

Date:		
Issue:	Policy 02 Natura 2000 Sites	
Objection ref:	Objector	
400f(b)		Dr A. M. Jones, Badenoch & Strathspey Conservation Group
434c		Robert Maund, Scottish Council for National Parks

Reporter	Mr Hugh Begg
Procedure	Informal Hearing

I Overview

- 1.1 This statement sets out the Cairngorms National Park Authority response to the objections raised to the Deposit Local Plan (CD6.11) as modified in respect of Policy 02: Natura 2000 Sites, and supplements the response made to those objections by the Cairngorms National Park Authority in its reports to Committee (CD7.3, 7.4 and 7.5). The typographical error in the reference to the Regulations will be corrected.

2 Provision of the Local Plan

- 2.1 Policy 02 outlines that the provisions of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) (CD1.14) apply to planning decisions. The policy and background text has been drafted and redrafted through 1st and 2nd modifications (CD 6.12, 6.13) with the help of Scottish Natural Heritage, the Scottish Government's natural heritage advisor.

3 Summary of objection(s)

- 3.1 There are 2 objections to Policy 02 who wish to be considered at informal hearing:

3.2 400f(b) objects:

- on the basis that a letter (16 May 2006) from the Scottish Executive to heads of planning authorities providing interim guidance on the licensing arrangements for European Protected Species is not referred to;
- that Policy 02 does not refer to the Habitats Directive or reflect the existing legal obligations associated with it and the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended);
- that Policy 02 could be interpreted as not applying the rules of appropriate assessment to the responsible authority;
- to the timing of the planning authority informing developers of any special requirements resulting from Natura interests;
- to the quality and scale of mapped information available to the public, including; the lack of detailed large scale online maps, the frequency of updating the information displayed, and lack of reference to such mapping in the Local Plan. (The objection also applies to policies 04 and 07).

- 3.3 **434c** objects that Policy 02 will not protect natural heritage, with particular reference to the role of the Water Authority in providing water supplies to Badenoch & Strathspey from ground water sources.

4 Summary of Cairngorms National Park Authority Response

- 4.1 The CNPA reviewed the original wording of Policy 02 through the 1st and 2nd modifications (CD6.12 and 6.13) to make it as accurate as possible and considers that the wording of Policy 02 complies with the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) (CD1.13, 1.14). No further changes to the policy are considered necessary.

5 CNPA Commendation to Reporter

- 5.1 It is commended that the Reporter rejects all objections. The Cairngorms National Park Authority considers that Policy 02 adequately sets out how provisions of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) apply to planning decisions.

6 Assessment / Scope of Evidence

6.1 400f(b) objects:

- on the basis that a letter (16 May 2006) from the Scottish Executive to heads of planning authorities providing interim guidance on the licensing arrangements for European Protected Species is not referred to;
- that Policy 02 does not refer to the Habitats Directive or reflect the existing legal obligations associated with it and the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended);
- that Policy 02 could be interpreted as not applying the rules of appropriate assessment to the responsible authority;
- to the timing of the planning authority informing developers of any special requirements resulting from Natura interests;

- 6.2 **CNPA Response:** The CNPA reviewed the original wording of Policy 02 through the 1st and 2nd modifications (CD6.12 and 6.13) to make it as accurate as possible and considers that the wording of Policy 02 complies with the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) (CD1.13, 1.14). The CNPA considers that the modifications have addressed the objection. The CNPA also considers that the policy and background text provide explicit and sufficient reference to this information for the clarity and accuracy of Policy 02. Amendments to the habitats regulations (CD1.14) have superseded the letter referred to by the objector. No changes to the policy are considered necessary

- 6.3 **400f(b)** also objects to the quality and scale of mapped information available to the public, including; the lack of detailed large scale online maps, the frequency of updating the information displayed, and lack of reference to such mapping in the Local Plan. (The objection also applies to policies 04 and 07).

- 6.4 **CNPA Response:** The CNPA considers it has provided information as clearly as possible and has clarified how more detailed information can be accessed by the public. No changes to the policy are considered necessary.

- 6.5 **434c** objects that Policy 02 will not protect natural heritage, with particular reference to the role of the Water Authority in providing water supplies to Badenoch & Strathspey from ground water sources.

- 6.6 **CNPA Response:** The CNPA considers Policy 02 and its supporting text to accurately reflect the habitats regulations (CD1.13, 1.14.) Other policies in the Local Plan consider other elements of the natural heritage and would also be relevant to any development proposals requiring planning permission for water extraction or storage. No changes to the policy are considered necessary.

7 Strategic Issues

- 7.1 Natura 2000 is a European network of protected sites which represent areas of highest value for habitats and species of plants and animals which are rare, endangered or vulnerable in the European Community. The network was established in response to the 1992 Habitats Directive and 1979 Birds Directive, with the enabling legislation in the UK being provided by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) (CD1.13, 1.14).
- 7.2 This policy context is outlined in the National Park Plan and informs its strategic objectives for Biodiversity (CD7.1, pages 42-44). Policy 02 conforms to the Regulations and supports the Park Plan's strategic objectives for biodiversity.

8 Other material considerations

- 8.1 None

9 List of documents (including Core Documents)

- CD1.13 Conservation (Natural Habitats, &c.) Regulations 1994
- CD1.14 Amendments to the Conservation (Natural Habitats, &c.) Regulations 1994
- CD6.11 Deposit Local Plan
- CD6.12 Deposit Local Plan 1st Modifications
- CD6.13 Deposit Local Plan 2nd Modifications
- CD7.1 Cairngorms National Park Plan 2007
- CD7.4 CNPA Committee Report 1st Modifications October 2008
- CD7.5 CNPA Committee Report 2nd Modifications February 2009

- EU Protected Species Guidance Letter 16 May 2006, EUROPEAN PROTECTED SPECIES, DEVELOPMENT SITES AND THE PLANNING SYSTEM: INTERIM GUIDANCE FOR LOCAL AUTHORITIES ON LICENSING ARRANGEMENTS

10 Cairngorms National Park Authority Witnesses for Informal Hearing

- Gavin Miles, Strategic Planning & Policy Officer, CNPA