

Date:			
Issue:	Policy 13 –Water Resources		
Objector(s):	Dr A Watson	Objection ref(s):	020f
	DW and IM Duncan		037c
	Ballater & Crathie Community Council		091f
	Alvie and Dalraddy Estate		439k
	The Cairngorms Campaign		448i

Reporter	Mr Hugh Begg
Procedure:	Written representation

1.0 Overview

1.0 This statement sets out the Cairngorms National Park Authority response to the objections raised to the Deposit Local Plan as modified (CD6.12 and 13) in respect of Policy 13: Water Resources, and supplements the response made to those objections by the Cairngorms National Park Authority in its report to Committee (CD7.3,4 and 5). It suggests no further change be made to the policy but that the list of names regarding major river systems is removed.

2.0 Provision of the Local Plan:

2.1 Policy 13 within the Deposit Local Plan as modified gives policy guidance on how water resources will be considered in the development process. During the current transitional arrangements set out in the Planning etc. (Scotland) Act 2006 (Development Planning) (Saving, Transitional and Consequential Provisions) Order 2008, the policy is intended to provide an appropriate level of guidance to meet the requirements of SPPI (CD2.2 para 37-38) and Scottish Planning Policy (CD2.1 para 15-18) and ensure that applications for development within the National Park adequately consider the impact that development will have on the water resources within the Park.

2.2 The Policy has been modified in the 1st modifications to the Deposit Local Plan to clarify issues regarding the quality of water, connections to sewerage, and in the background text to the management of water resources, the relevance of additional legislation, regulations and management plans. Information relating to management arrangements and permitted development rights is also expanded.

2.3 2nd modifications have been included to correct technical terms within the policy, to clarify the responsibilities placed on the National Park Authority and to clarify the approach necessary in regard to Drainage Impact Assessments. The changes made have been in response to the objections made by SEPA, as the Governments advisors on the topic, and as a result their objections to the policy have been withdrawn.

2.4 The Policy relates to all development proposals within the National Park.

2.5 In considering the issue regarding major river systems within the National Park, it is considered that listing two river names does not assist in the understanding or implementation of the policy and it is therefore proposed to remove this reference.

Para 4.74:

Delete “*The National Park contains two major rives, the Spey and Dee, both of which rise within the Park boundary. Elsewhere the water environment is largely pristine*”.

This is an officer recommendation which has not been endorsed by the CNPA Board.

3.0 Summary of objection(s)

3.1 Five objections raising nine issues have been lodged to this policy and wish to have their objections considered by written representation:

- The policy should give greater presumption against development in the functional floodplain. **(091f)**
- The policy should make clear reference to flood prevention measures and flood management measures particularly in regard to habitat enhancement and creation. **(091f)**
- The policy should also make reference to upstream retention, reinforcement or erosion. **(091f)**
- The policy should recognise that not all development has a bad impact on hydrology or the floodplain, and flood management features should be preserved and maintained. The policy should therefore be less prescriptive. **(439k)**
- The policy should encourage the development and improvement of private and community water supplies and foul water processing. **(439k)**
- New housing should only be allowed where there is an assurance of water supply. This is a particular issue in Kingussie. **(037c)**
- Waste water disposal must also be taken into account particularly where there is no reserve capacity. **(037c)**
- In 4.66 the ambiguous wording will lead to unnecessary pollution. **(020f)**
- The background text should give greater context to the importance of headwaters. **(448i)**

4.0 Summary of Cairngorms National Park Authority Response

- The policy as modified gives a clear direction that all development will not affect the ability of the functional floodplain to store or move flood waters. The policy is in line with the requirements of SPP7 (CD2.7) and no further change is considered necessary. **(091f)**
- The policy in a) ensures that development will not have an adverse impact on resources, and no further change is therefore considered necessary. **(091f)**
- The policy has been drafted to allow for development where appropriate account has been taken of water resources. Appropriate development which complies with the policy, and the requirements of SPP7 (CD2.7), along with other material considerations and the other relevant policies of the plan would therefore be considered appropriate. The policy is not considered overly prescriptive, and the changes proposed would fall out with the requirements of the guiding planning policy and other regulations and guidance. **(439k)**
- The guidance on supply of water and processing of foul water is extensive and the policy as drafted endeavours to draw these together to assist developers in understanding the requirements in terms of development proposals. All options for supply and process which fall within these would therefore be supported by the plan, and no further change is considered necessary. **(439k)**
- The policy is intended to ensure appropriate account is taken of water resources when considering development. As such the supply of water and disposal of waste water would be considered under this policy and no further change to the policy is considered necessary. **(037c)**
- Para 4.80 has modified the wording of original Para 4.66 to remove any ambiguity in the wording on how the policy will be implemented. No further change is considered necessary. **(020f)**
- Para 4.74 Headwaters – the term headwaters means the tributary streams of a river in an area where it rises (The Collins English Dictionary) and this definition seems adequately concise to clarify the affected tributaries. **(448i)**

5.0 CNPA Commendation to Reporter

- 5.1 It is commended to the Reporter that the objections to this policy as listed above are rejected subject to the deletion of the reference to major river systems in Para 4.74.
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6.0 Assessment / Scope of Evidence

- 6.1 **020f** objects to the term used to describe the implementation of the policy in the Deposit Plan.
- 6.2 **Response:** The 1st modifications amended this wording to clarify that the issue will be assessed by the Planning Authority in consultation with statutory consultees. (CD6.12 Para 4.80) This is considered to have addressed the objection and no further change to the policy is considered necessary.
- 6.3 **037c** objects to the impact housing will have on the water environment. Assurances should be made that secure water supply despite development.
- 6.4 **Response:** The intent of the policy is to ensure that appropriate account is taken of water supply and the disposal of waste when considering any proposal for development. Any proposal for development must therefore comply with the policy along with all other relevant policies of the plan and any other material considerations before gaining planning consent. The policy is considered to be in accordance with the requirements of SPP7 (CD2.7) and PAN 79 (CD4.22) and is not considered deficient.
- 6.5 **091f** objects to policy as it should give greater protection to the flood plain, and should not promote the need for major flood defences.
- 6.6 **Response:** The policy requires all development to be free from significant risk of flooding, not increase the risk of flooding elsewhere, and not add to the area that requires flood prevention measures. The policy is therefore considered to ensure that the issue raised by the objection would not occur, and no further change is therefore considered necessary.
- 6.7 **Objection** is also raised to the lack of detail regarding upstream retention or the condition of the river bank.
- 6.8 **Response:** The policy in a) ensures that development will not have an adverse impact on resources, and no further change is therefore considered necessary
- 6.9 **439k** objects to the prescriptive nature of the policy, seeking recognition that not all development is bad on the hydrology of the National Park, or the floodplain. Indeed works to restore and preserve flood management features should be encouraged and maintained.
- 6.10 **Response:** The policy has been drafted to accord with the requirements of SPP7 (CD2.7) and other guidance regarding water and drainage including PAN 79 (CD4.22) and PAN 61 (CD4.10) Where development proposals comply with the requirements of the policy, these guidelines and other regulations and material considerations the policy does not preclude any form of development. The policy is not therefore considered to be prescriptive, but rather give appropriate guidance to developers on the requirements of the planning system in regard to water resources. This in turn is in line with the requirements of SPPI (CD2.2). No further change is therefore proposed for the policy.

- 6.11 The financial constraints of Scottish Water must also be recognised. In regard to working with statutory undertakers, the National Park Authority continue to work to ensure that appropriate information is passed to them during programme and budget development, and that appropriate account is also taken of the National Park as a designation. This work is carried on outwith the remit of the Local Plan.
- 6.12 The objection also seeks encouragement within the policy for private and community water supplies and foul water processing. As above, where proposals comply with the policy and other guidance in relation to supply and treatment, the policy would not preclude any such development. No further change is therefore considered necessary.
- 6.13 **448i** objects to the lack of background rationale in regard to headwaters of major river systems. The management of the whole of the headwaters is therefore required to ensure appropriate protection.
- 6.14 **Response:** The policy applies to the whole of National Park and therefore any part of the headwaters that fall within its boundaries. The definition of headwater meaning the tributary streams of a river in an area where it rises (The Collins English Dictionary) clarifies the affected tributaries. Appropriate consideration for the whole of the system is considered adequately covered in part a) of the policy and no further change is considered necessary.
- 6.15 The objection also considers that since many factors affecting headwaters are outside the control of the planning system there should be clearly reference to the role of the National Park Plan. The role of the National Park Plan in regard to the planning system is set out in Para 2.9 of Chapter 2, Context. Here it clarifies that the National Park Plan is a material consideration in the decision making process. Where works fall outwith the realm of the planning system the Local Plan would not be relevant and the National Park Plan would be considered in accordance with its role as set out in the Introduction to that Plan (CD6.12 page 10). No further change is therefore considered necessary to the Local Plan or this policy.
- 6.16 Objection also considers that The Don should be recognised as a major river system. The proposed deletion of the names to the Spey and Dee above is intended to resolve this objection.

7.0 List of documents (including Core Documents)

- CD2.1 Scottish Planning Policy 2008 Parts 1 and 2
- CD2.2 SPP1 The Planning System
- CD2.7 SPP7 Planning and Flooding
- CD4.10 PAN61 Planning and Sustainable Drainage Systems
- CD4.22 PAN79 Water and Drainage
- CD6.12 Deposit Local Plan 1st modifications
- CD6.13 Deposit Local Plan 2nd modifications
- CD7.3 CNPA Committee Report Consultation May 2008
- CD7.4 CNPA Committee Report 1st Modifications October 2008
- CD7.5 CNPA Committee Report 2nd Modifications February 2009