

Date:		
Issue:	Boat of Garten – Allocation of Further Environment Designation (Milton Loch)	
Objector(s):	Boat of Garten Community Council	Objection ref(s): 092d

Reporter	Mrs Jill Moody
Procedure	Written Representation

1.0 Overview

- 1.1 This statement sets out the CNPA’s response to an objection by Boat of Garten Community Council. The objection relates to the fact that neither the Boat of Garten proposals map nor its supporting text includes the Milton Loch as an open space of importance to the environment of the village. The objection promotes the protection of Milton Loch by designating the site as BG/Env. This statement advises that Milton Loch lies outwith the Boat of Garten settlement boundary but is protected from development through other aspects of the CNP Local Plan. It recommends no modification is required to the designation of Milton Loch.

2.0 Provision of the Local Plan:

- 2.1 The CNP Local Plan (Deposit) July 2007 (CD6.11) did not include Milton Loch in the settlement boundaries defined for Boat of Garten. It also did not afford any open space or environmental protection designations to any areas in Boat of Garten. Following objections to the lack of such designations, the 1st Modifications May 2008 (CD6.12) amended this approach and provided the golf course and the playing field with BG/Env status. These open spaces and areas of land were considered to contribute to the setting of Boat of Garten and as such were to be protected from adverse development. In addition, Paragraph 7.5 of the CNP Local Plan (Page 61) was added to confirm that, outwith settlement boundaries, proposals will require justification for their selected location and where no locational need exists, development on the periphery of settlements will be resisted. The 2nd Modifications October 2008 (CD6.13) maintains this position. In addition, in the general explanation of the settlement proposals in the CNP Local Plan, Paragraph 7.12 Environment (Page 62), defines land where it is important to the amenity, setting and the overall fabric of settlements. These areas also provide locally important habitats or landscape features, or are important recreational resources within settlements.

- 2.2 Related policies are:
- Policy 6 Biodiversity
 - Policy 7 Landscape

3.0 Summary of objection

- 3.1 Objects because Milton Loch, which is considered to be of importance to the environmental setting of Boat of Garten, has not been afforded protection through the designation of the site under BG/Env in the Boat of Garten settlement proposals map or text (**092d**).

4.0 Summary of CNPA’s Response

- 4.1 Milton Loch is located outwith the settlement boundary of Boat of Garten. It does not carry any natural heritage designations nor does it offer a formal open space or recreational resource. Like other locations outwith settlements, any proposals for development will be assessed against other policies in the CNP Local Plan, in particular those relating to biodiversity and landscape. In

addition, supporting text in the CNP Local Plan (Paragraph 7.5, Page 61) provides general development safeguards for the periphery of settlements such as Boat of Garten. It is therefore not considered necessary to allocate the site under BG/Env nor include it within the settlement boundary, in order to protect it from inappropriate development.

5.0 Commendation

- 5.1 It is commended to the Reporter that no further modification, to include Milton Loch in the settlement boundary of Boat of Garten or allocate it under BG/Env, is required.
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6.0 Assessment and conclusions

- 6.1 **092d Objects** because Milton Loch, which is considered to be of importance to the environmental setting of Boat of Garten, has not been afforded protection through the designation of the site under BG/Env in the Boat of Garten settlement proposals map or text .

- 6.2 **Response:** The CNP Local Plan, in line with NPPG 14 (CD3.2) PAN 60 (CD4.9) and the objectives of the CNP Park Plan (CD7.1), has established planning policies which provide safeguards against development that will significantly and adversely affect the landscape character or biodiversity value of the Park (Policies 6, Biodiversity and 7, Landscape). In addition, paragraph 7.5 of the CNP Local Plan which provides supporting text for the settlement proposals contained within the Plan, advises that the Plan identifies settlement boundaries, outwith which it is expected that proposals will require justification for their selected location. Where no locational need exists, development on the periphery of settlements will be resisted. Milton Loch does not carry any natural heritage designations and lies outwith the settlement boundary, but close to it's periphery. It does have some importance as a landscape feature to the setting of the village at this location. However, any development proposals forthcoming for this area will be assessed against all the objectives and policies contained in the CNP Local Plan. It is therefore submitted that there is the appropriate and adequate level of protection afforded to the Milton Loch site without extending the settlement boundaries of Boat of Garten or allocating the site with BG/Env status. No further modification is therefore required.

7.0 Strategic issues

- 7.1 The Cairngorms National Park Plan 2007 (CD7.1) sets out a number of strategic objectives. Of relevance to this case, are those relating to Conserving and Enhancing the Park (5.1) – Landscape, Built and Historic Environment and Biodiversity.

8.0 National planning policy/guidance

- 8.1 NPPG14 Natural Heritage (CD3.2) advises that while conservation of the natural heritage will be a key objective in any National Park, due weight must also be given to the social and economic interests of local communities. Planning Authorities should seek to safeguard and enhance the wider natural heritage beyond the confines of nationally designated areas. The effect of a development proposal on natural heritage can be a material consideration whether or not a designated area is likely to be affected, though the level of protection afforded will not normally be as high as that afforded to sites of national or international importance. PAN 60 Planning for Natural Heritage (CD4.9) provides advice to planning authorities on how development and the Planning System can contribute to the conservation, enhancement, enjoyment and understanding

of Scotland's natural environment and encourages developers and planning authorities to be positive and creative in addressing natural heritage issues.

9.0 Other material considerations

9.1 The National Parks (Scotland) Act 2000 sets out the aims of the National Park. (CD1.3).

10.0 List of documents (including Core Documents)

- CD1.3 The National Parks (Scotland) Act 2000
- CD3.2 NPPG 14 Natural Heritage
- CD4.9 PAN 60 Planning for Natural Heritage
- CD6.11 Deposit Local Plan
- CD6.12 Deposit Local Plan 1st Modifications
- CD6.13 Deposit Local Plan 2nd Modifications
- CD7.1 Cairngorms National Park Plan 2007