic Environment Scotland. The Scheduled Monument Consents Policy (https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=46d8502d-7059-416b-940e-aa250102112d) explains that works on scheduled monuments should normally be the minimum level of intervention that is consistent with conserving what is culturally significant in a monument. Therefore, any proposals need to be fully justified against this policy. The intention of the policy for scheduled monuments is to secure their long-term protection in the national interest, in situ and as far as possible in the form they have come down to us. In light of this, consideration should be given to revising Options Flowchart (Figure 2) and the 'Consents and Supporting Information Flowchart' (Figure 14) because they appear to conflate scheduled monuments, listed buildings and conservation areas. This may be confusing to the reader in terms of what may or may not be permitted or justified in policy terms and could lead to an offence being committed. If, however you are not minded to change these you should include a footnote explaining that these do not apply to scheduled monuments, and that it is a criminal offence to undertake works without Scheduled Monument Consent.</p>	<p>The flowchart title will be clarified by adding "...for development requiring planning permission". The second paragraph on the section under "Scheduled monuments" already identifies that unauthorised works are a criminal offence. No further change proposed.</p>
		<p>It could be helpful to add references to relevant national level policy and guidance, such as the Historic Environment Policy for Scotland (https://www.historicenvironment.scot/advice-and-support/planning-and-guidance/historic-environment-policy-for-scotland-heps/), the joint SNH and HES Environmental Impact Assessment Handbook (https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationId=6ed33b65-9df1-4a2f-acbb-a8e800a592c0) and the Managing Change in the Historic Environment Setting Guidance: https://www.historicenvironment.scot/archives-and-research/publications/publication/?publicationid=80b7c0a0-584b-4625-b1fd-a60b009c2549</p>	<p>Links are provided within the guidance document to direct readers to the relevant HES information. Readers should be able to navigate from those links to find other information relevant to the development under consideration. Adding additional links would risk giving the impression that the document is all that needs to be considered - the guidance is a signposting document rather than a comprehensive detailed set of information for all eventualities. No change proposed.</p>
29	All - general comments	<p>General comments: The preceding introductory notes for each of the policies describing how to use the guidance and the introduction and context are clear and appropriate. The supporting notes, guidance and references are clear, comprehensive, relevant and informative.</p>	<p>Noted.</p>
		<p>General comments: The area of Badenoch and Strathspey and Upper Moray are part of the Gàidhealtachd and consequently staff recommend a bi-lingual document giving Gaelic and English equal prominence is published.</p>	<p>All documents produced by the CNPA are done so in accordance with the Gaelic Language Plan 2018-2022. While the Plan and the CNPA aim to encourage the use and visibility of Gaelic within the National Park, there is no legal requirement or commitment in the Plan to publish policy documents bilingually. No change proposed.</p>
		<p>General comments: Permitted Development Rights (PDRs) It would be useful to see a clear guidance on permitted development rights for upland areas, as there are for housing developments. Organisations representing the other Scottish ski areas recently consulted with Scottish Government planning officials on various matters including snow making, snow fencing, and water collection for snow making. We suggest this should be acknowledged in the CNPA permitted development rights guidance,</p>	<p>The guidance provides supporting information for the policy in the proposed Local Development Plan for proposals that require planning permission. Permitted development is covered by separate legislation and requirements. It is therefore not considered necessary to include a reference to permitted development in the guidance document. No change proposed.</p>
		<p>General comments: We acknowledge that there is lots advice supporting the requirement for environment surveys but suggest that guidance would be useful to advise when surveys are not required, to prevent constant re surveying and increased costs to applicants.</p>	<p>It would not be appropriate to make blanket statements about when and where environmental surveys will be required, as the need for them are assessed on a case by case basis (as set out in the "Need for environmental surveys" section of the guidance, pages 6 and 7). No change proposed.</p>
	Natural Heritage	<p>Save for what has already been mentioned above, Policies 4.1 to 4.6 inclusive are all considered to be appropriate. Staff note that the significant requirement for additional surveys covering all the aspects of the natural environment is will add significant costs to any development in the park area and with the likely consequence of many sites being uneconomic for development. The Local Plan's proposed stipulation in some areas of 40% affordable housing in any new developments, when combined with these requirements will probably further erode the viability of existing land designated for development and may actually slow down the arrival of badly needed affordable housing.</p>	<p>Noted. There is no evidence to suggest the cost surveys significantly affects the viability of sites in the National Park. These surveys are already required and there are already sites delivering in excess of 40% affordable housing. More broadly, issues around viability are dealt with within under Policy I.5. The guidance on page 6 identifies that environmental surveys are required only where there is a need. No change proposed.</p>

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	Landscape	Policies 5.1 is appropriate but staff suggest that the nature of any activity or new development is not, as the policy gives room to imply, does not disbar it on grounds of incompatibility with the landscape, but rather than any proposed new development needs to be integrated so as to provide no detrimental landscape impact.	The guidance provides supporting information for the policy in the proposed Local Development Plan, which has undergone examination by Scottish Government. Reporters have not recommended any changes in this regard, therefore it is not possible to change the wording. No change proposed.
		Policy 5.2 gives greater consideration to the role of hill paths in preserving wild habitats whilst facilitating public access on foot or mountain bike in areas already heavily used such as the Cairngorm Mountain ski resort. Staff recommend that there is no presumption against new path networks where they are part of a masterplan for a ski area.	The guidance provides supporting information for the policy in the proposed Local Development Plan, which has undergone examination by Scottish Government. Reporters have not recommended any changes in this regard, therefore it is not possible to change the wording. No change proposed.
	Renewables	Save for what has already been mentioned above, Policies 7.1 to 7.6 inclusive all considered to be appropriate. Excepting the stipulation that the 30m tip height maximum and a maximum of one turbine be permitted. We consider that less prescriptive approach is required, or certainly some opportunity for exception where on-site generation is designed to meet demand greater than the output of a single turbine of that size.	The guidance provides supporting information for the policy in the proposed Local Development Plan, which has undergone examination by Scottish Government. Reporters have not recommended any changes in this regard, therefore it is not possible to change the wording. No change proposed.
	Cultural Heritage	Save for what has already been mentioned above, Policies 9.1 to 9.4 inclusive are all considered to be appropriate. As per general comments above, staff suggest CNPA consider the role of Gaelic as part of the cultural heritage policy guidance and are encouraged to consider the use of Gaelic in interpretation and place naming for any new development.	Noted. The guidance provides supporting information for the policy in the proposed Local Development Plan, which has undergone examination by Scottish Government. Reporters have not recommended any changes in this regard, therefore it is not possible to change the wording. No change proposed.
30	Natural heritage	1.1 We have no major comments to make on this guidance but request the following revision to the text on page 9, first paragraph: - SEPA provides a range of information in relation to development and biodiversity. This can be found at https://www.sepa.org.uk/environment/biodiversity . - Further information in relation to Sustainable Urban Drainage Systems (SuDS) and how they can provide opportunities for biodiversity enhancement can be found via https://www.susdrain/delivering-suds/using-suds/benefits-of-suds/Biodiversity_and_ecology	This is useful information and will be added to the guidance.
		2.3 We therefore request the addition of the following text to the following sections in the guidance text to aid transparency and be consistent with other sections of the guidance: Energy from waste (page 6) after the second paragraph: ...planning applications. Energy from waste proposals will require to be accompanied by an air quality assessment.	This is useful information and will be added to the guidance.
	Renewables	Heat networks (page 7) third paragraph: Depending on the fuel source used, air quality and traffic may also be a consideration. An air quality assessment will be required where the heat network comprises a combined heat and power plant over 1MW. An assessment of the potential...	This is useful information and will be added to the guidance.
		Heat networks (page 7) 5th paragraph to be replaced with: SEPA provide further advice and information in relation to energy from heat networks via https://www.sepa.org.uk/regulations/pollution-prevention-and-control/medium-combustion-plant/ . Biomass (page 9) additional text after the second paragraph: Biomass proposals greater than 1MW will require to be accompanied by an air quality assessment which will need to demonstrate there will be no negative environmental impact arising from the proposed development.	This is useful information and will be added to the guidance.
Consultation 10 August 2020 - 27 September 2020			
31	Open Space, Sport and Recreation	Information on the Land Reform (Scotland) Act 2003 and the Scottish Outdoor Access Code. https://www.legislation.gov.uk/asp/2003/2/contents https://www.outdooraccess-scotland.scot/	Guidance & policy include appropriate protection of access rights & the policy relates to the development of land not ownership of land - no changes proposed.
31	Open Space, Sport and Recreation	The requirements around the Visitor Management Plan are too vague. The wording: "The level of detail provided in this Plan should be appropriate to the scale of the proposed development" allows each party to be able to take a different interpretation and prolong the process. It would be entirely possible to set some criteria based on the numbers of visits expected per month, for example. We have in the past seen proposals based on GFA that equate to a low number of trips and then subsequent business plans claim that many more people will visit. One data set would be welcomed.	The current wording allows appropriate flexibility for Visitor Management Plans which will vary depending on factors such as location & intensity of use - no changes proposed. Submission of comprehensive & appropriate data with an application is likely to assist the fast & effective processing of applications & is likely to be requested by planners in any pre application discussions. However given that planning applications considered by the CNPA can initially be submitted to 5 different local authorities it is problematic to be too prescriptive in what is required as part of the

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			initial planning application & any additional data required can be requested as part of the planning process. No change proposed.
		On page 5 the management schemes will need to come with monetary commitments.	Maintenance schemes will require monetary commitments as appropriate - no changes proposed.
		The references to sustainable construction could be expanded to include reference to design according to circular economy principles.	Reference to sustainable construction amended to include circular economy principles.
11	Resources	The sections on Landfill and Mineral Extraction would permit new facilities or increased use of existing facilities in some cases, but no mention is made of the impact of an increase in heavy traffic on the local road network. To some degree, this appears to reflect a similar weakness in the proposed Local Development Plan, which we appreciate is not open for comment at this time. However, Policy 11 in the LDP does cover developer obligations and does make reference to the transport network. Therefore, there would probably be scope to strengthen the non-statutory guidance on Landfill and Mineral extraction by indicating that for new or expanded operations the impact on the local road network must be assessed and a developer contribution required for any additional works or maintenance necessitated.	Following narrative added to Landfill & Minerals sections : <i>Development that creates additional impact on the local transport infrastructure may be required to contribute to any additional costs or requirements - see Policy 11 Developer Obligations for further information.</i>
		Aberdeenshire Council's Flood Prevention Unit have suggested a number of alterations to text as follows: Page 3: "In exceptional cases where development is permitted in a medium to high risk area..." Suggest adding "in LIMITED exceptional cases" to emphasise hard line of not accepting development in med-high flood risk areas. Page 11, under Flooding: "Flooding can occasionally be hazardous to people, property and infrastructure, with climate change predicted to increase the frequency of extreme rainfall events." Suggest removal of "occasionally". Suggest adding "increase the frequency AND MAGNITUDE of extreme rainfall events". Page 11, first paragraph under Flooding, suggest a line about surface water flood risk: "developments are susceptible to surface water flooding and should meet SUDS requirements and minimise area of impermeable surface created." Reason: surface water comprises significant proportion of flood risk to people, property and infrastructure. Page 11, second paragraph under Flooding: "However, in exceptional circumstances, where the risk cannot be avoided, appropriate" suggest specifying "in LIMITED exceptional circumstances" and if the Policy contains particular circumstances then outline them, and if exceptional circumstances permit development on land assessed as at a medium-high risk of flooding it should be designed to be flood resilient for the lifetime of the development, and use construction methods to assist in the evacuation of people and minimise damage. Page 11, second paragraph under Flooding: "It should be noted that flood risk cannot be eliminated only managed or avoided" suggest managed ONLY TO AN EXTENT. Page 11/12 fourth paragraph under Flooding – suggest addition to outline any intention to encourage reconnection of rivers to their river systems. Page 12 final paragraph under Flooding – suggest addition to highlight that as per Scottish Planning Policy, areas of little to medium flood risk (0.1-0.5%) are generally not suitable for civil infrastructure and at the upper end may require an FRA for residential developments and essential infrastructure. Page 12, third paragraph under 'Flooding: What you need to consider' – suggest adding note "it should be noted these maps are not exhaustive and flood risk can be present out with these indicative extents". Page 13, second paragraph under 'Flood risk management measures' – This paragraph suggests that areas that require flood prevention measures to be feasible are acceptable if they can be appropriately justified. We strongly advise against flood protection measures to enable development because of uncertainty about maintaining for the lifetime of a development. Suggest rewording to highlight flood prevention measures to enable development are generally unacceptable. Page 13, fourth paragraph under 'Flood risk management measures' – "may have a role in some circumstances where other alternatives are not practical" this paragraph does not capture complex nature of cases where this might be applicable, suggest addition of "limited exceptional circumstances" and possible rewording to highlight complex nature of these works and to check with responsible authorities before application submission. General comment: recurring typo of 'food' instead of 'flood'.	<p>Page 3 – This is LDP Policy which cannot be adjusted as part of NSG consultation. Page 11 'occasionally' removed & narrative adjusted to add 'and magnitude'</p> <p>Page 11 adding "in LIMITED exceptional cases" – whilst we agree that such exceptions should be accepted only in very limited & specific circumstances, the accessibility of planning guidance is already constrained by the complexity & length of narratives & we believe stating 'exceptional cases' is sufficient – in any case planning staff & consultees are able to assess each proposal.</p> <p>Page 11 : additional narrative added re Surface water flooding : <i>Developments are susceptible to surface water flooding in areas where drainage is insufficient at capturing and channeling all water during rainfall events – developments should minimise the area of impermeable surface created & meet SuDS requirements as explained in the section on Surface Water above.</i></p> <p>Page 11 – specific circumstances are not specified to allow assessment of the particular proposals & context, whilst proposals with any flood risk will be examined by staff with relevant knowledge at one of the five local authorities with land areas within the National Park. However the following narrative added '<i>& the proposal should be designed to assist the evacuation of people, minimise damage and be flood resilient for the lifetime of the development.</i>'</p> <p>Page 11 narrative adjusted to state : "<i>It should be noted that flood risk cannot be eliminated only avoided or, to a limited degree, managed</i>"</p> <p>Page 11/12 suggest addition to outline any intention to encourage reconnection of rivers to their river systems: Water Resources section includes : Where possible this should include the removal of redundant structures and the return of water bodies to their natural state. No change proposed.</p> <p>Page 12 narrative added : <i>Paragraph 4.139 in the Local Development Plan explains that development affected by a medium to high risk of flooding will generally be prevented. Areas of low to medium flood risk (0.1-0.5%) are generally not suitable for civil infrastructure and may require a Flood Risk Assessment (FRA) for residential developments and essential infrastructure.</i></p> <p>Page 12, third paragraph under 'Flooding: What you need to consider' – suggest adding note "it should be noted these maps are not exhaustive and flood risk can be present out with these indicative extents". Paragraph 4.140 in LDP states that the maps are indicative & that further information may be required for developments outwith specified areas. No change proposed. Page 13 We strongly advise against flood protection measures to enable development because of uncertainty about maintaining for the lifetime of a development. Suggest rewording to highlight flood prevention measures to enable development are generally unacceptable.</p> <p>Page 13 We strongly advise against flood protection measures to enable development because of uncertainty about maintaining for the lifetime of a development. Suggest rewording to highlight flood prevention measures to enable development are generally unacceptable. Narrative adjusted to state</p>

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			<p>that Narrative adjusted to state that 'Proposals that require significant flood prevention measures to enable the development will be supported only in exceptional cases 'with supplied details to include 'and information demonstrating how the flood prevention measures will be maintained for the lifetime of the development.'</p> <p>Flood risk management measures – Landraising : narrative adjusted '<i>Land raising, which involves permanently elevating a site above the functional floodplain, may have a role in exceptional cases where other alternatives are not practical. The works involved are likely to be complex and prospective applicants are advised to contact responsible authorities before application submission.</i></p> <p>General comment: recurring typo of 'food' instead of 'flood'. Typo corrected.</p>
		Sections on waste management and minimisation should point to a circular economy being the ultimate goal, with reference to the Scottish Government circular economy strategy and Zero Waste Scotland as a supporting body.	References to circular economy strategy & Zero Waste Scotland now included. The guidance includes a requirement to follow the Waste Hierarchy.
11	Supporting Economic Growth	<p>Sustainable economic development is vital to the economic and social prosperity of Aberdeenshire and Aberdeenshire Council supports the CNPA aim "To promote sustainable economic and social development of the area's communities", via Policy 2 - Supporting Economic Growth. The need to develop a year round economy, which is compatible and complementary to existing business activity and which supports the vitality and viability of the local economy is to be welcomed, as is the development of tourism and leisure economy to enhance the visitor experience. This is of particular interest given the attractiveness of the area as a destination. Proposals which encourage the transition to net zero carbon emissions should be welcomed. Within Policy 2, Section 2.4, paragraph a), it states that proposals should be considered where "are compatible/complementary with existing business activity in the area". This point is not expanded in the guidance. Therefore, a suggestion would be to seek a 'feasibility study' or a 'demand and need assessment' as a supporting document which would provide information on the demand for specific proposed developments around the area. This would be to prevent the closure of existing businesses and to avoid turning the existing building(s) into a brownfield site. This suggestion is perhaps more applicable to tourist accommodation.</p>	<p>Paragraphs 4.42 & 4.43 in the LDP narrative stress that '<i>Proposals must be compatible or complementary to existing businesses in the area and it should be demonstrated how this will be achieved.</i>' & '<i>The level of information required should be proportionate and relevant to the scale and nature of the proposal.</i>' Some examples of the information required are then provided. Whilst a 'feasibility study' or a 'demand and need assessment' may be required, the specific information required would depend on the specific proposal being assessed. No change proposed.</p>
		<p>This guidance doesn't seem to include consideration of the needs of the people who would operate the facilities, often on a seasonal basis. Where will they stay? What impact on wider services such as health and education? How do they get to the workplaces? What provision for groups under Equalities Act? Does there need to be more detail on mobility and access, ULEV, H2 etc. Policy 3 seems to provide a far greater level of guidance in that regard.</p>	<p>Whilst clearly important, additional matters such as housing for employees & sustainable transport should be addressed by other Policies in particular Policies 1 & 3 - no change proposed.</p>
		<p>The guidance could be more detailed regarding how these types of developments should be playing their part in climate change adaptation and mitigation. A circular economy should be made reference to as the ultimate goal for to Scottish economy with reference to the Scottish Government circular economy strategy.</p>	<p>Page 4 of this guidance mentions other relevant documents / policies readers should be aware of & encourages <i>Proposals that contribute to the identified economic priorities.</i> The circular economy is mentioned under the priority themes in the Economic Action Plan whilst the LDP & this guidance stresses the need for sustainable economic development - however given the increased priority of the climate emergency subsequent to the LDP being developed, on page 4 under All 'Economic Development Proposals' it is proposed to specifically mention the circular economy. '<i>Proposals that contribute to the identified economic priorities, including the development of a circular economy, are particularly encouraged.</i>'</p>
6	Open Space, Sport and Recreation	<p>We welcome the opportunity to comment on your draft non-statutory guidance: Policy 8 – Open Space, Sport and Recreation, and have the following points to note: - 1. Page 2, 8.1, New development - The order of priority of the criteria is questionable. Perhaps 'b) they will meet an identified community or visitor need' should be elevated to top priority, as supported by the supplementary description on page 4. There should also be an acknowledgement of community demand, which may not be the same as need. Ultimately community investment (buy-in) is essential to success and should not be underestimated.</p>	<p>Policy 8.1 is taken from the proposed LDP & cannot be changed for the Supplementary Guidance. Whilst the communities views & demand are important, they should include identification of relevant need - no changes proposed.</p>
		<p>2. Page 3, 8.2, Redevelopment of outdoor sports facilities - This is clear, and the requirement for a strategic approach should help to address changing trends.</p>	<p>Policy 8.2 taken from the proposed LDP & cannot be changed here - comment noted & no change proposed.</p>
		<p>3. Page 3, 8.3, Redevelopment of other open space - in terms of a compensatory site, we welcome the need for a site of equal size and quality, however, we would like to suggest that there is also an emphasis on maintaining or improving the quality of the existing open space as a result of development other than just for compensatory sites.</p>	<p>Policy 8.3 can relate to the loss or reduction of the existing open space however- maintaining or improving the quality of the existing open space cannot therefore be guaranteed however the policy is clear in requiring the maintenance & improvement of the overall capacity - no change proposed.</p>

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		4. Page 6 - we note that 'principle paths' in the third paragraph should be 'principal paths'.	Corrected
		5. Although the requirement for future maintenance is welcomed, is not without problems, as too often there is a reliance on volunteers or on short-term funding which cannot be adequately planned for. These points should, therefore, be considered when addressing these requirements as part of this guidance.	Arrangements for future maintenance will be considered on a case-by-case basis including longer term considerations - No change proposed.
		6. Along with existing ways of managing open space, consideration of different ways such as those that are low carbon as well as informal play that provides opportunities to connect with nature would be welcomed. Should you wish to discuss any of our comments, or if you would like us to help contribute further to this guidance which we would be happy to do, please do not hesitate to contact Anne-Marie Gauld at anne-marie.gauld@nature.scot .	Sustainability & enhancement of biodiversity are important considerations & Nature.Scot comments welcomed. The new & redevelopment sections of the policy mention sustainable construction & future maintenance whilst Policy 3 Design & Placemaking specifies that development should 'create opportunities for further biodiversity and promote ecological interest' - the guidance for this should include links to relevant information including nature.scot. No change proposed.
6	Resources	Following on from our response to question 3, we have the following comments to make: - 1. Water Resources - We strongly support the statement that applicants 'should utilise opportunities for enhancement and restoration, or other remedial works, wherever possible' in contrast to just preventing further deterioration.	Noted
		2. Water Resources – We feel that the dynamic geomorphology of watercourses is not properly covered in the guidance. Consideration of the need for river system restoration and remedial work is noted but there is little information provided on the need to maintain natural geomorphological processes. Such information is especially important given climate change and the risk of more frequent flooding. We would expect to see a strong message about giving natural processes space to operate, with minimal to no physical constraints, and a clearer message on avoiding development proposal on floodplains. In cases adjacent to rivers, information demonstrating that flood risk has been assessed, and that the natural behaviour of the river is understood should be supplied with the planning application. For example, a dynamic reach of gravel-bed river where channel switching occurs, we would expect the applicant not to seek to restrain the natural evolution of the river channel and its floodplain because of the inappropriate siting of a development. Therefore we would expect no development to occur in the active corridor of the river channel and its banks (including the areas that might become the channel in the near future), and no development to occur on the floodplain.	<p>We would agree on the importance of avoiding negative impacts on natural geomorphological processes in particular given the impacts of climate change & the increase in extreme precipitation events. However we do feel that the policy & proposed guidance covers many of the aspects mentioned, whilst subsequent to the LDP examination the reporter has asked that the following narrative is added : "The National Park Authority aims to apply the principles of natural flood management which are set out in SEPA's Natural Flood Management Handbook – this includes utilising & protecting natural morphological processes whilst Page 6 of the NSG notes 'Watercourses and their catchments are dynamic systems and in a state of constant change, for example flow and rate may change and rivers often need room to move position within their natural floodplains. Any development needs to ensure that it does not cause degradation of a watercourse or...' whilst Page 10 states ' Development proposals should not result in the deterioration of the current or potential hydromorphological status of a water body, i.e. the physical characteristics of the shape, boundaries and its content.'</p> <p>Although not specifically requiring flood risk assessments for any development in the proximity of existing or potential river channels, flood risk assessments are specifically mentioned with regards to medium to high flood risks as identified by SEPA information which should cover any significant risks regarding rivers, whilst on page 6 the narrative also specifies : Proposed development must take account of the direct and cumulative effects of the proposed development on the water environment. It must be demonstrated that any impacts on river hydrology, sediment transport and erosion, protected species and sensitive habitats, areas protected for nature conservation, fisheries, water quality and quantity and flow rate, recreation, landscape, amenity and economic or social impact can be adequately mitigated.</p> <p>With regards to floodplains, Policy 10.2 specifies that : All development should : d) not affect the ability of the functional floodplain to store or move food waters. This allows some flexibility however development with any potential impacts would require to demonstrate no significant negative impact.</p> <p>No change proposed.</p>
		3. Surface Waters – As well as for water treatment and flood alleviation, a suitably designed Sustainable Urban Drainage System (SUDS) can also provide other benefits such as amenity and increased biodiversity. We would welcome that these other benefits are included within this section. Opportunities to plant for wildlife within developments should also be promoted. This will help to further the aims of the Pollinator Strategy for Scotland.	Additional text added to Surface Water paragraph 2 : 'Well designed SuDS provide multiple benefits, for example amenity benefits and increased biodiversity - designs should deliver these benefits wherever possible.'
		4. Minerals - 5.1 Many geological sites identified in the UK Geological Conservation Review (GCR) are not currently included as designated features in Sites of Special Scientific Interest (SSSI). These GCR sites are, however, afforded the same policy protection as SSSIs and we would like them to be given the same consideration in the face of proposals aimed at exploiting mineral resources that either comprise or are closely associated with the geodiversity features of such sites. 5.2 In terms of extraction of gravel and sediment from gravel-bed rivers, we believe that this should not occur within SSSIs or Special Areas of Conservation (SAC), and outside of these protected sites, dynamic channels should also be avoided as this can lead to erosion downstream. The following link provides practical guidance on CAR regulations:	5.1 GCR sites that do not share areas with SSSI's are not explicitly protected under the proposed LDP & NSG cannot expand policy provisions, however Policy 4.2 National designations provides additional protection for 'Development that would adversely affect the Cairngorms National Park,' whilst the 1st statutory aim of the National Parks is to 'conserve and enhance the natural and cultural heritage of the area' . Development proposals affecting Cairngorms GCR sites outwith SSSI's are rare, however these sites would be provided some additional protection from substantial impacts. 5.2 Although these are important issues we believe issues regarding nature conservation designations are best addressed under Policy 4 Natural Heritage whilst avoiding negative impacts on

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	<p>- https://www.sepa.org.uk/media/34761/car_a_practical_guide.pdf 5.3 We would also welcome the need to provide detailed information about how top soil and overburden is to be handled. This is relevant for all phases of new activities proposal or the review of old mineral applications, in order to minimise waste and enhance reuse and reinstatement of soil and other material on sites.</p> <p>5. We would welcome consideration within this guidance of adding hard paving to grounds or gardens, particularly where the addition of hard surfaces and soil sealing may cause pluvial flooding. Situations such as the placing of hard surfaces between a house and road, or the house is within a conservation area or near a listed building should require planning permission. Consideration should also be given to locations identified as Potentially Vulnerable Areas by SEPA, and require a design that consists of a porous material to soak up water.</p> <p>6. Water Supply – We would support the need for all new builds to adopt the highest water efficiency standards. Water scarcity is predicted to become more of an issue in the coming years and there are already issues with private water supplies failing in Aberdeenshire each year. For further information refer to: https://www.crew.ac.uk/publication/PWS-water-scarcity Any development intending to have a private water supply should consider climate change predictions to ensure long term viability.</p> <p>7. Water Quality – We strongly support the content of this section and the document correctly identifies the importance of diffuse pollution on water quality.</p> <p>8. Page 10/11 on buffer strips – it may be more helpful to put into the guidance a table with recommended widths of buffer strips in relation to the width of the water body. The SEPA link currently directs you to the main SEPA page, therefore, to make it easier for the reader, a direct link to the relevant page on buffer strips would be more useful. Page 24 on the following document provides the type of table just referred to: - https://www.sepa.org.uk/media/219894/lups-bp-gu2b-water-environment-planning-background-paper.pdf</p> <p>9. Carbon rich soils – the guidance on the role of the planning system to respond to the Climate Change Emergency could be further developed. The draft guidance currently conflates adaptation to current climate change with net emissions-reduction to help reduce future climate change. That is, page 17 states that ‘The planning system can help increase resilience to climate risks’. This would be better phrased by saying that the planning system can help to “reduce net greenhouse gas emissions” or to “help mitigate future climate change”.</p> <p>10. Soils. Site Waste Management Plans (SWMP) - In the context of Zero waste and sustainable management of soils, we would like to see the inclusion of separate considerations for appropriate handling, reuse and reinstatement of soils on sites. Applications should seek to limit export of soil as waste (especially carbon rich soils) and consider how the soil resources can be used to promote sustainable reuse for landscape, habitats creation and open space provision as part of any new development. // We would like to see the inclusion of soil health and the sustainable use of soil during development. Soils, irrespectively of their nature (carbon rich soil or more mineral soils), should not be</p>	<p>water bodies is addressed under Water Resources & Flooding. 5.3 Policy 10.6 Minerals requires that 'full restoration details are incorporated as part of the proposal' - issues regarding topsoil & overburden should be addressed as part of consideration including the specific context of any planning application. No changes proposed.</p> <p>Comment added re minimising the area of impermeable surfaces, however more detailed information on what requires planning permission is included within circulars on permitted development rights & it is not considered appropriate to duplicate that information here. Comment added in section on flood risk maps - 'The maps also identify Potentially Vulnerable Areas where additional design consideration may be required to avoid flooding risk. '</p> <p>Policy 10.1 Water resources in the proposed LDP states that : All development should: a) minimise the use of treated and abstracted water; and c) have no significant adverse impact on existing or private water supplies or wastewater treatment services; and..... Whilst paragraph 4.133 stipulates compliance with the latest Scottish Government & Scottish Water guidance.</p> <p>In the Water Supply section this NSG states that ‘Development proposals should have no significant adverse impact on public or private water supplies.’ and ‘New development must not have significant adverse effects on water resources. In designing s development applicants must therefore: • ensure the proposal minimises water use and prevents pollution of the water environment’</p> <p>Water Quantity Minimising the need for water abstraction will help reduce the impacts of development on the water environment. This can be achieved by improving water efficiency through the conservation, re-use and reclamation of water such as the collection and recycling of water, the use of water efficient appliances, promotion of rainwater harvesting and sustainable drainage systems (SuDS). Under the Controlled Activities Regulations (CAR) there is a duty for all abstractors to take reasonable steps to secure the efficient and sustainable use of water. Planning submissions should demonstrate how you have sought to minimise water resource use</p> <p>However the following text is proposed to be added under ‘Water Quantity’ : <i>Climate Change impacts are predicted to include more frequent and extreme precipitation and drought events - proposals for private water supplies are required to allow for this possibility & demonstrate their long term viability.</i></p> <p>Noted</p> <p>Guidance on the width of buffer strips has been relocated to the LDP narrative & should not be duplicated here. It is also problematic to link to a specific document that is subject to amendment or replacement so it is proposed to retain the link to the Sepa website from which the latest guidance can be obtained.</p> <p>Narrative amended to : <i>The planning system can help reduce net Greenhouse Gas emissions and increase resilience to climate risks,</i></p> <p>We agree that management of soils during development is important & the guidance requires information on how carbon containing soils would be treated during any development, including an avoid, minimise & compensate hierarchy. It also states 'If your proposal is likely to impact on carbon sinks and stores, (for example peat or mature woodland), you must.....state clearly how you will minimise impacts and follow best practice guidance during site construction and reinstatement.' Additionally : 'Soils on development sites can also be easily damaged during various stages of construction, leading to often substantial and irreversible loss of soil functionality and potential land contamination. You should follow good</p>
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		<p>regarded as another waste material as they are a valuable non-renewable assets. For example, we would like to see best practices specified to ensure that the working practices related to the extraction, handling, storage, on site reuse and reinstatement and disposal of surplus soil during construction, as these are critical to many of the issues discussed in this document (including water quality, carbon rich soil, waste management etc.).</p>	<p>practice for the sustainable use of soil on-site. ' & ' All development proposals must demonstrate sound management practices of soilThis should include outlining the pollution prevention and environmental management practices for the site during construction, operational and decommissioning stages of development. ' For added clarity it is proposed to add the following to the section on Waste Management & proposal design : • include appropriate information on treatment of soils : 'minimising export of soil as waste and considering how the soil resources can be re-used for example in landscaping, habitats creation and open space provision. Further information is below in the section on Carbon Sinks & Stores.'</p>
		<p>11. We feel that the links to other on-line resources provided in the document are too generic to be useful. To add value to the guidance, we would suggest that the links are more specific to the topic being discussed. We would also like to see reference to and a link to the EIA process to help make clear how it relates to the planning process.</p>	<p>EIA may be required for a range of developments, including those for which this Policy is not relevant. The requirement for EIA is considered in line with the The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 which is clarified by the accompanying Planning Circular. It is not appropriate to duplicate these requirements within the NSG. No change proposed.</p>
		<p>12. Page 7, Water Resources - we note that the guidance states that there is a need for sufficient information to enable the relevant planning authority to carry out relevant assessments, i.e. Habitats Regulations Appraisals (HRA). There does not appear to be any detail as to what type of information would be required and we would welcome some clarity on what would be required for an HRA as well as providing suitable links.</p>	<p>The guidance signposts to Policy 4 natural Heritage & associated guidance which is a more appropriate location for HRA related information. No change proposed.</p>
		<p>13. In terms of carbon rich soils, we welcome the detail covering the importance of assessing impacts, and step by step approach to avoid, minimise and mitigate impacts. However, the assessment and implementation practices will depend on the type of development it may be useful to reference to appropriate guidance to help an applicant avoid, minimise or mitigate against potential impacts.</p>	<p>The guidance has been updated to refer to the Scotlands Soils website, Sepa soil information & to the Nature Scot information on planning & development. As you indicate each development is unique & we are unaware of guidance that provides relevant advice for all situations - planning staff will assess each proposal depending the specific context. We note the Nature Scot information references UK government guidance which has useful information on practical aspects but unfortunately references English legislation that does not apply in Scotland.</p>
		<p>14. We feel that the references to SEPA, NatureScot and Hutton websites will be of limited use to the applicant. We feel that references to an online environmental hub which provide access to data and links to other resources and material would add value to the guidance. An example is the resources provided by Scottish government agencies such as: - https://soils.environment.gov.scot/; https://www.nature.scot/professional-advice/planning-and-development; and https://sectors.sepa.org.uk/; or Professional resources for practitioners (IEMA, BSSS and others).</p>	<p>More specific links to information have been included, however linking directly to professional bodies is problematic as not all associated professionals will be members & the planning authority should be cautious of inappropriate recommendations.</p>
		<p>15. Page 20 - For information, Scottish Natural Heritage (SNH) changed its brand name to NatureScot on the 24th of August 2020. It may be useful to update the brand name for your final version of your non-statutory guidance which will support your newly adopted Local Development Plan. Should you wish to discuss any of our comments, or if you would like us to help contribute further to this guidance which we would be happy to do, please do not hesitate to contact Anne-Marie Gauld at xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx.</p>	<p>NatureScot used in place of Scottish Natural Heritage</p>
6	Supporting Economic Growth	<p>Further to our response to question 3, we welcome the opportunity to comment on your draft non-statutory guidance: Policy 2 – Supporting Economic Growth, and make the following points: - 1. We would like to see consistency in the use of terminology. Currently the title of the draft guidance is 'Supporting Economic Growth' whereas, the consultation webpage and link refers to 'Supporting Economic Growth'.</p>	<p>Thank you for pointing this out & we apologise for what seems to have been a typo error when setting up the consultation. Policy 2 & NSG are titled 'Supporting Economic Growth'. It is not considered the consultation will have been invalidated.</p>
		<p>2. While the draft guidance does state that 'proposals will also be assessed against all other relevant policies within the Plan' it may be useful to make reference to specific policies as seen in the other draft guidance. For example, policies 4 – Natural Heritage, 8 - Open Space, Sport and Recreation, and 10 – Resources (and others) may need to be considered when referring to the Supporting Economic Growth guidance.</p>	<p>None statutory Guidance for some policy areas does mention other policies of particular relevance, however it is considered that economic growth is such a broad & variable theme that most or all other policies may be relevant - specific ones are therefore not mentioned in the NSG. No change proposed.</p>
		<p>3. In response to Covid-19, the Scottish Government has focused on a green recovery for an economic recovery through the Programme for Government 2020/21. We would welcome acknowledgement of Covid-19 and of the need for a green recovery for an economic recovery within the guidance which will help to achieve our climate and environmental goals as well as resulting in a better economy and creating jobs. Further detail on the Programme for Government can be found here: - https://www.gov.scot/publications/protecting-scotland-renewing-scotland-governments-programme-scotland-2020-2021/</p>	<p>The LDP & associated guidance has been developed to contribute to the parks development over a medium to long term period - whilst Covid may have long term impacts there is still some uncertainty at this stage & the LDP policies are designed to allow suitable flexibility for addressing new issues that arise. Whilst low carbon & biodiversity impacts of development are critical, this policy specifies that economic growth should be sustainable whilst other policies including Policy 3 Design & Placemaking, Policy 4 Natural Heritage provide further detail regarding environmental considerations for development. Duplicating aspects of other guidance within this document could add clarity however Local Development Plans & guidance tend to be content heavy thus reducing accessibility whilst duplication often leads to discrepancies. No change proposed.</p>

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		<p>4. We would like to see links to active travel as referred to in the Open Space, Sport and Recreation draft guidance. In particular, the need to ensure that developments are walkable and cyclable with links to wider active travel networks. This means that those accessing the developments can easily do so in a more sustainable way. The first full paragraph (starting 'All new development...') on page five (page 6 of the PDF) of the Open Space, Sport and Recreation draft guidance is a good summary of what should be in the Supporting/Supporting Economic Growth document.</p> <p>5. Similar to the points above on active travel, the guidance should be supporting, encouraging as well as requiring the use of nature-based solutions wherever possible in new developments. For example, Sustainable Urban Drainage Systems (SUDS) can be multifunctional, by managing water runoff as well as providing usable greenspace and increasing biodiversity. Indeed, other nature based solutions include the use of trees for shade and shelter to help with adaptation to a changing climate. 6. Alongside the use of nature based solutions for climate change adaptation, we would also like to see the guidance encourage new developments to incorporate green infrastructure and provide access to greenspace for those working in the development.</p> <p>7. Page 4, All Economic Development Proposals – the following content “Your proposal must demonstrate that it complies with the relevant policy provisions set out in Policy 3 or in exceptional circumstances, clearly demonstrate the overriding social or community benefits where a proposal may have adverse impacts.” is, unfortunately, not very clear. Firstly, Policy 3 is for Design and Placemaking and it would be helpful to include the name of the policy for clarity. Furthermore, it is not clear what type of 'adverse impacts' are being referred to within this section. We would also welcome some clarity on the adverse impacts to be considered within the context of Policy 3. Should you wish to discuss any of our comments, or if you would like us to help contribute further to this guidance which we would be happy to do, please do not hesitate to contact Anne-Marie Gauld at xxxxxxxxxxxxxxxxxxxx.</p>	<p>As per point 3 the guidance aims to achieve a suitable balance between stressing all relevant factors that affect the topic & avoiding excessively lengthy documents that reduce accessibility. Whilst particularly relevant to the Open Space & Recreation policy, active travel considerations are relevant to most or all development & therefore considered to be more appropriate within the Design & Placemaking policy.</p> <p>As per point 3 the guidance aims to achieve a suitable balance between stressing all relevant factors that affect the topic & avoiding excessively lengthy documents that reduce accessibility. Encouraging biodiversity & green infrastructure in delivering development is relevant to most or all development & therefore considered to be more appropriate within the Design & Placemaking and Natural Heritage policies.</p> <p>Narrative adjusted so that mention of Policy 3 is relocated to the introduction in line with other guidance. Information on adverse impacts re other policies should not be duplicated here but referenced in the other policy.</p>
9	Resources	<p>Unsure about the relevance of EU Directives after 1 January 2021. Reference is made to the Drinking Water Directive. In a footnote it is noted that this has been transposed into the Water Resources Act 1991 - why not simply refer in the main text to the Water Resources Act? The Water Framework Directive is also referred to.</p> <p>There is a typo on page 8 under Water Supply "In designing a [new] development" not "In designing s development"</p>	<p>In the devolved areas EU directives are effectively incorporated into Scots Law - referring to the directives therefore seems appropriate. No change proposed.</p> <p>Corrected</p>
9	Supporting Economic Growth	<p>There is little within the document that refers to how business is attracted to this area. If it is the job of other agencies such as HIE, BIDs then this should be stated. There is far too much emphasis on tourism as the major driver of the economy in this area. It still remains seasonal and may have a high footfall but that can very quickly disappear due to factors within and out with the park, over which the CNPA has no control. You need to greatly broaden your outlook on who and what requires economic support or better still also create and attract.</p>	<p>Attracting sustainable economic investment & broadening the economic base of the national Park are important considerations however the purpose of the LDP & associated guidance are to guide spatial aspects of the parks development & inform planning proposals - other aspects of developing a sustainable economy are perhaps better located within the National Park Partnership Plan & Economic Action Plan, whilst some other relevant organisations including HIE are mentioned on Page 7. No change proposed.</p>
9	Open Space, Sport and Recreation	<p>What steps must be taken to identify “community need” or “increased visitor experience” What guidance is there for buildings associated with sport and recreation or facilities which promote virtual heritage trails for example or information on existing or proposed facilities.</p> <p>How can links to CNP partnership plan priorities be developed both those identified and those relevant but not identified ie in Figure 4 of the LDP the open space policy relates to Active Cairngorm yet not visitor infrastructure and information, nor learning and inclusion, nor community capacity and engagement nor economic development and in Figure 5 policy targets visitor experience and not conservation or rural development.</p>	<p>This steps required & guidance will depend on the specific context & nature of what is proposed. Identifying specific steps is also problematic given that Planning Applications are initially made to local authorities which have their own guidelines. Information on existing or proposed facilities is provided in other documents including the Local Development Plan & associated Action Programmes, Cairngorms Economic Action Plan, the CNPA website https://cairngorms.co.uk/discover-explore/ & http://visitcairngorms.com/ Website & Leaflets.</p> <p>The Local development Plan was the subject to a different consultation process & cannot be changed via consultation on this NSG. Whilst an argument can clearly be made for linking the Open Space policy with aspects of the National Park Partnership Plan not identified by Figures 4 & 5 (such as Rural development), the table is perhaps aimed at identifying the most direct links & in any case the LDP cannot be changed via consultation on this NSG. No change proposed.</p>
32	Supporting Economic Growth	<p>We have some small suggestions concerning Visitor Management Plans. These can be a useful tool for identifying some of the challenges associated with popular attractions and how these will be managed. Visit Management Plans support the outcome that people continue to have positive visitor experiences in the National Park. At page 5, guidance for large developments, Cairngorms National Park Authority has an opportunity to communicate the role and importance of Visitor Management Plans by setting the expectation in the guidance that these are required. This could be achieved by replacing 'may' with 'should' in the sentence: 'If the proposal is for visitor attraction or facility a Visitor Management Plan may be required.' Managing visitors well entails managing their impacts on the natural environment of the</p>	<p>Although most large tourism & leisure developments will require a visitor management plan, some developments may have small numbers of visitors & a visitor management plan would then be inappropriate - retaining flexibility re the requirement therefore seems the most appropriate situation. Nature conservation is a key aim of the national parks & it is proposed to add an additional section on the content of Visitor Management Plans : suggestion regarding impact n the natural environment : 'the impact of the development on the natural environment both within & beyond the site - Policy 4 Natural heritage provides additional information on key considerations & requirements.'</p>

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		National Park. At page 5, suggest including impacts on the natural environment to the list of detail for what a Visitor Management Plan might need to show to. Please see some suggested text below: 'A visitor management plan may also need to show: • access arrangements to/from/within the proposed development site, including non-car modes; • proposed parking arrangements • signage to and within the proposed development site; • additional facilities such as toilets, reception and storage facilities; and • the impact of the development on the natural environment, adjacent sites and/or facilities, and management requirements needed to mitigate any negative impacts.'	
		Reading Policies 2.2-2.4 raised the question why Policy 2.4 'Other Economic Development' does not refer to adverse environmental or social impacts on the site or neighbouring areas when Policies 2.2 and 2.3 both do? Aware the wording is copied from the Local Development Plan so the question is really about wording in the Proposed Plan, which, we understand has been through many stages of consultation already. In light of this, it would be helpful for the guidance for Policy 2 to make sure it echoes wording at 4.43 of the Local Development Plan, making it clear to the reader that environmental effects are a consideration of whether development is sustainable.	Following DPEA examination, Policy 2.4 now amended to include 'have no adverse environmental or amenity impacts on the site or neighbouring areas '. No change therefore required in guidance.
32	Resources	At page 16, in the section on mineral extraction, this could be re-worded slightly so that the wording in the guidance reflects more closely that in the Proposed Local Development Plan, which states development where 'any significant adverse environmental impact can be suitably mitigated' will be looked on more favourably. To be able to evaluate whether a developer is able to mitigate impact the Cairngorm National Park Planning Authority will need the developer's proposal to consider mitigation. Please see suggested re-wording below: 'Where your proposal exploits a mineral resource you must consider: •the benefits of exploiting that reserve; and •alternative sites that may be appropriate; and •how the development will follow the mitigation hierarchy to avoid, minimise or mitigate adverse effects landscape, particularly the special landscape qualities of the Park.'	This NSG can only explain & detail policy requirements it cannot be used to extend policy which is examined & consulted on as part of a separate prior process. The Policy requires 'any significant adverse environmental impact can be suitably mitigated or is outweighed by other social or economic benefits; and' , 'no suitable and reasonable alternatives to the material are available.' , whilst 'Proposals will be supported that enable a higher proportion of secondary aggregate/recycled materials to substitute for the consumption of primary aggregates.'. Although not explicitly mentioning the mitigation hierarchy, the CNPA would in general support the hierarchy & in practice application of policy provisions is likely to prioritise the hierarchies provisions of avoid / minimise / restore. No change proposed.
26	Open Space, Sport and Recreation	No Comments	n/a
26	Resources	No Comments	n/a
26	Supporting Economic Growth	No Comments	n/a
33	Open Space, Sport and Recreation	Para 8.2 – include the formal Planning definition of outdoor sports facilities for clarity, as those reading it may conclude that the policy applies only to pitches, when it is much wider than that. Below is the definition of an 'outdoor sports facility': The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, establishes 'outdoor sports facilities' as land used as: (a) an outdoor playing field extending to not less than 0.2ha used for any sport played on a pitch; (b) an outdoor athletics track; (c) a golf course; (d) an outdoor tennis court, other than those within a private dwelling, hotel or other tourist accommodation; and (e) an outdoor bowling green.	Including the definition would increase clarity in the short term, however it would be a duplication of text in national legislation that is subject to change outwith the CNPA's control - no change proposed.
		General – Some Councils have taken a policy approach that if the loss of an outdoor sports facility meets the relevant policy tests applying to these sites (ie para 8.2), then the wider greenspace value of it is also considered within the context of any development proposals. As this guidance considers them separately, this possibility therefore isn't considered. We would suggest the addition of wording such that where point 4 (of para 8.2) is met, consideration will be given to whether the site serves a wider open space function in the area. Here is a link to Glasgow's policy for information (https://www.glasgow.gov.uk/CHttpHandler.ashx?id=36884&p=0) (see especially figure 1, page 15).	The potential importance of outdoor sports facilities for providing green network & biodiversity benefits is noted in the introduction, & the NSG states that 'Submitted information should demonstrate how your proposals would impact on recreation opportunities for local communities & for visitors. Any impacts on residential amenity & the core path network should also be specified.' Although the potential for wider greenspace & openspace benefits is agreed, this NSG cannot change or add new criteria to the LDP Policy which has already been consulted on separately, whilst Policy 3 provides for additional consideration of impacts on amenity open space, core paths & biodiversity.No change proposed.
		Page 4 – New Facilities – Visitor Management Plan – many community sports facilities are small in scale and we would suggest this should not be required for these. In relation to the requirement that these plans demonstrate how the tourist season is extended, we do not think this is an appropriate requirement for a sports facility, many of which will be community based.	Re visitor management plans, the guidance states that the level of detail provided in this Plan should be appropriate to the scale of the proposed development - for small local development that would be minimal although considerations should be given to the impact on local residents. The guidance states that information on extending the tourist season is only required where relevant. No change proposed.
		Page 5 – it seems that the text on this page duplicates but doesn't add anything additional that is already covered in para 8.2? We would suggest that this page is unnecessary.	Requirements that duplicate Policy 8 provisions have been removed .

Appendix I - Heritage non-statutory supplementary guidance consultation: points raised and CNPA response