

<b>Date:</b>			
<b>Issue:</b>	<b>Policy 14 – Minerals and Soil/Earth Resources</b>		
<b>Objector(s):</b>	Muir Homes Ltd	<b>Objection ref(s):</b>	038g
	Scottish Council for National Parks		434g
	Mrs Jane Angus		437h
	Glenmore Properties Ltd		453f

<b>Reporter</b>	Mr Hugh Begg
<b>Procedure</b>	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 in respect of Policy 9: Archaeology, and supplements the response made to those objections by the Cairngorms National Park Authority in its reports 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 9 within the Deposit Local Plan as modified gives policy guidance to allow a consistent framework for development of proposals and for the assessment of applications which affect Scheduled Ancient Monuments and other nationally and regionally important archaeological resources, and their setting. 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 affecting such sites are determined in a consistent manner.
- 2.2 The Policy has been modified in the 1<sup>st</sup> modifications to the Deposit Local Plan with word changes to clarify a presumption in favour of preserving in situ the affected resource, and to correct the term used regarding archaeological appraisals. The background text has also been modified to include additional reference to Records where additional information may be found regarding sites, and to include reference to Scottish Government guidance which may also be taken into consideration when assessing the development proposal.

## 3.0 Summary of objection(s)

- 3.1 Four objections raising five issues have been lodged to this policy and wish to have their objections considered by informal hearing:
- The policy should recognise that some soil disturbance will occur with all development. **(038g)**
  - Extensions to existing facilities should be possible where the market is not necessarily wholly within the National Park. **(453f)**
  - The policy should be clearer and express a general presumption against new mineral workings 'unless etc'. **(434g)**
  - The policy should clarify the need for advice from local sources. **(437h)**
  - The policy should clarify the need for exceptions during times of national scarcity. **(437h)**

#### 4.0 Summary of Cairngorms National Park Authority Response

- Disturbance - the policy as modified states that disturbance should be minimised and thus recognises that some disturbance will occur. No change is therefore needed. **(038g)**
- Extensions – in line with the National Park Plan (CD7.1 Page 47) the policy does not encourage one form of extraction over another, as all forms must comply with the policy. **(453f)**
- The policy does express a general presumption against new mineral workings ‘unless etc’ and the objection is considered to have been addressed. **(434g)**
- The supporting text highlights that in some cases a soil management statement will be required, and that best practice should be used throughout. The Planning Authority will therefore rely on all appropriate sources of information in the decision making process. **(437h)**
- National Scarcity – the policy is in line with the objectives of the National Park Plan (CD7.1). Should a particular national issue present itself this could be considered as a departure from the plan based on any overriding national situation. A change to the policy is not however considered appropriate to deal with this issue. **(437h)**

#### 5.0 CNPA Commendation to Reporter

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

- 6.1 **038g** objects to the need within the policy to recognise that some disturbance to soil will occur with all developments.
- 6.2 **Response:** The policy wording highlights the need for development to avoid unnecessary disturbance, and in doing so does recognise that some level of disturbance will occur. No change is therefore considered necessary to the modified wording of the Policy.
- 6.3 **434g** objects to the policy as there should be a general presumption against development.
- 6.4 **Response:** Through the 1<sup>st</sup> modifications the policy was amended to give this presumption and the objection is therefore considered to have been addressed.
- 6.5 **437h** objects to the policy as there should be a clear reference made to the need for local advice.
- 6.6 **Response:** Paragraphs 1.16 – 1.23 explain how the Local Plan will be implemented. In this the use of partners is highlighted in the role they play in providing advice during the planning process. This will include both local and national partners, and the Planning Authority will call on them for expert advice as necessary in the decision making process. This is the case with all forms of development, and not solely minerals proposals. It is not therefore considered appropriate to highlight the use of experts to provide advice in this case as the issue is addressed in the introduction to the Plan. No change is therefore considered necessary.
- 6.7 **437h also objects** on the grounds of national scarcity.

- 6.8 **Response:** The policy has been drafted to reflect the strategic objectives of the National Park which states that the removal of minerals from the National Park should be safeguarded against. (CD7.1 page 47) The inclusion within the policy of an option to carry out such removal of materials from the Park would therefore be contrary to the National Park Plan and no change to the policy is therefore considered necessary.
- 6.9 **453f** objects to the policy as it should allow for extraction from existing sites to provide material for markets outwith the National Park area.
- 6.10 **Response:** The policy has been drafted to support the strategic objectives of the National Park Plan, (CD7.1 page 47) and in particular the need to safeguard geodiversity. The international importance of geology within the Park is recognised by the National Park Plan, and the need to encourage its long term conservation has influenced the wording of the policy. Any option to expand extraction to markets across the nation would be contrary to objective d) Safeguard against large scale extraction and removal of mineral resources from the National Park. The policy therefore applies equally to all forms of extraction rather than encouraging from any existing source as all proposals must comply with the policy. No change to the policy is therefore proposed.

## **7.0 Strategic Issues**

- 7.1 The National Park Plan (CD7.1) within its strategic objectives relating to conserving and enhancing the Park recognises geodiversity as an outstanding record of natural processes, in particular glacial (CD7.1 Page 46). The objectives established in relation to geodiversity are intended to safeguard this resource and raise awareness of its importance. Objectives a, c and d are of particular relevance to the development plan with clear guidance instructing the need for conservation.

## **8.0 List of documents (including Core Documents)**

- CD2.1 Scottish Planning Policy 2008 Parts 1 and 2
- CD2.2 SPPI The Planning System
- CD7.1 Cairngorms National Park Plan 2007
- CD7.3 CNPA Committee Report Consultation May 2008
- CD7.4 CNPA Committee Report 1<sup>st</sup> Modifications October 2008
- CD7.5 CNPA Committee Report 2<sup>nd</sup> Modifications February 2009

## **9.0 Cairngorms National Park Authority Witnesses for Formal Inquiry**

- Don McKee – Head of Planning