

<b>Date:</b>		
<b>Issue:</b>	<b>Policy 05 Protected Species</b>	
<b>Objection ref:</b>		
	437c	Mrs Jane Angus
	439g	Jamie Williamson, Alvie & Dalraddy Estate

<b>Reporter</b>	Mr Hugh Begg
<b>Procedure</b>	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 05 : Protected Species, 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 05 is intended to highlight how laws dealing with protected species affects decisions and procedure in the planning system. This policy was modified as part of the 1<sup>st</sup> Modifications May 2008 (CD6.12) and the 2<sup>nd</sup> Modifications October 2008 (CD6.13).

## 3 Summary of objection(s)

- 3.1 There are 2 objections to Policy 05 who wish to be considered by written representation:
- **437c** objects that the policy is too vague.
  - **439g** objects that because considers protection of European Protected Species should not override other biodiversity, social or economic objectives.

## 4 Summary of Cairngorms National Park Authority Response

- 4.1 The CNPA prepared this policy and the supporting text with the help of SNH, the Scottish Government's natural heritage advisor. The wording of the policy and supporting text have been chosen to reflect the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) (CD1.13). No changes to the policy are considered necessary.

## 5 CNPA Commendation to Reporter

- 5.1 It is commended that the Reporter rejects the objection.

## 6 Assessment / Scope of Evidence

- 6.1 **437c** objects that the policy is too vague.
- 6.2 **CNPA Response:** The CNPA considers the wording of the policy and supporting text have been chosen to reflect national planning policy guidance contained in NPPG14 (CD3.2,

paragraphs 17-20), provide clarity and refer to the relevant legislation. No changes to the policy are considered necessary.

6.3 **439g** objects that because considers protection of European Protected Species should not override other biodiversity, social or economic objectives.

6.4 **CNPA Response:** The CNPA considers the wording of the policy and supporting text have been chosen to reflect national planning policy guidance contained in NPPG14 (CD3.2, paragraphs 17-20), provide clarity and refer to the relevant legislation. The plan must comply with the law and in the case of the objector's proposal the Conservation (Natural Habitats, &c.) Regulations (as amended) (CD1.13) provides the relevant direction. No changes to the policy are considered necessary.

## 7 **Strategic Issues**

7.1 Policy 05 supports the National Park Plan's strategic objectives for biodiversity (CD7.1, pages 42-44).

## 8 **Other material considerations**

- None

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

- CD1.13 Conservation (Natural Habitats, & c.) Regulations 1994
- CD3.2 NPPG14 Natural Heritage
- CD6.11 Deposit Local Plan
- CD6.12 Deposit Local Plan 1<sup>st</sup> Modifications
- CD6.13 Deposit Local Plan 2nd Modifications
- CD7.1 Cairngorms National Park Plan 2007
- CD7.4 CNPA Committee Report 1<sup>st</sup> Modifications October 2008
- CD7.5 CNPA Committee Report 2<sup>nd</sup> Modifications February 2009