

**Policy/site ref** Policy 01

**Agent Name**

**Objector Ref** Name Mrs Jane Angus

437a Darroch Den  
Hawthorn Place  
Ballater  
AB35 5QH

**Company**

**Summary of objection to Deposit Local Plan**

The problems between the aims of the park, and the protection of the natural heritage of the Park do not help in harmonious management.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship

with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more

appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout

proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties.

**Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

**Response to 1st modification objections**

response received - need to confirm actual position regarding formality of objection

**CNPA analysis of objections to 1st modifications**

response received - need to confirm actual position regarding formality of objection

**Policy/site ref** Policy 01

**Agent Name**

**Objector Ref** Name Hebe Carus

024a The Mountaineering Council of Scotland  
The Old Granary  
West Mill Street  
Perth, PH1 5QP

**Company** The Mountaineering Council of Scotland

**Summary of objection to Deposit Local Plan**

Support for approach being proposed in Policy 1

**CNPA analysis of objection to Deposit Local Plan**

No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

Thanks for the details of the modifications to the local plan. I agree with the modifications to Policies 1,2,3,4,6, 33

## CNPA analysis of objections to 1st modifications

No further action required.

### Objection withdrawn

**Policy/site ref** Policy 01  
**Objector Ref** Name John Forbes-Leith Esq  
418a Dunachton Estate

**Agent Name** Debbie Mackay  
Smiths Gore  
12 Bernard Street  
Edinburgh  
EH6 6PY  
**Company** Dunachton Estate

### Summary of objection to Deposit Local Plan

The policy should also include social or economic of local importance in line with the 4th aim of the Park. The wording should be amended to "...outweighed by social or economic benefits of local and/or national importance..."

### CNPA analysis of objection to Deposit Local Plan

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. The proposed wording will be assessed accordingly.

### Proposed 1st Modification

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

### Response to 1st modification objections

Objection maintained.

### CNPA analysis of objections to 1st modifications

Policy 1 has been totally redrafted. No additional comment has been added on the changes. No further modifications are proposed.

### Objection maintained

**Policy/site ref** Policy 01  
**Objector Ref** Name Rona Main  
425c Scottish Enterprise Grampian  
27 Albyn Place

**Agent Name** Steve Crawford  
Halliday Fraser Munro  
8 Victoria Street  
Aberdeen

Aberdeen  
AB10 1DB

AB10 1XB  
**Company** Scottish Enterprise Grampian

### **Summary of objection to Deposit Local Plan**

The policy should refer to the aims of the Park which are not set out. The wording is protectionist and should be reworded to allow for economic development

which link to the aims of the Park.

The reference to "economic benefits of national importance" is at odds with the aims of the Park which do not relate to nationally important economic development

but to more local economic development to support the Park, its communities, the tourism industry and existing/new businesses.

### **CNPA analysis of objection to Deposit Local Plan**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship

with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more

appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout

proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties.

### **Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

### **Response to 1st modification objections**

We welcome the modifications under Policy 1 to support Development within the Park, however believe the caveats to this statement are too protectionist and

favour conservationist approach.

### **CNPA analysis of objections to 1st modifications**

Policy 1 has been completely redrafted to create a clear link to the aims of the park. No further modifications are therefore proposed.

### **Objection maintained**

**Policy/site ref** Policy 01  
**Objector Ref** Name Muir Homes Ltd  
038c

**Agent Name** Malcolm Smith  
TMS Planning and Development Services  
Balclune, 32 Clune Road  
Gowkhall, Fife  
KY12 9NZ

### **Company**

### **Response to 1st modification objections**

The terms of Policy 1 are noted. While this sets out generic guidance this policy fails to give any support to those developments specifically identified within the

local plan. The allocation of a site for development within the local plan must provide a sufficient level of assurance that the principle of

development on a site will

be accepted subject to the specific details being addressed and therefore the surety required by the development industry to invest substantial resources in seeking to

deliver beneficial development within the area. While the general ethos underlying this policy is understood there needs to be clear support for development on

allocated sites subject to the appropriate mitigation of impacts. There should be no further requirement to justify the principle of the development otherwise the

danger here is that the level of development required in order to support/sustain communities will simply not materialise within the required timescales, if at all. The

text of the policy and the related explanatory paragraphs require to be amended in order to address the stated concerns.

Indeed, the original wording of Policy 1 as contained within the Cairngorm National Park Deposit Local Plan should be retained in preference to the modified Policy

1. This provided for a better balance between pure conservation and appropriate development within the Park area.

#### **CNPA analysis of objections to 1st modifications**

The allocation of a site within the proposal maps does not in any way suggest that any form of development will be acceptable upon it. This is not unusual in the

planning process, but gives a degree of clarity which developers can then build upon when designing their proposals in line with the policies. Policy 1 ensures that

all proposals are considered in light of the aims of the Park and creates a direct link to the National Park (Scotland) Act 2000. The links to the aims of the Park are

important in the consideration of all development proposals. No second modifications or amendments are therefore proposed.

#### **Objection maintained**

**Policy/site ref** Policy 01

**Objector Ref** Name The Cairngorms Campaign

448b PO Box 10037

Alford

AB33 BWZ

**Agent Name**

**Company** The Cairngorms Campaign

#### **Summary of objection to Deposit Local Plan**

Support the Mountaineering Council of Scotland comments on policies 1-6, particularly with regard to the need of safeguarding against the incremental accumulation

of impacts. A particular problem that is increasingly evident is the current inadequacy of data available on such sites on which to base decisions. The plan should

explicitly take cognisance of this.

#### **CNPA analysis of objection to Deposit Local Plan**

The limitations of the data sets are noted and the text will be amended to adequately reflect this.

**Proposed 1st Modification**

No modification proposed as a result of representation.

**Response to 1st modification objections**

We strongly support policy 1 and believe this addition and the supporting statements added under Implementation and Monitoring in paras 3.6 to 3.10 and believe

that, through these additions, you have significantly strengthened the whole plan. Recent events on sites proposed for housing developments on Speyside have

demonstrated that the statement in para 3.10 on improving the evidence base and data collection is particularly relevant.

Regarding other specific paras, we would however say:-

Para 3.1 – Highlighting natural and cultural qualities that give the Park its distinctive identity. This seems to us a potentially useful list, but it needs to be more

specific under the headings. Under rivers and lochs for example, some indication of what is distinctive about them in the Cairngorms – the extent of wetlands, the

relative unpolluted and wild rivers, etc. In particular, although Wild Land has now been incorporated into the Park Plan as an important element, and it is also

discussed in para 4.41 under Conserving and Enhancing the Park, it is excluded from this list in para 3.1. We strongly urge that it is included here in line with the

Park Plan and section 4 of this development plan.

**CNPA analysis of objections to 1st modifications**

Para 3.1 reflects wording from the National Park plan and is added for information and context. The local plan and national park plan are strongly linked and the

local plan does not aim to go into the level of detail where it is included in the Park Plan. No further modification is therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 01

**Objector Ref** Name Ian Francis

424c RSPB Scotland  
East Regional Office  
10 Albyn Terrace  
Aberdeen, AB10 1YP

**Agent Name**

**Company** RSPB Scotland

**Summary of objection to Deposit Local Plan**

The wording is not clear and is less likely to achieve a balance between the aims of the Park. The wording of the draft plan should be restored.

The word 'or' at the end of clause a) should be replaced with 'and', as it implies that development could be permitted where the aims of the Park (and integrity of the

area) would be compromised. (Does this refer to the whole Park?). The wording allows for conflict with the requirements of the National Park Act and the aim to

collectively achieve the aims in a co-ordinated way. The NPA cannot permit development where the aims of the Park would be compromised. The overall wording

in b) should therefore be clarified to explain the links with the aims of the Park. The policy should also refer to the need to consider alternatives in order to minimise

any potentially adverse implications for the aims of the National Park.

The final paragraph should be retained to ensure the links to the 1st aim of the Park.

#### **CNPA analysis of objection to Deposit Local Plan**

The approach taken has tried to create a clear link between the Park Plan, the aims of the Park and the Local Plan and its delivery. Throughout the remainder of the

policies in the Plan, issues such as landscape impact, sensitivity of development and the promotion of a healthy rural economy must all be considered in the

determination of any planning application. Whilst the approach taken may not be a definitive, modifications will be made to the Introduction and Context to clarify

that all the policies in the Plan must be considered equally and also to clarify the relationship with other documents including the aims of the Park, and the Park Plan,

and also national planning guidance.

#### **Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

#### **Response to 1st modification objections**

We note that this policy has been rewritten to confirm more with NPPG14 so we withdraw our objection. However we continue to recommend that the policy

should also make reference to the need for consideration of alternatives to development proposals, in order to minimise any potentially adverse implications for the

aims of the National Park. This could be included as below in para b:

'development that would have any significant adverse effects on the special qualities of the Park will only be permitted if:

i)there is no suitable alternative; and

ii)those effects are clearly outweighed, etc.

we welcome the wording in para c) of this policy which emphasises the need to give greater weight to the first National Park aim. This must be retained.

#### **CNPA analysis of objections to 1st modifications**

No further action required.

#### **Objection withdrawn**

**Policy/site ref** Policy 01  
**Objector Ref** Name The Proprietors of Mar Centre  
394c

**Agent Name** Steve Crawford  
Halliday Fraser Munro  
8 Victoria Street

Aberdeen  
AB10 1XB

**Company** The Proprietors of Mar Centre

### **Response to 1st modification objections**

Policy 1 has been substantially re-written since the Deposit Plan and there have been several supplementary sections added to Chapter 1 Introduction. These

additions at paragraphs 1.3 and 1.6 try to overcome some of the complication that has arisen out of the juxtaposition between the National Park (Scotland) Act Aims

and the Planning (Scotland) Act 2006.

However we note that, unlike most other Local Plans, the context of the Planning Acts is not explained at the beginning of Chapter 1, just the National Park

(Scotland) Act. To our knowledge the Planning Act remains the superior (and much longer standing) piece of legislation in Scotland. It is usually the case that

Development Plans set out the legislative context of the Planning Acts

at the beginning. We suggest there may be clear benefit for this being done and the logical steps being followed from each legislative context (as opposed to only a

one-sided explanation) toward the balancing duty that the CNPA must enact.

Our Client has no argument with the Aims of the Cairngorms National Park. We raise no objection to these at all and recognise that this is a statutory framework,

which must be adhered to. It is just that in the construction of Policy 1 it would appear that development will be made even more difficult to achieve than is already

the case. We wonder whether a rod is not being built for the National Park Authority's back through the present wording of Policy one.

1. To begin with the Plain English Society would not be inclined to award a Crystal Mark to the present formulation of Policy 1. It succeeds in making what should be

easily understood sound very complicated indeed.

2. Secondly, Policy 1 attempts to explain and provide a route-map for the machinations which the CNPA has to go through as planning authority but it does so

without first explaining the 'balancing' objectives it has to bear in mind when implementing the Planning Acts. To quote the purposes of the planning system as

presently set down, they state: To set the land use framework for promoting sustainable economic development; to encourage and support regeneration; to maintain

and enhance the quality of the natural heritage and built

environment. (SPP1) In order to fulfil those requirements the CNPA must fulfil its duties as a planning authority as well as a National Park. It is the interplay between

those roles that must be explained and set down in simple terms at the beginning of the Local Plan. We would submit that Policy 1 does not do this.

3. The Government's guidance given to Planning Authorities states that because of the importance accorded development plans it is essential that policies: Provide

clear guidance to developers and the public on the relevant planning issues affecting their area; are properly justified to explain their intention; are expressed simply

and unambiguously; and can easily be monitored, reviewed and kept up to date. (SPP1)

We believe that Policy 1, as presently re-drafted, does not fulfil this litmus test. 4. Policy 1 and its associated text do not explain the ramifications of

implementing

these two separate but clearly related pieces of legislation. We would suggest that the preamble to Policy 1 has to focus on the interplay between the two sets of

objectives provided by the two separate acts. To state both sets of objectives would help. To explain the tension between these objectives would also help. To the set

down the role of the CNPA as having to make a balanced judgement, taking all these objectives into account should be a relatively simple policy to write, as well as

implement. It is only right and proper that Section 9 (6) of the National Parks (Scotland) Act, giving effect to the Sandford Principle, is also explained.

5. In clear difference to the English counterparts, the Scottish National Parks have been given an important role in supporting the sustainable economic and social

development of the area's communities. This ties in well with the first aim of the planning system in Scotland (see above). We would suggest that the presumptions

inherent in Policy 1 should be more clearly written to

exemplify this. Presently it does not do this. Moreover, we now know that all development must be sustainable in terms of the 2006 Planning Acts.

Policy 1 succeeds in setting the bar substantially higher, but in our view unnecessarily so. Policy 1 would be much improved were the presumptions set out positively

from the beginning with the caveat of an 'unless' statement to bring forward the Sandford Principle. As presently drafted Policy 1 (d) is a single sentence of over 75

words that is extremely difficult to understand.

6. We also observe that Policy 1 is designed to steer the whole plan and all the policies that follow. If this is the case then there has to be guidance within Policy 1

that covers matters of fact and degree. Comparing single house applications within settlements to windfarms on hill tops or major new settlements makes little sense.

### **CNPA analysis of objections to 1st modifications**

The comments regarding the role of planning legislation is noted and an additional explanation will be added as a second modification to the plan.

Regarding the wording of the policy the intent is to clarify the role of the aims of the park in the decision making process. The introduction of a tiered approach is

not in line with these aims. No further modification is therefore proposed.

### **Objection maintained**

<b>Policy/site ref</b>	<b>Policy 01</b>	
<b>Objector Ref</b>	<b>Name</b>	Roy Turnbull
390b		Torniscar
		Nethy Bridge

**Agent Name**



Inverness-shire  
PH25 3ED

**Company**

**Summary of objection to Deposit Local Plan**

The policy is too pro development. Re-word first para to, "Development in the Cairngorms National Park may only be permitted where it has been demonstrated

that:"

Re-word para 3 to: ... "by the development's positive contribution to one or more aims, which must include the first aim, and the Park's special qualities, ..."

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship

with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more

appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout

proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties. The proposed wording will

be assessed accordingly.

**Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

**Response to 1st modification objections**

No additional representations were made in regard to this objection.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 01

**Objector Ref** Name Jamie Williamson

439c Alvie and Dalraddy Estate

Alvie Estate Office

Kincraig, Kingussie

PH21 1NE

**Agent Name**

**Company** Alvie and Dalraddy Estate

**Summary of objection to Deposit Local Plan**

If the approach taken is overly complicated and regulatory, development will not go ahead. The approach should therefore be more strategic and less prescriptive

and should take into account local economic and social benefits, not just national benefits. To simplify the situation the local plan should refer to other legislation

rather than try to duplicate it.

Amended wording suggested:

In b) add 'local and' before 'national'

In para 2 add 'or unreasonably' after 'significant'

In para 3 add after 'the aims of the Park' as defined in the National Parks (Scotland) Act 2000 Section 1

In para 3 in line 6 change 'and' to 'or' the Parks special qualities.

Delete final paragraph.

#### **CNPA analysis of objection to Deposit Local Plan**

Throughout the plan has endeavoured to highlight other legislation, making direct reference to it only where there is a particular need. However in modifications

further efforts will be made to ensure this approach is taken. The local plan throughout its policies also tries to take an approach that provides an appropriate level

of detail to and guidance for developers, and the Plan is easy to understand and use. The policies of the plan also endeavour to provide a balanced approach to land

allocation and services to support this, including creating the correct level of opportunities for employment. Modifications will therefore be proposed which review

the tone and clarity of policies, and the proposed wording will be assessed accordingly.

#### **Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

#### **Response to 1st modification objections**

b) Development that would have any significant adverse effects on the special qualities of the Park will only be permitted if these are clearly outweighed by social or

economic benefits OF LOCAL or national importance and will be mitigated to the satisfaction of the planning authority by the enhancement of qualities or features of

equal importance to the National Park.

The Local Plan should take into account local economic and social benefits, not just national benefits. Particularly in isolated communities there may be a serious

local problem that is not reflected nationally. For example there could be a serious problem of depopulation or lack of jobs in a particular glen that could be resolved

with the introduction of a job opportunity. The survival of the whole community in this glen could depend on this job opportunity even though the depopulation of

this glen would be insignificant in a national context.

The Local Plan should reflect the views, needs and aspirations of its residents, it should not be a plan imposed by government or national pressure groups that

ignores local needs.

#### **CNPA analysis of objections to 1st modifications**

The policy is intended to give a clear link between the planning process and the aims of the Park. Including the word as suggested would not be in line with this and

no modification is therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 01  
**Objector Ref** Name John Anderson  
463a Kincaig and Vicinity Community Council  
Goldenacre, Dunachton Road  
Kincaig, Kingussie  
PH21 1QE

**Agent Name**

**Company** Kincaig and Vicinity Community Council

**Summary of objection to Deposit Local Plan**

Support Alvie estate view on this policy

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. The issue will be considered under the Alvie representation. No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

**Response to 1st modification objections**

e) where the potential impact is uncertain with regard to irreversible damage, suggest that the policy should be stronger – against, with no discussion until such time as the case is better made.

**CNPA analysis of objections to 1st modifications**

The wording of the policy is intended to clarify the link with the 4 aims of the Park. The proposed change would not be in line with the sequential approach to assessing the impact of development against them and no modification is therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 01  
**Objector Ref** Name Scottish and Southern Energy Plc  
447a

**Agent Name** Jones Lang Lasalle  
7 Exchange Crescent  
Conference Square  
Edinburgh  
EH3 8LL

**Company** Scottish and Southern Energy Plc

**Summary of objection to Deposit Local Plan**

Parts a) and b) of the policy generally replicate the policy tests set out at para 25 of NPPG 14, with the exception of the first part of (a) which uses the

term "aims of

the Park" rather than NPPG 14's "objectives of designation". However there is no cross-reference or acknowledgement to NPPG 14. Both the policy and NPPG14

provide two means by which development may be permitted. However, part b) of the policy goes further and provides a third element to the test which is not

contained within NPPG 14. The policy is therefore over-restrictive and in conflict with the para 25 test in NPPG 14.

This third element can be considered to be within part b) of the policy where it is stated that development will be permitted where it has been demonstrated that the

development "will be mitigated to the satisfaction of the Planning Authority by the enhancement of qualities or features of equal importance to the National Park".

This part of the policy is not appropriate, it gives no clear guidance for developers since it is predicated upon the significance of adverse effects on special qualities,

while there is no definition given of these special qualities.

There is no clarification of "features of equal importance". Also the policy does not allow for a situation where a particular project could have satisfactory mitigation

built into it to make it acceptable in planning terms, and, where there may not be a particular 'feature' to enhance.

Details analysis is given in the submission on the requirements of PAN 49 in terms of local plan preparation and policy development. The policy does not accord

with this plan or its objectives in terms of being:

- "realistic" — references in policies such as policies 4, 3 and 18 do not represent realistic policy objectives as they contain requirements for developers to provide

and / or enhance features of equal importance which a developer may not have the power to deliver.

- "practical" - a number of the draft policies have been highlighted which are not particularly practical and which are not easily understood.
- "clear" - national planning advice states that "clarity is essential" and the most effective Local Plans will be those which convey their policies without ambiguity.

In terms of the requirement for the policy to always be clear (para 52 PAN 49) the policy does not meet this.

#### **CNPA analysis of objection to Deposit Local Plan**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship

with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more

appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout

proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties.

#### **Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

### **Response to 1st modification objections**

In the revised policy wording there remains no cross reference or acknowledgement in the modified policy 1 to NPPG14. The special qualities of the Park are referred to in the Local Plan however they are still not clearly defined. The paragraphs relating to the aims and special qualities of the park have not been amended following our objections made in 2007. Given that these special qualities and 'features of equal importance' are still not clearly defined it is considered that sections b) and d) of Policy 1 do not give sufficient guidance to developers. The modified Policy 1 still does not allow for a situation where a particular project could have satisfactory mitigation built into it to make it acceptable in planning terms, and where there may not be a particular 'feature' to enhance. The modified Policy 1 does not accord with Planning Advice Note (PAN) 49 in terms of terms of the policy being 'realistic', 'practical' and 'clear' Policy 1 has not been adequately revised to address the objections previously made and which are accordingly maintained.

### **CNPA analysis of objections to 1st modifications**

The wording of the policy is intended to clarify the link with the 4 aims of the Park. Any change to the wording which would undermine these aims would not be in line with the position of the CNPA. The proposed change would not support the 4 aims of the park and their application to the planning process. No modification is therefore proposed.

### **Objection maintained**

**Policy/site ref** Policy 01  
**Objector Ref** Name The Clouds Partnership  
398a Kinakyle  
Aviemore

**Agent Name** John Wirght  
Strutt and Parker  
28 Melville Street  
Edinburgh  
EH3 7HA  
**Company** The Clouds Partnership

### **Summary of objection to Deposit Local Plan**

para b requires quantification of 'significant adverse effects'. The statement is open ended which could impact on every planning proposal made. Clarification is therefore required.

### **CNPA analysis of objection to Deposit Local Plan**

The comments regarding the clarity of the wording are noted and the appropriate changes will be made to ensure policies and supporting text are clear, understandable and are not subjective in their implementation.

**Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

**Response to 1st modification objections**

Please find enclosed completed objection forms for the above consultation. From the enclosed you will see that we have maintained our objections to the following:

Policy 1 - development in the Cairngorms National Park

Table 4 - phased land supply

S7 Settlement proposals - Aviemore

S7 Settlement proposals - An Camas Mor

**CNPA analysis of objections to 1st modifications**

Policy 1 has been completely redrafted, and creates a clear link between the planning process and the aims of the Park and the National Park (Scotland) Act 2000.

To list what are 'significant adverse effects' would not allow flexibility or assessment of proposals against the aims of the Park. The policy is considered to give clear

advice and guidance, and as such no modifications are proposed.

**Objection maintained**

**Policy/site ref** Policy 01

**Agent Name**

**Objector Ref** Name Campbell Gerrard  
380a Sportscotland  
Caledonia House  
South Gyle  
Edinburgh, EH12 9DQ

**Company** Sportscotland

**Summary of objection to Deposit Local Plan**

Support the policy but consider the need for amended wording to better reflect the actual wording of the National Park Act. It is clear that the first aim will take

precedence over the other three aims and the policy does not properly reflect this. The wording should be revised to ensure that the final paragraph refers only to

National Park aims as defined in the Act and not to any other aims and objectives.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship

with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more

appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout

proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties. The proposed wording will be assessed accordingly.

#### **Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

#### **Response to 1st modification objections**

I am writing with sportscotland's response to the modifications proposed to the Cairngorms Local Plan and how these relate to the representations we made on the deposit Local Plan. I can confirm that we are content with the modifications made in relation to our representation on Policy 1, Development in the Park;

#### **CNPA analysis of objections to 1st modifications**

No further action required.

#### **Objection withdrawn**

#### **Policy/site ref Policy 01**

**Objector Ref Name** Reidhaven Estate  
456d Seafield Estate Office  
Cullen  
Buckie  
Banffshire

#### **Agent Name** Jill Paterson

Halliday Fraser Munro  
8 Victoria Street  
Aberdeen  
AB10 1XB

**Company** Reidhaven Estate

#### **Summary of objection to Deposit Local Plan**

Para a) states that a proposal will be permitted if "any significant adverse effects on the qualities for which the Park has been designated are clearly outweighed by social or economic benefits of national importance..." How will this be defined in practice? Will the 'national' level of importance be used to prevent developments that might be of local importance such as schools? The policy should refer to the aims of the Park. The wording is overly restrictive and should be reworded to allow for controlled growth and sustainable development to form part of the Park aims.

The policy should be reworded to allow for a two tier approach identifying 'Community Zones' and 'Conservation Zones'. The approach proposed by this policy would then apply to conservation zones, whereas a lesser threshold would apply in community zones. Alternatively a) could apply to all development, b) to conservation zones requiring a national importance test; and a new c) added to define community zones requiring a local importance test. The policy should also refer to the aims of the national park as defined in the National Parks (Scotland) Act 2000.

#### **CNPA analysis of objection to Deposit Local Plan**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties.

**Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

**Response to 1st modification objections**

Maintain objection.

On behalf of Reidhaven Estate we write to maintain our objection to Policy 1: Development in the Cairngorms National Park. We note that this policy has been

substantially re-worded, however still have concerns about its implementation. We welcome the additional information provided in the Introduction Section of

the Proposed Modifications (Chapter 1) in helping to clarify the relationship between the various acts and plans. In particular we welcome the addition at Paragraph

1.3 in referring to the role of the 4 aims of the National Park in the planning function. This addresses one of the concerns raised in our original representation. We

do however note that, unlike most other Local Plans, the context of the Planning Acts is not explained at the beginning of Chapter 1, just the National Park

(Scotland) Act. To our knowledge the Planning Act remains the superior (and much longer standing) piece of legislation in Scotland. We would therefore suggest that

there would be clear benefit in setting out the legislative context of the Planning Act as well. We still have concerns about the wording of Policy 1 which we do not

**CNPA analysis of objections to 1st modifications**

The comments regarding the role of planning legislation is noted and an additional explanation will be added as a second modification to the plan.

Regarding the wording of the policy the intent is to clarify the role of the aims of the park in the decision making process. The introduction of a tiered approach is

not in line with these aims. The policy wording will not be amended to undermine these aims and no further modification is therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 01  
**Objector Ref** Name James and Evelyn Sunley

**Agent Name**



056g

12 Lochnagar Way  
Ballater  
AB35 5PB

### Company

#### Summary of objection to Deposit Local Plan

The wording is overly complicated and confusing. The policy seems to conflict with all other policies in the Plan and seems too powerful.

#### CNPA analysis of objection to Deposit Local Plan

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship

with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more

appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout

proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties.

#### Proposed 1st Modification

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

#### Response to 1st modification objections

The modified Park Plan does not address any of the objections that we made, we therefore continue our objections and ask you to think again.

#### CNPA analysis of objections to 1st modifications

The wording of Policy 1 has been completely altered. The response does not comment on the new wording. No further amendment is therefore proposed.

#### Objection maintained

Policy/site ref Policy 01

Objector Ref Name Planning, Environment and Development  
469b The Highland Council

Agent Name

Company The Highland Council

#### Summary of objection to Deposit Local Plan

Clarification is needed to confirm that matters of national infrastructure which pass through the Park and could have a significant impact on the economic prosperity

in the Highlands, need not be compromised by Policy 1 and that they are in fact integral to a "vision" for the Park. The policy and its caveats must not weigh against

important development and infrastructure, for example An Camas Mor and the impact this scale of development will have of the future supply of water to Badenoch

and Strathspey.

**CNPA analysis of objection to Deposit Local Plan**

A review of the Vision will be undertaken to ensure that it gives an appropriate level of imaginative and coherent guidance for the future of the Park, and promotes a

level of partnership working which is accepted by all. The links with Policy 1 and the strategic role of the National Park in the wider economic prosperity of the

Highlands will also be developed.

**Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

**Response to 1st modification objections**

We note the modifications that CNPA has made to Policy 1 and the clearer links to the aims of the Park and vision, which provides for recognition of the national

importance of certain infrastructure. We are also mindful of the inclusion of certain strategic developments, such as An Camas Mor, as specific proposals within the

Plan.

On the basis of the Local Plan First Modifications the Council is content and does not maintain its earlier representation.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 01  
**Objector Ref** Name The Crown Estate  
419a

**Agent Name** Debbie Mackay  
Smiths Gore  
12 Bernard Street  
Edinburgh  
EH6 6PY

**Company** The Crown Estate

**Summary of objection to Deposit Local Plan**

The policy should also include social or economic of local importance in line with the 4th aim of the Park. The wording should be amended to

"...outweighed by

social or economic benefits of local and/or national importance..."

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship

with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more

appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National

Park. The proposed wording will be assessed accordingly.

**Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

**Response to 1st modification objections**

Objection maintained.

**CNPA analysis of objections to 1st modifications**

Policy 1 has been totally redrafted. No additional comment has been added on the changes. No further modifications are proposed.

**Objection maintained**

**Policy/site ref** Policy 01

**Agent Name**

**Objector Ref** Name Mrs Audrey MacKenzie

416c Aviemore and vicinity Community Council  
Tamsduchus  
10 Dalfaber Road  
Aviemore,PH22 1PU

**Company** Aviemore and vicinity Community Council

**Summary of objection to Deposit Local Plan**

Development in the park 'should' be permitted - amendment to wording.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. The wording of the policy will be amended to clarify the position regarding the approach to all development considered under this policy.

**Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

**Response to 1st modification objections**

Representation to modifications does not raise this as an outstanding issue. Assume issue has been resolved.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 01

**Agent Name**

**Objector Ref** Name Dr A M Jones

400e Badenoch and Strathspey Conservation Group  
Fiodhag  
Nethybridge

**Summary of objection to Deposit Local Plan**

Policy 1 - The phrases "development.....will be permitted.." (1st sentences) and "Development .. will be supported" (4th para) indicate a bias in favour of

development. There should be greater focus on the 1st aim of the Park.

Para 3.6 - contradicts Policy 1. The primacy of the 1st aim should be stated again in 3.6 to clarify the 1st aim takes precedence where there is a conflict,

Para 3.7 - There is an absence of even basic baseline information on natural heritage against which the policy can be realistically monitored.

Presently and for the

foreseeable future, the CNPA has virtually no idea of what natural heritage is being lost beneath development, what the direct and indirect impacts on natural

heritage are, nor virtually any measure of the cumulative impacts of developments proposed in the DLP. This shortfall urgently needs to be rectified if meaningful

monitoring is to be possible. The need for baseline surveys of natural heritage capital within potential settlement areas should be explicitly noted in the DLP.

Page 13- The Facts and Figures should give data for the Cairngorms (Partnership) area. The parts included fail to mention NNRS the wetlands of Insh marshes

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship

with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more

appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout

proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties. The proposed wording will

be assessed accordingly.

**Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

**Response to 1st modification objections**

No additional representation included regarding this issue.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 01  
**Objector Ref** Name Glenmore Properties Ltd  
 453a Viewfield Farm

**Agent Name** Steve Crawford  
 Halliday Fraser Munro  
 8 Victoria Street

Craigellachie  
Aberlour  
AB38 9QT

Aberdeen  
AB10 1XB  
**Company** Glenmore Properties Ltd

### **Summary of objection to Deposit Local Plan**

The policy should be amended to reflect the full aims of the Park set out in the National Parks (Scotland) Act 2000. These clearly relate to economic and social development. The wording of this policy should not only aim to protect, but also allow for controlled growth and sustainable development to form part of the Park aims. The wording should therefore be amended to reflect the aims in full.

### **CNPA analysis of objection to Deposit Local Plan**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Throughout proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties.

### **Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

### **Response to 1st modification objections**

Policy 1 has been substantially re-written since the Deposit Plan and there have been several supplementary sections added to Chapter 1 Introduction. These additions at paragraphs 1.3 and 1.6 try to overcome some of the complication that has arisen out of the juxtaposition between the National Park (Scotland) Act Aims and the Planning (Scotland) Act 2006.

However we note that, unlike most other Local Plans, the context of the Planning Acts is not explained at the beginning of Chapter 1, just the National Park (Scotland) Act. To our knowledge the Planning Act remains the superior (and much longer standing) piece of legislation in Scotland. It is usually the case that

Development Plans set out the legislative context of the Planning Acts at the beginning. We suggest there may be clear benefit for this being done and the logical steps being followed from each legislative context (as opposed to only a one-sided explanation) toward the balancing duty that the CNPA must enact.

Our client has no argument with the Aims of the Cairngorms National Park. We raise no objection to these at all and recognise that this is a statutory framework, which must be adhered to. It is just that in the construction of Policy 1 it would appear that development restricted further than is already the case.

1. The Plain English Society would not be inclined to award a Crystal Mark to the present formulation of Policy 1. It succeeds in making what should be easily understood sound very complicated indeed.
2. Secondly, Policy 1 attempts to explain and provide a route-map for the machinations which the CNPA has to go through as planning authority but it does so

without first explaining the 'balancing' objectives it has to bear in mind when implementing the Planning Acts. To quote the purposes of the planning system as

presently set down, they state:

- To set the land use framework for promoting sustainable economic development.
- To encourage and support regeneration
- To maintain and enhance the quality of the natural heritage and built environment. (SPP1)

In order to fulfil those requirements the CNPA must fulfil its duties as a planning authority as well as a National Park. It is the interplay between those roles that must

be explained and set down in simple terms at the beginning of the Local Plan. We would submit that Policy 1 does not do this.

3. The Government's guidance given to Planning Authorities states that because of the importance accorded development plans it is essential that policies:

- Provide clear guidance to developers and the public on the relevant planning issues affecting their area;
- Are properly justified to explain their intention;
- Are expressed simply and unambiguously; and
- Can easily be monitored, reviewed and kept up to date. (SPP1)

We believe that Policy 1, as presently re-drafted, does not fulfil this litmus test.

4. Policy 1 and its associated text do not explain the ramifications of implementing these two separate but clearly related pieces of legislation. We would suggest that

the preamble to Policy 1 has to focus on the interplay between the two sets of objectives provided by the two separate acts. To state both sets of objectives would

help. To explain the tension between these objectives would also help. To set down the role of the CNPA as having to make a balanced judgement, taking all

these objectives into account should be a relatively simple policy to write, as well as implement. It is only right and proper that Section 9 (6) of the National Parks

(Scotland) Act, giving effect to the Sandford Principle, is also explained.

5. In clear difference to the English counterparts, the Scottish National Parks have been given an important role in supporting the sustainable economic and social

development of the area's communities. This ties in well with the first aim of the planning system in Scotland (see above). We would suggest that the presumptions

inherent in Policy 1 should be more clearly written to exemplify this. Presently it does not do this. Moreover, we now know that all development must be sustainable

in terms of the 2006 Planning Acts. Policy 1 succeeds in setting the bar substantially higher, but in our view unnecessarily so. Policy 1 would be much improved

were the presumptions set out positively from the beginning with the caveat of an 'unless' statement to bring forward the Sandford Principle. As presently drafted

Policy 1 (d) is a single sentence of over 75 words that is extremely difficult to understand.

6. We also observe that Policy 1 is designed to steer the whole plan and all the policies that follow. If this is the case then there has to be guidance within Policy 1

that covers matters of fact and degree. Comparing single house applications within settlements to windfarms on hill tops or major new settlements makes little sense.

Whilst the CNPA would wish to apply Policy 1 across the board, the plain truth is that if its effect is most frequently used against single houses then the

status of

that policy will be seriously downgraded and undermined.

We would submit that there are clear and justified arguments for giving differing weight to Policy 1 depending upon the scale of the impact that any development

might have. This should be easily and readily drafted in line with the new categorisation of planning applications envisaged under the 2006 Planning Act.

#### **CNPA analysis of objections to 1st modifications**

The comments regarding the role of planning legislation is noted and an additional explanation will be added as a second modification to the plan.

Regarding the wording of the policy the intent is to clarify the role of the aims of the park in the decision making process. The introduction of a tiered approach is

not in line with these aims. The policy wording will not be amended to undermine these aims and no further modification is therefore proposed.

#### **Objection maintained**

**Policy/site ref** Policy 01

**Agent Name**

**Objector Ref** Name Campbell Gerrard

380e

Sportscotland

Caledonia House

South Gyle

Edinburgh, EH12 9DQ

**Company** Sportscotland

#### **Response to 1st modification objections**

We wish also to make a further representation on section (d) of Policy 1, on the precautionary principle. Based on national advice on the precautionary principle,

sportscotland considers that an addition should be made to the policy which states that the principle is only applicable where the natural heritage under threat is

important – i.e. where national and international designations or conservation status apply, or where the risk affects a significant proportion of a more common

resource. This advice is taken from guidance produced by SNH and the Scotland and Northern Ireland Forum for Environmental Research.

#### **CNPA analysis of objections to 1st modifications**

Policy 1 is in line with the obligations placed on CNPA through the 4 aims of the National Park. As the National Park is a Park wide designation in itself, the

proposed amendment would not therefore be considered appropriate. No modification is therefore proposed.

#### **Objection maintained**

**Policy/site ref** Policy 01

**Agent Name** Philip Clarke

**Objector Ref** Name Frogmore Estates Scotland Ltd

Barton Willmore

026a

12 Alva Street  
Edinburgh  
EH2 4QG

**Company** Frogmore Estates Scotland Ltd

### **Summary of objection to Deposit Local Plan**

Object to the removal of general policies 1-3 from the draft plan and their substitution with new policy 1. Landscape character assessment carried out for the

Cairngorms identified a variety of different landscape character areas, each with different sensitivity for development. The policies in the draft plan recognised this,

the new Policy 1 does not, and therefore wish to see original approach retained.

### **CNPA analysis of objection to Deposit Local Plan**

The approach taken has tried to create a clear link between the Park Plan, the aims of the Park and the Local Plan and its delivery. Throughout the remainder of the

policies in the Plan, issues such as landscape impact, sensitivity of development and the promotion of a healthy rural economy must all be considered in the

determination of any planning application. Whilst the approach taken may not be a definitive, modifications will be made to the Introduction and Context to clarify

that all the policies in the Plan must be considered equally, and also to clarify the relationship with other documents including the aims of the Park, and the Park

Plan, and also national planning guidance.

### **Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

### **Response to 1st modification objections**

Maintain objection. Continued objection is made to the removal of general policies 1-3 as included in the Consultative Draft Local Plan and the failures of the First

Modifications to reintroduce these policies.

The consultative draft Local Plan set out Policies 1-3 which allowed for a considered position to be taken on the control of development in different landscape

character areas. This approach would have provided appropriate scrutiny and control over the proposed development within the most sensitive landscape character

areas to ensure that there would be no adverse impact upon the special qualities of the Park.

The Cairngorms Landscape Assessment undertaken by Turnbull Jeffery Partnership in 1996 identified a range of landscape types and proposed measures for their

management and protection. In summary, it found that the Cairngorms has a varied landscape character ranging from the uninhabited and physically dominated

high mountain plateaus to the settled and farmed landscapes of the Straths, and that varying measures would be appropriate over different parts of the Park to

protect special landscape features. Some areas of the Cairngorms were found to be more sensitive to development than others.



### **CNPA analysis of objections to 1st modifications**

The previous approach using a variety of landscape character areas was considered by objectors and the CNPA Board to be confusing and a Park wide approach was considered the most appropriate way forward. It is not considered appropriate to change from this again, and therefore no further modification or amendment is suggested.

### **Objection maintained**

<b>Policy/site ref</b>	<b>Policy 01</b>	<b>Agent Name</b>
<b>Objector Ref</b> 465e	<b>Name</b> Susan Davies Scottish Natural Heritage Great Glen House Leachkin Road Inverness	<b>Company</b> Scottish Natural Heritage

### **Summary of objection to Deposit Local Plan**

Concerns expressed about Policy 1, the fact is is potentially internally contradictory, does not reflect the provisions of Section 9 (6) of the National Parks (Scotland)

Act, and seems to conflict with parts of policies 3,4 and 7. Suggest the following as alternative wording:

Policy 1

1a - Development in the Cairngorms National Park will be supported where the aims of the Park are collectively achieved in a co-ordinated way, or where the

objectives of designation and the overall integrity of the area will not be compromised.

1b - Development in the Cairngorms National Park that would have significant adverse effects on the special qualities for which the Park has been designated will

only be permitted if these are clearly outweighed by social or economic benefits of national importance and will be mitigated to the satisfaction of the planning

authority by the enhancement of qualities or features of equal importance to the National Park.

1c - Development in the Cairngorms National Park that is likely to conflict with the first aim of the Park - to conserve and enhance the natural and cultural heritage

of the area - notwithstanding that it would contribute towards the achievement of other aims of the Park - will only be permitted where the adverse

effects on the  
first aim will be fully mitigated or compensated to the satisfaction of the planning authority.

1d - Development in the Cairngorms National Park that is likely to conflict with the second, third or fourth aims of the Park or lead to adverse effects on the Park's special qualities, will only be permitted where it is considered that these would be clearly outweighed by the development's likely positive contribution to one or more of the other aims and the Park's special qualities, and where satisfactory measures are incorporated to minimise, mitigate or compensate the adverse effects of the development.

As the policy refers extensively to the Park's special qualities, it would be helpful to refer to the section of the Park Plan that defines these qualities. Strongly recommend including a policy that embeds the precautionary principle into development decision making. This could perhaps be a further sub-part to Policy 1, or alternatively a separate policy.

**CNPA analysis of objection to Deposit Local Plan**

The links between the Local Plan and the Park Plan are key to the success of the Local Plan and its delivery. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Throughout proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties. The proposed wording will also be assessed in line with the above.

**Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

**Response to 1st modification objections**

No further representation received regarding this issue.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

Policy/site ref	Policy 01	Agent Name
Objector Ref	Name	
017a	Mrs Sally Spencer Pitagowan House Newtonmore Inverness-shire PH20 1BS	Company

### Summary of objection to Deposit Local Plan

Special consideration should be given to individual applicants with strong family or local connections. Many are unlikely to be able to afford expensive sites or houses, so are currently at a considerable disadvantage and local landowners may be willing to offer land to such people at below market price because he is a 'local'. In such cases there should be an assumption that permission will be granted unless there are extremely good reasons for refusal. This local connection with folk who have inherited local customs and traditions will be the only way of "conserve and enhance the .... cultural heritage of the area".

### CNPA analysis of objection to Deposit Local Plan

The approach taken has tried to create a clear link between the Park Plan, the aims of the Park and the Local Plan and its delivery. Throughout the remainder of the policies in the Plan, issues such as landscape impact, sensitivity of development and the promotion of a healthy rural economy must all be considered in the determination of any planning application. The proposal regarding local connection is not one favoured by CNPA as it precludes many sectors of society. However the important point raised regarding providing appropriate development opportunities to those wishing to add to sustainable rural communities across the point will be reinforced throughout the Plan .

### Proposed 1st Modification

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

### Response to 1st modification objections

response received - need to confirm actual position regarding formality of objection

### CNPA analysis of objections to 1st modifications

response received - need to confirm actual position regarding formality of objection

Policy/site ref	Policy 01	Agent Name	Company
Objector Ref 020c	Name Dr A Watson Clachnaben Crathes, Banchory Kincardineshire AB31 5JE		

### Summary of objection to Deposit Local Plan

Para 3.1 should recognise that Straths include many other habitats as well as farmland. Page 14, right column, 2nd to last para in 3.4 should add that alternative sites have been investigated and found to be more damaging. Include how the term 'outweighed' in this para and also in policies 6 and 7 will be assessed.

### CNPA analysis of objection to Deposit Local Plan

The comments regarding the clarity of the wording are noted and the appropriate changes will be made to ensure policies and supporting text are clear, understandable and are not subjective in their implementation.

### Proposed 1st Modification

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

### Response to 1st modification objections

Objection maintained.

### CNPA analysis of objections to 1st modifications

para 3.1 - the reference is a direct link to a list produced in the Park Plan and is included for information only. Policy 1 has also been completely redrafted. No

further modification is therefore proposed.

### Objection maintained

Policy/site ref	Policy 01	Agent Name
<b>Objector Ref</b> 393b	<b>Name</b> Angus Yarwood Woodland Trust Scotland St Stephen's Centre St Stephen's Street Edinburgh, EH3 5AB	<b>Company</b> Woodland Trust Scotland

### Summary of objection to Deposit Local Plan

Support Policy 1 where it states that development will only be permitted where, "a) the aims of the Park and overall integrity of the area would not be

compromised". The final para is also important as it places precedence on the 1st aim of the Park in decision making. We regard ancient and semi-natural woodland

as forming an integral part of the natural and cultural heritage of the Park. This view is supported by the Cairngorms Local Biodiversity Action Plan where it states

:

The woodlands of the Cairngorms are of national and international importance because they contain the largest remaining areas of semi-natural woodland habitats in

Britain. The Cairngorms area occupies just less than 10% of Scotland's land mass, yet contains 25% of the entire Scottish resource of native woodlands and its

Caledonian pine woodlands are greater in total area and individual size than anywhere else in Scotland. The extent of native woodland is important for many

### CNPA analysis of objection to Deposit Local Plan

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship

with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more

appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout

proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties. The

proposed wording will be assessed accordingly.

**Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

**Response to 1st modification objections**

Policy 1, page 14

Point 'b' in the table refers to developments that would adversely affect special qualities of the Park, only being permitted if these are, 'clearly outweighed by social and economic benefits of national importance....' We would like to reiterate that this is of course a subjective assessment of any proposal and that our view is that

the environment is the context of all that we do, social and economic interests are created by us and as such are malleable to our needs. The environment is not and

therefore it should be of the highest priority.

We strongly support policy statement 'c' in the table, which says that, '...greater weight will be given to the first aim – to conserve and enhance the natural and cultural heritage of the area.' specialist species of plant, animal and fungus that depend upon this habitat.

**CNPA analysis of objections to 1st modifications**

The wording of the policy clarifies the role the aims of the Park have and how they are considered in the planning process. No further modifications are therefore proposed.

**Objection maintained**

<b>Policy/site ref</b>	<b>Policy 01</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Mrs Sally Spencer	
017b	Pitagowan House	
	Newtonmore	
	Inverness-shire	
	PH20 1BS	<b>Company</b>

**Summary of objection to Deposit Local Plan**

The CNPA needs to ensure the planning process is fair and transparent. Retrospective planning permission should not be granted as it gives the impression that

developments which might not get permission if considered in the normal way, do get permission because they are already in existence. Robust discouragement

should be in place to ensure retrospective applications are not successful, including fines, additional fees, stringent planning conditions to restore the site, etc. This

should be "loophole proof"

Where permission is granted subsequent alterations should not be allowed unless there are good reasons why amendments are needed. The Park Authority should always consider such amendments, and not the Local Authority.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. The regulations regarding the implementation of planning legislation through the development management approach are set out by Scottish Government. The CNPA will continue to work to ensure that these regulations are written in a way which best serves the Park and its communities. No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

**Response to 1st modification objections**

response received - need to confirm actual position regarding formality of objection

**CNPA analysis of objections to 1st modifications**

response received - need to confirm actual position regarding formality of objection

Policy/site ref	Policy 01	Agent Name
<b>Objector Ref</b> 025g	<b>Name</b> Mairi Maciver Communities Scotland Urquhart House Beechwood Park Inverness, IV2 3BW	<b>Company</b> Communities Scotland

**Summary of objection to Deposit Local Plan**

Policy 1 should refer to requirement for planning decisions to reflect current Scottish planning legislation and national planning policy guidance and advice.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance.

**Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

**Response to 1st modification objections**

Your message to housing colleagues in relation to the proposed modification has been passed to me as I co-ordinated the Scottish Government response to the consultation. Our comments were sent to Karen Major yesterday and are attached below.

**CNPA analysis of objections to 1st modifications**

Considered under objection 422. No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 01

**Agent Name**

**Objector Ref** Name Susan Davies

465c Scottish Natural Heritage  
Great Glen House  
Leachkin Road  
Inverness

**Company** Scottish Natural Heritage

**Summary of objection to Deposit Local Plan**

Concerned about inconsistencies between policies 1, 4 and 7 and the National Parks (Scotland) Act 2000.

Missed opportunities for linking the local plan to the delivery of the Park Plan and the Outdoor Access Strategy.

**CNPA analysis of objection to Deposit Local Plan**

Throughout the plan further cross referencing will be made to ensure that policies are consistent within themselves and when compared to others. The wording

used within policies throughout will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use.

Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents

including the aims of the Park, the Park Plan, and the Outdoor Access Strategy. Supporting text will also be added to clarify and highlight opportunities to link with these other plans and policies.

**Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

**Response to 1st modification objections**

No further representation received regarding this issue.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 01

**Agent Name**

**Objector Ref** Name Sarah Jane Laing

429b SRPBA  
Stuart House  
Eskmills  
Musselburgh, EH21 7PB

**Company** SRPBA

**Summary of objection to Deposit Local Plan**

To reflect the fact that some developments will only have local benefits, but that this may be the preferred outcome, the wording of b) should be amended:

b) "Any significant adverse effects on the qualities for which the park has been designated are clearly outweighed by social or economic benefits of local and/or

national importance and will be mitigated to the satisfaction of the planning authority by the enhancement of qualities or features of equal importance to the National

Park." Also 'national' should be defined.

#### **CNPA analysis of objection to Deposit Local Plan**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship

with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more

appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. The

proposed wording will be assessed accordingly.

#### **Proposed 1st Modification**

Revise policy 1 in total to reflect the various comments made and make better links with the aims of the Park.

#### **Response to 1st modification objections**

We are happy to withdraw all but one of our formal objections as believe that majority of them have been addressed by the modifications, or by clarity of issues in

supporting text. The only one we would like to continue with is in relation to policy 1 where we still think that there should be support for projects which provide

social or economic benefits of local as well as national importance.

#### **CNPA analysis of objections to 1st modifications**

The wording of the policy is intended to clarify the link with the 4 aims of the Park and to clarify the role of the 1st aim as established through the National Parks

(Scotland) Act 2000. No further modification is therefore proposed.

#### **Objection maintained**

**Policy/site ref** Policy 01-06

**Objector Ref** **Name** North East Mountain Trust

443b Burnhead Farmhouse

Raemoir

Banchory

AB31 4EB

**Agent Name**

**Company** North East Mountain Trust

#### **Summary of objection to Deposit Local Plan**

Support comments on policies 1-6 made by the Mountaineering Council of Scotland, particularly with regard to the need of safeguarding against



the incremental

accumulation of impacts. A particular problem that is increasingly evident is the current inadequacy of data available on sites such as ancient and semi ancient

woodland on which to base decisions. The plan should explicitly take cognisance of this.

#### **CNPA analysis of objection to Deposit Local Plan**

The limitations of the data sets are noted and the text will be amended to adequately reflect this.

#### **Proposed 1st Modification**

No modification proposed as a result of representation.

#### **Objection maintained**

#### **Policy/site ref Policy 02**

**Objector Ref** Name Anne MacNamara, Planning Directorate  
422g Scottish Government  
Victoria Quay  
Edinburgh  
EH6 6QQ

#### **Agent Name**

**Company** Scottish Government

#### **Summary of objection to Deposit Local Plan**

The approach taken for ramsar sites is vague. Scottish Ministers' policy is that they should receive the same level of policy protection as Natura sites which is

acknowledged in the background information, but is not explicitly stated in the Policy. Text should be added at the end of 4.4: "This policy will apply to

development likely to have a significant effect on Ramsar sites. Although such developments will not require an appropriate assessment (unless also likely to have a

significant effect on a Natura 2000 site), sufficient information will be required to enable the planning authority to properly consider the likely effects of the proposal

on the integrity of the Ramsar site". Insert "policy" before protection in the last sentence of paragraph 4.4.

Para 4.6 - is superfluous and misleading as it is up to the planning authority to consult the European Commission. This should either be clarified or the paragraph deleted.

Para 4.9 - Consideration should be given to all potential plans and projects when considering the cumulative impact on a site. Suggest adding "and other" after

'development' in the last sentence.

Para 4.10 - refers to "sites that are not zoned"; for clarity amended to "identified in the Plan" or "allocated".

#### **CNPA analysis of objection to Deposit Local Plan**

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be

reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

**Proposed 1st Modification**

Amend wording to accurately reflect Natura 2000 regulations.

**Response to 1st modification objections**

No additional comments included.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 02

**Agent Name**

**Objector Ref** Name Dr A M Jones

400f(a) Badenoch and Strathspey Conservation Group  
Fiodhag  
Nethybridge  
PH25 3DJ

**Company** Badenoch and Strathspey Conservation Group

**Summary of objection to Deposit Local Plan**

Para 4.1 - Short, and medium should be noted before "long-term management".

Para 4.2 - Should substitute 'encourage' with 'reconcile' as encouraging could be seen to be at the expense of delivering the 1st aim of the NP.

Para 4.3 - Support the words 'must', 'any', 'will', 'any', 'might' (lines 5-end).

**CNPA analysis of objection to Deposit Local Plan**

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be

reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

**Proposed 1st Modification**

Amend wording to accurately reflect Natura 2000 regulations.

**Response to 1st modification objections**

No additional representation included regarding this issue.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 02

**Agent Name**

**Objector Ref** Name Susan Davies

465f Scottish Natural Heritage

Great Glen House  
Leachkin Road  
Inverness

**Company** Scottish Natural Heritage

### **Summary of objection to Deposit Local Plan**

Text of Policy 2 does not adequately deal with priority habitats or species, therefore, suggest using Scottish Exec model policy as set out below:

Any development likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment in accordance with the Conservation (Natural

Habitats &c) Regulations 1994 (as amended). Where an assessment is unable to ascertain that a development will not adversely affect the integrity of the site,

development will only be permitted where –

(a) there are no alternative solutions; and

(b) there are imperative reasons of overriding public interest, including those of a social or economic nature.

Where the site has been designated for a European priority habitat or species, development will only be permitted where the reasons for overriding public interest

relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European

Commission (via Scottish Ministers).

recommend that paragraph 4.4 of the accompanying text specifically mentions the River SACs in the Park, because they are hard to depict clearly on maps being

lines, rather than areas, and they potentially have wide-ranging implications for development management. The text should also explain about the implications of the

Natura designation for permitted development rights.

### **CNPA analysis of objection to Deposit Local Plan**

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be

reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

### **Proposed 1st Modification**

Amend wording to accurately reflect Natura 2000 regulations.

### **Response to 1st modification objections**

Para 4.4 Added first sentence - this policy should be applied to all sites designated or proposed as being Natura 2000.

Para 4.6 Ramsar sites

While confirming that development affecting Ramsar sites would be considered using the policy for Natura sites (Policy 2), the modification goes on to say that this

would not be in the form of an appropriate assessment. In Circular 6/95 it states in paragraph 42 that for "sites which qualify for designation only under the Ramsar

Convention (and not as SAC or SPA) the Scottish Government has chosen as a matter of policy to apply the same considerations to their protection as if they were

classified as SPAs. This is reflected in paragraph 39 of NPPG14. As it stands, this modification could be therefore be construed as contradicting Government policy.

In order to avoid this problem, we recommend that you either remove the added phrase: "Although such developments will not require an appropriate assessment (unless also likely to have a significant effect on a Natura 2000 site)", or replace it with a statement along the lines of "all Ramsar sites/interests within the National Park being fully safeguarded via the protective policies afforded to the Natura sites."

#### **CNPA analysis of objections to 1st modifications**

The wording of 4.4 will be included as a second modification in line with the representation. In 4.6 the wording referred to was added to assist in clarity. Clearly this has not been successful and the most appropriate way forward is therefore considered to be removal of the sentence. This will also be included as a second modification.

#### **Objection maintained**

#### **Policy/site ref Policy 02**

**Objector Ref Name** Jamie Williamson  
439d Alvie and Dalraddy Estate  
Alvie Estate Office  
Kincraig, Kingussie  
PH21 1NE

#### **Agent Name**

**Company** Alvie and Dalraddy Estate

#### **Summary of objection to Deposit Local Plan**

In some cases the reason for the designation of such sites should be questioned. A more pragmatic approach is needed to get away from the current draconian approach. Gold plating the 1994 regs is unnecessary and could be counter productive to the aims of the Park.

Amended wording –

In a) before 'compromised' add 'unreasonably',

In b) add after 'national' 'or local importance'.

#### **CNPA analysis of objection to Deposit Local Plan**

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

#### **Proposed 1st Modification**

Amend wording to accurately reflect Natura 2000 regulations.

#### **Response to 1st modification objections**

Development likely to have a significant effect on a Natura 2000 site will be subject ... Where an assessment is unable to ascertain that a development will not

adversely affect the (integrity of the site) the feature of interest for which the site has been designated the development will only be permitted where:

a) There are no alternative solutions; (and) or

Natura 2000 sites have normally been designated to protect one or more specific features of interest. There will be situations where a development will impact on

the integrity of the site but not on the feature of interest. In some cases the reason for designation should be questioned. Some sites have been designated because

the UK were perceived to have insufficient sites and not because a particular feature of interest was so important, rare, the best example or endangered. There

should be a more pragmatic approach to take account of Natura Sites.

UK's interpretation of EU regulations in regard to Natura sites are already sufficiently draconian as to raise concern that where we have a habitat influenced and

modified by man, removing the contribution man has had in creating the habitat, may be detrimental to the feature for which the site was designated.

'Gold plating' the 1994 regulations by refusing to consider development in balance with other interests is both unnecessary and could be counter productive to the

aims of the Park.

We are concerned that the last sentence in paragraph 4.9 will discriminate against small scale local developers with limited resources and should therefore be

deleted.

Delete: To assist in this assessment work, developers will be expected to provide the necessary information to allow the assessment to be undertaken by the

competent authority.

#### **CNPA analysis of objections to 1st modifications**

The wording of this policy is in line with national guidance on the subject. The proposed changes would not therefore be appropriate. No modifications are

therefore proposed.

#### **Objection maintained**

**Policy/site ref** Policy 02

**Objector Ref** Name Hebe Carus

024b The Mountaineering Council of Scotland

The Old Granary

West Mill Street

Perth, PH1 5QP

**Agent Name**

**Company** The Mountaineering Council of Scotland

#### **Summary of objection to Deposit Local Plan**

Policy needs to recognise the low capacity for recovery of habitats as well as the impossibility of replacement of long established woodlands. It also needs to ensure

the integrity of the Park is not eroded through cumulative effects.

**CNPA analysis of objection to Deposit Local Plan**

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be

reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

**Proposed 1st Modification**

Amend wording to accurately reflect Natura 2000 regulations.

**Response to 1st modification objections**

Thanks for the details of the modifications to the local plan. I agree with the modifications to Policies 1,2,3,4,6, 33

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref Policy 02**

**Objector Ref Name** Robert Maund

434c Scottish Council for National Parks  
The Barony  
2 Glebe Road  
Kilbirnie, Ayrshire

**Agent Name**

**Company** Scottish Council for National Parks

**Summary of objection to Deposit Local Plan**

The policies in this section are not rigorous enough to protect the natural heritage interest. The links between these policies and other development policies are

confusing. E.g. the links between protecting natural heritage interests against proposals to increase water provision in the area. Will the policies to protect be

**CNPA analysis of objection to Deposit Local Plan**

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be

reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

**Proposed 1st Modification**

Amend wording to accurately reflect Natura 2000 regulations.

**Response to 1st modification objections**

Objection maintained as in 434a.

**CNPA analysis of objections to 1st modifications**

The policies regarding natural heritage have been redrafted to clarify the role of the aims of the Park and to reinforce national guidance. No further modifications are

therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 02

**Agent Name**

**Objector Ref** Name Mrs Jane Angus

437b Darroch Den  
Hawthorn Place  
Ballater  
AB35 5QH

**Company**

**Summary of objection to Deposit Local Plan**

The wording does not include a complete restoration.

Consultation should also be made with the British Geological Survey, Macaulay Institute, R.C.A.& H.M.S, the Biological Records and Recorders, and River Boards as

well as other locally knowledgeable consultants and local knowledge. In the survey work to be carried out by developers, there is no comment on the quality of the results.

**CNPA analysis of objection to Deposit Local Plan**

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be

reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

**Proposed 1st Modification**

Amend wording to accurately reflect Natura 2000 regulations.

**Response to 1st modification objections**

response received - need to confirm actual position regarding formality of objection

**CNPA analysis of objections to 1st modifications**

response received - need to confirm actual position regarding formality of objection

**Policy/site ref** Policy 02

**Agent Name**

**Objector Ref** Name Dr A M Jones

400f(b) Badenoch and Strathspey Conservation Group  
Fiodhag  
Nethybridge  
PH25 3DJ

**Company** Badenoch and Strathspey Conservation Group

**Summary of objection to Deposit Local Plan**

The policy should clarify that this is an existing legal obligation which extends to developments outwith Natura 2000 areas where the development could negatively impact in any way on Natura interests.

Para 4.5 - There is no reference to the Habitats Directive, or its associated regulations or guidance.

Para 4.7, 4.15, 4.42 etc. – Concern has been expressed regarding the transparency of the local planning process, and this continues with the scale of the maps used

which make it impossible to accurately identify the boundary of designated sites. The maps should be displayed on the CNPA website at a resolution and scale that

enable exact boundaries to be zoomed in on and identified; and this info should be regularly updated. This should be stated in the local plan.

Para 4.8 – Replace “in practice it is possible” with “it may in certain circumstances be possible”; Replace “to avoid or mitigate the potential adverse effects” with

“some of the potential adverse effects”; Replace “most” developments with “some” developments.

Para 4.9 - could be interpreted as meaning the CNPA does not determine for itself the need for, and specific requirements of, individual assessments. However it is

appropriate for the CNPA to consult with SNH, and this should be clarified so that CNPA takes full responsibility for the standards of assessment they require, and

does not in any sense abdicate these responsibilities to SNH.

Para 4.10 – No definition of how to keep development requirements up to date. Insert after ‘pre-application discussions’ “or when the need for such requirements

are recognized by the authorities”.

#### **CNPA analysis of objection to Deposit Local Plan**

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be

reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

#### **Proposed 1st Modification**

Amend wording to accurately reflect Natura 2000 regulations.

#### **Response to 1st modification objections**

4.6 We welcome the statement that ‘sufficient information will be required to enable the planning authority to properly consider the likely effects of the proposals.

4.10 Unclear. We recommend making a clear distinction between areas zoned for housing on settlement maps, and other sites.

#### **CNPA analysis of objections to 1st modifications**

4.6 the support is noted.

4.10 - the policy refers to all development sites, and not just housing. The sites referred to are those identified in the proposals section of the plan.

‘Chapter 7’ will be

added for clarity.

#### **Objection maintained**

**Policy/site ref** Policy 02

**Agent Name**

**Objector Ref** Name John Anderson

463b Kinraig and Vicinity Community Council



Goldenacre, Dunachton Road  
Kincraig, Kingussie  
PH21 1QE

**Company** Kincraig and Vicinity Community Council

**Summary of objection to Deposit Local Plan**

Support Alvie estate view on this policy

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. The issue will be considered under the Alvie representation. No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

Amend wording to accurately reflect Natura 2000 regulations.

**Response to 1st modification objections**

'subject to the opinion of the EC' – are Brussels Bureaucrats making the decisions on local sites, or is there a Scottish input? (probably yes by SNH as a guess)

**CNPA analysis of objections to 1st modifications**

The wording of this policy is in line with national guidance on the issue. The reference to the EC is in line with regulations and is carried out through Scottish

Ministers. No modification is therefore proposed.

**Objection maintained**

**Policy/site ref** **Policy 02**

**Objector Ref** **Name** Ian Francis

424d RSPB Scotland  
East Regional Office  
10 Albyn Terrace  
Aberdeen, AB10 1YP

**Agent Name**

**Company** RSPB Scotland

**Summary of objection to Deposit Local Plan**

The wording is not consistent with SOEnD Circular No.6/1995 (as revised 2000), "Habitats and Birds Directives" and should be amended in line with the suggested

model policy. There should be specific mention of Ramsar sites and the supporting text should mention the duty on CNPA to further the conservation of

biodiversity, under the Nature Conservation (Scotland) Act 2004. This should be in addition to the reference in section 4.28. There should also be mention of the

requirement to treat proposed SPAS or SACs as if they were already designated. Finally, the policy title should read "International Natural Heritage Designations".

Para 4.6 should be amended to read: "Where a priority habitat or species (as defined in Article 1 of the Habitats Directive) would be affected, planning permission

may only be granted if there are human health or safety considerations, or benefits of primary importance to the environment or, in the case of other imperative reasons of overriding public interest following consultation between Scottish Ministers and the European Commission.”

Para 4.10 – Greater mention should be made within the Plan of the need for Appropriate Assessment and the implications of such an assessment, as it may necessitate changes to the Plan. The consideration of the need for an appropriate assessment should have also been integrated within the SEA as this results in a more transparent appropriate assessment process, with the consideration of appropriate assessment, and the assessment itself if required, subject to public consultation as part of the SEA consultation.

#### **CNPA analysis of objection to Deposit Local Plan**

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

#### **Proposed 1st Modification**

Amend wording to accurately reflect Natura 2000 regulations.

#### **Response to 1st modification objections**

We withdraw our objection to the reworded policy but make the following recommendation:

a) there should also be specific mention of Ramsar sites in the policy. They are mentioned in para 4.6 in the context of SPAs but some Cairngorms lochs are non-avian Ramsar sites.

b) There should also be mention of the requirement to treat proposed SPAs or SACs as if they were already designated. We suggest the following be included as the penultimate sentence in para 4.5 (before Further guidance)  
'as a matter of policy, Scottish ministers have decided that, for the purpose of considering development proposals or other consent regimes affecting them, sites proposed as SPAs and SACs should be treated as though already classified.'

#### **CNPA analysis of objections to 1st modifications**

In 4.4 'or proposed' will be added. No further modifications are proposed in addition to this.

#### **Objection withdrawn**

<b>Policy/site ref</b>	<b>Policy 02</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Sarah Jane Laing	
429k	SRPBA	
	Stuart House	

Eskmills  
Musselburgh, EH21 7PB

**Company** SRPBA

**Summary of objection to Deposit Local Plan**

The wording should equate with SSSIs. The policy should also recognise that often only part of a site requires protection.

There is a difference in wording. In 3 & 4 the wording refers to the 'overall integrity' while in policy 2 it refers only to 'integrity'. A consistent approach should be taken.

**CNPA analysis of objection to Deposit Local Plan**

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

**Proposed 1st Modification**

Amend wording to accurately reflect Natura 2000 regulations.

**Response to 1st modification objections**

We are happy to withdraw all but one of our formal objections as believe that majority of them have been addressed by the modifications, or by clarity of issues in supporting text. The only one we would like to continue with is in relation to policy 1 where we still think that there should be support for projects which provide social or economic benefits of local as well as national importance.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 02

**Agent Name**

**Objector Ref** Name Roy Turnbull

390c Torniscar  
Nethy Bridge  
Inverness-shire  
PH25 3ED

**Company**

**Summary of objection to Deposit Local Plan**

Clarify that significant effects on Natura 2000 sites can result from developments that occur out with the Natura sites, and any assessment of the likely effects of a proposed development must take such effects fully into account.

**CNPA analysis of objection to Deposit Local Plan**

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

**Proposed 1st Modification**

Amend wording to accurately reflect Natura 2000 regulations.

**Response to 1st modification objections**

No additional representations were made in regard to this objection.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 02

**Objector Ref** Name Susan Davies

465b Scottish Natural Heritage  
Great Glen House  
Leachkin Road  
Inverness

**Agent Name**

**Company** Scottish Natural Heritage

**Summary of objection to Deposit Local Plan**

Once the appropriate assessment is completed, strongly advise embedding the key findings into the Local Plan, especially if mitigation, conditions or further appropriate assessments are identified.

**CNPA analysis of objection to Deposit Local Plan**

Appropriate Assessment work is ongoing with assistance from SNH staff.

**Proposed 1st Modification**

No modification proposed as a result of this representation.

**Response to 1st modification objections**

No further representation received regarding this issue.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 02

**Objector Ref** Name The Cairngorms Campaign

448h PO Box 10037  
Alford  
AB33 BWZ

**Agent Name**

**Company**

### **Response to 1st modification objections**

We strongly support Policy 2, based as it is on the Park's remit, and the realities on and national and EU law. We do not, however, understand why this condition

applies only to Natura 2000 sites. SSSIs are designated on the UK basis and reflect the national interest, and the caveat on protecting the national interest, as

specified in para 3.3 must logically apply.

We also support the addition on para 4.9 which specifies that developments outwith a Natura 2000 site that impact on it must assess these impacts, as required

under EU law. The addition to para 4.20 on Ancient woodland recognising the need for site visits and specialist advice when assessing developments is timely and

welcomes.

### **CNPA analysis of objections to 1st modifications**

The wording of this policy has been drawn up in line with national guidance on the issue and no modification is therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 02

**Objector Ref** Name Rona Main

425y Scottish Enterprise Grampian

27 Albyn Place

Aberdeen

AB10 1DB

**Agent Name** Steve Crawford

Halliday Fraser Munro

8 Victoria Street

Aberdeen

AB10 1XB

**Company** Scottish Enterprise Grampian

### **Response to 1st modification objections**

Policy 2 reference Natura sites under Section 2 Conservation acknowledges the need for conservation unless public interest or matters of a social/economic nature

over-ride. This balanced approach is welcomed. We would make the same comment of Policy 3 regarding National Heritage Destinations.

### **CNPA analysis of objections to 1st modifications**

The support is noted. No further action required.

**Objection maintained**

**Policy/site ref** Policy 03

**Objector Ref** Name Ian Francis

424e RSPB Scotland

East Regional Office

**Agent Name**

10 Albyn Terrace  
Aberdeen, AB10 1YP

**Company** RSPB Scotland

### **Summary of objection to Deposit Local Plan**

The wording lacks clarity and should be amended to

“Development that is likely to affect a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will be subject to the most rigorous

assessment and will only be permitted where it has been demonstrated that:

a) the objectives of the designated areas and overall integrity of the area would not be compromised; and

b) in the absence of alternative solutions, that any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by

benefits of economic or national importance (which may include social or economic benefits) and are mitigated by enhancement of qualities of equal importance to

the National Park’s natural heritage.”

### **CNPA analysis of objection to Deposit Local Plan**

The policy wording endeavours to link the requirements of national legislation regarding natural heritage designations and the responsibilities placed on CNPA with

the aims of the park, and to provide an appropriate level of guidance to developers in line with SPP1. In light of the comments made, the wording will be reviewed to

ensure that these intentions are achieved, and that the policy is clear, precise and accurate. Any additional information will be added to both policy and supporting

text accordingly.

### **Proposed 1st Modification**

Amend to secure better balance between development and impact on natural heritage designations.

### **Response to 1st modification objections**

We consider that this policy still lacks the clarity of the text we suggested in our earlier submission. We still recommend the following, alternative wording:

‘development that is likely to affect a site of special scientific interest, National Nature Reserve or National Scenic Area will be subject to the most rigorous

assessment and will only be permitted where it has been demonstrated that:

a the objectives of the designated areas and overall integrity of the area would not be comprised; and

b)in the absence of alternative solutions, that any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social

or economic benefits of national importance and are mitigated by enhancement of qualities of equal importance to the natural heritage designation.’

### **CNPA analysis of objections to 1st modifications**

The policy has been reworded to more accurately link to the requirements of national guidance. No further modifications are therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 03

**Agent Name**

**Objector Ref** 463c  
**Name** John Anderson  
Kincaig and Vicinity Community Council  
Goldenacre, Dunachton Road  
Kincaig, Kingussie  
PH21 1QE

**Company** Kincaig and Vicinity Community Council

**Summary of objection to Deposit Local Plan**

Support Alvie estate view on this policy

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. The issue will be considered under the Alvie representation. No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

Decisions on matters of 'national importance' must have local input and not be decided in London or indeed in Edinburgh.

**CNPA analysis of objections to 1st modifications**

The wording of the policy is in line with national guidance on the issue. There is however always opportunity for local input into the consideration of development proposals in the normal consultation process for planning applications. No modification is therefore proposed.

**Objection maintained**

**Policy/site ref** 422h  
**Policy** 03  
**Objector Ref** 422h  
**Name** Anne MacNamara, Planning Directorate  
Scottish Government  
Victoria Quay  
Edinburgh  
EH6 6QQ

**Agent Name**

**Company** Scottish Government

**Summary of objection to Deposit Local Plan**

The policy is supported particularly regarding mitigation, which is more exacting but appropriate in the context of the National Park. An additional para should be inserted at 4.14 to clarify the special attention that should be paid to safeguarding the character or appearance of NSAs as highlighted in Sec 50 of the 2006

Planning etc. (Scotland) Act 2006. Amend the 2nd sentence from "have been selected" to better reflect the Act as "... considered of outstanding scenic value in a national context and for which special protection measures are appropriate".

**CNPA analysis of objection to Deposit Local Plan**

The policy wording endeavours to link the requirements of national legislation regarding natural heritage designations and the responsibilities placed on CNPA with

the aims of the park, and to provide an appropriate level of guidance to developers in line with SPP1. In light of the comments made, the wording will be reviewed to ensure that these intentions are achieved, and that the policy is clear, precise and accurate. Any additional information will be added to both policy and supporting text accordingly.

**Proposed 1st Modification**

Amend to secure better balance between development and impact on natural heritage designations.

**Response to 1st modification objections**

Para 4.14 contains references to the "special attention" duty for NSAs introduced by Section 50 of the Planning etc (Scotland) Act 2006. As this part of the Act has

yet to be commenced, references to the "special attention" duty and the 2006 Act should be deleted. (Section 50 inserted a new section 263A in the Town and

Country Planning (Scotland) Act 1997 and relates to NSAs designated under the provisions of section 263A). Guidance was issued to planning authorities in SDD

Circular 20/1980 for development plans to have "special measures" to protect NSAs and this still applies. The provisions in section 263A(2) are designed to supplement this guidance, putting it on a statutory basis.

**CNPA analysis of objections to 1st modifications**

The reference to the Planning Act will be removed and the reference to the current SDD circular inserted.

**Objection maintained**

**Policy/site ref Policy 03**

**Objector Ref Name** Hebe Carus

024c The Mountaineering Council of Scotland

The Old Granary

West Mill Street

Perth, PH1 5QP

**Agent Name**

**Company** The Mountaineering Council of Scotland

**Summary of objection to Deposit Local Plan**

Support the protection of the integrity of sites, but the policy should be changed to recognise the importance of corridors between sites. Concern over proposals to

allow mitigation for loss of certain sites by enhancement of different qualities that are of equal importance to the National Park's natural heritage.

**CNPA analysis of objection to Deposit Local Plan**

The policy wording endeavours to link the requirements of national legislation regarding natural heritage designations and the responsibilities placed on CNPA with

the aims of the park, and to provide an appropriate level of guidance to developers in line with SPP1. In light of the comments made, the wording will be reviewed to

ensure that these intentions are achieved, and that the policy is clear, precise and accurate. Any additional information will be added to both policy



and supporting  
text accordingly.

**Proposed 1st Modification**

Amend to secure better balance between development and impact on natural heritage designations.

**Response to 1st modification objections**

Thanks for the details of the modifications to the local plan. I agree with the modifications to Policies 1,2,3,4,6, 33

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 03

**Agent Name**

**Objector Ref** Name Susan Davies

465g Scottish Natural Heritage  
Great Glen House  
Leachkin Road  
Inverness

**Company** Scottish Natural Heritage

**Summary of objection to Deposit Local Plan**

Strongly recommend that this Policy is expanded to cover the National Park designation. In addition, we recommend that part (b) is expanded to refer to the need

to 'minimise impacts', in addition to mitigation. If National Parks are added, then the 'other' in the title is not needed. This policy will need to be considered in the light of any modifications made to policy 1. Also recommend that the implications of the NSA designation with regard to certain permitted development rights are explained in text accompanying this policy.

Para 4.14/15 should refer to the statement in the Park Plan that 'an equivalent level of consideration [to that in NSAs] will be given to landscape throughout the whole Park' (p38), and to any plans or aspirations to extend the protection given to NSAs more widely to all the Park's landscapes. Additionally, reference to the new provisions concerning National Scenic Areas contained in s263A of the Planning etc (Scotland) Act 2006 would be useful. In particular, subsection (2) says that for NSAs '...special attention is to be paid to the desirability of safeguarding or enhancing its character or appearance in the exercise, with respect to any land in that area, of any powers under this Act.'

**CNPA analysis of objection to Deposit Local Plan**

The policy wording endeavours to link the requirements of national legislation regarding natural heritage designations and the responsibilities placed on CNPA with

the aims of the park, and to provide an appropriate level of guidance to developers in line with SPP1. In light of the comments made, the wording will be reviewed to ensure that these intentions are achieved, and that the policy is clear, precise and accurate. Any additional information will be added to both policy and supporting text accordingly.

**Proposed 1st Modification**

Amend to secure better balance between development and impact on natural heritage designations.

**Response to 1st modification objections**

No further representation received regarding this issue.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

<b>Policy/site ref</b>	<b>Policy 03</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Dr A M Jones	
400f(c)	Badenoch and Strathspey Conservation Group Fiodhag Nethybridge PH25 3DJ	<b>Company</b> Badenoch and Strathspey Conservation Group

**Summary of objection to Deposit Local Plan**

Change "will only be permitted" to 'may' only be permitted.  
Change "significant" and "clearly" with "possible" and "certainly".

There is a lack adequate reference to additional aspects of the Nature Conservation (Scotland) Act 2004. The plan should include an outline of the responsibilities of planning officials with respect to biodiversity (the biodiversity duty of the NCA). The scope of the Act in relation to habitats and species should also be outlined. The Plan should also include a list of SBL species, species of conservation concern, and habitats relevant to the Act, that are known to occur or likely to occur within the area covered by the DLP.

**CNPA analysis of objection to Deposit Local Plan**

The policy wording endeavours to link the requirements of national legislation regarding natural heritage designations and the responsibilities placed on CNPA with the aims of the park, and to provide an appropriate level of guidance to developers in line with SPP1. In light of the comments made, the wording will be reviewed to ensure that these intentions are achieved, and that the policy is clear, precise and accurate. Any additional information will be added to both policy and supporting

text accordingly.

**Proposed 1st Modification**

Amend to secure better balance between development and impact on natural heritage designations.

**Response to 1st modification objections**

We object because of the inclusion in b) of the word 'significant'

**CNPA analysis of objections to 1st modifications**

The wording used is in line with national guidance on this topic. No modification is therefore proposed.

**Objection maintained**

**Policy/site ref Policy 03**

**Agent Name**

**Objector Ref**

**Name** Jamie Williamson

439e

Alvie and Dalraddy Estate

Alvie Estate Office

Kincraig, Kingussie

PH21 1NE

**Company** Alvie and Dalraddy Estate

**Summary of objection to Deposit Local Plan**

A balance must be reached between conserving the natural heritage and cultural heritage as in the 1st aim of the Park. The social and economic impacts of natural

heritage designations should be more carefully considered, both positive and negative.

Amended wording

In a) add 'unreasonably' before 'compromised',

In b) add 'or local' after 'national'.

**CNPA analysis of objection to Deposit Local Plan**

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the

area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for

developers, and the Plan is easy to understand and use.

**Proposed 1st Modification**

Amend to secure better balance between development and impact on natural heritage designations.

**Response to 1st modification objections**

Development that adversely affects the National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted

where it has been demonstrated that:

a) The interests of the designated areas and overall integrity of the area would not be unreasonably compromised; (and in the absence of an alternative solution) or

b) Any significant adverse effects on the qualities for which the area has been designated are (clearly) outweighed by social or economic benefits of local or national importance and are mitigated by enhancement of qualities of equal importance to the natural heritage designation. Natural heritage designations are imposed to regulate and control areas where there is a landscape, flora or fauna of interest. However conservation and enhancement of our cultural heritage is as important as conserving and enhancing our natural heritage. This is enshrined in the first aim of the National Park as dictated by the National Parks (Scotland) Act 2000. The social and economic impact of such designations should also be considered. Consideration of any development that is likely to impact on a natural heritage designation should also take into account its beneficial impact on the local economy, community and culture. The Local Plan should take into account local economic and social benefits, not just national benefits. The needs and aspirations of the local community should not be ignored.

**CNPA analysis of objections to 1st modifications**

The wording used is in line with national guidance on this topic. No modification is therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 03  
**Objector Ref** Name Scottish and Southern Energy Plc  
447b

**Agent Name** Jones Lang Lasalle  
7 Exchange Crescent  
Conference Square  
Edinburgh  
EH3 8LL  
**Company** Scottish and Southern Energy Plc

**Summary of objection to Deposit Local Plan**

Part b) is not needed if a) is met. The exceptional circumstances considered in b) are vague as there is no definition of the 'special qualities', and how could mitigation be achieved by "qualities of equal importance" if there is no initial definition of the qualities. Also this requirement is in addition to those of NPPG14.

**CNPA analysis of objection to Deposit Local Plan**

The policy wording endeavours to link the requirements of national legislation regarding natural heritage designations and the responsibilities placed on CNPA with the aims of the park, and to provide an appropriate level of guidance to developers in line with SPP1. In light of the comments made, the wording will be reviewed to ensure that these intentions are achieved, and that the policy is clear, precise and accurate. Any additional information will be added to both policy and supporting text accordingly. Reference will also be included as to the links between the local plan policy and national planning guidance.

### **Proposed 1st Modification**

Amend to secure better balance between development and impact on natural heritage designations.

### **Response to 1st modification objections**

'Qualities of equal importance' are still not defined in the Local Plan. Part b) of the policy remains vague and unclear to developers in terms of mitigation actions and

how these could be practically planned for. no appropriate guidance has been provided in the supporting text to the policy. The additional requirement (to those

set out in NPPG14) is still included in the policy, therefore, the policy remains more restrictive than national planning policy.

### **CNPA analysis of objections to 1st modifications**

The wording of policy 3 has been developed in line with government guidance on the issue. No further amendments are therefore proposed.

### **Objection maintained**

**Policy/site ref** Policy 03

**Objector Ref** Name The Proprietors of Mar Centre  
394d

**Agent Name** Steve Crawford

Halliday Fraser Munro  
8 Victoria Street  
Aberdeen  
AB10 1XB

**Company** The Proprietors of Mar Centre

### **Response to 1st modification objections**

Policy 3 sets out to protect nationally important designations. This is a laudable aim and one that is generally supported by The Mar Estate. Policy 3, however, could

be interpreted in such a manner as to exclude development in and around existing settlements. Braemar is a case in point as it is affected by many of the protected

designations but maintains an economic and social need to consolidate existing development opportunities and find means to expand to protect existing and

encourage new community support facilities. We support the policy wording in section b) of the policy but point out that the Implementation and Monitoring section

(4.16) is at odds with that. 4.16 only allows development that may have an adverse impact if the social or economic

benefits are of national importance. The National Park must also operate at a local level and we suggest that where development is located close to an existing

settlement then local economic or social needs are just as important, if not more so, than national benefits. Indeed this policy in its current form, taking the policy

wording and the associated text together, suggests only largescale developments could fall into the acceptable category. None of the identified blanket designations

are an argument against development but do require appropriately designed and located development.

Changes Required to Resolve the Objection

We suggest that the policy implementation section is altered to allow for developments of local economic or social benefit within national natural

heritage  
designations.

**CNPA analysis of objections to 1st modifications**

The policy aims to protect national natural heritage designations in line with national guidance on the issue. It does not in any way imply a blanket approach against development. No modification is therefore proposed.

**Objection maintained**

<b>Policy/site ref</b>	<b>Policy 04</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Dr Alister Scott	
477d	University of Aberdeen	
	Department of Geography and Environment	
	Elphinstone Road	
	Aberdeen	<b>Company</b>

**Summary of objection to Deposit Local Plan**

para 4.14/15 - Reference should be made to the Park Plans reference to NSAs. The wording should also be revised as currently it allows social and economic benefit

to override in the decision making process. The wording should better reflect section 9(6) of the Act.

**CNPA analysis of objection to Deposit Local Plan**

The para on NSAs will be clarified to ensure the level of protection if offered. The reference to social and economic benefit within the policy will also be removed.

**Proposed 1st Modification**

The para on NSAs will be clarified to ensure the level of protection if offered. The reference to social and economic benefit within the policy will also be removed.

**Response to 1st modification objections**

Hello and apologies for not replying sooner. I have resigned from my job in order to take up a new position in New Zealand and the issues with this have rather been at the forefront of my mind. My principal concerns lay with the landscape section of the plan and i am glad to see that the revisions strengthen this considerably. Specific reference could be made and indeed should be made to the European landscape Convention as justification.

I therefore have no outstanding objections. I do still have some comments and at this stage wonder if they have to be formed in the form of an objection. Perhaps a short written response would be OK

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 04  
**Objector Ref** Name Sheena Semple  
059 1 Lettoch Road  
Nethybridge  
PH25 3EJ

**Agent Name**

**Company**

**Summary of objection to Deposit Local Plan**

The allocation of ancient woodland should be reviewed to accurately reflect what is important on the ground.

**CNPA analysis of objection to Deposit Local Plan**

The comments regarding the datasets are noted and work will continue between the CNPA and its partners to ensure that this is addressed to allow the best information to be available to inform the development process. Within the terms of the policy the wording will be reviewed to ensure it is reasonable, clear, and delivers the intentions of the policy. The wording proposed will be assessed as part of this review.

**Proposed 1st Modification**

4.20 add for clarity that datasets are flawed and site inspections are needed to establish the qualities of each site, but that the datasets are used as a starting point.

**Response to 1st modification objections**

Thank you for your recent letters and very full information as to the modifications now being adumbrated in respect of Nethy Bridge. If those proposals are firmed up without further amendment I think that will be a very satisfactory outcome for the village. Thankk you all your hard work and being so communicative with the public.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 04  
**Objector Ref** Name John Anderson  
463d Kincaig and Vicinity Community Council  
Goldenacre,Dunachton Road  
Kincaig, Kingussie  
PH21 1QE

**Agent Name**

**Company** Kincaig and Vicinity Community Council

**Summary of objection to Deposit Local Plan**

Generally, support Alvie estate view on this policy

KVCC refer to ancient woodland, semi-natural ancient woodland, Geological Conservation Review or other nationally, regionally or locally important sites –

information (including definitions) on these sites should be provided as an Appendix to the Plan.

Land designated as ancient woodland, but which has been replanted for commercial purposes should be capable of sensitive development.

**CNPA analysis of objection to Deposit Local Plan**

The comments regarding the datasets are noted and work will continue between the CNPA and its partners to ensure that this is addressed to allow the best

information to be available to inform the development process. Within the terms of the policy the wording will be reviewed to ensure it is reasonable, clear, and

delivers the intentions of the policy. The wording proposed will be assessed as part of this review.

**Proposed 1st Modification**

Glossary - include ancient woodland, semi-natural ancient woodland, Geological Conservation Review. Confirm that in replanted areas development would be

considered under this policy if the terms of a) were met.

**Response to 1st modification objections**

No objection raised in response to modifications. Assume therefore objection resolved.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 04  
**Objector Ref** Name Muir Homes Ltd  
038d

**Agent Name** Malcolm Smith  
TMS Planning and Development Services  
Balclune, 32 Clune Road  
Gowkhall, Fife  
KY12 9NZ

**Company**

**Response to 1st modification objections**

This policy fails to specify what would comprise a “locally important site recognised by the planning authority”. It is therefore vague and unhelpful and raises

questions of certainty particularly where related to allocated development sites where it could reasonably be assumed that the principle of development has already

been established. For these reasons the requirement in part b) of the policy that “any significant adverse effects on the qualities for which the area or site has been

identified are mitigated by the provision of features of commensurate or greater importance to those that are lost” should not apply to allocated development sites,

these sites being identified as those required to deliver beneficial development within the Park area. It is accepted that such protection should apply



to sites with

international/national designations and it is considered that development in such areas is unlikely to be proposed by the local plan in any event and therefore such

constraints are largely assessment tools for “unexpected” planning applications unrelated to specific development allocations/proposals. The application of Policy 4

requires to be clarified; it should not be used to prevent beneficial development merely on the basis that it may impact on an undefined “locally important site

recognised by the planning authority” where the provision of replacement features/habitats cannot be secured, even was it reasonable to require mitigation in such

cases. A development plan by its very definition will allow development which will clearly impact to some degree on the natural environment. The challenge is to do

this in such a manner in order to mitigate impact while protecting sensitive designated areas from inappropriate development. The significant majority of the land

area within the Park will be protected from/not affected by development and therefore, implicitly, the intrinsic qualities of the designated area will be conserved.

Carefully crafted development taking cognisance of the environment should be an accepted part of the evolution of the Park going forward with development

avoiding sensitive parts within sites. Based on this assessment it is suggested that the terms of part b) of the policy is flawed and the requirement to mitigate by the

provision of features of commensurate or greater importance to those that are lost should not apply.

Indeed, where required, (which is questioned) the original wording of Policy 4 as contained within the Cairngorm National Park Deposit Local Plan should be

retained in preference to the modified Policy 4. This provided for a better balance between conservation and appropriate development within the Park area. The

practicality of delivering such a requirement in terms of the land required and other resources has not been reasonably considered by the Cairngorm National Park

Authority. What is the recourse if a habitat fails, is the development removed and the site reinstated?

### **CNPA analysis of objections to 1st modifications**

The policy is intended to support the 1st aim of the Park and ensure that all new development does not have an adverse impact on the natural heritage of the area.

It is therefore worded to allow for sites of natural heritage importance, which are not nationally or internationally recognised, but which, none the less add to the

natural heritage quality of the area, are offered appropriate protection. The policy is not however intended to hamper appropriate development, and this is the

reasoning for paragraphs a and b of the policy. No second modifications or amendments are therefore proposed.

### **Objection maintained**

**Policy/site ref** Policy 04

**Agent Name**

**Objector Ref** Name Sarah Jane Laing

4291 SRPBA  
Stuart House  
Eskmills  
Musselburgh, EH21 7PB

**Company** SRPBA

**Summary of objection to Deposit Local Plan**

In b) if an ancient woodland is lost what could the developer provide as an equivalent? Also in some cases there is no ancient woodland left in these designated

areas. Such areas are only designated because they were both on the 1750s Roy maps and the first Ordnance Survey maps from 1861, but had been replanted in the interim.

**CNPA analysis of objection to Deposit Local Plan**

The comments regarding the datasets are noted and work will continue between the CNPA and its partners to ensure that this is addressed to allow the best

information to be available to inform the development process. Within the terms of the policy the wording will be reviewed to ensure it is reasonable, clear, and

delivers the intentions of the policy. The wording proposed will be assessed as part of this review.

**Proposed 1st Modification**

In b) change 'equal' to 'commensurate or greater'. In 4.24 define 'commensurate'

Para 4.20 confirm that datasets are flawed and to comply with the policy site inspections of the qualities of sites may be required.

**Response to 1st modification objections**

We are happy to withdraw all but one of our formal objections as believe that majority of them have been addressed by the modifications, or by clarity of issues in

supporting text. The only one we would like to continue with is in relation to policy 1 where we still think that there should be support for projects which provide

social or economic benefits of local as well as national importance.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 04

**Agent Name**

**Objector Ref** Name Angus Yarwood

393a Woodland Trust Scotland  
St Stephen's Centre  
St Stephen's Street  
Edinburgh, EH3 5AB

**Company** Woodland Trust Scotland

### **Summary of objection to Deposit Local Plan**

2 of the strategic settlements identified in the Plan are sites of ancient and semi-natural woodland which is in conflict with the aims of the Park to protect such habitat.

Development of such land which has stood for hundreds of years is in conflict with the 1st aim of the Park  
The CNP should be demonstrating to the rest of Scotland that ancient and semi ancient woodland is of high conservation value and will be protected from development. Once lost it cannot be replaced. There is no mitigation for lose of ancient woodland.

Ancient woodland is, by definition, an irreplaceable natural resource and takes centuries, even millennia to evolve. As the habitat most representative of original, natural, stable conditions, ancient woodland is home to more threatened species than any other habitat in the UK. The Nature Conservation (Scotland) Act 2004 states, "It is the duty of every public body and office-holder, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions."

The local plan should state clearly that any area of ancient woodland will be protected not only from development but from other threats such as grazing, invasive species, lack of management and buffered against the effects of climate change.

### **CNPA analysis of objection to Deposit Local Plan**

The policies of the plan must all be read together and for development to proceed all must be complied with where appropriate. Confirm how to use the plan in introduction.

### **Proposed 1st Modification**

In b) change 'equal' to 'commensurate or greater'. In 4.24 define 'commensurate'  
Para 4.20 confirm that datasets are flawed and to comply with the policy site inspections of the qualities of sites may be required.

### **Response to 1st modification objections**

See objection 393c.

### **CNPA analysis of objections to 1st modifications**

No further action required.

### **Objection withdrawn**

**Policy/site ref** Policy 04  
**Objector Ref** Name Scottish and Southern Energy Plc  
447c

**Agent Name** Jones Lang Lasalle  
7 Exchange Crescent  
Conference Square

Edinburgh  
EH3 8LL

**Company** Scottish and Southern Energy Plc

### **Summary of objection to Deposit Local Plan**

Within the wording development will only be permitted where it meets one of two tests. The 1st relates to the protection of the overall integrity. The 2nd allows for

this to be outweighed by social or economic benefits of importance to the aims of the Park. This is inconsistent with policy 1. b) also requires mitigation providing

"features of equal importance", but there is no guidance as to how this might be done (contrary to PAN 49).

### **CNPA analysis of objection to Deposit Local Plan**

Throughout the plan further cross referencing will be made to ensure that policies are consistent within themselves and when compared to others.

The wording

used within policies throughout will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use.

The wording will also be reviewed to ensure that it is in line with national guidance on the topic, as well as striking an appropriate balance between development

opportunities and protecting the special qualities of the area as identified as a National Park. Any amendments will be made as appropriate to ensure the underlying

aim of the policy is achieved.

### **Proposed 1st Modification**

Delete section of b) 'outweighed by social or economic benefit of importance to the aims of the CNP and are'.

In b) change 'equal' to 'commensurate or greater'. In 4.24 define 'commensurate'.

### **Response to 1st modification objections**

This policy has not been modified to address its inconsistency with Policy 1. The policy modification has to a limited extent addressed clarification on the need for

provision of features of equal importance. Para 4.24 states 'for clarity commensurate will be taken to mean a replacement habitat which has the capacity to support

the genetic integrity and size of population, have the same level of connectivity and the same level of complexity' (page 20). However the policy still does not provide

a clear explanation of how it may work in practice and there is still no definition, in the Plan, of the 'special qualities and 'qualities of equal importance' therefore

guidance remains vague. The word 'significantly' should also, in our view, be inserted before 'adversely' in the first line of the policy.

### **CNPA analysis of objections to 1st modifications**

The policy is not considered to be in conflict with Policy 1 and the reference to social and economic benefit has been removed. The amendments made are

considered to make the policy more clear. No further modifications are considered necessary.

### **Objection maintained**

**Policy/site ref** Policy 04

**Agent Name**

**Objector Ref** Name Alison Hogg

473b  
Aberdeenshire Council, Planning and Development  
Woodhill House  
Westburn Road  
Aberdeen, AB16 5GB

**Company** Aberdeenshire Council

**Summary of objection to Deposit Local Plan**

Suggest either plotting SINS on a map, or including a list of sites in the Local Plan.

CNPA should note that Aberdeenshire Council is considering a review of its SINS sites.

Questions if 'earth' is the most appropriate word to use? Surely nature conservation also encompasses geological sites?

**CNPA analysis of objection to Deposit Local Plan**

The comments regarding the links with work ongoing in Aberdeenshire Council are noted. In regard to natural heritage designations, the view has been taken that

since the area as a whole has been designated as a National Park, other local designations would not be used, so avoiding any possible inference that some areas of

the Park are of more natural heritage value than others. However the proposals maps will take cognisance of such designations in the 4 local authorities. Further

discussions will be required with Council representatives to ensure that there is no conflict in the work being undertaken, and that appropriate levels of protection

are included within the National Park Boundary.

**Proposed 1st Modification**

No modification proposed.

**Response to 1st modification objections**

We write with reference to your letter dated 18th Sept 2008, concerning the above subject. As stated in our previous letter dated 5th October 2007, Aberdeenshire Council does not object to the deposit local plan. Our previous letter did include a number of comments that we recommend being taken forward in

the deposit local plan. These comments/recommendations should not be treated as objections to the plan.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 04

**Agent Name**

**Objector Ref** Name Jamie Williamson

439f  
Alvie and Dalraddy Estate  
Alvie Estate Office

### **Summary of objection to Deposit Local Plan**

The designation of some of these sites must be questioned as they do not contain any ancient woodland or features of previous woodland and are included because

of the methods used to identify sites as a desk based exercise. Such sites should not be excluded from development opportunities.

Developers are unlikely to be in a position to provide designated features such as ancient woodland sites or geological conservation review sites.

Where habitats are

lost to development it seems unlikely that mitigation will create something that is considered of equal importance.

Amended wording –

In a) reword to 'the objectives of the designation would not be compromised',

In b) delete final section 'and are mitigated by the developer providing features of equal importance to those that are lost'.

### **CNPA analysis of objection to Deposit Local Plan**

The comments regarding the datasets are noted and work will continue between the CNPA and its partners to ensure that this is addressed to allow the best

information to be available to inform the development process. Within the terms of the policy the wording will be reviewed to ensure it is reasonable, clear, and

delivers the intentions of the policy. The wording proposed will be assessed as part of this review.

### **Proposed 1st Modification**

In b) change 'equal' to 'commensurate or greater'. In 4.24 define 'commensurate'.

Para 4.20 confirm that datasets are flawed and to comply with the policy site inspections of the qualities of sites may be required.

### **Response to 1st modification objections**

Development that would adversely affect an ancient woodland site, semi-natural ancient woodland site, Geological Conservation Review site, or other nationally,

regionally or locally important site recognised by the planning authority will only be permitted where it has been demonstrated that:

a) The objectives of the (identified site and overall integrity of the identified area) designation would not be compromised; or

b) Any significant adverse effects on the qualities for which the area or site has been identified are mitigated (by the provision of features of commensurate or greater importance to those that are lost.)

The policy as stated is unreasonably restrictive and will not achieve an equitable balance between social, economic, cultural and environmental objectives.

Some ancient woodland sites and semi-natural ancient woodland sites have no remnant of ancient woodlands or features of the previous woodland remaining. Such

### **CNPA analysis of objections to 1st modifications**

The wording reflects the nature of the sites that would be affected. The limitations of some of the datasets is recognised in para 4.20. The wording is

not therefore  
considered to be overly restrictive and no modifications are therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 04  
**Objector Ref** Name Rona Main  
425d Scottish Enterprise Grampian  
27 Albyn Place  
Aberdeen  
AB10 1DB

**Agent Name** Steve Crawford  
Halliday Fraser Munro  
8 Victoria Street  
Aberdeen  
AB10 1XB  
**Company** Scottish Enterprise Grampian

**Summary of objection to Deposit Local Plan**

The policy should clarify what the “economic benefits of importance to the Cairngorms National Park” are.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted and additional information will be included to clarify this position.

**Proposed 1st Modification**

Delete section of b) 'outweighed by social or economic benefit of importance to the aims of the CNP and are'.

**Response to 1st modification objections**

Objection maintained.

**CNPA analysis of objections to 1st modifications**

The policy relates to natural and earth heritage sites. It is not considered necessary to highlight particular benefits of any one policy as all policies seek to secure the

aims of the Park and ensure future development is for the benefit of the Park. No further modification is therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 04  
**Objector Ref** Name Anne MacNamara, Planning Directorate  
422i Scottish Government  
Victoria Quay  
Edinburgh  
EH6 6QQ

**Agent Name**  
  
  
  
  
**Company** Scottish Government

**Summary of objection to Deposit Local Plan**

The wording suggests a list of sites that would be marked on the proposals map(s). A list of all relevant designations would clarify this. Clause b) amend “the

developer providing” to “the provision of”. The 2nd part of b) is quite demanding and this doesn't seem quite consistent with the downplaying of the importance of

these sites in paragraph 4.23.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted and the policy will be reworded to clarify the sites referred to are available from within the CNPA, its partners, and from others.

Add

definitions into glossary where appropriate.

**Proposed 1st Modification**

Add to glossary where appropriate.

**Response to 1st modification objections**

No additional comments included.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 04

**Agent Name**

**Objector Ref** Name Hebe Carus

024d The Mountaineering Council of Scotland  
The Old Granary  
West Mill Street  
Perth, PH1 5QP

**Company** The Mountaineering Council of Scotland

**Summary of objection to Deposit Local Plan**

Policy needs to recognise the low capacity for recovery of habitats as well as the impossibility of replacement of long established woodlands. It also needs to ensure

the integrity of the Park is not eroded through cumulative effects.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted and the appropriate amendments will be made to the wording to clarify the position.

**Proposed 1st Modification**

In b) change 'equal' to 'commensurate or greater'. In 4.23 define 'commensurate'.

**Response to 1st modification objections**

Thanks for the details of the modifications to the local plan. I agree with the modifications to Policies 1,2,3,4,6, 33

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 04

**Agent Name** Steve Crawford



**Objector Ref** 453c  
**Name** Glenmore Properties Ltd  
Viewfield Farm  
Craigellachie  
Aberlour  
AB38 9QT

Halliday Fraser Munro  
8 Victoria Street  
Aberdeen  
AB10 1XB  
**Company** Glenmore Properties Ltd

**Summary of objection to Deposit Local Plan**

The wording makes it difficult to determine what the rounds of "social or economic benefits of importance to the Cairngorms National Park" are. These should be clarified in more detail to ensure consistency.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. Modifications will endeavour to clarify an appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties.

**Proposed 1st Modification**

Delete section of b) 'outweighed by social or economic benefit of importance to the aims of the CNP and are'.

**Response to 1st modification objections**

Suggest willingness to withdraw objection

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 04

**Objector Ref** 393c  
**Name** Angus Yarwood  
Woodland Trust Scotland  
St Stephen's Centre  
St Stephen's Street  
Edinburgh, EH3 5AB

**Agent Name**

**Company** Woodland Trust Scotland

**Summary of objection to Deposit Local Plan**

The last para of policy 4 is not acceptable. WTS are adamant that there must be no further loss to ancient woodland at all and that with 25% of all of Scotland's native woodland resource, it should receive enhanced protection.

Whilst understanding that there must be a balance between the environmental, social and economic needs of the Park, WTS do not accept the loss of such habitat

can be mitigated by the developer. In this instance there are no 'features of equal importance to those that are lost'. The plan supports this in para 4.19. Ancient

woodland sites are irreplaceable, developed over hundreds of years, and cannot be re-created. It is therefore essential that this habitat be protected from development.

Paragraph 'b' should be amended to reflect the importance of this habitat and afford it further protection. Economic and social benefits are human constructions and can be relocated; ancient and semi-natural woodland cannot.

#### **CNPA analysis of objection to Deposit Local Plan**

The comment is noted. Modifications will endeavour to clarify an appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties.

#### **Proposed 1st Modification**

In b) change 'equal' to 'commensurate or greater'. In 4.24 define 'commensurate'

Para 4.20 confirm that datasets are flawed and to comply with the policy site inspections of the qualities of sites may be required.

#### **Response to 1st modification objections**

Policy 4, page 20

Whilst we understand that the CNP has to balance the environmental, social and economic needs of the Park, we still do not accept that allowing the loss of ancient and semi-natural woodland can then be mitigated for by a site developer planting elsewhere. We accept that the policy wording has been strengthened to require greater commensurate action but there is still no way to replace the unique characteristics of ancient and semi-natural woodland habitats. They need to be protected and restored.

We are pleased to see the acknowledgement of the limitations of the Semi-natural Ancient Woodland Inventory records and the acceptance that specific sites will need to be considered on their own merits.

We support the intention to monitor the impacts on habitat loss and cumulative impacts on effected sites. There should be a clear format for this monitoring and should be a requirement for all effected areas. The information should also be regularly updated and published on the Park's website.

#### **CNPA analysis of objections to 1st modifications**

The reference to ancient woodland ensures that development will only be acceptable where paras a) and b) can be met. If this is not the case then the proposal would not comply with the policy. It is considered to give adequate protection as a result. No modifications are therefore proposed.

#### **Objection maintained**

**Policy/site ref** **Policy 04**

**Agent Name**

**Objector Ref** **Name** Roy Turnbull  
390d Torniscar  
Nethy Bridge  
Inverness-shire  
PH25 3ED

**Company**

### **Summary of objection to Deposit Local Plan**

In the case of ancient woodlands or geological sites it is not possible to provide features of equal importance. These sites are finite and irreplaceable and it is impossible to provide further examples. The policy is therefore illogical. Since these sites are irreplaceable, and since significant adverse effects on these sites would inescapably be in conflict with the first aim of the Park, a far stronger policy for protection is required. The planning authority should not be the body responsible for determining which sites are nationally or locally important: this should be determined by appropriate governmental and non-governmental organisations.

It is not just the integrity of the sites that should be protected, which is in itself difficult to define, but also the whole of the site in its entirety. There should be no further loss of ancient woodland in the Cairngorms National Park. Supporting text is included from the Woodland Trust and Scottish Executive and requirements under the LBAP.

Since it is impossible to create more ancient woodlands, there is only one way to “maintain the present area of ancient and semi-natural woodlands” and that is to stop destroying them. It is therefore a requirement of “Biodiversity, The UK Action Plan (1994)” to establish a policy that ensures that no further loss of areas of ancient and semi-natural woodlands occurs.

### **CNPA analysis of objection to Deposit Local Plan**

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. The wording used within this policy will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use together with ensuring the appropriate level of protection and compliance with national and international obligations placed on the CNPA.

### **Proposed 1st Modification**

In b) change 'equal' to 'commensurate or greater'. In 4.23 define 'commensurate'.

### **Response to 1st modification objections**

Objection maintained.

### **CNPA analysis of objections to 1st modifications**

The policy is relating to sites which are not designated as of national or international importance. The provision of commensurate or greater importance would

apply where appropriate. However if this were not possible the development would be unable to comply with the policy. No modification is therefore proposed.

### **Objection maintained**

#### **Policy/site ref Policy 04**

**Objector Ref** 393h  
**Name** Angus Yarwood  
Woodland Trust Scotland  
St Stephen's Centre  
St Stephen's Street  
Edinburgh, EH3 5AB

#### **Agent Name**

**Company** Woodland Trust Scotland

### **Summary of objection to Deposit Local Plan**

The local plan contains clear deviations from Park, UK and national planning and conservation guidance in its approach to woodland protection.

The plan should

adhere to policies protecting, restoring and enhancing natural heritage and important habitats. Ancient and semi-natural woodland cannot be replaced and needs stronger protection.

UK and Scotland wide planning policies also highlight the importance of protecting ancient and native woodland. Please refer to

- "The UK Forestry Standard" - UK Government's approach to sustainable forestry;
- NPPG 14 - Scottish Government's policies for conservation and enhancement of Scotland's natural heritage;
- Nature Conservation (Scotland) Act 2004 which requires every public body and office-holder to further the conservation of biodiversity.
- PAN 60 Scottish Executive advice on Planning for Natural Heritage.

### **CNPA analysis of objection to Deposit Local Plan**

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the

area as identified as a National Park. The wording used within this policy will be clarified to ensure the appropriate level of guidance is available for developers, and

the Plan is easy to understand and use together with ensuring the appropriate level of protection and compliance with national and international obligations placed

on the CNPA. Confirm that we must act within the limitations of the designations, and policy 4 is intended to offer a degree of protection to those sites not

considered of appropriate quality to be formally designated and so considered under policies 2 and 3. The CNPA duty to further biodiversity is also enshrined in

policy 6 to add a further level of protection. However it would be unreasonable to offer the level of protection proposed to sites which are not designated nationally or internationally. We will of course work with partners to ensure the most appropriate level of designation is provided to sites within the NP.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

While we understand that there are competing need of conservation and development within the Park, we still feel that the Park must practise the strictest adherence

to policies protecting, restoring and enhancing for the future, our natural heritage and the important habitats that they are entrusted with. It cannot be emphasised

enough that ancient and semi-natural woodland cannot be replaced and needs stronger protection.

The WTS urges Cairngorms National Park Authority to give ancient and semi-natural woodland absolute protection from development in the Cairngorms National

Park Deposit Local Pan and to ensure that its own Local Biodiversity Plan is properly consulted in all of the Park's planning developments.

**CNPA analysis of objections to 1st modifications**

See response on 393c. No further action required.

**Objection maintained**

**Policy/site ref Policy 04**

**Agent Name**

**Objector Ref Name** Dr A M Jones

400f(d) Badenoch and Strathspey Conservation Group  
Fiodhag  
Nethybridge  
PH25 3DJ

**Company** Badenoch and Strathspey Conservation Group

**Summary of objection to Deposit Local Plan**

Replace "Development will only be permitted" with "may" only be permitted, since this may be interpreted as pre-judging the planning process.

The policy is trying to cover too many aspects under one heading. Are Geological conservation review sites best safeguarded by the same policy as eg native

woodlands or second tier sites identified for different interest (eg for high biodiversity value).

Object to "planning authority" as there is not one (competent) planning authority.

Object further to the principle and suggest a statement along the lines "recognised by standards accepted by those with relevant knowledge and competence in the

appropriate field such as SNH, JNCC or relevant eNGO's" would be more appropriate. Second tier sites need to be extended across the Park as a matter of urgency

and within the lifetime of the Plan and BSCG is keen to assist the CNPA or others in this.

As further good practise it is desirable to involve eNGO's. For example we would consider the WT has access to information on high quality woodland

sites

including the AWI, the BMS has expertise on identifying PERL fungi.

Object to "providing features of equal importance" as in many cases this is impossible (e.g. ancient and semi-natural ancient woodland sites; landscapes that bear

witness to the activities of our forebears). Supporting info regarding this is detailed. It cannot be considered intelligent planning to offer to do the impossible.

Include sentence to effect "In all circumstances there will be a strong presumption against development that affects an ancient woodland site ...or locally important site".

A) Demonstrates a lack of ecological understanding and affords inadequate respect for the precautionary principle, and there is therefore a need for more precision

and clarity. Need to include definition of 'integrity' and what natural/ ecological communities are being considered. The wording implies that current knowledge and

ecological understanding is sufficient to fairly assess whether the "overall integrity of the identified area would not be compromised".

b) conflicts with the 1st aim of the Park. Delete "significant" and replace with "possible". We suggest insert overriding before importance. Clarity and consistency is

needed. Object to emphasis on mitigation. Which may have knock on effects that may be impossible or impractical to properly evaluate (e.g. due to timescale,

seasonality or resource issues).

para 4.23 – Replace "many of these identified areas" with "some of these". The Plan makes no reference to using specialist professional advice to inform the

decision-making process, although this is stated in 4.37, an equivalent paragraph on landscape.

Para 4.24 – wording is incomplete and inconsistent. It makes no reference to cumulative impacts, which should be included although this is included in 4.40

regarding landscape.

#### **CNPA analysis of objection to Deposit Local Plan**

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the

area as identified as a National Park. The wording used within this policy will be clarified to ensure the appropriate level of guidance is available for developers, and

the Plan is easy to understand and use together with ensuring the appropriate level of protection and compliance with national and international obligations placed

on the CNPA.

#### **Proposed 1st Modification**

In b) change 'equal' to 'commensurate or greater'. In 4.23 define 'commensurate'.

Delete section of b) 'outweighed by social or economic benefit of importance to the aims of the CNP and are'.

4..20 add clarification that datasets are flawed and site inspections will be needed. CNP will seek specialist advice on such assessments where necessary.

4.23 change 'many' to 'some'

#### **Response to 1st modification objections**

This policy should make it clear that built development in ancient woodland sites is unacceptable. At present it is ambiguous. We strongly

recommend that the

CNPA should take on board SINS and that SINS should be referred to in this Policy.

**CNPA analysis of objections to 1st modifications**

SINS are referred to in the supporting text along with other types of sites. The reference to ancient woodland ensures that development will only be acceptable

where paras a) and b) can be met. If this is not the case then the proposal would not comply with the policy. It is considered to give adequate protection as a result.

No modifications are therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 04

**Agent Name**

**Objector Ref** Name Susan Davies

465h Scottish Natural Heritage  
Great Glen House  
Leachkin Road  
Inverness

**Company** Scottish Natural Heritage

**Summary of objection to Deposit Local Plan**

Concerned that part b of this policy is contrary to section 9(6) of the National Parks (Scotland) Act 2000, and with the final paragraph in policy 1. Also concerned

about reliance in part b on mitigation by providing features of equal importance to those lost. This is difficult or impossible in many situations. Suggest removing the

policy and rely on the protection provided by a revised Policy 1. This approach would best be accompanied by a clear statement that ancient and semi-natural

woodland, Geological Conservation Review sites and other regionally or locally important natural and earth heritage sites are key components of the Park's special natural heritage qualities.

4.22 - It would also be helpful to show these local natural heritage sites, and Geological Conservation Review sites, on Map D.

4.23/4.24 - Recommend taking into account options for mitigation and / or compensation when making decisions on proposals that could affect these sites, and

recommend monitoring the success of any mitigation agreed when consenting development.

**CNPA analysis of objection to Deposit Local Plan**

The wording of the policy will be reviewed to ensure that its requirements are in line with the Park Plan and the aims of the Park established in the National Parks

(Scotland) Act 2000 and are clear and reasonable. Any amendments to draw the wording in line with these will be made by way of modification.

The additional

comments regarding the level of detail are also noted and the modifications will endeavour to resolve this and clarify the position and intent of this policy.

**Proposed 1st Modification**

In b) change 'equal' to 'commensurate or greater'. In 4.24 define 'commensurate'

Para 4.20 confirm that datasets are flawed and to comply with the policy site inspections of the qualities of sites may be required.

**Response to 1st modification objections**

No further representation received regarding this issue.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 04

**Agent Name**

**Objector Ref** Name Ian Francis

424f

RSPB Scotland

East Regional Office

10 Albyn Terrace

Aberdeen, AB10 1YP

**Company** RSPB Scotland

**Summary of objection to Deposit Local Plan**

Do the 'other locally important site(s)' include the Sites of Interest to Natural Science designated by Moray and Aberdeenshire Councils, as referred to in passing in paragraph 4.22?

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted and the policy will be reworded to clarify the sites referred to. The wording will also be reviewed in light of the comments to ensure it is reasonable, and does not place onerous demands on developers.

**Proposed 1st Modification**

Appendices - add list of other local sites under Policy 4 including SINS. Confirm for clarity the wording in para 4.22 regarding SINS. No further action. Confirm that

we are not using other LA local plan designations for natural heritage as the whole is designated as a National Park.

**Response to 1st modification objections**

Its should still be clarified whether the 'other locally important site(s)' recognised by the planning authority includes the Sites of interest to Natural Science designated by Moray and Aberdeenshire Councils are referred to in passing in paragraph 4.22.

**CNPA analysis of objections to 1st modifications**

4.22 clarifies but does not limit the additional sites which may be included. No further modification is therefore proposed.

**Objection maintained**



**Policy/site ref** Policy 05

**Agent Name**

**Objector Ref** Name Ian Francis

424g RSPB Scotland  
East Regional Office  
10 Albyn Terrace  
Aberdeen, AB10 1YP

**Company** RSPB Scotland

**Summary of objection to Deposit Local Plan**

Further clarity is needed on what is meant by "full consideration". For Schedule I Birds or European Protected Species, it needs to be categorically established which species are present on a site, and where, before an application can be considered for consent. Any consent given without due consideration to these species may breach European Directives with the possibility of consequential delays or the project being halted by the EC. The discovery of an EPS or Schedule 1 bird species during construction could result in a planning consent that cannot be implemented. This could be explained in the supporting text.

**CNPA analysis of objection to Deposit Local Plan**

The wording of the policy will be reviewed to ensure that it is in line with national guidance on the topic, as well as striking an appropriate balance between development opportunities and protecting the special qualities of the area as identified as a National Park. The wording will also be assessed to ensure it is clear and consistent both with other policies in the Plan and other guidance given in the Park Plan, National guidance and the aims of the Park. Any amendments will be made as appropriate to ensure the underlying aim of the policy is achieved.

**Proposed 1st Modification**

Modify policy to add annexes ii and v of the EC habitats directive and annex 1 of the EC Birds directive.

**Response to 1st modification objections**

We welcome this policy.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 05

**Agent Name**

**Objector Ref** Name John Anderson

463e Kincaig and Vicinity Community Council  
Goldenacre, Dunachton Road  
Kincaig, Kingussie  
PH21 1QE

**Company** Kincaig and Vicinity Community Council

### Summary of objection to Deposit Local Plan

Generally, support Alvie estate view on this policy. Seek an additional appendix which should include the species listed in Schedules 1,5 and 8 of the Wildlife and Countryside Act 1981

### CNPA analysis of objection to Deposit Local Plan

The comment is noted. The additional information is available elsewhere from CNPA and is extensive.

### Proposed 1st Modification

No modification proposed.

### Response to 1st modification objections

No objection raised in response to modifications. Assume therefore objection resolved.

### CNPA analysis of objections to 1st modifications

No further action required.

### Objection withdrawn

Policy/site ref Policy 05

Agent Name

Objector Ref Name Susan Davies  
465i Scottish Natural Heritage  
Great Glen House  
Leachkin Road  
Inverness

Company Scottish Natural Heritage

### Summary of objection to Deposit Local Plan

Strongly recommend that the final part of this policy is extended to also protect species listed in Annexes II and V of the EC Habitats Directive and Annex 1 of the

EC Birds Directive. It is not clear exactly what 'full consideration will be given to the protection of...' means, and so recommend that the wording is clarified. NPPG

14 (para 20), for example, refers to 'avoiding harm' to species. It would be useful to explain in text accompanying either Policy 5 or Policy 29 that all bats are

European Protected Species, or alternatively to provide a list of all the species covered by Policy 5 in an Appendix.

4.25 - The final sentence about licences is misleading, and should be replaced with:

"For some species a licence is required before it, or its habitat can be disturbed and these licences are available from the Scottish Government.

Licences for scientific,

research or educational purposes are available from SNH."

### CNPA analysis of objection to Deposit Local Plan

The wording of the policy will be reviewed to ensure that it is in line with national guidance on the topic, as well as striking an appropriate balance between

development opportunities and protecting the special qualities of the area as identified as a National Park. Any amendments will be made as appropriate to ensure

the underlying aim of the policy is achieved. Within this review the proposed wording will be assessed and appropriate changes made.

#### **Proposed 1st Modification**

Modify policy to add annexes ii and v of the EC habitats directive and annex 1 of the EC Birds directive.

1st sentence change to 'development should avoid causing any harm to any European Protected Species wherever they occur...'

In a) wording is reflecting the regulations and will be changed to remove the comma after 'nature,'.

in b) change to 'there is no alternative solution'

in 4.27 add clarification that policy will also include consideration of cumulative impact.

#### **Response to 1st modification objections**

We think that the revised wording at the beginning of this policy is not as good as the previous wording in the Deposit Local Plan – some confusion perhaps arose

as to where the alternative text

of “avoiding harm” as suggested by SNH should go. It was meant to replace the end-section re “full consideration” being given to protected species, rather than the

beginning-section about

adverse impacts not being permitted. Our preference would be to go back to “Development that would have an adverse effect on any European Protected Species

will not be permitted unless

....”.

There is a mis-print in that the third test for EPS in the Habitats Regulations is not indicated as part c) of this policy. It should be linked by an “and” at the end of the

part b).

Part b) has been altered from no satisfactory alternative to no alternative solution. Strictly speaking the former is the wording of the Habitats Regulations (Reg

44(3)(a)), so you may wish to

retain it. Similarly part c) has been altered from Reg 44(3)(b) of the Habitats Regulations to refer to maintenance of the local population and genetic integrity as part

of the third test for EPS. We recommend that you revert to the text of the Regs on the grounds that it is simpler, clearer, avoids confusion in casework and delivers

exactly what is needed in order to comply with the Regs.

We welcome the addition of references to other protected species in this policy by quoting Annexes II and V of the Habitats Directive and Annex I of the Birds

Directive. It might be clearer if this modification started – “In addition development should avoid any adverse impact on species listed ...”

Para 4.27 Final sentence. We recommend you consider changing the words “evidence to indicate” with “reason to believe” which would be less restrictive. Strictly, it

should be “reason to believe/evidence to indicate that a European Protected Species or its breeding site or resting place may be present on a site ...”

#### **CNPA analysis of objections to 1st modifications**

The modifications have not achieved an improvement as they clearly differ from the relevant regulations. The proposed wording in the objection will

therefore be  
taken forward as second modifications to the plan.

**Objection maintained**

**Policy/site ref** Policy 05

**Agent Name**

**Objector Ref** Name Jamie Williamson  
439g Alvie and Dalraddy Estate  
Alvie Estate Office  
Kincraig, Kingussie  
PH21 1NE

**Company** Alvie and Dalraddy Estate

**Summary of objection to Deposit Local Plan**

It is incorrect to assume that the protection of European Protected species will enhance biodiversity as they may be predators who will reduce the number and diversity of certain species. A balance must be reached between protection and the other aims of the Park.

Amended wording

In a) remove 'imperative', and 'overriding', and 'primary'

In b) change 'and' to 'or'

**CNPA analysis of objection to Deposit Local Plan**

The wording of the policy will be reviewed to ensure that it is in line with national guidance on the topic, as well as striking an appropriate balance between

development opportunities and protecting the special qualities of the area as identified as a National Park. Any amendments will be made as appropriate to ensure

the underlying aim of the policy is achieved. Confirm wording is in line with the European Directives requiring a level of protection.

**Proposed 1st Modification**

1st sentence change to 'development should avoid causing any harm to any European Protected Species wherever they occur...'

**Response to 1st modification objections**

Development should avoid causing any significant harm to any European Protected Species wherever they occur unless:

a) There are public health, public safety or other (imperative) reasons of (overriding) public interest, including those of a social or economic nature and beneficial

consequences of (primary) importance for the environment; and

b) There is no alternative solution

The development will not be detrimental to the maintenance of the (local) population .....

The increase in some raptors such as the hen harrier will reduce the number and diversity of certain prey species. It is not correct to assume that protection of

European Protected Species will enhance biodiversity. Consideration of the welfare of protected species should be considered in balance with other aims of the Park.

There are species where the local population is relatively insignificant when compared to the national population. The Plan needs to provide a better balance between the natural and cultural heritage of the area. The Plan as stated is weighted in favour of the natural heritage of the area at the expense of its cultural heritage.

The Plan should reflect the interests, needs and aspirations of residents within the park. **CNPA analysis of objections to 1st modifications**

The wording used is in line with national guidance on this topic. No modification is therefore proposed.

**Objection maintained**

<b>Policy/site ref</b>	<b>Policy 05</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Anne MacNamara, Planning Directorate	
422j	Scottish Government Victoria Quay Edinburgh EH6 6QQ	<b>Company</b> Scottish Government

**Summary of objection to Deposit Local Plan**

The comma after "nature" in a) is not in the regulations, and it makes a subtle change by perhaps suggesting that the "beneficial consequences..." are required in addition to one of the circumstances listed.

Para 4.26 - amend to reflect the difficulties which have occurred where planning authorities have issued permissions with suspensive conditions requiring species

surveys to be carried out. Amend the 2nd sentence to "If the planning authority suspects that a European Protected Species may be present on a site, any such presence and any likely effects on the species shall be fully ascertained prior to the determination of the planning application".

**CNPA analysis of objection to Deposit Local Plan**

The comment regarding the punctuation is noted and the appropriate change will be made. Also the comment regarding para 4.26 is noted and the wording suggested will be assessed in future modifications to clarify the point.

**Proposed 1st Modification**

Delete comma.

4.26 add new sentence after 2nd to reflect issue raised.

**Response to 1st modification objections**

No additional comments included.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 05

**Agent Name**

**Objector Ref** Name Dr A M Jones

400f(e) Badenoch and Strathspey Conservation Group  
Fiodhag  
Nethybridge  
PH25 3DJ

**Company** Badenoch and Strathspey Conservation Group

### **Summary of objection to Deposit Local Plan**

The policy should incorporate after "Species" the statement "wherever they occur" (Part 3 of the 1994 regulations are not limited in effect merely to specific, designated areas.) There should also be greater reference to "breeding sites and resting places" (that enjoy a particularly high degree of protection under Regulation

39 (1) (d) such that at its simplest level even unintentional destructive acts at for example a bat roost could potentially be grounds for criminal prosecution.)

In a) inclusion of "including those of a social or economic nature" is unnecessary and is covered by the catchall phrase in "or other imperative reasons".

In b) "no satisfactory alternative" is too weak; this should be in line with the weight given to the 1st aim of park.

In c) wording reflects a lack of ecological understanding. The loss of a "population... at a favourable conservation status..in their natural range" is likely to occur by

cumulative small minor losses, and only more rarely by a single devastating development. There should be a presumption in favour of planning that aims to deliver

for SOCC and for example to ensure that populations of protected species are not bucking national trends of recovery as has been recently reported for some better

studied groups, (see Birds Chapter in Nature of the Cairngorms).

### **CNPA analysis of objection to Deposit Local Plan**

The wording of the policy will be reviewed to ensure that it is in line with national guidance on the topic, as well as striking an appropriate balance between

development opportunities and protecting the special qualities of the area as identified as a National Park. Any amendments will be made as appropriate to ensure

the underlying aim of the policy is achieved.

### **Proposed 1st Modification**

1st sentence change to 'development should avoid causing any harm to any European Protected Species wherever they occur...'

In a) wording is reflecting the regulations and will be changed to remove the comma after 'nature,'.

in b) change to 'there is no alternative solution'

in 4.27 add clarification that policy will also include consideration of cumulative impact.

### **Response to 1st modification objections**

We recommend there should be an 'and' after the sentence at b). ...alternative solution and The development ...

### CNPA analysis of objections to 1st modifications

The wording used is in line with national guidance on this topic. No modification is therefore proposed.

#### Objection maintained

<b>Policy/site ref</b>	<b>Policy 05</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Roy Turnbull	
390e	Torniscar	
	Nethy Bridge	
	Inverness-shire	
	PH25 3ED	<b>Company</b>

#### Summary of objection to Deposit Local Plan

Support this policy.

#### CNPA analysis of objection to Deposit Local Plan

No modification considered necessary as a result of this representation.

#### Proposed 1st Modification

No further action required.

#### Response to 1st modification objections

No additional representations were made in regard to this objection.

#### CNPA analysis of objections to 1st modifications

No further action required.

#### Objection withdrawn

<b>Policy/site ref</b>	<b>Policy 05</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Sarah Jane Laing	
429n	SRPBA	
	Stuart House	
	Eskmills	
	Musselburgh, EH21 7PB	<b>Company</b> SRPBA

#### Summary of objection to Deposit Local Plan

The term 'adverse' can be very subjective.

#### CNPA analysis of objection to Deposit Local Plan

The comment is noted and additional information will be included to clarify this position.

#### Proposed 1st Modification

1st sentence change to 'development should avoid causing any harm to any European Protected Species wherever they occur...'

#### Response to 1st modification objections

We are happy to withdraw all but one of our formal objections as believe that majority of them have been addressed by the modifications, or by clarity of issues in supporting text. The only one we would like to continue with is in relation to policy 1 where we still think that there should be support for projects which provide social or economic benefits of local as well as national importance.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

<b>Policy/site ref</b>	<b>Policy 05-07</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Mrs Jane Angus	
437c	Darroch Den	
	Hawthorn Place	
	Ballater	
	AB35 5QH	<b>Company</b>

**Summary of objection to Deposit Local Plan**

The wording of these policies seems vague and could lead to confusion in implementation.

**CNPA analysis of objection to Deposit Local Plan**

The wording of the policy will be reviewed to ensure that it does deliver the aim of the policy, and is not overly restrictive or onerous, but also provides an

appropriate level of guidance for developers and people using the policy

**Proposed 1st Modification**

Modifications seek to clarify position.

**Response to 1st modification objections**

response received - need to confirm actual position regarding formality of objection

**CNPA analysis of objections to 1st modifications**

response received - need to confirm actual position regarding formality of objection

<b>Policy/site ref</b>	<b>Policy 06</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Dr A Watson	
020d	Clachnaben	
	Crathes, Banchory	
	Kincardineshire	
	AB31 5JE	<b>Company</b>

**Summary of objection to Deposit Local Plan**

Recognise that old planted woods, moorland, and some semi-natural habitats within farmland, such as fluvio-glacial sandy hillocks have the same



value as long

established woodland, in that when they are newly recreated, they do not have equal wildlife value as a long established site.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted and the wording of the policy in regard to the comments will be reviewed to ensure correctness and clarity.

**Proposed 1st Modification**

add to 1st para 'including cumulative impact'

in a) add 'to the satisfaction of the planning authority'

in b) add 'commensurate or greater'

in last para add 'comprehensive'

In supporting text clarify biodiversity obligation and what this requires in terms of development proposals.

**Response to 1st modification objections**

Objection maintained.

**CNPA analysis of objections to 1st modifications**

Additional wording has been included for clarity. No further modifications proposed.

**Objection maintained**

**Policy/site ref** Policy 06

**Objector Ref** Name John Anderson

463f Kincaig and Vicinity Community Council

Goldenacre, Dunachton Road

Kincaig, Kingussie

PH21 1QE

**Agent Name**

**Company** Kincaig and Vicinity Community Council

**Summary of objection to Deposit Local Plan**

Support Alvie estate view on this policy

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. The issue will be considered under the Alvie representation. No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

No objection raised in response to modifications. Assume therefore objection resolved.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 06  
**Objector Ref** Name Ian Francis  
424h RSPB Scotland  
East Regional Office  
10 Albyn Terrace  
Aberdeen, AB10 1YP

**Agent Name**

**Company** RSPB Scotland

**Summary of objection to Deposit Local Plan**

Support

**CNPA analysis of objection to Deposit Local Plan**

No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

We welcome this policy.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 06  
**Objector Ref** Name Nicola Abrams  
399a SEPA  
Greyhope House  
Greyhope Road  
Torry, Aberdeen

**Agent Name**

**Company** SEPA

**Summary of objection to Deposit Local Plan**

Object to the wording of policy 6, since NPPG14 states that development plans should set out the locational policy framework for the protection and enhancement

of natural heritage. SEPA objects to the omission of a statement specifically stating that developments which enhance or restore existing habitats will be encouraged.

The policy should be amended to refer to the requirement to protect, create and enhance natural and semi-natural habitats for their ecological, recreational,

landscape and natural heritage values; to protect, create and enhance open and natural water bodies, watercourses, wetlands and river corridor habitats including a

presumption against excessive engineering and culverting of watercourses and a presumption for the creation of riparian buffer zones, and require the restoration of

culverted or canalized watercourses. Reference should also be made to NPPG14.

**CNPA analysis of objection to Deposit Local Plan**

The wording of the policy will be reviewed to ensure that it is in line with national guidance on the topic, as well as striking an appropriate balance between

development opportunities and protecting the special qualities of the area as identified as a National Park. The important role of SEPA will be properly included.

Any amendments will be made as appropriate to ensure the underlying aim of the policy is achieved.

**Proposed 1st Modification**

add to 1st para 'including cumulative impact'

in a) add 'to the satisfaction of the planning authority'

in b) add 'commensurate or greater'

in last para add 'comprehensive'

In supporting text clarify biodiversity obligation and what this requires in terms of development proposals.

**Response to 1st modification objections**

Accept - withdraw objection conditional upon modification being made.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 06

**Objector Ref** Name Robert Maund

434d Scottish Council for National Parks

The Barony

2 Glebe Road

Kilbirnie, Ayrshire

**Agent Name**

**Company** Scottish Council for National Parks

**Summary of objection to Deposit Local Plan**

This policy is a hostage to the imperative for developers to make a profit. It should be incumbent on the planning authority to ensure that with any proposal there is

no risk to specific habitats and species, and secondly, that should such risk be identified, the Authority undertakes the survey and monitoring with charges being

recouped from the developers.

**CNPA analysis of objection to Deposit Local Plan**

Further work is needed to clarify how policies will be implemented through the development management process and to ensure the wording is not open to

unnecessary interpretation. It is proposed to produce a series of working practice notes for use by staff across the 4 local authorities and the CNPA to ensure a

consistent approach is taken.

**Proposed 1st Modification**

add to 1st para 'including cumulative impact'

in a) add 'to the satisfaction of the planning authority'

in b) add 'commensurate or greater'

in last para add 'comprehensive'

In supporting text clarify biodiversity obligation and what this requires in terms of development proposals.

#### **Response to 1st modification objections**

Objection maintained as in 434a.

#### **CNPA analysis of objections to 1st modifications**

The policy as worded ensures appropriate levels of protection in line with national guidance. No further modifications are therefore proposed.

#### **Objection maintained**

**Policy/site ref** Policy 06

**Agent Name**

**Objector Ref** Name Hebe Carus

024e The Mountaineering Council of Scotland

The Old Granary

West Mill Street

Perth, PH1 5QP

**Company** The Mountaineering Council of Scotland

#### **Summary of objection to Deposit Local Plan**

Concern about proposals to allow for mitigation for loss of habitats. Well-established habitats often have an intrinsic value due to their age alone.

The policy

should be changed to ensure that new habitats created as mitigation should be able to support the same population size, and have the same levels of complexity and connectivity.

#### **CNPA analysis of objection to Deposit Local Plan**

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the

area as identified as a National Park. The wording used within this policy will be clarified to ensure the appropriate level of guidance is available for developers, and

the Plan is easy to understand and use together with ensuring the appropriate level of protection and compliance with national and international obligations placed on the CNPA.

#### **Proposed 1st Modification**

add to 1st para 'including cumulative impact'

in a) add 'to the satisfaction of the planning authority'

in b) add 'commensurate or greater'

in last para add 'comprehensive'

In supporting text clarify biodiversity obligation and what this requires in terms of development proposals.

#### **Response to 1st modification objections**

Thanks for the details of the modifications to the local plan. I agree with the modifications to Policies 1,2,3,4,6, 33

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 06  
**Objector Ref** Name Muir Homes Ltd  
038e

**Agent Name** Malcolm Smith  
TMS Planning and Development Services  
Balclune, 32 Clune Road  
Gowkhall, Fife  
KY12 9NZ  
**Company**

**Response to 1st modification objections**

Many of the concerns listed in respect of Policy 4 are also applicable to Policy 6. Again this policy makes no reference to allocated development sites, these sites being identified as those required to deliver beneficial development within the Park area and where the principle of the development (and therefore the assessment process gone through within the local plan to reach this point) is established. Furthermore, Part a) is inappropriately vague referring "to the satisfaction of the planning authority" – what is that? In addition this policy appears to seek the justification of the principle of development where this must surely already be clear for allocated sites. A development plan by its very definition will allow development which will clearly impact to some degree on the natural environment. The challenge is to do this in such a manner in order to mitigate impact while protecting sensitive designated areas from inappropriate development. The significant majority of the land area within the Park will be protected from/not affected by development and therefore, implicitly, the intrinsic qualities of the designated area will be conserved. Carefully crafted development taking cognisance of the environment should be an accepted part of the evolution of the Park going forward with development avoiding sensitive parts within sites. Based on this assessment it is suggested that the terms of part b) of the policy is flawed and the requirement to mitigate by the provision of new habitats of commensurate or greater importance to those that are lost should not apply. The practicality of delivering such a requirement in terms of the land required and other resources has not been reasonably considered by the Cairngorm National Park Authority. What is the recourse if a habitat fails, is the development removed and the site reinstated?

Looking at Cairngorm National Park Authority's Local Plan First Modifications (June 2008) Summary of Comments and Modifications comments

related to Policy 6

appeared positive. Indeed, the following comments have been extracted: -

CNPA analysis page 128 - Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the

special qualities of the area as identified as a National Park. The wording used within this policy will be clarified to ensure the appropriate level of guidance is

available for developers, and the Plan is easy to understand and use together with ensuring the appropriate level of protection and compliance with national and

international obligations placed on the CNPA. Confirm that we must act within the limitations of the designations, and policy 4 is intended to offer a degree of

protection to those sites not considered of appropriate quality to be formally designated and so considered under policies 2 and 3. The CNPA duty to further

biodiversity is also enshrined in policy 6 to add a further level of protection. However it would be unreasonable to offer the level of protection proposed to sites

which are not designated nationally or internationally. We will of course work with partners to ensure the most appropriate level of designation is provided to sites

within the NP.

CNPA analysis page 135 - The wording of the policy will be reviewed to ensure that it is in line with national guidance on the topic, as well as striking an appropriate

balance between development opportunities and protecting the special qualities of the area identified as a National Park.

The sentiment in these statements appears not to have been translated into the modified plan as the terms of Policies 1, 4, and 6 provide little certainly in respect of

allocated development sites. It is difficult to see, having allocated these sites in the first instance, how there can be any kind of balance in seeking to restrict their

development in the event that the Cairngorm National Park Authority is not satisfied that new features and/or habitats of commensurate or greater importance can

be provided. There requires to be an acceptance that development will have related impacts (both beneficial and potentially negative to some extent) but that it is

for the local plan to balance these considerations and not to put more unnecessary obstacles in the way of beneficial development and in doing so remove the

certainty required to allow the required investment (or part of it) in the first instance.

In addition, as with Policies 1 and 4, where required, the original wording of Policy 6 as contained within the Cairngorm National Park Deposit Local Plan should be

retained in preference to the modified Policy 6. This provided for a better balance between conservation and appropriate development within the Park area.

Paragraph 4.33 states that "Developments should therefore conserve and enhance natural and semi-natural habitats for the ecological, recreational, landscape and

natural heritage values, including water bodies, watercourses, wetlands, peat and river corridor habitats". This paragraph should either be deleted or clarified. It appears to suggest that all development should conserve and enhance habitats. This begs the question of how you protect, for example, grasslands when you require to build houses on them. It is an unrealistic expectation that would largely prevent beneficial development within the Park.

#### **CNPA analysis of objections to 1st modifications**

As recognised in the representation the issues raised here are similar to those raised regarding Policy 4. This policy is intended to support the 1st aim of the Park and ensure that all new development does not have an adverse impact on the natural heritage and biodiversity of the area. It is therefore worded to allow for developments to proceed where the criteria established in paragraphs a and b are met. The policy is also intended to ensure that all development goes ahead in line with the requirements of the Nature Conservation (Scotland) Act 2004 which has a direct relevance to the work of planning authorities. The term 'to the satisfaction of the planning authority' reflects the need for the planning authority to take advice from specialists in the field to ensure that criteria a is complied with. The term 'commensurate' is used to reflect the 1st aim of the Park which is to conserve AND enhance the natural and cultural heritage of the area. The policy is not however intended to hamper appropriate development, and this is the reasoning for paragraphs a and b of the policy. No second modifications or amendments are therefore proposed.

Para 4.33 - the issue raised in this paragraph highlights the need for a balanced approach to development which respects the aims of the Park. The key to success must be seen as the direction of development to sites where the policy can be complied with, together with the other relevant policies of the plan. The paragraph is included for assistance and highlights the importance of natural and semi natural habitats within the National Park. No second modifications or amendments are therefore proposed.

#### **Objection maintained**

**Policy/site ref** Policy 06

**Agent Name**

**Objector Ref** Name Jamie Williamson  
439h Alvie and Dalraddy Estate  
Alvie Estate Office  
Kincraig, Kingussie  
PH21 1NE

**Company** Alvie and Dalraddy Estate

#### **Summary of objection to Deposit Local Plan**

A balance must be reached between biodiversity and social, economic and cultural consequences of a proposed development.

Amended wording –

In b) delete 'avoided, or' and 'where harm is unavoidable', and add 'where' before 'appropriate'

In the last para change 'will' to 'may'

#### **CNPA analysis of objection to Deposit Local Plan**

The CNPA has a duty placed on it in regard to Biodiversity and the policy has been worded accordingly. However the wording will be reviewed to ensure that it

does deliver the aim of the policy, and is not overly restrictive or onerous, but also provides an appropriate level of guidance for developers and people using the policy.

#### **Proposed 1st Modification**

add to 1st para 'including cumulative impact'

in a) add 'to the satisfaction of the planning authority'

in b) add 'commensurate or greater'

in last para add 'comprehensive'

In supporting text clarify biodiversity obligation and what this requires in terms of development proposals.

#### **Response to 1st modification objections**

Development that would have an adverse effect on habitats or species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by

Scottish Ministers through the Scottish Biodiversity List, including any cumulative impact will only be permitted where:

a) The developer can demonstrate to the satisfaction of the Planning Authority that the need and justification for the development outweighs the local, national or

international contribution of the area of habitat or populations of species; and

b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is (avoided, or) minimised (where harm is

unavoidable), and where appropriate compensatory and/or management measures are provided (and) or new habitats of commensurate or greater nature

conservation value are created as appropriate to the site.

Where there is evidence or likelihood to suggest that a habitat or species may be present on, or adjacent to, a site, or could be adversely affected by the

development, the developer (will) may be required to undertake a (comprehensive) survey of the area's natural environment to assess the effect of the development

on it.

Biodiversity should be considered in balance with social, economic and cultural consequences of a proposed development. Equally important is economic diversity and our cultural inheritance.

#### **CNPA analysis of objections to 1st modifications**

The wording used is in line with national guidance on this topic. No modification is therefore proposed.



## Objection maintained

**Policy/site ref** Policy 06

**Agent Name**

**Objector Ref** Name Anne MacNamara, Planning Directorate  
422k Scottish Government  
Victoria Quay  
Edinburgh  
EH6 6QQ

**Company** Scottish Government

### Summary of objection to Deposit Local Plan

Given the number of species on the Scottish Biodiversity List, will the Park Authority have the resources to properly consider whether any such species exist for all planning applications?

### CNPA analysis of objection to Deposit Local Plan

The CNPA will work closely with its partners to implement this policy, and in particular will endeavour to support the 4 local authorities in using this policy. No modification considered necessary as a result of this representation.

### Proposed 1st Modification

add to 1st para 'including cumulative impact'  
in a) add 'to the satisfaction of the planning authority'  
in b) add 'commensurate or greater'  
in last para add 'comprehensive'

In supporting text clarify biodiversity obligation and what this requires in terms of development proposals.

### Response to 1st modification objections

No additional comments included.

### CNPA analysis of objections to 1st modifications

No further action required.

### Objection withdrawn

**Policy/site ref** Policy 06

**Agent Name**

**Objector Ref** Name Dr A M Jones  
400f(f) Badenoch and Strathspey Conservation Group  
Fiodhag  
Nethybridge  
PH25 3DJ

**Company** Badenoch and Strathspey Conservation Group

### Summary of objection to Deposit Local Plan

Substitute "will only be permitted" with "may" to retain open consideration of proposals. The wording is too open ended and non specific. The policy should

include examples of the kinds of "need and justification" that the CNPA has in mind that the developer could demonstrate.

Object to b) on grounds of lack of credible ecological understanding.

The policy should acknowledge the responsibility of the planning authority to take account of SBL species when considering development proposals, in the context of

the biodiversity duty contained in the NCA. The plan should include a list of SBL species known to occur or likely to occur in the plan area. The plan should also

state that circumstances can arise when the CNPA can recoup costs of survey work from the developer.

Object to the ambiguity of "just as important". It gives a development orientated emphasis to designated sites which conflicts with the 1st aim of the Park.

Support Para 4.28 and 4.29.

Para 4.30 - Object to "This will reduce the likelihood of delays in obtaining planning permission" because it implies a presumption in favour of granting permission.

Para 4.31 – Methods for review rely on inadequate baseline information available to CNPA. There is therefore a need for high standard independent review to update natural heritage data.

#### **CNPA analysis of objection to Deposit Local Plan**

The wording of the policy will be reviewed to ensure that it is in line with national guidance on the topic, as well as striking an appropriate balance between

development opportunities and protecting the special qualities of the area as identified as a National Park. Any amendments will be made as appropriate to ensure

the underlying aim of the policy is achieved. Within this review the proposed wording will be assessed.

#### **Proposed 1st Modification**

add to 1st para 'including cumulative impact'

in a) add 'to the satisfaction of the planning authority'

in b) add 'commensurate or greater'

in last para add 'comprehensive'

In supporting text clarify biodiversity obligation and what this requires in terms of development proposals.

#### **Response to 1st modification objections**

4.30 - Object. - Recommend insert 'and species' in last sentence after networks. ...habitats, networks and species will be encouraged.

#### **CNPA analysis of objections to 1st modifications**

The wording will be included in para 4.30 in second modifications.

#### **Proposed 2nd modifications**

**Objection maintained**

**Objector Ref** 470b  
**Name** Kirsty Cameron, Archaeology  
The Highland Council

**Company** The Highland Council

**Summary of objection to Deposit Local Plan**

Welcomes inclusion of historic landscape in Policy 7. Seeks reassurance that any historic landscape not falling within the remit of Policy 8, specifically, only those

G&DL recognised by Historic Scotland, would fall under Policy 7.

**CNPA analysis of objection to Deposit Local Plan**

The policy regarding landscape will be used when assessing any development proposal which would make an impact on the special landscape qualities of the Park.

This would be in addition to policy 8 rather than instead of it. The intention throughout the plan is that all policies should be taken into account when considering

any development proposal. The wording within the Introduction will be amended to clarify this position.

**Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives

are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of

wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

**Response to 1st modification objections**

No further representation made from THC.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 07

**Agent Name**

**Objector Ref** Name Roy Turnbull

390f  
Torniscar  
Nethy Bridge  
Inverness-shire  
PH25 3ED

**Company**

**Summary of objection to Deposit Local Plan**

The Policy is illogical. If all developments ... make a positive contribution under the terms of the policy, there would be no developments having an

adverse impact.

The Policy should consist of the 1st para only

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. Throughout the plan further cross referencing will be made to ensure that policies are consistent within themselves and when compared to

others. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use.

**Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives

are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of

wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

**Response to 1st modification objections**

No additional representations were made in regard to this objection.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 07  
**Objector Ref** Name Scottish and Southern Energy Plc  
447d

**Agent Name** Jones Lang Lasalle  
7 Exchange Crescent  
Conference Square  
Edinburgh  
EH3 8LL

**Company** Scottish and Southern Energy Plc

**Summary of objection to Deposit Local Plan**

Part (a) allows for adverse effects to be outweighed by social or economic benefits, but it states that these have to be of primary importance to the aims of the Park.

This is overly restrictive and conflicts with b) in policy 1 which allows for adverse effects on the qualities for which the Park has been designated to be outweighed by

social or economic benefits of 'national importance'. Without a definition of the special qualities of the park, make it impossible to take them into consideration

when designing a project. As this policy does not help to direct development to acceptable sites the policy is therefore contrary to SPP1 (clear guidance). Further it

is not reasonable to expect mitigation of any adverse effect. Reference should be made to 'significant' adverse effects.

### **CNPA analysis of objection to Deposit Local Plan**

In modifying the plan in the future checks and cross referencing will continue to ensure that the policies both within themselves, and when compared against each

other, are not contradictory, and are clear, understandable and provide the appropriate level of detail for developers. The wording of the policy will also be

reviewed to ensure that it is in compliance with national guidance and the terminology is reasonable and will deliver the original aims of the policy.

### **Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives

are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of

wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

### **Response to 1st modification objections**

It is acknowledged that part of the objection in relation to this policy has been addressed in the modifications eg reference is made to 'significant adverse effect'. Part

a) has also been modified making it less restrictive. However, this policy has not been modified to help direct development to suitable sites and is therefore still

contrary to SPP1. In particular the lack of definition of the Park's special qualities in the Plan makes this policy unclear in practical terms and difficult to interpret for

developers. Part b) of the policy should include reference to 'significant' adverse effects to make it consistent with the first part of the policy. The 'and' between part

a) and b) of the policy should be changed to 'or' as if significant adverse effects can be appropriately mitigated then there would be no requirement to consider

alternative solutions. Furthermore the term 'to the satisfaction of the planning authority' should be deleted from part b) of the policy – the requirement should be to

provide appropriate mitigation only.

### **CNPA analysis of objections to 1st modifications**

The policy is intended to assist in the assessment of proposals as they impact the landscape of the National Park and ensures that the aims of the Park are taken into

full and proper consideration. As such it is considered to give appropriate guidance and no further modifications are proposed.

### **Objection maintained**

<b>Policy/site ref</b>	<b>Policy 07</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> North East Mountain Trust	
443c	Burnhead Farmhouse	
	Raemoir	
	Banchory	

**Summary of objection to Deposit Local Plan**

Policies should be included to ensure the protection of wild land and hill tracks, in line with comments made on the draft plan. Even within Policy 7 the wording should be strengthened if protection of wild areas is to be effective. Previous comment regarding the removal of permitted development rights have also been ignored and the section removed. This should be reinstated.

**CNPA analysis of objection to Deposit Local Plan**

The policies within the plan have been devised to sit together, and all should be taken into account when considering any development proposal. The wording within the Introduction will be amended to clarify this position. In this regard, it is not considered necessary to include separate policies for developments such as hill tracks. The wording of Policy 7 will however be reviewed to ensure that modifications clarify the position between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties. The further comment regarding permitted developments is also noted. This is a function which can be instigated by the Planning Authority in regard to particular developments, and does not require a local plan policy to do it. There is not therefore a need for an additional policy to cover such planning function.

**Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

**Objection maintained**

**Policy/site ref** Policy 07

**Objector Ref** **Name** Jamie Williamson  
 439i Alvie and Dalraddy Estate  
 Alvie Estate Office  
 Kincaig, Kingussie  
 PH21 1NE

**Agent Name**

**Company** Alvie and Dalraddy Estate

**Summary of objection to Deposit Local Plan**

The economy within the Park is already dominated by tourism and government. A greater balance on a variety of economic opportunities should be

sought to avoid  
collapse in a downturn in the dominant industry.

Amended wording -

In para 1 Delete 'All'

In para 1 commence para 'Where possible and practical'

In a) delete 'primary' and replace 'aims' with 'economy'

#### **CNPA analysis of objection to Deposit Local Plan**

The comments regarding the economic balance within the Park are noted. The intention throughout the plan is however that all policies should be taken into

account when considering any development proposal. The policies elsewhere in the plan regarding economic growth and tourism development should be considered.

The wording within the Introduction will be amended to clarify this position. The wording of the policy will however be reviewed to ensure that its requirements

are in line with the Park Plan and the aims of the Park established in the National Parks (Scotland) Act 2000 and are clear and reasonable.

#### **Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives

are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of

wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

#### **Response to 1st modification objections**

No reference to this policy in response to modifications. Therefore assume objection is resolved.

#### **CNPA analysis of objections to 1st modifications**

No further action required.

#### **Objection withdrawn**

**Policy/site ref** Policy 07  
**Objector Ref** Name The Cairngorms Campaign  
448c PO Box 10037  
Alford  
AB33 BWZ

**Agent Name**

**Company** The Cairngorms Campaign

#### **Summary of objection to Deposit Local Plan**

The previous policy regarding hill tracks should be reinstated to protect wild land. The policy regarding landscape would not adequately protect such areas. The

previous proposal regarding the removal of permitted development rights should also be reinstated.

### **CNPA analysis of objection to Deposit Local Plan**

The policies within the plan have been devised to sit together, and all should be taken into account when considering any development proposal.

The wording within

the Introduction will be amended to clarify this position. In this regard, it is not considered necessary to include separate policies for developments such as hill

tracks. The wording of Policy 7 will however be reviewed to ensure that modifications clarify the position between development opportunities and the protection of

the special qualities of the area as identified as a National Park. Throughout proposed modifications will endeavour to clarify while providing an appropriate level of

guidance for developers and interested parties. The further comment regarding permitted developments is also noted. This is a function which can be instigated by

the Planning Authority in regard to particular developments, and does not require a local plan policy to do it. There is not therefore a need for an additional policy

to cover such planning function.

### **Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives

are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of

wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

### **Response to 1st modification objections**

In connection with development in wild land, we note that Policy 7 on protection of landscape, which we strongly support in general terms, specifies protection of

wildness in land. There is however now no policy on bulldozed tracks in wild land, although this is a highly contentious issue needing attention. We OBJECT to this

omission and request that a suitable policy be inserted. Currently, such tracks can be built without planning permission if they are for agricultural purposes, but

there is evidence that landowners are avoiding the requirement for planning permission for tracks built for sporting ends by tactics like introducing a few sheep and

claiming the track has an agricultural function. In a previous version of the plan, (para 4.2 Landscape of that version) there was a proposal to consult on removing

certain permitted development rights. We urge that this is restored as a measure, particularly with regard to the construction of bulldozed tracks for agricultural

purposes.

We support Policy 7 on giving a presumption against developments that do not make a positive contribution to the landscape of the park, including its historic

landscape, against those that damage it. However, we would point out that virtually the whole of Aviemore fits both conditions, including major proposed

developments.



### **CNPA analysis of objections to 1st modifications**

The issue of hill tracks would be considered under the various policies relevant to such development in the Local Plan and it is not considered necessary to have a separate policy for this form of development. No further amendment is therefore proposed.

### **Objection maintained**

<b>Policy/site ref</b>	<b>Policy 07</b>	<b>Agent Name</b>
<b>Objector Ref</b> 429o	<b>Name</b> Sarah Jane Laing SRPBA Stuart House Eskmills Musselburgh, EH21 7PB	<b>Company</b> SRPBA

### **Summary of objection to Deposit Local Plan**

Para 1 is too subjective. Also design issues can be costly and hinder the provision of affordable housing.

### **CNPA analysis of objection to Deposit Local Plan**

The wording of the policy will be reviewed to ensure that its requirements are in line with the Park Plan and the aims of the Park established in the National Parks

(Scotland) Act 2000 and are clear and reasonable. Any amendments to draw the wording in line with these will be made by way of modification. The additional comments regarding the level of detail are also noted and the modifications will endeavour to resolve this and clarify the position and intent of this policy. Further issues regarding design issues will be considered in more detail under policy 18.

### **Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

### **Response to 1st modification objections**

We are happy to withdraw all but one of our formal objections as believe that majority of them have been addressed by the modifications, or by clarity of issues in supporting text. The only one we would like to continue with is in relation to policy 1 where we still think that there should be support for projects which provide social or economic benefits of local as well as national importance.

### **CNPA analysis of objections to 1st modifications**

No further action required.

## Objection withdrawn

**Policy/site ref** **Policy 07**  
**Objector Ref** **Name** Glenmore Properties Ltd  
453d Viewfield Farm  
Craigellachie  
Aberlour  
AB38 9QT

**Agent Name** Steve Crawford  
Halliday Fraser Munro  
8 Victoria Street  
Aberdeen  
AB10 1XB  
**Company** Glenmore Properties Ltd

### Summary of objection to Deposit Local Plan

The policy introduces another undefined term - "economic benefits of primary importance to the aims of the National Park". Clarity is needed to ensure consistency

of decision making across the CNPA and 4 Local Authorities.

In the background text the wording is too heavily focused on wild land, although much of the Park is characterised with man made elements. The fact that

conservation and appropriate developments are not mutually exclusive should be recognised in the text.

### CNPA analysis of objection to Deposit Local Plan

Further work is needed to clarify how policies will be implemented through the development management process and to ensure the wording is not open to

unnecessary interpretation. It is proposed to produce a series of working practice notes for use by staff across the 4 local authorities and the CNPA to ensure a

consistent approach is taken. The comment is noted. Modifications will endeavour to clarify an appropriate balance is struck between development opportunities

and the protection of the special qualities of the area as identified as a National Park. Throughout proposed modifications will endeavour to clarify while providing

an appropriate level of guidance for developers and interested parties.

### Proposed 1st Modification

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives

are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of

wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

### Response to 1st modification objections

The additional first paragraph of the policy complicates matters, suggesting that there will be presumption against development that does not make a positive

contribution to the Park's landscape character. It will prove very difficult to demonstrate that a development makes a positive contribution to the Park's landscape

character. Impacts on the Park's landscape are controlled by the remaining parts of the policy, therefore the first paragraph is superfluous and

should be deleted.

#### **CNPA analysis of objections to 1st modifications**

The wording of Policy 7 reflects the aims of the Park established in the National Parks (Scotland) Act 2000, the 1st of which is 'to conserve AND enhance' the

natural and cultural heritage of the area. As such it is considered that to comply with this aim all development should make a positive contribution and a neutral

position would not achieve the AND ENHANCE part of the aim. No amendment or modification is therefore proposed to Policy 7.

#### **Objection maintained**

<b>Policy/site ref</b>	<b>Policy 07</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Frank and Alison Bardgett	
384b	Tigh an Iasgair Boat of Garten Inverness-shire PH24 3BY	
		<b>Company</b>

#### **Summary of objection to Deposit Local Plan**

Support para 4.35. Para 4.39 however is not sufficient as a defence against light pollution as it is included only in the supporting text to the policy. To be

enforceable it should be included in the policy: "the planning authorities will ensure that all consented developments minimise light pollution by seeking the

minimum level of light provision in developments for security, safety and operation, as well as minimising light slippage from consented developments".

#### **CNPA analysis of objection to Deposit Local Plan**

The comment is noted, and the wording of the supporting text will be revised to ensure that the appropriate level of protection is offered to the landscape and that

where necessary, additional information is included within the Policy wording rather than the supporting text.

#### **Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives

are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of

wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

#### **Response to 1st modification objections**

a) Policies relating to light pollution

Your letter of 13 June drew attention to the way that this is covered within the current draft: Policy 7, Landscape, and para. 4.42. This paragraph has a modification

that we consider to be significantly clearer than the original. It is a modification that we support and thus withdraw our original objection. Should modified paragraph

4.42 be challenged, however, we would hope that our support for it in its current form could be taken into account. The terminology of 'qualities of wildness' in

relation to light pollution we find helpful and we strongly support the ways that paras. 4.41 and 4.42 now relate to Policy 7.

Alison and I have been looking again at this email and have decided to withdraw our formal objection to Lack of Open Space in Street of Kincardine though only on

the grounds that it's 99% not likely to be sustained. However where our comments support the current wording, you may take them as 'comments'.

Hope this hasn't involved you in too much work that is now unnecessary.

#### **CNPA analysis of objections to 1st modifications**

No further action required.

#### **Objection withdrawn**

**Policy/site ref** Policy 07

**Agent Name**

**Objector Ref** Name John Anderson

463g Kincaig and Vicinity Community Council  
Goldenacre, Dunachton Road  
Kincaig, Kingussie  
PH21 1QE

**Company** Kincaig and Vicinity Community Council

#### **Summary of objection to Deposit Local Plan**

Generally support Alvie estate view on this policy. Questions possible conflict with policy 18.

#### **CNPA analysis of objection to Deposit Local Plan**

The comment is noted. The issue will be considered under the Alvie representation. Throughout the plan further cross referencing will be made to ensure that

policies are consistent within themselves and when compared to others. The wording used within policies throughout will be clarified to ensure the appropriate level

of guidance is available for developers, and the Plan is easy to understand and use.

#### **Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives

are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of

wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

#### **Response to 1st modification objections**

para 1: one view is to add 'and building materials' after 'design' – need to use materials in keeping with vernacular architecture eg slate, harling, rather than brick or

ridged tiles, and second view is that this would be too restrictive to innovative design. We agree that the character of the landscape should be

maintained, while  
allowing sympathetic development.

#### **CNPA analysis of objections to 1st modifications**

The response gives conflicting comment. However the support for the importance of sympathetic development is noted. No further action is therefore required.

#### **Objection maintained**

#### **Policy/site ref Policy 07**

**Objector Ref Name** Dr A M Jones

400f(g) Badenoch and Strathspey Conservation Group  
Fiodhag  
Nethybridge  
PH25 3DJ

#### **Agent Name**

**Company** Badenoch and Strathspey Conservation Group

#### **Summary of objection to Deposit Local Plan**

Statements within the policy are contradictory and to "will" as it implies permission is already granted.

a) and b) need additional clarity as the policy should indicate what type of social or economic benefit could outweigh adverse impact on such features as special landscape qualities.

In b) the list of "siting, layout, design and construction" is incomplete as these should be used as examples, not a definitive list. The Policy should be reviewed in the light of the new report by Scottish Landscape Forum.

Para 4.32 - "most of the ..vegetation" is "the result of human activity" is misleading, and could be construed as indicating that such vegetation could be recreated by further human activity.

Para 4.35 and 4.39 – support efforts to minimise light pollution.

Para 4.35, 4.36 – Support the reference to wildness and urge the recognition of areas close to communities where elements of wildness provide inspiration and other benefits to many people.

Para 4.37 – Support reference to the use of specialist professional advice to inform decision-making.

Para 4.40 – Support the assessment of cumulative impacts and would support the expansion of planning control in regard to the impact development has on

#### **CNPA analysis of objection to Deposit Local Plan**

Throughout the plan further cross referencing will be made to ensure that policies are consistent within themselves and when compared to others. The wording

used within policies throughout will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use. In

this review the proposed rewording will be assessed and the appropriate amendments made.

**Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

**Response to 1st modification objections**

4.38 - Object. - Whereas we appreciate that some buildings make a positive contribution to the landscapes of the Park, we do not accept that this can be said of the 'sum of patterns and buildings of human development'.

**CNPA analysis of objections to 1st modifications**

The comment is noted. The paragraph is intended to highlight the impact people have had on the landscape. No modification is therefore proposed.

**Objection maintained**

Policy/site ref	Policy 07	Agent Name
Objector Ref	Name	
020e	Dr A Watson Clachnaben Crathes, Banchory Kincardineshire AB31 5JE	

**Company**

**Summary of objection to Deposit Local Plan**

para 4.32 last four lines are incorrect  
para 4.33 line 2 replace mix with mixture  
4.35 - agree with principle, but plan needs to recognise this should lead to action. Policy should make this action clear

**CNPA analysis of objection to Deposit Local Plan**

The comments regarding the text used are noted and the wording will be amended to ensure clarity and ease of use.

**Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

**Response to 1st modification objections**

Objection maintained.

**CNPA analysis of objections to 1st modifications**

The paras in the original objection have been redrafted for clarity. Additional information on lighting has also been included in para 4.42. No further modifications

are therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 07

**Agent Name**

**Objector Ref** Name Mrs Sally Spencer  
017c Pitagowan House  
Newtonmore  
Inverness-shire  
PH20 1BS

**Company**

**Summary of objection to Deposit Local Plan**

How do you ensure the implementation of this policy when some developers so not implement that carefully considered landscape sections of their planning

permissions. This is also true for light pollution when not all lighting requires planning permission. Robust enforcement is required throughout.

**CNPA analysis of objection to Deposit Local Plan**

The policy regarding landscape will be implemented through the planning process when development proposals are considered for permission. The detail of such

permissions will be considered in the normal way and those issues which can be addressed by the planning process will be. No modification considered necessary as

a result of this representation.

**Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives

are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of

wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

**Response to 1st modification objections**

response received - need to confirm actual position regarding formality of objection

**CNPA analysis of objections to 1st modifications**

response received - need to confirm actual position regarding formality of objection

**Policy/site ref**  
**Objector Ref** 026b  
**Name** Frogmore Estates Scotland Ltd

**Policy 07**

**Agent Name** Philip Clarke  
Barton Willmore  
12 Alva Street  
Edinburgh  
EH2 4QG  
**Company** Frogmore Estates Scotland Ltd

### **Summary of objection to Deposit Local Plan**

Policy 7 is overly restrictive in terms of appropriate development in rural areas and as such is not in line with SPP15. Wording should be amended to "All development will be sited, laid out, designed and constructed of materials so as to ensure no unacceptable adverse impact upon the special landscape qualities of the Cairngorms National Park."

### **CNPA analysis of objection to Deposit Local Plan**

The wording of the policy will be reviewed to ensure that it is in line with national guidance on the topic, as well as striking an appropriate balance between development opportunities and protecting the special qualities of the area as identified as a National Park. Any amendments will be made as appropriate to ensure the underlying aim of the policy is achieved.

### **Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

### **Response to 1st modification objections**

Maintain objection. In the deposit Local Plan Policy 7 Landscape required that all development should be sites, laid out, designed and constructed of materials so as to make a positive contribution to the special landscape qualities of the National Park. Barton Willmore objected to the wording of Policy 7 due to the overly restrictive nature and submitted, in line with the provisions of SPP15 which recognises the need for planning policies to enable a level of development in order to sustain a healthy rural economy, Policy 7 should be reworded to be less restrictive.

The restrictive nature of Policy 7 as set out in the Modifications to the Deposit Local Plan is increased further with the wording now proposed to state (page 22) that

'there will be a presumption against development that does not make a positive contribution to the landscape character of the National Park'. Whilst any significant adverse impact upon the special landscape character of the Park should be avoided and enhancement encouraged, the determination of what might constitute a



positive contribution to the special landscape character, rather than an appropriate neutral contribution resulting in no adverse effect, would be subjective under the terms of Policy 7 as it is proposed.

The requirement that all development must make a positive contribution to the landscape character of the Park is unduly restrictive, particularly in the context of SPP15 which seeks to encourage appropriate rural development. Consequently objection is made to the wording of policy 7, which should be modified to allow appropriate development in the rural area which will not have negative impact upon the landscape quality or special features of the Park.

It is therefore submitted that the first paragraph of Policy 7 – landscape should be reworded to read ‘all development will be sites, laid out, designed and constructed of materials so as to ensure no unacceptable adverse impact upon the landscape character of the Cairngorms National Park.’

Objection has been made to the inclusion of the term ‘wildness’ in Policy 7. The first modifications to the Deposit Local Plan do not remove the word ‘wildness’ and our objection persists. PAN 49 Local Planning (para 50, page 17) states that policies must be properly justified to explain their intention, provide clear guidance to the public and the developer, and be expressed in simple, positive and unambiguous terms.

The qualities of wildness are subsequently illustrated in the Background and Justification to Policy 7 (para 4.41 page 23) which refers to a combination of the landscape character, dark skies, a feeling of remoteness or a perceived absence of recent development as contributing to the sense of wildness.

The Consultative Draft Cairngorms National Park Local Plan made reference to ‘wild land character’. However it was specifically stated (para 3.19 page 20) to refer to land over 400m above sea level as these areas have fewer recent developments and would generally be inappropriate for new development. These areas were subject to Policy 2 of the Consultative Draft Plan, which did not apply to the entire National Park. In the Deposit Local Plan, policies 1-3 have been amalgamated into one general policy and the area specific approach to control has been abandoned.

The elements attributed to ‘wildness’ in the Deposit local plan are ambiguous and lack objectivity and could be misapplied against any and all new development within the Cairngorms National Park. There is a possibility that adverse impact upon wildness could be used as a broad-brush justification to refuse any development within the National Park where it introduces new building and/or lighting where there was none before. This would be out of keeping with the policy, aims and spirit of SPP15 Rural Development and would also be contrary to the provisions of PAN49 Local Planning.

#### **CNPA analysis of objections to 1st modifications**

The wording of Policy 7 reflects the aims of the Park established in the National Parks (Scotland) Act 2000, the 1st of which is 'to conserve AND

enhance' the

natural and cultural heritage of the area. As such it is considered that to comply with this aim all development should make a positive contribution and a neutral position would not achieve the AND ENHANCE part of the aim. No amendment or modification is therefore proposed to Policy 7.

**Objection maintained**

**Policy/site ref** Policy 07  
**Objector Ref** Name Mr Michael Bruce  
403b Glen Tanar Estate

**Agent Name** John Wright  
Strutt and Parker  
28 Melville Street  
Edinburgh  
EH3 7HA  
**Company** Glen Tanar Estate

#### **Summary of objection to Deposit Local Plan**

The estate generally support the approach taken to general policies in the deposit local plan. In regard to landscape, while supporting the policy, forestry proposals

should be regulated by the Forestry Commission within the context of the Cairngorms Forestry Framework. This would allow for a proportion of non-native trees.

#### **CNPA analysis of objection to Deposit Local Plan**

The comment is noted. The local plan is in place only to guide those developments which fall under normal planning regulations. No modification considered necessary as a result of this representation.

#### **Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

#### **Response to 1st modification objections**

From the enclosed you will see that we have maintained our objections to the following - Policy 7.

#### **CNPA analysis of objections to 1st modifications**

The local plan is in place only to guide those developments which fall under normal planning regulations. No modification is therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 07  
**Objector Ref** Name Frogmore Estates Scotland Ltd

**Agent Name** Philip Clarke  
Barton Willmore

026c

12 Alva Street  
Edinburgh  
EH2 4QG

**Company** Frogmore Estates Scotland Ltd

### **Summary of objection to Deposit Local Plan**

Object to the term 'wildness' in Policy 7. The elements attributed to "wildness" are ambiguous and lack objectivity, and could be misapplied against any and all new development within the Park, Adverse impact on wildness could be used as a broad-brush justification to refuse any development within the National Park whenever it introduces new building and/or lighting where there was none before. This would be out of keeping with the policy, aims and spirit of SPP15 and would also be contrary to the provisions of PAN49: Local Planning. Reference to "wildness" should be removed.

### **CNPA analysis of objection to Deposit Local Plan**

The wording of the policy will be reviewed to ensure that it is in line with national guidance on the topic, as well as striking an appropriate balance between development opportunities and protecting the special qualities of the area as identified as a National Park. Any amendments will be made as appropriate to ensure the underlying aim of the policy is achieved. In addition, more information will be included to define the terms used, and ensure the wording is clear and easy to understand.

### **Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

### **Response to 1st modification objections**

Maintain objection.

### **CNPA analysis of objections to 1st modifications**

The Cairngorms National Park Authority are intending to continue ongoing work on wildness within the Park, and formally adopt it as supplementary guidance in support of the Local Plan. This work will provide the appropriate level of guidance and protection to the most remote areas of the Park. As such it is not proposed to include any additional amendment or modification.

### **Objection maintained**

**Policy/site ref** Policy 07  
**Objector Ref** Name Anne MacNamara, Planning Directorate  
4221 Scottish Government  
Victoria Quay  
Edinburgh  
EH6 6QQ

**Agent Name**

**Company** Scottish Government

**Summary of objection to Deposit Local Plan**

The wording does not clarify if the social and economic benefits mentioned at a) are detailed in the Local Plan or elsewhere.  
Para 4.39 reads more as additional policy guidance than background to the policy on landscape – is this appropriate.  
Para 4.60 who will carry out the future recording of cultural heritage sites or features?

**CNPA analysis of objection to Deposit Local Plan**

The comments are noted and the policy will be revised to clarify the position and ensure that it is easy to understand and implement, and contains sufficient detail to guide developers and interested parties in line with SPP1.

**Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

**Response to 1st modification objections**

No additional comments included.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 07  
**Objector Ref** Name Hebe Carus  
024f The Mountaineering Council of Scotland  
The Old Granary  
West Mill Street  
Perth, PH1 5QP

**Agent Name**

**Company** The Mountaineering Council of Scotland

**Summary of objection to Deposit Local Plan**

Concern that the Policy states adverse effects on the special landscape quality can be outweighed by economic and social benefits. MCofS seeks protection against adverse effects on the wildness qualities in and on the fringes of the mountain areas in the Park. Suggest using Landscape Character Assessment to

define this higher

level landscape areas as the Plateau and Upland & Glens categories. Also then suggest these areas of 'wildness' should be given greater weight in any balancing against social and economic benefits.

#### **CNPA analysis of objection to Deposit Local Plan**

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the

area as identified as a National Park. The wording used within this policy will be clarified to ensure the appropriate level of guidance is available for developers, and

the Plan is easy to understand and use together with ensuring the appropriate level of protection and compliance with national and international obligations placed on the CNPA.

#### **Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives

are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of

wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

#### **Response to 1st modification objections**

However, Policy 7 remains somewhat weak with respect to wild land quality. In particular, 4.41 should be considerably strengthened. With respect to areas of

wildness it is stated that "the impact of development on such areas is important," which does not add to the protection of the type of area that is literally the heart of

the Park. This neutral statement could mean it is important that it is developed, or hopefully that it is important that it does not. Loss of wildness in almost every

case will be irreversible, with a few exceptions that are extremely slow and may never be fully achieved, such as reinstatement of the area of track on Beinn a Bhuird.

The MCofS believes that a zone of core mountain area should have a presumption against development as any development will erode the wild land qualities of the

area and surrounding area from which it is visible.

#### **CNPA analysis of objections to 1st modifications**

The Cairngorms National Park Authority are intending to continue ongoing work on wildness within the Park, and formally adopt it as supplementary guidance in

support of the Local Plan. This work will provide the appropriate level of guidance and protection to the most remote areas of the Park. As such it is not proposed

to include any additional amendment or modification.

#### **Objection maintained**

**Policy/site ref** Policy 07

**Agent Name**

**Objector Ref** Name Alison Hogg

473c  
Aberdeenshire Council, Planning and Development  
Woodhill House  
Westburn Road  
Aberdeen, AB16 5GB

**Company** Aberdeenshire Council

**Summary of objection to Deposit Local Plan**

Recommend that Policy 7 includes a requirement for a design statement for all new development at pre-application stage.

Recommend inclusion of information on general development/ landscape design principles to ensure they are addressed in planning applications.

Concern expressed that Policy 7 is too vague, and that a design guide is required to provide extra guidance on what would be acceptable.

Concern also expressed that development with adverse effects appears to be permitted if there are social or economic benefits and mitigation.

**CNPA analysis of objection to Deposit Local Plan**

The issue of design statements is a valid point and will be considered under Policy 18 - design standards. Also note the comment regarding information displayed on

the proposals maps and this will be reviewed for future plans. The importance of Policy 7 in terms of guiding development to the most appropriate landscape

setting has been highlighted in the consultation process, and the wording of the policy will be reviewed to ensure it contains sufficient detail to allow for the

implementation of the policy as intended. The links between the importance of landscape setting and other benefits including social and economic growth will be

**Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives

are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of

wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

**Response to 1st modification objections**

We write with reference to your letter dated 18th Sept 2008, concerning the above subject. As stated in our previous letter dated 5th October 2007, Aberdeenshire Council does not object to the deposit local plan. Our previous letter did include a number of comments that we recommend being taken forward in

the deposit local plan. These comments/recommendations should not be treated as objections to the plan.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 07

**Agent Name**

**Objector Ref**

**Name**

Dr Alister Scott  
University of Aberdeen  
Department of Geography and Environment  
Elphinstone Road  
Aberdeen

**Company**

**Summary of objection to Deposit Local Plan**

The policy is weak when compared to policy 6. There should be a focus that developments must be of national importance to override this policy. Also the previous reference to NSAs is unhelpful and creates a two tier system for the landscape. The role of landscape character assessments should be clarified. 4.37 refer to ongoing work to update the LCA and HCLA and preparation of landscape management plans. Also this should refer to the Park Plans reference to management plans.

**CNPA analysis of objection to Deposit Local Plan**

The wording of the supporting text and the policy will be clarified to ensure the landscape is seen in its correct context as a special quality. Also the work on LCAs and management plans will be included.

**Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

**Response to 1st modification objections**

Hello and apologies for not replying sooner. I have resigned from my job in order to take up a new position in New Zealand and the issues with this have rather been at the forefront of my mind. My principal concerns lay with the landscape section of the plan and i am glad to see that the revisions strengthen this considerably. Specific reference could be made and indeed should be made to the European landscape Convention as justification. I therefore have no outstanding objections. I do still have some comments and at this stage wonder if they have to be formed in the form of an objection. Perhaps a short written response would be OK

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 07

**Agent Name**

**Objector Ref**

**Name** Robert Maund

434e

Scottish Council for National Parks

The Barony

2 Glebe Road

Kilbirnie, Ayrshire

**Company** Scottish Council for National Parks

#### **Summary of objection to Deposit Local Plan**

How can all development make a positive contribution to landscape qualities when there are many examples in the area where new development is of poor design, and allocations suggest more of the same during the life of the plan. The wording is not as firm in its resolve as that contained in the draft plan and the outcomes could vary depending on who is interpreting the policy. The removal of Proposal 1 from the previous plan concerning Permitted Development Rights does not help.

#### **CNPA analysis of objection to Deposit Local Plan**

The comment is noted. New development proposals will be assessed against the policies contained within this plan, and CNPA will work closely with the 4 local authorities to ensure that the policies are implemented in a consistent manner across the Park. The wording of the policy will be reviewed to ensure it is robust and reasonable while providing the necessary level of guidance to developers. The issue of permitted development rights is something that can be carried out by the Planning Authority in its normal function and does not therefore require an additional local plan policy.

#### **Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

#### **Response to 1st modification objections**

Objection maintained as in 434a.

#### **CNPA analysis of objections to 1st modifications**

Policy 7 has been partly redrafted and ensures that all developments reflect the 1st aim of the Park. No further modifications are therefore proposed.

#### **Objection maintained**

**Policy/site ref** Policy 07

**Agent Name** Steve Crawford

**Objector Ref**

**Name** Rona Main

Halliday Fraser Munro



425e

Scottish Enterprise Grampian  
27 Albyn Place  
Aberdeen  
AB10 1DB

8 Victoria Street  
Aberdeen  
AB10 1XB  
**Company** Scottish Enterprise Grampian

#### **Summary of objection to Deposit Local Plan**

The term “economic benefits of primary importance to the aims of the National Park” should be defined.

#### **CNPA analysis of objection to Deposit Local Plan**

The comment is noted and the supporting text will be revised to clarify the position and ensure the policy is clear and easy to understand.

#### **Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

#### **Response to 1st modification objections**

Policy 7 – again we appreciate the need for conservation in the landscape, but we believe this should be balanced with economic viability and need.

#### **CNPA analysis of objections to 1st modifications**

All policies of the plan must be considered together and the balance between them struck depending on the circumstances of the application. No further modification is therefore proposed.

#### **Objection maintained**

**Policy/site ref** Policy 07  
**Objector Ref** Name Muir Homes Ltd  
038f

**Agent Name** Malcolm Smith  
TMS Planning and Development Services  
Balclune, 32 Clune Road  
Gowkhall, Fife  
KY12 9NZ

#### **Company**

#### **Response to 1st modification objections**

This policy states that “There will be a presumption against development that does not make a positive contribution to the landscape character of the National Park

by virtue of its location, siting and design. Such positive enhancement will be sought in all development proposals”. By implication therefore, if a development would

be mitigated to the extent that it would have a neutral or not adverse impact on the character of the landscape then it would fail to accord with Policy 7. The

policy sets an unattainable standard and is therefore unreasonable no matter the status of the Park. The original wording of the policy is preferable albeit there should be an acceptance that a neutral or not adverse impact will be acceptable in almost all cases. How else will beneficial development be delivered in some cases particularly when cross referenced with the need for compliance with all policies in order to comply with Policy 1.

Paragraph 4.42 states that "the quality of the dark night skies in the Park is highlighted in the National Park Plan as significantly contributing to the sense of wildness that can be experienced. The Planning Authority will therefore ensure that all developments minimise light pollution by seeking the minimum level of light provision in developments for security, safety and operations as well as minimising light spillage from developments". In order to achieve this the Cairngorm National Park Authority will require to address this matter with Highland Council as roads authority otherwise developers are again left in limbo between planning and roads requirements.

#### **CNPA analysis of objections to 1st modifications**

The wording of the policy does not rule out development that does not make a positive contribution to the landscape character, but presumes against it. Mitigation must therefore be included when this presumption is not followed. The positive requirement for development links once again to the aims of the park, and the 1st aim to conserve AND enhance the natural and cultural heritage of the area.

Para 4.42 - the CNPA will continue to work closely with the Local Authorities as Roads Authorities. The paragraph however states that developments should

MINIMISE the use of light, and where roads requirements set a particular level to ensure safety, this would therefore be seen as taking that minimum approach.

No second modifications or amendments are therefore proposed.

#### **Objection maintained**

**Policy/site ref** Policy 07

**Objector Ref** Name Reidhaven Estate  
456s Seafield Estate Office  
Cullen  
Buckie  
Banffshire

**Agent Name** Jill Paterson

Halliday Fraser Munro  
8 Victoria Street  
Aberdeen  
AB10 1XB

**Company** Reidhaven Estate

#### **Response to 1st modification objections**

We have some concern about the rewording proposed for this policy, in particular the first paragraph. Any development is likely to have an impact on the landscape character, therefore achieving this in a positive manner is almost impossible to do. In practice development should seek to have a

minimal impact on the

landscape character and seek to improve wherever possible. We would therefore suggest that this first element of this policy is not required and the remainder of

the policy would still deal with this issue.

Amendments - delete first part of policy 7 and make some reference to development should seek to minimise any impact on landscape character and improve where possible.

#### **CNPA analysis of objections to 1st modifications**

The wording of Policy 7 reflects the aims of the Park established in the National Parks (Scotland) Act 2000, the 1st of which is 'to conserve AND enhance' the

natural and cultural heritage of the area. As such it is considered that to comply with this aim all development should make a positive contribution and a neutral

position would not achieve the AND ENHANCE part of the aim. No amendment or modification is therefore proposed to Policy 7.

#### **Objection maintained**

**Policy/site ref** Policy 07

**Objector Ref** Name Novera Energy Plc  
486a 39 George Street  
Edinburgh

EH2 2HN

**Agent Name** Jennifer Gordon

Terence O'Rourke Ltd  
9-10 St Andrew Square  
Edinburgh  
EH2 2AF

**Company**

#### **Response to 1st modification objections**

Novera Energy has concerns about the inclusion of paragraph 1 in Policy 7 in particular the presumption against development that does not make a 'positive

contribution' to the landscape character. Novera's concerns primarily relate to how this policy will be exercised beyond the National Park boundary in relation to

wind farm proposals that the Cairngorms National Park Authority may be consulted on. This policy would effectively sterilise development opportunities that may

comfortably exist without detrimental effect in the National Park and the wider setting. SPP6 makes it clear that in all instances applications should be assessed in

relation to criteria based policies. The term 'positive contribution' is considered to be an unhelpful guide to acceptability and is a matter of subjective judgement,

particularly in relation to wind farm development, which will normally always introduce a new and distinctive feature in the landscape.

The 'presumption against development' in this instance is considered to be contradictory to the purpose of the National Park Local Plan which is to 'promote

sustainable development and where possible, the enhancement of its outstanding natural and cultural heritage' as it allows no consideration of the need to consider

the wider national climate change targets as part of a balanced assessment, particularly where no adverse visual or other damaging effect on the

special qualities of

National Park is perceived. Neither is the term in line with NPPG14 which clearly states that the presence of a national natural heritage designation does not

preclude development, rather that the objectives of designation and the overall integrity of the areas should not be compromised by development. NPPG14 also

makes it clear that the precautionary principle should not be invoked to impede development unnecessarily. Novera Energy supports the aim of encouraging positive

enhancement in all proposals.

Paragraph 2 provides adequate protection therefore the need for para 1 is questioned.

#### **CNPA analysis of objections to 1st modifications**

The wording of Policy 7 reflects the aims of the Park established in the National Parks (Scotland) Act 2000, the 1st of which is 'to conserve AND enhance' the

natural and cultural heritage of the area. As such it is considered that to comply with this aim all development should make a positive contribution and a neutral

position would not achieve the AND ENHANCE part of the aim. No amendment or modification is therefore proposed to Policy 7.

#### **Objection maintained**

**Policy/site ref** Policy 07

**Agent Name**

**Objector Ref** Name Susan Davies

465j Scottish Natural Heritage  
Great Glen House  
Leachkin Road  
Inverness

**Company** Scottish Natural Heritage

#### **Summary of objection to Deposit Local Plan**

Support the first para, but seek slight changes to the wording as follows: All development proposals will be assessed in terms of siting, layout, design, construction

materials and minimisation of light pollution, and will be expected to make a positive contribution to the special landscape qualities of the National Park.

.Concern expressed that the second para runs counter to Section 9(6) of the National Parks (Scotland) Act 2000 by indicating that significant adverse effects on the

Park's special landscape qualities can be outweighed by social or economic benefits of importance to the aims of the National Park. This is also inconsistent with the

final paragraph of Policy 1. Seek the removal of the whole 2nd para in Policy 7, and rely on a revised policy 1 to protect the special landscape qualities of the Park.

This approach should be accompanied by a clear statement that landscape character, scenic qualities, natural beauty, amenity, historic landscape elements and

qualities of wildness are key components of the Park's special natural heritage qualities. Recommend leaving the first paragraph of Policy 7, and adding some words

to reflect the contents of paragraph 4.39 which appears to contain additional policy.

4.35 - refer here to the forthcoming work identifying where wildness can be experienced in the Park, and to the role the outputs will have in development

management decisions and the forthcoming landscape management plan.

4.37 - Recommend that this paragraph explains about the preparation of a landscape management plan. The Park Plan indicates that the landscape management

plan 'will form the basis of decisions related to planning control', so it is important to refer to it here.

#### **CNPA analysis of objection to Deposit Local Plan**

The proposed rewording is noted and will be considered in a review of this policy. The wording of the policy will be reviewed to ensure that its requirements are in

line with the Park Plan and the aims of the Park established in the National Parks (Scotland) Act 2000 and are clear and reasonable. Any amendments to draw the

wording in line with these will be made by way of modification.

#### **Proposed 1st Modification**

Modify 1st para to ensure positive contribution is made to the landscape character. Add 'significant' and 'character' in 2nd para. Add a) and b) to ensure alternatives

are considered and adverse effects minimised. Supporting text modified to ensure all development respects the landscape character of the national park. The role of

wildness should also be clarified in 4.40 and 4.41. Light pollution should be retained in 4.42 and the role of landscape character assessments explained.

#### **Response to 1st modification objections**

There is an inherent contradiction in the way this policy has been rewritten – firstly there is a presumption against developments that would have adverse landscape

effects, but then such developments could be approved where these effects are minimised and mitigated to the planning authority's satisfaction. The difficulty is in

knowing whether the judgement of significant adverse landscape effects is before or after the minimisation and mitigation referred to in part b). It would be stronger if

part b) was seeking to reduce significant adverse effects to an acceptable level through minimisation and mitigation. Hence two suggested further amendments to the

policy text to strengthen it are:

b) "where the adverse effects have been minimised and mitigated to the satisfaction of the planning authority so that they are no longer significantly adverse through

appropriate very high

quality siting, layout, design and construction"

Para 4.43 We recommend adding a reference to the proposed Landscape Management Plan for the Park, and its role.

#### **CNPA analysis of objections to 1st modifications**

The proposed amendment to b) is not considered necessary as both a) and b) are directly linked to the 1st part of the paragraph which states that it is relating to

significant adverse effect. The view is therefore that the addition would be repetition. Also the reference to very high quality is not considered to add to the use of

the policy. The siting, layout, design and construction will have to be of a standard to minimise and mitigate and the addition of 'high quality' is not felt to further

explain this. No modifications are therefore proposed.

In 4.43 an additional reference to the Landscape Management Plan will be included as a second modification to the plan.

**Objection maintained**

**Policy/site ref** Policy 07

**Objector Ref** Name R B Tozer

098b 7 Barclay Road

Aviemore

PH22 1UH

**Agent Name**

**Company**

**Response to 1st modification objections**

In respect of the modifications to the Deposit Local Plan, my comments are:

Policy 7: Landscape - The whole point of a national park is to preserve its landscape character. No development should be allowed that does not enhance this. The

working 'there is no alternative solution' is open ended and should be changed to 'there is no alternative to a development that is essential for an overriding national interest that cannot be provided elsewhere.

**CNPA analysis of objections to 1st modifications**

The wording of the policy presumes against development which does not make a positive contribution. However it is appropriate to include criteria to be met when

this is not possible. No modifications or amendments are therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 07

**Objector Ref** Name The Proprietors of Mar Centre

394e

**Agent Name** Steve Crawford

Halliday Fraser Munro

8 Victoria Street

Aberdeen

AB10 1XB

**Company** The Proprietors of Mar Centre

**Response to 1st modification objections**

Policy 7 includes an initial paragraph that sets out a "presumption against development that does not make a positive contribution to landscape character of the

National Park by virtue of its location, siting and design". This could easily be interpreted as a presumption against all development as there are very few, in any, types of development that would not impact on "landscape character". It is also at odds with the second paragraph and provisions a) and b) where developments

with a significant adverse impact may be permitted.

Changes Required to Resolve the Objection

Alter policy wording and remove presumption against development as set out in the first paragraph.

#### **CNPA analysis of objections to 1st modifications**

The wording of Policy 7 reflects the aims of the Park established in the National Parks (Scotland) Act 2000, the 1st of which is 'to conserve AND enhance' the

natural and cultural heritage of the area. As such it is considered that to comply with this aim all development should make a positive contribution and a neutral

position would not achieve the AND ENHANCE part of the aim. No amendment or modification is therefore proposed to Policy 7.

#### **Objection maintained**

**Policy/site ref** Policy 08

**Agent Name**

**Objector Ref** Name Susan Davies

465z-m Scottish Natural Heritage

Great Glen House

Leachkin Road

Inverness

**Company** Scottish Natural Heritage

#### **Response to 1st modification objections**

This is not a natural heritage policy, but we note that the new final sentence appears inconsistent with Policy 1, and with the fact that similar wording has been

removed from policies 4 and 7 to address previous inconsistencies.

#### **CNPA analysis of objections to 1st modifications**

The policy has been amended in light of comments received including those from Historic Scotland. No further modifications are therefore proposed.

#### **Objection maintained**

**Policy/site ref** Policy 08

**Agent Name**

**Objector Ref** Name Kirsty Cameron, Archaeology

470c The Highland Council

**Company** The Highland Council

**Summary of objection to Deposit Local Plan**

Para 4.45 add 'yet' to 'not recorded'. As all such features should be reported to and recorded on the SMR/HER once identified – the maintenance of a SMR/HER is

an ongoing process and sites will continually be added as they are identified within the Park and its landscapes.

**CNPA analysis of objection to Deposit Local Plan**

The proposed amendment to the wording of para 4.50 will be added as a modification.

**Proposed 1st Modification**

4.50 add not 'yet' last line.

Add final sentence - 'all such sites/features will be reported to and recorded on the SMR/HER which is continually updated by the local authorities for the benefit of all'r.

**Response to 1st modification objections**

No further representation made from THC.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 08  
**Objector Ref** Name Mr Michael Bruce  
403c Glen Tanar Estate

**Agent Name** John Wright  
Strutt and Parker  
28 Melville Street  
Edinburgh  
EH3 7HA

**Company** Glen Tanar Estate

**Summary of objection to Deposit Local Plan**

The designation for the designed landscape within Glen Tanar estate should be amended in line with the map provided.

**CNPA analysis of objection to Deposit Local Plan**

The designation of designed landscapes is undertaken by Historic Scotland. The proposal will be forwarded to the relevant Historic Scotland for their consideration,

and if they are of the view that the site should be designated, the boundary will be added to the Local Plan maps.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

From the enclosed you will see that we have maintained our objections to the following - Policy 8. For Clarification this objection relates to the Gardens and

Designed landscape designation on Map C in relation to Glen Tanar.

**CNPA analysis of objections to 1st modifications**



The designation of designed landscapes is undertaken by Historic Scotland. No modification is therefore possible to the local plan to bring this to fruition.

**Objection maintained**

<b>Policy/site ref</b>	<b>Policy 08</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Mrs Jane Angus	
437d	Darroch Den	
	Hawthorn Place	
	Ballater	
	AB35 5QH	<b>Company</b>

**Summary of objection to Deposit Local Plan**

There is a question over whether funds will be available for retention of listed or unlisted but known gardens.

**CNPA analysis of objection to Deposit Local Plan**

The CNPA do not provide funding at present for the preservation or restoration of listed or unlisted but important remains. Although an important part of our

cultural heritage, it would not be relevant to add a policy within the Local Plan to suggest this. The issue could be considered as part of the implementation of the

1st aim of the Park. No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

No modification proposed.

**Response to 1st modification objections**

response received - need to confirm actual position regarding formality of objection

**CNPA analysis of objections to 1st modifications**

response received - need to confirm actual position regarding formality of objection

<b>Policy/site ref</b>	<b>Policy 08</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> John Anderson	
463zc	Kincraig and Vicinity Community Council	
	Goldenacre, Dunachton Road	
	Kincraig, Kingussie	
	PH21 1QE	<b>Company</b> Kincraig and Vicinity Community Council

**Response to 1st modification objections**

We agree that there should be due regard to gardens and designed landscapes in the context of maintaining the character of the general landscape. (see policy 7)

**CNPA analysis of objections to 1st modifications**

No further action required.

## Objection withdrawn

**Policy/site ref** Policy 09  
**Objector Ref** Name Kirsty Cameron, Archaeology  
470d The Highland Council

**Agent Name**

**Company** The Highland Council

### Summary of objection to Deposit Local Plan

Seeks amendment of third para to use the word 'appraisal' instead of 'evaluation' as this would adequately cover both desk-based and field work required in advance of determination.

Seeks changes to paras 4.47 and 4.48 so that they mention the potential for the survival of further sites not yet recorded either in the NMRS or the SMR/HER

### CNPA analysis of objection to Deposit Local Plan

The comments regarding the proposed rewording are noted. In para 3 of the policy the change will be included as a modification proposal. In paras 4.47 and 4.48 the appropriate alterations will be made to make reference as suggested.

### Proposed 1st Modification

Change 'evaluation' to 'appraisal'.  
Before 'Many' add wording in line with comment.

### Response to 1st modification objections

No further representation made from THC.

### CNPA analysis of objections to 1st modifications

No further action required.

## Objection withdrawn

**Policy/site ref** Policy 09  
**Objector Ref** Name North East Mountain Trust  
443d Burnhead Farmhouse  
Raemoir  
Banchory  
AB31 4EB

**Agent Name**

**Company** North East Mountain Trust

### Summary of objection to Deposit Local Plan

Military roads are of particular significance in the Park and have recently been eliminated in at least one site in the Park, being unscheduled. A particular mention should therefore be made of these.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. Further clarification on sites at particular risk will be added to the supporting text.

**Proposed 1st Modification**

Policy 12 add military roads to para 4.69.

Add para 4.71 to highlight that where sites are identified through development process CNPA will endeavour to list/schedule where appropriate.

**Objection maintained**

<b>Policy/site ref</b>	<b>Policy 09</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Sarah Jane Laing	
429m	SRPBA	
	Stuart House	
	Eskmills	
	Musselburgh, EH21 7PB	<b>Company</b> SRPBA

**Summary of objection to Deposit Local Plan**

There should be reference to national or other planning policies where appropriate

**CNPA analysis of objection to Deposit Local Plan**

The format adopted by the Local Plan has endeavoured not to repeat the advice provided through other documents such as national policy, but has distilled the key elements of that advice and guidance into the wording of the various policies. However to assist clarity, the reference in para 4.48 will be expanded.

**Proposed 1st Modification**

para 4.54 add reference to national guidance.

**Response to 1st modification objections**

We are happy to withdraw all but one of our formal objections as believe that majority of them have been addressed by the modifications, or by clarity of issues in supporting text. The only one we would like to continue with is in relation to policy 1 where we still think that there should be support for projects which provide social or economic benefits of local as well as national importance.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 09  
**Objector Ref** Name The Cairngorms Campaign  
448d PO Box 10037  
Alford  
AB33 BWZ

**Agent Name**

**Company** The Cairngorms Campaign

**Summary of objection to Deposit Local Plan**

Support this policy, but feel that military roads should be specifically mentioned

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. Further clarification on sites at particular risk will be added to the supporting text.

**Proposed 1st Modification**

Policy 12 add military roads to para 4.69.

Add para 4.71 to highlight that where sites are identified through development process CNPA will endeavour to list/schedule where appropriate.

**Response to 1st modification objections**

We continue to support Policy 9 on the protection of features of archaeological interest but repeat our assertion that military roads, as an archaeological feature of

historical and cultural national significance, currently poorly protected and recently damaged, should be specifically mentioned.

**CNPA analysis of objections to 1st modifications**

The issue of military roads has been specifically included in the supporting text to policy 12. No further amendment is therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 09  
**Objector Ref** Name John Anderson  
463h Kincaig and Vicinity Community Council  
Goldenacre, Dunachton Road  
Kincaig, Kingussie  
PH21 1QE

**Agent Name**

**Company** Kincaig and Vicinity Community Council

**Summary of objection to Deposit Local Plan**

Support Alvie estate view on this policy

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. The issue will be considered under the Alvie representation. No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

Add 'There will e a presumption in favour of' to the start of 1st sentence.

**Response to 1st modification objections**

No objection raised in response to modifications. Assume therefore objection resolved.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

<b>Policy/site ref</b>	<b>Policy 09</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Jamie Williamson	
439j	Alvie and Dalraddy Estate Alvie Estate Office Kincraig, Kingussie PH21 1NE	<b>Company</b> Alvie and Dalraddy Estate

**Summary of objection to Deposit Local Plan**

The policy should not be so prescriptive to preclude reasonable decisions and common sense solutions.

Amended wording – begin para 1 ‘there will be a presumption that’

**CNPA analysis of objection to Deposit Local Plan**

The 1st aim of the Park is to conserve and enhance the natural and cultural heritage of the area, and the policy has been worded in a way to achieve this in line with

national policy guidance and advice. The wording of the policy will however be reconsidered to ensure that the appropriate level of protection is offered balanced

against the aspirations of communities to secure active and economically fulfilling futures.

**Proposed 1st Modification**

Add ‘There will be a presumption in favour of’ to the start of 1st sentence.

**Response to 1st modification objections**

No reference to this policy in response to modifications. Therefore assume objection is resolved.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

<b>Policy/site ref</b>	<b>Policy 09,10</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Mrs Jane Angus	
437e	Darroch Den Hawthorn Place Ballater AB35 5QH	<b>Company</b>

**Summary of objection to Deposit Local Plan**

Not all sites are recorded and we do not know about future recording techniques, so careful retention of material samples is important. The wording should not be

open to interpretation.

**CNPA analysis of objection to Deposit Local Plan**

Further work is needed to clarify how policies will be implemented through the development management process and to ensure the wording is not open to unnecessary interpretation. It is proposed to produce a series of working practice notes for use by staff across the 4 local authorities and the CNPA to ensure a consistent approach is taken. The implementation of the policies will be done in association with county archaeologists etc and in line with the most up to date national guidance

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

response received - need to confirm actual position regarding formality of objection

**CNPA analysis of objections to 1st modifications**

response received - need to confirm actual position regarding formality of objection

<b>Policy/site ref</b>	<b>Policy 10</b>	<b>Agent Name</b>
<b>Objector Ref</b> 463zd	<b>Name</b> John Anderson Kincaig and Vicinity Community Council Goldenacre, Dunachton Road Kincaig, Kingussie PH21 1QE	<b>Company</b> Kincaig and Vicinity Community Council

**Response to 1st modification objections**

Development of listed buildings should not be so rigorously controlled as not to allow for 21st century living standard expectations.

**CNPA analysis of objections to 1st modifications**

The policy regarding listed buildings is in line with the legislation relating to listed buildings. No modifications are therefore proposed.

**Objection maintained**

<b>Policy/site ref</b>	<b>Policy 10</b>	<b>Agent Name</b>
<b>Objector Ref</b> 425f	<b>Name</b> Rona Main Scottish Enterprise Grampian 27 Albyn Place Aberdeen AB10 1DB	Steve Crawford Halliday Fraser Munro 8 Victoria Street Aberdeen AB10 1XB <b>Company</b> Scottish Enterprise Grampian

**Summary of objection to Deposit Local Plan**

The policy should also allow for the extension of a listed building to allow for an expanding or improving business.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. Although the wording does not mention particularly the extension of the building for business use, the wording does not preclude this and

focuses on ensuring the physical works are appropriate for that building. No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

Add para on role of enabling development for listed buildings in line with NPPG

**Response to 1st modification objections**

We welcome the addition to Policy 10 Listed Buildings where enabling development may be considered where alternative means of funding the restoration of a listed building have been exhausted.

**CNPA analysis of objections to 1st modifications**

The support is noted. No further amendments are therefore proposed.

**Objection withdrawn**

**Policy/site ref** Policy 10

**Agent Name**

**Objector Ref** Name Alison Hogg

473d  
Aberdeenshire Council, Planning and Development  
Woodhill House  
Westburn Road  
Aberdeen, AB16 5GB

**Company** Aberdeenshire Council

**Summary of objection to Deposit Local Plan**

Suggest that the Plan address the issue of enabling development in relation to listed buildings in order to avoid misinterpretation of the intentions of national policy guidance (NPPG18).

1st para - Should add "possessed" as well as "possesses" – it may not possess many features of interest any more but there is an opportunity through development

to try to restore those which it did have.

Questions who decides what is a reasonable price for the marketing?

**CNPA analysis of objection to Deposit Local Plan**

The comments regarding enabling development and marketing are noted. Further work is needed to clarify how policies will be implemented, including occasions

such as this and the wording must ensure that the policy is not open to unnecessary interpretation. The additional comments regarding wording are also noted and

the policy will be revised to ensure that it is clear and provides the appropriate level of guidance for developers.

**Proposed 1st Modification**

Add para on role of enabling development for listed buildings in line with NPPG

Add supporting text to highlight that input from the DV may be needed to assess para a)

**Response to 1st modification objections**

We write with reference to your letter dated 18th Sept 2008, concerning the above subject. As stated in our previous letter dated 5th October 2007, Aberdeenshire Council does not object to the deposit local plan. Our previous letter did include a number of comments that we recommend being taken forward in

the deposit local plan. These comments/recommendations should not be treated as objections to the plan.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

<b>Policy/site ref</b>	<b>Policy 11</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> North East Mountain Trust	
443e	Burnhead Farmhouse	
	Raemoir	
	Banchory	
	AB31 4EB	<b>Company</b> North East Mountain Trust

**Summary of objection to Deposit Local Plan**

Particular mention should be made of the planned villages within the park as an almost uniquely Scottish cultural feature reflecting key historical movement such as

the lowland clearances. There seems to be no policy aimed at improving the reverse of such attractive settlements.

**CNPA analysis of objection to Deposit Local Plan**

Conservation Areas are marked on the Proposals Maps. In regard to suggesting areas warranting additional protection, policies 11 and 18 in particular together with

the other policies of the plan which must be considered collectively for all development proposals provide an appropriate level of protection and promotion of good

quality new design. Also of relevance is policy 12 regarding local cultural heritage. No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

4.63 add role of highland settlements.

**Objection maintained**

<b>Policy/site ref</b>	<b>Policy 11</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> The Cairngorms Campaign	
448e	PO Box 10037	



Alford  
AB33 BWZ

**Company** The Cairngorms Campaign

**Summary of objection to Deposit Local Plan**

Planned villages particular to this region should be particularly mentioned. There should also be a policy on how to improve small settlements which have seen inappropriate development in recent years.

**CNPA analysis of objection to Deposit Local Plan**

Conservation Areas are marked on the Proposals Maps. In regard to suggesting areas warranting additional protection, policies 11 and 18 in particular together with

the other policies of the plan which must be considered collectively for all development proposals provide an appropriate level of protection and promotion of good quality new design. Also of relevance is policy 12 regarding local cultural heritage. No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

4.63 add role of highland settlements.

**Response to 1st modification objections**

We also support Policy 11 on the protection of Conservation Areas but maintain our assertion that the planned village, as an almost uniquely Scottish feature of major national cultural and historical interest should be specifically mentioned, as the Park contains a diverse range of examples.

**CNPA analysis of objections to 1st modifications**

Reference has been included in the supporting text of Policy 11 regarding highland settlements. No further modification is therefore proposed.

**Objection maintained**

**Policy/site ref** **Policy 11**

**Objector Ref** **Name** M T Collings  
395c Birchfield  
Nethybridge  
PH25 3DD

**Agent Name**

**Company**

**Summary of objection to Deposit Local Plan**

Conservation areas should be marked on the proposals maps, and should be extended to include groups of Groups of traditional stone built 1 and 1 1/2 storeys in the centres of smaller communities to protect their cultural heritage.

**CNPA analysis of objection to Deposit Local Plan**

Conservation Areas are marked on the Proposals Maps. In regard to suggesting areas warranting additional protection, the policies referred to in the representation

together with the other policies of the plan which must be considered collectively for all development proposals provide an appropriate level of protection and promotion of good quality new design. Also of relevance is policy 12 regarding local cultural heritage. No modification considered necessary as a result of this representation. No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

Review colour of conservation areas on proposals maps for clarity.

**Response to 1st modification objections**

Thank you for your letter of 22nd May and enclosure. I am grateful for the consideration given to my earlier comments and agree with what you say.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 11

**Agent Name**

**Objector Ref** Name John Anderson

463i Kincaig and Vicinity Community Council  
Goldenacre, Dunachton Road  
Kincaig, Kingussie  
PH21 1QE

**Company** Kincaig and Vicinity Community Council

**Summary of objection to Deposit Local Plan**

State that present regulations tend to be over protective of native birch, particularly adjacent to rail and road links, where large trees often give little warning (if any) of impending collapse.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. Cross referencing will be made to current regulations regarding trees in conservation areas. Further clarification may be necessary in the supporting text to expand on precisely what the level of protection includes.

**Proposed 1st Modification**

Remove reference to trees as this is a statement of fact rather than a policy. Add para 4.66 to clarify position.

**Response to 1st modification objections**

We generally support the conservation areas as they are at present, but developments which can be undertaken within such areas without significant harmful effect, should be decided on their merits and not 'presumed against'

**CNPA analysis of objections to 1st modifications**

There is no presumption against appropriate development in a conservation area. No modification is therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 11  
**Objector Ref** Name Glenmore Properties Ltd  
453e Viewfield Farm  
Craigellachie  
Aberlour  
AB38 9QT

**Agent Name** Steve Crawford  
Halliday Fraser Munro  
8 Victoria Street  
Aberdeen  
AB10 1XB  
**Company** Glenmore Properties Ltd

**Summary of objection to Deposit Local Plan**

Any conservation area appraisal or management plan must be subject to wide consultation and their requirements should not make the requirements for new development too onerous.

**CNPA analysis of objection to Deposit Local Plan**

The preparation of conservation area appraisals and management plans will be carried out in conjunction with the 4 local authorities, and will undergo public consultation in the normal way. No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

Include in para 4.67 need for CA appraisals or management plans to undergo consultation.

**Response to 1st modification objections**

Maintain objection.

**CNPA analysis of objections to 1st modifications**

Para 4.67 clarifies the importance of consultation for such management plans. No further modification proposed.

**Objection maintained**

**Policy/site ref** Policy 11  
**Objector Ref** Name Rona Main  
425g Scottish Enterprise Grampian  
27 Albyn Place  
Aberdeen  
AB10 1DB

**Agent Name** Steve Crawford  
Halliday Fraser Munro  
8 Victoria Street  
Aberdeen  
AB10 1XB  
**Company** Scottish Enterprise Grampian

**Summary of objection to Deposit Local Plan**

The policy should also allow for the extension of a listed building to allow for an expanding or improving business. The use of conservation appraisals and management plans should be the subject of consultation and should not create too onerous requirements where they are seen to be justifiable.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. Although the wording does not mention particularly the extension of buildings for business use, the wording does not preclude

this and focuses on ensuring the physical works are appropriate for the designated conservation area. The preparation of conservation area appraisals and management plans will be carried out in conjunction with the 4 local authorities, and will undergo public consultation in the normal way. No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

no modification necessary.

**Response to 1st modification objections**

Objection maintained.

**CNPA analysis of objections to 1st modifications**

Although the wording does not mention particularly the extension of buildings for business use, the wording does not preclude this and focuses on ensuring the physical works are appropriate for the designated conservation area. The preparation of conservation area appraisals and management plans will be carried out in conjunction with the 4 local authorities, and will undergo public consultation in the normal way. No further amendment is therefore proposed.

**Objection maintained**

**Policy/site ref Policy 11**

**Objector Ref Name** Jane Angus  
091e Ballater & Crathie Community Council  
Darroch Den  
Hawthorn Place, Ballater  
AB35 5QH

**Agent Name**

**Company** Ballater & Crathie Community Council

**Summary of objection to Deposit Local Plan**

There are 4 conservation villages

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. The conservation areas are marked on the proposals maps. No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

The Ballater and Crathie Community Council wish to continue our objections to the proposed Local Plan.

**CNPA analysis of objections to 1st modifications**

The comment is noted and the conservation areas are marked on the proposals maps. No further amendment or modification is therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 11 **Agent Name**

**Objector Ref** **Name** Alison Hogg  
473e Aberdeenshire Council, Planning and Development  
Woodhill House  
Westburn Road  
Aberdeen, AB16 5GB

**Company** Aberdeenshire Council

**Summary of objection to Deposit Local Plan**

Concern that it is actually not possible to require full planning applications for all development in conservation areas, and thinks this is too restrictive.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted and legal advice will be sought to ensure the wording complies with the requirements of local plan policies as established in national guidance and advice.

**Proposed 1st Modification**

No action required.

**Response to 1st modification objections**

We write with reference to your letter dated 18th Sept 2008, concerning the above subject. As stated in our previous letter dated 5th October 2007, Aberdeenshire Council does not object to the deposit local plan. Our previous letter did include a number of comments that we recommend being taken forward in

the deposit local plan. These comments/recommendations should not be treated as objections to the plan.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 11,12 **Agent Name**

**Objector Ref** **Name** Mrs Jane Angus  
437f Darroch Den  
Hawthorn Place  
Ballater  
AB35 5QH

**Company**

**Summary of objection to Deposit Local Plan**

The comment regarding demolition being linked to letting of contracts for replacement is open to abuse and could be contentious.

**CNPA analysis of objection to Deposit Local Plan**

The wording of the policy can be secured through planning condition and enforced in the normal way. No modification considered necessary as a result of this

representation. Policy 11 - this approach is normal practice and prevents gap sites in conservation areas. Policy 12 aims to provide an additional test under the 1st

aim of the Park re cultural heritage, in reference to non designated sites. The wording is flexible to allow for a pragmatic approach.

**Proposed 1st Modification**

No action required.

**Response to 1st modification objections**

response received - need to confirm actual position regarding formality of objection

**CNPA analysis of objections to 1st modifications**

response received - need to confirm actual position regarding formality of objection

<b>Policy/site ref</b>	<b>Policy 12</b>	<b>Agent Name</b>	Debbie Mackay
<b>Objecter Ref</b>	<b>Name</b>		Smiths Gore
419b	The Crown Estate		12 Bernard Street
			Edinburgh
			EH6 6PY
		<b>Company</b>	The Crown Estate

**Summary of objection to Deposit Local Plan**

The wording is too vague and will create uncertainty. The wording should be clarified as to the type of feature and how the relative importance of such features is to

be assessed in the planning process.

**CNPA analysis of objection to Deposit Local Plan**

Further work is needed to clarify how policies will be implemented through the development management process and to ensure the wording is not open to

unnecessary interpretation. It is proposed to produce a series of working practice notes for use by staff across the 4 local authorities and the CNPA to ensure a

consistent approach is taken.

**Proposed 1st Modification**

No modification proposed.

**Response to 1st modification objections**

Objection maintained.

**CNPA analysis of objections to 1st modifications**

Some additional information has been added to include military roads and heritage and veteran trees. The list is however not definitive and the policy will be used to

support the 1st aim of the Park. No further modifications are proposed.

**Objection maintained**

**Policy/site ref** Policy 12

**Agent Name**

**Objector Ref** Name Alison Hogg

473f  
Aberdeenshire Council, Planning and Development  
Woodhill House  
Westburn Road  
Aberdeen, AB16 5GB

**Company** Aberdeenshire Council

**Summary of objection to Deposit Local Plan**

Question who would objectively assess the significance of the feature. Concern that the policy will be used by objectors to stifle the planning process, and that mitigation measures could make developments unviable.

**CNPA analysis of objection to Deposit Local Plan**

Further work is needed to clarify how policies will be implemented through the development management process and to ensure the wording is not open to unnecessary interpretation. It is proposed to produce a series of working practice notes for use by staff across the 4 local authorities and the CNPA to ensure a consistent approach is taken.

**Proposed 1st Modification**

Add para 4.70 and 4.72 to clarify.

**Response to 1st modification objections**

We write with reference to your letter dated 18th Sept 2008, concerning the above subject. As stated in our previous letter dated 5th October 2007, Aberdeenshire Council does not object to the deposit local plan. Our previous letter did include a number of comments that we recommend being taken forward in the deposit local plan. These comments/recommendations should not be treated as objections to the plan.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 12

**Agent Name** Debbie Mackay

**Objector Ref** Name John Forbes-Leith Esq  
418b Dunachton Estate

Smiths Gore  
12 Bernard Street  
Edinburgh  
EH6 6PY

**Company** Dunachton Estate

**Summary of objection to Deposit Local Plan**

The wording is too vague and will create uncertainty. The wording should be clarified as to the type of feature and how the relative importance of

such features is to

be assessed in the planning process.

**CNPA analysis of objection to Deposit Local Plan**

Further work is needed to clarify how policies will be implemented through the development management process and to ensure the wording is not open to

unnecessary interpretation. It is proposed to produce a series of working practice notes for use by staff across the 4 local authorities and the CNPA to ensure a

consistent approach is taken.

**Proposed 1st Modification**

No modification proposed.

**Response to 1st modification objections**

Objection maintained.

**CNPA analysis of objections to 1st modifications**

Some additional information has been added to include military roads and heritage and veteran trees. The list is however not definitive and the policy will be used to

support the 1st aim of the Park. No further modifications are proposed.

**Objection maintained**

**Policy/site ref** Policy 12

**Agent Name**

**Objector Ref** Name Kirsty Cameron, Archaeology  
470e The Highland Council

**Company** The Highland Council

**Summary of objection to Deposit Local Plan**

Welcome explicit inclusion of the setting of a site within this policy. Change para 4.58 to add 'yet' before 'protected'. Change para 4.60 to read '...impact on recognised or potential sites of features of cultural heritage significance...'.  
...

**CNPA analysis of objection to Deposit Local Plan**

The proposed wording is noted and the appropriate modifications will be added to the supporting text.

**Proposed 1st Modification**

4.69 add 'yet'

4.73 add 'or potential'

**Response to 1st modification objections**

No further representation made from THC.

**CNPA analysis of objections to 1st modifications**



No further action required.

**Objection withdrawn**

<b>Policy/site ref</b>	<b>Policy 13</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Robert Maund	
434f	Scottish Council for National Parks The Barony 2 Glebe Road Kilbirnie, Ayrshire	
		<b>Company</b> Scottish Council for National Parks

**Summary of objection to Deposit Local Plan**

The limitations of developer funded flood risk assessments should be recognised, as there are examples where such assessments have resulted in proposals which are

damaging in landscape and environment terms.

**CNPA analysis of objection to Deposit Local Plan**

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance

regarding flooding and drainage. The issue of flood risk assessments will be reviewed in line with the comments received from SEPA and the appropriate changes will

be made both to the policy wording and settlement proposals where necessary

**Proposed 1st Modification**

Include in b) 'suitably qualified'.

**Response to 1st modification objections**

Objection maintained as in 434a.

**CNPA analysis of objections to 1st modifications**

The requirement for a suitably qualified professional to carry out surveys is included in b). No further modifications are therefore proposed.

**Objection maintained**

<b>Policy/site ref</b>	<b>Policy 13</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Alison Hogg	
473g	Aberdeenshire Council, Planning and Development Woodhill House Westburn Road Aberdeen, AB16 5GB	
		<b>Company</b> Aberdeenshire Council

**Summary of objection to Deposit Local Plan**

Welcome Policy 13 in relation to the increasing importance of abstraction issues for the River Dee (SAC).

Questions what is a "significant" risk of flooding?

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. The wording of the policy will be reviewed to ensure it is clear and provides an appropriate level of guidance for developers and interested

parties. Further work is needed to clarify how policies will be implemented through the development management process and to ensure the wording is not open to

unnecessary interpretation. It is proposed to produce a series of working practice notes for use by staff across the 4 local authorities and the CNPA to ensure a

consistent approach is taken.

**Proposed 1st Modification**

Clarify in layout that flooding is particular consideration. Include additional detail as suggested by SEPA.

**Response to 1st modification objections**

We write with reference to your letter dated 18th Sept 2008, concerning the above subject. As stated in our previous letter dated 5th October 2007, Aberdeenshire Council does not object to the deposit local plan. Our previous letter did include a number of comments that we recommend being taken forward in

the deposit local plan. These comments/recommendations should not be treated as objections to the plan.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 13

**Agent Name**

**Objector Ref** Name Dr A Watson

020f Clachnaben

Crathes, Banchory

Kincardineshire

AB31 5JE

**Company**

**Summary of objection to Deposit Local Plan**

Need to define "wherever reasonable" in para 4.66 to ensure prevention of unnecessary problems of pollution

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. The wording of the policy will be reviewed to ensure it is clear and provides an appropriate level of guidance for developers and interested

parties. Further work is needed to clarify how policies will be implemented through the development management process and to ensure the wording is not open to

unnecessary interpretation. It is proposed to produce a series of working practice notes for use by staff across the 4 local authorities and the CNPA to ensure a

consistent approach is taken.

**Proposed 1st Modification**

Clarify in 4.80

**Response to 1st modification objections**

Objection maintained.

**CNPA analysis of objections to 1st modifications**

The revised para in 4.80 has been redrafted for clarity. No further modification therefore proposed.

**Objection withdrawn**

<b>Policy/site ref</b>	<b>Policy 13</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Nicola Abrams	
399e	SEPA	
	Greyhope House	
	Greyhope Road	
	Torry, Aberdeen	<b>Company</b> SEPA

**Summary of objection to Deposit Local Plan**

Greater clarity in the wording of this policy is required. The term the water environment is not clearly defined (although we recognise that further clarity is provided

in 4.63). The Policy does not fully accord with the provision of NPPG14, SPP1 and other guidance.

The Water Environment and Water Services (Scotland) (WEWS) Act 2003 implements the EC Water Framework Directive (2000/60/EC), which is aimed at

maintaining and improving the quality of aquatic ecosystems and requires that any ecological risks associated with development (including engineering operations) in

rivers, tidal and coastal waters be identified and controlled. One of the key tasks of the Water Framework Directive regime is the production of River Basin

Management Plans and SEPA considers that the land use planning system has an important role to play in maintaining and enhancing the water environment,

particularly prior to River Basin Management Plans being produced. Furthermore under the WEWS Act Local Authorities are Responsible Authorities and therefore

must give consideration to the aims of the Directive when exercising their functions.

The policy should be amended to recognise the role of the land use planning system in delivering the objectives of the Water Framework Directive. The Policy

should require that any development which would result in deterioration in ecological status or ecological potential (as defined in terms of the Directive) or prejudice

the ability to restore such water bodies to good ecological status be refused, unless a derogation in Water Framework Directive terms applies. It is important that

the policy applies to water bodies and not just watercourses as the Directive applies to surface waters, groundwater and wetlands as defined in Section 3 of WEWS

2003.

The aim of the Policy would be to provide these water bodies with adequate protection against insensitive engineering works that could result in unacceptable

**CNPA analysis of objection to Deposit Local Plan**

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance

and directives. The comment is therefore noted. The wording of the policy will be revised to ensure it is clear and the appropriate level of guidance is available for developers.

**Proposed 1st Modification**

Amend wording to reflect objection and subsequent meeting. ecological impacts, thus meeting the requirements of the Water Framework Directive, SPP1 and NPPG 14.

**Response to 1st modification objections**

Accept - withdraw objection conditional upon modification being made.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref Policy 13**

**Objector Ref Name** Ian Francis

424i RSPB Scotland  
East Regional Office  
10 Albyn Terrace  
Aberdeen, AB10 1YP

**Agent Name**

**Company** RSPB Scotland

**Summary of objection to Deposit Local Plan**

There should be a stronger presumption against developments in the functional flood plain, and more specific reference to flood prevention measures which should

make it clear that any management measures would need to take a strategic, catchment-based approach to flooding, use natural systems (such as wetlands), promote

soft engineering techniques and use existing flood plains to attenuate flooding. All flood prevention and alleviation developments should be expected to maximise any

opportunities for habitat enhancement or creation.

Para 4.61 should read: "The need to protect and enhance the water environment has been reinforced / which more accurately reflects the requirements of the

Directive and the WEWS Act."

**CNPA analysis of objection to Deposit Local Plan**

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance

regarding flooding and drainage. The issue of flood risk assessments will be reviewed in line with the comments received from SEPA and the

appropriate changes will be made both to the policy wording and settlement proposals where necessary.

#### **Proposed 1st Modification**

4.74 Change wording from 'for management' to 'to protect and enhance'  
Amend layout to clarify flooding as particular consideration

#### **Response to 1st modification objections**

One matter of considerable importance here is that National Park Authorities have been designated under the Water Environment Services Act as 'responsible authorities'. This introduces legal duties to terms of delivering Water Framework directive aims and objectives, as well as promoting sustainable use of water resources and sustainable flood management. This designation gives NPAs a direct legal duty to ensure compliance with the requirements of WFD promote sustainable flood management and adopt an integrated approach by co-operating with other responsible authorities (in this case local authorities, Forestry Commission, and Scottish Water). This policy is crucial to ensure sustainable management of water resources and to protect, promote and enhance the ecological status of the water environments. These appropriate duties of Cairngorms NPA as a 'responsible authority' under the WEWS Act, should be clearly listed in policy 13.

We would like to see some specific guidance in relation to flood prevention measures. All flood prevention and alleviation developments should be expected to maximise any opportunities for habitat enhancement or creation. As a 'responsible authority' under the WEWS Act the Cairngorms NPA should aim to promote sustainable management; therefore flooding policy should have a strong presumption against any new development in the functional floodplain. Within the National Park, there are many areas already at risk from flooding. Any proposals for new flood management measures that protect existing areas at risk must aim to comply with the aims of sustainable flood management by taking a strategic, catchment based approach to flood management and exploring the use of structural (natural flood management, hard engineering where necessary, flood resilience) and non structural (flood warning, strong flooding policies, support for communities, education). Flooding policies must be in lien with the proposals for the new Flooding Bill.

#### **CNPA analysis of objections to 1st modifications**

Tan additional para will be included to highlight the role of CNPA as responsible authority under the WESS Act. The policy will also be amended to reflect ongoing discussions with SEPA.

#### **Objection maintained**

**Policy/site ref** Policy 13  
**Objector Ref** Name Jane Angus  
091f Ballater & Crathie Community Council  
Darroch Den  
Hawthorn Place, Ballater  
AB35 5QH

**Agent Name**

**Company** Ballater & Crathie Community Council

**Summary of objection to Deposit Local Plan**

The policy regarding flooding needs more careful consideration to ensure that sites are not allocated in areas at risk from flooding and appropriate levels of protection are included in all developments.

**CNPA analysis of objection to Deposit Local Plan**

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance regarding flooding and drainage. The issue of flood risk assessments will be reviewed in line with the comments received from SEPA and the appropriate changes will be made both to the policy wording and settlement proposals where necessary. Confirm modifications will be in light of comments received from SEPA and also approach to flood risk assessments.

**Proposed 1st Modification**

No further work required.

**Response to 1st modification objections**

The Ballater and Crathie Community Council wish to continue our objections to the proposed Local Plan.

**CNPA analysis of objections to 1st modifications**

The policy has been largely altered to reflect the comments of SEPA and further work on flood risk on housing allocations is ongoing. No further amendment is therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 13  
**Objector Ref** Name Sarah Jane Laing  
429p SRPBA  
Stuart House  
Eskmills  
Musselburgh, EH21 7PB

**Agent Name**

**Company** SRPBA

**Summary of objection to Deposit Local Plan**

Any size of development can affect hydrology.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. The wording of the policy refers to 'significant' adverse impact. The wording of the policy applies to all scales of development. It is not therefore considered necessary to make a modification as a result of this representation.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

We are happy to withdraw all but one of our formal objections as believe that majority of them have been addressed by the modifications, or by clarity of issues in supporting text. The only one we would like to continue with is in relation to policy 1 where we still think that there should be support for projects which provide social or economic benefits of local as well as national importance.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn****Policy/site ref Policy 13**

**Objector Ref Name** Mrs Audrey MacKenzie  
416d Aviemore and vicinity Community Council  
Tamsduchus  
10 Dalfaber Road  
Aviemore,PH22 1PU

**Agent Name**

**Company** Aviemore and vicinity Community Council

**Summary of objection to Deposit Local Plan**

The 1 in 200 year flood risk maps should be used to ensure that developments do not affect flood risk.

**CNPA analysis of objection to Deposit Local Plan**

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance

regarding flooding and drainage. The issue of flood risk assessments will be reviewed in line with the comments received from SEPA and the appropriate changes will

be made both to the policy wording and settlement proposals where necessary. Confirm policy does not discount sites but required that if they fall within the areas

mentioned an assessment is required which can justify proceeding with the development.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

Representation to modifications does not raise this as an outstanding issue. Assume issue has been resolved.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 13  
**Objector Ref** Name Fred Mackintosh  
472b The Highland Council

**Agent Name**

**Company** The Highland Council

**Summary of objection to Deposit Local Plan**

Highland Council supports the incorporation of Sustainable Urban Drainage Systems (SUDS) within new developments and will consider adopting SUDS measures

dealing exclusively with road water that are of a suitable standard. Particular attention should be given to minimise the long term maintenance requirements of such

measures. Nationally, the responsibility for the adoption and maintenance of shared drainage systems ( that also accept roof and curtilage water) is not clear at

present and remains to be clarified at a national level.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted.The Local Plan will include any new national guidance if it is produced prior to adoption. No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

No further representation made from THC.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 13  
**Objector Ref** Name Nicola Abrams  
399c SEPA  
Greyhope House  
Greyhope Road

**Agent Name**



### **Summary of objection to Deposit Local Plan**

This policy does not provide clear guidance on how surface water drainage should be dealt with in a sustainable way nor does it provide clear guidance to

developers on what information should be submitted in support of a planning application. PAN 79 para 48 highlights that it is SEPA's policy to promote SuDS for all

new development, provided that surface water drainage meets the requirements the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR)

General Binding Rule 10 (1) it would be authorised under CAR. "Drainage Assessment — A Guide for Scotland" produced by the SuDS Working Party recommends

that a Drainage Assessment be produced for development of more than a few dwelling houses or non-householder extensions of 1 00m<sup>2</sup> or more.

The policy should be reworded to explicitly require the use of SuDS to deal with surface water run off from all new developments. It should also refer to the

requirement to submit a Drainage Assessment with any planning application for developments of 5 houses or greater than 100 sq m floor space.

SEPA requests that

4.62 include reference to the following relevant documents:

- The Water Environment (Controlled Activities) (Scotland) Regulations 2005;
- Scottish Planning Policy 7: Planning and Flooding;
- The SuDS Manual (CIRIA C697);
- Sewers for Scotland Manual Edition (draft);
- Drainage Assessment — A Guide for Scotland (SuDSWP)

### **CNPA analysis of objection to Deposit Local Plan**

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance

and directives. The comment is therefore noted and the wording of the policy will be revised to ensure it is clear and the appropriate level of guidance is available

for developers. Further supporting information may also be prepared in support of this policy in the form of SPG to ensure the policy is implemented in a consistent

manner across the Park area.

### **Proposed 1st Modification**

Amend wording to reflect objection and subsequent meeting.

### **Response to 1st modification objections**

While SEPA supports the inclusion of a policy in the local plan which promotes sustainable surface water drainage and the need to treat foul and surface waters

separately, SEPA objects to this policy which we consider does not provide clear guidance on how surface water drainage should be dealt with in a sustainable way

nor does it provide clear guidance to developers on what information should be submitted in support of a planning application. SEPA welcomes the inclusion in the

supporting text of the relevant supporting documents, however, SEPA objects to the failure of the Local Plan to clearly require a Drainage Impact

Assessment (DIA).

PAN 79 Water and Drainage (para 48) highlights that it is SEPA's policy to promote SuDS for all new development, provided that surface water drainage meets the requirements the Water Environment (Controlled Activities)(Scotland) Regulations 2005 (CAR) General Binding Rule 10(1) it would be authorised under CAR.

'Drainage Assessment - A guide for Scotland' produced by the SuDS working party recommends that a Drainage Impact Assessment be produced for development of more than a few dwelling houses or non-householder extensions of 100m2 or more. The local plan does not give clear guidance to developers when a DIA will be required in support of their planning application.

Suggested Modification - SEPA requests that the Policy be reworded to explicitly require the use of SuDS to deal with surface water run off from all new developments. The Policy should also refer to the requirement to submit a DIA with any planning application for developments of 10 houses or greater than 100sq m floor space.

Additional comments - SEPA also highlights the following typographical errors:

Policy 13(a) iii should refer to CIRIA Construction Industry Research and Information Association (CIRIA) Manual not Circa manual;

**CNPA analysis of objections to 1st modifications**

iii) explicitly requires that developments WILL treat surface water and foul water discharge separately in line with SUDs manual ciria C697. 'And' will be added after

'separately' for additional clarity. The additional highlighted textual comments are noted and the appropriate changes will be made.

**Objection maintained**

**Policy/site ref** Policy 13

**Objector Ref** Name Mairi Maciver

025h Communities Scotland  
Urquhart House  
Beechwood Park  
Inverness, IV2 3BW

**Agent Name**

**Company** Communities Scotland

**Summary of objection to Deposit Local Plan**

Support for approach to water resources, but it would be useful to address the requirement for major investment required at source for new developments once those with detailed planning permission have been connected.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. The issue of investment is an important one and consideration will be given to highlighting it in the supporting text to the policy. Confirm

ongoing working relationships with Scottish Water to ensure appropriate investment to keep up with development pressures.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

Your message to housing colleagues in relation to the proposed modification has been passed to me as I co-ordinated the Scottish Government response to the consultation. Our comments were sent to Karen Major yesterday and are attached below.

**CNPA analysis of objections to 1st modifications**

Considered under objection 422. No further action required.

**Objection withdrawn**

**Policy/site ref Policy 13**

**Objector Ref Name** John Anderson

463j Kincaig and Vicinity Community Council  
Goldenacre, Dunachton Road  
Kincaig, Kingussie  
PH21 1QE

**Agent Name**

**Company** Kincaig and Vicinity Community Council

**Summary of objection to Deposit Local Plan**

Support Alvie estate view on this policy. State that the plan must allow for managed flood prevention measures to be undertaken.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. The issue will be considered under the Alvie representation. No modification considered necessary as a result of this representation. The

wording of the policy has been selected to comply with national guidance, European directive, etc and a more relaxed approach is therefore not an option. The

wording however is not intended to stifle development but make sure it is done in the most appropriate way.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

Abstraction of water from the River Spey must not be allowed to devastate fishing on the river. The abstraction plans for the new treatment plant at Aviemore

should be seen in the context of the Einich Burn returning to its natural rate of flow until it reaches the Spey. While greater concern might be directed to the extra

usage arising from proposed developments such as that at An Camas Mor in particular, but elsewhere in the Strath likely to experience significant development as

well, such as at Carrbridge and Boat of Garten, most abstracted water will be returned to the river system eventually. We are therefore supportive of the Alvie

Estate view that there is a good case for smaller, more locally focused abstraction work, with waste water treatment plants also locally based which

return the used  
water close to the abstraction point, thus better maintaining river flow in the locality.

Flooding : the is a matter of major concern to the KVCC area. We are not convinced that the Insh Marshes contribute greatly to flood control as the potential  
sponge effect is much reduced in view of the relatively high water table all the time as a consequence of the policy of breaching the levees. What is really needed is  
proper management of the River Feshie confluence with the River Spey to prevent the backing up of water upstream in the Spey to Kingussie and beyond. (there will  
be similar difficulties to this example elsewhere in the Park). It is a fact of life that water has to go somewhere and Planners need to ensure that  
downstream  
development does not taken place on land potentially vulnerable to flooding.

Connection to sewerage: Connection of developments to sewage treatment works should be the 1st choice, installing pump storage where relevant. See also (a)  
above re the smaller local systems.

#### **CNPA analysis of objections to 1st modifications**

The issue of water resources has been addressed through policy 13. This has been drawn up with assistance from SEPA. No further modifications are therefore  
proposed.

#### **Objection maintained**

<b>Policy/site ref</b>	<b>Policy 13</b>
<b>Objector Ref</b>	<b>Name</b> The Clouds Partnership
398b	Kinakyle Aviemore

<b>Agent Name</b>	John Wirght
	Strutt and Parker
	28 Melville Street
	Edinburgh
	EH3 7HA
<b>Company</b>	

#### **Summary of objection to Deposit Local Plan**

The revised Policy 13 is supported particularly section b. Also support policies 17, 18 and 19.

#### **CNPA analysis of objection to Deposit Local Plan**

The support is noted.

#### **Proposed 1st Modification**

No modifications required in light of this comment.

#### **Response to 1st modification objections**

Reponse received which does not include this policy as maintained objection. Assume objection resolved.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

<b>Policy/site ref</b>	<b>Policy 13</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Nicola Abrams	
399b	SEPA	
	Greyhope House	
	Greyhope Road	
	Torry, Aberdeen	<b>Company</b> SEPA

**Summary of objection to Deposit Local Plan**

The amalgamation of what was previously 5 policies relating to the water environment into 1 policy has resulted in a very complicated policy dealing with a number of complex issues. The policy does not provide clear guidance to both development management planners and the development industry on how issues relating to flood risk, foul drainage, surface water drainage, protection of the water environment and water supply should be dealt with. Protection of the water environment is of particular importance to the interests of the Park particularly given the location of the Rivers Spey and the Dee which are just two of the many designated aquatic sites within the Park.

SEPA therefore object on the grounds of flood risk as point b implies the onus to commission a flood risk assessment lies with the developer after site allocation and estimation of site units. Paragraph 4.65 in the supporting text states that "The Local Plan avoids allocating sites for development in areas at risk of flooding wherever possible", and that the Local Plan "highlights the need for developers to fund detailed flood risk assessments on these sites". The Plan has not done enough to avoid allocating sites for development in areas at risk of flooding and stresses the need for thorough vetting of sites before allocation in accordance with SPP7.

Areas of greenfield sites that lie within the functional flood plain should therefore be removed from the allocations.

**CNPA analysis of objection to Deposit Local Plan**

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance regarding flooding and drainage. The issue of flood risk assessments will be reviewed in line with the comments received from SEPA and the appropriate changes will

be made both to the policy wording and settlement proposals where necessary.

**Proposed 1st Modification**

Amend wording to reflect objection and subsequent meeting.

**Response to 1st modification objections**

SEPA maintains its objection to the policy on the grounds of flood risk as point b implies the onus to commission a flood risk assessment lies with the developer after

site allocation and estimation of site units. Para 4.65 in the supporting text states that 'the local plan avoids allocating sites for development in areas at high risk of

flooding wherever possible,' and that the local plan 'highlights the need for developers to fund detailed flood risk assessments on these sites'.

SEPA does not consider that the local plan has done enough to avoid allocating sites for development in areas at risk of flooding and stresses the need for thorough

vetting of sites before allocation in accordance with SPP7.

Suggested modification – areas of greenfield sites that lie within the functional flood plain should be removed from the allocations. SEPA has undertaken further

discussions with CNPA regarding flood risk issues and is disappointed that this issue has not been addressed.

**CNPA analysis of objections to 1st modifications**

CNPA will continue to analyse the allocation of sites against the flood risk maps and will take the appropriate action in line with guidance from SEPA.

Any

modifications necessary as a result of this work will be made by way of second modifications.

**Objection maintained**

**Policy/site ref** Policy 13

**Objector Ref** Name James and Evelyn Sunley

056h 12 Lochnagar Way

Ballater

AB35 5PB

**Agent Name**

**Company**

**Summary of objection to Deposit Local Plan**

The policy should be more specific and flood prevention measures should be identified in association with new housing land allocations.

**CNPA analysis of objection to Deposit Local Plan**

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance

regarding flooding and drainage. The issue of flood risk assessments will be reviewed in line with the comments received from SEPA and the appropriate changes will

be made both to the policy wording and settlement proposals where necessary. confirm in letter that SEPA comments have been taken on board to amend wording.

### Proposed 1st Modification

Modifications in line with SEPA information provided.

### Response to 1st modification objections

The modified Park Plan does not address any of the objections that we made, we therefore continue our objections and ask you to think again.

### CNPA analysis of objections to 1st modifications

The policy has been largely altered to reflect the comments of SEPA and further work on flood risk on housing allocations is ongoing. No further amendment is therefore proposed.

### Objection maintained

**Policy/site ref** Policy 13

**Agent Name**

**Objector Ref** Name Nicola Abrams

399d

SEPA

Greyhope House

Greyhope Road

Torry, Aberdeen

**Company** SEPA

### Summary of objection to Deposit Local Plan

The policy does not provide clear guidance to a developer as to when it would be deemed reasonable to connect to the public sewer and the appropriate

considerations that should be applied to foul drainage provision in a development. It does not comply with SEPA's policy WAT-PS-06-08 on the Provision of

Wastewater Drainage in Settlements which PAN 19 highlights Planning Authorities should have regard to when preparing development plans.

An additional policy should be included to the following effect:-

All development within or adjacent to settlements (as identified in the Local Plan) will require to connect to the public sewerage network unless:

1. The development is in a small settlement where no collection exists or where the collection system serves a limited number of dwellings. If the public collection

system cannot be developed due to technical constraints or the connection being unacceptable to Scottish Water, then a private system may be permitted provided

it does not pose or add to a risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or the amenity of the general

area. Consultation with SEPA will be undertaken in these cases; or

2. The development is in an area where connection to the collection system is not permitted due to lack of capacity, but where Scottish Water has confirmed that

investment has been allocated within its investment programme to address this constraint. In such cases:

- Systems must be designed and built to a standard to allow adoption by Scottish Water
- Systems must be designed so that in the future, they can be easily connected to the public sewer (drainage will require to be provided to a likely

connection point).

The developer will require funding Scottish Water's completion of the connection following upgrading of the sewerage system.

Where a private system is deemed to be acceptable (within settlements as above or small-scale development in the countryside) a discharge to land (either full

soakaway or raised mound soakaway) compatible with the Technical Handbooks (which set out guidance on how proposals may meet the Building Standards set out

in the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

Reference should also be included in 4.62 to SEPA Policy WAT-PS-06- 08 on the Provision of Wastewater Drainage in Settlements.

#### **CNPA analysis of objection to Deposit Local Plan**

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance

and directives. The comment is therefore noted and the wording of the policy will be revised to ensure it is clear and the appropriate level of guidance is available

for developers. Further supporting information may also be prepared in support of this policy in the form of SPG to ensure the policy is implemented in a consistent

manner across the Park area.

#### **Proposed 1st Modification**

Amend wording to reflect objection and subsequent meeting.

#### **Response to 1st modification objections**

Accept but recommend

Policy 13(c) 'population' should be replaced with 'Population Equivalent' and 'constrained collection system' should be replaced with 'limited collection system'.

#### **CNPA analysis of objections to 1st modifications**

Add the proposed wording in c).

#### **Objection withdrawn**

**Policy/site ref** Policy 13

**Objector Ref** Name Mrs Jane Angus

437g

Darroch Den

Hawthorn Place

Ballater

AB35 5QH

**Agent Name**

**Company**

#### **Summary of objection to Deposit Local Plan**

The policy does not adequately consider all aspects of water resource found in the Park. There is still no assessment of quantity of available extraction and there is



concern about recent lack of direct supply. However the SEA states that development will depend on an assessment of the quality and amount of waters in the rivers.

The impact on activities such as fishing cannot be underestimated in regard of the knock on impacts on the economy.

**CNPA analysis of objection to Deposit Local Plan**

The policy allows for the full consideration of development on water resources, and the importance of flow levels will be considered under d) where every effort

should be made to minimise use of water. Some rewording may be necessary however to clarify this point. Confirm wording will ensure appropriate levels of

protection and provision in line with SEPA comments and mods in light of those. The environmental report will also be revised to ensure the appropriate future

assessments are undertaken.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

response received - need to confirm actual position regarding formality of objection

**CNPA analysis of objections to 1st modifications**

response received - need to confirm actual position regarding formality of objection

Policy/site ref	Policy 13	Agent Name
<b>Objector Ref</b> 399SEA(g)	<b>Name</b> Nicola Abrams SEPA Greyhope House Greyhope Road Torry, Aberdeen	<b>Company</b> SEPA

**Summary of objection to Deposit Local Plan**

SEPA accepts the results of the assessment in regard to Policy 13.

**CNPA analysis of objection to Deposit Local Plan**

No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

Amend wording to reflect objection and subsequent meeting.

**Response to 1st modification objections**

No further comments regarding the SEA received in the submission on the modifications.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 13

**Agent Name**

**Objector Ref** Name Jamie Williamson  
439k Alvie and Dalraddy Estate  
Alvie Estate Office  
Kincaig, Kingussie  
PH21 1NE

**Company** Alvie and Dalraddy Estate

### **Summary of objection to Deposit Local Plan**

The policy should be more flexible to recognise that not all development will have an adverse impact on the flood plain, and that flooding has been experienced in

the area for generations, and has in some instances been harnessed to improve soils, etc. Encouraging Scottish Water to monopolise the supply of water and water

treatment facilities has already severely constrained housing development in some areas of the Park, and extracting large amounts of water from one or a few areas,

transporting it long distances and then transporting foul water long distances to central processing units is inefficient, wasteful and less sustainable and damaging to

the environment than extracting and processing water locally. In an area such as Badenoch where the land is relatively short of nutrients and organic matter,

processing foul water locally and spreading organic matter on the land can be beneficial to agriculture. The Plan should encourage the development and

improvement of private and community water supplies and foul water processing rather than attempting to force residents to use a public sector monopoly.

Amended wording –

In sentence 1 begin 'There will be a presumption that new development will:'

In b) replace 'flooding' with 'flood damage'

In b) replace in final section 'will' with 'may'

In d) change wording to 'conserve water where appropriate'

In f) delete whole section

Add final section 'There will be a presumption in favour of maintaining existing flood prevention and management features some of which contribute positively to the

diversity of our local economy and biodiversity. Many of these features are an important part of the Parks cultural heritage.'

### **CNPA analysis of objection to Deposit Local Plan**

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance

and directives. The comment is therefore noted and the wording of the policy will be revised to ensure it is clear and the appropriate level of guidance is available

for developers. Further supporting information may also be prepared in support of this policy in the form of SPG to ensure the policy is implemented in a consistent

manner across the Park area. The wording of the policy has been selected to comply with national guidance, european directive, etc and a more relaxed approach is

therefore not an option. The wording however is not intended to stifle development but make sure it is done in the most appropriate way.

### **Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

a) Use of Resources

Development will:

(i minimise the use of treated/abstracted water; )

ii not result .... To good ecological status

ii) treat surface water and foul discharge ....

iv have no significant adverse impact ....

b) Flooding - Development will ...

c) Connection to sewerage - (Development will connect to the public sewerage network unless: ..... Can be easily connected to the public sewer.)

At most times of the year the Cairngorms National Park area has an adequate supply of water. Much of the water that is extracted is utilised within the water

catchment area and returned into the system.

Changing extraction from Loch Einich to ground water extraction beside the River Spey will not in itself increase the amount of water being extracted from the Spey

catchment area. If the water is cycled through sewerage systems back into the catchment area any net loss of water from the catchment area will be minimal. Where

there is concern is where water is extracted in quantity and diverted into other catchment areas. This is what happens at the Spey Dam in Laggan.

The River Spey

catchment also suffers from periods of flooding. The Spey dam system is a valuable tool in mitigating flood events.

Encouraging Scottish Water to monopolise the supply of water and water treatment facilities has already severely constrained housing development in some areas of

the Park. Extracting relatively large amounts of water from one or a few areas, transporting it long distances and then transporting foul water long distances to

central processing units is inefficient, wasteful and less sustainable and damaging to the environment than extracting and processing water locally.

Extracting a

relatively small amount of water from a large number of sites close to the point of use and processing the relatively small amounts of foul water arising thereafter in

the locality reduces the chance of leakage and returns water to the catchment system closer to where it has been extracted. In an area such as Badenoch where the

land is relatively short of nutrients and organic matter, processing foul water locally and spreading organic matter on the land can be beneficial to agriculture. The

Park should encourage the development and improvement of private and community water supplies and foul water processing rather than attempting to force

residents to use a public sector monopoly.

The section: '4.80 Wherever it is considered reasonable ...relevant standards' should be deleted.

We support concerns expressed by the Kincaid & Vicinity Community Council that the increase in flooding of Insh Meadows /Marshes up river of Loch Insh

together with the lack of positive riparian management in the vicinity of the Spey/Feshie Confluence may be increasing flooding and flood damage in the vicinity of the

River Spey between Kingussie and Aviemore

**CNPA analysis of objections to 1st modifications**

The wording is not considered to be overly restrictive as it encourages minimising use of water in a. This is not therefore an absolute. Connection to sewerage is in

line with advice given from SEPA and as the government agency responsible for this aspect of development, CNPA are keen to work with them as partners of the

Park. No modifications are therefore proposed.

**Objection maintained**

Policy/site ref	Policy 13	Agent Name
<b>Objector Ref</b>	<b>Name</b> Susan Davies	
465k	Scottish Natural Heritage	
	Great Glen House	
	Leachkin Road	
	Inverness	
		<b>Company</b> Scottish Natural Heritage

**Summary of objection to Deposit Local Plan**

Strongly recommend that the close links between this policy and the appropriate assessment of the cumulative effects of the Local Plan on the River SACs in the Park

are identified and explained in the accompanying text. Need to emphasis that almost all of the Park lies within the catchments of 3 River SACs, and therefore

almost all proposals that involve water abstraction and waste water treatment will need to comply with the requirements of the Conservation (natural Habitats etc)

Regulations 1994 (as amended).

4.62 - This para should refer to the Rivers Spey and Dee SACs catchment management plans.

**CNPA analysis of objection to Deposit Local Plan**

Work on the Appropriate Assessment continues with assistance from SNH staff.

**Proposed 1st Modification**

No modification proposed.

**Response to 1st modification objections**

No further representation received regarding this issue.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 13  
**Objector Ref** Name Roy Turnbull  
390g Torniscar  
Nethy Bridge  
Inverness-shire  
PH25 3ED

**Agent Name**

**Company**

**Summary of objection to Deposit Local Plan**

Support

**CNPA analysis of objection to Deposit Local Plan**

No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

No additional representations were made in regard to this objection.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 13  
**Objector Ref** Name Nicola Abrams  
399r SEPA  
Greyhope House  
Greyhope Road  
Torry, Aberdeen

**Agent Name**

**Company** SEPA

**Summary of objection to Deposit Local Plan**

The local plan fails to demonstrate that all allocations have been appraised for flood risk in accordance with national planning policy and objection is maintained to

any allocation where the position is unclear and adequate consideration of flood risk has not been undertaken. In terms of site specific comments:

The following appear to lie outwith areas of flood inundation. However SEPA's Indicative River and Coastal Flood Map (Scotland) only estimates flood outlines on

catchments greater than 3.0km<sup>2</sup>. Sites adjacent to watercourses with catchment areas of less than 3.0km<sup>2</sup> may also be at risk of fluvial (or other) flooding but will

not appear as such on the SEPA flood map, and anecdotal information regarding this exists in particular for Newtonmore. Settlement Allocation

Aviemore H1, H2, C1, C2, ED1, ED2, ED3

Kingussie H1

Boat of Garten HI, C1

Braemar H1  
Carrbridge H1, ED1  
Cromdale H1, H2  
Dulnain Bridge H1, H2  
Kincraig H1, H2  
Nethybridge H2, C1, ED1  
Tomintoul H1, H2, H3, H4, C1, Ed1  
Newtonmore H1, H2

Areas of these sites have been acknowledged as being at high risk of flooding within the site allocation plans but the plan goes on to specify housing totals for these

sites. Eg H1 Ballater where the SEPA's Indicative River and Coastal Flood Map (Scotland) — 0.5% annual probability layer shows the site as being almost totally

inundated by this flood event. H2 Braemar is shown as approximately 40% inundated. All sites should be the subject of flood risk assessment preallocation, and areas

shown to be at flood risk should be removed from these allocations.

Aviemore H1  
Ballater H1  
Braemar H2  
Dalwhinnie H1, H2, H3  
Nethybridge H1

Additionally

Grantown H1 -Although not shown to be at risk on SEPA's flood map, a recent planning application to develop part of the site has highlighted a large area

susceptible to flood inundation.

An Camas Mor -SEPA has received an initial request for information with regard to 'Phase 1' of a housing development on this site. Although the site plans show the

development as being situated outwith the indicative limits of flooding, there are issues with the alignment of access roads through the floodplain.

Paragraphs 42 and 43 of SPP1: Planning and Flooding provide an expectation from The Scottish Executive that developers and planning authorities err on the side of

caution in decision making whenever flooding is an issue.

Although recognising that some consideration has been given to flood risk, the plan does not clarify what information has been used to appraise the site information.

The approach taken does not accord with the precautionary approach to flood risk promoted in the National Park Plan (Pg 52— objective d).

All allocations in the local plan should be appraised for flood risk using all appropriate available sources of information as set out in SPP7 and

allocations shown to

be at risk of flooding removed from the local plan. While recognising that some sites have potential risk of flooding, the requirement that detailed Flood Risk

Assessment be undertaken by the applicant at the planning application stage does not provide sufficient clarity to the development industry at an early stage in the

development process. Such assessments may show large portions of the sites are not suitable for development due to flood risk and the integrity of these allocations

may in fact be brought into question, resulting in fruitless and considerable expense to developers at application stage. The plan should clearly indicate those parts

of the sites which, based on information available at present on flood risk, are unlikely to be suitable for development or alternatively the plan should indicate those

### **CNPA analysis of objection to Deposit Local Plan**

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance

regarding flooding and drainage. The issue of flood risk assessments will be reviewed in line with the comments received and the appropriate changes will be made

both to the policy wording and settlement proposals where necessary to provide a clear direction to the development industry in line with both SPP7 and SPP1.

### **Proposed 1st Modification**

Amend wording to reflect objection and subsequent meeting.

parts of the site which are likely to be suitable for development.

### **Response to 1st modification objections**

SEPA notes that in line with national planning policy, the potential for flood risk should be considered on all proposed allocations prior to allocation. SEPA objects

to any allocation where the position is unclear and adequate consideration of flood risk has not been undertaken. In representations made in January 2006 SEPA

highlighted that it did not appear that an appraisal of flood risk had been fully undertaken. SEPA raised this issue in representations of January 2006 and August

2007. SEPA undertook further discussions with CNPA on this issue and provided further advice to CNPA in March 2008 in relation to the appraisal of sites for

flood risk prior to allocation in the Local Plan. SEPA is disappointed to note that it does not appear that any further appraisal has been undertaken of allocations in

relation to flood risk.

To illustrate the importance of this appraisal, SEPA makes the following site specific comments but stresses that it has not appraised all the allocations.

These site allocations appear to line outwith areas of flood inundation. However SEPA wishes to remind CNPA that SEPA's indicative River and Coastal Flood Map

(Scotland) only estimates flood outlines on catchments greater than 3.0km<sup>2</sup>. Sites adjacent to watercourses with catchment areas of less than

3.0km<sup>2</sup> may also be at

risk of fluvial (or other) flooding but will not appear as such on the SEPA flood map. To highlight this situation, SEPA recently reviewed anecdotal information

regarding the site allocation at Newtonmore. A resident wished to point out that this area, although not shown as being at risk on the SEPA flood map, has suffered

historic flooding. She recalls as a child (1969 or 70) wading knee deep in floodwaters near the station but on the northern side of the rail track.

Settlement	Allocation
Aviemore	H1, H2, C1, C2, ED1, ED2, ED3
Kingussie	H1
Boat of Garten	H1, C1
Braemar	H1
Carrbridge	H1, ED1
Cromdale	H1, H2
Dulnain Bridge	H1, H2
Kincraig	H1, H2
Nethybridge	H2, C1, ED1
Tomintoul	H1, H2, H3, H4, C1, ED1
Newtonmore	H1, H2

Areas of these sites have been acknowledged as being at high risk of flooding with the site allocation plans. However under the Proposals section of these allocations,

CNPA goes on to specify housing totals for these sites. Eg allocation H1 for the community of Ballater is estimated to provide 250 housing units. SEPA's indicative

River and Coastal Flood Map (Scotland) 0.5% annual probability layer shows the site as being almost totally inundated by this flood event. The site H2 at Braemar is

shown as approximately 40% inundated. SEPA reiterate that they would object to any allocation for development on greenfield sites within the functional floodplain.

Following best practice all sites should be subject to flood risk assessment pre-allocation, and areas shown to be at flood risk should be removed from these

allocations.

Aviemore	H3
Ballater	H1
Braemar	H2
Dalwhinnie	H1, H2, H3
Nethybridge	H1

Additionally SEPA makes the following comments:

Grantown H1 - Although this site is not shown to be at risk on SEPA's flood map a recent planning application to develop part of the site for housing has highlighted

a large area susceptible to flood inundation.



An Camas Mor SEPA has received initial request for information with regard to phase 1 of a housing development on this site. Although the site plans show the

development as being situated outwith the indicative limits of flooding, there are issues with the alignment of access roads through the floodplain.

Reason for objection

SEPA wishes to draw attention to para 42 and 43 of SPP7: planning and flooding.

Summary: The Scottish Executive expects developers and planning authorities to err on the side of caution in decision making whenever flooding is an issue.

Introduction 2: Planning authorities must take the probability of flooding from all sources and the risks involved into account during the preparation of development

plans and in determining planning applications.

Local Planning 42: the potential for sites to flood must be considered during the preparation and review of every local plan. Few, if any local plan areas will be

completely free from the threat of flooding. Flood plains, other land alongside watercourses, land with drainage constraints or otherwise poorly drained, and low

lying coastal land should be assumed to be at risk. The consideration should take into account any areas identified in the Structure Plan, SEPA's indicative flood risk

maps, records of previous floods, other sources and advice from consultees. Flood risk assessments undertaken by developers or agents may also be available,

though planning authorities may wish to validate them. FLAGs should be used to help identify and source the available information. These sources of information

should usually be sufficient for local planning but a specific piece of work may occasionally be needed.

Local Planning 43: Each local plan should

- for watercourse and coastal flooding set out policies and select development sites on the basis of the Risk Framework providing full justification if different

probabilities are chosen;

- consult adjacent authorities where different probabilities raise cross boundary issues;

- indicate the circumstances where a freeboard allowance should apply;

- identify sites or areas constrained by flood risk from other sources;

- safeguard the flood storage capacity of functional flood plains;

- set out policy for SuDS;

- indicate the circumstances when a drainage assessment will be required on grounds of flood risk;

- if appropriate describe where the promotion of managed coastal realignment or restoration of functionality to the flood plain could contribute to more sustainable

flood management and natural heritage objectives; and

- indicate the circumstances when water resistant materials and forms of construction will be appropriate.

While SEPA welcomes the fact that some consideration has been given to flood risk during the consideration of allocation, it is not clear what information was used to

appraise the site information, the examples cited above highlight that SEPA's indicative maps are only one of a number of potential sources of information available

on flood risk.

Furthermore SEPA does not consider that the approach taken to allocations in the local plan accords with the precautionary approach to flood risk promoted in the

National Park Plan (pg 52 objective d).

SEPA recommends that a clear and robust appraisal of all allocations for the potential to be affected by flood risk is undertaken prior to their allocation in the local plan in accordance with the requirements of SPP7.

Suggested modification: SEPA requests that all allocations in the local plan be appraised for flood risk using all appropriate available sources of information as set out

in SPP7 and that allocations shown to be at risk of flooding are removed from the local plan. SEPA is concerned that allocations have been placed in the local plan

which have been identified by CNPA as being at potential risk of flooding with a requirement that a detailed flood risk assessment be undertaken by the applicant at

the planning application stage, SEPA considers this does not provide sufficient clarity to the development industry at an early stage in the development process.

SEPA is concerned that detailed flood risk assessments may show that large proportions of the sites are not suitable for development due to flood risk. SEPA is

therefore concerned that the integrity of these allocations may in fact be brought into question and a developer may have to undergo significant expense at the

planning application stage to produce a FRA which may in fact show that large parts of the site are not suitable for the proposed development. SEPA considers that

the local plan should clearly indicate those parts of the site which, based on the information available at present on flood risk, are unlikely to be suitable for

development or alternatively the plan should indicate those parts of the site which are likely to be suitable for development. SEPA has undertaken further discussions

with CNPA on this matter to provide advice on practical approaches to the further work we are requesting and SEPA notes that CNPA will provide further

information in relation to flood risk shortly. SEPA would be happy to review any further work undertaken to address SEPA's concerns.

#### **CNPA analysis of objections to 1st modifications**

CNPA continue to analyse the sites for proposed development in the local plan against the criteria suggested by SEPA and any modifications considered necessary as

a result of this work will be included by way of second modifications.

#### **Objection maintained**

**Policy/site ref** Policy 13

**Agent Name**

**Objector Ref** Name Bob Garrow  
464b RS Garrow Ltd  
4 Mosspark Avenue  
Milngavie  
Glasgow, G62 8NL

**Company** RS Garrow Ltd

**Summary of objection to Deposit Local Plan**

Suggest that the newer technology fresh water treatment facilities and waste water treatment facilities have much lower effects on the environment and lower energy

use than conventional water treatment methods. For this reason, the local plan should state that preference for new development is the use of these new

technologies rather than the current proposals for a requirement to connect to public water supplies and waste water treatment networks.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. However the policy has been worded to take account of the established legal framework which exists, and other national guidance and

directives. The wording of the policy does not preclude other sources as in f) it allows for some degree of flexibility (under 'reasonable'). It is therefore considered

that a modification is not required as a result of this representation. Confirm policy is intended to ensure the most sustainable use of the resource regardless of the

technology used in this. The proposal for use of modern technologies as described in the rep would therefore be in accordance with this.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

I wish to maintain my comment as the modifications move in the opposite direction from my comment which suggested we encourage the adoption of newer but

proven technology techniques to provide water services. As these newer technologies are more capable they are effectively independent of site conditions and as

they use only modest amounts of energy to process drinking water and waste water their environmental signature is much reduced compared to the methods

preferred in the CNPA Deposit Local Plan. They are also more compact, do not use consumable chemicals, are quicker to install and cheaper to buy and operate.

I recognise that much central public guidance excludes these newer technology techniques.

**CNPA analysis of objections to 1st modifications**

The policy does not preclude the use of modern technology as referred to in the objection. No modification is therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 13  
**Objector Ref** Name M T Collings  
395b Birchfield  
Nethybridge  
PH25 3DD

**Agent Name**

**Company**

**Summary of objection to Deposit Local Plan**

Policy 13 should not rely on SEPA but should be amended to reserve the right to challenge either SEPA or a developer in the light of global warming.

**CNPA analysis of objection to Deposit Local Plan**

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance

regarding flooding and drainage. The issue of flood risk assessments will be reviewed in line with the comments received from SEPA and the appropriate changes will

be made both to the policy wording and settlement proposals where necessary

**Proposed 1st Modification**

Include in b) 'suitably qualified'.

**Response to 1st modification objections**

Thank you for your letter of 22nd May and enclosure. I am grateful for the consideration given to my earlier comments and agree with what you say.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 13  
**Objector Ref** Name The Cairngorms Campaign  
448i PO Box 10037  
Alford  
AB33 BWZ

**Agent Name**

**Company**

**Summary of objection to Deposit Local Plan**

**CNPA analysis of objection to Deposit Local Plan**

**Proposed 1st Modification**

**Response to 1st modification objections**

Regarding Policy 13 on Water Resources, under Sustainable Use of Resources, we welcome the recognition of the importance of protection of the headwaters of the

major river systems. We would point out, however, certain points that should be incorporated into background rationale and thinking for the Local Plan in this

subject area:-

1) The situation where a core mountain mass acts as the source of several diverging major river systems and also house their headwaters is found globally and globally it is recognised that the management of these core areas is important for the welfare of the rest of the catchments of these river systems at a distance. The main Cairngorms massif is a good example of this on a Scottish scale, although the situation also occurs, on a lesser scale, in the mouth within the Park and, further afield in the uplands of southwest Scotland.

2) The Water Framework Directive and derived Scottish national legislation are the major legislation driving this. Para 4.74 asserts that the Local Plan is key to the protection of the river systems. While it is undoubtedly very important in this respect, many of the factors affecting the river systems derive from broader land management, which should be covered by the Park Plan. The tributaries, soils and vegetation of the uplands are increasingly vulnerable to bad practice in landsue, which can in turn affect biodiversity, flooding etc – both of which are covered and linked under the relevant Scottish legislation. This para and associated policies should therefore make clear links between the Park Plan and the Local plan.

3) Para 4.74 states that two major river systems arise in the Central Cairngorms. While there may be quibbles as to what constitutes a major river system, this statement is surely wrong since it omits the Don which is a sizeable river by Scottish standards and arises within the Park and flows through it. It should also be noted that the Don, unlike the Dee and Spey and indeed most Scottish rivers, arises in and flows through relatively base rich geology and derived soils and is comparatively nutrient rich. It is thus ecologically distinct and nationally famous as a brown trout river. The Don also has emerging problems within the Park such as rapidly expanding invasions by giant hogweed and other alien species and apparent major reduction in its salmon and brown trout populations and associated fisheries. At the same time, it has no catchment management plan. Note should therefore be taken of the Don and the river systems arising from the Mounth.

#### **CNPA analysis of objections to 1st modifications**

Reference to management is included in Para 4.74. No further modifications are therefore proposed.

#### **Objection maintained**

<b>Policy/site ref</b>	<b>Policy 13</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Dr A M Jones	
400j	Badenoch and Strathspey Conservation Group	
	Fiodhag	
	Nethybridge	

**Response to 1st modification objections**

Policy 13 - Object. Mains sewerage should be in place before a development goes ahead.

4.74 - Object. It should be clarified that headwaters means the headwaters of all tributaries of the Spey and Dee.

**CNPA analysis of objections to 1st modifications**

The connection to sewers is in line with SEPA guidance and therefore no modification is proposed. The term headwater is defined as 'streams flowing from the

sources of a river'. This is considered to be sufficiently clear. No modifications are therefore proposed.

**Objection maintained****Policy/site ref Policy 13**

**Objector Ref Name** DW and IM Duncan

037c Pineacre  
West Terrace  
Kingussie  
PH21 1HA

**Agent Name****Company****Summary of objection to Deposit Local Plan**

a - Any major development proposals, including those for housing within the Plan should be supported by an assurance of a secured water supply.

c - whilst supportive of the principle, the constraints within Kingussie should be recognised.

d - support.

e - any new developments should be linked to adequate provision for sewage capacity. This again is particularly the case in Kingussie and Newtonmore.

**CNPA analysis of objection to Deposit Local Plan**

The comments are noted. The policy is written to ensure that new developments do not have a significant adverse impact on current hydrology/water environment

and the planning authority has a duty to ensure that all planning proposals comply with this and all other planning policies in the local plan unless there are over

riding reasons for departure. It is therefore considered that the wording addresses the issues raised and therefore no modification is considered necessary as a result

of this representation. Confirm close working relationship with SW and input into their investment programme to ensure it is in line with the local plan.

Also

confirm SW approach to connections and supply.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

Objection maintained.

**CNPA analysis of objections to 1st modifications**

Policy 13 has been largely rewritten following further discussions with SEPA. Additional guidance has also been added to the supporting text. No further modifications are therefore proposed.

**Objection maintained**

<b>Policy/site ref</b>	<b>Policy 14</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Hank Dittmar	
476c	The Prince's Foundation	
	19-22 Charlotte Road	
	London	
	EC2A 3SG	<b>Company</b> The Prince's Foundation

**Summary of objection to Deposit Local Plan**

Include a clause to actively promote the extraction of dimensioned stone for local development and conservation use, provided that it minimises environmental impacts. To help reduce cost and increase usage, the extraction of stone for local uses should be exempt from b) that mineral developments will only be permitted

where no suitable and reasonable alternatives to the material are available.

The sustainable use of timber and other materials such as clay from within the Park for local construction purposes should be encouraged, and provision made

where possible for local processing and working of these materials. Localised construction skills training as part of the larger development proposals should be

encouraged as an additional benefit to the Park.

**CNPA analysis of objection to Deposit Local Plan**

The issue of local materials for local conservation and restoration projects is an interesting one and the wording of the policy will be reviewed to ensure appropriate

provision is made for such extraction.

**Proposed 1st Modification**

Include an additional point in b) to reflect opportunities for sustainable use of materials while also realising the need for economies of scale.

**Response to 1st modification objections**

Thank you for your letter of 18th September. We do not wish to maintain our specific objections.

Whilst the Prince's Foundation's earlier comments and recommendations still stand and although not all of these appear to have been fully reflected in the revised

deposit Local Plan, our specific objections, to mono-functional, land-use zoning have been mitigated by inclusion of the following important qualification under

Settlement Proposals (P61):

"Within these proposal types, mixed uses which support sustainable developments and communities will also be supported where evidence indicates this to be the

most appropriate way to take forward development proposals".

As a matter of emphasis, we would suggest that in principle, mixed use is always the most appropriate way to take forward development, unless evidence suggests otherwise. This is not, however sufficient cause to maintain our objections. Mixed uses places help generate vibrant public realm and reduce dependency on car use.

The Prince's Foundation would still very much welcome the opportunity to contribute to the Park's Sustainable Design Guide, possibly providing suitable case studies or from our experience of 'pattern books'.

Overall the revised Deposit Plan reads as a carefully balanced document and we look forward to working with the National Park Authority and other stakeholders towards the achievement of its vision

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 14

**Agent Name**

**Objector Ref** Name Nicola Abrams

399f SEPA  
Greyhope House  
Greyhope Road  
Torry, Aberdeen

**Company** SEPA

**Summary of objection to Deposit Local Plan**

The wording appears to presume against minerals recycling developments, unless there are social and economic benefits and no reasonable alternatives. The

"recycling" of aggregates would in principle normally be encouraged (e.g. crushing of used stone/demolition waste etc) in waste management terms as making a useful

product out of waste and being a sustainable practice which minimises the use of raw materials in accordance with the principles of the National Waste Strategy.

The supporting text appears to relate to extraction of new mineral resources therefore it is not clear why the term recycling is introduced. The policy should be

reworded and the word recycling removed.

**CNPA analysis of objection to Deposit Local Plan**

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text including recycling. The

wording will also be reviewed to ensure it is clear, and supported by the necessary detail to allow assessment and implementation by users. However the policy does

refer to new development rather than existing sites.



### **Proposed 1st Modification**

No modification proposed.

### **Response to 1st modification objections**

SEPA maintains its objection to the wording of the policy which appears to presume against materials recycling developments, unless there are social and economic

benefits and no reasonable alternatives.

The 'recycling' of aggregates would in principle normally be encouraged (eg crushing of used stone/demolition waste etc) in waste management terms as making a

useful product out of waste and being a sustainable practice which minimises the use of raw materials in accordance with the principles of the National Waste

Strategy. The supporting text appears to relate to extraction of new material resources therefore it is not clear why the term recycling is introduced.

In line with SPP4 and the general waste hierarchy SEPA considers the maximisation of recycling and reuse should be a guiding principle of any minerals policy.

Suggested modification - SEPA requests that the Policy be reworded and the word recycling removed.

### **CNPA analysis of objections to 1st modifications**

The reference to recycling will be removed in the 2nd modifications.

### **Objection maintained**

**Policy/site ref** Policy 14

**Agent Name**

**Objector Ref** Name Susan Davies

4651 Scottish Natural Heritage  
Great Glen House  
Leachkin Road  
Inverness

**Company** Scottish Natural Heritage

### **Summary of objection to Deposit Local Plan**

Suggest splitting the policy into subparts, and to list those applicable to a greater number of development proposals (eg soils) before those applicable to fewer

proposals (eg commercial peat extraction).

4.68 - Make clear that as well as being important natural resources, soils, minerals and peat are also important components of the Park's special natural and cultural heritage qualities.

4.76 - Suggest this para is at odds with Policy 14 which indicates that new commercial peat extraction will not be permitted.

### **CNPA analysis of objection to Deposit Local Plan**

The comments regarding layout are noted and the policy will be reviewed accordingly to ensure it is clear, reasonable and delivers the aims of the policy as detailed

in the supporting text. The wording will also be amended to ensure it is not contradictory, and to add additional information where necessary to clarify issues such

as components important to the natural and cultural heritage of the Park.

**Proposed 1st Modification**

Amend layout to add numbers and to put Soil 1st

4.84 clarify role of soils to natural and cultural heritage

4.91 change 'hew' to 'further'. Add 'from existing sites' after extraction .

**Response to 1st modification objections**

No further representation received regarding this issue.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

Policy/site ref	Policy 14	Agent Name
<b>Objector Ref</b>	<b>Name</b>	
020g	Dr A Watson Clachnaben Crathes, Banchory Kincardineshire AB31 5JE	
		<b>Company</b>

**Summary of objection to Deposit Local Plan**

Include the reference to alternative sites elsewhere in the plan to support this idea.

In ii) define 'outweighed'

In final para of Policy include 'vegetation'

In 4.73 note that soil plants and soil animals are microbial. Ensure that summary statements on scientific technical issues are accurate.

In 4.74 grammar error - 'its' should be 'their'. Replace 'balance' with 'characteristics'. Use 'affects' rather than 'impact'.

In 4.75 Include reference to 'suitable alternatives' in previous policies.

**CNPA analysis of objection to Deposit Local Plan**

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text. The wording will also be

reviewed to ensure it is clear, and supported by the necessary detail to allow assessment and implementation by users.

**Proposed 1st Modification**

Revise wording in policy 14 and supporting text to clarify impact of development on soils and mineral resources.

**Response to 1st modification objections**

Objection maintained.

**CNPA analysis of objections to 1st modifications**

Additional clarity has been included in para 4.84 and 4.85. No further modifications therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 14

**Agent Name**

**Objector Ref** Name John Anderson  
463k Kincaig and Vicinity Community Council  
Goldenacre, Dunachton Road  
Kincaig, Kingussie  
PH21 1QE

**Company** Kincaig and Vicinity Community Council

**Summary of objection to Deposit Local Plan**

Support Alvie estate view on this policy

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. The issue will be considered under the Alvie representation. No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

No further action as a result of this comment.

**Response to 1st modification objections**

Soil and Peat – not generally a matter of KVcc area.

Minerals – not generally a matter of concern in the KVCC area.

We recognise the points made by Alvie Estate and give support for mineral workings which help to diversify the tourist dominated economy provided the works can

be suitably screened. When worked out, these sites may then be suitable for other economic activity where noise, dust or whatever might be a problem. The

'presumption against new etc' should be changed to 'new mineral extraction will be supported where'. It is also important to take account of market demand outwith

the Park as this will help to improve viability and the provision of employment.

**CNPA analysis of objections to 1st modifications**

a) the plan has included additional references to economic growth and diversity but the development of new peat extraction is not in line with aims to reduce carbon

emissions, encourage sustainable use of valuable and limited resources and does link to the 4 aims of the Park.

b) the wording of the policy allows for local use, and where it is needed for restoration of built heritage. The rewording suggested is not considered to improve on

the wording included.

No modifications are therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 14

**Agent Name**

**Objector Ref** Name Sarah Jane Laing  
429q SRPBA

Stuart House  
Eskmills  
Musselburgh, EH21 7PB

**Company** SRPBA

**Summary of objection to Deposit Local Plan**

The policy should encourage the use of local preferably from close to the site. The approach to mineral extraction should be more flexible as extraction of some

minerals causes less damage than others. This approach is seen as curtailing economic development. It should be judged against the impact on the 1st aim of the

**CNPA analysis of objection to Deposit Local Plan**

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text. The wording will also be

reviewed to ensure it is clear, and supported by the necessary detail to allow assessment and implementation by users.

**Proposed 1st Modification**

Include an additional point in b) to reflect opportunities for sustainable use of materials while also realising the need for economies of scale.

**Response to 1st modification objections**

We are happy to withdraw all but one of our formal objections as believe that majority of them have been addressed by the modifications, or by clarity of issues in

supporting text. The only one we would like to continue with is in relation to policy 1 where we still think that there should be support for projects which provide

social or economic benefits of local as well as national importance.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 14

**Agent Name**

**Objector Ref** Name Dr A M Jones

400f(h) Badenoch and Strathspey Conservation Group

Fiodhag

Nethybridge

PH25 3DJ

**Company** Badenoch and Strathspey Conservation Group

**Summary of objection to Deposit Local Plan**

Replace "Proposals ...will only be permitted" (para. 1) to "may only be permitted".

Replace "Development ..will only be permitted" (para. 5) to "may only be permitted".

Support restrictions on peat extraction and soil management.

**CNPA analysis of objection to Deposit Local Plan**

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text. The wording will also be

reviewed to ensure it is clear, and supported by the necessary detail to allow assessment and implementation by users. Confirm that the wording is clear is presented, and the use of 'may' would create ambiguity. The term 'will' does not imply that permission will be granted as any development will have to comply with all the policies in the plan as explained in the Introduction.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

No additional representation included regarding this issue.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 14  
**Objector Ref** Name Muir Homes Ltd  
038g

**Agent Name** Malcolm Smith  
TMS Planning and Development Services  
Balclune, 32 Clune Road  
Gowkhall, Fife  
KY12 9NZ  
**Company**

**Summary of objection to Deposit Local Plan**

**CNPA analysis of objection to Deposit Local Plan**

**Proposed 1st Modification**

**Response to 1st modification objections**

Policy 14 is not objected to on the basis that necessary disturbance relates to the reasonable development of the site and is not another means of restricting/preventing development in areas allocated for that purpose. This is also based on the recognition that some disturbance to peat deposits may be required

in order to allow the reasonable development of a site.

Paragraph 4.98 it should be established whether the Sustainable Design Guide forms part of the emerging local plan in order that its contents may form part of the

consultation/representation process. In the event that this document is not part of the plan then its status is limited.

**CNPA analysis of objections to 1st modifications**

The wording of the representation is noted, and it is in line with the wording of the policy. The representation correctly identifies that the policy is not intended to

hamper appropriate development which minimises disturbance in the process of the development process. The sustainable design guide will form supplementary

guidance to support the plan and will be consulted upon accordingly. No further action required.

**Objection maintained**

**Policy/site ref** Policy 14

**Agent Name**

**Objector Ref** Name Jamie Williamson  
4391 Alvie and Dalraddy Estate  
Alvie Estate Office  
Kincaig, Kingussie  
PH21 1NE

**Company** Alvie and Dalraddy Estate

### **Summary of objection to Deposit Local Plan**

The Plan should encourage the development of mineral extraction and processing where such activities can diversify and enhance the economy. In meeting its

obligations regarding cultural heritage, some reopening of workings may be necessary and masonry skills re-learnt to work on traditional buildings in the Park. It is

also more environmentally beneficial to extract and process close to point of use.

The extraction of peat is also part of our cultural heritage and is more sustainable than burning coal or oil.

Amended wording –

In intro – delete ‘only be permitted’ and add ‘encourage’

In a) after ‘demonstrate’ add ‘local demand for the material extracted or processed’ Delete ‘the market within the Cairngorms National Park where the extracted or

processed material will be used or provide other social or economic benefits’

In b add new section ‘No suitable and reasonable alternatives to the material are available’

In c) add new section ‘There are social or economic benefits that outweigh any detrimental impacts to the Park’.

After iii) delete ‘Proposals for new areas of commercial mechanised peat extraction will not be permitted’

### **CNPA analysis of objection to Deposit Local Plan**

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text. Confirm that tone of

policy must take into account the 4 aims of the Park and the need to protect resources, whilst allowing sufficient flexibility to take forward an appropriate level of development.

### **Proposed 1st Modification**

No modifications proposed as result of this objection.

### **Response to 1st modification objections**

a) Soil and Peat

Development should ... of the same.

(Proposals for new areas of commercial mechanised peat extraction will not be permitted.)

b) Minerals

(There will be a presumption against proposals for) new mineral extraction, processing or recycling developments, or extensions to existing mineral developments

(unless) will be encouraged where the development will satisfy local demand, provide social or other benefits including minimising delivery miles for produce or contribute to the cultural or built environment of the Park.

The economy within the Park is already dangerously over dependent on tourism and government. The Park has some valuable mineral resources including sand, gravel, granite, schist and slate that are of both economic and cultural importance. The Park should encourage and not preclude the development of mineral extraction and processing where such activities can diversify and enhance the economy. Peat extraction and use as a fuel is part of our cultural heritage. If the Park is to conserve and enhance the area's cultural heritage further small scale peat extraction for use as a fuel should be allowed. If the Park is to meet the aim of conserving and enhancing the built cultural heritage of the Park area, slate, granite and schist workings will need to be reopened and stone processing and masonry skills re-learned to supply the materials from which traditionally buildings and bridges within the Park were built. Rock armour, sand, gravel and aggregates are relatively expensive to haul long distances. It is more environmentally beneficial if these minerals are extracted and processed close to their point of use. The Park includes mineral resources such as granite and slate that can be used as a valuable raw material for value added products such as quoins, kerbs and setts, monuments and stone dykes capable of being used both within the Park and exported elsewhere replacing imported products. Such development should be encouraged.

#### **CNPA analysis of objections to 1st modifications**

- a) the plan has included additional references to economic growth and diversity but the development of new peat extraction is not in line with aims to reduce carbon emissions, encourage sustainable use of valuable and limited resources and does link to the 4 aims of the Park.
- b) the wording of the policy allows for local use, and where it is needed for restoration of built heritage. The rewording suggested is not considered to improve on the wording included. No modifications are therefore proposed.

#### **Objection maintained**

**Policy/site ref** Policy 14  
**Objector Ref** Name Glenmore Properties Ltd  
453f Viewfield Farm

**Agent Name** Steve Crawford  
Halliday Fraser Munro  
8 Victoria Street

Craigellachie  
Aberlour  
AB38 9QT

Aberdeen  
AB10 1XB  
**Company** Glenmore Properties Ltd

### **Summary of objection to Deposit Local Plan**

The wording suggests that any extraction, processing or recycling developments will only be acceptable if there is a market within the Park, where there are social or

economic benefits or there no suitable alternative exists. Surely the use of existing facilities must be better than creating new ones elsewhere.

Extensions should

therefore be possible even where the market is not wholly within the park. The wording should be amended to reflect this.

### **CNPA analysis of objection to Deposit Local Plan**

The policy will be reviewed to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text. The wording will also be reviewed to

ensure it is clear, and supported by the necessary detail to allow assessment and implementation by users. The issue of local materials for local use particularly in

conservation and restoration projects is also an interesting issue and the wording of the policy will be reviewed to ensure appropriate provision is made for such extraction.

### **Proposed 1st Modification**

Include an additional point in b) to reflect opportunities for sustainable use of materials while also realising the need for economies of scale.

### **Response to 1st modification objections**

Maintain objection.

### **CNPA analysis of objections to 1st modifications**

The issue of providing for a market elsewhere is not accepted in regard to the aims of the Park. An additional option has been added to allow for some extraction to

meet a particular sector of the market. No further modifications are proposed.

### **Objection maintained**

**Policy/site ref** Policy 14

**Agent Name**

**Objector Ref** Name Alison Hogg

473h Aberdeenshire Council, Planning and Development

Woodhill House

Westburn Road

Aberdeen, AB16 5GB

**Company** Aberdeenshire Council

### **Summary of objection to Deposit Local Plan**

Welcome the inclusion of information on soils.

Suggest replacing 'earth' with 'minerals' as this is the commonly used terminology and accords with National Policy.

Concern expressed over the reference to the need for a market within the Park for recycled materials. This could be a limitation for a business



located in the more accessible areas of the Park, and who want to produce recycled goods for a wider market.

**CNPA analysis of objection to Deposit Local Plan**

The rewording suggested is noted and the appropriate modification will be made. The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text.

**Proposed 1st Modification**

Include Minerals in the title

Include an additional point in b) to reflect opportunities for sustainable use of materials while also realising the need for economies of scale.

**Response to 1st modification objections**

We write with reference to your letter dated 18th Sept 2008, concerning the above subject. As stated in our previous letter dated 5th October 2007, Aberdeenshire Council does not object to the deposit local plan. Our previous letter did include a number of comments that we recommend being taken forward in

the deposit local plan. These comments/recommendations should not be treated as objections to the plan.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 14

**Agent Name**

**Objector Ref** Name Robert Maund

434g Scottish Council for National Parks  
The Barony  
2 Glebe Road  
Kilbirnie, Ayrshire

**Company** Scottish Council for National Parks

**Summary of objection to Deposit Local Plan**

The wording would be clearer in its intent if it expressed a general presumption against new mineral workings "unless etc". It is difficult to conceive of a situation

where no suitable or reasonable alternatives are available to meet the limited development demands of the Park.

**CNPA analysis of objection to Deposit Local Plan**

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text.

**Proposed 1st Modification**

The tone of the intro sentence will be changed to reflect the 'presumption against'.

**Response to 1st modification objections**

Objection maintained as in 434a.

**CNPA analysis of objections to 1st modifications**

The tone of the policy has been amended. No further modifications are therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 14  
**Objector Ref** Name Simon Blackett  
442e The Estate Office  
4 The Keiloch  
Braemar  
A835 51W

**Agent Name**

**Company** Invercauld Estate

**Summary of objection to Deposit Local Plan**

Provision must be included to allow the re-opening of former quarries where a local need can be identified and is economically viable. Any requirement to use local stone may impact on the overall cost of the development and the provision of affordable housing.

**CNPA analysis of objection to Deposit Local Plan**

The issue of local materials for local use particularly in conservation and restoration projects is an interesting one and the wording of the policy will be reviewed to ensure appropriate provision is made for such extraction.

**Proposed 1st Modification**

Include an additional point in b) to reflect opportunities for sustainable use of materials while also realising the need for economies of scale.

**Response to 1st modification objections**

OK I agree to withdraw any objections

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 14  
**Objector Ref** Name John Forbes-Leith Esq  
418c Dunachton Estate

**Agent Name** Debbie Mackay  
Smiths Gore  
12 Bernard Street  
Edinburgh  
EH6 6PY

**Company** Dunachton Estate

**Summary of objection to Deposit Local Plan**

The policy is too restrictive and contradictory. The wording should be refined to allow for forms of mineral extraction which do not cause significant damage for wider usage.

**CNPA analysis of objection to Deposit Local Plan**

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text. The wording

will also be

reviewed to ensure it is clear, and supported by the necessary detail to allow assessment and implementation by users.

**Proposed 1st Modification**

Include an additional point in b) to reflect opportunities for sustainable use of materials while also realising the need for economies of scale.

**Response to 1st modification objections**

Objection maintained.

**CNPA analysis of objections to 1st modifications**

The final para refers to workable reserves rather than new extraction. An additional criteria has been added to allow for some additional extraction.

No further

modifications are proposed.

**Objection maintained**

**Policy/site ref** Policy 14

**Agent Name**

**Objector Ref** Name Mrs Jane Angus

437h Darroch Den  
Hawthorn Place  
Ballater  
AB35 5QH

**Company**

**Summary of objection to Deposit Local Plan**

Advice from local sources should be included in the policy. The impact of extracting local minerals on transport and natural heritage should be recognised.

**CNPA analysis of objection to Deposit Local Plan**

The issue of local materials for local use particularly in conservation and restoration projects is an interesting one and the wording of the policy will be reviewed to

ensure appropriate provision is made for such extraction. Advice on materials is available from staff within CNPA . Confirm we are working on a green directory for this purpose.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

response received - need to confirm actual position regarding formality of objection

**CNPA analysis of objections to 1st modifications**

response received - need to confirm actual position regarding formality of objection

**Policy/site ref**

**Policy 14**

**Agent Name**

**Objector Ref** 472c  
**Name** Fred Mackintosh  
The Highland Council

**Company** The Highland Council

**Summary of objection to Deposit Local Plan**

Policy supported.

**CNPA analysis of objection to Deposit Local Plan**

No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

No further representation made from THC.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 14

**Objector Ref** 424j  
**Name** Ian Francis

RSPB Scotland  
East Regional Office  
10 Albyn Terrace  
Aberdeen, AB10 1YP

**Agent Name**

**Company** RSPB Scotland

**Summary of objection to Deposit Local Plan**

While supporting this there should be a cross reference to policies 2-6.

**CNPA analysis of objection to Deposit Local Plan**

The policy should be read in conjunction with the other policies in the plan and additional information will be included to ensure that users of the local plan are

clear that all policies must be taken into account in all applications for development. All policies in the plan are to be used together as explained in the introduction to the Plan.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

No further comments added.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 14

**Objector Ref** Name Nicola Abrams

399SEA(h)

SEPA

Greyhope House

Greyhope Road

Torry, Aberdeen

**Agent Name**

**Company** SEPA

**Summary of objection to Deposit Local Plan**

How will policy 14 have a significant positive effect on objective 9 (sustainable use of resources) as the policy could be seen to discourage recycling.

**CNPA analysis of objection to Deposit Local Plan**

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text including recycling. The

wording will also be reviewed to ensure it is clear, and supported by the necessary detail to allow assessment and implementation by users. Issues picked up in

policy 18 on design of development, and will be further developed in the sustainable design guide.

**Proposed 1st Modification**

No modifications required.

**Response to 1st modification objections**

No further comments regarding the SEA received in the submission on the modifications.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 14

**Objector Ref** Name The Crown Estate

419c

**Agent Name** Debbie Mackay

Smiths Gore

12 Bernard Street

Edinburgh

EH6 6PY

**Company** The Crown Estate

**Summary of objection to Deposit Local Plan**

The policy is too restrictive and contradictory. The wording should be refined to allow for forms of mineral extraction which do not cause significant damage for

wider usage.

### **CNPA analysis of objection to Deposit Local Plan**

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text.

### **Proposed 1st Modification**

Clarify in b) when mineral extraction may be considered.

### **Response to 1st modification objections**

Objection maintained.

### **CNPA analysis of objections to 1st modifications**

The final para refers to workable reserves rather than new extraction. An additional criteria has been added to allow for some additional extraction. No further modifications are proposed.

### **Objection maintained**

**Policy/site ref** Policy 14, 24

**Agent Name**

**Objector Ref** Name Amanda Howard  
414b Development Services  
The Moray Council  
High Street  
Elgin, IV30 1BX

**Company** The Moray Council

### **Summary of objection to Deposit Local Plan**

The wording of some policies required additional information to be sought by development control staff, but it is unclear when such information should be asked for.

On what basis would planners question any evidence submitted? Examples include policies 14 and 26

### **CNPA analysis of objection to Deposit Local Plan**

Further work is needed to clarify how policies will be implemented through the development management process. It is proposed to produce a series of working practice notes for use by staff across the 4 local authorities and the CNPA to ensure a consistent approach is taken.

### **Proposed 1st Modification**

No modifications proposed.

### **Response to 1st modification objections**

MAINTAIN OBJECTION to Policy 14 and Policy 24 (formerly Policy 26)

- General Additional Workload Concerns: We are still concerned about the general workload implications of the Plan. For example, Policy 21 has a requirement for affordable housing contributions in the form of cash payments for 1 and 2 houses. We have concerns about the workload involved in administering this element of a policy, which is significantly different from the current policy situation.
- Policy 14: No further guidance has been given regarding how Development Management officers might implement this policy in terms of the quality of evidence

required to be submitted or the means to question it meaningfully. To address this objection a definition of 'locally' could be provided and a commitment made by the Park Authority to bring together a map of all quarries (mineral and soil resources) across local authority areas to allow meaningful assessment of alternatives.

•Policy 24 (formerly Policy 26): Clarification of a number of points of the policy through modifications is welcomed. In particular, we welcome the clarification, within

the supporting text, that applicants will need to make 'a business case' in order to support their application. However, we wish to maintain our objection, requesting

that the following be addressed:

•Supporting evidence: For consistency and clarity, section 5.69, final sentence, should be expanded to begin 'A business case, verified by independent experts within

the relevant business field, must also...'. It is suggested that this statement could be supported by an example 'e.g. a supporting case made to the local enterprise company.'

•Storage of evidence: The evidence required to meet the criteria under this policy is likely to include sensitive fiscal and personal details. This kind of evidence will be

difficult to 'store', particularly with E-Planning on the horizon, and is likely to present a conflict between Data Protection and Freedom of Information (as to how decisions were made).

•Definition: In section 5.67, the first sentence asks applicants to demonstrate that 'other sites...have all been considered and discounted'. This statement needs to be

clarified in terms of what definition of 'in the area' is to be used as the basis for this consideration, otherwise the terms appear to be overly onerous and unachievable.

### **CNPA analysis of objections to 1st modifications**

The intention remains to produce protocol notes to clarify for internal use, how the policies are to be implemented. This position has not changed.

No further

modifications are therefore proposed.

### **Objection maintained**

**Policy/site ref** Policy 15

**Objector Ref** Name Nicola Abrams

399SEA(i)

SEPA

Greyhope House

Greyhope Road

Torry, Aberdeen

**Agent Name**

**Company** SEPA

### **Summary of objection to Deposit Local Plan**

SEPA accepts the results of the assessment in regard to Policy 15.

### **CNPA analysis of objection to Deposit Local Plan**

No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

No further comments regarding the SEA received in the submission on the modifications.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

<b>Policy/site ref</b>	<b>Policy 15</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Nicola Abrams	
399g	SEPA	
	Greyhope House	
	Greyhope Road	
	Torry, Aberdeen	<b>Company</b> SEPA

**Summary of objection to Deposit Local Plan**

Object to the term "Investigations and assessments". For clarity site specific risk assessments should be specifically referred to and point a) should be amended to refer to this.

Also the wording should clarify that SEPA's role is to provide advice to Local Authorities primarily with respect to the water environment aspects of the identification and treatment of contaminated sites. Para 4.79 should be amended to more clearly reflect SEPA's role in the contaminated land regime

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. In a) the wording will be revised accordingly. In para 4.79 the wording will also be amended to better reflect the role of SEPA in this regard.

**Proposed 1st Modification**

a) will be amended to refer to site specific risk assessments.

4.94 will be amended to clarify the role of SEPA

**Response to 1st modification objections**

Accept - withdraw objection conditional upon modification being made.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**



<b>Policy/site ref</b>	<b>Policy 15</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Mrs Jane Angus	
437i	Darroch Den	
	Hawthorn Place	
	Ballater	
	AB35 5QH	<b>Company</b>

**Summary of objection to Deposit Local Plan**

The contamination caused by garages should be identified in the policy.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted but it is considered that the wording of the policy covers the issue raised. The wording of the policy ensures that any site with known or suspected contamination must be assessed, and this would include sites such as garages. No modification considered necessary as a result of this representation.

Confirm that the policy covers the issue raised.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

response received - need to confirm actual position regarding formality of objection

**CNPA analysis of objections to 1st modifications**

response received - need to confirm actual position regarding formality of objection

<b>Policy/site ref</b>	<b>Policy 16</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Ian Francis	
424k	RSPB Scotland	
	East Regional Office	
	10 Albyn Terrace	
	Aberdeen, AB10 1YP	<b>Company</b> RSPB Scotland

**Summary of objection to Deposit Local Plan**

Para 4.83 should begin with: "The outstanding qualities of the Park are incompatible with the development of large-scale energy production schemes".

**CNPA analysis of objection to Deposit Local Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan

and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the

area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is

available for  
developers, and the Plan is easy to understand and use.

**Proposed 1st Modification**

4.99 refer to outstanding qualities.

**Response to 1st modification objections**

No further comments added.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 16

**Agent Name**

**Objector Ref** Name Anne MacNamara, Planning Directorate  
422m Scottish Government  
Victoria Quay  
Edinburgh  
EH6 6QQ

**Company** Scottish Government

**Summary of objection to Deposit Local Plan**

Is the reference to "sustainability credentials" of proposals a reference to the Sustainable Design Guide as mentioned in paragraph 85.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted and additional information to clarify will be added to the detail contained within the Sustainable Design Guide and the supporting text to policy 17.

**Proposed 1st Modification**

4.98 clarify link to sustainable design guide.

**Response to 1st modification objections**

No additional comments included.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 16

**Agent Name**

**Objector Ref** Name Gemma Grimes  
427 BWEA  
Renewable Energy House

1 Aztec Row, Berners Road  
London, N1 0PW

**Company** BWEA

**Summary of objection to Deposit Local Plan**

While supporting the approach, the Plan should include a brief outline of the different forms of technology and encourage all forms of renewable energy. In addition there should be an additional policy for the mandatory requirement for all new developments and renovations to provide electricity for at least 15% of the need through on site renewables. Additionally, a policy regarding sustainable design and construction methods and energy efficiency so increasing energy efficiency in the existing and new building stock.

**CNPA analysis of objection to Deposit Local Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly. Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use. Confirm all policies must be read together. Policy 18 and 19 relate to sustainable development and carbon emissions.

**Proposed 1st Modification**

Remove the reference to small and micro, and clarify the need for SPG to provide the appropriate level of guidance.

**Objection maintained**

**Policy/site ref** Policy 16  
**Objector Ref** Name The Crown Estate  
419d

**Agent Name** Debbie Mackay  
Smiths Gore  
12 Bernard Street  
Edinburgh  
EH6 6PY

**Company** The Crown Estate

**Summary of objection to Deposit Local Plan**

The policy should not exclude larger schemes which can be important economically for communities. 'Small scale' and 'micro' should be removed from the wording.

**CNPA analysis of objection to Deposit Local Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use.

#### **Proposed 1st Modification**

Remove the reference to small and micro, and clarify the need for SPG to provide the appropriate level of guidance.

#### **Response to 1st modification objections**

Objection maintained. Additional specific objection to Para 4.99 -

My client objects to the continued refusal of the Park Authority to consider large scale energy production such as commercial wind farms. It is considered that the

automatic exclusion of all wind farms from the Park Area is in itself incompatible with the Park's four aims, particularly;

- b) To promote sustainable use of natural resources of the area and
- d) To promote sustainable economic and social development of the area's communities.

The siting and design of wind farms has become increasingly sophisticated and given current and projected energy problems and the requirement to produce energy in a more sustainable way, it is unacceptable for the Park Authority to reject wind farm development on a blanket basis across the Park without allowing sensitive and carefully designed proposals to come forward which could benefit local communities, and contribute to the minimisation of climate change. It is unacceptable for the Park Authority to exempt the Park from playing its part in the challenge facing the entire world to tackle global warming and fuel scarcities.

Wind farms can promote sustainable development of local economies through innovative use of community trust funds. The rentals they provide to farmers and landowners are a very beneficial form of diversification of the rural economy which is usually re-invested in the local economy. Frequently the land management and mitigation measures which accompany wind farms can produce significant benefits for nature conservation.

Proposed amendment - Paragraph 4.99 of this policy should be altered to read;

"Whilst the National Park Authority is supportive of the drive to minimise climate change, it is considered that the National Park status of the Park, together with the numerous natural heritage designations contained within it and the duty placed on the National Park Authority under international and national statutory obligations to protect its many special and outstanding qualities, make it an area where the development of large scale energy production schemes such as commercial wind farms will be carefully assessed in order to maximise local community benefit and positive environmental impacts and minimise

impact on the  
landscape and environment.”

#### **CNPA analysis of objections to 1st modifications**

The reference to small scale and micro has been removed as requested by the original objection. The approach taken regarding large scale wind farms remains in line

with the Government view regarding National Parks. No additional modifications are therefore proposed.

#### **Objection maintained**

**Policy/site ref** **Policy 16**

**Agent Name**

**Objector Ref** **Name** Nicola Abrams

399h

SEPA

Greyhope House

Greyhope Road

Torry, Aberdeen

**Company** SEPA

#### **Summary of objection to Deposit Local Plan**

The wording of the policy should ensure proposals are required to consider impacts on the environment and ensure no detrimental impact. Even small scale energy

generation proposals (wind farms and micro-hydropower schemes) have the potential to have detrimental impacts on the environment. The policy should be

reworded to include requirements for development not to result in detrimental impacts on the environment. Reference should also be made in the background and

justification text to the need to comply with the requirements of the EC Water Framework Directive and the Water Environment (Controlled Activities) (Scotland)

Regulations 2005 (CAR). Reference should also be made to energy from waste in this policy or supporting text.

#### **CNPA analysis of objection to Deposit Local Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan

and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the

area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for

developers, and the Plan is easy to understand and use. Confirm all policies must be read together.

#### **Proposed 1st Modification**

Remove the reference to small and micro, and clarify the need for SPG to provide the appropriate level of guidance.

#### **Response to 1st modification objections**

SEPA welcomes the inclusion of a policy in the Local Plan promoting small scale renewable energy generation as a means of reducing climate change. However SEPA objects to the wording of the policy as it implies that renewable energy schemes will only be acceptable if they have no detrimental impacts on the environment. the policy now implies renewable energy schemes will only be acceptable if they have no detrimental impacts on the environment. SEPA wishes to highlight that even small scale energy generation proposals (wind farms and micro-hydropower schemes) have the potential to have detrimental impacts on the environment.

Suggested modification - SEPA requests that the 2nd para of the policy is reworded as follows:  
'Development, including any ancillary works, will be sited and designed to have no significant adverse visual or landscape impact, including any cumulative impact, caused as a result of energy generation, transmission or distribution measures, and will not have any adverse impact on the amenity of neighbouring properties or any unacceptable detrimental impact on the environment.'

**CNPA analysis of objections to 1st modifications**

The proposed change to the 2nd para is accepted and will be included as a further modification.

**Objection maintained**

<b>Policy/site ref</b>	<b>Policy 16</b>	<b>Agent Name</b>
<b>Objector Ref</b> 437j	<b>Name</b> Mrs Jane Angus Darroch Den Hawthorn Place Ballater AB35 5QH	<b>Company</b>

**Summary of objection to Deposit Local Plan**

With peat extraction a full archaeological study should be included to below bronze age field levels.

**CNPA analysis of objection to Deposit Local Plan**

The comments regarding archaeology interests are noted. Reference should be made to Policy 9 which protects such resources. No modification considered necessary as a result of this representation.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

response received - need to confirm actual position regarding formality of objection

**CNPA analysis of objections to 1st modifications**

response received - need to confirm actual position regarding formality of objection

**Policy/site ref**                      **Policy 16**                      **Agent Name**

**Objector Ref**    **Name** Mairi Maciver  
025i                      Communities Scotland  
                            Urquhart House  
                            Beechwood Park  
                            Inverness, IV2 3BW

**Company** Communities Scotland

**Summary of objection to Deposit Local Plan**

Support for policies 16, 17, 18 and 19. Suggest amending Policy 16, first sentence, to read "... complement the sustainability of a development." to focus clearly on sustainability and not on perception.

**CNPA analysis of objection to Deposit Local Plan**

The comments are noted and the appropriate amendments will be made to the wording to clarify the position.

**Proposed 1st Modification**

Change wording of 1st sentence to 'a development'.

**Response to 1st modification objections**

Your message to housing colleagues in relation to the proposed modification has been passed to me as I co-ordinated the Scottish Government response to the consultation. Our comments were sent to Karen Major yesterday and are attached below.

**CNPA analysis of objections to 1st modifications**

Considered under objection 422. No further action required.

**Objection withdrawn**

**Policy/site ref**    **Policy 16**  
**Objector Ref**    **Name** Rona Main  
425z                      Scottish Enterprise Grampian  
                            27 Albyn Place  
                            Aberdeen  
                            AB10 1DB

**Agent Name** Steve Crawford  
Halliday Fraser Munro  
8 Victoria Street  
Aberdeen  
AB10 1XB  
**Company** Scottish Enterprise Grampian

**Summary of objection to Deposit Local Plan**

**CNPA analysis of objection to Deposit Local Plan**

**Proposed 1st Modification**

**Response to 1st modification objections**

Policy 16 Energy Generation policy committed to renewable energy and opportunities for large scale developments such eg: Biomass is welcomed.

**CNPA analysis of objections to 1st modifications**

The support is welcomed. No further action is required.

**Objection maintained**

**Policy/site ref** Policy 16

**Agent Name**

**Objector Ref** Name Dr A M Jones

400f(i) Badenoch and Strathspey Conservation Group  
Fiodhag  
Nethybridge  
PH25 3DJ

**Company** Badenoch and Strathspey Conservation Group

### **Summary of objection to Deposit Local Plan**

Generally support small scale renewable energy schemes. However the policy should also ensure no significant adverse effects in regard to:

- Impacts on birds and bats, for example of turbines, transmission lines and masts;
- Impacts of access roads, including on vegetation, soils and watercourses as well as on access;
- Disturbance or pollution of watercourses;
- Loss of wild land characteristics;
- Noise and light pollution;
- Decommissioning issues.

### **CNPA analysis of objection to Deposit Local Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan

and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the

area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for

developers, and the Plan is easy to understand and use. Confirm all policies must be read together and issues affecting those listed will be considered under those policies.

### **Proposed 1st Modification**

Remove the reference to small and micro, and clarify the need for SPG to provide the appropriate level of guidance.

### **Response to 1st modification objections**

4.100 - Object. - In the last sentence a reference should be inserted to potential negative impact on reduction, reuse and recycling of waste as a further key consideration.

### **CNPA analysis of objections to 1st modifications**

The paragraph is intended to give a supportive stance to reduction, reuse and recycle and the objection would detract from this aim. No modification is therefore proposed.



## Objection maintained

<b>Policy/site ref</b>	<b>Policy 16</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b> Dr Alister Scott	
477f	University of Aberdeen Department of Geography and Environment Elphinstone Road Aberdeen	<b>Company</b>

### Summary of objection to Deposit Local Plan

Definitions need to be included for clarity, which should reflect SPP6. Greater clarification also needs to be included regarding small scale schemes. The Park needs to state what form of development it would want.

### CNPA analysis of objection to Deposit Local Plan

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly. Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use.

### Proposed 1st Modification

Remove the reference to small and micro, and clarify the need for SPG to provide the appropriate level of guidance.

### Response to 1st modification objections

Hello and apologies for not replying sooner. I have resigned from my job in order to take up a new position in New Zealand and the issues with this have rather been at the forefront of my mind. My principal concerns lay with the landscape section of the plan and i am glad to see that the revisions strengthen this considerably. Specific reference could be made and indeed should be made to the European landscape Convention as justification.

I therefore have no outstanding objections. I do still have some comments and at this stage wonder if they have to be formed in the form of an objection. Perhaps a short written response would be OK

### CNPA analysis of objections to 1st modifications

No further action required.

### Objection withdrawn

**Policy/site ref** Policy 16  
**Objector Ref** Name DW and IM Duncan  
037d Pineacre  
West Terrace  
Kingussie  
PH21 1HA

**Agent Name**

**Company**

**Summary of objection to Deposit Local Plan**

What is small scale?

**CNPA analysis of objection to Deposit Local Plan**

Further information will be provided in regard to the comment, both in terms of the supporting text and wording in the policy and in any supplementary planning guidance produced to support this policy.

**Proposed 1st Modification**

Remove 'small scale' and 'micro' from the wording.

**Response to 1st modification objections**

Objection maintained.

**CNPA analysis of objections to 1st modifications**

The reference has been removed. No further modifications are therefore proposed.

**Objection maintained**

**Policy/site ref** Policy 16  
**Objector Ref** Name Susan Davies  
465m Scottish Natural Heritage  
Great Glen House  
Leachkin Road  
Inverness

**Agent Name**

**Company** Scottish Natural Heritage

**Summary of objection to Deposit Local Plan**

Suggest splitting the policy into 3 parts, dealing separately with large scale commercial, small scale community, and then micro scale domestic renewable energy generation schemes. This would clarify the policy stance for large scale commercial development. Recommend including definitions for the 3 categories.

**CNPA analysis of objection to Deposit Local Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly. Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special

qualities of the

area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use.

**Proposed 1st Modification**

Remove the reference to small and micro, and clarify the need for SPG to provide the appropriate level of guidance.

**Response to 1st modification objections**

Para 4.100 This new paragraph talks about opportunities for “larger scale developments such as biomass, energy-from-waste and hydro”. We are not clear how this

fits with Policy 16. Part of the difficulty is in the phrase “larger scale” – it is not clear if this refers to larger scale domestic and community scale projects, or to

commercial schemes. It may be clearer to change the text to

“small scale developments linking to the grid, such as biomass.....”. We recommend that this paragraph focuses on types of renewable energy projects that would be

compatible with the strategic objective of the Park Plan. We also recommend adding a reference to no adverse landscape as well as visual or environmental impact.

**CNPA analysis of objections to 1st modifications**

The comment is noted and large will be amended to 'commercial' for clarity. The amendment to include 'landscape' will however be added as a second modification

to the plan.

**Objection maintained**

**Policy/site ref Policy 16**

**Objector Ref Name** Jamie Williamson

439m Alvie and Dalraddy Estate

Alvie Estate Office

Kincraig, Kingussie

PH21 1NE

**Agent Name**

**Company** Alvie and Dalraddy Estate

**Summary of objection to Deposit Local Plan**

The policy should encourage sustainable use of resources and self sufficiency and the wording should encourage all scales of generation.

Amended wording –

Delete ‘small scale’ and ‘micro’ in 1st sentence

In final section delete ‘will not have an’ and replace with ‘any’

Add final part to end section ‘will be taken into account and mitigated as far as reasonable’.

**CNPA analysis of objection to Deposit Local Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan

and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly. Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use. Confirm all policies must be read together.

#### **Proposed 1st Modification**

Remove 'small scale' and 'micro' in line with comment.

#### **Response to 1st modification objections**

Developments for renewable energy schemes ... development.

Development, including any ancillary works, will be sited and designed to (have no) mitigate significant adverse visual or landscape impact, including any cumulative

impact, caused as a result of energy generation, transmission or distribution measures, and mitigate any (will not have an) adverse impact on the amenity of

neighbouring properties or any detrimental impact on the environment.

The Park has a wealth of renewable resources. The Park Plan should be based on sustainable use of our resources and self sufficiency, not on NIMBYism . Solar

panels, wind and water energy generation and bio-fuels can all contribute to reducing our reliance on oil, gas and coal imported into the Park area. Such schemes

also provide an opportunity to diversify and enhance our local rural economy and reduce the transport of goods we consume. There may even be opportunities to

export energy outside the Park. The Park's Local Plan should not preclude large scale renewable energy generation. We therefore disagree with the statement in 4.99

that the National Park is "... an area incompatible with the development of large scale energy production schemes such as commercial wind farms." We consider

such as statement as irresponsible and reflecting a NIMBYism attitude.

When replacing imported energy with renewable energy produced within the Park there will inevitably be some compromises particularly in regard to visual impacts.

We should bear in mind that our environment is at far more risk from the adverse effects of global warming than the visual effects of a wind turbine, hydro-electric

dam or an overhead transmission line. If we truly want a sustainable environment some compromises will need to be made in regard to landscape.

Financial bonds should only be used where appropriate and not used as a tax or disincentive on renewable energy enterprises.

#### **CNPA analysis of objections to 1st modifications**

The wording of the policy is intended to link to the aims of the Park, the 1st of which is to conserve AND enhance the natural and cultural heritage of the area. The

proposed wording would not achieve this and would therefore conflict with policies 1 and 7 amongst others. No modification is therefore proposed.

#### **Objection maintained**

**Policy/site ref** Policy 16

**Agent Name**

**Objector Ref** Name Sarah Jane Laing

429r SRPBA  
Stuart House  
Eskmills  
Musselburgh, EH21 7PB

**Company** SRPBA

**Summary of objection to Deposit Local Plan**

The policy should encourage more small scale wind farms. The wording should therefore be changed to remove 'small scale' and 'micro' generation. The word 'complement' is not the appropriate word. Also 'sustainable' requires further definition.

**CNPA analysis of objection to Deposit Local Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan

and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the

area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for

developers, and the Plan is easy to understand and use.

**Proposed 1st Modification**

Remove 'small scale' and 'micro' in line with comment. Add clarity on link to sustainable design guide.

**Response to 1st modification objections**

We are happy to withdraw all but one of our formal objections as believe that majority of them have been addressed by the modifications, or by clarity of issues in

supporting text. The only one we would like to continue with is in relation to policy 1 where we still think that there should be support for projects which provide

social or economic benefits of local as well as national importance.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 16

**Agent Name**

**Objector Ref** Name Nicola Abrams

399SEA(j) SEPA

Greyhope House  
Greyhope Road  
Torry, Aberdeen

**Company** SEPA

**Summary of objection to Deposit Local Plan**

How is policy 16 considered to be 'not applicable' in terms of the assessment as it does not require to consider potential impacts on the environment, or require

proposals to avoid or minimise impacts on the environment could have a (minor) detrimental impact on a number of SEA objectives including objectives 4, 5, and

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted and the SEA will be reviewed to ensure that the appropriate level of consideration is given to this policy.

**Proposed 1st Modification**

Comments will be reviewed prior to adoption to take into account the views expressed. No modifications needed at this stage.

**Response to 1st modification objections**

No further comments regarding the SEA received in the submission on the modifications.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 16

**Objector Ref** Name Campbell Gerrard  
380b SportsScotland  
Caledonia House  
South Gyle  
Edinburgh, EH12 9DQ

**Agent Name**

**Company** SportsScotland

**Summary of objection to Deposit Local Plan**

No reference is made to the negative impact small scale renewables can have on sport and recreation. Eg impact on water flow for canoeing or fishing. There needs

further clarification on what is meant by 'small scale', and consideration of how this definition would impact on recreational activities. There may be need to make

reference to the need to consider potential impacts on sport and recreation interests in any scheme proposed. Alternatively an additional policy should be included

to require the consideration of sport and recreation interests in development proposals

**CNPA analysis of objection to Deposit Local Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan

and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special

qualities of the

area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use.

**Proposed 1st Modification**

Add phrase to the end of the policy 'or detrimental impact on the environment'

**Response to 1st modification objections**

I am writing with sportscotland's response to the modifications proposed to the Cairngorms Local Plan and how these relate to the representations we made on the deposit Local Plan. I can confirm that we are content with the modifications made in relation to our representation on Policy 16, Energy Generation;

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 16  
**Objector Ref** Name John Forbes-Leith Esq  
418d Dunachton Estate

**Agent Name** Debbie Mackay  
Smiths Gore  
12 Bernard Street  
Edinburgh  
EH6 6PY

**Company** Dunachton Estate

**Summary of objection to Deposit Local Plan**

The policy should not exclude larger schemes which can be important economically for communities. 'Small scale' and 'micro' should be removed from the wording.

**CNPA analysis of objection to Deposit Local Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan

and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the

area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use.

**Proposed 1st Modification**

Remove 'small scale' and 'micro' in line with comment.

**Response to 1st modification objections**

Objection maintained. Additional specific objection to Para 4.99 -

My client objects to the continued refusal of the Park Authority to consider large scale energy production such as commercial wind farms. It is

considered that the automatic exclusion of all wind farms from the Park Area is in itself incompatible with the Park's four aims, particularly;

- b) To promote sustainable use of natural resources of the area and
- d) To promote sustainable economic and social development of the area's communities.

The siting and design of wind farms has become increasingly sophisticated and given current and projected energy problems and the requirement to produce energy in a more sustainable way, it is unacceptable for the Park Authority to reject wind farm development on a blanket basis across the Park without allowing sensitive and carefully designed proposals to come forward which could benefit local communities, and contribute to the minimisation of climate change. It is unacceptable for the Park Authority to exempt the Park from playing its part in the challenge facing the entire world to tackle global warming and fuel scarcities.

Wind farms can promote sustainable development of local economies through innovative use of community trust funds. The rentals they provide to farmers and landowners are a very beneficial form of diversification of the rural economy which is usually re-invested in the local economy. Frequently the land management and mitigation measures which accompany wind farms can produce significant benefits for nature conservation.

Proposed amendment - Paragraph 4.99 of this policy should be altered to read;  
"Whilst the National Park Authority is supportive of the drive to minimise climate change, it is considered that the National Park status of the Park, together with the numerous natural heritage designations contained within it and the duty placed on the National Park Authority under international and national statutory obligations to protect its many special and outstanding qualities, make it an area where the development of large scale energy production schemes such as commercial wind farms will be carefully assessed in order to maximise local community benefit and positive environmental impacts and minimise impact on the landscape and environment."

#### **CNPA analysis of objections to 1st modifications**

The reference to small small scale and micro has been removed as requested by the original objection. The approach taken regarding large scale wind farms remains in line with the Government view regarding National Parks. No additional modifications are therefore proposed.

#### **Objection maintained**



**Objector Ref** 473i  
**Name** Alison Hogg  
Aberdeenshire Council, Planning and Development  
Woodhill House  
Westburn Road  
Aberdeen, AB16 5GB

**Company** Aberdeenshire Council

**Summary of objection to Deposit Local Plan**

Recommend expanding Policy 16 – Wind Energy to address community wind energy schemes. The policy should address the issue of potential community wind

energy schemes which could feature one or more commercial size wind turbines.

Questions what is meant by "small scale"? And whether the policy is referring to the size of structure or the number of units?

**CNPA analysis of objection to Deposit Local Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan

and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the

area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for

developers, and the Plan is easy to understand and use.

**Proposed 1st Modification**

Remove 'small scale' and 'micro' from the wording. Add phrase to the end of the policy 'or detrimental impact on the environment'

**Response to 1st modification objections**

We write with reference to your letter dated 18th Sept 2008, concerning the above subject. As stated in our previous letter dated 5th October 2007, Aberdeenshire Council does not object to the deposit local plan. Our previous letter did include a number of comments that we recommend being taken forward in

the deposit local plan. These comments/recommendations should not be treated as objections to the plan.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref** Policy 16  
**Objector Ref** 447e  
**Name** Scottish and Southern Energy Plc

**Agent Name** Jones Lang Lasalle  
7 Exchange Crescent  
Conference Square  
Edinburgh  
EH3 8LL

**Company** Scottish and Southern Energy Plc

**Summary of objection to Deposit Local Plan**

The plan nor this policy make any provision for medium or large scale projects despite acknowledgement of the importance in making efforts to slow climate change.

No reference is made to Highland Council's Renewable Energy Strategy (HRES), which included the Park in its consideration. Also reference should be made to

SPP6 para 40 regarding suitable areas of search. Is there therefore any justification for the prohibition against medium and large scale developments? This seems

contrary to national planning policy (see para 39 of SPP6) and to the commitment of Scottish ministers to renewable energy.

#### **CNPA analysis of objection to Deposit Local Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan

and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the

area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for

developers, and the Plan is easy to understand and use.

#### **Proposed 1st Modification**

Remove 'small scale' and 'micro' in line with comment.

#### **Response to 1st modification objections**

The modifications have addressed part of the objection made in 2007. It is acknowledged that the policy has been modified to make provision for all renewable

energy projects, not just small schemes, by removing the term 'small scale' and 'micro'. However para 4.99 contradicts Policy 16 and has not been modified in light

of the changes to the policy wording itself. The approach is therefore still considered to be contrary to SPP6 (para 39) and the commitment of Scottish Ministers to

the generation of renewable energy.

The modified Policy 16 does not refer to the Highland Council's Renewable Energy Strategy (HRES) or SPP6 (para 40) in particular. Given SPP6 demands a

development plan led approach, this policy still falls short of extant national planning policy. The statement at 4.99 comes across as an 'absolute' presumption

against large scale projects, but there should be some flexibility. Given the above points, the modifications to Policy 16 do not sufficiently address the points raised

in objection of 2007.

#### **CNPA analysis of objections to 1st modifications**

The policy has been developed to follow government guidance regarding the appropriate forms of development expected in a National Park. Para 4.99 has been

amended to clarify what such forms of development would be. The policy does not refer to the Highland Council Renewable Energy Strategy and this will not be

amended. Para 2.1 refers generically to the need to cross check proposals against government guidance and advice. There is considered no need to repeat these

references throughout the plan. No further amendments are therefore proposed.

## Objection maintained

**Policy/site ref** Policy 16

**Agent Name**

**Objector Ref** Name Richard Renton

348a Nethybridge and Vicinity Community Council  
Aspen Lodge  
Nethybridge  
PH25 3DA

**Company** Nethybridge and Vicinity Community Council

### **Summary of objection to Deposit Local Plan**

The line between Boat of Garten to Donside will facilitate the development of a number of local generation schemes creating revenue for local communities and

should not be taken down as a result of the Beauty to Denny power line inquiry.

### **CNPA analysis of objection to Deposit Local Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan

and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the

area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for

developers, and the Plan is easy to understand and use. If the line referred to is to be removed as a result of the PLI this would be outwith the scope of the Local

Plan and at the discretion of Scottish Ministers.

### **Proposed 1st Modification**

Remove 'small scale' and 'micro' from the wording.

### **Response to 1st modification objections**

Many thanks for the opportunity to respond to the modifications to the Cairngorms National Park Local Plan.

We are in agreement with the proposals for Nethy Bridge, in particular we are grateful for the 'environmental' classification given to the entire Balnagowan Wood

(Miss Grants Wood) between the school, the golf course and the properties on Balnagowan. Likewise we are happy with the same classification given to the former

Seafield Nurseries off Dell Road at Lower Dell adjacent to the heather brae Hotel and also the remains of the field between Nethy Bridge Hotel and Mountainview

Hotel. There is strong feeling within the village from all quarters that this field must never be built upon as it would destroy the open aspect of the area. The field

adjacent to the football field is now also protected from development by its 'community use' classification. This was essential to the people of the village. All these

'environmental' areas are essential to the wellbeing and balance of the village.

We would however as the CNPA to ensure during the planning phase that housing in NB'H" area is in keeping with the forest setting and the development does not overpower this fine setting.

**CNPA analysis of objections to 1st modifications**

No further action required.

**Objection withdrawn**

**Policy/site ref Policy 16**

**Objector Ref Name** John Anderson

4631 Kincaig and Vicinity Community Council  
Goldenacre, Dunachton Road  
Kincaig, Kingussie  
PH21 1QE

**Agent Name**

**Company** Kincaig and Vicinity Community Council

**Summary of objection to Deposit Local Plan**

Generally support Alvie estate view on this policy. Comment that it seems absurd that SEPA should seek and abstraction fee for a small hydro plant which returns the water to the water course below the plant, where every encouragement is being given to harness renewable energy sources as cost-effectively as possible.

**CNPA analysis of objection to Deposit Local Plan**

The comment is noted. The issue will be considered under the Alvie representation. In regard to the issue with SEPA the comment is noted but the matter is not something that can be dealt with through planning policy. The comment regarding SEPA is noted but is outwith the terms of the local plan.

**Proposed 1st Modification**

No further action required.

**Response to 1st modification objections**

Energy generation should be encouraged to enable the Park area to be less dependent on the national system. This should include hydro – discouraged on the River Feshie in the past.

This accords with the Alvie Estate new that there should be scope to reduce the Park's external energy footprint through encouragement of small scale energy generation activities which do not intrude on the natural qualities of the Park.

Sustainable communities and development - Sustainable communities and development have both to be sustainable in terms of not damaging the very product that supports it, ie the land and water resource, but also need to be sustainable in terms of cash return. Many of the developments in the Spey Valley are not financially sound, requiring significant support from the government agencies and others to survive. Encouragement therefore needs to be given to businesses which are achieving biological and economic sustainability both with but particularly without such support, be development either significant or just modest to

enhance existing

services, improve viability and offer future employment. Basically there is a need to 'free up' the present system through being more flexible.

#### **CNPA analysis of objections to 1st modifications**

The policy supports appropriately located and designed renewable schemes. No further modification is therefore considered necessary.

#### **Objection maintained**

<b>Policy/site ref</b>	<b>Policy 16</b>	<b>Agent Name</b>
<b>Objector Ref</b>	<b>Name</b>	
390h	Roy Turnbull	
	Torniscar	
	Nethy Bridge	
	Inverness-shire	
	PH25 3ED	<b>Company</b>

#### **Summary of objection to Deposit Local Plan**

Small scale developments can have potential impacts as a result of

- access roads and tracks
- concrete bases and other infrastructure for wind turbines
- bird-strikes of wind turbines
- disturbance or pollution of watercourses by damming and diverting the flow, with consequent negative effects on wildlife.
- loss of wild land characteristics

The wording of the policy should address all these issues and ensure no such negative impacts occur.

#### **CNPA analysis of objection to Deposit Local Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan

and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the

area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for

developers, and the Plan is easy to understand and use.

#### **Proposed 1st Modification**

Add phrase to the end of the policy 'or detrimental impact on the environment'. Add para 4.103 to clarify need for SPG on subject to add necessary level of detail.

#### **Response to 1st modification objections**

No additional representations were made in regard to this objection.

#### **CNPA analysis of objections to 1st modifications**

No further action required.

#### **Objection withdrawn**

**Policy/site ref** Policy 16  
**Objector Ref** Name Novera Energy Plc  
486c 39 George Street  
Edinburgh  
EH2 2HN

**Agent Name** Jennifer Gordon  
Terence O'Rourke Ltd  
9-10 St Andrew Square  
Edinburgh  
EH2 2AF  
**Company**

#### **Response to 1st modification objections**

Para 4.99 We note that the National Park encourages renewable energy developments which 'contribute to national targets for greater renewable production through increasing community, business and domestic scale renewable energy schemes in para 4.97. Whilst this is likely to be the most suitable scale of developments within the National Park, outwith the Park's boundary there is the opportunity for larger scale renewable energy developments. The Loch Lomond and Trossachs National Park Plan encourage the development of large scale renewable energy proposals adjacent to the Park's boundaries where there is considered to be no adverse visual or damaging effects on the special qualities of the National Park. This type of positive approach to renewable energy is welcomed and may be appropriate for the Cairngorms National Park Authority to consider.

#### **CNPA analysis of objections to 1st modifications**

The local plan for the Cairngorms National Park Authority is not in a position to encourage developments outwith its boundaries, as it holds no jurisdiction but is consulted by the 4 local authorities as a consultee. The impact of developments on the special qualities of the Park is important and the National Park Plan as the strategic document guiding the future management of the Park is key to this. As consultees the CNPA also seek specialist opinion on the impact the development would have on these special qualities. A policy within the Local Plan is not therefore considered appropriate. No modification is therefore proposed. This is also a new issue not previously raised.

#### **Objection maintained**

**Policy/site ref** Policy 16  
**Objector Ref** Name Robert Maund  
434h Scottish Council for National Parks  
The Barony  
2 Glebe Road

**Agent Name**

Kilbirnie, Ayrshire

**Company** Scottish Council for National Parks

**Summary of objection to Deposit Local Plan**

The policy is not as comprehensive as in the draft plan. Whilst Para. 4.83 says that the Park is not a suitable place for large scale energy production schemes, there

is no mention of transmission and distribution infrastructure, undergrounding of cables etc., other than for telecommunications or of other sustainable generation techniques.

**CNPA analysis of objection to Deposit Local Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan

and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the

area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for

developers, and the Plan is easy to understand and use.

**Proposed 1st Modification**

Additional para to be included in background detail regarding transmission, distribution and impact.

**Response to 1st modification objections**

Objection maintained as in 434a.

**CNPA analysis of objections to 1st modifications**

The policy has been amended to include reference to ancillary works and transmission operations. No further modifications are therefore proposed.

**Objection maintained**

**Policy/site ref** **Policy 16**  
**Objector Ref** **Name** Novera Energy Plc  
486b 39 George Street  
Edinburgh  
EH2 2HN

**Agent Name** Jennifer Gordon  
Terence O'Rourke Ltd  
9-10 St Andrew Square  
Edinburgh  
EH2 2AF  
**Company**

**Response to 1st modification objections**

The policy is welcomed by Novera Energy however it is currently inconsistent with Policy 7 which effectively limits any renewable energy developments which do not

make a 'positive contribution' to the landscape character of the National Park.

**CNPA analysis of objections to 1st modifications**

The support for this policy is noted. It is not considered to conflict with policy 7 as certain forms of renewable energy development could be undertaken which

would comply with both policies. No modification is therefore proposed.

**Objection maintained**

**Policy/site ref**   **Policy 16**

**Objector Ref**   **Name** R B Tozer  
098c                      7 Barclay Road  
                                 Aviemore  
                                 PH22 1UH

**Agent Name**

**Company**

**Response to 1st modification objections**

Policy 16 Energy Generation: The UK government's recent statement about increasing the proportion of Britain's energy generated from wind power makes it essential that the Park is fully protected from all wind farm development. Para 4.99 should be modified so that it states 'make it an areas in which no wind farm developments or commercial energy production schemes will be permitted.' This would tie in with Policy 7.

**CNPA analysis of objections to 1st modifications**

All the policies of the plan must be read together. Therefore for any development to succeed, it must comply with, in this example, policy 16 and policy 7. There is no need therefore to repeat the requirements of policy 7 here. No modifications or amendments are therefore proposed.

**Objection maintained**