

Cairngorms National Park Local Plan

October 2010

Cairngorms National Park Local Plan

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Foreword

The first Local Plan for a National Park in Scotland is a significant achievement. The Cairngorms National Park Local Plan was delivered through consultation with the public and reflects their needs and concerns. It will help us provide more affordable and sustainable development in the places our local communities need it, whilst protecting the Park's special qualities.

It will not be long before we have to review the policies again and this will ensure that we keep pace with the changing circumstances we find across the Park.

I am delighted that we have adopted a Local Plan for the Cairngorms National Park which highlights its special qualities and confirms its status as a unique place, both within Britain and internationally.

Duncan Bryden

Convener, Planning Committee, Cairngorms National Park Authority

Facal-toisich

'S e fìor cheum chudromach a tha ann a bhith a' cruthachadh a' chiad Phlana Ionadail airson Pàirc Nàiseanta ann an Alba. Chaidh Plana Ionadail Pàirc Nàiseanta a' Mhonaidh Ruaidh a lìbhrigeadh an dèidh co-chomhairleachadh ris a' phoball agus tha e a' riochdachadh am feuman agus an iomagain. Bidh e na chuideachadh dhuinn ann a bhith a' tabhann leasachadh ruigsinneach agus seasmach sna h-àitean sa bheil ar coimhearsnachd ionadail gan iarraidh, agus aig an aon àm cuiridh e dìon air feartan sònraichte na Pàirce.

Cha bhi e fada gus am feum sinn lèirmheas as ùr a dhèanamh air ar poileasaidhean agus nì seo cinnteach gu bheil sinn a' cumail suas ris na suidheachaidhean caochlaideach a tha rim faotainn thar na Pàirce.

Tha mi air leth toilichte gu bheil sinn air aontachadh Plana Ionadail airson Pàirc Nàiseanta a' Mhonaidh Ruaidh a tha a' cur cudruim air na feartan sònraichte a tha ann agus a tha a' dearbhadh an seasamh a tha aige mar àite air leth, taobh a-staigh Bhreatainn agus gu h-eadar-nàiseanta.

Donnchadh Bryden

Neach-gairm, Comataidh Dealbhaidh, Pàirc Nàiseanta a' Mhonaidh Ruaidh

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Introduction

Planning in the Cairngorms National Park is unique. It involves the Cairngorms National Park Authority (CNPA) working alongside the five local authorities which operate in the Park – Aberdeenshire, Angus, Highland, Moray and Perth & Kinross.

Due to the expansion of the National Park in October 2010, to take in part of Perth & Kinross, different planning policies apply there.

The following paragraphs set out what planning policies apply in the National Park, and how planning applications will be dealt with.

Planning Policies

The Cairngorms National Park Local Plan, together with any Supplementary Planning Guidance (SPG), covers the Aberdeenshire, Angus, Highland and Moray parts of the National Park only. The Local Plan sets out detailed policies against which all planning applications submitted in the Cairngorms National Park will be judged. It is recommended that it is read in conjunction with the SPG relevant to the type of development.

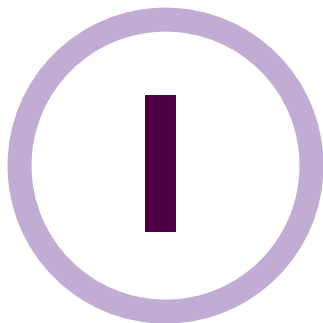
Please note: The Cairngorms National Park Local Plan and SPG do not cover the Perth & Kinross area of the Park. The Perth & Kinross Highland Area Local Plan or the Perth & Kinross Eastern Area Local Plan, and any associated SPG, apply. Please see www.pkc.gov.uk for further information.

Planning applications

All planning applications submitted within the National Park must comply with the relevant Local Plan and SPG (see paragraphs above on planning policies for details).

Planning applications should be submitted to the relevant local authority in the normal manner. The local authority ensures all the necessary information is supplied and registers receipt of the application. The CNPA is informed by the local authority and has 21 days to decide whether to call-in the application. Only applications which are of general significance to the aims of the Park are called-in. The CNPA determines called-in applications. In instances where planning applications are not called-in, the local authority will determine the application.

Statutory Context



The Statutory National Park Context

1.1 The Cairngorms National Park was designated in 2003 by the Scottish Parliament because it satisfied the conditions for a National Park as set out in Section 2 of the National Parks (Scotland) Act 2000 (The Act):

- a) That the area is of outstanding national importance because of its natural heritage or the combination of its natural and cultural heritage;
- b) That the area has a distinctive character and a coherent identity, and
- c) That designating the area as a National Park would meet the special needs of the area and would be the best means of ensuring that the National Park aims are collectively achieved in relation to the area in a co-ordinated way.

1.2 The Cairngorms National Park Local Plan has been prepared with reference to the statutory role of the Cairngorms National Park Authority (CNPA) under the Act, and The Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003, (the Order).

1.3 Section 1 of the Act lists the National Park aims:

- a) To conserve and enhance the natural and cultural heritage of the area;
- b) To promote sustainable use of the natural resources of the area;
- c) To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public;
- d) To promote sustainable economic and social development of the area's communities.

- 1.4 Section 9 of the Act states that the general purpose of a National Park Authority is to ensure that the National Park aims are collectively achieved in relation to the National Park in a co-ordinated way. In exercising its functions the authority must act with a view to accomplishing this purpose. If, in relation to any matter, it appears to the CNPA there is conflict between the first aim and the others, the CNPA must give greater weight to the first aim.
- 1.5 Section 7 (1) (a) of the Order makes the CNPA the sole authority within the National Park in respect of functions in relation to local plans. In discharging this role the CNPA has to act in accordance with its statutory purpose as required by Section 9 of the Act. In other words, the Local Plan must help ensure that the National Park aims are collectively achieved in a co-ordinated way.



Map 1 Location of the Cairngorms National Park
Please note that this Local Plan does not apply to the Perth & Kinross area of the Park.

The Cairngorms National Park Plan and the Cairngorms National Park Local Plan

- 1.6 The Act requires a National Park Authority to prepare a National Park Plan setting out its policy for managing the National Park. It requires all public bodies and office holders to have regard to the adopted National Park Plan in exercising functions affecting a National Park. Schedule 5 to the Act inserted Section 264A into the Town and Country Planning (Scotland) Act 1997 requiring special attention to be paid to the desirability of exercising any power under the Planning Acts consistently with the adopted National Park Plan. This creates a link between the two pieces of legislation.
- 1.7 The Cairngorms National Park Plan was approved by Scottish Ministers in March 2007 and was adopted by the CNPA in April 2007. It is not a CNPA Plan; it is a Plan for the National Park. It was prepared by an inclusive process involving a wide range of partners who continue to be involved in delivery of the Plan. The Cairngorms National Park Plan provides the strategic context for all of the functions of the CNPA, including the provision of an overarching context for planning policy within the Park.
- 1.8 The Town and Country Planning (Scotland) Act 1997, requires special attention to be paid to the desirability of exercising any power under the Planning Acts consistently with the adopted Cairngorms National Park Plan. The National Parks (Scotland) Act 2000 has a duty of regard that applies, inter alia, to any public body or office holder taking decisions in relation to planning matters within the Park. All of this adds to the weight given to the National Park Plan as a material consideration under Section 25 of the Town and Country Planning (Scotland) Act 1997.

1.9 In preparing the Cairngorms National Park Plan, as required under Section 11 of the Act, the CNPA did so with a view to securing the collective achievement of the aims in a co-ordinated way. The Park Plan was organised under three overarching themes: **Conserving and Enhancing the Park, Living and Working in the Park, and Enjoying and Understanding the Park**. Taken together, these themes embrace the four aims of the Park. The strategic objectives and priorities for action in the Park Plan are all grouped under them to co-ordinate activity, with a view to securing collective achievement of the aims. The Park Plan, based on this approach, has been approved by Scottish Ministers.

1.10 The CNPA is a planning authority for the preparation of a Local Plan. The statutory purpose of the CNPA under the Act has been outlined above and its other statutory functions, including those relating to planning, have to take place within the context of that overall purpose. The Cairngorms National Park Local Plan is one of the mechanisms for contributing to delivery of the Park Plan and hence to the collective achievement of the aims of the Park. In the interests of consistency with the National Park Plan, and to clearly demonstrate the 'thread' leading from the aims in Section 1 of the Act, it was decided that the Local Plan should have policies grouped under the same three overarching themes: **Conserving and Enhancing the Park, Living and Working in the Park, and Enjoying and Understanding the Park**.

1.11 The Local Plan is therefore clearly founded in the context within which the CNPA has been established and is obliged to operate, ie The National Parks (Scotland) Act 2000 and The Cairngorms National Park Designation, Transitional and Consequential Provisions (Scotland) Order 2003. The Local Plan is key to delivery of the Park Plan and the collective achievement of the Park aims.

Relationship with existing Structure Plans and the New Development Plan System

1.12 The Cairngorms National Park embraces parts of the local authority areas of Highland, Aberdeenshire, Moray and Angus. Until such time as the new development plan system is fully in place, structure plans will continue to be relevant within the National Park. The structure plan coverage is currently as follows:

- The Highland Structure Plan 2001
- North East Together 2001
- The Moray Structure Plan 2007
- Dundee and Angus Structure Plan 2002

1.13 Circular 3/2008 Strategic Development Plan Areas determined that Aberdeen City and Shire is a Strategic Development Plan (SDP) Area and this does not include the National Park. North East Together 2001 will therefore be replaced by a new Strategic Development Plan that will not include the National Park.

1.14 The Dundee and Angus Structure Plan 2002 will in due course be replaced by a Strategic Development Plan for Dundee, Perth, Angus and North Fife, which has been designated as the SDP Area. That Plan will not include the National Park. Moray and Highland are not within an SDP Area so these structure plans will remain for the time being, until the Local Development Plans are in place for the parts of the authorities excluding the National Park

1.15 The Cairngorms National Park Local Plan still has to conform to those structure plans in place. Three of the Structure Plans predate the National Park and it is therefore for the CNPA to justify differences in policy direction in the Cairngorms National Park Plan and Local Plan and whether these, as material considerations, outweigh the policies in existing structure plans. Within this context, and given that the CNPA and others have very specific obligations under the Act, there is consequently a clear mechanism

for justifying any difference in content or emphasis between the Local Plan and existing structure plans.

- 1.16 The CNPA will be preparing a Local Development Plan for the Cairngorms National Park. The published Development Plan Scheme programmes work to commence in March 2010, with consultation on the Main Issues Report in May 2011, and adoption by the end of 2013. The constituent local authorities will prepare Local Development Plans for those parts of their areas outside the National Park. The context within the National Park will become the Cairngorms National Park Local Development Plan along with the Cairngorms National Park Plan: a clear and well defined structure. The current situation should therefore be seen as work in progress, a transition towards this eventual state of affairs.

Context for Planning Decisions within the Cairngorms National Park

- 1.17 Whilst the CNPA is the planning authority for the preparation of a Local Plan, it is not a planning authority for all planning applications submitted within the Cairngorms National Park. Under the terms of the 2003 Order, planning applications are submitted to the relevant local authority as planning authority. They are obliged to notify all applications received to the CNPA, and the CNPA has to determine if an application raises issues of significance for the aims of the National Park. If it is decided that an application does raise issues of significance, then the CNPA has power under the Order to 'call-in' the application and determine it. When an application has been 'called-in' by CNPA then the CNPA becomes the planning authority for that particular planning application.
- 1.18 The relevant local authority remains the planning authority for those applications not 'called-in'. When deciding not to 'call-in' an application the CNPA may make comments that it would like to have taken into account. The local authority then determines the application in the normal way, although taking account of CNPA comments and the duty of regard for the Cairngorms National Park Plan.
- 1.19 The Cairngorms National Park Authority, and other planning authorities within the Park, will use this Local Plan as the basis for decisions on planning applications along with the Park Plan and existing Structure Plans.

The Vision and Guiding Principles of the Local Plan

- 2.1 The Local Plan takes its vision from the Cairngorms National Park Plan.

The Vision of the Cairngorms National Park Local Plan, its Preparation and its Uses



The Cairngorms National Park Plan's Vision for the Park:

Imagine a world class National Park – an outstanding environment in which the natural and cultural resources are cared for by the people who live there and visit; a renowned international destination with fantastic opportunities for all to enjoy its special places; an exemplar of sustainable development showing how people and place can thrive together. A National Park that makes a significant contribution to our local, regional and national identity.

This is our vision for the Cairngorms National Park in 2030.

- 2.2 To achieve this vision, the Local Plan has a number of guiding principles which also guide the Cairngorms National Park Plan. In establishing these principles the Local Plan will deliver a framework for the future of the Cairngorms National Park.

- **Sustainable development – A National Park for today and for the future.**

All development will create a sustainable Park for people today and in the future, with a network of sustainable communities which have room to thrive but respect their heritage.

- **Social justice – A National Park for all.**

Development opportunities will be created which meet the needs of all, locally for people living and working in the Park, regionally to meet its role as a threshold to the Highlands and Royal Deeside, and nationally and internationally as a destination for visitors.

- **People participating in the Park – A National Park for people.**

Opportunities will be established for the Park to engage everyone, both local people and visitors, to create a place which engenders a sense of citizenship and ownership.

- **Managing change – A National Park open to ideas.**

Development will take advantage of the most current opportunities, technologies and best practice, and the policy framework will encourage and allow for such developments to thrive.

- **Adding value – A National Park that makes a difference.**

The development process will build on a National Park to deliver a positive future and allow for initiatives and ideas to move forward in a timely way.

2.3 This vision is supported by the National Park Plan's strategic objectives but it is the outcomes for 2012 and priorities for action that provide the clearest indication of how this Local Plan must work towards the vision. The Local Plan is obviously only one of the delivery tools of the National Park Plan, and is not itself enough to achieve the vision.

2.4 Underlying this vision and guiding principles, the Cairngorms National Park Authority is committed to sustainable development which supports communities that are sustainable in social, economic and environmental terms.

2.5 For a comprehensive list of the National Park Plan's outcomes for 2012 or priorities for action, copies of the Park Plan are available from the Cairngorms National Park Authority offices or can be viewed at **www.cairngorms.co.uk**

Purpose of the Local Plan

2.6 The Local Plan provides one of the National Park Authority's tools to ensure the delivery of objectives of the Cairngorms National

Park Plan and the collective and co-ordinated delivery of the aims of the Park. It is intended to promote sustainable development in the Park through sustainable economic and social development of its communities, the sustainable use of its natural resources and the conservation, and where possible, the enhancement of its outstanding natural and cultural heritage.

2.7 The Local Plan provides a development framework for the whole of the Park, bringing together areas where development proposals were previously considered under four separate local authority plans. It creates a clear and consistent approach to guide development proposals and opportunities within the National Park, while allowing an appropriate level of flexibility to ensure that the Plan can be reactive and accommodate good ideas which further the aims of the Park. Its duration, for up to five years from adoption, identifies strategic sites and land for some development to provide certainty about the use of land in the medium to longer term beyond the next five years.

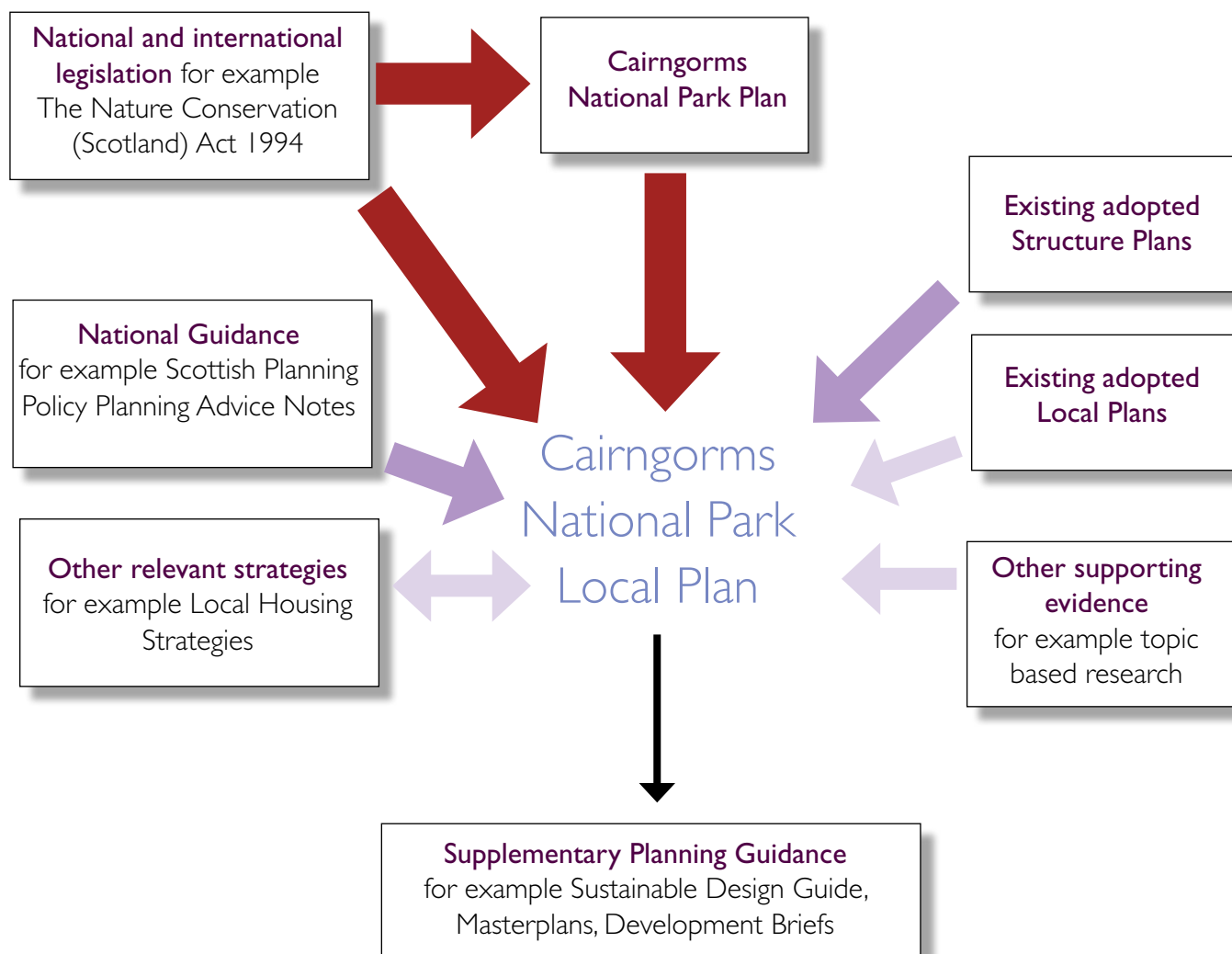
2.8 Once adopted, the Local Plan will be used by the planning authorities within the Cairngorms National Park to assess planning applications for development. The planning authorities are the four local authorities as well as the Cairngorms National Park Authority when it acts as a planning authority in calling-in and determining planning applications.

The Structure of the Local Plan

2.9 The Local Plan provides a set of policies to manage development and a set of specific proposals for development requirements and opportunities. The Local Plan outlines the context for these policies and proposals as well as a vision for the Local Plan.

2.10 The Local Plan contains a range of policies dealing with particular interests or types

Figure 1 Relationship of the Cairngorms National Park Local Plan to other Plans and Strategies



of development. These provide detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan and are outlined in Chapters 3 to 5 to provide a detailed policy framework for planning decisions:

- Chapter 3 Conserving and Enhancing the Park;
- Chapter 4 Living and Working in the Park;
- Chapter 5 Enjoying and Understanding the Park.

2.11 The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 6 (see p79). These proposals, when combined with the policies in the Local Plan, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime.

2.12 The Local Plan has been subject to Strategic Environmental Assessment (SEA) throughout its development. EC Directive 2001/42/EC and the Environmental Assessment (Scotland) Act 2005 (preceded by the

Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004) require that development plans are assessed to identify potentially significant environmental effects. The SEA of the Local Plan continues throughout its lifetime.

- 2.13 The SEA assesses the likely significant environmental effects of the Plan. It identifies opportunities to strengthen the positive environmental effects of the Plan and ensures environmental considerations are integrated throughout. An Environmental Report of the SEA accompanied the Consultative Draft Local Plan. A revised Environmental Report accompanies the Local Plan. It takes account of the changes to the Local Plan and comments on the previous Environmental Report. A copy of its non-technical summary, the full report and the post adoption statement are available separately as a hard copy or in electronic format.

Implementation of the Local Plan

- 2.14 The Local Plan will be implemented by a wide range of organisations, individuals and groups. The planning authorities will implement it through the determination of planning applications. The local authorities have additional responsibilities as the providers of services and in administering the mechanisms to support the successful delivery of many policies. Partners of the Cairngorms National Park and statutory consultees will be key in the delivery of the Local Plan, both through advice during the planning process and through their strategic work involved in areas such as cultural and natural heritage, tourism, infrastructure and economic development. Developers will implement the Local Plan by obtaining planning permission and completing developments that comply with the Plan and contribute to the strategic objectives of the Park Plan. Other organisations, including statutory undertakers, contribute to the implementation by providing the necessary infrastructure to allow development.
- 2.15 The Local Plan will provide the basis for planning decisions but is supplemented by other policies, strategies and guidance. The Park Plan is a material consideration in planning decisions and has component strategies, such as the Cairngorms National Park Outdoor Access Strategy and Cairngorms National Park Sustainable Tourism Strategy, that can also be relevant to individual planning applications.
- 2.16 Some proposals contained in the Local Plan require additional detail to ensure development minimises any negative environmental effects and makes a positive contribution to the aims of the Park and objectives of the Park Plan. The Cairngorms National Park Authority will work with local authorities, landowners, developers, communities and other interested parties to create development briefs, masterplans and framework plans as appropriate for such sites.
- 2.17 Similarly, some policies within the Local Plan will not provide sufficient detail for the long-term implementation of the Plan and will be supplemented by additional planning guidance. The CNPA is committed to preparing a Sustainable Design Guide and sustainability checklist for new development proposals that will supplement the Local Plan's Sustainable Development and Design Standards policies. Further supplementary planning guidance will be prepared to provide additional guidance on other key topics such as the development of micro generation energy production (see Appendix 3, p156).
- 2.18 The planning authorities will use conditions and legal agreements, produced at the expense of the applicant, to ensure that consented developments comply with the Local Plan's policies. In carrying out its planning function the CNPA will act in line with its Codes of Conduct, and ensure that all developments are carried out in line

with its obligations created through various legislation, such as the Nature Conservation (Scotland) Act 2004, which places a duty to further the conservation of biodiversity in carrying out its function.

Monitoring of the Local Plan

- 2.19 The Local Plan will be constantly monitored and the effectiveness of its policies and achievements checked. New legislation, National Planning Guidance, new plans and strategies and other forecasts and evidence may influence future development management decisions. Relevant information will be published and if appropriate, policies will be reviewed.

How to use the Local Plan

- 2.20 Developers should incorporate measures in their proposals to comply with the policies and any relevant supplementary guidance that has been published or referred to by the CNPA. The role of pre-application discussion, including with key consultees, can also be key in ensuring good quality proposals are submitted and can also assist in easing the journey of proposals through the planning process. All developers should discuss their proposal with the planning authority before submitting a planning application and consider the requirements of national guidance regarding community consultation provided in Planning Advice Note 81. This will help to ensure that developers obtain advice on:
- the most current information relating to planning policy;
 - other factors material to the determination of their proposal such as measures needed to avoid harmful environmental effects; and
 - what, if any, additional information they will be required to obtain and submit to the planning authority to allow their proposal to be determined.

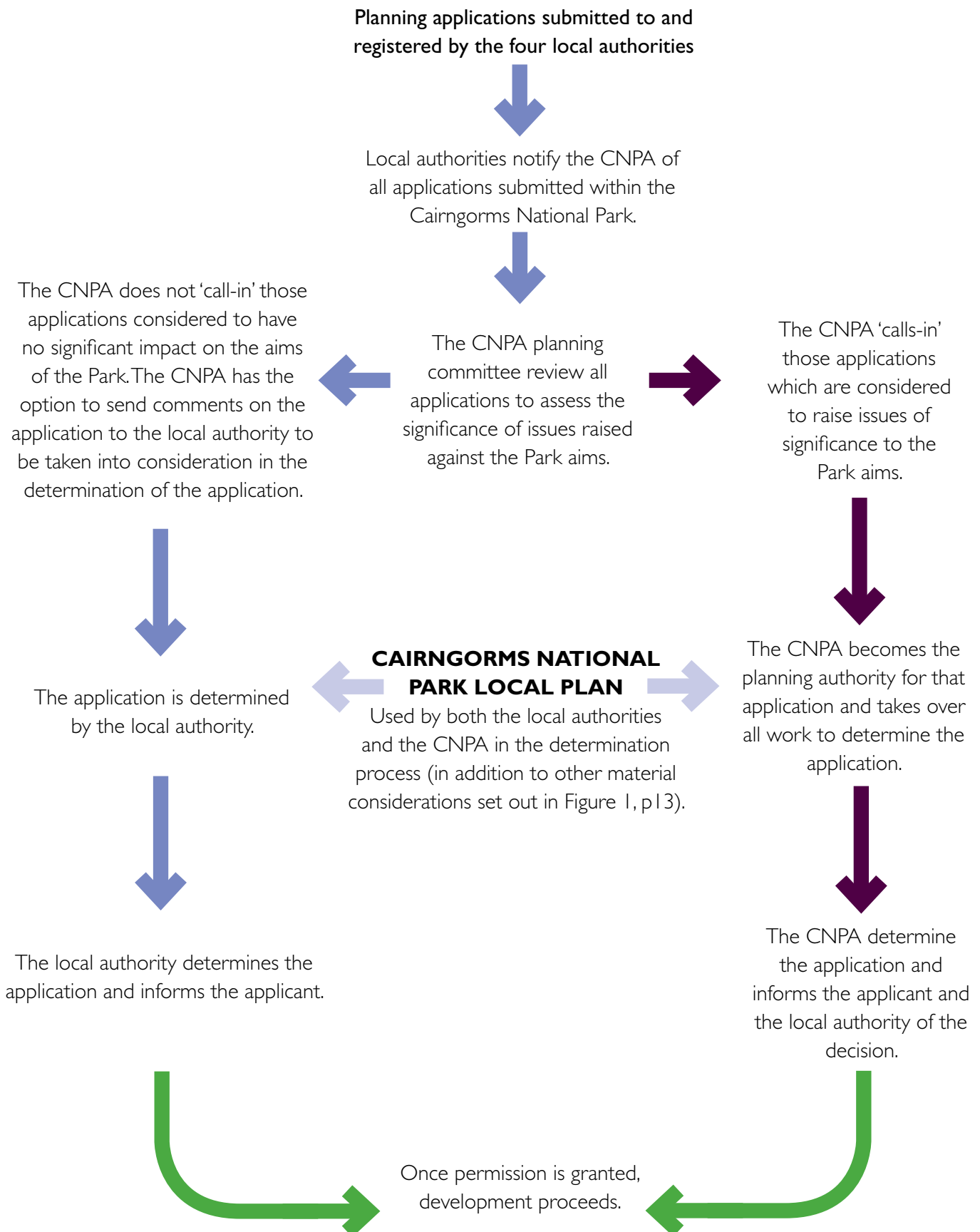
How to use the Local Plan

Everyone applying for planning permission must look at all of the policies in the Local Plan. Policies are not cross referenced. You must therefore make sure your proposal complies with all of the policies that are relevant.

The settlement maps identify sites proposed for particular types of development. In considering options for these sites, proposals must comply with all relevant policies, as well as working to achieve the four aims of the Park.

- 2.21 Supplementary planning guidance has been produced to provide additional guidance and information. These are listed in Appendix 3 (see p156). Developers are advised to refer to this guidance when preparing their applications.
- 2.22 Applications should be accompanied by any necessary supporting information. This could include traffic impact assessments, flood risk assessments, business plans, environmental impact assessments, habitat and species surveys or locational justification for the development.

Figure 2 How the Cairngorms National Park Local Plan will be used



Conserving and Enhancing the Cairngorms National Park



- 3.1 The Cairngorms National Park Plan acknowledges that the conservation and enhancement of the special qualities, which underpin the National Park's importance and attraction as well as much of its economy and communities, must form the basis of successful future management. To achieve this, it identifies a number of key areas on which to focus attention: conserving and enhancing the natural and cultural heritage; sustainable use of resources; and integrated land management.
- 3.2 The Local Plan aims to address these key areas through policy implementation, which reconciles appropriate forms of development whilst also conserving and enhancing the special qualities of the Park.
- 3.3 In addition to the National Park designation, much of the Park is covered by national or international designations or areas of particular importance for natural, cultural or earth heritage reasons which developers must consider when making any new proposals. All planning applications will be assessed against the impacts made on any important natural, cultural or earth heritage resources that might be affected by the proposed development.

POLICY I

Natura 2000 Sites

Development likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment in accordance with the Conservation (Natural Habitats, &c.) Regulations 1994. Where an assessment is unable to ascertain that a development will not adversely affect the integrity of the site, the development will only be permitted where:

- a) there are no alternative solutions; and
- b) there are imperative reasons of overriding public interest, including those of a social or economic nature.

Where the site has been designated for a European priority habitat or species, development will only be permitted where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Biodiversity

- 3.4 The policy applies to all proposed or designated Natura 2000 sites. Special Protection Areas (SPA), under the Wild Birds Directive, and Special Areas of Conservation (SAC) under the Habitats Directive, form the European network of sites known as 'Natura 2000'. They are intended to maintain and restore the distribution and abundance of species and habitats that are endangered, vulnerable, rare or otherwise require special attention.
- 3.5 The Conservation (Natural Habitats, &c.) Regulations 1994 place a duty on public bodies to meet the requirements of the EC Council Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive). Detailed advice on the requirements of the Directive is contained in SED Circular 6/1995 (revised June 2000). The Conservation (Natural Habitats, &c.) Regulations 1994 require that where a competent authority (either local authority or National Park Authority) concludes that a development proposal is likely to have a significant effect on a Natura 2000 site, it must undertake an appropriate assessment of the implications for the conservation interests for which the area has been designated. Further guidance on assessment of proposals affecting Natura 2000 sites is set out in Scottish Planning Policy and Appendix A of Annex E to Circular 6/1995.
- 3.6 In addition, wetlands of international importance for birds, listed through the Ramsar Convention on Wetlands, are given the same policy protection as Natura 2000 sites in the UK and are also considered under this policy. Sufficient information will be needed to enable the planning authority to properly consider the likely effects of the proposal on the integrity of the Ramsar site.
- 3.7 Map A of Appendix I (see p137) shows current SPAs, SACs and Ramsar sites within the Cairngorms National Park. Details of the sites can be obtained from the CNPA or Scottish Natural Heritage, and larger scale maps can be viewed at www.cairngorms.co.uk or made available on request. Of particular note within the Cairngorms National Park are the river SACs which, although difficult to depict on any map, potentially can have wide ranging implications for development.

IMPLEMENTATION AND MONITORING

- 3.8 This policy must be implemented by the planning authority wherever a proposal may affect a Natura 2000 site. Most development in the Cairngorms National Park takes place within the catchments of the rivers Dee and Spey, which are both designated as SACs. Many proposals will therefore have potential to affect those sites. However, it may in certain circumstances be possible to avoid or mitigate some of the potential adverse effects of developments so that the integrity of Natura sites is not adversely affected. Where this is not possible, planning permission can only be granted in the exceptional circumstance described by the Directive and the Habitats Regulations.
- 3.9 The precautionary principle should be applied where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence for believing that significant irreversible damage could occur. Where the precautionary principle is justified, modifications to the proposal which would eliminate the risk of irreversible damage should be considered. The precautionary principle should not be used to impede development unnecessarily. Where the development is constrained on the grounds of uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered.
- 3.10 The planning authority will consult Scottish Natural Heritage (SNH) for advice on both the need for appropriate assessment, and the specific requirements of individual assessments. When considering the need for an appropriate assessment, and in preparing appropriate assessments, the competent authority will take account of developments outwith the designated areas to assess possible impacts on the designation site. It will also take account of potential cumulative effects of other development proposals on Natura interests including those progressing through the planning system, and other plans and programmes. To assist in this assessment work, developers will be expected to provide the necessary information to allow the assessment to be undertaken by the competent authority. In granting any permission where an appropriate assessment has been necessary, suspensive conditions can only be attached if it has already been concluded that there would be no adverse effect on site integrity as a result of the development proceeding. Legal agreements may be used to supplement planning conditions to cover matters more appropriately secured by this mechanism.
- 3.11 Policy 1 applies to development proposals on sites proposed through the Local Plan as well as development proposals on sites not identified in Chapter 6 (see p79) of the Local Plan. The Local Plan has also been subject to an appropriate assessment before adoption. The planning authority will inform developers of any special requirements resulting from Natura interests or the appropriate assessment of the Local Plan during pre-application discussions or when the need for such requirements are recognised by the authority. The special requirements could include mitigation measures to avoid effects on Natura interests that would be imposed as conditions on planning consent, or particular information required by the planning authority to undertake an appropriate assessment of the specific development proposal.
- 3.12 The planning authority must satisfy itself that the development will not adversely affect the integrity of the site before granting any form of planning permission. Developers should therefore be aware of this position and the implications that this requirement might have on the need to carry out additional research to support any development proposal.

POLICY 2

National Natural Heritage Designations

Development that would adversely affect the Cairngorms National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where it has been demonstrated that:

- a) the objectives of designation and the overall integrity of the designated area would not be compromised; or
- b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance and mitigated by the provision of features of commensurate or greater importance to those that are lost.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Biodiversity
- Geodiversity
- Landscape, Built and Cultural Environment

3.13 The Cairngorms National Park, itself a national designation for its outstanding natural and cultural heritage, contains examples of all three of Scotland's national natural heritage designations. Sites of Special Scientific Interest (SSSIs) are areas of land (and land covered by water) that are considered by Scottish Natural Heritage (SNH) to be of special interest by reason of their natural features. They provide the foundation for a range of other natural heritage designations and are therefore at the core of national and international arrangements for the protection of species, habitats and geological or geomorphological features.

3.14 Scottish Natural Heritage has a duty under Section 3 of the Nature Conservation (Scotland) Act 2004 to notify SSSIs and all public bodies must take reasonable steps to further the conservation and enhancement of SSSIs when exercising their functions affecting SSSIs.

3.15 National Nature Reserves (NNRs) are areas where some of the best examples of Scotland's wildlife and landscapes are protected and managed. It is Scottish Natural Heritage's policy that each NNR must achieve at least one of three key purposes:

- to provide opportunities for everyone to visit and enjoy the best of Scotland's nature;
- to allow specialised management for wildlife which depends upon it; and
- to offer opportunities for long-term research into management for nature, and to demonstrate good practice to others.

3.16 National Scenic Areas (NSAs) are areas which are nationally important for their scenic quality, and for which special protection measures are appropriate. Within NSAs there are limitations placed on permitted development rights and further guidance on the most current restrictions should be sought from the planning authority. The Park contains two NSAs covering the Cairngorm Mountains and Deeside and Lochnagar and, under the terms of the SDD Circular 20/1980, planning authorities should have special measures to protect National Scenic Areas. Outwith the NSA boundaries, it is stated within the National Park Plan that an equivalent level of consideration will be given to the landscape throughout the whole Park.

3.17 Map B of Appendix I (p139) shows current SSSIs, and NNRs within the Cairngorms National Park. Map C of Appendix I (see p141) shows the areas covered by the two National Scenic Areas in the National Park. Details of these sites can be obtained from the CNPA or Scottish Natural Heritage.

Larger scale maps can be viewed at www.cairngorms.co.uk or made available on request.

IMPLEMENTATION AND MONITORING

- 3.18 This policy protects nationally designated sites from development that would compromise their integrity or objectives, unless the development proposal would have social or economic benefits of national importance. When assessing the potential effects of development proposals on national designations, the planning authority will take account of potential cumulative effects on the designated natural heritage interests and the impact on habitat networks which link designated sites and are affected by development. In implementing this policy mitigation will be taken to mean the undertaking of measures to prevent or reduce to an acceptable level, the impact of a development. The policy applies to developments affecting these sites, whether or not they are inside or outside the boundary of the designated area.
- 3.19 The precautionary principle should be applied where the impacts of a proposed development on nationally or internationally significant landscape, or natural heritage resources, are uncertain, but there is sound evidence for believing that significant irreversible damage could occur. Where the precautionary principle is justified, modifications to the proposal, which would eliminate the risk of irreversible damage, should be considered. The precautionary principle should not be used to impede development unnecessarily. Where the development is constrained on the grounds of uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered.
- 3.20 The policy will be monitored by review of planning consents and refusals for proposals that could affect any of these designations.

POLICY 3

Other Important Natural and Earth Heritage Sites and Interests

Development that would adversely affect an ancient woodland site, semi-natural ancient woodland site, Geological Conservation Review site, or other nationally, regionally or locally important site recognised by the planning authority will only be permitted where it has been demonstrated that:

- a) the objectives of the identified site and overall integrity of the identified area would not be compromised; or
- b) any significant adverse effects on the qualities for which the area or site has been identified are mitigated by the provision of features of commensurate or greater importance to those that are lost.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Biodiversity
- Geodiversity

- 3.21 The outstanding natural heritage of the Cairngorms National Park is reflected in both the national and international designations in the Park and throughout the other habitats, species and geodiversity present within it. Many of these other habitats, rocks or landforms are also nationally important due to their rarity or fragility. It also plays a key role in supporting the economy of the Park.
- 3.22 Long-established woodlands provide some of the most ecologically diverse habitats in the UK and can take hundreds of years to develop. Once an area of long-established woodland has been lost it is impossible to replace it with as diverse a habitat. It is therefore important that wherever possible,

areas of long-established woodland, which have the greatest capacity to support mature woodland habitats and species, are not lost to development.

3.23 The Ancient Woodland Inventory records areas of woodland or plantation that are on sites where woodland or plantation was recorded on General Roy's 1750 Maps or the Ordnance Survey's First Edition maps of 1860. The Semi-natural Ancient Woodland Inventory records areas of semi-natural woodland that were present during the 1970s on areas identified by the Ancient Woodland Inventory. Map D of Appendix 1 (see p 143) shows sites included in the Semi-natural Woodland Inventory and Ancient Woodland Inventory within the National Park. Details of the sites can be obtained from the CNPA or Scottish Natural Heritage. There is a recognition that much of this information is desk based data, and the policy will be implemented in a way which allows site inspections and specialist advice to inform the decision making process. Larger scale maps can be viewed at www.cairngorms.co.uk or made available on request.

3.24 A number of sites within the Cairngorms National Park are considered to be nationally important because of their geology or geomorphology and have been recorded through the Geological Conservation Review (GCR). GCR sites are intended to highlight the best examples of a range of geological and geomorphological features in the UK. Some GCR sites are designated as geological Sites of Special Scientific Interest, or form parts of other SSSIs. Larger scale maps can be viewed at www.cairngorms.co.uk or made available on request.

3.25 In addition to these national records and inventories of sites, local authorities, NGOs and other organisations recognise a range of sites that have natural heritage interest or importance. These may include non-statutory

Nature Reserves and Sites of Interest to Natural Science (SINS) in Aberdeenshire and Moray. Larger scale maps can be viewed at www.cairngorms.co.uk or made available on request.

IMPLEMENTATION AND MONITORING

3.26 This policy is intended to prevent loss of nationally, regionally or locally important natural or earth heritage sites that are not afforded special protection by designation. However, some of these identified areas would not pass the rigorous assessment process to become designated sites and therefore they are not all equally important examples or sensitive sites. When making decisions on proposals that would affect these sites, the planning authority will take into account the quality of the interests of the site and its contribution to the wider network of sites, in addition to the direct effects of the development proposal. Supplementary planning guidance will be produced which will assist in the implementation of this policy.

3.27 For clarity, commensurate will be taken to mean a replacement habitat which has the capacity to support the genetic integrity and size of population, have the same level of connectivity and the same level of complexity.

3.28 The policy will be monitored by reviewing planning permissions affecting sites and the impact they have on loss of areas of habitat or sites including any cumulative impacts.

POLICY 4

Protected Species

Development that would have an adverse effect on any European Protected Species will not be permitted unless:

- a) there are public health, public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment; and
- b) there is no satisfactory alternative solution; and
- c) the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

In addition, development should avoid any adverse impact of proposals on species listed in Schedules 1, 5 and 8 of the Wildlife & Countryside Act 1981, as amended, Annexes II and V of the EC Habitats Directive and Annex I of the EC Birds Directive.

IMPLEMENTATION AND MONITORING

3.30 This policy ensures that the effects of development proposals on protected species, including any cumulative impacts, are fully considered by the planning authority. Developers will be required to undertake any necessary surveys for species at their own cost and to the satisfaction of SNH and the planning authority. If there is reason to believe that a European Protected Species or its breeding site or resting place may be present on a site, any such presence and any likely effects on the species shall be fully ascertained prior to the determination of the planning application.

3.31 The policy will be monitored by reviewing planning permissions and the impact they have on protected species, and through consultation with SNH.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Biodiversity

3.29 A number of species are protected by law and are listed through Schedules 1-8 of the Wildlife & Countryside Act 1981, Schedules 2, 3 & 4 of the Conservation (Natural Habitats, &c.) Regulations 1994 (known as the Habitats Regulations) and the Protection of Badgers Act 1992. For some species a licence is required before it, or its habitat, can be disturbed and these are available from the Scottish Government. Licences for scientific, research or educational purposes are available from SNH.

POLICY 5 **Biodiversity**

Development that would have an adverse effect on habitats or species identified in the Cairngorms Local Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, including any cumulative impact will only be permitted where:

- a) the developer can demonstrate to the satisfaction of the planning authority, that the need and justification for the development outweighs the local, national or international contribution of the area of habitat or populations of species; and
- b) significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and/or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.

Where there is evidence to indicate that a habitat or species may be present on, or adjacent to, a site, or could be adversely affected by the development, the developer will be required to undertake a comprehensive survey of the area's natural environment to assess the effect of the development on it.

3.32 Biodiversity means 'the total variety of all living things.' The Nature Conservation (Scotland) Act 2004 places a duty on all public bodies to 'further the conservation of biodiversity' as they carry out their work, and this is directly relevant to the work performed by planning authorities. Therefore it is important that the value of habitats and species is considered in all planning decisions, and appropriate measures to conserve and enhance biodiversity are implemented through the planning process. Together with the above, the implementation of the policy will be carried out to take account of National Planning Policy Guideline 14 and Planning Advice Note 60.

3.33 Protected areas and protected species play an important role in conserving biodiversity through giving legal protection to some of the rarest or best examples of habitats and species. However, the Cairngorms National Park has many other habitats, networks of habitats, species of habitats and species that are not protected, but that are also important to the biodiversity and ecosystems of the Park. Developments which enhance or restore such habitats, habitat networks and species, will be encouraged.

3.34 The Cairngorms Local Biodiversity Action Plan, UK Biodiversity Action Plan and Scottish Biodiversity List, all note habitats and species that are of particular importance to the Cairngorms National Park, Scotland, the UK and Europe. The particular conditions in the Park mean some habitats and species may be common within the National Park but very rare elsewhere, making the Park even more important to the long-term survival of that habitat or species.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Biodiversity

IMPLEMENTATION AND MONITORING

- 3.35 This policy is intended to ensure that development does not weaken the overall integrity and connectivity of the ecosystems of the Cairngorms National Park. The planning authority will assess the direct, indirect and cumulative effects of development proposals on habitats, networks and species.
- 3.36 Developments should therefore conserve and enhance natural and semi-natural habitats for the ecological, recreational, landscape and natural heritage values, including water bodies, watercourses, wetlands, peat and river corridor habitats.
- 3.37 Developers should address issues of biodiversity as early as possible in their own development planning and incorporate suitable measures in the development. The Cairngorms National Park Authority has published a leaflet titled 'Biodiversity Planning Guidance: Note for the Householder' that provides more information – see www.cairngorms.co.uk
- 3.38 For clarity, commensurate will be taken to mean a replacement habitat which has the capacity to support the genetic integrity and size of population, have the same level of connectivity and complexity.
- 3.39 This policy will be monitored by reviewing planning permissions and assessing priority habitats and networks and species affected by development. To assist in this monitoring work the Cairngorms National Park Authority will continue to support improvements to the evidence base and data collection carried out by the CNPA, its partners and others. Reference should be made to strategic objective 5.1j of the Cairngorms National Park Plan.

POLICY 6

Landscape

There will be a presumption against any development that does not complement and enhance the landscape character of the Cairngorms National Park, and in particular, the setting of the proposed development.

Proposed development that does not complement and enhance the landscape character of the Park and the setting of the proposed development will be permitted only where:

- a) any significant adverse effects on the landscape character of the Park are clearly outweighed by social or economic benefits of national importance; and
- b) all the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction to the satisfaction of the planning authority.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Landscape, Built and Cultural Environment

- 3.40 The diverse and spectacular landscapes are one of the Park's key assets and the distinctive character of the landscape is one of the reasons for the creation of the Park itself. The designated area, as a whole, must be treated as a national designation to ensure any development occurs in a way which reflects the designation as a National Park, and to ensure that it meets the terms of the Cairngorms National Park Plan.
- 3.41 The Cairngorms National Park has been systematically surveyed and described in two assessments. The Cairngorms Landscape

Character Assessment, undertaken on behalf of SNH in 1996 (LCA), identifies and describes the characteristics of the landscape in different parts of the National Park. The Historic Landscape of the Cairngorms, undertaken on behalf of RCAHMS and Historic Scotland in 2001, uses the Historic Landuse Assessment (HLA) and National Monuments Record of Scotland (NMRS) to identify general patterns in the historic parts of the landscape. It provides a tool to help record, understand and interpret the Park's cultural heritage. In addition, the LCA is currently being revisited. On completion it will replace the 1996 work and form Supplementary Planning Guidance in support of the Local Plan.

IMPLEMENTATION AND MONITORING

- 3.42 The Cairngorms National Park Plan highlights the importance of the sense of wildness that can be experienced in the Park and has a strategic objective for its conservation and enhancement. The Park Plan also recognises that some activities and forms of development can affect the sense and experience of wildness by introducing new sights, sounds or patterns in the landscape. The role of appropriate land management in protecting the landscape is also highlighted in the Park Plan.
- 3.43 In many parts of the Park people can experience a sense of wildness that is related to the landscape character; the habitats, views, location and feeling of remoteness. Although people's perceptions of wildness may vary, there are clearly parts of the Park where a combination of the landscape character; a sense of remoteness or a perceived absence of recent development can combine to create a sense of wildness. The impact of development on such areas is important, and the wildness of different parts of the National Park is being assessed by the CNPA. This work will directly assist in the implementation of this policy.
- 3.44 The quality of the dark night skies in the Park is highlighted in the Park Plan as contributing significantly to the sense of wildness that can be experienced. The planning authority will therefore ensure that all developments minimise light pollution by seeking the minimum level of light provision in developments for security, safety and operations as well as minimising light spillage from developments.
- 3.45 The planning authority will use the Cairngorms LCA, landscape framework and any revisions or additions, to inform planning decisions using this policy. In addition, due regard will be given to the obligations established under the European Landscape Convention regarding the impact of development on landscape. Specialist professional advice will be sought as appropriate to inform the decision-making process. The planning authority will also use the HLA to help identify potential issues with the historic environment and will seek appropriate advice where necessary.
- 3.46 The planning authority will ensure that developments are sited, designed and constructed of materials which make a positive contribution to the special landscape qualities of the Park. Developers should consider this requirement at the outset of a project and should seek appropriate advice on how best to choose a site and design their proposal. Relevant advice can be found in the Scottish Government publications 'Designing Places: A Policy Statement for Scotland', Planning Advice Note 72 'Housing in the Countryside' and Planning Advice Note 68 'Design Statements'.
- 3.47 The landscape character of the Park includes its distinctive landscape features, scenic qualities, natural beauty, amenity, historic landscapes and qualities of wildness.
- 3.48 The policy will be monitored by reviewing planning permissions and assessing individual and cumulative effects of development on the landscape.

POLICY 7

Gardens and Designed Landscapes

Development affecting a Garden or Designed Landscape as identified by Historic Scotland, should protect, preserve and, where possible, enhance its character or any features of special historic interest which it possesses.

There will be a presumption against development that would adversely impact on the character, or important views to, from, within or on the site or setting of component features which contribute to their value. Any significant adverse impacts will be satisfactorily mitigated and must be clearly outweighed by social and economic benefits.

- 3.50 Map C of Appendix I (see p141) shows sites in the Inventory of Gardens and Designed Landscapes within the Park. Details of the sites can be obtained from the CNPA or Historic Scotland. Larger scale maps can be viewed at www.cairngorms.co.uk or can be made available on request.

IMPLEMENTATION AND MONITORING

- 3.51 This policy will be implemented through consultation with Historic Scotland where required. The planning authority will also consider the effects of a proposal on historic gardens and designed landscapes that are not listed in the Inventory and will apply the provisions of the policy to such sites.
- 3.52 The policy will be monitored by review of the impact of planning permissions on historic gardens and designed landscapes and through consultation with Historic Scotland.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment

- 3.49 The Cairngorms National Park contains many examples of gardens and estates that contribute to the historic and cultural interest and overall appearance of the landscape. Some of these sites are listed in the Inventory of Gardens and Designed Landscapes, maintained and updated by Historic Scotland, and last published March 2007. Under Article 15 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 as amended (Circular 4/2007), planning authorities must consult Historic Scotland on any development proposals that may affect a site contained in the Inventory.

Cultural Heritage and the Historic Environment

3.53 The Cairngorms National Park has a rich cultural heritage, ranging from archaeological remains to internationally significant listed buildings and important architectural and historic townscapes. The Park also has other buildings, features or sites that have a historic importance or cultural heritage value which are not yet systematically or officially recorded. All such features will, in due course, be reported on the Sites and Monuments Records/Historic Environment Records which is continually updated by the local authorities for the benefit of all.

3.54 The conservation and enhancement of all the elements which contribute to the cultural heritage of the Park, form an intrinsic part of the first aim of the National Park. The Cairngorms National Park Plan recognises that physical records of the Park's cultural heritage are important to the Park, stating: 'This cultural record is one of the most valued qualities of the Park. The physical heritage needs greater repair and maintenance to secure its long-term conservation and enhancement of both sites and their settings'.

POLICY 8

Archaeology

There will be a presumption in favour of preserving in situ Scheduled Monuments and other identified nationally and regionally important archaeological resources, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting will not be permitted unless there are exceptional circumstances.

All other archaeological resources will be preserved in situ wherever feasible. The planning authority will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications.

The developer may be requested to supply a report of an archaeological appraisal prior to determination of the planning application. Where the case for preservation does not prevail, the developer will be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development.

recorded with NMRs (National Monuments Record of Scotland) or SMR/HER (Sites and Monuments Records/Historic Environment Records). These may be fragile and an irreplaceable resource. Many of these sites, though not all, are identified in the NMRS and more still are identified through local authorities' Sites and Monuments Records.

- 3.56 All of these sites, whether scheduled or not, are fragile and irreplaceable. It is important that the setting of archaeological sites is safeguarded in addition to their physical integrity. Scottish Planning Policy (SPP) states that where planning permission is required for works to a Scheduled Monument, the protection of the monument and its setting are important considerations. Development which will have an adverse effect on a Scheduled Monument or the integrity of its setting should not be permitted unless there are exceptional circumstances.

IMPLEMENTATION AND MONITORING

- 3.57 The planning authority will take into account the potential effect of development proposals on all known archaeological sites in making decisions. They will follow the guidance of SPP, Planning Advice Note 42, Scottish Historic Environment Policy (SHEP, 2009) and any other relevant national guidance, and specialist archaeological advice.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment

- 3.55 The Cairngorms National Park has many nationally important archaeological sites and monuments that are scheduled and protected by the Ancient Monuments and Archaeological Areas Act 1979. There are also many other sites and monuments of regional or local significance, which contribute to the cultural heritage found within the Park and sites which are not

- 3.58 This policy will be monitored by reviewing planning permissions and the impact they have on archaeological sites. The impact made by conditions attached to consents and permissions will also be analysed.

POLICY 9

Listed Buildings

There will be a presumption in favour of development that preserves a listed building, or its setting, or any features of special architectural or historic interest which it possesses.

The layout, design, materials, scale, siting and use of any development will be appropriate to the character and appearance of the listed building and its setting.

Where a listed building is in serious risk of collapse or irrevocable decay, enabling development may be considered where all alternative means of funding or enabling have been exhausted and the proposal will secure the preservation of the building. Any such development will be the minimum required to secure the buildings restoration.

Proposals for the total demolition of a listed building, or substantial demolition of parts of it which have particular architectural

merit, will only be permitted where it is demonstrated beyond reasonable doubt to the planning authority that every effort has been exerted by all concerned to find practical ways of retaining it, or where the demolition relates to parts of the building that do not have, or detract from the special interest of the building. This will be demonstrated by inclusion of evidence to the planning authority that the building:

- a) has been actively and appropriately marketed at a reasonable price and for a period reflecting its location, condition and possible alternative uses without finding a purchaser; and
- b) is not able to be physically repaired and re-used through the submission and verification of a thorough structural condition report, produced by a qualified structural engineer.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment

3.59 The role which can be played by listed buildings in furthering the first aim of the Park in relation to conserving and enhancing the cultural heritage of the Park cannot be understated. Listed buildings give a reference to the past which is often recognisable to many, creating an attractive and interesting built environment. This produces an atmosphere which is important to the economy and can demonstrate sustainability and longevity within the development process.

3.60 Buildings of special architectural or historic interest are listed by the Scottish Ministers and divided into categories A, B or C. Listing ensures that any demolition, alteration, repair or extension, that would affect the building's special interest, is controlled. There are more than 400 listed buildings in the Cairngorms National Park that are an important element of its rich cultural heritage.

3.61 When determining planning applications, Sections 14(2), and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 place a duty on planning authorities to have special regard to the desirability of preserving a listed building, or its setting, or any features of special architectural or historic interest which it possesses. Scottish Planning Policy (SPP) provides the national policy context for

listed buildings and is a material consideration in the determination of planning applications. The Scottish Environment Historic Policy (SHEP) series produced by Historic Scotland provides advice on listed building consent matters.

IMPLEMENTATION AND MONITORING

- 3.62 This policy will be implemented through the full consideration of the relevant provisions of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, SPP and the SHEP series. The planning authority will seek specialist advice on these matters, as appropriate, including valuation information from the District Valuer.
- 3.63 Where enabling development is considered appropriate, any such development will be tied to the renovation of the listed building through a Section 75 agreement to ensure that funds are successfully channelled into the conservation of the building.
- 3.64 This policy will be monitored by reviewing planning permissions affecting listed buildings, use of conditions in consents and how these impact on listed buildings, their setting and their integrity.

POLICY 10

Conservation Areas

Development within a conservation area, or affecting its setting, will preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared.

The design, materials, scale, layout and siting of any development will be appropriate to the character and appearance of the conservation area and its setting.

Given the importance of assessing design matters, outline planning applications will not be considered appropriate for developments in conservation areas.

Where an existing building within a conservation area contributes positively to its character, demolition will only be permitted where it is demonstrated beyond reasonable doubt to the planning authority, that every effort has been taken to secure its long-term future, without success. In such instances, proposals for demolition will not be considered in the absence of a detailed planning application for a replacement development that enhances or preserves that character. Demolition will not begin until evidence is given of contracts let for the approved development.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment

- 3.65 Conservation areas are areas of special architectural or historic interest where it is important to preserve or enhance their character or appearance. The main implication of designation is that consent will be required for specific types of

development that would not otherwise require it. This level of control can, in certain circumstances be extended through the introduction of an Article 4 Direction.

- 3.66 Within the Cairngorms National Park, the role of conservation areas is important in fulfilling the first aim of the Park in relation to its cultural heritage. Within the Park, interesting and architecturally significant highland settlements can be found, which reflect key historical events, and their preservation and enhancement is important to the overall integrity of the Park's cultural heritage and to promoting the economy of rural areas.
- 3.67 There are four designated conservation areas in the Cairngorms National Park – Ballater, Braemar, Inverey and Grantown-on-Spey. The Cairngorms National Park Authority will work with the four local authorities to consider and consult on proposals for the future designation of conservation areas in other locations.

IMPLEMENTATION AND MONITORING

- 3.68 The policy will be implemented through full consideration by the planning authority of the relevant provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Planning etc (Scotland) Act 2006, Scottish Planning Policy and the Scottish Historic Environment Policy 2009.
- 3.69 In line with the protection given to trees in conservation areas through the above legislation, removal of such trees will only be considered appropriate in exceptional circumstances. Notification to remove, or topping or lopping of trees within conservation areas, should be made to the planning authority, who will then assess the contribution that tree makes to the character of the Conservation Area.

- 3.70 In preparing any conservation area appraisal or management plan, the planning authority will carry out full and comprehensive public consultation to ensure appropriate future arrangements are secured for these areas.
- 3.71 This policy will be monitored by reviewing planning permissions affecting conservation areas and use of conditions in consents.

POLICY 11

The Local and Wider Cultural Heritage of the Park

There will be a presumption against development that does not protect or conserve and enhance a site, feature, or use of land of local or wider or cultural historic significance, or its setting.

Any development that would adversely affect a site, feature, or use of land of local or wider cultural or historic significance or its setting, will take reasonable measures to avoid, minimise and mitigate those effects.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Culture and Traditions

- 3.72 The National Parks (Scotland) Act 2000 defines cultural heritage as including: 'structures and other remains resulting from human activity of all periods, language, traditions, ways of life and the historic, artistic and literary associations of people, places and landscapes'. The Cairngorms National Park contains many such examples that are not yet protected by designation or recorded systematically or officially. These include features such as military roads, wells, caves, trees and in particular heritage and veteran trees, traditional places of recreation or meeting, traditional or vernacular architecture, ruins or places mentioned in folklore or local history. Planned villages, including Tomintoul, Kingussie and Newtonmore, are also of historic and architectural interest. They clearly contribute to the cultural heritage of the Park and should be taken into account in planning decisions.

IMPLEMENTATION AND MONITORING

- 3.73 This policy reinforces the direction of the National Parks (Scotland) Act 2000 by ensuring that the cultural heritage of the Park is explicitly considered in planning decisions. The policy will be used to ensure that wherever a development proposal is likely to affect a site of local or wider cultural heritage significance to the Park, the importance of the site, feature or use of land is considered appropriately and that every reasonable step in line with the first aim of the Park is taken.
- 3.74 Where such assessments bring to light a site, or feature of sufficient merit, the Cairngorms National Park Authority will work with the appropriate bodies to secure the appropriate level of designation or scheduling, thus offering additional protection for the future.
- 3.75 The policy relies on information being available during the period when a planning application is being considered and will require a reliable form of documentary evidence for the importance or significance of the site, feature, or use of land. It will not however impose on any applicant the need for specialist survey work or additional detailed documentation, unless initial surveys reveal information which implies cultural heritage importance.
- 3.76 It will be monitored through analysis of planning permissions and their impact on recognised or potential sites or features of cultural heritage significance, and on the future recording of such sites or features in a co-ordinated way.

Sustainable Use of Resources

POLICY 12

Water Resources

A Use of Resources

There will be a presumption against development which does not meet all of the following criteria:

- 1) minimises the use of treated and abstracted water;
- 2) does not result in the deterioration of the current or potential ecological status or prejudice the ability to restore water bodies to good ecological status;
- 3) treat surface water and foul water discharge separately and in accordance with SUDS Manual Ciria C697;
- 4) have no significant adverse impact on existing or private water supplies or wastewater treatment services.

B Flooding

There will be a presumption against development which does not meet all of the following criteria relating to flooding:

- 1) be free from significant risk of flooding;
- 2) does not increase the risk of flooding elsewhere;
- 3) does not add to the area of land that requires flood prevention measures;
- 4) does not affect the ability of the functional floodplain to store or move flood waters.

Note: Development in areas susceptible to flooding will require a developer-funded flood risk assessment, carried out by a suitably qualified professional.

C Connection to sewerage

There will be a presumption against development which is not connected to the public sewerage network unless:

- 1) it is in a small settlement (population equivalent less than 2000), where there is no, or a limited, collection system, in which case a private system may be permitted where it does not pose or add to a risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or the amenity of the area; or
- 2) it is in a larger settlement (population equivalent over 2000) where connection is currently constrained but is within the Scottish Water investment programme.

In such cases:

- systems must be designed and built to a standard to allow adoption by Scottish Water;
- systems must be designed so that in the future, they can be easily connected to the public sewer.

Where a private system is acceptable (within small settlements or small-scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with the Scottish Building Standards Agency Technical Handbooks should be explored prior to considering a discharge to surface waters.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Water
- Biodiversity

3.77 Appropriate management of the headwaters in the National Park is key to the protection of the river systems that flow from it. The protection of water resources is therefore a key objective of the Park Plan, which highlights the need for all development to make the most sustainable use of resources, including water resources. The need to protect and enhance the water environment has been reinforced by the EC Water Framework Directive, which established a legal framework for the protection, improvement and sustainable use of all water bodies across Europe and the Local Plan is key to the delivery of this Directive. The Water Environment and Water Services (Scotland) Act 2003 implemented the Directive in Scotland. The Act also designated the National Park Authority as a 'responsible authority', introducing legal duties to ensure compliance with the Water Framework Directive aims and objectives, as well as a requirement to promote sustainable use of water resources and sustainable flood management. The Water Framework Directive introduces a number of new measures to ensure a higher standard of care for the water environment, including the production of River Basin Management Plans (RBMPs). The National Park lies within the North East Scotland and Tay areas for river basin planning.

3.78 Additional guidance on planning and the water environment is provided through Scottish Planning Policy, Planning Advice Note 79 Water and Drainage, Planning Advice Note 61 Sustainable Urban Drainage, SEPA policy WAT-PS-06-08 on the provision of wastewater drainage in settlements, and also Water Environment (Controlled Activities)

(Scotland) Regulations 2005 (as amended), Sewers for Scotland Manual 2nd edition, and Drainage Assessment – A Guide for Scotland (SUDSWP). This wide range of guidance focuses on improving the current situation, and ensuring that new development gives proper consideration to the impacts of water, in terms of its provision, disposal, and management. Reference should also be made to the rivers Spey and Dee Catchment Management Plans. Further information can also be obtained from SEPA regarding licences, and other controlled works.

IMPLEMENTATION AND MONITORING

3.79 The policy will be used to ensure that new development or engineering works requiring planning permission will not have significant adverse effects on the water environment of the Cairngorms National Park and areas around it. The water environment encompasses the water quality, quantity, hydrology, hydromorphology and aquatic ecology of water bodies, river systems, wetlands and groundwater.

3.80 It is national policy that development should not occur on the functional floodplain (areas with a 0.5 per cent or greater chance of flooding per year or the 1 in 200 year flood). Developers should consult SEPA's Flood Risk Maps (see www.sepa.org.uk – flooding/mapping section) to help determine whether they will be required to fund a flood risk assessment. These maps show indicative flood risk areas that should be avoided wherever possible. However, the maps do not provide accurate information about the likelihood of flooding on individual sites and are used to guide development to suitable sites and identify areas where more detailed information is required.

3.81 The Local Plan avoids allocating sites for development in areas at risk of flooding wherever possible. However, in some

locations, the Local Plan identifies land where there is uncertainty about the risk of flooding. In such cases the Local Plan highlights the need for developers to fund detailed flood risk assessments. For clarity development in areas susceptible to flooding are as defined by SPP, SEPA's Flood Risk maps, or other flood risk information.

3.82 Wherever it is considered reasonable by the planning authority in consultation with statutory consultees, new development may be required to connect to public water supplies and wastewater treatment networks. Where this is either not possible or is unreasonable due to a lack of capacity or other constraints within the public systems, alternative and or interim measures may be permitted where they are demonstrated to comply with best practice and relevant standards. Wherever possible, new or upgraded water supplies, water treatment facilities and wastewater treatment facilities should utilise the lowest impact solutions in terms of chemical and energy use and effects on the environment.

3.83 It is also key to the success of this policy that there is general recognition that almost all the Park lies within the catchment of three river SACs and, as such, almost all proposals that involve water abstraction and wastewater treatment must comply with the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended.

3.84 The submission of a Drainage Impact Assessment will be required where appropriate in line with Drainage Assessment – A Guide for Scotland.

3.85 Appropriate maintenance arrangements will also be required to be in place prior to the commencement of development. Such arrangements should consider joint systems with a shared maintenance regime to reduce any possible environmental impacts.

3.86 In relation to the work of statutory undertakers, a variety of permitted development rights exist to allow certain works to occur without the need for permission. For further information, these fall within Class 38 of the General Permitted Development Order as amended.

3.87 To monitor the effects of this policy, and the impact it has on water resources within the Cairngorms National Park, development proposals will be assessed for their recognition of the importance of this resource, and in particular how new developments progress methods of conservation as identified through the Sustainable Design Guide.

POLICY 13

Mineral and Soil/Earth Resources

A Minerals

There will be a presumption against approvals for new mineral extraction or processing and any extension to existing development unless:

- 1) the developer can demonstrate the market within the Cairngorms National Park where the extracted or processed material will be used or provide other social or economic benefits; and
- 2) no suitable and reasonable alternatives to the material are available; or
- 3) the material furthers conservation or restoration of the distinctive landscape character and built environment of the Park as set out in the Cairngorms National Park Plan.

Developers must incorporate measures to minimise potential effects on the environment and communities and ensure appropriate restoration, aftercare, and after use. Bonds will be used where appropriate and secured by a Section 75 Agreement.

Development likely to prevent the future viable extraction of a workable mineral reserve will only be permitted where:

- 1) there is no alternative site for the development; and
- 2) the value of the development to the delivery of the aims of the Park is considered to outweigh the value of the mineral resource; and
- 3) the opportunity has been provided for the extraction of the mineral resource before the development commences.

B Soil and Peat

New areas of commercial peat extraction will not be permitted.

All development must avoid unnecessary disturbance of soils, peat and any associated vegetation. Where disturbance is necessary, best practice must be adopted in their movement, storage, management and reinstatement.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Geodiversity
- Biodiversity
- Water

3.88 National guidance is provided in Scottish Planning Policy (SPP) which requires Local Plans to minimise significant negative impacts from mineral extraction on the amenity of local communities, the natural heritage and historic environment and other economic sectors important to the local economy, and should encourage sensitive working practices during extraction.

3.89 **Minerals** – The need to extract some minerals for development, and the economic benefits gained from extraction and processing minerals, must be carefully considered in the Cairngorms National Park. The Park and its immediate surroundings have a market need for a number of mineral products, principally aggregates for the construction industries, which can be met by local mineral workings. However, mineral extraction can have a wide range of negative environmental impacts that may harm the special qualities of the National Park. Although the main mineral resources currently extracted commercially are sand,

gravel and hardrock, in the future other deposits may become commercially viable and the safeguarding of these deposits is an important consideration in any future planning.

- 3.90 Soil** – The Cairngorms National Park has a rich diversity of soils, from the agricultural soils, to undisturbed patterns of often fragile soils extending under ancient woodland, moorland, mountain slopes and summits. Most forms of development and change in land use will disturb soils and affect their physical, chemical and biological characteristics. All developments must carefully consider their impact on this valuable resource.
- 3.91 Peat** – The Cairngorms National Park also has large areas of mire and fen which store and create peat. In addition to the direct ecological value of the peat-forming habitats, all areas of peat play a role in the world's climate through storing carbon. The removal or disturbance of peat allows release of carbon to the atmosphere which may contribute to global climate changes. Commercial extraction of peat for sale involves large-scale stripping of layers of peat using machinery. The practice removes peat far faster than it can form, is ecologically destructive and releases a large amount of carbon dioxide into the atmosphere, which may contribute to global climate change. All developments must carefully consider their impact on this valuable resource.

IMPLEMENTATION AND MONITORING

- 3.92** The policy will be used to ensure that soil and mineral resources within the Cairngorms National Park are used in the most sustainable manner. In order to minimise potential negative effects on the environment of the Park and minimise the transportation of materials from the National Park to other areas, developments will need to demonstrate that there is a market within the Park or its surrounding areas, or that the Park will derive other social or economic benefits, and that there are no suitable alternative (and lower impact) solutions available. In the implementation of this policy, planning authorities will employ the most up to date best practice methods, in accordance with SPP. The policy will be monitored by reviews of planning permissions for minerals developments.
- 3.93** The impact of any further peat extraction from existing sites will be monitored to assess the environmental impact of works, both on the site and its surroundings.
- 3.94** The planning authority may use conditions to ensure that developments avoid unnecessary disturbance of soils and peat and employ best practice for the movement, storage, management and reinstatement of soils, peat and vegetation. Conditions attached to mineral permissions will be reviewed every 15 years, in accordance with SPP, Circular 34/1996 and Circular 1/2003. Developers may be required to prepare a soil management statement to describe the soils management measures that will be adopted. The detail and complexity of the management statement will be determined by the size and complexity of the proposed development.

POLICY 14

Contaminated Land

Development proposals on land that is contaminated, or suspected of being contaminated, will be approved where:

- a) if the risk is considered to be significant, investigations and assessments, including site specific risk assessments, are submitted with planning applications to identify actual or potential significant risks to human health and safety associated with the current condition of the site, and how contaminants currently interact with the surrounding ecosystem and the Cairngorms National Park's special qualities; and
- b) assessments are undertaken to identify actual and potential impacts, on site and off site, of all stages of development proposals on the risks to human health and also to the Park's biodiversity, geodiversity, hydrology and other special qualities; and
- c) effective remedial action, including action controlling and limiting the release of contaminant to the surrounding environment, is taken to ensure that the site is made suitable for the development proposal use and potential reuse by other development, and that there are no significant detrimental effects on the Park's special qualities on or off site.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Conserving and Enhancing the Natural and Cultural Heritage

3.95 National Policy is provided in Planning Advice Note 33 Development of Contaminated Land and, in support of this the National Park Plan, identifies the importance of conserving and enhancing landscape and natural heritage when considering new developments of all forms.

3.96 Contaminated land is land where current or previous land uses have led to a local build up of pollutants in the ground. There may be sites within the Cairngorms National Park where current or previous uses have led to contamination or suspected contamination. Wherever possible, contaminated land should be restored to remove potential threats to human health or natural systems within the Park. The local authorities have strategies for the identification and treatment of contaminated land, and SEPA can also provide advice on the identification and treatment of contaminated sites within the water environment.

IMPLEMENTATION AND MONITORING

3.97 The assessment of contaminated land is key to ensuring that appropriate measures are included within designs to ensure the necessary mitigation steps are included from the outset. It is important that developers provide, at their own expense, the planning authority with adequate investigations and assessments of the impact their developments will have on the site, and the impact these may have on human health and safety and on the surrounding ecosystem.

3.98 The reclamation and improvement of contaminated land within the Cairngorms National Park is important to the overall enhancement of the wider landscape of the Park, and the success of this policy will be assessed against the local authorities' registers detailing contaminated land, and any amendments made to these registers.

POLICY 15

Renewable Energy Generation

Developments for small scale renewable energy schemes which support the aims of the Cairngorms National Park and the National Park Plan strategic objective regarding energy production, will be favourably considered where they contribute positively to the minimisation of climate change, and where they complement the sustainability credentials of the development.

Development, including any ancillary works, will be sited and designed to have no significant adverse visual or landscape impact, including any cumulative impact, caused as a result of energy generation, transmission or distribution measures, and will not have an adverse impact on the amenity of neighbouring properties or any unacceptable impact on the environment.

Financial bonds will be used where appropriate to secure decommissioning.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Energy

3.99 The Cairngorms National Park Authority is committed to the promotion of renewable energy generated in a way which supports the collective achievement of the four aims of the Cairngorms National Park and the National Park Plan objective in para 5.1.3, which states that developments should contribute to national targets for greater renewable production through increasing community, business and domestic scale renewable energy schemes.

3.100 Nationally, there is an increasing focus on small scale generation of energy and micro generation with individuals and communities realising the part everyone should play in efforts to slow climate change. This is supported through the second aim of the Park. Together with the sustainability credentials of all proposals established through the Sustainable Design Guide, the inclusion of small scale energy schemes and micro generation promotes the careful use of resources generally, and the more sustainable use and generation of energy.

IMPLEMENTATION AND MONITORING

3.101 Whilst the Cairngorms National Park Authority is supportive of the drive to minimise climate change, it is considered that the National Park status of the Park, together with the numerous natural heritage designations contained within it, and the duty placed on the Park Authority under international and national statutory obligations to protect its many special and outstanding qualities, make it an area incompatible with the development of windfarms.

3.102 In addition, there may be opportunities for developments such as biomass, waste and hydro, which are designed in a sympathetic way to have no adverse landscape, visual or environmental impact. Also there may be opportunities for the production of energy from waste and the key consideration throughout the development of proposals of all such forms of generation is the impact that development will have on the environment in which it is sited.

- 3.103 In particular, the impact developments have on the landscape and wider environment are key to the success of any scheme. In taking forward schemes for small scale energy production and micro generation, the Cairngorms National Park Authority will work closely with local communities to help realise their individual and collective aspirations to help in the minimisation of climate change.
- 3.104 In developing schemes for consideration, developers should also have regard to other guidance relating to the impact developments have on the environment, such as the EC Water Framework Directive and Water Environment (Controlled Activities) (Scotland) Regulations 2005.
- 3.105 The success of this policy will be monitored in association with the use of the Cairngorms National Park Sustainable Design Guide, to analyse the sustainability credentials of proposals presented. Supplementary planning guidance will be produced to provide additional guidance on this subject. During its production, full consultation will take place to ensure the appropriate level of information and guidance is provided.

Living and Working in the Cairngorms National Park



- 4.1 The Cairngorms National Park is a place of work and daily life for approximately 16,000 people, and the economic and social needs and issues faced by them are similar to those throughout rural Scotland. However, its designation as a National Park brings a new focus to finding solutions to sustainable living in the long-term for the Park, and tackling global issues of sustainability. The Cairngorms National Park has the potential to improve opportunities for people within the Park, and contribute significantly to the wellbeing of the wider region and play its part in minimising the impacts of climate change.
- 4.2 Sustainable development means that the resources and special qualities of the Park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them to a comparable degree. The Local Plan aims to ensure that all forms of development are sustainable, and that on a wider scale, all proposals contribute to the development and promotion of sustainable communities for those living and working within the Cairngorms National Park.

Sustainable Communities and Development

- 4.3 Supporting sustainable communities is a key goal of the Scottish Government, and the approach in the Cairngorms National Park is set out in the Park Plan and supported by these policies. Key to the growth pattern of new development is the underlying guidance provided in Scottish Planning Policy (SPP), which aims to see selective, modest growth which does not result in the suburbanisation of the countryside or erode the high quality of the environment.
- 4.4 All developers must consider how they can best include the principles of sustainable development in their proposals, looking at the impact on the environment, the economy and on the community. All planning applications will therefore be assessed on the basis of the proposal's sustainability credentials, and those making a positive contribution to sustainable development, will be more favourably considered. The impact on the wider community, including the effect on public facilities, will also be assessed. This assessment will be in line with the proposals contained in the Cairngorms National Park Sustainable Design Guide. It will be aspirational and encourage innovation, whilst still ensuring adequate protection as set out in other policies in the Local Plan.

POLICY 16

Design Standards for Development

Design of all development will seek, where appropriate, to:

- a) minimise the effect of the development on climate change;
- b) reflect and reinforce the traditional pattern and character of the surrounding area and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and use of materials;
- c) use materials and landscaping that will complement the setting of the development;
- d) demonstrate sustainable use of resources (including the minimisation of energy, waste and water usage) throughout construction, within the future maintenance arrangements, and for any decommissioning which may be necessary;
- e) enable the storage, segregation and collection of recyclable materials and make provision for composting;
- f) reduce the need to travel;
- g) protect the amenity enjoyed by neighbouring properties and all proposals will be designed to help create environments that can be enjoyed by everyone;
- h) be in accord with the design standards and palette of materials as set out in the Sustainable Design Guide and any other Supplementary Planning Guidance produced relating to design for new developments.

All proposals must be accompanied by a design statement which sets out how the requirements of the policy have been met.

POLICY 17

Reducing Carbon Emissions in Development

Development with a total cumulative floorspace of 500 square metres or more should incorporate on-site zero and low carbon equipment, contributing at least an extra 15 per cent reduction in carbon dioxide emissions beyond the 2007 Building regulations carbon dioxide emissions standard.

Proposals will be exempt from this standard only where developers are able to demonstrate that technical constraints exist. In such circumstances, developers will be required to meet the standard by providing equivalent carbon savings elsewhere in the area.

BACKGROUND AND JUSTIFICATION

These policies support the Cairngorms National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Biodiversity
- Geodiversity
- Culture and Traditions
- Energy
- Water
- Air
- Sustainable Communities
- Economy and Employment
- Housing
- Transport and Communications
- Waste Management
- Sustainable Tourism
- Outdoor Access and Recreation

- 4.5 A move towards sustainable development is a key aim of both the UK and Scottish Governments, thus ensuring that environmental concerns are at the heart of policy making within the public sector.

4.6 National Policy, through the revised Planning etc (Scotland) Act 2006, explicitly requires that planning authorities include, throughout all their policy development and decision making, measures which contribute to sustainable development. This is reinforced through topic-based guidance and advice relating to all forms of development which are considered through the planning process.

4.7 The Cairngorms National Park Plan sees a new opportunity to focus attention on sustainable development. The Cairngorms National Park Authority will find innovative ways of building on existing links between the economy, the natural environment and communities, and in the protection of the resources and special qualities of the Cairngorms National Park, so that they can be used by current and future generations.

4.8 There is also a growing focus within Scottish Government guidance on the importance of good design in all developments, and the need to ensure that developments respect their surroundings, and do not create a bland and featureless Scotland, which has had its traditions of vernacular architecture eroded. Designing Places – A Policy Statement for Scotland puts a new focus on this, recognising the various benefits of good design, including economic investment, creating places that work and establishing and maintaining a distinct identity to the benefit of investors and users. It is key to achieving social, economic and environmental goals of public policy and can bridge the gap between aspiration and reality. The use of design statements is encouraged to ensure that sites selected are the most appropriate, following a sequential approach if necessary, and have a design concept which will help achieve the quality of place which is desirable within the Park.

4.9 As buildings account for around 40 per cent of all carbon dioxide emissions, the design and management of new development

provides significant opportunities to reduce carbon dioxide emissions. Policy 17 sets out how development in the Cairngorms National Park will seek to assist in meeting these targets, and is in line with SPP and Planning Advice Note 84 Reducing Carbon Emissions in New Development.

IMPLEMENTATION AND MONITORING

4.10 These policies are important to all development taking place in the Cairngorms National Park, and will be taken into consideration when assessing all planning applications, to establish their environmental and sustainability credentials. To assist in this a Sustainable Design Guide, looking specifically at the sustainable aspects of all development and encouraging innovation, will be developed to ensure that all applicants are aware of the expectations of the Cairngorms National Park Authority. Following robust consultation this guide will be adopted as supplementary planning guidance. Policy 16 will be implemented in conjunction with the Sustainable Design Guide to assess the sustainability credentials of proposals.

4.11 Standards relating to the siting of all new development, and how carbon reduction targets can be met, will be developed and published as supplementary planning guidance. This, in addition to the Sustainable Design Guide, will set out in more detail how these policies will be implemented.

POLICY 18

Developer Contributions

Development which gives rise to a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, will normally require the developer to make a fair and reasonable contribution in cash or kind towards the additional costs or requirements. Such contributions will be consistent with the scale and nature of the development proposed and may be secured through a Section 75 Agreement or other legal agreement where necessary.

Development which necessitates decommissioning of plant, structures or associated infrastructure will be required to provide an appropriate bond to cover the costs of remedial, restoration or reinstatement works.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Biodiversity
- Geodiversity
- Culture and Traditions
- Energy
- Water
- Air
- Sustainable Communities
- Economy and Employment
- Housing
- Transport and Communications
- Waste Management
- Sustainable Tourism
- Outdoor Access and Recreation

4.12 Many developments may lead to additional infrastructure or service requirements that would need to be met to allow the development. If these issues cannot be resolved through planning conditions imposed on the planning permission, then a Section 75 or other legal agreement may be an appropriate mechanism to secure the development.

4.13 Scottish Government guidance on such agreements is provided in Circular 12/1996 which states that planning authorities should only seek contributions from developers if, in land use planning terms, it would be wrong to grant planning permission without them. Any agreement and contribution arising from this policy will only occur where the matter in question relates to the impact of the proposed development and where that impact could not be dealt with through other legislation or the use of planning conditions. Developer contributions can help to overcome problems in granting planning permission by reducing, eliminating or compensating for some negative impacts. The contribution will be based on meeting the costs of infrastructure which is necessary as a consequence of that development.

4.14 Although it is unrealistic for the local authorities in the Cairngorms National Park to anticipate every situation where the need for a developer contribution will arise, a number of themes will generally need to be considered. These are set out with other information and guidance in the Supplementary Planning Guidance which accompanies this policy.

IMPLEMENTATION AND MONITORING

4.15 In the case of applications requiring developer contributions, every agreement will be negotiated on its own merits, and the final level of contribution sought will be based on an assessment of the impacts on the recipient community undertaken jointly with the developer and planning authority.

- 4.16 These assessments will be based on community needs assessments and the community planning process. Detailed discussions with service providers, including the four local authorities, will also be required to ensure the appropriate level of provision is sought, and consequentially secured. In some cases, contributions may be sought on the basis of the cumulative effect of a number of small developments. In such cases, the contributions would be held by the relevant planning authority until such time as sufficient funds became available to allow work to progress.
- 4.17 In the implementation of this policy, a pragmatic approach will be taken to the payment of contributions against the phasing of the developments. This is to ensure proposals can progress and adequate account is taken of particular economic constraints or funding regimes affecting development proposals. Supplementary Planning Guidance will be provided to assist in the understanding of this policy and how it will apply to developments.
- 4.18 The policy will be monitored by assessing the contributions received and analysing their impact in eliminating or compensating the negative impacts of developments.

Housing

Extract from the Cairngorms National Park Plan

Selected Strategic Objectives for Sustainable Communities

- a) encourage a population level and mix in the Park that meets the current and future needs of its communities and businesses;
- b) make proactive provision to focus settlement growth in the main settlements and plan for growth to meet community needs in other settlements.

Strategic Objectives for Housing

- a) increase the accessibility of rented and owned housing to meet the needs of communities throughout the Park;
- b) promote effective co-ordination and co-operation between all public and private organisations involved in housing provision in the Park and the communities living there;
- c) improve the physical quality, energy efficiency and sustainable design of housing in all tenures throughout the Park;
- d) ensure there is effective land and investment for market and affordable housing to meet the economic and social needs of communities throughout the Park.

4.19 The promotion of sustainable economic and social development of the Cairngorms National Park's communities is one of the aims of the National Parks (Scotland) Act 2000, and is borne out in the National Park Plan through the strategic objectives for Sustainable Communities and Housing. The National Park Plan is material in the planning process as it operates within the Park, and it influences both the Local Plan policies and consideration of planning applications.

4.20 To achieve the long-term vision for the Cairngorms National Park set through the National Park Plan, there is a recognised need for communities to be sustainable in social, economic and environmental terms. The need to ensure greater access to affordable and good quality housing is key to supporting these communities. It is acknowledged within the National Park Plan that the population of the Cairngorms National Park is expected to rise and that there are likely to be more households seeking accommodation. The structure of the population is forecast to be an ageing one, and combined with this many young people, and those on low and modest incomes, will continue to have increasing difficulty in accessing housing. The Cairngorms National Park Plan also recognises the need for sustainable design in housing, and highlights the strategic role of the larger settlements in the Park.

Strategic Guidance

4.21 Although the Cairngorms National Park is covered by four local authorities and four Structure Plans, only two areas within the Park are extensive enough for the Structure Plans to provide specific direction about likely housing requirements.

4.22 The Highland Structure Plan 2001 sets a target of land for 1750 dwellings in

Badenoch and Strathspey for the period 1998-2017. It acknowledged that in order to meet that land supply, a new community at Cambusmore (identified in the adopted Badenoch and Strathspey Local Plan) would require infrastructure investment. North East Together (NEST) 2001-2016, shows the Cairngorms National Park at the periphery of its rural housing market area. Current reviews of housing need within Aberdeen city and shire continue, and exclude the National Park, but do indicate that the need for additional housing, particularly affordable provision, continues to grow. Both the structure plans pre-date the designation of the Park and the production of the Cairngorms National Park Plan.

- 4.23 In addition to the policies and allocations set through the housing section, the Local Plan must also work towards achieving the objectives of the local housing strategies which exist within the Park, and take relevant account of the current legislation and guidance regarding housing provision. This includes SPP, Planning Advice Note 72 Housing in the Countryside, Planning Advice Note 74 Affordable Housing, and the Homelessness etc (Scotland) Act 2003.

The Housing Issues in the Cairngorms National Park

- 4.24 New housing is important for a wide variety of social and economic reasons, but at its most basic, housing should provide comfortable, secure and healthy homes for people. The need for new housing comes from changes in the population such as new households being formed, the migration of new households into an area, and the movement of households within the housing market. New housing is needed to provide homes for a backlog of households who have been unable to access the open market, as well as for new households that will be formed in the future in the Park.
- 4.25 To investigate the demands on housing within the Cairngorms National Park two pieces of work were commissioned. The first on housing need and building land (Cairngorms Housing System Analysis, School of Built Environment, Heriot Watt University, February 2006) and the second on affordable housing (Planning for affordable housing in the Cairngorms National Park, Research paper 99, Communities Scotland, March 2008). Housing demand is related to the ability and interest of households to fund their aspirations for housing. Much of this demand is met through existing housing stock, but new housing can improve choice and provide for particular requirements that are not available in existing housing stock.
- 4.26 In recent years, a number of factors have impacted on the availability of dwellings to meet the housing need. This issue has been recognised as a national problem and not one solely faced in the National Park. The key factors affecting the market include, a reduction in the number of social rented, privately rented and cheaper owner occupier dwellings; a slow turn over in social rented dwellings; growth in second home ownership and holiday let purchases; and growth in commuting outwith the housing area. Recent issues relating to the provision of infrastructure have also resulted in less new dwellings becoming available than were envisaged in previous Local Plans. House prices and private sector rents have risen, income levels have failed to keep pace with rises in cost, and therefore more households living and working in the National Park are having difficulty in accessing a home.
- 4.27 As a result of this reduced availability of housing in traditionally affordable sectors, and resultant inflated costs, new housing provision has an increasing role to play in providing the affordable housing for rent that a proportion of the population will always require. It must also provide a range of opportunities

for those on modest incomes to enter the housing market, through Low Cost Home Ownership (LCHO) or other mechanisms, and a balance of sizes of properties that allows realistic movement within the open market.

4.28 The Cairngorms Housing System Analysis (2006), drew together the four local authority housing needs assessments. It concluded that there was likely to be a net need for between 99 and 132 new affordable units per year in the National Park for people who would not be able to buy new or second hand open market housing. The bulk of people in this estimate were new, younger households who would be unlikely to have sufficient income to purchase a home.

4.29 The Cairngorms National Park is not a housing market area in its own right. The Badenoch and Strathspey area of the Park has the greatest population. It has elements of its own housing market area but is also strongly linked to the Inverness and inner Moray Firth areas and their economic pull and housing markets. The other parts of the Park – in Moray, Aberdeenshire and Angus – are at the periphery of housing markets looking towards Elgin, Aberdeen and Dundee respectively.

4.30 Population and household projections for the Cairngorms National Park have been prepared for the Park itself and for the Badenoch and Strathspey part of the Park (the area with the largest population and most dynamic economy). These are based on past trends in society, and assumptions about likely future conditions, and give an indication of the likely changes that may occur and should be planned for. The projections suggest that the population of the National Park is likely to remain constant, or rise slightly, over the period 2006–2016. It is expected that over this period, more of the population will form smaller households of

single persons, single parents and households of only two adults. This is likely to lead to an increase in the number of households in the Park of between approximately 750 and 950. To ensure a flexible approach is taken, which can react to unforeseen circumstances, the higher figure will be used.

4.31 The Cairngorms National Park therefore faces a dilemma in its high need and demand for affordable housing from within the communities living and working in the Park. Reductions in the availability of funding to build the numbers of dwellings required by those communities, is coupled with many communities requiring a wider range of housing options than conventional social housing provides, with a greater emphasis on housing those in need locally. The Cairngorms National Park Authority, local authorities, public subsidy providers, landowners, developers and housing associations need to work together to provide housing to meet everyone's needs

Housing Land Requirement

4.32 The Cairngorms National Park Plan sets the strategic direction for the Local Plan for housing. It establishes: 'The need to ensure greater access to affordable and good quality housing to help create and maintain sustainable communities is a key challenge in the National Park'. One of the strategic objectives directs the Local Plan to make appropriate provision for land for housing, in particular to meet the need to increase the accessibility of rented and owned houses to meet the needs of communities throughout the Park.

4.33 The Scottish Government, through Scottish Planning Policy (SPP), gives its commitment to increasing the supply of new homes and, to achieve this, requires the planning system to identify a generous supply of land for the provision of a range of housing in the right places.

4.34 SPP goes on to require that the identification of land for housing in development plans should be effective and capable of development to meet the housing land requirement for a minimum of five years at all times. The use of housing land audits is recommended as the way to monitor the availability of effective sites, the progress of sites through the planning process and housing completions. Effective sites are sites which, within the five-year period beyond the date of the housing land audit, can be developed for housing and will be free of constraints. The constraints listed are ownership, physical, contamination, deficit funding, marketability, infrastructure and land use. This is the definition used in drawing up the housing land audits.

4.35 To this end, Appendix 2, Tables 1-4 (see p145), set out the most up-to-date position regarding the effective supply of sites, as identified in the local authority Housing Land Audits and within this Local Plan. From these, it is clear that the Local Plan must provide sufficient land to provide 774 units to meet the need to 2016.

4.36 The Cairngorms National Park Authority is required to allocate sufficient land to provide an effective supply of land for a five-year period at all times. The Local Plan covers the period 2006 – 2016. To ensure an effective five year supply of land is provided during the last half of the Local Plan period, the Cairngorms National Park Authority must look beyond 2016.

4.37 Table 4 sets out those sites which are being taken forward in this Local Plan to meet the housing need in accordance with the need identified in Table 3, and the requirement to look beyond 2016 in ensuring a five year supply of effective land at all times. On this basis, the Local Plan allocates sufficient land for 834 units. The allocation will be

monitored annually to ensure the Local Plan is supplying the required five-year supply at the time of each annual housing audit.

Table 1 – Baseline effective housing land supply at the commencement of the Local Plan preparation.

Table 2 – The most current information regarding completions.

Table 3 – Current effective land supply.

Table 4 – Current effective land supply reflecting the Post Inquiry Modifications. This table provides the basis for all allocations in the Local Plan.

The Local Plan Housing Policies

4.38 The policies within the Local Plan inform how allocated sites develop and how and where other developments occur. The approach taken aims to create a balance of development opportunities within the Park, allowing for a variety of scales of development to meet local needs, thus supporting sustainable communities and their economies. These policies also provide the basis for development briefs on many sites which will be used to add detail to allocations, in terms of design, scale of development, particular design requirements to take account of individual circumstances, and other detail which would not be appropriate for the Local Plan. The policies are integral to the delivery of housing for the Park's communities, as they will secure the affordable housing required and manage the increased land supply.

POLICY 19

Contributions to Affordable Housing

Developments of three or more dwellings will be required to incorporate a proportion of the total number of units as affordable housing.

Development solely for affordable housing will be favourably considered.

Where public funding is available to help provide affordable housing, between 25 per cent and 40 per cent of all units will be expected to be affordable.

Where less than one third of the total cost of the development is available through public funding, the developer will be required to provide 25 per cent affordable housing on a site.

Proposals for one and two open market dwellings will also be required to make a contribution towards affordable housing. This will be a cash payment towards the meeting of housing need in the local area.

Proposals for off site contributions will be considered where community needs assessments, or similar assessments, support this as a better way of meeting the housing needs of the community.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Sustainable Communities
- Housing

- 4.39 This policy is intended to ensure the delivery of a wide range of housing options to a wide range of households in the Park. The increased range of affordable housing options and numbers of units that would be delivered through this policy will change

the availability of housing for a wide range of potential occupants who cannot currently access open market housing.

- 4.40 Research into housing need in the Cairngorms National Park demonstrated that the number of households considered to be in housing need (including being unable to access housing on the open market) was greater than the number of dwellings being built through programmed delivery of affordable housing by public subsidy agencies, the housing associations and local authorities. Further research went on to identify an estimated need of 121 affordable dwellings per annum, and this policy supports the proposed land requirement of the Local Plan by ensuring an increased rate of supply of housing for those in need in the Park. The Local Plan policy also supports the ongoing objectives of the local housing strategies affecting the Park. A full version of the research work is available at www.cairngorms.co.uk

IMPLEMENTATION AND MONITORING

- 4.41 This policy will be used by planning authorities to ensure that many housing units built in the Cairngorms National Park will be for households in housing need who wish to live and work in the Park or areas close to its boundary. To assist in this, Supplementary Planning Guidance looking at the mechanics of delivering affordable housing, will be produced. In delivering the policy, the Cairngorms National Park Authority will work closely with housing providers to seek as high a proportion of affordable units as possible to meet local demand. Proposals for affordable housing alone will not be required to incorporate open market housing.
- 4.42 The range of tenures required in different developments will vary depending on site, demand and market conditions. It is recognised that a mix of tenures and sizes of unit is the key to achieving the best form of development to meet the local need.

On this basis, the breakdown within any development site will be based on the local housing strategies existing within the Park, housing need and demand assessments, and any community needs assessments or other community based information available. This mix will include social rented housing provided through public subsidy, as well as low cost home ownership and/or rent options provided through public subsidy or the developer, affordable private rented housing, and serviced plots for the local market.

- 4.43 Within this context, any mix of tenures will be supported by the planning authority where evidence can demonstrate the need for the proposal. The planning authority will take into account any particular site constraints or conditions that would alter either the total affordable contribution or the target buyers/tenants. The planning authority will also highlight any additional requirements to developers during pre-application discussions and throughout the decision making process.
- 4.44 The planning authority may make use of conditions and Section 75 Agreements to secure the implementation of this policy with developers and retain the units as affordable in perpetuity. To retain the mixture of stock provided the ability to extend such dwellings may also be controlled by the removal of permitted development rights.
- 4.45 Applicants, and those eligible for any of the forms of affordable housing developed under this policy, will be taken or nominated from the housing waiting lists of the local authorities, housing associations or from another organisation with an allocations policy appropriate to the Cairngorms National Park. The Cairngorms National Park Authority will continue to work with the relevant organisations within the Park to

develop their allocations policies to ensure they are as responsive to the needs of individuals and communities in the Park as possible.

- 4.46 The affordable element of proposals for housing development will normally be sought in terms of physical contributions of on site dwellings, land, services or other infrastructure. If it can be demonstrated to the planning authority that an off site contribution would better meet a community's housing needs, then an alternative solution will be negotiated with the developer. This may include a cash payment towards the provision of affordable housing at another location in the same community.
- 4.47 The policy also requires a financial contribution from one and two open market dwellings towards the provision of affordable housing within the local area (defined as the relevant secondary school catchment). This provision ensures that all developments of open market housing make a contribution towards affordable housing in the National Park. The contribution will be based on a percentage of the differential between the benchmark cost of a home developed with public subsidy and the price of an equivalent unit on the open market. The contribution would be waived where the developer can demonstrate that the occupant of the house would qualify to access a form of affordable housing within the Park by reason of their housing need or income.
- 4.48 The effects of this policy will be monitored through review of planning consents and housing needs surveys.

POLICY 20

Housing Development within Settlements

Settlement boundaries have been identified which indicate the extent to which these settlements may expand during the Local Plan period and new housing development should be contained within these boundaries. Housing proposals within these settlement boundaries will be considered favourably where the development:

- a) occurs within an allocated site identified within the proposals' maps; or
- b) is compatible with existing and adjacent land uses, and comprises infilling, conversion, small scale development, the use of derelict or underused land or the redevelopment of land.

The proposal should reinforce and enhance the character of the settlement, and accommodate within the development site appropriate amenity space, and parking and access arrangements.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Sustainable Communities
- Housing

- 4.49 Within the proposals' maps of the Local Plan (see pp79-135) a series of settlements are identified, each of which has an identified settlement boundary. The policy provides for the assessment of housing development proposals made within those settlement boundaries. This includes both sites identified within the proposals' maps as being allocated for housing development, and also windfall sites which can provide opportunities for new housing on smaller sites not identified on the proposals' maps.

- 4.50 Creating quality residential environments, which support sustainable and thriving communities, is key to the delivery of the housing objective contained within the National Park Plan. This must be matched with the sustainable use of resources, integration with services and facilities, and promotion of highest standards in design and environmental quality. The reinforcement of current settlement patterns found across the Park is key to this. The policy will allow for growth in areas in a sustainable way which best uses existing resources, while allowing choice and incremental growth to meet local demand.

- 4.51 The development of such sites should not result in the loss of amenity of surrounding land uses and should be readily serviced.

IMPLEMENTATION AND MONITORING

- 4.52 This policy will be used to allow the development of housing within settlements which reinforces and enhances the character of the settlement. Settlements with a particular pattern of development, such as the planned village of Tomintoul, and the use of bothies in Braemar, should be protected. Developments should be well designed, should not have any adverse impact on the features of natural or cultural heritage importance within the settlement boundary, and should complement the existing scale, materials, and landscaping. Development should not result in the loss of amenity of surrounding land uses and should be readily serviced. For sites allocated in the proposals' maps, the Cairngorms National Park Authority will work closely with developers and partners to produce and agree development briefs which detail the approach to be used in developing these key sites.

- 4.53 In developing housing proposals within settlements, it will be expected that a range of house sizes is provided to reflect the needs of the communities of the Park.

Proposals should take into account local community needs surveys, local housing needs studies, local waiting lists or any other information on local housing need collated by the Cairngorms National Park Authority or local authority within the past three years.

- 4.54 This approach endeavours to secure a supply of smaller units while still retaining the financial viability of developments. The principle of achieving a sustainable balance of house sizes will apply to both affordable housing and open market housing.
- 4.55 The effects of this policy will be monitored through review of planning consents and housing completions within settlement boundaries.

POLICY 21

Housing Development in Rural Groups

Proposals for new housing development as a part of an existing rural building group which comprises three or more occupied dwellings, will be permitted where the proposal reinforces and enhances the character of the group, does not detract from the landscape setting, and does not add more than one third to the existing size of the group within the Local Plan period (based on the size of the group on the date the policy is implemented).

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Sustainable Communities
- Housing

- 4.56 The policy is intended to allow for development of housing associated with building groups in rural areas of the Cairngorms National Park. While not identified on the proposals' maps (see pp79-135), these areas are important in supporting thriving and sustainable rural communities and the policy is intended to create opportunities for housing development which supports the traditional built form in rural areas where previous development has not created settlements or villages.

IMPLEMENTATION AND MONITORING

- 4.57 For a development proposal to form a part of a small rural building group, it must be demonstrated by the developer that it is connected to the existing building group through integration with existing built form, settlement pattern and landscape features. Proposals that are not demonstrated to be connected in this way, to the satisfaction of the planning authority, will not be determined using this policy.

- 4.58 Developments will need to carefully reflect or complement the scale, materials and details of existing development. To assist in the implementation of this policy, Supplementary Planning Guidance defining a rural building group, and looking at siting, design and other development considerations, will be produced.
- 4.59 The effects of this policy will be monitored through review of planning consents and housing completions.

POLICY 22

Housing Development outside Settlements

Affordable housing outside settlements

Developments for new affordable housing outside settlements will be considered favourably where there are no suitable sites within settlements, where the development does not detract from the landscape setting, and they meet a demonstrable local need in the rural location.

Other housing outside settlements

Developments for other new housing outside settlements will be permitted where:

- a) the accommodation is for a worker in an occupation appropriate to the rural location; and
 - the presence of the worker on-site is essential in order to provide 24-hour supervision of the rural business; and
 - there is no suitable alternative residential accommodation available

including reuse and conversion of other buildings on site; and

- the proposed dwelling is within the immediate vicinity of the worker's place of employment; or
- b) the dwelling is for a retiring farmer or crofter, on land managed by them for at least the previous ten years, or for a person retiring from another rural business, where their previous accommodation is required for the new main operator of the farm, croft or rural business.

Where relevant such proposals will be secured through planning condition or legal agreement; or

- c) the development is sited on rural brownfield land.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Sustainable Communities
- Economy and Employment
- Housing

- 4.60 The policy is intended to allow for the development of affordable and essential housing outside settlements and building groups and to maintain thriving rural communities.

IMPLEMENTATION AND MONITORING

- 4.61 For affordable housing outside settlements, the policy will be used to allow the development outside settlements and building groups where there is a clear local need and no suitable sites exist within nearby settlements. The use of community needs assessments, housing needs and demand assessments and other information will be used in the justification of affordable housing under this policy.
- 4.62 In considering the use of the policy for other housing outside settlements, applicants should demonstrate that other sites, including those within settlements, open market dwellings in the area, and land within allocated sites contained in the Local Plan for housing, have all been considered and discounted. The reuse of existing buildings on the site should also be considered and discounted before new buildings will be permitted.
- 4.63 In demonstrating a need for housing, as referred to in paragraph a) of the policy, applicants must demonstrate a land management need for the accommodation through the use of independent experts, such as the Scottish Agricultural College. A business case must also be provided for proposals seeking development related to rural businesses other than farming.
- 4.64 The effects of this policy will be monitored through review of planning consents and housing completions.

POLICY 23

Replacement Houses

There will be a presumption against the replacement of an existing house with a new house unless:

- a) the existing house is demonstrated to be structurally unsound or incapable of rehabilitation;
- b) the existing house is not a listed building;
- c) the new house is located to incorporate the footprint of the original house, unless an alternative adjacent site would minimise any negative environmental, social or economic effects of the development;
- d) the existing house has been vacant for at least ten years.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Housing

- 4.65 The policy is intended to allow for the replacement of existing houses which are structurally unsound or cannot be rehabilitated. Development proposals on abandoned house sites and ruins will be considered as new housing development.

IMPLEMENTATION AND MONITORING

- 4.66 The policy will be implemented taking into account the impact the development has on the site of the original dwelling. The development should not normally increase the number of dwellings on the site. The replacement must reflect the original in terms of siting and scale, and should incorporate all or part of the original footprint.

- 4.67 If an alternative adjacent site is permitted, the planning authority will normally use conditions to ensure the demolition of the existing house prior to the occupation of the new house, unless the redundant building is to be used as part of the redevelopment scheme, or holds significant cultural heritage merit.
- 4.68 Supporting evidence will be required as part of the planning application to justify the need to demolish the existing property (from a qualified structural engineer), to demonstrate that the property has been unoccupied in the previous ten years, and to explain why materials from the original house cannot be salvaged and reused in the replacement house.
- 4.69 The effects of this policy will be monitored through review of planning permissions and housing completions.

POLICY 24

House Extensions and Alterations

Development proposals for extensions or alterations to existing dwellings will be permitted except where the extension would:

- a) adversely affect the appearance and character of the dwelling and/or the surrounding area – alterations and extensions should respect the design, massing, proportions, materials and general visual appearance of the area; and
- b) have a significant and unacceptable detrimental effect on the residential amenity enjoyed by adjoining households; and
- c) reduce the provision of private garden ground to an unacceptable level; and
- d) result in inadequate off-street parking provision and/or access to property.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Housing

- 4.70 The policy is intended to allow for extensions and alterations to residential property.

IMPLEMENTATION AND MONITORING

- 4.71 This policy will be implemented with the provisions of the sustainable design guide. The effects of this policy will be monitored through review of planning permissions and house extension permissions.

Economic Development

- 4.72 The Cairngorms National Park sits strategically between a number of major centres of population which have recently witnessed growth, prosperity and major investment. There is an opportunity for the Park and its communities to share in this prosperity, and the Local Plan must therefore create economic opportunities to accommodate the needs of communities and plan for future growth, which will help to promote sustainability in terms of both communities and the economy.
- 4.73 As the fourth aim of the Cairngorms National Park, the promotion of sustainable economic and social development is a particularly important consideration in the analysis of any proposals for business and economic development. To maintain current population levels, and provide for the employment needs and aspirations of local communities, it is important that the pressures facing those living and working in the Cairngorms National Park are addressed.
- 4.74 In considering the strategy for economic development, the Local Plan takes its impetus from the Cairngorms National Park Plan. Policies then set out the framework for the assessment of development proposals, and proposals' maps identify particular opportunities for growth. Enterprise strategies for the area establish aspirations to increase the population, improve the demographic structure, create new employment opportunities, raise income levels and be an exemplar of the best the country has to offer. The Cairngorms National Park Authority has supported this by establishing a number of objectives to improve opportunities for economic development within the Park, and the Local Plan must be flexible enough to ensure that enterprise can occur in harmony with the important natural and cultural environment. The Cairngorms National Park Authority will continue to review the need to allocate land to support the economy and will bring forward new land for consideration as the need arises.

POLICY 25

Business Development

Proposals which support economic development will be considered favourably where the proposal is compatible with existing business uses in the area, supports or extends an existing business, is located within an allocated site identified on the proposals' maps, or where the following criteria are met:

A In identified settlements

- 1) is located within an existing settlement boundary; and
- 2) supports the economic vitality and viability of that centre.

Exceptions to this should demonstrate social or community need for the proposal. The potential cumulative impact of similar proposals will also be taken into account; or

B Outwith settlements

- 1) is in an existing business park or industrial estate; or
- 2) where it can be demonstrated that there are no more sequentially appropriate sites available.

Developments should have no adverse impact on the existing vitality or viability of the settlement, or neighbouring existing business parks or industrial estates; or

C Other business opportunities

- 1) supports the vitality and viability of a farm, croft or other businesses in a rural location; or
- 2) is complementary to that current rural business activity; or
- 3) promotes diversification within that business; or
- 4) creates new small scale development which supports the local economy.

D Loss of business

Development proposals which would result in a loss of business use on the proposal site will be resisted unless it can be demonstrated that the retention of the business on the existing site is not viable.

POLICY 26

Retail Development

Retail development proposals which support the local economy will be favourably considered where the following criteria are met:

A Within identified town/village centres

- 1) the proposal adds to the economic vitality and viability of that town/village centre; and
- 2) has no adverse impact on neighbouring properties.

Proposals should consolidate the traditional high street found within the centre in terms of visual impact and built form and take into account any settlement statement and Supplementary Planning Guidance relating to that settlement

B Within edge of town centre

- 1) where there are no suitable sites within the town/village centre in line with the sequential approach; and
- 2) where there would be no detrimental impact on the vitality and viability of the town/village centre.

C Out of centre locations

- 1) where there are no suitable sites in town village centres or within edge of town centre locations in line with the sequential approach; and
- 2) where there would be no detrimental impact on the vitality and viability of the town/village centre.

BACKGROUND AND JUSTIFICATION

These policies support the Cairngorms National Park Plan's strategic objectives for:

- Economy and Employment

4.75 The Local Plan has an important role to play in addressing the economic, social and environmental issues facing towns, settlements and rural areas within the Cairngorms National Park.

4.76 Scottish Planning Policy (SPP) encourages areas characterised by a mixture of urban and rural development and supports the identification of a hierarchy of centres, and the use of policies which encourage the most appropriate scale of development within the areas identified in this hierarchy.

4.77 Within the Cairngorms National Park, the predominant land uses within the settled valleys are farming, including food production, and crofting. The Cairngorms National Park Plan identifies objectives to maintain a productive and viable agricultural sector, encouraging the continued development of this sector and making land available for those who wish to farm. There is a balance to be struck within the Local Plan to allocate sufficient land to meet the development needs of the Park, while protecting predominant land uses. Within the farming and crofting sector, the importance of diversification is essential for long-term economic growth, and this is particularly successful where the new enterprise and existing uses within the site are complementary. Such development is likely to be most appropriate in locations where access and services can be provided at reasonable cost. Consideration should be given to the re-use of existing buildings within the site.

4.78 Town centres are also important, having economic, social, and cultural roles and catering for a wide range of people and their needs. The Scottish Government supports initiatives which promote town centre development through the planning system. The Local Plan is therefore designed to encourage both economic opportunities as well as improvements to the public realm of meeting places and social spaces.

4.79 The Cairngorms National Park Plan identifies the importance of sustainable communities in social, economic and environmental terms. To service these communities, there is a hierarchy of settlements within the Cairngorms National Park and policies have been developed to encourage prosperity within all centres. Where possible, smaller centres supporting local people will be protected to ensure the hierarchy of settlements is maintained.

IMPLEMENTATION AND MONITORING

4.80 The policies contained within this section of the Local Plan are important to the economic wellbeing of the Cairngorms National Park. They will be applied when considering planning applications relating to economic and retail proposals, developments which would affect the current economic status quo found in a locality, and those which will have an impact on the hierarchy of settlements within the National Park.

4.81 Applications may need accompanying supporting information to illustrate the need for the development, and the impact it will have on the economy of both the local and wider areas. Any relevant masterplans/settlement statements or Supplementary Planning Guidance for the application or policy area should also be referred to, to ensure that developments are in line with the most up to date guidance available from the Cairngorms National Park Authority. Additional information regarding site selection, and any sequential testing which has been carried out to ensure the development of the most appropriate site, should be included within the development proposals. Further additional information assessing current retail space, geographical catchment areas, and potential new retail demand that is not met, should also be included.

- 4.82 To monitor the success of these policies and the impact they are having on the vitality of settlements, 'health checks' will be used in line with best practice regarding town centre and retail developments. The quality of design and respect for the local character of all developments will also be assessed to monitor the impact being made on the built environment.

POLICY 27

Conversion and Reuse of Existing Traditional and Vernacular Buildings

Development proposals for the conversion of existing traditional and vernacular buildings will be permitted where the following criteria are met:

- a) the building is redundant for its original use, and it can be demonstrated that it is unlikely to have a commercial or economic future in its current form; and
- b) the proposal is designed to maintain the style and character of the original building in terms of form, scale, materials and detailing, where they contribute positively to the context and setting of the area.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment

- 4.83 The policy will be used to allow the sympathetic conversion of redundant traditional and vernacular buildings which make a contribution to the cultural significance of that part of the Park and are considered worthy of retention. The conversion should be to a use appropriate for the site, and its surroundings, and could include employment, tourism, recreation, or housing.

IMPLEMENTATION AND MONITORING

- 4.84 A reasoned justification to support the renovation and conversion of the building should be included with any application. This should satisfy the planning authority that the original use of the building is no longer viable, and include a structural survey produced by an independent structural engineer which ensures the building is capable of conversion.

- 4.85 In considering the impact of new development and uses on the original building, it is particularly important to include an appraisal of the biodiversity interests found within the building, for example bats, and take appropriate action to account for any particular interests found.
- 4.86 When approving developments under this policy the planning authority may consider removing permitted development rights of the new property to ensure the character of the development is retained. The effects of this policy will be monitored through review of planning permissions and housing completions.

POLICY 28

Gypsies and Travellers and Travelling Showpeople

Proposals for the development of sites for gypsies, travellers and travelling showpeople will be favourably considered where:

- a) the need has been identified in the relevant local authority housing strategy;
- b) the proposal is compatible with the surrounding land uses;
- c) the site is well located for access to local road infrastructure; and
- d) the site is well screened and will make no adverse impact on the special qualities of the National Park.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Housing

- 4.87 Scottish Planning Policy (SPP) makes it clear that planning authorities should identify suitable locations for sites for gypsies, travellers, and travelling showpeople, where a need has been identified in the relevant local authority housing strategy. It also states that policies should set out how to deal with planning applications for small privately-owned sites.

IMPLEMENTATION AND MONITORING:

- 4.88 The policy will be used to allow the development of sites for this use within the Cairngorms National Park, where there is a clear need and appropriate locations are found.
- 4.89 The implementation of this policy will fall in line with the ongoing work on the local housing strategies. The effects of the policy will be monitored through the review of new developments within the Cairngorms National Park and their impact on that locality.

Transport and Communications

POLICY 29

Integrated and Sustainable Transport Network

Development proposals will be favourably considered where the planning authority is satisfied that adequate consideration has been given to maintaining or improving the sustainable transport network within the Cairngorms National Park through the use of:

- a) methods to reduce car dependency;
- b) promotion of sustainable transport modes;
- c) creation of, or linking to, any existing hierarchy of travel modes, based on walking and cycling, including core paths network, safe routes to schools and workplaces, public transport and then motorised modes; and
- d) mechanisms to reduce the need to travel.

Where the transport impacts of a proposed development are considered to be significant, by virtue of its size, nature or location, developers will be required to submit a transport assessment covering the local transport impacts of the development, including those during the construction phase, and also where appropriate, submit a green transport plan indicating measures to reduce the impact of travel to the development. Such proposals should make a positive contribution towards the sustainable transport network in the Cairngorms National Park.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Air
- Transport and Communications

- 4.90 Scottish Planning Policy (SPP) aims to encourage a prosperous rural economy through stable and increasing communities who have reasonable access to good quality services. Planning Advice Note 75 Planning for Transport and Planning Advice Note 66 Best Practice in Handling Planning Applications Affecting Trunk Roads, are also important in providing additional guidance.
- 4.91 Within the Cairngorms National Park, transport infrastructure is recognised as being central to the future sustainability of communities and to the development of the Park as a sustainable tourism destination. Integrated transport is therefore considered vital to allow every community and visitor access to services, facilities and jobs within and outwith the National Park in the most sustainable way.
- 4.92 There is a requirement to carry out an appraisal, in accordance with Scottish Transport Appraisal Guidance (STAG), to find transport solutions to transport problems and potential opportunities for development, where Scottish Ministers/ Transport Scotland consent and/or funding is required and that in all other circumstances STAG could be used as best practice.
- 4.93 In line with national guidance, access from new developments should normally be to a secondary road and not directly from a non-restricted trunk road. SPP presumes against new trunk road junctions, and the use of the existing transport network should be used as a first option. Where this is not in place, proposals should make provision to improve access to the development site. Developments which propose a new access must be thoroughly appraised in terms of need, location and access, to determine the potential trunk road and rail impact, public transport access and travel plan content. Developments should consider a transport accessibility assessment in the form of a development appraisal, and this should be carried out in accordance with the Scottish Transport Appraisal Guide (STAG). This will enable Transport Scotland to determine if, in a particular instance, it is appropriate to set aside current policies with regard to trunk road access.
- 4.94 In support of transport assessments, Green Travel Plans should be included in support of development proposals. The use of such travel plans is also encouraged for all relevant developments in an effort to encourage sustainable transport within the Park.
- 4.95 Efforts to reduce transport requirements should always be considered, and within such a rural setting as is found within the Park, the opportunity exists to consider innovative options, for example through 'community cars' and car sharing. When considering approaches to transport for any development, personal travel should be placed in a hierarchy which puts motorised modes of travel after walking, cycling and public transport. Development proposals should consider the impact on the core paths network within the area, the wider impacts on the Cairngorms National Park Outdoor Access Strategy and any other established routes. This will help to promote a sustainable transport hierarchy which includes safe routes to schools and workplaces.

IMPLEMENTATION AND MONITORING

- 4.96 The policy will be implemented in line with the requirements of national guidance, which provides detail on the requirements of transport assessments and what they should contain. New developments should not result in breaches of National Air Quality Standards.
- 4.97 The development of sustainable communities which have adequate provision is important, and this policy will be applied to ensure that all developments make an appropriate contribution towards this. Through the determination of planning applications, the Local Plan policies will be monitored to assess what effects developments are having on improving both transport networks within the Park.

POLICY 30

Telecommunications

The siting and design of all proposals relating to radio telecommunication developments and any necessary ancillary works will demonstrate an established business need, will minimise any visual and environmental impacts and will not have an unacceptable impact on the natural and cultural heritage of the Cairngorms National Park or its landscape. All related power-lines will be routed underground where this does not have an unacceptable impact on natural and cultural heritage. Alternative sites will have been investigated, and the cumulative impacts of developments considered.

The sharing of masts, sites and other structures will be used where it represents the optimum environmental solution and does not result in adverse visual impact on the surrounding area. A new mast should be structurally capable of being shared by additional telecom systems, without adversely affecting the visual impact of its design.

Financial bonds will be used where appropriate to secure decommissioning and will be secured by Section 75 Agreements.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Transport and Communications

- 4.98 The Cairngorms National Park Plan identifies that within the Park, telecommunications are generally good in the main settlements, most of which are able to access broadband technology. For new telecommunications proposals, siting and design and the visual impact made on the landscape are the key issues to be addressed by the planning system. Consideration may also be given to

the potential new and improved technology within this sector; and the use of temporary permissions may therefore be used to ensure the most appropriate long-term result.

- 4.99 In line with the guidance of Planning Advice Note 62 Radio Telecommunications, the use of techniques to disguise or conceal equipment or use of creative and imaginative exemplar designs are encouraged. Further guidance is also given in Scottish Planning Policy.

IMPLEMENTATION AND MONITORING

- 4.100 The development of sustainable communities which have adequate communication provision is important, and this policy will be applied to ensure that all developments make an appropriate contribution towards this. Through the determination of planning applications, the Local Plan policies will be monitored to assess what effects they are having on improving communication coverage within the Park.

POLICY 31

Waste Management

There will be a presumption in favour of safeguarding the protection of existing strategic waste management facilities and all sites required to fulfil the requirements of the Area Waste Plans.

Allocations for waste management installations are appropriate generally on the existing or planned supply of employment and industrial land and specifically on:

- Class 5 General Industrial land (where additional protection can be provided by Pollution Prevention and Control (PPC) and through more stringent controls over noise, vibration and hazardous substances);

And in the case of waste transfer stations and materials recycling facilities;

- Class 6 Storage or Distribution land (where the distinction with Class 5 is on the basis of a higher level of lorry or van movements).

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Waste management

- 4.101 The careful use of our natural resources is important to all development proposals, and the reduction of waste goes hand-in-hand with this. Supporting the constituent local authorities in the delivery of their Area Waste Plans/Strategies, the Local Plan seeks to make adequate provision within the Park for the reduction in the amount of waste produced. This may include opportunities to exploit emerging technologies, for example combined heat and power proposals.

- 4.102 National guidance regarding waste management is given in Scottish Planning Policy (SPP) and Planning Advice Note 63 Waste Management and Planning. Through these, the importance of promoting sustainability in all development is reinforced, and national aims of reduce, re-use and recycle and see waste as a valuable resource are identified as key to all waste management developments. All new waste management developments also need to comply with the objectives of the Area Waste Plans, National Waste Strategy and National Waste Plan.
- 4.103 The Cairngorms National Park Plan identifies the reduction in waste produced as important, and recycling facilities within communities is supported, with all communities being able to access such facilities easily.
- 4.104 There are three Waste Strategy Areas that are each partially covered by the Cairngorms National Park – Highland, North-East (Moray and Aberdeenshire) and Tayside (Angus). They all have individual Area Waste Plan targets, as well as lists of best practicable environmental options. The Local Plan policy is therefore designed to assist in the delivery of these targets and options.
- the options of siting facilities on employment land; brownfield land; contaminated or despoiled land; or locations close to sources of waste arising; and, in the case of energy from waste, locations close to users of heat and power.
- 4.107 Developments should assist businesses to manage their waste, assist local authorities to meet or surpass their Area Waste Plan targets or include site waste management facilities. This should include municipal solid waste schemes and local management schemes particularly where they involve the production of compost and/or energy from the waste, and also where there is a direct community benefit including local recycling centre. They should also demonstrate their consistency with the National Waste Strategy, National Waste Plan and Area Waste Plans.
- 4.108 The success of the policy will be measured against reaching targets within the Cairngorms National Park boundary.

IMPLEMENTATION AND MONITORING

- 4.105 This policy will be applied where it is relevant to the implementation of the Area Waste Plans, and the Cairngorms National Park Authority will work closely with local authorities to devise a consistent approach to waste strategies and targets across the Park. The principle of development of waste transfer stations within recognised industrial areas will be supported in line with current best practice regarding such developments.
- 4.106 Developments for waste management facilities should be appropriately designed and sited, demonstrating the sequential approach to site selection, which considers

POLICY 32

Landfill

There will be a presumption against the development of new landfill sites and for amendments to or extensions of existing landfill sites within the Cairngorms National Park unless the development :

- a) includes appropriate measures for site restoration;
- b) has fully considered site selection to ensure reinstatement of derelict or despoiled land;
- c) includes the principles of self sufficiency in terms of capacity and location; and
- d) provides on site facilities to allow on site recycling/waste treatment.

IMPLEMENTATION AND MONITORING

- 4.111 Proposals for the extension of existing landfill sites may be considered acceptable, subject to the consideration of a full Environmental Impact Assessment (EIA). Prior to the closure of an operational landfill site (once it becomes full or redundant) details for its site restoration, after-care and after-use will be required for approval by the planning authority.
- 4.112 The success of the policy will be measured against reaching targets within the Cairngorms National Park boundary.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Waste Management

- 4.109 National Guidance regarding landfill is given in Scottish Planning Policy (SPP) and this requires planning authorities to ensure that new landfill sites or extensions to existing landfill sites do not lead to a disproportionate burden of negative environmental impacts on nearby settlements or other sensitive receptors such as the landscape.
- 4.110 The Cairngorms National Park Plan identifies the reduction in waste produced as important and every effort should therefore be made to reduce the need for new landfill sites or extensions to existing facilities.

Enjoying and Understanding the Cairngorms National Park



- 5.1 The vision of the Cairngorms National Park is to develop a world class destination which complements its outstanding environment and outdoor recreation opportunities and plays a part in the regional and national tourism economy. The Cairngorms National Park Plan therefore promotes a sustainable approach to developing tourism, an excellent quality provision of outdoor access and recreation opportunities and a significantly enhanced awareness and understanding of the Cairngorms National Park, its special qualities and management needs.
- 5.2 The Local Plan therefore contains policies which support these goals, through positively guiding development proposals which further the aims of the Cairngorms National Park.

Sustainable Tourism

- 5.3 Tourism is one of the key economic drivers within the Cairngorms National Park and creating, maintaining and promoting a healthy tourism industry is vital to the area, its communities, and also to achieving the aims of the Park. There is growing interest in sustainable tourism which 'meets the needs of present generations without compromising the capacity of future generations to meet their needs' (Our Common Future, Brundtland Report, World Commission on Environment and Development).
- 5.4 Key to the success of sustainable tourism within the Park is the ability to deliver a high quality experience in an increasingly competitive global market, whilst maintaining the special qualities of the Park. Also important are: the recognition of the impact of the seasons on this sector; changes in the economy both locally and nationally; distances from population bases; limitations within infrastructure including public transport availability, and unforeseen influences such as, for example, foot and mouth outbreaks. The policies of the Local Plan must therefore create suitable levels of flexibility to ensure that development proposals can reflect changes in market conditions.
- 5.5 The Cairngorms National Park Authority has been awarded the European Charter for Sustainable Tourism in Protected Areas by the Europarc Federation. The issues raised in this Charter are developed further in both the Cairngorms National Park Sustainable Tourism Strategy and the Cairngorms National Park Plan.
- 5.6 As stated in the Cairngorms National Park Plan: 'tourism is everyone's business'. The experience of those visiting the Park is formed by everyone they have contact with and everywhere they go in the Park.

A collective commitment to high quality services and collaboration is therefore essential.

- 5.7 The Local Plan therefore endeavours to create mechanisms whereby the objectives of the Cairngorms National Park Plan can become a reality. The policies should encourage tourism developments which relate to the special qualities of the Park, maintain and enhance the range and quality of visitor attractions and facilities, attract more visitors to the Park, encourage them to stay longer, and meet their needs and aspirations. Such development must also take into account the needs of the host communities, the economic, social, and physical impacts of that development on the environment and the community and the use of resources.

POLICY 33

Tourism-Related Development

Tourism-related development which has a beneficial impact on the local economy through enhancement of the range and quality of tourism attractions and related infrastructure, including accommodation, will be supported provided that the development will not have an adverse impacts on the landscape, built and historic environment, or the biodiversity, or the geodiversity, or the culture and traditions of the Cairngorms National Park which, in the judgement of the planning authority, outweigh that beneficial impact.

Any proposals which would reduce the range and quality of tourism attractions and facilities will be resisted unless it can be demonstrated to the satisfaction of the planning authority that there will be no adverse impact on the local economy.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's Strategic objectives for:

- Sustainable Tourism

5.8 The Cairngorms National Park Plan identifies the fact that tourism accounts directly and indirectly for a significant part of the Park's economy and has the potential to make a significant contribution to the regional and national economy. The key objectives of the Cairngorms National Park Plan relating to sustainable tourism promote high quality services created through a collaborative approach.

5.9 The Local Plan therefore sets the framework for the development of tourism and recreational facilities which supports the Cairngorms National Park Plan objectives. The development of a core path network

also has a recognised role to play in underpinning rural tourism and the Plan must take account of the Cairngorms National Park Core Paths Plan and Outdoor Access Strategy.

IMPLEMENTATION AND MONITORING

5.10 A good range and quality of tourist facilities and accommodation is vital to a healthy tourism industry. There are always opportunities to enhance and add to the existing provision, and this is particularly relevant where it links to rural diversification and the growing creative industry sector. Most tourism developments will normally be expected to be sited within or adjacent to existing settlements where there is existing infrastructure capacity. However, there will also be occasions when locational requirements result in developments coming forward in areas outwith settlements, and these will be supported where there would be no adverse impact on the special qualities of the Cairngorms National Park, and where the proposal can demonstrate a need for its location. All proposals requiring a site-specific countryside location must provide a comprehensive justification for the site selected. Whether within settlements or in the countryside, proposals must be of the highest quality, with no significant adverse impact on residential amenity or on the Park's special qualities.

5.11 In regard to permitted operations within this provision, certain works can be carried out within dwelling houses which are used as B&Bs, without the need for planning permission. This includes the use of up to two bedrooms where there are four or more bedrooms in the dwelling. Where there are fewer than four bedrooms, only one bedroom can be used for B&B. Where there are more rooms than this used for B&B, a change of use is required and proposals will then be considered under this policy.

- 5.12 Applications may be need to be accompanied by supporting information to illustrate the need for the development, and the impact it will have on the economy of both the local and wider areas.
- 5.13 Where proposals suggest a change of use away from current tourism uses, justification will be sought to support this change, as the protection and promotion of this sector of the economy is a key objective of the Cairngorms National Park Plan. Any such changes of use should therefore not adversely affect the quality of standards provided, or the selection offered, without adequate justification.
- 5.14 The success of this policy will be monitored through analysis of the number of developments which occur in the Park with a direct impact on the development of the tourism sector and through combined reviews of the growth of visitors to the Park in forthcoming years. The policy will be monitored through the collection and analysis of data in relation to the tourism sector:

POLICY 34

Outdoor Access

Development which improves opportunities for responsible outdoor access which adheres to the Cairngorms National Park Outdoor Access Strategy will be encouraged. Developments will be required to be consistent with the Scottish Outdoor Access Code and the Cairngorms National Park Core Paths Plan.

Development proposals which would result in a reduction of public access rights, or loss of linear access (such as core paths, rights of way, or other paths and informal recreation areas, or loss of access to inland water) will only be permitted where an appropriate or improved alternative access solution can be secured to the satisfaction of the planning and access authorities.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Outdoor Access and Recreation

- 5.15 The international reputation of the Cairngorms National Park as a venue for outdoor access and recreation makes it a popular venue for a wide range of activities. Under the Land Reform Act 2003, a right of responsible access applies to almost all land and water within the Cairngorms National Park. All forms of outdoor access must be carried out in accordance with the Scottish Outdoor Access Code, which underpins and defines responsible behaviour. Land managers also have a reciprocal duty to act responsibly and respect access rights. The Cairngorms National Park Outdoor Access Strategy was approved in March 2007.

IMPLEMENTATION AND MONITORING

- 5.16 Securing and retaining outdoor access is key to the achievement of the Cairngorms National Park Plan and, in consultation with landowners and occupiers, the policy will seek to protect public access rights, proposed and adopted core paths, wider path networks and rights of way. Development will also be expected to make a contribution to promoting improved access by linking important local public spaces and places. This is particularly relevant for new housing developments.
- 5.17 Proposals will be assessed against the impact they may have on outdoor access opportunities and will be required to ensure appropriate alternative and improved opportunities for outdoor access. Assessments will also be made of the impact new proposals have on the protection of the National Park landscape and its special qualities. The planning authority will use the Cairngorms National Park Outdoor Access Strategy and Core Paths Plan to inform the way that development contributes to outdoor access.

POLICY 35

Sport and Recreation Facilities

1. Developments of formal sport and recreation facilities, diversification of, or extensions to existing sport and recreation-related business activities, or for the enhancement of existing facilities in terms of quality and design will be supported where:
 - a) they demonstrate best practice in terms of sustainable design and future maintenance, and where there are no adverse environmental impacts on the site or neighbouring areas; and
 - b) they will meet an identified community or visitor need.
2. Developments which would result in a reduction in current provision of facilities will only be supported where:
 - a) the development is ancillary to the principal use of the site as formal sport and recreation facilities; and
 - b) the development would not affect the use of the site as a formal sport and recreation facility; and
 - c) a compensatory site is created which is convenient to users, or an existing facility is upgraded to maintain and improve the overall capacity in the area.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Biodiversity
- Sustainable Communities
- Outdoor Access and Recreation

- 5.18 The Cairngorms National Park hosts a wide range of formal recreational facilities, from sports pitches and sports centres to ski centres, golf courses and mountain bike centres. There are also many other public and amenity open spaces, ranging from public parks, landscaping schemes within large-scale developments, and formal equipped play areas.
- 5.19 Scottish Government policy given through Scottish Planning Policy (SPP) highlights the importance of providing play space and other opportunities for children and young people to play freely, explore, discover and initiate their own activities. The policy therefore aims to ensure the needs of local communities for recreational space and facilities are accommodated, and protected where facilities exist. This should include informal and formal recreation provision, as well as adequate provision of open space.
- 5.20 The Cairngorms National Park Plan recognises that it is vital to many aspects of the Cairngorms National Park's environment, communities and economy, that there are a range of high quality opportunities for people who enjoy the Park in ways that conserve the special qualities and maximise the benefits to all sectors.
- done in harmony with the location, and where the proposal extends the tourist season and the availability of facilities to communities, and is designed to the highest standards.
- 5.23 The policy will be monitored using analysis of developments permitted which affect recreation opportunities within the Park, and which have had an impact on existing facilities.

IMPLEMENTATION AND MONITORING

- 5.21 Through determination of planning applications, the Local Plan will seek to protect existing and future additions to formal recreational provision, including playing fields and other sports and recreation facilities.
- 5.22 With regard to formal recreation provision, the Cairngorms National Park Authority recognises the economic and recreational benefits that these centres provide to residents and visitors. The Local Plan recognises that many of these facilities are constrained by their sensitive location and supports their development where this is

POLICY 36

Other Open Space Provision

Developments which improve or add to current levels of public and amenity open space, and include specific details on improving and maintaining current provision to develop open space networks will be supported. The development of all housing/ employment/ community sites identified within the proposals' maps will be required to make a contribution in space or by a commuted sum towards the provision and maintenance of open space within the site or the affected community.

There is a presumption against development that would result in a loss of existing provision, particularly where the affected site has been identified within the Local Plan proposals' maps or Open Space Strategy. The loss of such open space will only be supported where:

- a) an open space audit demonstrates the development will not result in a deficit of open space provision to serve the affected community, and that no alternative site is available; or
- b) compensatory provision is made elsewhere within the community area of at least equal size and quality, or
- c) a commuted sum is made towards future provision of an appropriate alternative.

BACKGROUND AND JUSTIFICATION

This policy supports the Cairngorms National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Biodiversity
- Sustainable Communities
- Outdoor Access and Recreation

5.24 The Cairngorms National Park contains a wide range of public and amenity open spaces, ranging from public parks, landscaping schemes within large-scale developments, and formal equipped play areas. The importance placed on open space and recreation development is evident through various national and international conventions and strategies. These focus on improving opportunities to access outdoor play areas, increasing the amount of physical activity undertaken by the population and improving participation and performance. Reference should therefore be made to the latest national and internationally productions relevant to planning policy development.

5.25 Planning Advice Note 65 Planning and Open Space, gives guidance on how best to ensure open space is provided for in the planning process. This also places a duty on planning authorities to prepare an Open Space Strategy, and this will become Supplementary Planning Guidance to the Local Plan. The Local Plan policies therefore aim to ensure the needs of local communities for recreational space and facilities are accommodated, and protected where facilities exist. This should include informal and formal recreation provision, as well as adequate provision of open space.

IMPLEMENTATION AND MONITORING

5.26 Through the determination of planning applications, the Local Plan will seek to protect public and amenity open space. For the avoidance of doubt, the sites referred to in this policy are those allocated as ENV within the proposal maps.

5.27 To assess the existing and future provision of both formal and other forms of public and amenity open space within settlements, the Cairngorms National Park Authority will work with the relevant local authorities to carry out an open space audit. From this, and any community needs assessments, an open space strategy will be developed

to guide the future development of such spaces and set out design standards to be adopted. Developers should refer to this and any other relevant Supplementary Planning Guidance, such as site specific design briefs, in support of any applications.

5.28 Adequate arrangements will also be made for long-term maintenance of open space within and associated with new developments, and these arrangements will be in place prior to the granting of any permission.

5.29 The policy will be monitored using analysis of developments permitted which affect recreation opportunities within the Park, and which have had an impact on existing facilities.