



Cairngorms National Park  
Local Plan  
**First Modifications**



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# I. Introduction

## The Cairngorms National Park

I.1 The Cairngorms National Park was designated in 2003 by the Scottish Parliament because it satisfied the conditions for a National Park set out in the National Parks (Scotland) Act 2000:

National Parks (Scotland) Act 2000 section 2.2  
a. That the area is of outstanding national importance because of its natural heritage, or the combination of its natural and cultural heritage;  
b. That the area has a distinctive character and a coherent identity;  
c. That designating the area as a National Park would meet the special needs of the area and would be the best means of ensuring that the National Park aims are collectively achieved in relation to the area in a co-ordinated way.

I.2 The Act also sets out four aims for National Parks in Scotland:

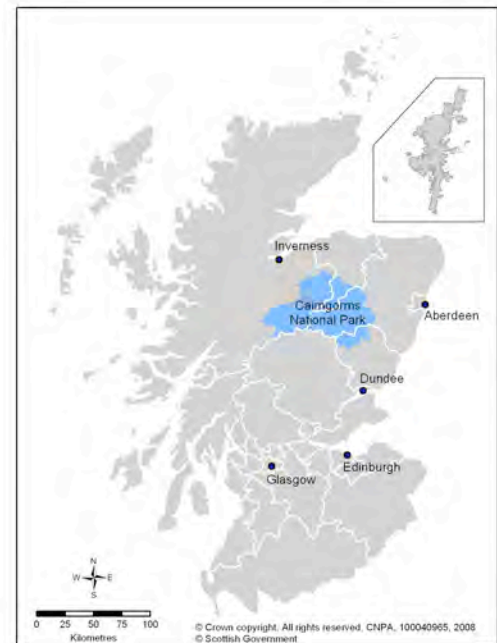
National Parks (Scotland) Act 2000 section 1  
a. To conserve and enhance the natural and cultural heritage of the area;  
b. To promote sustainable use of natural resources of the area;  
c. To promote understanding and enjoyment (including enjoyment in the form of recreation) of the special qualities of the area by the public;  
d. To promote sustainable economic and social development of the area's communities.

I.3 The four aims must be achieved collectively and in a co-ordinated way, and it is the statutory function of the Cairngorms National Park Authority to ensure this collective and co-ordinated approach. **Policy 1 expands on the role of the 4 aims in the planning function. In carrying out all its functions, including its role as Planning Authority the National Park Authority must ensure that the four aims of the National Park are at the heart of things. In the delivery of the aims the National Park Authority is required to prepare a National Park Plan setting out how this will be achieved.**

I.4 The Cairngorms National Park Plan was approved by Scottish Ministers on 15 March 2007. It provides

the context for development planning and management in the Cairngorms National Park, with general guidance and specific direction for the Local Plan.

Map 1 The location of the Cairngorms National Park



### Purpose

I.5 The Local Plan provides one of the National Park Authority's tools to ensure the delivery of objectives of the National Park Plan and the collective and co-ordinated delivery of the aims of the Park. It is intended to promote sustainable development in the Park through sustainable economic and social development of its communities, the sustainable use of its natural resources and the conservation, and where possible, the enhancement of its outstanding natural and cultural heritage.

I.6 The Local Plan provides a development framework for the whole of the Park, bringing together areas where development proposals were previously considered under four separate local authority plans. It creates a clear and consistent approach to guide development proposals and opportunities within the National Park, while allowing an appropriate level of flexibility to ensure that the Plan can be reactive and accommodate good ideas which further the aims of the Park. Its duration for up to five years from adoption identifies strategic sites and land for some development

to provide certainty about the use of land in the medium to longer term beyond the next five years.

1.7 Once adopted, the Local Plan will be used by the planning authorities within the Cairngorms National Park to assess planning applications for development. The planning authorities are the four Local Authorities as well as the National Park Authority when it acts as a planning authority in calling-in and determining planning applications.

### **Development of the Deposit Local Plan**

1.8 The Deposit Local Plan has been prepared following periods of public consultation, community engagement and detailed discussions with key stakeholders, local development forums and the four Local Authorities. The National Park Authority publicised its intention to prepare the Local Plan in September 2004. Between September and December 2004, the National Park Authority held a period of 'blanksheet' public consultation and engagement with communities of the Park to find out what they wanted from a Local Plan.

1.9 In September 2004, an area profile and questionnaire was sent to all households in the Park. Between October and December 2004, 44 meetings were held across the communities in the Park to allow people to provide their views about how they would like to see their communities and the Park develop. Around 14 per cent of the questionnaires were returned to the National Park Authority and about ten per cent of the population of the Park attended the meetings. The information from the people who responded to the consultation helped to inform the development of a Consultative Draft Local Plan that was published in 2005 and consulted on between November 2005 and February 2006.

1.10 The comments received on the Consultative Draft Plan helped to refine the policies, proposals and strategy of this Deposit Local Plan. The Deposit Local Plan has also been prepared with comprehensive new and updated information, and in the light of emerging national guidance and the approval

and adoption of the Cairngorms National Park Plan.

1.11 The Local Plan has been subject to Strategic Environmental Assessment (SEA) throughout its development. EC Directive 2001/42/EC and the Environmental Assessment (Scotland) Act 2005 (preceded by the Environmental Assessment of Plans and Programmes (Scotland) Regulations 2004) require that development plans are assessed to identify potentially significant environmental effects. The SEA of the Local Plan continues throughout its lifetime

1.12 The SEA assesses the likely significant environmental effects of the Plan. It identifies opportunities to strengthen the positive environmental effects of the Plan and ensures environmental considerations are integrated throughout. An Environmental Report of the SEA accompanied the Consultative Draft Local Plan. A revised Environmental Report accompanies the Deposit Local Plan. It takes account of the changes to the Plan and comments on the previous Environmental Report. A copy of its non-technical summary is provided with the Deposit Local Plan and the full report is available separately as a hard copy or in electronic format.

### **Structure of the Deposit Local Plan**

1.13 The Plan provides a set of policies to manage development and a set of specific proposals for development requirements and opportunities. The Plan outlines the context for these policies and proposals as well as a vision for the Local Plan in Chapter 2. Chapter 3 links the Plan to the aims of the Cairngorms National Park. This chapter also contains the first policy of the Plan to provide an overview of the decision-making framework in the Park and highlights the difference that the Park makes to the operation of the planning system. It sets out the role of the aims of the Park in planning decisions.

1.14 The first policy is supplemented and strengthened by a range of policies dealing with particular interests or types of development. These provide more detailed guidance on the best places for development and the best ways to develop. The policies follow the three key themes of the Park Plan and are outlined

through Chapters 4 to 6 to provide a detailed policy framework for planning decisions:

- Chapter 4 - Conserving and Enhancing the Park;
- Chapter 5 - Living and Working in the Park;
- Chapter 6 - Enjoying and Understanding the Park.

1.15 The site-specific proposals of the Local Plan are provided on a settlement by settlement basis in Chapter 7. These proposals, when combined with the policies in the Deposit Local Plan, are intended to meet the sustainable development needs of the Park for the Local Plan's lifetime.

### Implementing the Local Plan

1.16 The Local Plan will be implemented by a wide range of organisations, individuals and groups. The planning authorities will implement it through the determination of planning applications. The local authorities have additional responsibilities as the providers of services and in administering the mechanisms to support the successful delivery of many policies. **Partners of the Cairngorms National Park and statutory consultees will be key in the delivery of the Local Plan both through advice during the planning process and through their strategic work involved in areas of work such as cultural and natural heritage.** Developers will implement the Plan by obtaining planning permission and completing developments that comply with the Plan and contribute to the strategic objectives of the National Park Plan. Other organisations including statutory undertakers contribute to the implementation by providing the necessary infrastructure to allow development.

1.17 The Local Plan will provide the basis for planning decisions but is supplemented by other policies, strategies, and guidance. The Park Plan is a material consideration in planning decisions and has component strategies such as the Cairngorms Outdoor Access Strategy and Cairngorms Sustainable Tourism Strategy that can also be relevant to individual planning applications.

1.18 Some proposals contained in the Local Plan require additional detail to ensure development minimises any negative environmental effects and makes a positive contribution to the aims of the Park and objectives of the Park Plan. The Cairngorms National Park Authority will work with local authorities, landowners, developers, communities and other interested parties to create development briefs, masterplans and framework plans as appropriate for such sites.

1.19 Similarly, some policies within the Local Plan will not provide sufficient detail for the long-term

implementation of the Plan and will be supplemented by additional planning guidance. The National Park Authority is committed to preparing a Sustainable Design Guide and sustainability checklist for new development proposals that will supplement the Local Plan's Sustainable Development and Design Standards policies. Further supplementary guidance will be prepared to provide additional guidance on other key topics such as the development of micro generation energy production.

1.20 The planning authorities will use conditions and legal agreements, **produced at the expense of the applicant**, to ensure that consented developments comply with the Plan's policies. **In carrying out its planning function the National Park Authority will act in line with its Codes of Conduct, and ensure that all developments are carried out in line with its obligations created through various legislation such as the Nature Conservation (Scotland) Act 2004 which places a duty to further the conservation of biodiversity in carrying out its function.**

### How to Use the Local Plan

Everyone applying for planning permission must look at all of the policies in the Plan. Policies are not cross referenced. You must therefore make sure your proposal complies with all of the policies that are relevant.

The settlement maps identify sites proposed for particular types of development. In considering options for these sites, proposals must comply with all relevant policies, as well as working to achieve the four aims of the Park.

1.21 Developers should incorporate measures in their proposals to comply with the policies and any relevant supplementary guidance that has been published or referred to by the National Park Authority. **The role of pre-application discussion, including with key consultees, can also be key in ensuring good quality proposals are submitted and can also assist in easing the journey of proposals through the planning process.** All developers should discuss their proposal with the **planning authority** before submitting a planning application **and consider the requirements of National guidance regarding community consultation provided in Planning Advice Note 81.** This will help to ensure that developers obtain advice on:

- the most current information relating to planning policy;
- other factors material to the determination of their proposal such as measures needed to avoid harmful environmental effects; and
- what, if any, additional information they will be required to obtain and submit to the planning authority to allow their proposal to be determined.

I.22 Applications should be accompanied by any necessary supporting information. This could include traffic impact assessments, flood risk assessments, business plans, environmental impact assessments, habitat surveys, or locational justification for the development.



## 2. Context

### National Context

2.1 The Cairngorms National Park is a special part of Scotland, and while it is important to the local economy, environment and communities, it also has an essential role in delivering national objectives, set by the Scottish Government and its agencies. The National Park Plan lists the national policy context in which the Park is set. The Local Plan has clear links to National Planning Policy provided through the National Planning Framework, Scottish Planning Policies (SPPs), Planning Advice Notes (PANs) and Circulars. The Local Plan must have due regard to this national guidance and endeavour to reflect any changes which emerge in national thinking during its preparation and delivery. It also reflects emerging changes created as a result of the Planning etc. (Scotland) Act 2006.

2.2 In addition to Planning Guidance the Local Plan must also have taken into account documents such as the UK Biodiversity Action Plan and other nationally and internationally adopted obligations to ensure due regard is taken of relevant legislation and guidance.

*Map 2 Cairngorms National Park in regional context*



2.3 As the newest National Park in Scotland the National Park Authority also works closely with other National Park Authorities, both within Scotland, the rest of Britain and further afield to build on lessons from others and best practice in taking a National Park into the future.

### Regional Context

2.4 The Cairngorms National Park sits at a meeting point of many cultural and administrative boundaries. The Park includes areas within four local authorities – The Highland Council, Aberdeenshire Council, Moray Council and Angus Council. Being centred on a mountain massif, communities within the Park naturally look out to, and have strong links with, the surrounding areas. The transport and social links naturally tend to follow the major river systems, and development within the Park can have impacts downstream as far as the sea.

2.5 The Park therefore looks out to the four cities of Inverness, Aberdeen, Dundee and Perth, as well as other regional centres such as Elgin. The major transport routes into the Park link to these cities and these links play an important part in the economic and social life of people in the area. Given this central position, the Cairngorms National Park has the potential to be a significant asset to the wider region.



## The Structure Plans

2.6 Local plans normally take their strategic direction from structure plans. The Local Plan for the Cairngorms National Park should comply with the relevant structure plans but also takes its strategic context and direction from the Cairngorms National Park Plan.

2.7 The structure plans pre-date the National Park Plan but the local authorities would be expected to use it to inform any revisions of structure plans overlapping the Cairngorms National Park. **Under the terms of the Planning etc (Scotland) Act 2006 Structure Plans will be phased out and Local Development Plans will need to provide both detailed and strategic thinking to guide development. During the life of this plan however, policies must have due regard to the Structure Plans where appropriate:**  
The Highland Structure Plan 2001  
North East Scotland Together 2001  
The Moray Structure Plan 1999  
Dundee and Angus Structure Plan 2002

2.8 The Cairngorms National Park Local Plan may take a different approach to that of the structure plans where the National Park Plan provides alternative guidance or direction that is material to the Local Plan.

## The Cairngorms National Park Plan

2.9 The Cairngorms National Park Authority has prepared the National Park Plan, **which is a key in providing a framework for partnership delivery of the Park Plan objectives and achieving the overall vision for the Park.** Approved by Scottish Ministers on 15 March 2007, the Park Plan provides the overarching context for planning policy within the Cairngorms National Park. **As a material consideration in the decision making process it must be taken into account when considering all planning applications.** The Park Plan's long-term vision for the Park also drives the Local Plan and its shorter-term implementation.

2.10 The Park Plan is also the Cairngorms National Park's long-term **aspirational** management plan. It provides:

- A vision for the next 25 years and set of 25-year outcomes;
- A set of guiding principles to underpin the Plan and guide its implementation;
- Strategic Objectives that provide a **long-term** framework for **planning and management** of the National Park; and
- Priorities for action for the period 2007-2012 and intended five-year outcomes.

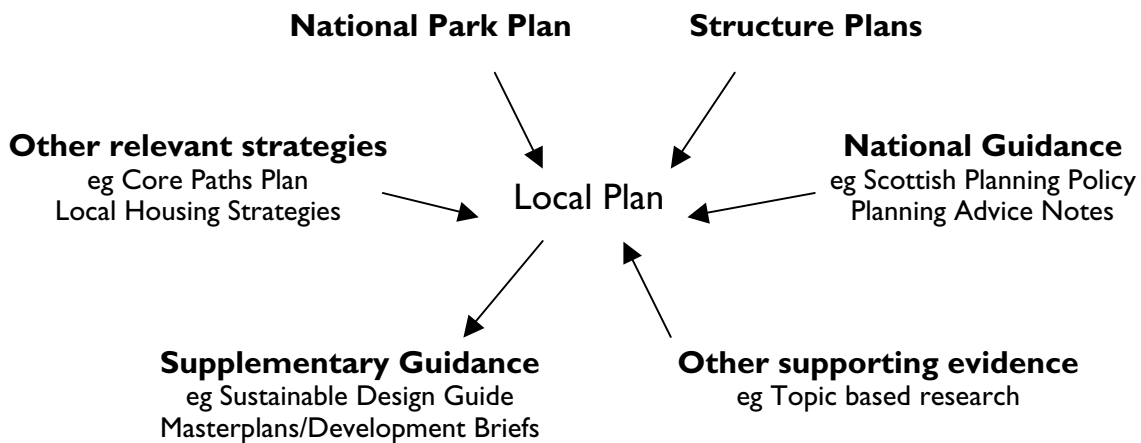
## Other Plans and Strategies

2.11 While the Park Plan provides an overview of the Park and its future management, it relies on the development and implementation of existing and new plans and strategies to deliver its objectives in particular areas. These include the Local Plan and other component strategies such as the Cairngorms Outdoor Access Strategy, the Cairngorms Core Paths Plan and the Cairngorms Sustainable Tourism Strategy. **In addition the National Park Authority will continue to encourage and support research and information collection and analysis in line with its objectives towards achieving the collective aims of the Park.**

2.12 Once adopted the Cairngorms Local Plan will supersede the local plans of the four Local Authorities, and in the determination of development proposals both the Cairngorms National Park Authority and the four Local Authorities acting as Planning Authority, will use this plan.

2.13 In addition to its material link to the Park Plan and other plans and strategies prepared for the Park, the Local Plan has links to other plans and strategies, many of which are prepared for each Local Authority. They include Regional Transport Strategies, Waste Management Plans, Open Space Strategies and Housing Strategies **and those specific to the four Local Authorities such as The Highland Community Plan, Highland Matters, and others.**

Figure 1 The Local Plan in Context



## The Local Plan's Vision

2.14 The Local Plan takes its vision from the Park Plan.

The Cairngorms National Park Plan's Vision for the Park:

Imagine a world-class National Park – an outstanding environment in which the natural and cultural resources are cared for by the people who live there and visit; a renowned international destination with fantastic opportunities for all to enjoy its special places; an exemplar of sustainable development showing how people and place can thrive together. A National Park that makes a significant contribution to our local, regional and national identity.

This is our vision for the Cairngorms National Park in 2030.

2.15 To achieve this vision the Local Plan has a number of guiding principles which also guide the National Park Plan. In establishing these principles the Local Plan will deliver a framework for the future of the National Park.

- **Sustainable Development – A National Park for today and for the future.** All development will create a sustainable Park for people today and in the future, with a network of sustainable communities which have room to thrive but respect their heritage.
- **Social Justice – A National Park for all.** Development opportunities will be created which meet the needs of all, locally for people living and working in the Park, regionally to meet its role as a threshold to the Highlands and Royal Deeside, and nationally as a destination for visitors.
  - **People Participating in the Park – A National Park for people.** Opportunities will be established for the National Park to engage everyone, both local people and visitors, to create a place which engenders a sense of citizenship and ownership.
  - **Managing Change – A National Park open to ideas.** Development will take advantage of the most current opportunities, technologies

and best practice, and the policy framework will encourage and allow for such developments to thrive.

- **Adding Value – A National Park that makes a difference.** The development process will build on a National Park to deliver a positive future and allow for initiatives and ideas to move forward in a timely way.

2.16 This vision is supported by the Park Plan's strategic objectives but it is the Outcomes for 2012 and Priorities for Action that provide the clearest indication of how this Local Plan must work towards the vision. The Local Plan is obviously only one of the delivery tools of the Park Plan, and is not itself enough to achieve the vision.

2.17 For a comprehensive list of the Park Plan's Outcomes for 2012 or Priorities for Action, the Park Plan itself is available from the offices of the Cairngorms National Park Authority or can be downloaded from: [www.cairngorms.co.uk](http://www.cairngorms.co.uk) Those Outcomes for 2012 and Priorities for Action that have a direct bearing on the Local Plan are shown in the Tables on pages 10, 11 and 12.

## **Selected National Park Plan's Outcomes for 2012 that guide the Local Plan:**

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### **Conserving and Enhancing Biodiversity and Landscapes Outcomes for 2012**

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- i. A Landscape Plan for the Cairngorms National Park will identify the natural, cultural and built landscape qualities, the factors influencing them and underpin actions for positive management.
  - ii. The key areas for the experience of wild land qualities will be identified, protected and enhanced as a major source of enjoyment of the Park and wild land qualities throughout the rest of the Park will be safeguarded.
  - iii. The location, scale, layout and design of all new development will make a positive contribution to the natural, cultural and built landscapes of the Park and the adverse impacts of some existing developments will be reduced.
  - iv. Species and habitats identified as the highest priorities in the Cairngorms Local Biodiversity Action Plan, the UK and Scottish Biodiversity Strategies and Action Plans and the Scottish Species Framework will be protected and under active conservation management.
  - v. There will be enhanced connectivity within habitat networks through practical implementation of a planned, landscape-scale approach, with early emphasis on lowland agricultural habitat networks and forest networks.
  - vi. All the designated nature conservation sites in the Park will be in favourable condition, or under positive management to bring them into favourable condition. This will be enhanced further by the appropriate management of the surrounding land to increase the ecological integrity and viability of these sites.
  - vii. The habitat and water quality of rivers and wetlands will be enhanced through commencement of positive management initiatives guided by catchment management planning.
  - viii. The diversity of rocks, minerals, landforms and soils of international, national and regional value will be safeguarded and more widely appreciated, together with the natural processes underpinning them.
  - ix. An active programme will be underway to safeguard and manage priority historic landscapes and archaeology sites and to promote them to the public.
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### **Integrating public support for land management Outcomes for 2012**

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- i. A diverse, viable and productive land management sector will continue to provide high quality primary produce such as food and timber, whilst delivering public benefits which are compatible with the Park's special qualities and will make a growing contribution to employment and the local economy.
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### **Providing High Quality Opportunities for Outdoor Access Outcomes for 2012**

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- i. A wider range of people will have the opportunity to enjoy the outdoors.
  - iii. There will be a more extensive, high quality, well maintained and clearly promoted path network so that everyone can enjoy the outdoors and move around the Park in a way that minimises reliance on motor vehicles.
  - v. There will be more effective connections between public transport and places with outdoor access opportunities.
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**Making Tourism and Business more Sustainable**  
**Outcomes for 2012**

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- i. An increasing proportion of the economic activity will be based on the special qualities of the Park.
  - ii. The visitor experience in the National Park will consistently exceed expectations and will drive repeat visits/more business opportunities. The Park will compare well against the rest of Scotland and other National Parks.
  - vi. Communities will feel that quality of life is improving and that they are able to influence the direction of economic growth within the Park. .
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**Making Housing More Affordable and Sustainable**  
**Outcomes for 2012**

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- i. There will be a reduction in the gap between housing need and supply in the Park to meet community needs.
  - ii. There will be a reduction in the number of businesses identifying housing as a barrier to staff recruitment and retention.
  - iii. There will be more good quality private rented sector accommodation available at affordable rents to meet local need.
  - iv. New housing will be of a more sustainable design.
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**Raising awareness and understanding of the Park**  
**Outcomes for 2012**

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- iv. More people who have visited the Park will have high quality experiences and will tell positive stories about the area.
  - vii. There will be more comprehensive and detailed information about the special qualities available in order to provide a better basis for conserving and enhancing them in the future.
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### 3.The Aims and Special Qualities of the Park

#### Park Facts and Figures

- The Park covers 3,800 sq km and about 5 per cent of Scotland's land area;
- Approximately 16,000 people live in the Park;
- Approximately 1.4 million people visit the Park each year;
- 39 per cent of the area of the Park is designated for nature conservation;
- 25 per cent of the area of the Park is designated as being of European importance for nature conservation;
- The Park is home to 25 per cent of the UK's rare and threatened species;
- Approximately 75 per cent of the land in the Park is privately owned.

3.1 The Cairngorms area is widely recognised and valued as an outstanding environment which people enjoy in many different ways. The Cairngorms National Park Plan acknowledges that people bring their own perceptions and interests to the Cairngorms, but that there are some special qualities of the area that are commonly recognised and referred to. It draws on the information gathered for the State of the Park Report to highlight some of the natural and cultural qualities that combine to give the Park its distinctive identity:

- Distinctive Landscapes
- Rich Biodiversity
- Mountains
- Moorland
- Forests and Woodlands
- Straths and Farmland
- Rivers and Lochs
- Recreation and Enjoyment
- The Built Environment
- Culture and Traditions

3.2 Many of these special qualities are reflected in the natural or cultural heritage designations within the Cairngorms National Park or through the number and range of features of natural and cultural significance recorded in the Park. The Local Plan takes its lead from the National Park Plan in directing development to the locations that will best deliver the Park's aims or avoid significant conflict with the aims. However, it is

#### The Park includes:

- Two National Scenic Areas;
- Extensive mountain areas including four of Scotland's five highest mountains and internationally renowned summer and winter climbing;
- Significant stretches of two of Scotland's major rivers, the Spey and Dee;

- Internationally important geological record and landforms;
- Most extensive area of arctic-alpine habitat in Britain;
- Most extensive area of Caledonian Forest in Britain;
- 424 listed buildings;
- 60 scheduled ancient monuments.

recognised that not all developments will make equal contributions to all Park aims, and some developments may contribute to one or more aims whilst conflicting with others.

3.3 The National Park Plan highlights the interdependence of the people, places and special qualities of the Cairngorms National Park. It takes an objective-led approach across the whole Park and seeks to establish a positive management approach for which all involved can take responsibility and which can be sustained in the long-term. The National Park Plan recognises that in managing this integrated approach, there will be differing views on many matters. It also emphasises that: *“The starting point must always be to work towards all four aims collectively, rather than to assume they are not mutually achievable. If, after taking this approach, there appears to the National Park Authority to be a ‘conflict’ between the first aim of the Park – to conserve and enhance the natural and cultural heritage – and the other three aims, greater weight must be given to the first aim”*.

3.4 This approach reflects the requirements of section 9 of the Act:

National Parks (Scotland) Act 2000 section 9  
(1) The general purpose of a National Park authority is to ensure that the National Park aims are collectively achieved in relation to the National Park in a co-ordinated way.  
(6) In exercising its functions a National Park authority must act with a view to accomplishing the purpose set out in subsection (1); but if, in relation to any matter, it appears to the authority that there is a conflict between the National Park aim set out in section 1(a) and other National Park aims, the authority must give greater weight to the aim set out in section 1(a).

### **Policy I Development in the Cairngorms National Park**

- a) Development will be supported where the aims of the Park are collectively achieved in a co-ordinated way, or where the objectives of designation and the overall integrity of the area are not compromised.
- b) Development that would have any significant adverse effects on the special qualities of the Park will only be permitted if these are clearly outweighed by social or economic benefits of national importance and will be mitigated to the satisfaction of the planning authority by the enhancement of qualities or features of equal importance to the National Park.
- c) Where development appears to cause conflict between the first aim of the Park and other National Park aims, greater weight will be given to the first aim – to conserve and enhance the natural and cultural heritage of the area.
- d) Development that is likely to conflict with the second, third or fourth aims of the Park or lead to adverse effects on the Park's special qualities, will only be permitted where it is considered that these would be clearly outweighed by the development's likely positive contribution to one or more of the other aims and the Park's special qualities, and where satisfactory measures are incorporated to minimise, mitigate or compensate the adverse effects of the development.
- e) Where the potential impacts of a proposal are uncertain, but where there is an evidence base to indicate that significant irreversible damage could occur either to the current environmental or social or economic situation, the precautionary principle shall be applied.

### **Background and Justification**

3.5 This policy supports all of the National Park strategic objectives and in considering its impact on development proposals, regard should be given to the special qualities of the Cairngorms National Park as set out in the National Park Plan section 3.2.

### **Implementation and Monitoring**

3.6 Policy I sets out the role of the Park's aims and the special qualities in planning decisions, highlighting the need to give greater weight to the first aim where it appears to the authority that there is a conflict between the 1<sup>st</sup> aim and the other aims. It is the policy that will underlie all planning decisions within the Cairngorms National Park and will be the starting point and ending point in assessing planning applications.



3.7 In accordance with the National Parks (Scotland) Act 2000 and as highlighted in para 3.4, Policy I and the Local Plan in total will stand as an important delivery tool in achieving collectively the aims of the Park.

3.8 The policy will be used in the assessment of all proposals, of national, regional and local significance, and in doing so, the planning authority will take into account the impact any development would have on the aims of the Park and the obligations established through National Planning Policy Guidance.

3.9 Policy I will be implemented in conjunction with all other policies in the Local Plan, and in line with national guidance and protocol of planning procedure. Policy I together with the other policies in the Local Plan is intended to support the co-ordinated delivery of the Park's aims and to promote and protect its special qualities. The detailed policies will provide a clear justification for approval or refusal of planning applications in their own right. Policy I will form a firm foundation for decision making and link the detailed policies back to the aims of the Park. This policy also provides a basis for the assessment of any proposals that have not been anticipated in the other policies of the Plan.

3.10 This policy will be monitored through analysis of planning approvals and how they impact on achieving the aims of the Park. To assist in this monitoring work, the Cairngorms National Park Authority will continue to support improvements to the evidence base and data collection carried out by the Authority, its Partners and others. Reference should be made to the strategic objectives of the National Park Plan 5.1j in this regard. Developments must comply with all relevant policies in the Plan to comply with Policy I.



## 4. Conserving and Enhancing the Park

4.1 The National Park Plan acknowledges that the conservation and enhancement of the special qualities which underpin the National Park's importance and attraction, as well as much of its economy and communities, must form the basis of successful **future** management. To achieve this it identifies a number of key areas on which to focus attention: conserving and enhancing the natural and cultural heritage; sustainable use of resources; and integrated land management.

4.2. The Local Plan aims to address these key areas through **policy implementation which reconciles** appropriate forms of development while also conserving and enhancing the special qualities of the Park.

4.3 **In addition to the National Park designation itself**, much of the Park is covered by national or international designations or areas of particular importance for natural, cultural or earth heritage reasons which developers must consider when making any new proposals. All planning applications will be assessed against the impacts made on any important natural, cultural or earth heritage resources that might be affected by the proposed development.

### Policy 2 Natura 2000 Sites

Development likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment **in accordance with the Conservation (Natural Heritage etc) Regulations 1994 (as amended)**. Where an assessment is unable to ascertain that a development will not adversely affect the integrity of the site, the development will only be permitted where:

- there are no alternative solutions; and
- there are imperative reasons of overriding public interest **including those of a social or economic nature**.

Where the site has been designated for a European priority habitat or species, development will only be permitted where the reasons for overriding public interest relate to human health, public safety, beneficial consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers).

### Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Biodiversity

4.4 **The policy will apply to all sites designated as being Natura 2000**. Special Protection Areas (SPA) under the Wild Birds Directive

and Special Areas of Conservation (SAC) under the Habitats Directive form the European network of sites known as 'Natura 2000'. They are intended to maintain and restore the distribution and abundance of species and habitats that are endangered, vulnerable, rare or otherwise require special attention.

4.5 The Conservation (Natural Habitats, etc) Regulations 1994 (as amended) place a duty on public bodies to meet the requirements of the EC Council Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive). Detailed advice on the requirements of the Directive is contained in SED Circular 6/1995 (revised June 2000). The Habitats Regulations require that where a competent authority (either local authority or National Park Authority) concludes that a development proposal is likely to have a significant effect on a Natura 2000 site, it must undertake an appropriate assessment of the implications for the conservation interests for which the area has been designated. Further guidance on assessment of proposals affecting Natura 2000 sites is set out in National Planning Policy Guideline 14 Natural Heritage and Appendix A of Annex E to Circular 6/1995.

4.6 **In addition**, wetlands of international importance for birds listed through the Ramsar Convention on Wetlands are given the same **policy** protection as Natura 2000 sites in the UK and are also considered under this **policy**. Although such developments will not require an appropriate assessment (unless also likely to have a significant effect on a Natura 2000 site) sufficient information will be required to enable the planning authority to properly consider the likely effects of the proposal on the integrity of the Ramsar site.

4.7 Map A of Appendix I shows current SPAs, SACs and Ramsar sites within the National Park. Details of the sites can be obtained from the National Park Authority or directly from Scottish Natural Heritage and larger scale maps can be viewed on line at [www.cairngorms.co.uk](http://www.cairngorms.co.uk) or made available on request. Of particular note within the Cairngorms National Park are the river SACs which although difficult to depict on any map, potentially can have wide ranging implications for development.

### **Implementation and Monitoring**

4.8 This policy must be implemented by Planning Authority wherever a proposal may affect a Natura 2000 site. Most development in the National Park takes place within the catchments of the rivers Dee and Spey which are both designated as SACs. Many proposals will therefore have potential to affect those sites. However, it may in certain circumstances be possible to avoid or mitigate some of the potential adverse effects of developments so that the integrity of Natura sites is not adversely affected. Where this is not possible, planning permission can only be granted in the exceptional circumstance described by the Directive and the Habitats Regulations.

4.9 The Planning Authority will consult Scottish Natural Heritage (SNH) for advice on both the need for appropriate assessment, and the specific requirements of individual assessments. When considering the need for an appropriate assessment, and in preparing appropriate assessments, the competent authority will take account of developments outwith the designated areas to assess possible impacts on the designation site. It will also take account of potential cumulative effects of other development proposals on Natura interests including those progressing through the planning system, and other plans and programmes. To assist in this assessment work, developers will be expected to provide the necessary information to allow the assessment to be undertaken by the competent authority.

4.10 Policy 2 applies to development proposals on sites proposed through the Local Plan as well as development proposals on sites identified in the Plan. The Local Plan itself must be subject to an appropriate assessment before it can be adopted. The planning authorities will inform developers of any special requirements resulting from Natura interests or the appropriate assessment of the Local Plan during pre-application discussions or when the need for such requirements are recognised by the authorities. The special requirements could include mitigation measures to avoid effects on Natura interests that would be imposed as

conditions on planning consent, or particular information required by the planning authority to undertake an appropriate assessment of the specific development proposal.

### Policy 3 National Natural Heritage Designations

Development that would adversely affect the National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where it has been demonstrated that:

- a) the interests of the designated area and overall integrity of the area would not be compromised; or
- b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance and are mitigated by enhancement of qualities of equal importance to the natural heritage designation.

### Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Biodiversity
- Geodiversity
- Landscape, Built and Cultural Environment

4.11 The Cairngorms National Park, itself a national designation for its outstanding natural and cultural heritage, contains examples of all three of Scotland's national natural heritage designations. Sites of Special Scientific Interest (SSSIs) are areas of land (and land covered by water) that are considered by Scottish Natural Heritage to be of special interest by reason of their natural features. They provide the foundation for a range of other natural heritage designations and are therefore at the core of national and international arrangements for the protection of species, habitats and geological or geomorphological features.

4.12 Scottish Natural Heritage (SNH) has a duty under Section 3 of the Nature Conservation (Scotland) Act 2004 to notify SSSIs and all public bodies must take reasonable steps to further the conservation and enhancement of SSSIs when exercising their functions affecting SSSIs.

4.13 National Nature Reserves (NNRs) are areas where some of the best examples of Scotland's wildlife and landscapes are protected and managed. It is Scottish Natural Heritage's policy that each NNR must achieve at least one of three key purposes:

- To provide opportunities for everyone to visit and enjoy the best of Scotland's nature;

- To allow specialised management for wildlife which depends upon it;
- To offer opportunities for long-term research into management for nature, and to demonstrate good practice to others;

4.14 National Scenic Areas (NSAs) are areas which are nationally important for their scenic quality, and for which special protection measures are appropriate. Within NSAs there are limitations placed on permitted development rights and further guidance on the most current restrictions should be sought from the planning authority. The Park contains two NSAs covering the Cairngorm Mountains and Deeside and Lochnagar and under the terms of the Planning etc (Scotland) Act 2006 Section 50, planning authorities should pay special attention to the desirability of safeguarding the character and appearance of these areas. Outwith the NSA boundaries, it is stated within the National Park Plan that an equivalent level of consideration will be given to the landscape throughout the whole Park.

4.15 Map B of Appendix I shows current SSSIs, and NNRs within the National Park. Map C of Appendix I shows the areas covered by the two National Scenic Areas in the National Park. Details of these sites can be obtained from the National Park Authority or directly from Scottish Natural Heritage.

### Implementation and Monitoring

4.16 This policy protects nationally designated sites from development that would compromise their integrity or objectives, unless the development proposal would have social or economic benefits of national importance. When assessing the potential effects of development proposals on national designations, the planning authority will take account of potential cumulative effects on the designated natural heritage interests and the impact on habitat networks which link designated sites and are affected by development. The policy applies to developments affecting these sites, whether or not they are inside or outside the boundary of the designated area.

4.17 The policy will be monitored by review of planning consents and refusals for proposals that could affect any of these designations.

#### **Policy 4 Other Important Natural and Earth Heritage Sites and Interests**

Development that would **adversely affect** an ancient woodland site, semi-natural ancient woodland site, Geological Conservation Review site, or other nationally, regionally or locally important site recognised by the planning authority will only be permitted where it has been demonstrated that:

- a) the objectives of the identified site and overall integrity of the identified area would not be compromised; or
- b) any significant adverse effects on the qualities for which the area or site has been identified are mitigated by the **provision of** features of **commensurate or greater** importance to those that are lost.

#### **Background and Justification**

This policy supports the National Park Plan's strategic objectives for:

- Biodiversity
- Geodiversity

4.18 The outstanding natural heritage of the Cairngorms National Park is reflected in both the national and international designations in the Park and throughout the other habitats, species and geodiversity present within it. Many of these other habitats, rocks or landforms are also nationally important due to their rarity or fragility. It also plays a key role in supporting the economy of the whole area.

4.19 Long-established woodlands provide some of the most ecologically diverse habitats in the UK and can take hundreds of years to develop. Once an area of long-established woodland has been lost, it is impossible to replace it with as diverse a habitat. It is therefore important that wherever possible, areas of long established woodland, which have the greatest capacity to support mature woodland habitats and species, are not lost to development.

4.20 The Ancient Woodland Inventory records areas of woodland or plantation that are on sites where woodland or plantation was recorded on General Roy's 1750 Maps or the Ordnance Survey's First Edition maps of 1860. The Semi-natural Ancient Woodland Inventory records areas of semi-natural woodland that were present during the 1970s on areas identified by the Ancient Woodland Inventory.

Map D of Appendix I shows sites included in the Semi-natural Woodland Inventory and Ancient Woodland Inventory within the National Park. Details of the sites can be obtained from the National Park Authority or directly from Scottish Natural Heritage. **There is a recognition that much of this information is desk based data, and the policy will be implemented in a way which allows site inspections and specialist advice to inform the decision making process.**

4.21 A number of sites within the Cairngorms National Park are considered to be nationally important because of their geology or geomorphology and have been recorded through the Geological Conservation Review (GCR). GCR sites are intended to highlight the best examples of a range of geological and geomorphological features in the UK. Some GCR sites are designated as geological Sites of Special Scientific Interest, or form parts of other SSSIs.

4.22 In addition to these national records and inventories of sites, local authorities, NGOs and other organisations recognise a range of sites that have natural heritage interest or importance. These may include non-statutory Nature Reserves and Sites of Interest to Natural Science (SINS) in Aberdeenshire and Moray.

#### **Implementation and Monitoring**

4.23 This policy is intended to prevent loss of nationally, regionally or locally important natural or earth heritage sites that are not afforded special protection by designation. However, **some** of these identified areas would not pass the rigorous assessment process to become designated sites and hence they are not all equally important examples or sensitive sites. When making decisions on proposals that would affect these sites, the planning authority will take into account the quality of the interests of the site and its contribution to the wider network of sites in addition to the direct effects of the development proposal.

**4.24 For clarity, commensurate will be taken to mean a replacement habitat which has the capacity to support the genetic integrity and size of population, have the same level of connectivity and the same level of complexity.**

4.25 The policy will be monitored by review of planning permissions affecting sites & the impact they have on loss of areas of habitat or sites **including any cumulative impacts.**

### Policy 5 Protected Species

Development should avoid causing any harm to any European Protected Species wherever they occur unless:

- a) there are public health, public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment; and
- b) there is no alternative solution.

The development will not be detrimental to the maintenance of the local population and genetic integrity of the species concerned at a favourable conservation status in their natural range.

In addition the proposal should avoid any adverse impact of proposals on species listed in Schedules 1, 5 & 8 of the Wildlife & Countryside Act 1981, as amended, annexes II and V of the EC Habitats Directive and annex I of the EC Birds Directive.

a) the developer can demonstrate to the satisfaction of the Planning Authority, that the need and justification for the development outweighs the local, national or international contribution of the area of habitat or populations of species; and

b) significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is avoided, or minimised where harm is unavoidable, and appropriate compensatory and/or management measures are provided and new habitats of commensurate or greater nature conservation value are created as appropriate to the site.

Where there is evidence to that a habitat or species may be present on, or adjacent to, a site, or could be adversely affected by the development, the developer will be required to undertake a comprehensive survey of the area's natural environment to assess the effect of the development on it.

### Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Biodiversity

4.26 A number of species are protected by law and are listed through Schedules 1-8 of the Wildlife & Countryside Act 1981, Schedules 2, 3 & 4 of the Conservation (Natural Habitats, &c.) Regulations 1994 (known as the Habitats Regulations) and the Protection of Badgers Act 1992. For some species a licence is required before it, or its habitat can be disturbed and these are available from the Scottish Government. Licences for scientific, research or educational purposes are available from SNH.

### Implementation and Monitoring

4.27 This policy ensures that the effects of development proposals on protected species, including any cumulative impacts, are fully considered by the planning authority. Developers will be required to undertake any necessary surveys for species at their own cost and to the satisfaction of SNH and the planning authority. If there is evidence to indicate that a European Protected Species may be present on a site, any such presence and any likely effects on the species shall be fully ascertained prior to the determination of the planning application.

4.28 The policy will be monitored by review of planning permissions and the impact they have on protected species, and through consultation with SNH.

### Policy 6 Biodiversity

Development that would have an adverse effect on habitats or species identified in the Cairngorms Biodiversity Action Plan, UK Biodiversity Action Plan, or by Scottish Ministers through the Scottish Biodiversity List, including any cumulative impact will only be permitted where:

### Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Biodiversity

4.29 Biodiversity means 'the total variety of all living things.' The Nature Conservation (Scotland) Act 2004 places a duty on all public bodies to "further the conservation of biodiversity" as they carry out their work, and this is directly relevant to the work performed by planning authorities. It is therefore important that the value of habitats and species is considered in all planning decisions, and appropriate measures to conserve and enhance biodiversity are implemented through the planning process. Together with the above, the implementation of the Policy will be carried out to take account of National Planning Policy Guideline 14 and Planning Advice Note 60.

4.30 Protected areas and protected species play an important role in conserving biodiversity through giving legal protection to some of the rarest or best examples of habitats and species. However, the Cairngorms have many other habitats, networks of habitats and species that are not



protected but that are also important to the biodiversity and ecosystems of the Park and developments which enhance or restore such habitats, networks will be encouraged.

4.31 The Cairngorms Local Biodiversity Action Plan, UK Biodiversity Action Plan and Scottish Biodiversity List, all note habitats and species that are of particular importance to the Cairngorms National Park, Scotland, the UK and Europe. The particular conditions in the Park mean some habitats and species may be frequent within the National Park but very rare elsewhere, making the Park even more important to the long-term survival of that habitat or species.

### Implementation and monitoring

4.32 This policy is intended to ensure that development does not weaken the overall integrity and connectivity of the ecosystems of the Cairngorms National Park. The planning authority will assess the direct, indirect and cumulative effects of development proposals on habitats, networks and species. If there is evidence to suggest that a European Protected Species may be present on a site, any such presence and any likely effects on the species shall be fully ascertained prior to the determination of the planning application.

4.33 Developments should therefore conserve and enhance natural and semi-natural habitats for the ecological, recreational, landscape and natural heritage values, including water bodies, watercourses, wetlands, peat and river corridor habitats.

4.34 Developers should address issues of biodiversity as soon as possible in their own planning of developments and incorporate suitable measures in their development. The National Park Authority has published a leaflet titled 'Biodiversity Planning Guidance: Note for the Householder' that provides more information.

4.35 For clarity, commensurate will be taken to mean a replacement habitat which has the capacity to support the genetic integrity and size of population, have the same level of connectivity and complexity.

4.36 This policy will be monitored by review of planning permissions and assessment of priority habitats and networks and species affected by development. To assist in this monitoring work the National Park Authority will continue to support improvements to the evidence base and data collection carried out by the National Park Authority, its Partners and others. Reference should be made to the strategic objectives of the National Park Plan 5.1j in this regard.

### Policy 7 Landscape

There will be a presumption against development that does not make a positive contribution to the landscape character of the National Park by virtue of its location, siting and design. Such positive enhancement will be sought in all development proposals.

Development that would have a significant adverse effect on the landscape character of the Park, including its distinctive landscape features, scenic qualities, natural beauty, amenity, historic landscape elements or qualities of wildness will only be permitted where:

- a) there is no alternative solution; and
- b) where the adverse effects have been minimised and mitigated to the satisfaction of the planning authority through appropriate siting, layout, design and construction.

### Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Landscape, Built and Cultural Environment
- Air
- Biodiversity
- Geodiversity
- Forest and Woodland Management
- Moorland Management

4.37 The diverse and spectacular landscapes of the Cairngorms National Park are one of the area's key assets and the distinctive character of the Park's landscape is one of the reasons for the creation of the Park itself. A balance of landforms formed over hundreds of thousands or millions of years with more recent human influence, the resulting landscape is of primary importance to the area as a National Park.

4.38 The landscapes of the Park are attractive because of the mixture of spectacular landforms, mosaics of semi-natural and man-made habitats and the sum of the patterns and buildings of human development. In some parts of the Park, only the most recent human activities are obvious in the landscape, but in many parts of the Park, the patterns of past human activity have left a clear imprint on the landscape.

4.39 The Cairngorms National Park has been systematically surveyed and described in two assessments. The Cairngorms Landscape Character Assessment undertaken on behalf of SNH in 1996 (LCA) identifies and describes the characteristics of the landscape in different parts of the National Park. The Historic Landscape of the Cairngorms undertaken on behalf of RCAHMS and Historic Scotland in 2001 uses the Historic Landuse Assessment (HLA) and National Monuments Record of Scotland (NMRS) to identify general patterns in the historic parts of the landscape. It provides a tool to help record, understand and interpret the Park's cultural heritage. In addition the LCA is currently being revisited. On completion it will replace the 1996 work and form supplementary guidance in support of the Plan.

### Implementation and Monitoring

4.40 The National Park Plan highlights the importance of this sense of wildness that can be experienced in the Park and has a strategic objective for its conservation and enhancement. The Park Plan also recognises that some activities and forms of development can affect the sense and experience of wildness by introducing new sights, sounds, or patterns in the landscape. **The role of appropriate land management in protecting the landscape is also highlighted in the Park Plan.**

4.41 In many parts of the Park people can experience a sense of wildness that is related to the landscape character, the habitats, views, location **and feeling of remoteness.** Although people's perceptions of wildness may vary, there are clearly parts of the National Park where a combination of the landscape character, a sense of remoteness or a perceived absence of recent development can combine to create a sense of wildness. **The impact of development on such areas is important, and the wildness of different parts of the National Park is being assessed by the National Park Authority. This work will directly assist in the implementation of this policy.**

4.42 The quality of the dark night skies in the Park is highlighted in the National Park Plan as significantly contributing to the sense of wildness that can be experienced. **The Planning Authority will therefore ensure that all developments minimise light pollution by seeking the minimum level of light provision in developments for security, safety and operations as well as minimising light spillage from developments.**

4.43 The Planning Authority will use the Cairngorms LCA and any revisions or additions to inform planning decisions using this policy. **In addition due regard will be given to the obligations established under the European Landscape Convention regarding the impact of**

**development on landscape.** Specialist professional advice will be sought as appropriate to inform the decision-making process. The planning authorities will also use the HLA to help identify potential issues with the historic environment and will seek appropriate advice where necessary.

4.44 The Planning Authority will ensure that developments are sited, designed and constructed of materials which make a positive contribution to the special landscape qualities of the Park. Developers should consider this requirement at the outset of a project and should seek appropriate advice on how best to choose a site and design their proposal. Relevant advice can be found in the Scottish Government publications 'Designing Places, A Policy Statement for Scotland', Planning Advice Note 72 'Housing in the Countryside' and Planning Advice Note 68 'Design Statements'.

4.45 The policy will be monitored by review of planning permissions and assessment of individual and cumulative effects of development on the landscape.

### **Policy 8 Gardens and Designed Landscapes**

Development affecting a Garden or Designed Landscape as identified by Historic Scotland, should protect, preserve and, where possible, enhance its character or any features of special historic interest which it possesses.

There will be a presumption against development that would adversely impact on the character, or important views to, from and within the site, or on the site or setting of component features which contribute to their value. **Any significant adverse impacts will be satisfactorily mitigated and must be clearly outweighed by social and economic benefits.**

### **Background and Justification**

This policy supports the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment

4.46 The National Park contains many examples of gardens and estate policies that contribute to the historic and cultural interest and overall appearance of the landscape. Some of these sites are listed in the Inventory of Gardens and Designed Landscapes, maintained and updated by Historic Scotland, and last published March 2007. Under Article 15 of the Town and Country Planning (General Development Procedure) (Scotland) Order 1992 as amended (Circular 4/2007), planning authorities must consult Historic Scotland on any development proposals that may affect a site contained in the Inventory.

4.47 Map C of Appendix I shows sites in the Inventory of Gardens and Designed Landscapes within the Park. Details of the sites can be obtained from the National Park Authority or directly from Historic Scotland.

### **Implementation and Monitoring**

4.48 This policy will be implemented through consultation with Historic Scotland where required. The Planning Authority will also consider the effects of a proposal on historic gardens and designed landscapes that are not listed in the Inventory and will apply the provisions of the policy to such sites.

4.49 The policy will be monitored by review of the impact of planning permissions on historic gardens and designed landscapes and through consultation with Historic Scotland.

### **Cultural Heritage and the Historic Environment**

4.50 The Cairngorms National Park has a rich cultural heritage, ranging from archaeological remains to internationally significant listed buildings and important architectural and historic townscapes. The Park also has other buildings, features or sites that have a historic importance or cultural heritage value which are not yet recorded systematically or officially. **All such features will, in due course, be reported on the Sites and Monuments Records/Historic Environment Records which is continually updated by the local authorities for the benefit of all.**

4.51 The conservation and enhancement of all these elements which contribute to the cultural heritage of the Park forms an intrinsic part of the first aim of the National Park. The National Park Plan recognises that physical records of the Park's cultural heritage are important to the Park, stating:

*"This cultural record is one of the most valued qualities of the Park. The physical heritage needs greater repair and maintenance to secure its long-term conservation and enhancement of both sites and their settings".*

## Policy 9 Archaeology

There will be a presumption in favour of preserving in situ Scheduled Ancient Monuments and other identified nationally and regionally important archaeological resources, and within an appropriate setting. Developments which have an adverse effect on scheduled monuments or the integrity of their setting will not be permitted unless there are exceptional circumstances.

All other archaeological resources will be preserved in situ wherever feasible. The planning authority will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications.

The developer may be requested to supply a report of an archaeological appraisal prior to determination of the planning application. Where the case for preservation does not prevail, the developer will be required to make appropriate and satisfactory provision for archaeological excavation, recording, analysis and publication, in advance of development.

as any other material factor in both the development planning and the development control processes.

### Implementation and Monitoring

4.54 Planning authorities will take into account the potential effect of development proposals on all known archaeological sites in making decisions. They will follow the guidance of NPPG5, which recognises that not all remains are of equal importance, and will consider the various categories of archaeological remains (as described in NPPG 5), **Planning Advice Note 45 and any other relevant national guidance**, as well as specialist archaeological advice as appropriate.

4.55 This policy will be monitored by review of planning permissions and the impact they have on archaeological sites. The impact made by conditions attached to consents and permissions will also be analysed.

### Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment

4.52 The Cairngorms National Park has many nationally important archaeological sites and monuments that are scheduled and protected by the Ancient Monuments and Archaeological Areas Act 1979. There are also many other sites and monuments of regional or local significance, which contribute to the cultural heritage found within the Park and sites which survive which are as yet not recorded with NMRs (National Monuments Record of Scotland) or SMR/HER (Sites and Monuments Records/Historic Environment Records) and which may be fragile and an irreplaceable resource. Many of these sites, though not all, are identified in the NMRS and more still are identified through local authorities' Sites and Monuments Records.

4.53 All of these sites, whether scheduled or not, are fragile and irreplaceable. It is important that the setting of archaeological sites is safeguarded in addition to their physical integrity. National Planning Policy Guideline 5: Planning and Archaeology (NPPG 5) states that planning authorities should ensure that archaeological factors are as thoroughly considered

### Policy 10 Listed Buildings

There will be a presumption in favour of development that preserves a listed building, or its setting, or any features of special architectural or historic interest which it possesses.

The layout, design, materials, scale, siting and use of any development will be appropriate to the character and appearance of the listed building and its setting.

Where a listed building has been shown to be in serious risk of collapse or irrevocable decay, enabling development may be considered where all alternative means of funding or enabling have been exhausted and the proposal will secure the preservation of the building. Any such development will be the minimum required to secure the buildings restoration.

Proposals for the total demolition of a listed building, or substantial demolition of parts of it which have particular architectural merit, will only be permitted where it is demonstrated beyond reasonable doubt to the planning authority that every effort has been exerted by all concerned to find practical ways of retaining it, or where the demolition relates to parts of the building that do not have, or detract from the special interest of the building. This will be demonstrated by inclusion of evidence to the planning authority that the building:

- a) has been actively and appropriately marketed at a reasonable price and for a period reflecting its location, condition and possible alternative uses without finding a purchaser; and
- b) is incapable of physical repair and re-use through the submission and verification of a thorough structural condition report, produced by a qualified structural engineer.

### Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment

4.56 The role which can be played by listed buildings in furthering the first aim of the Park in relation to conserving and enhancing the cultural heritage of the Park cannot be understated. Listed buildings give a reference to the past which is often recognisable to many and create a built environment attractive and interesting, producing an atmosphere which is important to the economy and can demonstrate

sustainability and longevity within the development process.

4.57 Buildings of special architectural or historic interest are listed by the Scottish Ministers and divided into categories A, B or C(s). The purpose of listing is to ensure that any demolition, alteration, repair or extension that would affect the building's special interest is controlled. The Cairngorms National Park has more than 400 listed buildings that are an important element of its rich cultural heritage.

4.58 When determining planning applications, Sections 14(2), and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 place a duty on planning authorities to have special regard to the desirability of preserving a listed building, or its setting, or any features of special architectural or historic interest which it possesses. National Planning Policy Guideline 18 'Planning and the Historic Environment' provides the national policy context for listed buildings and is a material consideration in the determination of planning applications. The Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 provides advice on listed building consent matters and is supported by the Scottish Environment Historic Policy (SHEP) series produced by Historic Scotland.

### Implementation and Monitoring

4.59 This policy will be implemented through the full consideration of the relevant provisions of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, NPPG 18 and The Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 and the SHEP series. The planning authority will seek specialist advice on these matters as appropriate including where necessary, valuation information from the District Valuer.

4.60 Where enabling development is considered appropriate any such development will be tied to the renovation of the listed building through a Section 75 agreement to ensure that funds are successfully channelled into the conservation of the building to which the enabling development relates.

4.61 This policy will be monitored by review of planning permissions affecting listed buildings, use of conditions in consents and how these impact on listed buildings, their setting and their integrity.

## Policy 11 Conservation Areas

Development within a conservation area or affecting its setting will preserve or enhance its character and be consistent with any relevant conservation area appraisal or management plan that may have been prepared for the area.

The design, materials, scale, **layout** and siting of any development will be appropriate to the character **and appearance** of the conservation area and its setting.

Given the importance of assessing design matters, outline planning applications will not be considered appropriate for developments in conservation areas.

Where an existing building within a conservation area contributes positively to its character, demolition will only be permitted where it is demonstrated beyond reasonable doubt to the Planning Authority, that every effort has been taken to secure its long-term future without success. In such instances, proposals for demolition will not be considered in the absence of a detailed planning application for a replacement development that enhances or preserves that character. Demolition will not begin until evidence is given of contracts let for the approved development.

### Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment

4.62 Conservation areas are areas of special architectural or historic interest where it is important to preserve or enhance their character or appearance. The main implication of designation is that consent will be required for specific types of development that would not otherwise require it. This level of control can, in certain circumstances be further extended through the introduction of an Article 4 Direction.

4.63 Within the National Park, the role of conservation areas is important in fulfilling the first aim of the Park in relation to its cultural heritage. Within the Park area are to be found interesting and architecturally significant highland settlements which reflect key historical events, and their preservation and enhancement is important to the overall integrity of the cultural heritage of the National Park and to promoting the economy of rural areas.

4.64 There are four designated conservation areas in the Cairngorms National Park, at Ballater, Braemar, Inverey and Grantown-on-Spey. The village centres of Tomintoul, Kingussie and Newtonmore are also of historic and architectural interest. The Cairngorms National Park Authority will work with the 4 local authorities to consider and consult on proposals for the designation of conservation areas in other locations in the future.

### Implementation and Monitoring

4.65 The policy will be implemented through full consideration by the planning authorities of the relevant provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the **Planning etc** (Scotland) Act 2006, National Planning Policy Guideline 18, The Memorandum of Guidance on Listed Buildings and Conservation Areas 1998 and the SHEP series.

4.66 In line with the protection given to trees in conservation areas through the above legislation, removal of such trees will only be considered appropriate in exception circumstances. Notification to remove or topping or lopping of trees within conservation areas should be made to the planning authority, who will then assess the contribution that tree makes to the character of the Conservation Area.

4.67 In preparing any conservation area appraisal or management plan, the planning authority will carry out full and comprehensive public consultation to ensure appropriate future arrangements are secured for such areas.

4.68 This policy will be monitored by review of planning permissions affecting conservation areas and use of conditions in consents.



## Policy 12 The Local and Wider Cultural Heritage of the Park

Development that seeks to protect, conserve or enhance a site, feature or use of land of local or wider cultural or historic significance or its setting will be supported.

Any development that would adversely affect a site, feature, or use of land of local or wider cultural or historic significance or its setting, will take reasonable measures to avoid, minimise and mitigate those effects.

### Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Culture and Traditions

4.69 The National Parks (Scotland) Act 2000 defines cultural heritage as including “*structures and other remains resulting from human activity of all periods, language, traditions, ways of life and the historic, artistic and literary associations of people, places and landscapes.*” The National Park contains many such examples that are not yet protected by designation or recorded systematically or officially. These include features such as military roads, wells, caves, trees and in particular heritage and veteran trees, traditional places of recreation or meeting, traditional or vernacular architecture, ruins or places mentioned in folklore or local history. They clearly contribute to the cultural heritage of the Park and should be taken into account in planning decisions.

### Implementation and Monitoring

4.70 This policy reinforces the direction of the National Parks (Scotland) Act 2000 by ensuring that the cultural heritage of the Park is explicitly considered in planning decisions. It also provides a clear basis on which to employ Policy 1 of the Local Plan. The policy will be used to ensure that wherever a development proposal is likely to affect a site of local or wider cultural heritage significance to the Park, the importance of the site, feature or use of land is considered appropriately and that every reasonable step in line with the first aim of the Park is taken.

4.71 Where such assessments bring to light a site, or feature of sufficient merit, the Cairngorms National Park Authority will work with the appropriate bodies to secure the appropriate level of designation or scheduling, thus offering additional protection for the future.

4.72 The policy relies on information being available during the period when a planning application is being considered and will require a reliable form of documentary evidence for the importance or significance of the site, feature, or use of land. It will not however impose on any applicant the need for specialist survey work or additional detailed documentation unless initial surveys reveal information which implies cultural heritage importance.

4.73 It will be monitored through analysis of planning permissions and their impact on recognised or potential sites or features of cultural heritage significance, and on the future recording of such sites or features in a co-ordinated way.



## Sustainable Use of Resources

### Policy 13 Water Resources

#### a) Use of Resources:

Development will:

- i) minimise the use of treated/abstracted water;
- ii) not result in the deterioration of the current or potential ecological status or prejudice the ability to restore water bodies to good ecological status;
- iii) treat surface water and foul water discharge separately in line with SUDs Manual Circa C697;
- iv) have no significant adverse impact on existing or proposed public or private water supplies or wastewater treatment services.

#### b) Flooding

Development will be free from significant risk of flooding, not increase the risk of flooding elsewhere, not add to the area of land that requires flood prevention measures, or affect the ability of the functional floodplain to store or move flood waters. Development in areas susceptible to flooding will require a developer-funded flood risk assessment carried out by a suitably qualified professional.

#### c) Connection to sewerage

Development will connect to the public sewerage network unless:

- i) it is in a small settlement (population less than 2000) where there is no, or a constrained collection system, in which case a private system may be permitted where it does not pose or add to a risk of detrimental effect, including cumulative, to the natural and built environment, surrounding uses or the amenity of the area; or
- ii) it is in a larger settlement (population over 2000) where connection is currently constrained but is within the Scottish Water investment programme. In such cases:
  - Systems must be designed and built to a standard to allow adoption by Scottish Water
  - Systems must be designed so that in the future, they can be easily connected to the public sewer.

Where a private system is acceptable (within small settlements or small-scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with the Scottish Building Standards Agency Technical Handbooks should be explored prior to considering a discharge to surface waters.

## Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Water
- Biodiversity

4.74 The National Park contains two major rivers, the Spey and Dee, both of which rise within the Park boundary. Elsewhere the water environment is largely pristine. Appropriate management of the headwaters in the National Park is key to the protection of the river systems that flow from it. The protection of water resources is therefore a key objective of the Park Plan, which highlights the need for all development to make the most sustainable use of resources, including water resources. The need to protect and enhance the water environment has been reinforced by the EC Water Framework Directive, which established a legal framework for the protection, improvement and sustainable use of all water bodies across Europe and the Local Plan is key to the delivery of this Directive. The Water Environment and Water Services (Scotland) Act 2003 implemented the Directive in Scotland. The Water Framework Directive introduces a number of new measures to ensure a higher standard of care for the water environment, including the production of River Basin Management Plans (RBMPs). The National Park lies within the North East Scotland and Tay areas for river basin planning.

4.75 Additional guidance on planning and the water environment is provided through Scottish Planning Policy 7 Planning and Flooding, Planning Advice Note 79, Water and Drainage, Planning Advice Note 61, Sustainable Urban Drainage; SEPA policy WAT-PS-06-08 on the provision of wastewater drainage in settlements; and also Water Environment (Controlled Activities) Scotland Regulations 2005, Sewers for Scotland Manual 2<sup>nd</sup> edition (draft), and Drainage assessment – a Guide for Scotland (SUDSWP). This wide range of guidance focuses on improving the current situation, and ensuring that new development gives proper consideration to the impacts of water, in terms of its provision, disposal, and management. Reference should also be made to the Rivers Spey and Dee Catchment Management Plans. Further information can also be obtained from SEPA regarding licences, and other controlled works.

4.76 It is also key to the success of this policy that there is general recognition that almost all the Park lies within the catchment of 3 River SACs and as such almost all proposals that involve water abstraction

and wastewater treatment must comply with the requirements of the Conservation (Natural Habitats etc) Regulations 1994 as amended.

### **Implementation and Monitoring**

4.77 The policy will be used to ensure that new development or engineering works requiring planning permission will not have significant adverse effects on the water environment of the Cairngorms National Park and areas around it. The water environment encompasses the water quality, quantity, hydrology, hydromorphology and aquatic ecology of water bodies, river systems, wetlands and groundwater. 4.78 It is national policy that development should not occur on the functional floodplain (areas with a 0.5 per cent or greater chance of flooding per year or the 1 in 200 year flood). Developers should consult SEPA's Flood Risk Maps (available at <http://www.sepa.org.uk/flooding/mapping>) to help determine whether they will be required to fund a flood risk assessment. These maps show indicative flood risk areas that should be avoided wherever possible. However, the maps do not provide accurate information about the likelihood of flooding on individual sites and are used to guide development to suitable sites and identify areas where more detailed information is required.

4.79 The Local Plan avoids allocating sites for development in areas at risk of flooding wherever possible. However, in some locations, the Local Plan identifies land where there is uncertainty about the risk of flooding. In such cases the Local Plan highlights the need for developers to fund detailed flood risk assessments. For clarity development in areas susceptible to flooding are as defined by SPP7's Flood Risk Framework, SEPA's Flood Risk maps, or other flood risk information.

4.80 Wherever it is considered reasonable by the Planning Authority in consultation with statutory consultees, new development may be required to connect to public water supplies and wastewater treatment networks. Where this is either not possible or is unreasonable due to a lack of capacity or other constraints within the public systems, alternative and or interim measures may be permitted where they are demonstrated to comply with best practice and relevant standards. Wherever possible, new or upgraded water supplies, water treatment facilities and wastewater treatment facilities should utilise the lowest impact solutions in terms of chemical and energy use and effects on the environment.

4.81 Appropriate maintenance arrangements will also be required to be in place prior to the commencement of development. Such arrangements should consider joint systems with a shared maintenance regime to reduce any possible environmental impacts.

4.82 In relation to the work of statutory undertakers, a variety of permitted development rights exist to allow certain works to occur without the need for permission. For further information these fall within Class 38 of the General Permitted Development Order as amended.

4.83 To monitor the effects of this policy, and the impact it has on water resources within the Cairngorms National Park, development proposals will be assessed for their recognition of the importance of this resource, and in particular how new developments progress methods of conservation as identified through the Sustainable Design Guide.

## Policy I4 Mineral and Soil/Earth Resources

### a) Soil and Peat

Development **should** avoid unnecessary disturbance of soils, **peat and vegetation**, and will adopt best practice for the movement, storage, management and reinstatement **of the same**.

Proposals for new areas of commercial mechanised peat extraction will not be permitted.

### b) Minerals

There will be a **presumption against** proposals for new mineral extraction, processing or recycling developments, or extensions to existing mineral developments **unless**:

- i) the developer can demonstrate the market within the Cairngorms National Park where the extracted or processed material will be used or provide other social or economic benefits; and
- ii) no suitable and reasonable alternatives to the material are available; or
- iii) **the material furthers conservation or restoration of the distinctive landscape character and built environment of the Park as set out in the National Park Plan.**

Developers will incorporate measures to minimise potential effects on the environment and communities and ensure appropriate restoration, aftercare and after use. Bonds will be used where appropriate and secured by a Section 75 Agreement.

Development likely to prevent the future viable extraction of a workable mineral reserve will only be permitted where:

- iv) There is no alternative site for the development; and
- v) The value of the development to the delivery of the aims of the Park is considered to outweigh the value of the mineral resource; and
- vi) The opportunity has been provided for the extraction of the mineral resource before the development commences.

## Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Geodiversity
- Biodiversity
- Water

4.83 The resources found within the earth's surface, comprising soils, minerals and peat, are an important natural resource, essential to support all forms of biodiversity and provide the substrate for plant growth.

4.84 Soils support and form the habitats for many other organisms, including mammals,

invertebrates, plants and fungi. The Cairngorms National Park has a rich diversity of soils, from the agricultural soils that are confined to the more fertile valleys, to undisturbed patterns of often fragile soils extending under ancient woodland, moorland, mountain slopes and summits. Some are recognised as being of European significance.

4.85 Most forms of development and change in land use will disturb soils and affect their physical, chemical and biological characteristics. In extreme cases, this can lead to permanent loss of soil or the destruction of soil biodiversity and environmental functionality through wash-out, sedimentation and pollution of watercourses that can significantly increase the permanent footprint of a development. All developments must carefully consider their impact on this valuable resource.

4.86 The Cairngorms National Park also has large areas of mire and fen which store and create peat. These accumulations of peat may be active (forming peat), or non-active, and occur both as blanket bog over gentle slopes on the hills and within topographic hollows and on valley sides on lower ground. The rarity and range of species and associated plant communities on these areas of mire, and their history of formation and use, make them both ecologically and culturally important.

4.87 In addition to the direct ecological value of the peat-forming habitats, all areas of peat play a role in the world's climate through storing carbon. The removal or disturbance of peat allows release of carbon to the atmosphere which may contribute to global climate changes. Domestic peat-cutting has been a traditional activity in parts of the Park. The practice has declined, becoming a relatively small-scale activity with only a few participants.

4.88 Commercial extraction of peat for sale involves large-scale stripping of layers of peat using machinery. The practice removes peat far faster than it can form, is ecologically destructive and releases a large amount of carbon dioxide into the atmosphere, which may contribute to global climate change. There is one commercial peat extraction operation within the National Park, and the Cairngorms Biodiversity Action Plan notes that at its current level it is not a significant threat to the habitat within the Park.

4.89 The need to extract some minerals for development, and the economic benefits gained from extraction and processing minerals, must be carefully considered in the Cairngorms National Park. The Park and its immediate surroundings have a market need for a number of mineral products, principally aggregates for the construction industries, which can be met by local mineral workings. However, mineral extraction can have a wide range of negative environmental

impacts that may harm the special qualities of the National Park. Although the main mineral resources currently extracted commercially are sand, gravel and hardrock, in the future other deposits may become commercially viable and the safeguarding of these deposits is an important consideration in any future planning.

### Implementation and Monitoring

4.90 The policy will be used to ensure that **soil and mineral resources** within the National Park are used in the most sustainable manner. In order to minimise potential negative effects on the environment of the Park and minimise the transportation of materials from the National Park to other areas, developments will need to demonstrate that there is a market within the Park or its surrounding areas, or that the Park will derive other social or economic benefits, and that there are no suitable alternative (and lower impact) solutions available. The policy will be monitored by reviews of planning permissions for minerals developments.

4.91 The impact of any **further peat extraction from existing sites** will be monitored to assess the environmental impact of works, both on the site and its surroundings.

4.92 The planning authorities may use conditions to ensure that developments avoid unnecessary disturbance of soils and peat and employ best practice for the movement, storage, management and reinstatement of soils, peat and vegetation. Developers may be required to prepare a soil management statement to describe the soils management measures that will be adopted. The detail and complexity of the management statement will be determined by the size and complexity of the proposed development.

### Policy 15 Contaminated Land

Development proposals on land that is contaminated, or suspected of being contaminated, will be approved where:

- a) if the risk is considered to be significant, investigations and assessments **including site specific risk assessments** are submitted with planning applications to identify actual or potential significant risks to human health and safety associated with the current condition of the site, and how contaminants currently interact with the surrounding ecosystem and the Park's special qualities; and
- b) assessments are undertaken to identify actual and potential impacts, on-site and off-site, of all stages of development proposals on the risks to human health and also to the Park's biodiversity, geodiversity, hydrology and other special qualities; and
- c) effective remedial action, including action controlling and limiting the release of contaminant to the surrounding environment, is taken to ensure that the site is made suitable for the development proposal use and potential reuse by other development, and that there are no significant detrimental effects on the Park's special qualities on or off-site.

### Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Conserving and Enhancing the Natural and Cultural Heritage

4.93 National Policy is provided in Planning Advice Note 33 'Development of Contaminated Land', and in support of this the National Park Plan identifies the importance of conserving and enhancing landscape and natural heritage when considering new developments of all forms.

4.94 Contaminated land is land where current or previous land uses have led to a local build up of pollutants in the ground. There may be sites within the Cairngorms National Park where current or previous uses have led to contamination or suspected contamination. Wherever possible, contaminated land should be restored to remove potential threats to human health or natural systems within the Park. The local authorities have strategies for the identification and treatment of contaminated

land, and SEPA can also provide advice on the identification and treatment of contaminated sites **within the water environment.**

### Implementation and Monitoring

4.95 The assessment of contaminated land is key to ensuring that appropriate measures are included within designs to ensure the necessary mitigation steps are included from the outset. It is important that developers provide, at their own expense, the planning authority with adequate investigations and assessments of the impact their developments will have on the site, and the impact these may have on human health and safety and on the surrounding ecosystem.

4.96 The reclamation and improvement of contaminated land within the Cairngorms National Park is important to the overall enhancement of the wider landscape of the Park, and the success of this policy will be assessed against the local authorities' registers detailing contaminated land, and any amendments made to these registers.

### Policy 16 Energy Generation

**Developments for renewable energy schemes which support the aims of the Park and the National Park strategic objective regarding energy production will be favourably considered where they contribute positively to the minimisation of climate change, and where they complement the sustainability credentials of the development.**

**Development, including any ancillary works, will be sited and designed to have no significant adverse visual or landscape impact, including any cumulative impact, caused as a result of energy generation, transmission or distribution measures, and will not have an adverse impact on the amenity of neighbouring properties or any detrimental impact on the environment.**

**Financial bonds will be used where appropriate to secure decommissioning.**

### Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Energy

4.97 The Cairngorms National Park Authority is committed to the promotion of renewable energy generated in a way which supports the collective achievement of the four aims of the Park and the National Park Plan objective in para 5.1.3 states that developments should contribute to national targets for greater renewable production through increasing community, business and domestic-scale renewable energy schemes.

4.98 Nationally there is an increasing focus on small scale generation of energy and micro generation with individuals and communities realising the part everyone should play in efforts to slow climate change. This is supported through the second aim of the Park. Together with the sustainability credentials of all proposals **established through the Sustainable Design Guide**, the inclusion of small scale energy schemes and micro generation promotes the careful use of resources generally, and the more sustainable use and generation of energy.

4.99 Whilst the National Park Authority is supportive of the drive to minimise climate change, it is considered that the National Park status of the Park, together with the numerous natural heritage designations contained within it, and the duty placed on the National Park Authority under international and national statutory obligations to protect its many special **and outstanding** qualities, make it an area **incompatible with the development of** large scale energy production schemes **such as commercial wind farms.**

## Implementation and Monitoring

4.100 In addition there may be opportunities for larger scale developments such as biomass, waste and hydro which are designed in a sympathetic way to have no adverse visual or environmental impact. Also there may be opportunities for the production of energy from waste and the key consideration throughout the development of proposals of all such forms of generation is the impact that development will have on the environment in which is it sited.

4.101 In particular the impact developments have on the landscape and wider environment are key to the success of any scheme. In taking forward schemes for small scale energy production and micro generation the National Park Authority will work closely with local communities to help realise their individual and collective aspirations to help in the minimisation of climate change.

4.102 In developing schemes for consideration, developers should also have regard to other guidance relating to the impact developments have on the environment such as the EC Water Framework Directive and Water Environment (Controlled Activities)(Scotland) Regulations 2005.

4.103 The success of this policy will be monitored in association with the use of the Sustainable Design Guide, to analyse the sustainability credentials of proposals presented. Supplementary guidance will be produced to provide additional guidance on this subject. During its production full consultation will take place to ensure the appropriate level of information and guidance is provided.



## 5. Living and Working in the Park

5.1 The Cairngorms National Park is a place of work and daily life for approximately 16,000 people, and the economic and social needs and issues faced by them are similar to those throughout rural Scotland. However, its designation as a national park brings a new focus to finding solutions to sustainable living in the long-term for the Park and tackling global issues of sustainability. The National Park has the potential to improve opportunities for people within the area, and contribute significantly to the wellbeing of the wider region and play its part in minimising the impacts of climate change.

5.2 Sustainable development means that the resources and special qualities of the Park are used and enjoyed by current generations in such a way that future generations can continue to use and enjoy them **to a comparable degree**. The Local Plan aims to ensure that all forms of development are sustainable, and that on a wider scale, all proposals contribute to the development and promotion of sustainable communities for those living and working within the National Park.

### Sustainable Communities and Development

5.3 Supporting sustainable communities is a key goal of the Scottish Government, and the approach in the National Park is set out in the National Park Plan and supported by these policies. Key to the growth pattern of new development will be the underlying guidance provided in Scottish Planning Policy 17 'Planning for Rural Development' which aims to see selective, modest growth which does not result in the suburbanisation of the countryside or erode the high quality of the environment.

5.4 All developers must consider how they can best include the principles of sustainable development in their proposals, looking at the impact on the environment, the economy and on the community. All planning applications will therefore be assessed on the basis of the proposal's sustainability credentials and those making a positive contribution to sustainable development will be more favourably considered. The impact on the wider community, including the effect on public facilities, will also be assessed. **This assessment will be in line with the proposals contained in the Sustainable Design Guide being produced for the National Park. It will be aspirational and encourage innovation, whilst still ensuring adequate protection as set out in other policies in this plan.**

### Policy 17 Improvements to Settlements

Within settlements, development proposals will demonstrate how they contribute to the following criteria:

- developing **prosperity**, eg by improved economic viability; increase the range and variety of shops and services; develop quality open spaces; include appropriate landscaping; safeguard existing services; and
- increasing accessibility, eg encourage a range of **multi-use paths and transport options**; provide adequate vehicle **and cycle parking**; provide for special needs groups; provide for delivery of goods; and
- improving amenity, eg make centres **suitable for non motorised traffic**; introduce high standards of management and maintenance; promote good design; make the centre safe and secure.

**Developments which would result in a loss of vitality, viability and amenity of settlements and their communities will be resisted unless the effect can be mitigated.**

### Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Sustainable Communities
- Economy and Employment
- Outdoor Access and Recreation

5.5 To ensure that town centres and other settlements are appealing, and support this economic function, the creation and protection of attractive townscapes is important. All developments should therefore consider both the economic and visual impacts on settlements, and any wider impacts on the centre as a whole. All developments, including new build and renovations, and works within the settlements should have a sense of local identity and character.

5.6 Proposals should also ensure that the vitality and viability of settlements, and the amenity enjoyed by their residents and visitors are not undermined.

### Implementation and Monitoring

5.7 This policy will be applied when considering the wider impacts of developments on settlements and their communities.

5.8 The policy will be monitored by assessing the quality of design of all developments to ensure this respects local character and has a positive impact on the built environment. The use of surveys and assessments will be used to measure whether communities are sustainable and have a good range of facilities and amenities.

### Policy 18 Design Standards for Development

Design of all development will seek, where appropriate, to:

- a) minimise the effect of the development on climate change;
- b) reflect and reinforce the traditional pattern and character of the surrounding area, and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and use of materials;
- c) use materials and landscaping that will complement the setting of the development ;
- d) demonstrate sustainable use of resources (including the minimisation of energy, waste and water usage) throughout construction, within the future maintenance arrangements, and for any decommissioning which may be necessary;
- e) reduce the need to travel;
- f) take account of the amenity enjoyed by neighbouring properties and ensure all proposals are designed to help create healthy, safe, affordable environments that can be enjoyed by everyone;
- g) accord with the design standards and palette of materials set out in the Sustainable Design Guide and any other supplementary guidance produced relating to design for new developments.

All proposals must be accompanied by a statement which sets out how these requirements have been met, and include the sustainability checklist as set out in the Sustainable Design Guide.

### Policy 19 Reducing Carbon Emissions in Development

Development with a total cumulative floorspace of 500 square metres or more should incorporate on-site zero and low carbon equipment contributing at least an extra 15% reduction in carbon dioxide emissions beyond the 2007 Building regulations carbon dioxide emissions standard.

### Background and Justification

These policies support the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Biodiversity
- Geodiversity
- Culture and Traditions
- Energy
- Water
- Air
- Sustainable Communities
- Economy and Employment
- Housing
- Transport and Communications
- Waste Management
- Sustainable Tourism
- Outdoor Access and Recreation

5.9 A move towards sustainable development is a key aim of both the UK and Scottish Governments, thus ensuring that environmental concerns are at the heart of policy making within the public sector.

5.10 National Policy through the revised Planning etc (Scotland) Act 2006 explicitly requires that planning authorities include, throughout all their policy development and decision making, measures which contribute to sustainable development. This is reinforced through topic-based guidance and advice relating to all forms of development which are considered through the planning process.

5.11 The Cairngorms National Park Plan sees a new opportunity to focus attention on sustainable development and the National Park Authority will find innovative ways of building on existing links between the economy, the natural environment and communities, and in the protection of the resources and special qualities of the National Park so that they can be used by current and future generations.

5.12 There is also a growing focus within Scottish **Government** guidance on the importance of good design in all developments, and the need to ensure that developments respect their surroundings, and do not create a bland and featureless Scotland, which has had its traditions of vernacular architecture eroded. 'Designing Places, a Policy Statement for Scotland' puts a new focus on this, recognising the various benefits of good design, including economic investment, creating places that work and establishing and maintaining a distinct identity to the benefit of investors and users. It is key to achieving social, economic and environmental goals of public policy and can bridge the gap between



aspiration and reality. The use of design statements is encouraged to ensure that sites selected are the most appropriate, following a sequential approach if necessary, and have a design concept which will help achieve the quality of place which is desirable within the Park.

5.13 As buildings account for around 40% of all carbon dioxide emissions, the design and management of new development provides significant opportunities to reduce carbon dioxide emissions. Policy 19 sets out how development in the Cairngorms National Park will seek to assist in meeting these targets, and is in line with Scottish Planning Policy 6 on Renewable Energy and Planning Advice Note 84 Reducing Carbon Emissions in New Development.

### Implementation and monitoring

5.14 These policies are important to all development taking place in the Cairngorms National Park, and will be taken into consideration when assessing all planning applications, to establish their environmental and sustainability credentials. To assist in this a Sustainable Design Guide looking specifically at the sustainable aspects of all development, and encouraging innovation, will be developed to ensure that all applicants are aware of the expectations of the Cairngorms National Park Authority. Following robust consultation this guide will be adopted as supplementary planning guidance. The guide will contain a checklist which must be filled in and submitted with every planning application. This checklist will generate a 'sustainability score' and all proposals will be expected to attain an agreed score as a minimum standard. Proposals which exceed this minimum will be encouraged. The average score of developments within the National Park will be used to monitor improvements in this field. Innovative and exemplar examples of sustainable design will also be highlighted within Park publications to help others learn from local best practice.

5.15 Standards relating to the siting of all new development, and how carbon reduction targets can be met, will be developed and published as supplementary planning guidance. This, in addition to the Sustainable Design Guide, will set out in more detail how these policies will be implemented.

## Policy 20 Developer Contributions

Development which gives rise to a need to increase or improve public services, facilities or infrastructure, or mitigate adverse effects, will normally require the developer to make a fair and reasonable contribution in cash or kind towards the additional costs or requirements. Such contributions will be consistent with the scale and nature of the development proposed and may be secured through a Section 75 Agreement where necessary.

Development which necessitates decommissioning of plant, structures or associated infrastructure will be required to provide an appropriate bond to cover the costs of remedial, restoration or reinstatement works.

### Background and Justification

These policies support the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Biodiversity
- Geodiversity
- Culture and Traditions
- Energy
- Water
- Air
- Sustainable Communities
- Economy and Employment
- Housing
- Transport and Communications
- Waste Management
- Sustainable Tourism
- Outdoor Access and Recreation

5.16 Many developments may lead to additional infrastructure or service requirements that would need to be met to allow the development. If these issues cannot be resolved through planning conditions imposed on the planning permission then a Section 75 Agreement may be an appropriate mechanism to secure the development.

5.17 Scottish Government guidance on such agreements is provided in Circular 12/1996 which states that planning authorities should only seek contributions from developers if, in land use planning terms, it would be wrong to grant planning permission without them. Developer contributions can help to overcome problems in granting planning permission by reducing, eliminating or compensating for some negative impacts. The contribution will be based on meeting the costs of

infrastructure which is necessary as a consequence of that development.

5.18 Although it is unrealistic for the local authorities in the Cairngorms National Park to anticipate every situation where the need for a developer contribution will arise, a number of themes will generally need to be considered. These are listed in Table I below.

**Implementation and Monitoring**

5.19 In the case of applications requiring developer contributions, every Agreement will be negotiated on its own merits and the final level of contribution sought will be based on an assessment of the impacts on the recipient community undertaken jointly with the developer and planning authority.

5.20 These assessments will be based on community needs assessments and the community planning process. Detailed discussions with service providers, including the four local authorities, will also be required to ensure the appropriate level of provision is sought, and consequentially secured. In some cases, contributions may be sought on the basis of the cumulative effect of a number of small developments. In such cases, the contributions would be held by the relevant planning authority until such time as sufficient funds became available to allow work to progress.

5.21 In the implementation of this policy, a pragmatic approach will be taken to the payment of contributions against the phasing of the developments. This is to ensure proposals can progress and adequate account is taken of particular economic constraints or funding regimes affecting development proposals.

<b>Table I Developer Contribution themes</b>	
<b>Theme</b>	<b>Factors to be considered in calculating contribution</b>
Secondary schooling	The effect of a development on a school roll and the existing capacity of the school.
Pre-school and primary schooling	The effect of the development on a school/pre-school roll and existing facilities.
Library provision	The effect of the development on the adequacy of the existing public library service.
Healthcare facilities	Whether a development will have an effect on the relevant NHS trusts facilities considered to be ‘under pressure’ by the NHS.
Recycling facilities & waste management	The effect of the development on existing recycling facilities and waste management facilities
Transportation	The effect of the development on transport, infrastructure and services and sustainable travel options assessed against the relevant Regional and Local Transport Strategy; and include any cumulative impacts on the road network.
Community facilities including Care in the Community, community learning and development	The effect of the development on existing community facilities and whether the development will increase the burden on care services
Strategic landscaping, open space outdoor access	The need for new or enhanced strategic landscaping, open space and and/or links with the core paths network for recreational and functional access.
Sport and Recreation facilities	The effect of the development on demand for facilities and the unmet demand in the settlements nearby.
Biodiversity	The effect of a development on existing biodiversity and the impact in regards to obligations to further biodiversity

## Housing

5.22 The promotion of sustainable economic and social development of the Park's communities is one of the aims of the National Parks (Scotland) Act 2000, and is borne out in the National Park Plan through the strategic objectives for Sustainable Communities and Housing. The National Park Plan is material in the planning process as it operates within the Park, and it influences both the Local Plan policies and consideration of planning applications.

5.23 To achieve the long term vision for the National Park set through the National Park Plan there is a recognised need for communities to be sustainable in social, economic and environmental terms. The need to ensure greater access to affordable and good quality housing is key to supporting these communities. It is acknowledged within the National Park Plan that the population of the Cairngorms National Park is expected to rise and that there are likely to be more households seeking accommodation. The structure of the population is forecast to be an ageing one, and

Extract from the Cairngorms National Park Plan: Selected Strategic Objectives for Sustainable Communities:

- a. Encourage a population level and mix in the Park that meets the current and future needs of its communities and businesses.
- b. Make proactive provision to focus settlement growth in the main settlements and plan for growth to meet community needs in other settlements.

Strategic Objectives for Housing:

- a. Increase the accessibility of rented and owned housing to meet the needs of communities throughout the Park.
- b. Promote effective co-ordination and co-operation between all public and private organisations involved in housing provision in the Park and the communities living there.
- c. Improve the physical quality, energy efficiency and sustainable design of housing in all tenures throughout the Park.
- d. Ensure there is effective land and investment for market and affordable housing to meet the economic and social needs of communities throughout the Park.

combined with this many young people and those on low and modest incomes will continue to have increasing difficulty in accessing housing. The National Park Plan also recognises the need for sustainable design in housing, and highlights the strategic role of the larger settlements in the Park.

### Strategic guidance

5.24 Although the Cairngorms National Park is covered by four local authorities and four structure plans, only two areas within the Park are extensive enough for the structure plans to provide specific direction about likely housing requirements.

5.25 The Highland Structure Plan 2001 set a target of land for 1750 dwellings in Badenoch and Strathspey for the period 1998-2017. It acknowledged that in order to meet that land supply, a new community at Cambusmore (identified in the adopted Badenoch and Strathspey Local Plan) would require infrastructure investment. North East Together (NEST) 2001-2016, shows the Cairngorms National Park at the periphery of its rural housing market area. Current reviews of housing need within Aberdeen city and shire continue, and exclude the National Park, but do indicate that the need for additional housing, particularly affordable provision, continues to grow. Both the structure plans pre-date the designation of the Park and the production of the National Park Plan.

5.26 In addition the policies and allocations set through the housing section, the Local Plan must also work towards achieving the objectives of the local housing strategies which exist within the Park, and take relevant account of the current legislation and guidance regarding housing provision. This includes Scottish Planning Policy 3 'Planning for Housing', Scottish Planning Policy 15 'Planning for Rural Development', Planning Advice Note 72 'Housing in the Countryside', Planning Advice Note 74 'Affordable Housing, and the Homelessness etc (Scotland) Act 2003.

### The Housing Issues in the National Park

5.27 New housing is important for a wide variety of social and economic reasons, but at its most basic, housing should provide comfortable, secure and healthy homes for people. The need for new housing comes from changes in the population such as new households being formed, the migration of new households into an area, and the movement of households within the housing market. New housing is needed to provide homes for a backlog of households who have been unable to access the open market, as well as for new households that will be formed in the future in the Park.

5.28 Housing demand is related to the ability and interest of households to fund their aspirations for housing. Much of this demand is met through existing housing stock, but new housing can

improve choice and provide for particular requirements that are not available in existing housing stock.

5.29 In recent years a number of factors have impacted on the availability of dwellings to meet the housing need. This issue has been recognised as a national problem and not one solely faced in the National Park. The key factors affecting the market include a reduction in the number of social rented, privately rented and cheaper owner occupier dwellings, a slow turn over in social rented dwellings, growth in second home ownership and holiday let purchases, and growth in commuting outwith the housing area. Recent issues relating to the provision of infrastructure have also resulted in less new dwellings becoming available than were envisaged in previous local plans. House prices and private sector rents have risen, income levels have failed to keep pace with rises in cost, and therefore more households living and working in the National Park are having difficulty in accessing a home. Private sector rents have also risen.

5.30 As a result of this reduced availability of housing in traditionally affordable sectors, and resultant inflated costs, new housing provision has an increasing role to play in providing the affordable housing for rent that a proportion of the population will always require. It must also provide a range of opportunities for those on modest incomes to enter the housing market through Low Cost Home Ownership (LCHO) or other mechanisms, and a balance of sizes of properties that allows realistic movement within the open market.

5.31 The National Park Authority commissioned work to assess housing need in the National Park by drawing together the four local authority housing needs assessments. (Cairngorms Housing System Analysis, School of Built Environment, Heriot-Watt University, 2006) This concluded that there was likely to be a net need for between 99 and 132 new affordable units per year in the National Park for people who would not be able to buy new or second hand open market housing. The bulk of people in this estimate were new

younger households who would be unlikely to have sufficient income to purchase a home.

5.32 The National Park is not a housing market area in its own right. The Badenoch and Strathspey area of the Park has the greatest population. It has elements of its own housing market area but is also strongly linked to the Inverness and inner Moray Firth areas and their economic pull and housing markets. The other parts of the Park, in Moray, Aberdeenshire and Angus, are at the periphery of housing markets looking towards Elgin, Aberdeen and Dundee respectively.

5.33 Population and household projections for the National Park have been prepared for the Park itself and for the Badenoch and Strathspey part of the Park (the area with the largest population and most dynamic economy). These are based on past trends in society, and assumptions about likely future conditions, and give an indication of the likely changes that may occur and should be planned for. The projections suggest that the population of the National Park is likely to remain constant or rise slightly over the period 2006–2016. It is expected that over this period, more of the population will form smaller households of single persons, single parents and households of only 2 adults. This is likely to lead to an increase in the number of households in the Park of between approximately 750 and 950. To ensure a flexible approach is taken which can react to unforeseen circumstances, the higher figure will be used.

5.34 The National Park therefore faces a dilemma in its high need and demand for affordable housing from within the communities living and working in the Park. Reductions in the availability of funding to build the numbers of dwellings required by those communities is coupled with many communities requiring a wider range of housing options than conventional social housing provides, with a greater emphasis on housing those in need locally. The Cairngorms National Park Authority, local authorities, public subsidy providers, landowners, developers and housing associations need to work together to provide housing to meet everyone's needs.

## Housing Land Requirement and Supply

5.35 The Park Plan directs the Local Plan to provide enough effective land for market and affordable housing to meet the economic and social needs of the Park's communities, encouraging proactive settlement growth in the main settlements (Newtonmore, Kingussie, Aviemore, Grantown-on-Spey and Ballater) and the provision of land for housing growth to meet the social and economic needs of other settlements/communities. The Park Plan also encourages a population level and mix in the Park that meets the current and future needs of its communities and businesses and seeks increased accessibility of rented and owned housing to meet the needs of communities throughout the Park.

5.36 There is no exact measure of how many dwellings will be required in the future, nor any accurate method of predicting how many dwellings will be built during the lifetime of a Local Plan. The National Park Authority must make an estimate of the likely need and demand, as well as the implications of its own housing or economic objectives and allocate appropriately. When making this estimate it must consider the likely growth in

households, the need for housing, demand for housing, any infrastructure or other constraints or risks to the effectiveness of land and the historical operation of the housing market.

5.37 The Local Plan has identified a land supply that will, in combination with the housing, economic development and other policies, **and specific settlement proposals, provide for a more effective supply of housing and a wider range of affordable housing options for those who wish to find a house in the Park.** This supports the National Park aim for creating and supporting sustainable communities.

5.38 **Table 2 calculates the land required to meet the housing need based on the estimates of household growth established in para 5.33 at 950 between 2006 and 2016. A further allowance is also needed to allow for units built which does not provide housing to meet this need, for example vacant properties and provision which cannot be controlled by the planning system. To allow for any uncertainty in market or population conditions an additional 15% is also included, giving a total requirement of approximately 1640.**

<b>Table 2 Housing land requirement calculation</b>	
Source of requirement and rationale for figure	No of units to 2016
<b>Household projection</b> The upper household projection has been chosen to reflect both the backlog of demand for housing from recent years and the effect of inward migration	950
<b>Open Market housing allowance</b> A 50 per cent allowance for sectors of the open market which cannot be controlled through the planning system and which do not form part of the household projection, and vacant property	475
<b>Flexibility allowance for uncertainty</b> 15 per cent additional requirement	214
<b>Total</b>	<b>1639</b>

<b>Table 3 Phased land supply by local authority area</b>				
Local Authority Area	2006-2011		2011-2016	Total
	Consented supply	New land supply		
Highland – (Badenoch & Strathspey)	405	486	678	1569
Moray	0	12	12	24
Aberdeenshire	32	98	127	257
Angus	0	0	0	0
<b>Total</b>	<b>437</b>	<b>596</b>	<b>817</b>	<b>1850*</b>

The figure of 1850 differs from the 1639 shown in Table 2 as it is assumed that, as extant permissions were granted under policies not requiring 25% or more affordable housing, only approximately half the consented supply of 437 will contribute to the Park Plan's strategic housing objectives.

**Table 4 Phased land supply by local authority area**

Settlement or Local Authority	approximate consented supply not yet built	indicative capacity of additional sites identified	2006-2011 target numbers of units (consented and new)	2011-2016 indicative target	capacity for medium to longer term
Aviemore	235	80	250	50	15
An Camas Mor		1500	100	300	1100
Granttown on Spey		250	75	90	85
Kingussie		300	75	75	150
Newtonmore		220	75	75	70
Boat of Garten		70	50	20	0
Carrbridge	117	0	117	0	0
Cromdale		80	30	30	20
Dalwhinnie		25	12	12	1
Dalnain Bridge		40	20	20	0
Kincraig		40	34	6	0
Nethy Bridge	53	0	53	0	0
<b>Total Highland</b>	<b>405</b>	<b>2605</b>	<b>891</b>	<b>678</b>	<b>1441</b>
Target new land supply to 2016		1163	916	678	Not estimated
Ballater		250	90	100	60
Braemar	32	35	40	27	0
<b>Total Aberdeenshire</b>	<b>32</b>	<b>285</b>	<b>130</b>	<b>127</b>	<b>60</b>
Target new land supply to 2016		225	130	127	Not estimated
Tomintoul		40	12	12	16
<b>Total Moray</b>		<b>40</b>	<b>12</b>	<b>12</b>	<b>16</b>
Target new land supply to 2016		24	12	12	Not estimated
Angus Glens		0	0	0	0
<b>Total Angus</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Target new land supply to 2016		0	0	0	Not estimated
<b>Total CNP</b>	<b>437</b>	<b>2930</b>	<b>1033</b>	<b>817</b>	<b>1517</b>
Target CNPA			1033	817	Not estimated
For clarity	a	b	x	y	z

Figures included are indicative projected time scales of sites. Final densities will be calculated taking into account best use of available serviceable sites and analysis of best practice in terms of sustainable development. Development of sites may occur at different speeds, dependent on market conditions, demand and developer aspirations.

(For clarity  $a + b = x + y + z$ )



5.39 The land requirement translates to a land supply for each local authority area over ten years as described in Table 3. Because the sites of the consented land supply were approved under different policies, they are assumed to make only a partial contribution to the strategy of the Cairngorms National Park Local Plan.

5.40 The Local Plan must therefore allocate land to accommodate the potential development of around 1040 dwellings during its five-year lifetime. It must also identify land for a further 817 dwellings approximately to secure an ongoing five-year land supply during its lifetime. The rate of land use will be monitored through annual housing land audits. An indicative schedule of the housing land allocated through the Local Plan is shown in Table 4.

### The Local Plan Housing Policies

5.41 The policies within the Local Plan inform how allocated sites develop and how and where other developments occur. The approach taken aims to create a balance of development opportunities within the Park, allowing for a variety of scales of development to meet local needs, thus supporting sustainable communities and their economies. These policies also provide the basis for development briefs on many sites which will be used to add detail to allocations, in terms of design, scale of development, particular design requirements to take account of individual circumstances, and other detail which would not be appropriate for the local plan. The policies are integral to the delivery of housing for the Park's communities as they will secure the affordable housing required and manage the increased land supply.

### Policy 21 Contributions to Affordable Housing

Developments of three or more dwellings will be required to incorporate a proportion of the total number of units as affordable housing.

Where public funding is available to help fund affordable housing, the overall affordable contribution of the development will be expected to be 40%, with any shortfall between the public subsidised element and 40 %target made up by the developer.

Where less than one third of the total cost of the development is available through public funding, the developer will be required to provide all of the affordable housing on a site to a target of 25%.

Proposals for one and two open market dwellings will also be required to make a contribution towards affordable housing. This will be a cash payment towards the meeting of housing need in the local area.

Proposals for off site contributions will be considered where community needs assessments, or similar assessments, support this as a better way of meeting the housing needs of the community.

### Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Sustainable Communities
- Housing

5.42 This policy is intended to ensure the delivery of a wide range of housing options to a wide range of households in the Park. The increased range of affordable housing options and numbers of units that would be delivered through this policy will change the availability of housing for a wide range of potential occupants who cannot currently access open market housing.

5.43 Research into housing need in the Cairngorms National Park carried out by Heriot-Watt University demonstrated that the number of households considered to be in housing need (including being unable to access housing on the open market) was greater than the number of dwellings being built through programmed delivery of affordable housing by public subsidy agencies, the housing associations and local authorities. In support of this research, the subsequent study 'Planning for Affordable Housing in



the Cairngorms National Park' by the School of the Built Environment, Heriot-Watt University and Three Dragons, 2007 identified an estimated need of 121 affordable dwellings per annum, and this policy supports the proposed land requirement of the Local Plan by ensuring an increased rate of supply of housing for those in need in the Park. The local plan policy also supports the ongoing objectives of the local housing strategies affecting the Park area.

### Implementation and Monitoring

5.44 This policy will be used by planning authorities to ensure that many housing units built in the Cairngorms National Park will be for households in housing need who wish to live and work in the Park or areas close to its boundary. In delivering the policy, the National Park Authority will work closely with housing providers to seek as high a proportion of affordable units as possible to meet local demand. In doing so schemes which promote provision of between the 40% benchmark and 100% will be encouraged. Proposals for affordable housing alone will not be required to incorporate open market housing.

5.45 The range of tenures required in different developments will vary depending on site, demand and market conditions. It is recognised that a mix of tenures and sizes of unit is the key to achieving the best form of development to meet the local need. On this basis, the breakdown within any development site will be based on the local housing strategies existing within the Park area, and any community needs assessments or other community based information available. This mix will include social rented housing provided through public subsidy as well as low cost home ownership and/or rent options provided through public subsidy or the developer, affordable private rented housing, and serviced plots for the local market.

5.46 Within this context, and as long as the overall percentage of affordable units remains 40%, or 25% where insufficient public subsidy exists, any mix of tenures will be supported by the Planning Authority where evidence can demonstrate the need for the proposal. The planning authority will take into account any particular site constraints or conditions that would alter either the total affordable contribution or the target buyers/tenants. The Planning Authority will also highlight any additional requirements to developers during pre-application discussions and throughout the decision making process.

5.47 The planning authority will make use of conditions and Section 75 Planning Agreements to secure the implementation of these policies with developers and retain the units as affordable in perpetuity. To retain the mixture of stock provided through this policy, the ability to extend such dwellings will be controlled by the removal of permitted development rights.

5.48 It is proposed that applicants and those eligible for any of the forms of affordable housing developed under this policy will be taken or nominated from the housing waiting lists of the local authorities, housing associations or from another organisation with an allocations policy appropriate to the Cairngorms National Park. The National Park Authority will continue to work with the relevant organisations within the Park to develop their allocations policies to ensure they are as responsive to the needs of individuals and communities in the Park as possible.

5.49 The affordable element of proposals for housing development will normally be sought in terms of physical contributions of on-site dwellings, land, services or other infrastructure. If it can be demonstrated to the planning authority that an off-site contribution would better meet a community's housing needs, then an alternative solution will be negotiated with the developer. This may include a cash payment towards the provision of affordable housing at another location in the same community.

5.50 The policy also requires a financial contribution from one and two open market dwellings towards the provision of affordable housing within the local area (defined as the relevant secondary school catchment). This provision ensures that all developments of open market housing make a contribution towards affordable housing in the National Park. The contribution will be based on a percentage of the differential between the benchmark cost of a home developed with public subsidy and the price of an equivalent unit on the open market. The contribution would be waived where the developer can demonstrate that the occupant of the house would qualify to access a form of affordable housing within the Park by reason of their housing need or income.

5.51 The effects of this policy will be monitored through review of planning consents and housing needs surveys.

## **Policy 22 Housing Development within Settlement Boundaries**

Settlement boundaries have been identified which indicate the extent to which these settlements should expand during the Local Plan period and new housing development should be contained within these boundaries. Housing proposals within these settlement boundaries will be considered favourably where the development:

- a) occurs within an allocated site identified within the proposals maps; or
- b) comprises infilling, conversion, small scale development, the use of derelict or underused land or the redevelopment of land. The proposal should reinforce and enhance the character of the settlement and not detract from the landscape setting of that settlement, and can accommodate within the development site appropriate amenity space, and parking and access arrangements.

### **Background and Justification**

This policy supports the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Sustainable Communities
- Housing

5.52 The policy is intended to allow for new housing development within the settlements of the National Park, including strategic, intermediate and rural settlements, where the proposal preserves the settlement pattern. These settlements may have existing services that can be used, supported or improved through sensitive development and their growth is key to the aims of achieving and encouraging sustainable communities across the Park.

5.53 Creating quality residential environments which support sustainable and thriving communities is key to the delivery of the housing objective contained within the National Park Plan. This must be matched with the sustainable use of resources, integration with services and facilities, and promotion of highest standards in design and environmental quality. The reinforcement of current settlement patterns found across the Park area is key to this and settlements with a particular pattern of development, such as the planned village of Tomintoul, and the use of

bothies in Braemar should be protected. The policy will allow for growth in areas in a sustainable way which best uses existing resources, while allowing choice and incremental growth to meet local demand.

5.54 Across the National Park, settlements have a wide variety of services, resources, and ability to accommodate growth. In general terms it is expected that strategic settlements will accommodate the majority of housing to meet the need identified for the Park, with intermediate and rural settlements incorporating growth to support these settlements as sustainable and vibrant communities.

5.55 Within settlements there will also be opportunities for new housing on smaller sites not identified on the proposals maps. Such windfall sites can create opportunities to supplement housing land supply while reinforcing the settlement pattern. Such development should be well designed, and should not have any adverse impact on the landscape setting of the settlement. The development of such sites should not result in the loss of amenity of surrounding land uses and should be readily serviced.

### **Implementation and Monitoring**

5.56 The policy will be used to allow the development of housing within settlements which reinforce and enhance the character of the settlement. Developments will therefore have to complement the existing scale, materials, and landscaping. For sites allocated in the proposals maps, the National Park Authority will work closely with developers and partners to produce and agree development briefs which detail the approach to be used in developing these key sites.

5.57 In developing housing proposals within settlements it will be expected that a range of house sizes is provided to reflect the needs of the communities of the Park. The household projections for the Park show that the increase in numbers of households are dominated by one person households and two person 'all adult' households made up of older and also young new households. Many recent developments have focussed on the market's ability to develop higher value homes that are larger and more costly than the homes required to meet this need.

5.58 Proposals should take into account local community needs surveys, local housing needs

studies, local waiting lists or any other information on local housing need collated by the Cairngorms National Park Authority or local authority within the past three years. Where no such information exists a benchmark of 75% two and three bed units will be used as a guide.

5.59 This policy approach endeavours to secure a supply of smaller units while still retaining the financial viability of developments. The principle of achieving a sustainable balance of house sizes will apply to both affordable housing and open market housing.

5.60 The effects of this policy will be monitored through review of planning consents and housing completions. The effects of the policy will be reviewed against future housing needs surveys. Through such monitoring the effectiveness of the five-year land supply will be kept under review, and land considered to have capacity for medium to long term growth will be assessed to ensure adequate effective land supply at all times.

### **Policy 23 Housing Development in Rural Building Groups**

Proposals for new housing development as a part of an existing rural building group which comprises three or more occupied dwellings will be permitted where the proposal reinforces and enhances the character of the group, does not detract from the landscape setting, and does not add more than 33% to the existing size of the group within the plan period (based on the size of the group on the date the policy is implemented).

#### **Background and Justification**

This policy supports the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Sustainable Communities
- Housing

5.61 The policy is intended to allow for development of housing associated with building groups in rural areas of the National Park. While not identified on the proposals maps, these areas are important in supporting thriving and sustainable rural communities and the policy is intended to create opportunities for housing development which supports the traditional built form in rural areas where previous development has not created settlements or villages.

#### **Implementation and Monitoring**

5.62 The policy will be used to allow the development of housing attached to small building groups in rural settings where it would reinforce and enhance the character of the group, and would not detract from the landscape setting. To do this developments will need to carefully reflect or complement the scale, materials and details of existing development.

5.63 For a development proposal to form a part of a small rural building group it must be demonstrated by the developer that it is connected to the existing building group through integration with existing built form, settlement pattern and landscape features, and therefore will not lead to ribbon development. Proposals that are not demonstrated to be connected in this way to the satisfaction of the planning authority will not be determined using this policy.

5.64 The effects of this policy will be monitored through review of planning consents and housing completions.

## **Policy 24 Housing Developments Outside Settlements**

### **Affordable Housing outside settlements**

Developments for new affordable housing outside settlements will be considered favourably where there are no suitable sites within settlements and/or they meet a demonstrable local need in the rural location.

### **Other housing outside settlements**

Developments for other new housing outside settlements will be permitted where:

- a) the accommodation is for a worker in an occupation appropriate to the rural location; and
  - the presence of the worker on site is essential in order to provide 24-hour supervision of the rural business; and
  - there is no suitable alternative residential accommodation available including reuse and conversion of other buildings on site; and
  - the proposed dwelling is within the immediate vicinity of the worker's place of employment; or
- b) The dwelling is for a retiring farmer or crofter, on land managed by them for at least the previous ten years or for a person retiring from other rural businesses, where their previous accommodation is required for the new main operator of the farm, croft or rural business. Where relevant such proposals will be secured through planning condition or legal agreement; or
- c) The dwelling is sited on brownfield land.

been considered and discounted. The reuse of existing buildings on the site should also be considered and discounted before new buildings will be permitted.

5.68 In demonstrating local need for affordable housing in particular, the use of community needs assessments, local housing needs assessments and other information should be used in the justification of proposed developments.

5.69 In demonstrating a need for other housing applicants must demonstrate a land management need for the accommodation through the use of independent experts, such as the Scottish Agricultural College. A business case must also be provided for proposals seeking development related to rural businesses other than farming.

5.70 For clarity, 'brownfield' is taken to mean land previously used for industrial or commercial uses that has the potential to be reused once any contamination, waste or pollution has been cleaned up. Reuse of abandoned rural dwellings will not be considered as brownfield and applications on such sites will be considered under Policy 25.

5.71 The effects of this policy will be monitored through review of planning consents and housing completions.

## **Background and Justification**

This policy supports the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Sustainable Communities
- Economy and Employment
- Housing

5.65 The policy is intended to allow for the development of affordable and essential housing outside settlements and building groups and to maintain thriving rural communities.

## **Implementation and Monitoring**

5.66 The policy will be used to allow the development of affordable housing outside settlements and building groups where there is a clear local need and no suitable sites exist within nearby settlements.

5.67 In considering the use of the policy in determining development proposals, applicants should demonstrate that other sites, including those within settlements, open market dwellings in the area, and land within allocated sites contained in the local plan for housing, have all

### Policy 25 Replacement Houses

The replacement of an existing house with a new house will be permitted where:

- a) the existing house is demonstrated to be structurally unsound or incapable of rehabilitation, and has been occupied at some stage in the previous ten years; and
- b) the new house is located on the site of the existing house unless an alternative adjacent site would minimise any negative environmental, social or economic effects of development; and
- c) the existing house is not a listed building.

If an adjacent site is permitted, the planning authority will normally condition the demolition of the existing house prior to occupation of the new house, unless the redundant building it to be used as part of the redevelopment scheme, or holds significant cultural heritage merit. The proposal should not increase the number of dwellings on the site. The replacement house must also reflect the siting and scale of the original and should salvage materials from the original to incorporate into the new development.

### Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Housing

5.72 The policy is intended to allow for the replacement of existing houses which are structurally unsound or cannot be rehabilitated. The policy only applies to houses that are in existence and have been permanently lived in at some stage during the past ten years.

Development proposals on abandoned house sites and ruins will be considered as new housing development.

### Implementation and monitoring

5.73. In considering proposals for replacement houses, the planning authority will require supporting information to justify the need to demolish the existing property from an qualified structural engineer. Evidence will be required to demonstrate that the property has been occupied in the previous ten years.

5.74 The effects of this policy will be monitored through review of planning permissions and housing completions.

### Policy 26 House Extensions and Alterations

Development proposals for extensions or alterations to existing dwellings will be permitted except where the extension would:

- a) adversely affect the appearance and character of the dwelling and/or the surrounding area – alterations and extensions should respect the design, massing, proportions, materials and general visual appearance of the area; and
- b) have a significant and unacceptable detrimental effect on the residential amenity enjoyed by adjoining households; and
- c) reduce the provision of private garden ground to an unacceptable level; and
- d) result in inadequate off-street parking provision and/or access to property.

### Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Housing

5.75 The policy is intended to allow for extensions and alterations to residential property.

### Implementation and Monitoring

5.76 This policy will be implemented with the provisions of the sustainable design guide. The effects of this policy will be monitored through review of planning permissions and house extension permissions.

## Economic Development

5.77 The National Park sits strategically between a number of major centres of population which have recently witnessed growth, prosperity and major investment. There is an opportunity for the Park and its communities to share in this prosperity and the Local Plan must therefore create economic opportunities to accommodate the needs of communities and plan for future growth which will help to promote sustainability in terms of both communities and the economy.

5.78 As the fourth aim of the Cairngorms National Park, the promotion of sustainable economic and social development is a particularly important consideration in the analysis of any proposals for business and economic development. To maintain current population levels, and provide for the employment needs and aspirations of local communities, it is important that the pressures facing those living and working in the National Park are addressed.

5.79 In considering the strategy for economic development and growth, the local plan takes its impetus from the National Park Plan. Enterprise strategies for the area establish aspirations to increase the population, improve the demographic structure, create new employment opportunities, raise income levels and be an exemplar of the best the country has to offer. The National Park Authority in support of this establishes a number of objectives to improve opportunities for economic development within the Park, and the Local Plan approach must therefore be flexible enough to ensure that enterprise can occur in harmony with the important natural and cultural environment.

## Policy 27 Business Development

Development proposals which support economic prosperity will be considered favourably where the proposal supports or extends an existing business, is located within an allocated site identified on the proposals maps, or where the proposed development:

### a) in identified settlements

is located within an existing settlement boundary and supports the economic vitality and viability of that centre. Exceptions to this should demonstrate social or community need for the proposal. The potential cumulative impact of similar proposals will also be taken into account.

### b) outwith settlements

is in an existing business park or industrial estate, or where it can be demonstrated that there are no more sequentially appropriate sites available. Developments should have no adverse impact on the existing vitality or viability of the settlement, or neighbouring existing business parks or industrial estates.

### c) other business opportunities

supports the vitality and viability of a farm, croft or other businesses in a rural location, is complementary to that current rural business activity or promotes diversification within that business, or creates new small scale development which supports the local economy.

Development proposals which would result in a loss of business use on the proposal site will be resisted.



## Policy 28 Retail Development

Development proposals which support local economic vitality will be favourably considered where the following criteria are met:

### a) Town/village centres

within identified town/village centres, proposals for new retail developments, extensions to existing developments and forms of development which add to the economic and vitality and have no adverse impact on neighbouring properties, will be favourably considered. Proposals should consolidate the traditional high street found within the centre in terms of visual impact and built form and take into account any settlement statement and supplementary guidance relating to that settlement.

### b) Other sites within settlements

where no town/village centre site is available, edge of centre locations which are within settlement boundaries will be considered preferable to sites outwith settlement boundaries, in line with the sequential approach to site identification. Such developments should not undermine the commercial vitality and viability of the town/village centre.

### c) Sites outwith settlements

outwith town/village centres and settlements, where there are no town/village centre sites, edge of town/village sites or other more sequentially appropriate sites available; or are associated with a rural business. Developments should also demonstrate no adverse impact on the existing vitality or viability of centres within the area.

## Background and Justification

These policies support the National Park Plan's strategic objectives for:

- Economy and Employment

5.80 The Local Plan has an important role to play in addressing the economic, social and environmental issues facing towns, settlements and rural areas within the Cairngorms National Park.

5.81 Scottish Planning Policy 8 'Town Centres and Retailing', encourages areas characterised by a mixture of urban and rural development and supports the identification of a hierarchy of centres, and the use of policies which encourage the most appropriate scale of development within the areas identified in this hierarchy. Further, Scottish Planning Policy 2 'Economic Development' (sec 30) refers directly to the situation found in National Parks:

*"Experience from National Parks outwith Scotland indicates that their clean and attractive environment can be a positive influence on the locational decisions of*

*some businesses. Developments should be accommodated where they are appropriate to the purposes and character of the Park. Their siting and design should be of a high quality and support the Park's image and appearance".*

5.82 Within the Cairngorms National Park the predominant land uses within the settled valleys are farming, including food production, and crofting and the National Park Plan identifies objectives to maintain a productive and viable agricultural sector, encouraging the continued development of this sector and making land available for those who wish to farm. **It is a balance to be struck within the Local Plan to allocate sufficient land to meet the development needs of the area while protecting predominant land uses.** Within the farming and crofting sector, the importance of diversification is essential for long-term economic growth, and this is particularly successful where the new enterprise and existing uses within the site are complementary. Such development is likely to be most appropriate in locations where access and services can be provided at reasonable cost. Consideration should be given to the re-use of existing buildings within the site.

5.83 Town centres are also important, having economic, social, and cultural roles and catering for a wide range of people and their needs. The Scottish Government supports initiatives which promote town centre development through the planning system. The Local Plan is therefore designed to encourage both economic opportunities as well as improvements to the public realm of meeting places and social spaces.

5.84 The Cairngorms National Park Plan identifies the importance of sustainable communities in social, economic and environmental terms. To service these communities, there is a hierarchy of settlements within the Cairngorms National Park and policies have been developed to encourage prosperity within all centres. Where possible



smaller centres supporting local people will be protected to ensure the hierarchy of settlements is maintained.

### Implementation and Monitoring

5.85 The policies contained within this section of the Local Plan are important to the economic wellbeing of the Cairngorms National Park. They will be applied when considering planning applications relating to economic and retail proposals, developments which would affect the current economic status quo found in a locality, and those which will have an impact on the hierarchy of settlements within the National Park.

5.86 Applications may be required to be accompanied by supporting information to illustrate the need for the development, and the impact it will have on the economy of both the local and wider areas. Any relevant masterplans/settlement statements for the application area should also be referred to, to ensure that developments are in line with the most up to date guidance available from the Cairngorms National Park Authority. Additional information regarding site selection, and any sequential testing which has been carried out to ensure the development of the most appropriate site, should be included within the development proposals. Further additional information assessing current retail space, geographical catchment areas, and potential new retail demand that is unmet, should also be included.

5.87 To monitor the success of these policies and the impact they are having on the vitality of settlements, 'health checks' will be used in line with best practice regarding town centre and retail developments. The quality of design and respect for the local character of all developments will also be assessed to monitor the impact being made on the built environment.

### Policy 29 Conversion and Reuse of Existing Traditional and Vernacular Buildings

Developments proposals for the conversion of existing traditional and vernacular buildings will be permitted where the following criteria are met:

- a) the building is redundant for its original use, and it can be demonstrated that it is unlikely to have a commercial or economic future **in its current form**; and
- b) the proposal is designed to maintain the style and character of the original building in terms of form, scale, materials and detailing, where they contribute positively to the **context and setting** of the area.

### Background and Justification

This policy supports the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment

5.88 The policy will be used to allow the sympathetic conversion of redundant traditional and vernacular buildings which make a contribution to the cultural significance of that part of the Park and are considered worthy of retention. The conversion should be to a use appropriate for the site, and its surroundings, and could include employment, tourism, recreation, or housing, for example.

### Implementation and Monitoring

5.89. In support of any applications a reasoned justification to support the renovation and conversion of the building should be included. This should satisfy the planning authority that the original use of the building is no longer viable, and include a structural survey produced by an independent structural engineer which ensures the building is capable of conversion.

5.90 In considering the impact of new development and uses on the original building, it is particularly important to include an appraisal of the biodiversity interests found within the building, eg bats, and take appropriate action to account for any particular interests found.

5.91 When approving developments under this policy the planning authority may consider removing permitted development rights of the new property to ensure the character of the development is retained. The effects of this policy will be monitored through review of planning permissions and housing completions.

## Transport and Communications

### Policy 30 Integrated and Sustainable Transport Network

**Development** proposals should make a positive contribution towards the improvement of the sustainable transport network within the Cairngorms National Park through the use of:

- a) methods to reduce car dependency;
- b) promotion of sustainable transport modes;
- c) creation of or linking to any existing hierarchy of travel modes based on walking and cycling including core paths network, safe routes to schools and workplaces, public transport and then motorised modes; and
- d) mechanisms to reduce the need to travel.

Where the transport impacts of a proposed development are considered to be significant, by virtue of its size, nature or location, developers will be required to submit a transport assessment covering the local transport impacts of the development, including those during the construction phase, and also where appropriate, submit a green transport plan indicating measures to reduce the impact of travel to the development.

### Background and Justification

These policies support the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Air
- Transport and Communications

5.92 Scottish Planning Policy 17 'Planning for Transport' aims to encourage a prosperous rural economy through stable and increasing communities who have reasonable access to good quality services. **Planning Advice Note 75 'Planning for Transport' and Planning Advice Note 66 'Best Practice in handling Planning Applications affecting Trunk Roads' are also important in providing additional guidance.**

5.93 Within the Cairngorms National Park, transport infrastructure is recognised as being central to the future sustainability of communities and to the development of the Park as a sustainable tourism destination. **Integrated transport is therefore considered vital to allow every community and visitor access to services, facilities and jobs within and outwith the National Park in the most sustainable way.**

5.94 In line with national guidance access from new developments should normally be to a secondary road and not directly from a non-restricted trunk road. The use of the existing transport network should be used as a first option, and where this is not in place, proposals should make provision to improve access to the development site. **Developments should consider a transport accessibility assessment in the form of a development appraisal, and this should be carried out in accordance with the Scottish Transport Appraisal Guide (STAG).**

5.95 In support of transport assessments Green Travel Plans should be included in support of development proposals. The use of such travel plans is also encouraged for all relevant developments in an effort to encourage sustainable transport within the Park.

5.96 Efforts to reduce transport requirements should **always** be considered, and within such a rural setting as is found within the Park, the opportunity exists to consider innovative options, for example through 'community cars' and car sharing. **When considering approaches to transport for any development, personal travel should be placed in a hierarchy which puts motorised modes of travel after walking, cycling and public transport. Development proposals should consider the impact on the core paths network within the area, the wider impacts on the Outdoor Access Strategy and any other established routes. This will help to promote a sustainable transport hierarchy which includes safe routes to schools and workplaces.**

### Implementation and Monitoring

5.97 The policy will be implemented in line with the requirements of national guidance, which provides detail on the requirements of transport assessments and what they should contain.

5.98 The development of sustainable communities which have adequate provision is important, and this policy will be applied to ensure that all developments make an appropriate contribution towards this. Through the determination of planning applications, the Local Plan policies will be monitored to assess what effects developments are having on improving both transport networks within the Park.

### **Policy 3I Telecommunications**

The siting and design of all proposals relating to radio telecommunication developments **and any necessary ancillary works** will demonstrate an established **business** need, will minimise any visual and environmental impacts and will not have an unacceptable impact on the natural and cultural heritage of the Cairngorms National Park or its landscape. All related power-lines will be routed underground where this does not have an unacceptable impact **on natural and cultural heritage**. Alternative sites will have been investigated, and the cumulative impacts of developments considered.

The sharing of masts, sites and other structures will be used where it represents the optimum environmental solution and does not result in adverse visual impact on the surrounding area. A new mast should be structurally capable of being shared by additional telecom systems, without adversely affecting the visual impact of its design.

**Financial bonds will be used where appropriate to secure decommissioning and will be secured by Section 75 agreements.**

which have adequate communication provision is important, and this policy will be applied to ensure that all developments make an appropriate contribution towards this. Through the determination of planning applications, the Local Plan policies will be monitored to assess what effects they are having on improving communication coverage within the Park.

### **Background and Justification**

These policies support the National Park Plan's strategic objectives for:

- Transport and Communications

5.99 The National Park Plan identifies that within the Park, telecommunications are generally good in the main settlements, most of which are able to access broadband technology. For new telecommunications proposals, siting and design and the visual impact made on the landscape are the key issues to be addressed by the planning system. Consideration may also be given to the potential new and improved technology within this sector, and the use of temporary permissions may therefore be used to ensure the most appropriate long-term result.

**5.100 In line with the guidance of Planning Advice Note 62, the use of techniques to disguise or conceal equipment or use of creative and imaginative exemplar designs are encouraged. Further guidance is also given in National Planning Policy Guidance 19 'Radio Telecommunications' which highlights the restrictions placed on any permitted development rights for radio telecommunications within a National Scenic Area.**

### **Implementation and Monitoring**

5.101 The development of sustainable communities

### **Policy 32 Waste Management**

Developments will be considered favourably where they are appropriately designed, sited (demonstrating a sequential approach to site selection), assist businesses to manage their waste, assist local authorities to meet or surpass their Area Waste Plan targets or which include site waste management plans or create other waste management facilities. This will include municipal solid waste schemes, and local waste management schemes particularly where they involve the production of compost and/or energy from the waste, and also where there is a direct community benefit including local recycling centres.

There will be a presumption against the development of new landfill sites within the National Park unless the development

- a) includes appropriate measures for site restoration;
- b) has fully considered site selection to ensure reinstatement of derelict or despoiled land;
- c) includes the principles of self sufficiency in terms of capacity and location; and
- d) provides on site facilities to allow on site recycling/waste treatment.

Proposals for the extension of existing landfill sites may be considered acceptable, subject to the consideration of a full Environmental Impact Assessment (EIA). Prior to the closure of an operational landfill site (once it becomes full or redundant) details for its site restoration, after-care and after-use will be required for approval by the planning authority.

There will be a presumption in favour of the protection of existing strategic waste management facilities and all sites required to fulfil the requirements of the Area Waste Plans.

### **Background and Justification**

This policy supports the National Park Plan's strategic objectives for:

- Waste management

5.102 The careful use of our natural resources is important to all development proposals, and the reduction of waste goes hand in hand with this. Supporting the constituent local authorities in the delivery of their Area Waste Plans/Strategies, the Local Plan seeks to make adequate provision within the Park for the reduction in the amount of waste produced.

5.103 National guidance regarding waste management is given in Scottish Planning Policy 10 Planning for Waste Management, and Planning Advice Note 63 Waste Management and Planning.

Through these the importance of promoting sustainability in all development is reinforced, and national aims of reduce, re-use and recycle are identified as key to all waste management developments. All new waste management developments also require to comply with the objectives of the National Waste Strategy and National Waste Plan.

5.104 The National Park Plan identifies the reduction in waste produced as important, and recycling facilities within communities is supported, with all communities being able to access such facilities easily.

5.105 There are three Waste Strategy Areas that are each partially covered by the Cairngorms National Park: Highland; North-East (Moray and Aberdeenshire) and Tayside (Angus). They all have individual Area Waste Plan targets as well as lists of best practicable environmental options. The Local Plan policy is therefore designed to assist in the delivery of these targets and options.

### **Implementation and Monitoring**

5.106 This policy will be applied where it is relevant to the implementation of the area waste strategies, and the National Park Authority will work closely with local authorities, and will devise a consistent approach to waste strategies and targets across the Park. The principle of development of waste transfer stations within recognised industrial areas will be supported in line with current best practice regarding such developments.

5.107 The success of the policy will be measured against the reaching of targets within the National Park boundary.

## 6. Enjoying and Understanding the Park

6.1 The vision of the Cairngorms National Park is to develop a world-class destination which complements its outstanding environment and outdoor recreation opportunities and plays a part in the regional and national tourism economy. The National Park Plan therefore promotes a sustainable approach to developing tourism, an excellent quality provision of outdoor access and recreation opportunities and a significantly enhanced awareness and understanding of the National Park, its special qualities and management needs.

6.2. The Local Plan therefore contains policies which support these goals, through positively guiding development proposals which further the aims of the National Park.

### Sustainable Tourism

6.3 Tourism is one of the key economic drivers within the National Park and **creating**, maintaining and promoting a healthy tourism industry is vital to the area, its communities, and also to achieving the aims of the Park. There is growing interest in sustainable tourism which *“meets the needs of present generations without compromising the capacity of future generations to meet their needs”* (Our Common Future, Brundtland Report, World Commission on Environment and Development).

6.4 Key to the success of sustainable tourism within the Park is the ability to deliver a high quality experience in an increasingly competitive global market, whilst maintaining the special qualities of the area. Also important are a recognition of the impact of the seasons on this sector, changes in the economy both locally and nationally, distances from population bases, limitations within infrastructure including public transport availability, and unforeseen influences such as, for example, foot and mouth outbreaks. The policies of the local plan must therefore create suitable levels of flexibility to ensure that development proposals can reflect changes in market conditions.

6.5 The National Park Authority has been awarded the European Charter for Sustainable Tourism in Protected Areas by the Europarc Federation. The issues raised in this charter are developed further in both the Cairngorms

Sustainable Tourism Strategy and the National Park Plan.

6.6 As stated in the National Park Plan, “tourism is everyone’s business”. The experience of those visiting the Park is formed by everyone they have contact with and everywhere they go in the area.

A collective commitment to high quality services and collaboration is therefore essential.

6.7 The Local Plan therefore endeavours to create mechanisms whereby the objectives of the National Park Plan can become a reality. The policies should encourage tourism developments which relate to the special qualities of the area, maintain and enhance the range and quality of visitor attractions and facilities, attract more visitors to the area, encourage them to stay longer, and meet their needs and aspirations. Such development must also take into account the **needs of the host communities**, the economic, social, and physical impacts of that development on the environment and the community **and the use of resources**.

### **Policy 33 Tourism Development**

Development of tourism-related facilities / attractions, and proposals which support such facilities, will be favourably considered where they enhance the range and quality of tourism attractions and facilities, and/or lengthen the tourist season, have a beneficial impact on the local economy and do not have any adverse impact on the special qualities of the National Park.

All proposals should contribute to the development and protection of sustainable communities and maintain and enhance the quality of the visitor's experience. Any proposal which would reduce the tourist facilities of an area will be resisted unless it can be demonstrated to the satisfaction of the planning authority that the effects will not have an adverse impact on the sustainability of the surrounding community.

### **Background and Justification**

This policy supports the National Park Plan's Strategic objectives for:

- Sustainable Tourism

6.8 Scottish Government guidance given in Planning Advice Note 73 sees tourism as being of vital importance to the social, economic, environmental and cultural wellbeing of rural Scotland. The National Park Plan identifies the fact that tourism accounts directly and indirectly for a significant part of the area's economy and has the potential to make a significant contribution to the regional and national economy. The key objectives of the National Park Plan relating to sustainable tourism promote high quality services created through a collaborative approach.

6.9 The Local Plan therefore sets the framework for the development of tourism and recreational facilities which support the National Park Plan objectives. The development of core path networks also have a recognised role to play in underpinning rural tourism and the Plan must take account of the Core Paths Plan and Cairngorms Outdoor Access Strategy.

### **Implementation and Monitoring**

6.10 A good range and quality of tourist facilities and accommodation is vital to a healthy tourism industry. There are always opportunities to enhance and add to the existing provision, and this is particularly relevant where it links to rural diversification and the growing creative industry sector. Most tourism developments will normally be expected to be sited within or adjacent to existing settlements where there is existing infrastructure capacity. However there will also be occasions when locational requirements result in developments coming forward in areas outwith settlements, and these will be supported where there would be no adverse impact on the special qualities of

the National Park, and where the proposal can demonstrate a need for its location. All proposals requiring a site-specific countryside location must provide a comprehensive justification for the site selected. Whether within settlements or in the countryside, proposals must be of the highest quality, with no significant adverse impact on residential amenity or on the Park's special qualities.

6.11 In regard to permitted operations within this provision, certain works can be carried out within dwelling houses which are used as B&B without the need for planning permission. This includes the use of up to two bedrooms where there are four or more bedrooms in the dwelling. Where there are fewer than four bedrooms only one bedroom can be used for B&B use. Where there are more rooms than this used for B&B a change of use is required and proposals will then be considered under this policy.

6.12 Applications may be required to be accompanied by supporting information to illustrate the need for the development, and the impact it will have on the economy of both the local and wider areas.

6.13 Where proposals suggest a change of use away from current tourism uses, justification will be sought to support this change, as the protection and promotion of this sector of the economy is a key objective of the National Park Plan. Any such changes of use should therefore not adversely affect the quality of standards provided, or the selection offered, without adequate justification.

6.14 The success of this policy will be monitored through analysis of the number of developments which occur in the Park with a direct impact on the development of the tourism sector and through combined reviews of the growth of visitors to the Park in forthcoming years. The policy will be monitored through the collection and analysis of data in relation to the tourism sector.



### **Policy 34 Outdoor Access**

Development which improves opportunities for responsible outdoor access which adheres to the Cairngorms Outdoor Access Strategy will be encouraged. Developments will be required to be consistent with the Scottish Outdoor Access Code and the Cairngorms National Park Core Paths Plan.

Development proposals which would result in a reduction of public access rights, or loss of linear access (such as core paths, rights of way, or other paths and informal recreation areas, or loss of access to inland water) will only be permitted where an appropriate or improved alternative access solution can be secured to the satisfaction of the planning and access authorities.

6.17 Proposals will be assessed against the impact they may have on outdoor access opportunities and will be required to ensure appropriate alternative and improved opportunities.

Assessments will also be made of the impact new proposals have on the protection of the National Park landscape and its special qualities. The planning authority will use the Cairngorms Outdoor Access Strategy and Core Paths Plan to inform the way that development contributes to outdoor access.

### **Background and Justification**

This policy supports the National Park Plan's strategic objectives for:

- Outdoor Access and Recreation

6.15 The international reputation of the Cairngorms National Park as a venue for outdoor access and recreation makes it a popular venue for a wide range of activities. Under the Land Reform Act 2003 a right of responsible access applies to almost all land and water within the National Park. All forms of outdoor access must be carried out in accordance with the Scottish Outdoor Access Code, which underpins and defines responsible behaviour. Land managers also have a reciprocal duty to act responsibly and respect access rights. The Cairngorms Outdoor Access Strategy for the Cairngorms National Park was approved in March 2007.

### **Implementation and Monitoring**

6.16 Securing and retaining outdoor access is key to the achievement of the National Park Plan and in consultation with landowners and occupiers, the policy will seek to protect public access rights, proposed and adopted core paths, wider path networks and rights of way. Development will also be expected to make a contribution to promoting improved access by linking important local public spaces and places. This is particularly true for new housing developments.



### Policy 35 Sport and Recreation Facilities

Developments of formal sport and recreation facilities, diversification of, or extensions to existing sport and recreation-related business activities, or for the enhancement of existing facilities in terms of quality and design will be supported where:

- a) they demonstrate best practice in terms of sustainable design and future maintenance, and where there are no adverse environmental impacts on the site or neighbouring areas; and
- b) they will meet an identified community or visitor need.

Developments which would result in a reduction in current provision of facilities will only be supported where:

- i) the development is ancillary to the principal use of the site as formal sport and recreation facilities; and
- ii) the development would not affect the use of the site as a formal sport and recreation facility; and
- iii) a compensatory site is created which is convenient to users, or an existing facility is upgraded to maintain and improve the overall capacity in the area.

### Policy 36 Other Open Space Provision

Developments which improve or add to current levels of public and amenity open space, and include specific details on improving and maintaining current provision to develop open space networks will be supported. The development of all housing/ employment/ community sites identified within the proposals maps will be required to make a contribution in space or by a commuted sum towards the provision and maintenance of open space within the site or the affected community.

There is a presumption against development that would result in a loss of existing provision, particularly where the affected site has been identified within the Local Plan proposals maps or Open Space Strategy. The loss of such open space will only be supported where:

- a) an open space audit demonstrates the development will not result in a deficit of open space provision to serve the affected community, and that no alternative site is available; or
- b) compensatory provision is made elsewhere within the community area of at least equal size and quality, or
- c) a commuted sum is made towards future provision of an appropriate alternative.

### Background and Justification

These policies supports the National Park Plan's strategic objectives for:

- Landscape, Built and Historic Environment
- Biodiversity
- Sustainable Communities
- Outdoor Access and Recreation

6.18 The Cairngorms National Park hosts a wide range of formal recreational facilities, from sports pitches and sports centres to ski centres, golf courses and mountain bike centres. There are also many other public and amenity open spaces, ranging from public parks, landscaping schemes within large-scale developments, and formal equipped play areas.

6.19 The importance placed on open space and recreation development is evident through various National and International conventions and strategies. These focus on improving opportunities to access outdoor play areas, increasing the amount of physical activity undertaken by the population and improving participation and performance. Reference should therefore be made to the latest national and

internationally productions relevant to planning policy development.

6.20 Scottish Government policy given through Scottish Planning Policy 11 'Open Space and Physical Activity' seeks to protect and enhance the land and water resources required for the nation's sport and physical recreation. Planning Advice Note 65 'Planning and Open Space' gives additional guidance on how best to ensure open space is provided for in the planning process. This also places a duty on planning authorities to prepare an Open Space Strategy, and this will become supplementary to the Local Plan. The Local Plan policies therefore aim to ensure the needs of local communities for recreational space and facilities are accommodated, and protected where facilities exist. This should include informal and formal recreation provision, as well as adequate provision of open space.

6.21 The National Park Plan recognises that it is vital to many aspects of the National Park's environment, communities and economy that there are a range of high quality opportunities for people who enjoy the area in ways that conserve the special qualities and maximise the benefits to all sectors.

### **Implementation and Monitoring**

6.22 Through the determination of planning applications, the Local Plan will seek to protect existing and future additions to formal recreational provision, including playing fields, and other forms of public and amenity open space.

6.23 With regard to formal recreation provision, the Cairngorms National Park Authority recognises the economic and recreational benefits that these centres provide to residents and visitors. The Local Plan recognises that many of these facilities are constrained by their sensitive location and supports their development where this is done in harmony with the location, and where the proposal extends the tourist season and the availability of facilities to communities, and is designed to the highest standards.

6.24 To assess the existing and future provision of both formal and other forms of public and amenity open space within settlements, the National Park Authority will work with the relevant Local Authorities to carry out an open space audit. From this, and any community needs assessments, an open space strategy will be developed to guide the future development of such spaces and set out design standards to be adopted. Developers should refer to this and any other relevant

supplementary guidance such as site specific design briefs, in support of any applications.

6.25 Adequate arrangements will also be made for long term maintenance of open space within and associated with new developments, and these arrangements will be in place prior to the granting of any permission.

6.26 The policy will be monitored using analysis of developments permitted which affect recreation opportunities within the Park, and which have had an impact on existing facilities



## 7. Settlement Proposals

7.1 The settlement proposals in this section have been drawn up from a variety of sources, including existing local authority Local Plan proposals and community consultation. Development proposals for these sites must also comply with the policies of the Local Plan.

7.2 A hierarchy of settlements is identified, including strategic, intermediate and rural settlements. The majority of development and provision of facilities should be provided within strategic settlements. This is supportive of sustainable approaches to site selection and ensures that the key areas of growth are focused in a number of areas where development pressure can be managed appropriately. Within intermediate settlements, developments should support the local communities and ensure their sustainability for the future. Small areas of housing land are included for this purpose. Within rural settlements, there are opportunities for limited growth which helps consolidate the settlement. New facilities which support the community will also be encouraged. Outwith these recognised settlements, development proposals will be considered against other policies in the Plan. A more flexible approach is therefore available to well designed schemes which have a particular locational need and which support the sustainability of local dispersed communities.

7.3 The Local Plan identifies proposals for new uses of land and land where key uses support and maintain the sustainable communities found in settlements across the Park. Existing uses of land remain vitally important to the area, and the Local Plan will resist proposals to change uses away from the existing use to another without clear justification and suitable alternatives being provided. For example, it is assumed that existing business sites will continue as business sites, and existing community facilities such as playing fields, parks, community halls or other facilities will be retained as community facilities of equal or greater value to the community.

7.4 Four key proposal types have been identified

- Housing
- Economic Development
- Community
- Protected open space

Within these proposal types, mixed uses which support sustainable developments and communities will also be supported where evidence indicates this to be the most appropriate way to take forward development proposals.

7.5 The plans identify settlement boundaries, outwith which it is expected that proposals will require justification for their selected location. Where no locational need exists, development on the periphery of settlements will be resisted. All proposals must consolidate the existing urban form, where it exists, and not result in ribbon development or sprawl of development into the countryside. The plans also identify village and town centre areas where relevant and illustrate any designations that may influence the detail of development proposals.

### Housing

7.6 Housing sites are proposed where strategic sites have been identified. Development of these sites must comply with the policies of the Local Plan and any specific requirements for the site noted in the proposal text. The identification of these sites within settlements does not preclude the development of other windfall sites, both elsewhere within settlements and in other locations within the Park.

7.7 The sites identified form a five-year land supply for the Local Plan, with larger sites in the main settlements and An Camas Mor providing a basis for the medium- and longer-term land supply. Smaller settlements have only a five-year housing land supply, but additional sites for longer-term supply will be identified through housing land audits and review of the Local Plan.

7.8 The proposals have indicative house numbers attached to each site that should be used as a guide to the capacity of the site. However, proposals should not be constrained by these figures and should seek to create attractive urban environments, with a range of house designs working within the site.

7.9 Table 4 in section 5 of the Local Plan provides a list of the indicative capacity for housing available within each settlement, with a guide for the numbers of dwellings required within the lifetime of the Local Plan.

### Economic Development

7.10 Economic Development sites are identified where new proposals have come to light, or have been earmarked as key to providing additional economic provision within settlements or where existing uses help to sustain communities. The Local Plan recognises the importance of the existing businesses and business sites to the Cairngorms National Park and its communities. The Local Plan will seek to protect the business

use of existing businesses which provide key services to communities in the Park.

### **Community**

7.11 Sites for new community use have been identified at strategic sites to help communities contribute to the development of their settlement. A wide range of uses could be included in this category including play areas, community halls, sports facilities, schools, or **other uses to sustain the community**. Where sites have been identified under this category, proposals will be considered on their merits, with particular reference to how they add to the community in which they are sited. The Local Plan will seek to protect existing facilities or services that are important for the communities of the Park. Proposals for the redevelopment of such sites will only be considered favourably where the proposal includes the replacement of that facility or improved alternative provision.

### **Environment**

7.12 Land is identified where it is important to the amenity, setting and the overall fabric of settlements. These areas also provide locally important habitats or landscape features, or are important recreational resources within settlements. They are protected from future development. Settlements also have networks of open spaces, paths and recreational spaces that are not identified but that would be material considerations in the determination of planning applications that affected them.

### **The Maps and Legend**

7.13 The legend that describes the proposal plans is the same for each plan. It can be viewed at the same time as looking at the plans by unfolding it from the back cover of the Local Plan. The underlying base maps are provided by the Ordnance Survey, and may not always be up to date, particularly in areas where there has been recent building.

7.14 The preparation of a Local Plan is a statutory duty for the Cairngorms National Park Authority as outlined in the Planning etc. (Scotland) Act 2006. It provides a policy and locational framework for future development in the area. To fulfil this function the document contains mapping data which are the property of Ordnance Survey. Any unlawful use or copying other than for the purposes of viewing and printing is prohibited. The information provided is for reference purposes only. No further copies may be made.

7.15 Constraints not shown on the proposals maps include listed buildings and scheduled

ancient monuments. Accurate data regarding these **and other non designated cultural heritage sites** can be obtained directly from the National Park Authority, the relevant Local Authority, Historic Scotland and RCAHMS.

7.16 The representation of features or boundaries in which Cairngorms National Park Authority or others have an interest does not necessarily imply their true positions. For further information please contact the appropriate authority.

7.17 The Cairngorms National Park Authority is currently developing a plan of core paths for the Park. These are still draft proposals and therefore may be subject to change. Details can be found in the Draft Core Paths Plan.

