

<b>Date:</b>			
<b>Issue:</b>	<b>Policy 17 – Improvements to Settlements</b>		
<b>Objector:</b>	Muir Homes	<b>Objection ref:</b>	038h

<b>Reporter</b>	Mrs Jill Moody
<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 17: Improvements to Settlements, 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 17 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 are within settlements. 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 SPP1 (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 (CD6.12) to the Deposit Local Plan with word changes to highlight the importance of prosperity, and expand the examples given regarding accessibility and amenity. A final paragraph has been added to clarify the approach which will be taken with developments that have a negative impact on vitality, viability and amenity.

## 3.0 Summary of Objection(s)

- 3.1 One objection raising two issues has been lodged to this policy and wishes to have their objections considered by informal hearing:
- Where a site is allocated in the plan, it should not be necessary to comply with a) and the final paragraph. **(038h)**
  - Para 5.8 requires development to have a positive impact on the built environment; this will not provide mitigation to natural heritage and creates therefore a conflict. **(038h)**

## 4.0 Summary of Cairngorms National Park Authority Response

- Whilst the allocation of any site within the Plan gives a clear recognition of the nature of development expected on that site, this does not preclude that development from compliance with the policies of the plan, as set out in Para 1.20. **(038h)**
- The wording in Para 5.8 relates to the built form found within settlements. The impact of development on natural heritage is considered through other policies, dependent on the nature of the site. The policies of the plan are intended to be considered together, as in Para 1.20, and compliance with one policy does not imply a general acceptance of that development. **(038h)**

## **5.0 CNPA Commendation to Reporter**

- 5.1 No issues are raised that could lead the Cairngorms National Park Authority to consider that the policy was deficient. It is therefore commended to the Reporter that this objection is rejected.
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## **6.0 Assessment / Scope of Evidence**

- 6.1 **038h** – has objected to the policy since, on an allocated site, there should be a presumption in favour of development and of its status as an allocation within the Plan.
- 6.2 **Response:** Paragraph 1.20 of the plan explains clearly how the plan is to be used, and whilst the allocation of a site within the proposals section of the Plan is a clear recognition of the nature of development that would be expected on the site, it does not preclude that development from compliance with the policies of the plan, as well as any other regulations or material considerations that may be relevant. The policy is therefore considered appropriate for inclusion within the Local Plan.
- 6.3 Also the objector does not agree that all development should make a positive impact on the built environment. This will not provide mitigation to the natural environment, and therefore creates a conflict which should be recognised. The wording in Para 5.8 relates to the built form found within settlements. The impact of development on natural heritage is considered through other policies, dependent on the nature of the site. The policies of the plan are intended to be considered together, as in Para 1.20, and compliance with one policy does not imply a general acceptance of that development

## **7.0 Strategic Issues**

- 7.1 Planning Advice Note 52: Planning in Small Towns (CD4.7 page 10-11) supports the role of Local Plans as playing an important role in addressing economic, social and environmental issues facing small towns, and sees their role in promoting opportunities for development which increase the economic, social and physical well being of areas. They should also set out objectives for influencing the design of new development, in order to protect an area from inappropriate development and to enhance the environmental quality.

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

- CD2.1 Scottish Planning Policy 2008 Parts 1 and 2
- CD2.2 SPPI The Planning System
- CD4.7 Planning for Small Towns
- CD6.12 Deposit Local Plan 1<sup>st</sup> modifications
- 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 Informal Hearing**

- Karen Major – Local Plan/Policy Officer