



STATEMENT OF CASE

On behalf of:

SCOTTISH COUNCIL FOR NATIONAL PARKS.

CAIRNGORMS NATIONAL PARK LOCAL PLAN: Public Local Inquiry commencing on 18 May 2009.

Preface

The Scottish Council for National Parks (SCNP) was formed originally in 1943 and operated until 1967, when it was stood down as a result of the setting up of the Countryside Commission for Scotland (CCS). It was reconstituted in 1990 following the publication of the CCS's report on the 'Mountain Areas of Scotland' for Government, which recommended the creation of National Parks in Scotland. The SCNP's primary aim is to promote the protection, enhancement and enjoyment of nationally outstanding areas that are National Parks, or are appropriate to be designated as such, or are of sufficient merit to warrant special protection. This is manifest in our support for good stewardship of the country's best environmental assets and encouragement of environmentally sustainable methods of development, particularly within areas of national park potential. The SCNP is a recognized Scottish Charity.

Background

The National Parks (Scotland) Act 2000 sets out four statutory aims for national parks in Scotland. These are:

- To conserve and enhance the natural and cultural heritage of the area,
- To promote sustainable use of natural resources of the area,
- To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public, and
- To promote sustainable economic and social development of the area's communities.

These aims are to be pursued collectively. However, if it appears that there is conflict between the first aim, the conservation and enhancement of the natural and cultural heritage, and any of the others, greater weight must be given to the first aim (section 9 (6) of the National Parks (Scotland) Act 2000). This is often referred to as the Sandford Principle. Whilst the National Park Authority has a duty to promote sustainable economic and social development, within the meaning of the Act, this can only be achieved by promoting development based on sound environmental principles.

In order for the park to be successful in its aims, the Sanford principle must apply and greater weight must be given to the conservation and enhancement of the natural and cultural heritage of the area because this is the main justification for national park designation. Where the effects of the development proposal could potentially result in significant damage, or loss, to the special qualities of the park, but where there is uncertainty or a lack of knowledge over the nature of the likely

impacts, the Precautionary Principle should apply and such development should be resisted.

Our concerns.

We are concerned that the plan does not adequately address:

- the conservation needs of the park
- landscape protection and,
- affordable and local needs housing.

We are also concerned that the plan places too much emphasis on population growth and reliance on open market speculative housing in a way that conflicts with the wider aim of conservation.

The tone of the plan as reflected in the wording of policies, appears much more development orientated than the consultative draft and could lead to a lack of clarity as to the park authorities intentions. The wording of some policies is vigorously pro-development and, in our view, would be antagonistic to the Sandford Principle and the conservation of the natural and cultural heritage.

The local plan uses the National Park Plan vision of *"the Cairngorms National Park as an exemplar of sustainable development where people and place thrive together"*. This is laudable and is reflected in similar positive and confident language which is then undermined by development proposals, particularly for housing, on sites which comprise habitats and species which are part of the biodiversity action plan.

Conserving and Enhancing the Park.

In our view _ the policies outlined are not rigorous enough to protect the natural heritage interests. As an example, Policy 2 is provided to protect Natura 2000 sites. If the water authority progresses its idea of using groundwater and the River Spey in a piecemeal way, it is likely to be damaging. There is a need to increase the water holding capacity within Badenoch and Strathspey. Investigation of a news source of reservoir water, separate from the Spey Catchment, should be a prerequisite for any major increase in development, if all other conditions could be satisfied.

Policy 6 on biodiversity puts the onus on prospective developers to assess the effect of the development on the habitat and species. Experience suggests that this will be inadequate and that in a national park, where there is any threat to the natural environment, it should be incumbent upon the planning authority to ensure that there is no risk to specific habitats and species through development land allocations. Where such a risk is identified, the park authority should undertake the survey and monitoring, with charges being recouped from the developers.

Landscape.

The gap between Policy 7 and what has happened on the ground in Kincaig, for example, is of great concern. In Kincaig, there is a newly completed development which is of poor design in an open location in a National Scenic Area. Likewise An Camas new village proposal, within the National Scenic Area, next to Aviemore, has been given consideration within the Deposit Local Plan despite it representing potentially the biggest settlement within the National Park. Policy 7, if it is to be effective must counteract the tendency for developers of new-build housing to urbanise the rural landscape. It is not as firm in its resolve as that contained in the consultative draft and depends too much on who might be interpreting the policy.

Water resources.

The aims of Policy 13 is supported but the limitations of developer funded flood risk assessments should be recognized as should the adverse environmental impact of some flood prevention schemes.

Earth resources.

Policy 14 should be clearer and stronger in its intent. It is difficult to conceive of a situation where no suitable or reasonable alternatives are available to meet the limited development demands of the park.

Energy generation.

The policy in the plan in relation to energy generation is not as comprehensive and explicit as those in the consultative draft and should be reworded.

Living and working in the Park.

Sustainable communities.

The park has problems of settlements with a high proportion of second homes and a shortage of affordable homes for those who live or work in the Park. This can have a damaging effect on the viability of communities and local businesses. It is clearly important to address the problem through the local plan. The plan places too great a reliance on new build open market housing which will exacerbate rather than solve the problem. Priority must be given to the needs of the existing communities.

Housing.

The local plan has failed to learn from the experience of other national parks in Britain in relation to affordable and local housing needs. Residency conditions should be employed in relation to new housing developments. As currently formulated, the housing policies do not reflect the final report of the Cairngorms Housing System Analysis of February 2006 which indicated that all current completions projected through the planning system might require to be for affordable housing.

Waste management.

The park authority must take a positive lead to bring the waste authorities together and set out clearly what is required to meet Parks needs.

Settlement Proposals

We are generally supportive of the classification of settlements. The intention of the Plan to restrict most development within settlement envelopes is good, but the way the land is allocated will bring an urban feel to many of these villages.

Of particular concern is the fact that in the Badenoch and Strathspey area, all the new development is predicated on the need to improve the infrastructure and, in particular, the water supply and sewerage infrastructure. The Water Authority, we understand, has decided that future water supply will be sourced from ground water and the River Spey, which is the core interest of the Spey Catchment SAC. This is bound to threaten the integrity of Insh Marshes, part of the SAC and a RAMSAR site of international importance.

Aviemore: Current developments, notably High Burnside, breach the natural envelope of the village which should be constrained between the River Spey and the A9.

An Camas Mor: the proposal is wrong in principle for a national park, and particularly so, since it has been demonstrated that previous large schemes such as Dalfaber were significantly taken out of the local housing needs market by second home purchasers. The absence of policies to restrict new development to meet local housing need makes the whole proposal for An Camas, as a new settlement to meet local housing need, questionable. A previous justification given for the proposal, that it would balance up the development of Aviemore on both sides of the River Spey, will in fact make it unique in the planning of villages adjoining the Spey in this area. Although there is consideration of the effect on the Spey SAC, other aspects of the proposal suggest that these can be overcome without extra water supply capacity. If the proposal were to be fully developed, An Camas would provide housing on a scale nearly double that of Aviemore.

Grantown-on-Spey: The proposal at H1 is a loss of informal amenity land and will have a negative affect on breeding waders nearby, while there may also be further disturbance to Anagach Community Woodland by displaced dog walkers.

Another factor which will create major problems in several villages is the fact that the Local Plan proposals bring areas of pinewood into play either by direct loss of trees to housing or by creating pressure points for overuse by the public. This is the case in Kingussie, Boat of Garten, Nethy Bridge, Carrbridge and Ballater. At Newtonmore there is a question of housing on the flood plain and in Cromdale the village would more than double in size by accommodating the proposed allocation which seems inconsistent with Para. 5.62 which refers to *"Development that would lead to growth of the settlement by more than 20 per cent is unlikely to enhance the character of the settlements."*

in conclusion.

The National Park Plan and the National Park Local Plan should provide the policies and the means of management and implementation required for one of Scotland's most iconic areas, for many years to come. The Park Authority will hopefully be freed from the inherited and sometimes conflicting policies of earlier plans. It is critical that we get it right.

Whilst there are many laudable statements within the plan, it is clear that there is an unresolved conflict between the emphasis on new development (including the unexplained case for population growth) and the overriding need for conservation in its broadest sense, for the long-term and future generations.