

Date:		
Issue:	Policy 04 Other Important Natural and Earth Heritage Sites and Interests	
Objection ref:	Objector	
1	038d	Muir Homes Ltd
2	390d	Roy Turnbull
3	400f(d)	Dr A. M. Jones, Badenoch & Strathspey Conservation Group
5	447c	Scottish and Southern Energy Plc

Reporter	Mr Hugh Begg
Procedure	Informal Hearing

1 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 04 : Other Important Natural and Earth Heritage Sites and Interests, 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).

2 Provision of the Local Plan

- 2.1 Policy 04 is intended to recognise the importance of a range of natural and earth heritage sites and interests that are not afforded the statutory protection of a designation. This policy was modified as part of the 1st Modifications May 2008 (CD6.12).

3 Summary of objection(s)

- 3.1 There are 4 objections to Policy 04 who wish to be considered at informal hearing:
- **038d** objects that the policy is vague and unreasonable;
 - **390d and 400f(d)** object to the policy because ancient woodland sites and GCR sites are not replaceable, and state that all ancient woodland sites should be protected in entirety;
 - **447c** objects that the policy provides insufficient guidance on how features of sites can be replaced and that the features of the sites are not defined.

4 Summary of Cairngorms National Park Authority Response

- 4.1 The CNPA considers that Policy 04 takes a reasonable approach to these sites and interests by providing greater protection to the most important ones. It considers this approach to be consistent with national planning policy guidance in NPPG14 (CD3.2). No changes to the policy are considered necessary.

5 CNPA Commendation to Reporter

- 5.1 It is commended that the Reporter rejects all objections.

6 Assessment / Scope of Evidence

6.1 **038d** objects that the policy is vague and unreasonable.

6.2 **CNPA Response:** The CNPA disagrees with objection and considers Policy 04 to provide sufficient clarity. The policy blends national planning policy guidance set out in NPPG14 (CD3.2, para 24, 25, 33 and 46-62) and the aims of the National Park set out in the National Parks (Scotland) Act 2000 (CD1.3, section 1 and section 9(6)). The CNPA does not consider the policy to be unreasonable since it identifies a range of natural and earth heritage interests of different levels of importance but all contributing to the National Park's character and interest. The policy does not preclude development in such areas, but links mitigation of adverse effects to the feature that are lost. No changes to the policy are considered necessary.

6.3 **390d and 400f(d)** object to the policy because ancient woodland sites and GCR sites are not replaceable, and state that all that ancient woodland sites should be protected in entirety.

6.4 **CNPA Response:** The CNPA acknowledges this principle in the supporting text, but also makes the point that not all the sites are of equal value, importance or significance. The policy is targeted at the significance of the feature(s) that make a site important, and the significance of any adverse effects. Therefore, the more significant the feature and impact, the greater (and more difficult to achieve) will be the mitigation. The site boundary or name of the site are only one element of the assessment. This allows for a reasonable approach to these sites by providing greater protection to the most important ones. The approach proposed by the objectors would be unreasonable as it would provide a level of protection greater than for any other natural or earth heritage designation or area. No changes to the policy are considered necessary.

6.5 **447c** objects that the policy provides insufficient guidance on how features of sites can be replaced and that the features of the sites are not defined.

6.6 **CNPA Response:** Policy 04 applies to a range of sites and interest that are identified for a variety of reasons. For many sites, a list of the important features or primary interests is available from the CNPA or other organisation(s) and would be made available to developers as soon as possible. However, each site may be different so identification within the Local Plan is not practical. The policy does not require replacement of features but mitigation, which could include replacement and also enhancement of features. No changes to the policy are considered necessary.

7 Strategic Issues

7.1 Policy 04 supports the National Park Plan's strategic objectives for landscape, built & historic environment, biodiversity, and geodiversity (CD7.1, pages 38-39, 42-44, 46-47).

8 Other material considerations

8.1 None.

9 List of documents (including Core Documents)

- CD1.3 The National Parks (Scotland) Act 2000
- CD3.2 NPPG14 Natural Heritage

- 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

10 Cairngorms National Park Authority Witnesses for Informal Hearing

- Gavin Miles, Strategic Planning & Policy Officer