

Date:		
Issue:	Policy 02 Natura 2000 Sites	
Objection ref:	Objector	
437b	Mrs Jane Angus	
439d	Jamie Williamson, Alvie & Dalraddy Estate	
448h	The Cairngorms Campaign	

Reporter	Mr Hugh Begg
Procedure	Written representation

1 Overview

- 1.1 This statement sets out the Cairngorms National Park Authority response to the objections raised to the Deposit Local Plan (CD6.11) as modified in respect of Policy 02: Natura 2000 Sites, and supplements the response made to those objections by the Cairngorms National Park Authority in its reports to Committee (CD7.3, 7.4 and 7.5). The typographical error in the reference to the Regulations will be corrected.

2 Provision of the Local Plan

- 2.1 Policy 02 outlines that the provisions of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) (CD1.14) apply to planning decisions. The policy and background text has been drafted and redrafted through 1st and 2nd modifications (CD 6.12, 6.13) with the help of Scottish Natural Heritage, the Scottish Government's natural heritage advisor.

3 Summary of objection(s)

- 3.1 There are 3 objections to Policy 02 who wish to be considered by written representation:
- **437b** objects that the policy does not require the complete restoration of sites, that the responsible authority will only consult SNH, and to a lack of reference to quality of survey information sought from developers.
 - **439d** objects to the wording of the policy and adherence to the Conservation (Natural Heritage &c) Regulations 1994 (as amended) because he considers the reasons for designation of Natura sites should be questioned and that a different interpretation of the regulations should be applied.
 - **448h** objects to the policy because they considered it should apply to SSSIs in addition to Natura 2000 sites. Otherwise, strongly the objector strongly supports the policy.

4 Summary of Cairngorms National Park Authority Response

- 4.1 The CNPA reviewed the original wording of Policy 02 through the 1st and 2nd modifications (CD6.12 and 6.13) to make it as accurate as possible and considers that the wording of Policy 02 complies with the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) (CD1.13, 1.14). No further changes to the policy are considered necessary.

5 CNPA Commendation to Reporter

- 5.1 It is commended that the Reporter rejects all objections. The Cairngorms National Park Authority considers that Policy 02 adequately sets out how provisions of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) apply to planning decisions.
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6 Assessment / Scope of Evidence

- 6.1 **437b** objects that the policy does not require the complete restoration of sites, that the responsible authority will only consult SNH, and to a lack of reference to quality of survey information sought from developers.
- 6.2 **CNPA Response:** The CNPA has prepared and modified the policy with the help of SNH and considers that the policy complies with the requirements of the Conservation (Natural Heritage, &c.) Regulations 1994 (as amended). The background text refers to consulting SNH with respect to appropriate assessments but does not preclude the planning authority seeking advice from any other source. The complete restoration of sites would exceed the requirements of the Regulations and is not considered a reasonable measure. No changes to the policy are considered necessary.
- 6.3 **439d** objects to the wording of the policy and adherence to the Conservation (Natural Heritage, &c.) Regulations 1994 (as amended) because he considers the reasons for designation of Natura sites should be questioned and that a different interpretation of the regulations should be applied.
- 6.4 **CNPA Response:** The CNPA has prepared and modified the policy with the help of SNH and considers that the policy complies with the requirements of the Conservation (Natural Heritage &c) Regulations 1994 (as amended). The policy must comply with the regulations. No changes to the policy are considered necessary.
- 6.5 **448h** objects to the policy because they consider it should apply to SSSIs in addition to Natura 2000 sites. Otherwise, the objector strongly supports the policy.
- 6.6 **CNPA Response:** The CNPA considers that the policy complies with the requirements of the Conservation (Natural Heritage &c) Regulations 1994 (as amended). Policy 03 National Natural Heritage Designations deals with SSSIs and provides an appropriate level of protection. No changes to the policy are considered necessary.

7 Strategic Issues

- 7.1 Natura 2000 is a European network of protected sites which represent areas of highest value for habitats and species of plants and animals which are rare, endangered or vulnerable in the European Community. The network was established in response to the 1992 Habitats Directive and 1979 Birds Directive, with the enabling legislation in the UK being provided by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) (CD1.13, 1.14).
- 7.2 This policy context is outlined in the National Park Plan and informs its strategic objectives for Biodiversity (CD7.1, pages 42-44). Policy 02 conforms to the Regulations and supports the Park Plan's strategic objectives for biodiversity.

8 Other material considerations

8.1 None

9 List of documents (including Core Documents)

- CD1.13 Conservation (Natural Habitats, &c.) Regulations 1994
- CD1.14 Amendments to the Conservation (Natural Habitats, &c.) Regulations 1994
- 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
- CD7.4 CNPA Committee Report 1st Modifications October 2008
- CD7.5 CNPA Committee Report 2nd Modifications February 2009