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

**EXPANDED WRITTEN SUBMISSIONS
STATEMENT
POLICY 7: LANDSCAPE**

Objection Reference: 456s

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 7: Landscape and follows on from discussions with Cairngorms National Park Authority (CNPA) Officers in January 2009.

2. SUMMARY OF REPRESENTATION AND POSITION

The CNPA Deposit Local Plan was published in July 2007 (**Core Document 6.11**). Reidhaven Estates made representations to the Deposit Local Plan however none were made in respect of Policy 7: Landscape.

In response to representations made in respect of Policy 7: Landscape the policy was modified in the First Modifications to the Deposit Local Plan (**Core Document 6.12**). The CNPA advised that the policy was modified to clarify the role of the policy has in regard to the consideration of all development proposals and the impact they make to the landscape character of the National Park.

Policy 7: Landscape as set out in the Deposit Local Plan as modified states that:

“There will be a presumption against development that does not make a positive contribution to the landscape character of the National Park by virtue of its location, siting and design. Such positive enhancement will be sought in all development proposals.

Development that would have a significant adverse effect on the landscape character of the Park, including its distinctive landscape features, scenic qualities, natural beauty, amenity, historic landscape elements or qualities of wildness will only be permitted where:

- a) There is no alternative solution; and*
- b) The adverse effects have been minimised and mitigated to the satisfaction of the planning authority through appropriate siting, layout, design and construction”.*

A representation was lodged, on behalf of our client Reidhaven Estate to Policy 7 as outlined in the Deposit Local Plan – First Modifications. Our representation outlined that any development is likely to have an impact on the landscape character, therefore achieving this in a positive manner is almost impossible to do. In practice development should seek to have a minimal impact on the

landscape character and seek to improve where possible. We would therefore suggest that this first element of this policy is not required.

3. ASSESSMENT

The CNPA's response to the points raised in our representation, set out in their Hearing Statement (April 2009) is that: *"It is important that proposals are worked up in a way to ensure that the policies of the plan, the aims of the Park and other material considerations which may be important are properly considered. The 1st aim of the Park establishes a presumption in favour of conserving and enhancing the natural and cultural heritage of the area. The wording does not refer to an option being selected between conservation or enhancement, or any neutral effective being considered. The wording of the policy is considered appropriate in the 1st paragraph".*

Our key concern with Policy 7 is in relation to its practical application with the current proposed wording. It is our view that the policy as currently stands is overly restrictive particularly as to how it could be interpreted.

Through a positive interpretation of this policy it could be viewed that a well designed development that works with its landscape setting would of course be a positive contribution to the landscape and therefore there would be no conflict with this policy.

Our experience in the practical implementation of these principles is however somewhat different to this ideal. Our concern with the wording as currently proposed is that effectively any development (regardless of design etc.) could be considered to have an impact on the landscape character and this would be unlikely to be viewed as a positive contribution. The conservationist nature of the policy is that any development is that any impact to the landscape in its current form would be viewed as negative.

We raised this in discussions with CNPA Officers who acknowledged this potential interpretation but outlined that the policy was important in terms of the linkages back to the first aim. We also discussed the balance between the first and fourth aims of the Park.

It is our view that this over restrictive wording could be contrary to the fourth aim. We would suggest that the policy could still provide the same guidance simply by excluding the reference to the first paragraph in the policy or rewording this in a more positive manner. It is important that this policy aims to ensure a high quality of design rather than exclude development itself.

4. PROPOSED AMENDMENT TO POLICY WORDING

We would therefore suggest that Policy 7 be reworded to exclude the first paragraph or the first paragraph altered to 'All development proposals will require to make a positive contribution to the landscape character of the National Park by virtue of the location, siting and design'.

Halliday Fraser Munro
April 2009