
CAIRNGORMS NATIONAL PARK DESPOSIT
LOCAL PLAN AS MODIFIED – LOCAL PLAN INQUIRY

**EXPANDED WRITTEN SUBMISSIONS
STATEMENT
POLICY 1: DEVELOPMENT IN THE
CAIRNGORMS NATIONAL PARK**

Objection Reference: 456d

April 2009

On behalf of Reidhaven Estates



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PLANNING

1. INTRODUCTION

This statement has been prepared by Halliday Fraser Munro, on behalf of Reidhaven Estates. It sets out our expanded written submissions representation in respect of Policy 1: Development in the Cairngorms National Park and follows on from discussions with Cairngorms National Park Authority (CNPA) Officers in January 2009.

2. SUMMARY OF REPRESENTATION AND POSITION

Policy 1 has been substantially re-written since the Deposit Plan and there have been several supplementary sections added to the Chapter 1 Introduction.

Our client has no argument with the Aims of the Cairngorms National Park and recognise that this is a statutory framework, which must be adhered to. We do however have some concern that in trying to link Policy 1 with these aims has made the policy cumbersome and overly complex. It also reads as a particularly protectionist policy failing to recognise that well design and high quality development can enhance the setting of the Park.

Our representation to the Deposit Local Plan (Core Document 6.11) in particular raised concern in relation to Part (b) of the policy which outlined that a proposal will be permitted if *“any significant adverse effects on the qualities for which the Park has been designated are clearly outweighed by social or economic benefits of national importance...”*

It is our view that the criteria suggested may well in practice be difficult to define and difficult to assess. With the bar being set at ‘national importance’ it is also considered that this may well be used to prevent developments that might be of local importance such as schools, affordable housing etc. Further representation was raised to suggest that Policy 1 could have two level of effect relating to Community Zones and Conservation Zones.

Policy 1 was substantially re-written through the Deposit Local Plan – First Modifications. In reviewing the revised policy our client continued to have some concerns about the policy and its practical implication and sought to maintain an objection and raise further points.

Our representation to the Deposit Local Plan – First Modifications (Core Document 6.12) welcomed the additional information provided in the Introduction Section and the inclusion of Paragraph 1.3 referring to the role of the 4 aims of the National Park in the planning function.

In relation to the policy itself our client sought further explanation on the 'balancing' objectives it has to bear in mind when implementing the Planning Acts and set out clearly the roles between their duties as a planning authority and a National Park.

Our representation also sought further information on the role of the National Park in support the sustainable economic and social development of the area's communities as to how this is reflected in Policy 1 as it is not clear.

Our outstanding concern reflect in our objection to the First Modifications is that the policy, despite its rewording, still reads as a protectionist policy and fails to take into account the requirement for controlled growth. In particular we had detailed concerns about Parts (b) and (d) of the policy and these remain our outstanding concerns.

We specifically object to the wording of Part (b) in particular the reference to *'and will be mitigated to the satisfaction of the planning authority by the enhancement of qualities or features of equal importance to the National Park'*. We also specifically objected to Part (d) which, refers to *'where satisfactory measures are incorporated to minimise, mitigate or compensate the adverse effects of development'*.

3. ASSESSMENT

We met with CNPA Officers in January 2009 to discuss a number of objections lodged to the Deposit Local Plan and First Modifications, including Policy 1: Development in the Cairngorms National Park. Our discussions focussed on Parts (b) and (d) of the policy relating to 'adverse effects on the special qualities'. The CNPA Officer outlined that the CNPA Board had elected not to have a list of the special qualities as had been collated elsewhere.

The difficulty with this approach is the assessment of what are the special qualities and the interpretation of the information where there is a difference. Topic Paper 2 (**Core Document 7.22**) provides some background on the special qualities of the Cairngorms National Park. It is understood for this background that the assessment of the impacts would be a subjective and balanced approach. Our concern with this approach, based on practical experience is that there can be some disagreement in professional viewpoints, between consultants and CNPA advisors about what constitutes a special quality and more frequently the significance of the impact. There is often debate in applications about the significant of a particular landscape feature.

The potential for mitigation can also sometimes be unrealistic in planning terms. For example our client has been requested to mitigate the impacts of a particular development through the enhancement of a habitat elsewhere within their landholdings. There needs to be clearer guidance about what mitigation measures might be proposed.

It is clear that there needs to be balance between development and preserving the important qualities. Consideration of these issues needs to however be realistic and allow some trade off for development, to also meet the fourth aim of the park.

4. PROPOSED AMENDMENT TO POLICY WORDING

Given the complexities of this policy it is difficult to propose alternative wording that would seek to fit with all requirements and other objections received. We would however suggest that perhaps a more positive wording of particularly Part (b) and (d) of the policy that more accurately reflects that the policy is also there to allow for controlled growth.

Halliday Fraser Munro
April 2009