

PITAGOWN HOUSE  
NEWTONMORE  
INVERNESS-SHIRE  
PH20 1BS

Tel: 01528 544 381  
e-mail: sally.m.spencer@gmail.com

The Reporters.  
The Cairngorms National Park Deposit Local Plan Inquiry,  
The Cairngorms National Park Authority,  
Albert Memorial Hall,  
Station Square,  
Ballater,  
Aberdeenshire, AB35 5QB

Dear Sir and Madam,

**Objection(s) to the Cairngorms National Park Deposit Local Plan.**

My two main ‘objections’ to the CNP Deposit Local Plan draft as it stands are those of omission rather than commission, but I do feel very strongly that both are important. The third is one of commission in that ‘and’ has been used to change the meaning of the original Policy.

The rest are, I regret to say, largely in response to muddled composition and frequent repetition (for example, ‘settlement’ used 6 times in 8½ very short lines), that makes much of the document quite difficult to understand.

The Plan, when finally approved, becomes a legal document does it not? Since those of us who live and work in the Park will be bound by its contents, they need to be clear and comprehensible to us. If the lawyers aren’t to have ‘field days’ for years to come surely they need to be crystal clear and unambiguous for that reason too?

(The page and Policy numbers referred to below are those in the First Modifications of the CNP Local Deposit Plan unless otherwise stated.)

1. Policy 1. Development in the Cairngorms National Park.

My concern over this Policy is that, **as it stands**, it is very likely to exclude those whom one might call ‘the very local’ from being able to build where their forefathers dwelt. I mean those who have lived in a quite a tight local area all their lives, and whose family, perhaps going back well into the C19<sup>th</sup> did so before them, and who have very local jobs. Many of them are farm labourers or the children of farmers or crofters in the area, and very few are at all well off. A local landowner may well be prepared to sell them a plot of land “for a song” in order to help them stay in the locality, and they may then be able to afford to build, **provided they can get permission**. There are now so many conditions and policies that can be applied to a single proposed house site that the default response so often seems to

be 'NO'. Where a 'very local' applicant is concerned, I think the default response should be 'YES' unless there is a genuine, very exceptional, reason for saying 'no'.

By 'very local' I only mean someone born and brought up in the neighbourhood, whose grandparents, uncles and aunts, cousins, still live there, or did until they died, and whose forbears did so too, and who works in the immediate neighbourhood. I do **not** mean someone who has come in from outside, even if they have lived in the neighbourhood for several years.

The First Aim of the Park, is admirable, but how do you "**conserve and enhance the ... cultural heritage of the area**" if those who have inherited its customs and traditions, who one could almost say **are** its cultural heritage, have to move away? Many of them are young, with children, and are the very people we need to carry into the future those traditions and customs that make up the local way of life in the various different parts of the Park.

What I am asking for is that **included in the Plan** should be a **clear statement** to the effect that the Planning Committee should **discriminate in favour** of those '**very local**' people who apply for planning permission. It needs to be definite – if a bit vague and full of 'hopes' and 'considers' and the like, it will be useless! I realise that this will be seen as 'unfair', and politically incorrect, but discrimination used to be seen as a virtue, not the negative, dirty word it has become. Perhaps 'uneven fairness' better describes what I am asking for, a counterbalance to the rich bullies for whom a cheque book opens so many doors in their support. The latter often contribute little or nothing to the local community, whereas the former **are part and parcel of it**. It is **their** heritage, whereas it is not the heritage of incomers, be they good, bad or indifferent, and however hard they play at it. I am the first to admit that it is not mine, but that does not stop me being convinced that it should not be taken away from those whose right it **is** and should so be considered.

I know one of the arguments against such discrimination is that the applicant only wishes to build in order to sell, making a huge profit and letting in someone who otherwise would not be permitted to build there. First, it is not necessarily the poor who tell the lies! Secondly, I think this scenario is much less likely with 'the very local' because they will have had to prove their family connection before being allowed to build, and I think one only jumps through the sort of hoops required of them if one is really keen to **live** in a particular place. Thirdly, am I not right in thinking conditions can be imposed that can prevent such a sale, at least for some considerable time?

If nothing is included in the Plan with regard to these 'very local' applicants (who I imagine will be pretty few, since two World Wars caused so much family relocation), then they will be treated exactly the same as any incomer (with more money) and the Park's **No.1 Aim** will be well on the way to being rendered null and void as far as cultural heritage is concerned. It will just be artificial, romantic nonsense. True 'cultural heritage' – like 'neighbouring' or farmers' ceilidhs or shinty - is part of the **life** of the community, not something you can put on like a coat because it sounds nice. There's precious little of it left in reality, whatever the Aim of the Park says, and it seems such a pity to destroy what does remain with eyes wide open, but this will happen if the few who still 'carry' it get no protection in their inherited environment. All sorts of precautions are being taken within the Park to preserve the habitats of its flora and fauna. Why should not a similar precaution be taken to protect the 'habitat' of its true 'locals'?

2. New Developments , Section 5 of the First Modifications of the Plan.

5.5 (p.35) This paragraph starts off with exactly what one hopes for in 'a development': (Not exactly as written, but I think this is what is meant)

"To ensure that town centres and other settlements are appealing and support this economic function (one of the objectives mentioned in the previous paragraph), the creation of attractive townscapes is important",

but there is precious little thereafter about how this is to be done or by whom, especially where a large number of houses are envisaged.

To be an "appealing or attractive townscape", or even an "attractive estate scape" you need people out and about, enjoying themselves and their environment. This will not happen if all there is is row on row of housing, and nothing to entice people to get out and do things in their community. A collection of houses does **not** make a community, and so often 'Estates' are little more than dormitories, with the residents leading very lonely lives.

Creating a 'living community' in such circumstances is very difficult, especially where there is nowhere for the residents to forgather and get to know each other - people do not readily accost complete strangers and invite them into their homes.

Should it not be obligatory for Developers of these large schemes to include, as well as the usual water, sewage, street lighting etc, the provision of a basic infrastructure such as a church/hall, a couple of shops, a pub, and, absolutely essential, somewhere for the young to meet, to keep them off the streets and out of the pubs? Often it is meeting in the local shop or church, or outside the school gates that gets people acquainted, thence to friendship and, over time, to a sense of community.

One example of a very good multi-functional building is the new church at Inshes in Inverness. As well as the church itself, there are several rooms of various sizes, good lavatories, and in particular, an excellent, and very welcoming foyer, with comfortable chairs and tables, and a small kitchen off it. A variation of such a building would make a very good 'heart' for any development, along with a pub and a shop or two. If we are to use our cars less, people must be able, and **prefer**, to walk to buy their milk, newspaper etc, and they are highly unlikely to do so if the nearest shop or pub is a mile or more away.

The enclosed copy of a column in the *Daily Telegraph* in January makes the same point. (I apologise for having photocopied the strips in the wrong order.)

3. Policy 24, (p.47) line 7, Other housing outside Settlements.

In the original *Cairngorms National Park Deposit Plan*, p.50, Policy 26, the permitted reasons for building are laid out clearly under (a), (b), (c) etc as 5 separate reasons. In the First Modifications an insidious little "**and**" has been added to every condition except the last, so that in effect this now refers only to 'tied' accommodation, or for those retiring.

Why shouldn't a farm worker, living in 'tied' housing of doubtful permanence, be allowed to build a house in his local area as a precaution against finding himself and his family 'on the street'? What was wrong with the original Policy?

4. Policy 10, (p.26) Listed Buildings.

Paragraph 4.56, under this Policy is, I think, the worst of the muddled composition referred to above!

I **think** what is meant is that 'listed buildings play a major role in furthering the first Aim of the Park to conserve and enhance the cultural heritage of the area. They provide an important and interesting visible link with the past'. (A pretty bald and dreary statement about our history!)

Given that the people reading the Plan are likely to be living in houses that are not falling about their ears, in fact are clearly 'sustainable', do we need to be told that listed buildings "demonstrate sustainability and longevity"? There is **so** much more to listed buildings than that they, like virtually every building in the Park, can stand without falling over.

Paragraph 3 of the Policy itself doesn't make much sense either - if "all ... means of enabling have been exhausted" how can "enabling development ...be considered"? "...enabling development may be considered where all *other possibilities* have been exhausted ..." I think must be what is meant.

(For clarity, where I have substituted words not in the original document I have put them in italics. In general I have tried very hard to alter what was written as little as possible )

The following are the other **major** things that concern me most in this document:

1. p.5, **1.20**, line 7 *et seq* – can "various legislation" apply if the reference is only to one Act? Surely this should be "... in *accordance* with its obligations *under* legislation such as .." or something similar?
2. p.6, line 9, and indeed at intervals throughout the document, "most current" - one can have "current", or "most recent", or "up to date", or "latest", but surely one cannot have "most current", it's like saying "most now".
3. p.9, The vision for the Park as set out in paragraph **2.14** is super, but paragraph **2.15**, just below it says, line 7 *et seq* – "All development will create a sustainable Park ..." Sorry, but **all** development will not, some schemes, ideas or projects are bound to fail. The rest of the sentence is a bit confused too. I think what this paragraph is trying to say is '*Future* development will create a sustainable Park for *the people of today and tomorrow*, with a network of communities *that* have room to thrive *and* respect their heritage".

Same page, sentence entitled "People Participating in the Park". While I entirely endorse the sentiment, I think the last three words are a mistake – my immediate reaction was YUK! Could "citizenship and ownership" be changed to "*personal responsibility*"? For a start I don't think many people go about consciously thinking of themselves as 'citizens', and secondly, as it says in the first 'box' on p. 13 of the Plan, "Approximately 75% of the land in the Park is privately owned" so engendering a sense of ownership might be a mistake!

Same page, sentence entitled "Adding Value" - this sentence is in what most of us call Civil Service-ese! I **think** what is being said is '*A positive attitude to development in the National Park will allow new ideas and initiatives to be introduced in the future*'.

4. p.10. (ii) If "the key areas for the experience of wild land qualities" are to be "protected and enhanced" they may well be very pretty, but the one thing they will **not** be is wild!

Same page, (v) Goodness knows what this means – as it stands it seems to me pure gobbledegook!

(vi) I'm glad that the Park authorities can guarantee that **all** the designated conservation sites **will be** in favourable condition, but I have to say that, while not doubting the intent, this, like the other “Outcomes” listed is an **aim**, not a *fait accompli*.

(vii) What is the difference between “ positive management initiatives “ and “catchment management planning”?!

(viii) I thought rocks tended to do the ‘underpinning’, what are the “natural processes” that underpin them?

p.11, Making Housing More Affordable and Sustainable,

(iv) According to my dictionary, ‘sustainable’ means that that which is being described will “endure without giving way’ which I should have said was what most houses already do, whatever their design, quite often for several hundred years! I think what is meant here is that new housing will be expected to be built of *materials that come from sustainable, renewable sources*, but that is not what is written.

5. p.18, 4.9, This paragraph has the word ‘assessment’ 6 times in 18 lines, and curiously, such repetition, rather than making for clarity, renders the whole thing almost incomprehensible. I **think** what is meant is “The Planning Authority will consult Scottish Natural Heritage (SNH) for advice on both the need for appropriate assessment, and the specific requirements of individual *sites*. When considering the need for an assessment, and in *its preparation*, the competent authority will take *into* account developments outwith the designated area, including proposals progressing through the planning system, *with regard to their* possible cumulative effect on Natura interests. To this end developers will be expected to provide the necessary information to *enable* the assessment to be undertaken by the competent authority.

6. p.19, Policy 3. This states that development that **adversely** affects the various special places will only be permitted where “the interests ... and overall integrity of the area would not be compromised”, but if the proposed development is going to **ADVERSELY** affect wherever it is, its interest and integrity **will**, inevitably, be compromised! Given how difficult it is to get permission to do anything in an SSSI etc, development should surely **only** apply (a) in the absence of an alternative solution, or as (b) says. I take it that the last word of this sentence (designation), applies to the Park – if so, why not replace the word with ‘*of the Park*’? It is much more understandable!

7. p. 28, Policy12, paragraph 2. Throughout this document the word ‘development’ is used not only in its true meaning, but also, quite often, instead of ‘proposal’ or, as in this instance, instead of ‘developer’ - developments cannot “take reasonable measures ...”. Surely this should read “*Where* any development (delete ‘that’) would ... *the developer* will (? *must*) take ...”

8. p. 32, Policy 15, (a) line 4:- I should hope that where “the **risk** is considered to be **significant**”, the Park Authority would wish to identify **any** ‘actual or potential risk to human health’ not just ‘significant’ ones, therefore the second ‘significant’ should be deleted.

9. p.33, Policy 16, line 1:- The word ‘developments’ used where ‘proposals’ are meant. If something has become a development, it is either already built or in the process of being

built, therefore it is too late for the Planning Committee to consider favourably or otherwise what it contributes or complements.

10. p.37, Policy 20, bottom paragraph: back to my old friend 'development' – a development cannot provide an appropriate bond, for that you need the developer.

11. p.38 ,5.20. I don't know what "consequentially secured " means. 'Subsequently secured' makes sense, but may not be what is meant here.

12. p.39,5.27. I appreciate that this whole section is on housing, but does one have to have the word used 5 times in this very short paragraph plus 3 'households', and another 5 ' housings' in 5.28?

'New housing is important for a wide variety of social and economic reasons, but at its most basic, *a house* should provide *a* comfortable, secure and healthy home for people. The need for new *houses* comes from changes in the population such as new households being formed, the migration of new *families* into the area, and the movement of households within the housing market. *Homes are also* needed for a backlog of *people* who have been unable to *buy* on the open market, *and for future requirements* in the Park

(5.28) *The demand for houses* is related to the ability of *people* to fund their aspirations for *a new home*. Much of this demand is met through existing housing, but *the availability of new houses* can improve choice, and provide for particular requirements that are not available in existing stock.'

This has reduced the number of 'housing's to three, but I don't think has either changed the meaning of the paragraphs, or made them less comprehensible. Furthermore, **people** live in houses, not in housing!

13. p.41, 5.38. The sentence starting at line 4. (Not precisely as written because there are several 'typing errors'. The highlights are mine)

"A further allowance is needed to allow for units which do not provide housing to meet this need, for example **vacant properties and provision which cannot be controlled by the planning system.**" This does, I think, mean second homes and/or holiday lets, but if so, why not say so? If it doesn't, what does it mean?

14. p.43, Policy 21, final paragraph: What are "off-site contributions" and why are they "a better way of meeting the housing needs of a community"? What is the difference between "community needs assessments" and "similar assessments", and how many "assessments" does one community need?

15. p.48, Policy 25. It seems to me that part of the second paragraph contradicts (a) in the first paragraph. The latter states that an existing house may be replaced where it is demonstrated that it is "incapable of rehabilitation". Paragraph 2 says, I think, that the planning authority will normally make, as a condition of building on an adjacent site, the demolition of the existing house, unless it "is to be used as part of the redevelopment scheme" which a couple of lines before was declared to be impossible. The final sentence supports (a) - if material salvaged from the original house is to be incorporated into the new building, adjacent or otherwise, it does rather argue that the former has been demolished! (I note also, that 'development' has once again assumed human form. If the last sentence is put back to front, it is less unwieldy: "Where appropriate, salvaged material from the original *house* should be incorporated into the new development, which should also reflect the siting

and scale of the original”, but for the life of me I can’t find an alternative to using ‘original’ twice in one sentence!

16. p.50, Policy 28.(b) “in line with the sequential approach to site identification” sounds like ribbon development to me, except that I am quite sure that that is not what is intended!

(c)”... other more sequentially appropriate sites” – what on earth are they? Here today and gone tomorrow? This in a document intended to be comprehensible to the general public!

17. p.54, Policy 32. (As amended in Appendix 1 – 2<sup>nd</sup> Modifications), either it needs to be “where *they*” in line 2, deleting the same word at the beginning of the next sentence and the last one, or ‘they’ needs to be put in as the first word in the sentences at bullet points 2 and 3.

Line 4 – I wonder how many of the general public have the faintest idea what “demonstrating a sequential approach to site selection” means with regard to waste disposal! I certainly don’t. Last paragraph – this paragraph, which I imagine is intended to have teeth, is very wishy washy, but if there is a comma after “management facilities”, and “required to fulfil the requirements of” is replaced by ‘*will be required to comply with*’ it sounds fiercer, and gets rid of the repetition of requiring.

18. p.55, 6.2. I’m not sure what contribution “through positively guiding development proposals “ makes to this sentence (I’m not quite sure what it means either). “The Local Plan therefore contains policies which support these goals *and* further the aims of the National Park” seems to me perfectly adequate and very clear.

19. p.56, Policy 33. Nowadays ‘facilities’ seems to be a euphemism for lavatories, but ‘to facilitate’ something means making it easier to do it, so on both counts ‘facilities’ should not be an alternative to ‘attractions’. This first sentence would therefore, surely be better as “Development of tourist-related attractions, and proposals which support *them*, will be favourably considered where they enhance the range and quality of *such* attractions, and/or lengthen the tourist season ....”

‘Facility/ies also appear 6 times in Policy 35 (p.58) as well as in its title!

20. p.61, 7.5. Clearly one does not want either ribbon development or ‘sprawl of development into the countryside’, but **the cultural heritage** of at least the Upper Badenoch area, and I bet elsewhere in the Park too, was for individual houses here and there up the glens, sometimes in twos or threes, but very often entirely alone. If everyone is to be incarcerated within ‘settlement boundaries’ how does that equate with the Park’s first and foremost Aim?

21. p.62, 7.10. ‘Proposals’ are what someone puts forward to the Planning Committee, suggestions as to what they would like to do, so how can they “come to light’ as though they’d just been found in somebody’s attic? I take it that here, “key” without an article, means ‘important’, but I’m not sure what the red bit in the middle means, or what its relevance is to either the sentence before it, or the one that follows it. The last sentence sounds as though the Park is supporting the provision of a most unlikely service!!

22. p.111, Affordable Housing:

I think it needs to be spelled out **very clearly indeed** what happens when someone in an affordable house wishes to sell, that **affordable houses are to be that in perpetuity**, and that

this means you cannot sell on the open market and walk away with a whopping profit. I know that that is what “the use of legal agreement or burden placed on the property” means, but it is such an insignificant little phrase, and one that perhaps not everyone understands, so that, like unpaid bills, it is much easier to put it out of one’s mind in the hope that it’ll go away – and really, it is better that people can’t pull the wool over their own eyes. I appreciate that the solicitor of a purchaser of an ‘affordable house’ will tell him the facts, but we are all very good at ‘not hearing’ what we don’t want to hear, so there’s quite a lot to be said for having it laid out very clearly in black and white.

When I started to skim through the first draft of the Plan I found it so profoundly irritating that I then went through the whole thing (apart from the section on individual settlements) paragraph by paragraph. Apart from the ‘typing errors’, I was horrified at the muddled construction of so many of the paragraphs – more than those mentioned above – which not only makes them difficult to understand, but, in my opinion, demeans the Park Authority. The contents of the Plan make it clear that high standards are expected of all of us, working or living in the Park, so surely the Plan should be to the same high standard, a first class document, well written and clear for all to read, and something of which the Park Authority, and we, can be proud? I don’t really think that can be said of the draft as it is at present.

The one thing that matters more than anything else however, is that the ‘very local’ who want to build where they and their family have always lived, should be able to do so.

Yours truly,

*Sally M. Spence.*