

Date:		
Issue:	Policy 04 Other Important Natural and Earth Heritage Sites and Interests	
Objection ref:	Objector	
	393c	Angus Yarwood, Woodland Trust Scotland
	393h	Angus Yarwood, Woodland Trust Scotland
	439f	Jamie Williamson, Alvie & Dalraddy Estate

Reporter	Mr Hugh Begg
Procedure	Written Representation

I 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 04 : Other Important Natural and Earth Heritage Sites and Interests, 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).

2 Provision of the Local Plan

- 2.1 Policy 04 is intended to recognise the importance of a range of natural and earth heritage sites and interests that are not afforded the statutory protection of a designation. This policy was modified as part of the 1st Modifications May 2008 (CD6.12).

3 Summary of objection(s)

- 3.1 There are 3 objections to Policy 04 who wish to be considered by written representation:
- **393c and 393h** object to the policy because ancient woodland sites are not replaceable, and state that all that ancient woodland sites should be protected in entirety.
 - **439f** objects that the policy is unreasonable, contests the identification of ancient woodland sites and considers that developers cannot replace ancient woodland or geological conservation review sites.

4 Summary of Cairngorms National Park Authority Response

- 4.1 The CNPA considers that Policy 04 takes a reasonable approach to these sites and interests by providing greater protection to the most important ones. It considers this approach to be consistent with national planning policy guidance in NPPG14 (CD3.2). No changes to the policy are considered necessary.

5 CNPA Commendation to Reporter

- 5.1 It is commended that the Reporter rejects all objections.

6 Assessment / Scope of Evidence

- 6.1 **393c and 393h** object to the policy because ancient woodland sites are not replaceable, and state that all that ancient woodland sites should be protected in entirety.
- 6.2 **CNPA Response:** The CNPA acknowledges the principle that ancient woodland sites are important and valuable in Policy 04 and paragraphs 4.19-4.20 of the Deposit Local Plan (CD6.11). However, paragraph 4.23 of the plan notes that not all the sites are of equal value, importance or significance. The policy is targeted at the significance of the feature(s) that make a site important, and the significance of any adverse effects. Therefore, the more significant the feature and impact, the greater will be the mitigation required by the policy. The approach proposed by the objector would provide a greater level of protection from development than afforded to any national or international natural heritage designation and does not take account of the quality or relative importance of the woodland habitat, or its capacity to be returned to a woodland habitat. The CNPA considers that Policy 04 provides a strong and reasonable protection for ancient woodland that is based on the significance and importance of individual sites and their contribution to the overall resource, and that this approach is consistent with national planning policy guidance in NPPG14 (CD3.2). No changes to the policy are considered necessary.
- 6.3 **439f** objects that the policy is unreasonable, contests the identification of ancient woodland sites and considers that developers cannot replace ancient woodland or geological conservation review sites.
- 6.4 **CNPA Response:** The CNPA acknowledges that not all sites are of equal significance or importance in the supporting text to Policy 04 of Deposit Local Plan (CD6.1, paragraphs 4.20 and 4.23). The policy is targeted at the significance of the feature(s) that make a site important, not necessarily the boundary or name of the site. This allows for a reasonable approach to these sites by providing greater protection to the most important ones. The objector also assumes that the sites are designated. They are not. Policy 04 and its supporting text make clear that the sites are identified as being important and that Policy 04 applies to developments that will adversely affect such sites. The objector's point about the ability of developers to mitigate any adverse effects is linked to the importance of the site and the scale and nature of any adverse effects on it. It is likely that the more significant the site, and the greater the likely adverse effects on it, the more difficult adequate mitigation will be. The CNPA considers this approach to be appropriate, consistent with national planning policy guidance in NPPG14 (CD3.2), and no changes to the policy are considered necessary.

7 Strategic Issues

- 7.1 Policy 04 supports the National Park Plan's strategic objectives for landscape, built & historic environment, biodiversity, and geodiversity (CD7.1, pages 38-39, 42-44, 46-47).

8 Other material considerations

- 8.1 None.

9 List of documents (including Core Documents)

- CD1.3 The National Parks (Scotland) Act 2000

- CD3.2 NPPG14 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
- CD7.4 CNPA Committee Report 1st Modifications October 2008
- CD7.5 CNPA Committee Report 2nd Modifications February 2009