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| Date: | | | |
| Issue: | Policy 13 –Water Resources | | |
| Objector(s): | James and Evelyn Sunley | Objection ref(s): | 056h |
| | Badenoch and Strathspey Conservation Group | | 400j |
| | Scottish Council for National Parks | | 434b/f |
| | Mrs Jane Angus | | 437g |
| | Mr B Garrow | | 464b |

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| Reporter | Mr Hugh Begg |
| Procedure | Informal hearing |

1.0 Overview

- 1.1 This statement sets out the Cairngorms National Park Authority response to the objections raised to the Deposit Local Plan as modified (CD6.12 and 13) in respect of Policy 13: Water Resources, and supplements the response made to those objections by the Cairngorms National Park Authority in its report to Committee (CD7.3,4 and 5). It suggests no further change be made to the policy

2.0 Provision of the Local Plan:

- 2.1 Policy 13 within the Deposit Local Plan as modified gives policy guidance on how water resources will be considered in the development process. During the current transitional arrangements set out in the Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008, the policy is intended to provide an appropriate level of guidance to meet the requirements of SPPI (CD2.2 para 37-38) and Scottish Planning Policy (CD2.1 para 15-18) and ensure that applications for development within the National Park adequately consider the impact that development will have on the water resources within the Park.
- 2.2 The Policy has been modified in the 1st modifications to the Deposit Local Plan to clarify issues regarding the quality of water, connections to sewerage, and in the background text to the management of water resources, the relevance of additional legislation, regulations and management plans. Information relating to management arrangements and permitted development rights is also expanded.
- 2.3 2nd modifications have been included to correct technical terms within the policy, to clarify the responsibilities placed on the National Park Authority and to clarify the approach necessary in regard to Drainage Impact Assessments. The changes made have been in response to the objections made by SEPA, as the Governments advisors on the topic, and as a result their objections to the policy have been withdrawn.
- 2.4 The Policy relates to all development proposals within the National Park.

3.0 Summary of objection(s)

- 3.1 Five objections raising five issues have been lodged to this policy and wish to have their objections considered by informal hearing:
- The policy should recognise the limitations of developer funded flood risk assessments. **(434f)**
 - The policy should require mains sewerage to be in place prior to development. **(400j)**

- The policy should consider all aspects of water resources found in the Park, in terms of the amount of extraction which is having a considerable negative impact on biodiversity along the Dee in particular. **(437g)**
- The policy should encourage the use of newer techniques to provide water services. **(464b)**
- The policy should give greater protection against flood risk and housing allocations must ensure appropriate defences. **(056h)**

4.0 Summary of Cairngorms National Park Authority Response

- Flood risk assessments – the policy states that these must be carried out by suitably qualified professionals. No further change is therefore considered necessary. **(434f)**
- Sewerage – the policy cannot impose constraints and requirements that are disproportionate, or unnecessary, nor should they be anything other than fair, reasonable and practicable. The suggestion to install sewerage prior to the commencement of other development as a matter of course is not considered to meet these criteria. **(400j)**
- The policy as modified through 1st modifications takes full account of the water resource within the National Park and any impact that development might have on this. The wording is therefore not considered deficient. **(437g)**
- New technology - the policy is not prescriptive, and any form of technology which meets the necessary standards set out in this policy, in conjunction with other regulations and guidance will be considered on its merits. The policy is not therefore considered overly restrictive and no change is considered necessary. **(464b)**
- Flooding – the policy clearly states that development will be free from significant risk of flooding in line with the requirements of SPP7 (CD2.7). No further change is therefore considered necessary to the policy. **(056h)**

5.0 CNPA Commendation to Reporter

- 5.1 It is commended to the Reporter that the objections to this policy as listed above are rejected. No issues are raised that could lead the Cairngorms National Park Authority to consider the policy deficient. The wording of the policy should therefore be retained.
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6.0 Assessment / Scope of Evidence

- 6.1 **056h** objects the lack of protection given against flood risk in relation to housing allocations, and also to the need to secure appropriate defences.
- 6.2 **Response:** The policy has been drafted in line with the requirements of SPP7 (CD2.7) and states clearly that development will be free from significant risk of flooding in line with the requirements of SPP7. The policy is not therefore considered deficient and no change is therefore considered necessary.
- 6.3 **400j** objects to the lack of reference within the policy to the need to have in place mains sewerage before development goes ahead.
- 6.4 **Response:** The policy is intended to provide a framework for development in regard to water, and to clarify to developers what will be expected when the proposal is considered. Within this constraints must be fair, reasonable and practicable, and must not be disproportionate or unnecessary. (SPPI CD2.2 para 8, para 30). Paragraphs 4.80 – 4.82 clarify the way in which the policy will be implemented in relation to waste water and public supplies. Going beyond this to

include a requirement to have mains sewerage complete prior to any other development commencing is not considered to meet the criteria listed above and no change to the policy or the supporting text is therefore considered necessary.

- 6.5 **434b/f** objects to the limitations of developer funded flood risk assessments as mentioned in the policy.
- 6.6 **Response:** The Local Plan is not the correct place to criticise any work carried out by or on behalf of developers by professionals, and the policy within part b) includes reference to the need to use a suitably qualified professional to carry out the assessment. No further change to the policy is therefore considered necessary.
- 6.7 **437g** objects to the policy which should consider all aspects of water resources found in the Park, in terms of the amount of extraction which is having a considerable negative impact on biodiversity along the Dee in particular.
- 6.8 **Response:** The policy has been drafted to take full account of the requirements of SPP7 (CD2.7), PAN 61(CD4.10) and PAN 79 (CD4.22), and takes full account of water resources in the National Park. Development proposals must, under the policy ensure that use of water is minimised, the status of water must not become deteriorated as a result of development, follow guidance regarding disposal of water and have no significant adverse impact on existing or proposed supplies or waste water treatment services. The policy is not considered deficient and no change to the policy is therefore proposed.
- 6.9 **464b** objects to the policy which should encourage the use of new techniques to provide water services. An example of the technology suggested is provided.
- 6.10 **Response:** The policy is not prescriptive in the types of technology that can be considered appropriate, but rather sets the framework within which all technologies must fit. Where any form of technology would meet the standards set out in the policy, together with any other regulations and guidance appropriate to the subject it would therefore be considered appropriate. However it would not be appropriate for the policy to reduce or change the national standards set by SEPA and others to promote technology which does not meet the established standards. The policy is not therefore considered deficient and no change is therefore proposed.

7.0 List of documents (including Core Documents)

- CD2.1 Scottish Planning Policy 2008 Parts 1 and 2
- CD2.2 SPP1 The Planning System
- CD2.7 SPP7 Planning and Flooding
- CD4.10 PAN61 Planning and Sustainable Drainage Systems
- CD4.22 PAN79 Water and Drainage
- CD6.12 Deposit Local Plan 1st modifications
- CD6.13 Deposit Local Plan 2nd modifications
- CD7.3 CNPA Committee Report Consultation May 2008
- CD7.4 CNPA Committee Report 1st Modifications October 2008
- CD7.5 CNPA Committee Report 2nd Modifications February 2009

8.0 Cairngorms National Park Authority Witnesses for Informal Hearing

- Karen Major – Local Plan/Policy Officer