

## Representation, summary and analysis – Policy 1

<b>Policy</b> Policy 01	<b>Name</b> Dr A Watson	<b>Company</b>	<b>Objector Ref</b> 020c
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### Representation

Para 3.1 lower set of bullets includes Straths and Farmland, but the Straths include many other habitats besides farmland Page 14, right column, 2nd last paragraph in 3.4, should add that alternative sites have been investigated and found to be more damaging. In the same para, the term “outweighed” is used, and again in Policy 6 and later, e.g. Policy 7. But there is nothing on how the outweighing is to be assessed, and it is subjective and of little worth unless such definition or assessment method is specified.

### Summary

Para 3.1 should recognise that Straths include many other habitats as well as farmland. Page 14, right column, 2nd to last para in 3.4 should add that alternative sites have been investigated and found to be more damaging. Include how the term 'outweighed' in this para and also in policies 6 and 7 will be assessed.

### CNPA analysis

The comments regarding the clarity of the wording are noted and the appropriate changes will be made to ensure policies and supporting text are clear, understandable and are not subjective in their implementation.

<b>Policy</b> Policy 01	<b>Name</b> Planning, Environment and Development	<b>Company</b> The Highland Council	<b>Objector Ref</b> 469b
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### Representation

Under the Aims and Special Qualities of the Park, Policy 1: Development in the National Park permits development where the aims and overall integrity of the National Park are not compromised; unless outweighed by overriding social or economic benefits of national importance.

The Council should reassert its understanding that matters such as national infrastructure - the A9, electricity transmission - which pass through the Park and which could have a very significant impact on economic prosperity in the Highlands, need not be compromised by such a clause and indeed that they are integral to a “vision” for the Park. In the same vein, such a caveat must not weigh against important development and infrastructure. An Camas Mor, for example, and the future supply of water to Badenoch and Strathspey may be regarded by some as of local significance but by the Council as strategic, and on which the very prospects of the National Park and therefore the national interest, depend.

### Summary

Clarification is needed to confirm that matters of national infrastructure which pass through the Park and could have a significant impact on the economic prosperity in the Highlands, need not be compromised by Policy 1 and that they are in fact integral to a “vision” for the Park. The policy and its caveats must not weigh against important development and infrastructure, for example An Camas Mor and the impact this scale of development will have of the future supply of water to Badenoch and Strathspey.

### **CNPA analysis**

A review of the Vision will be undertaken to ensure that it gives an appropriate level of imaginative and coherent guidance for the future of the Park, and promotes a level of partnership working which is accepted by all. The links with Policy 1 and the strategic role of the National Park in the wider economic prosperity of the Highlands will also be developed.

**Policy** Policy 01      **Name** Hebe Carus      **Company** The Mountaineering Council of Scotland      **Objector Ref** 024a

### **Representation**

MCofS welcomes the opportunity to comment on the Cairngorms National Park- Deposit Local Plan. The MCofS interest in this Plan lies in our commitment "To represent mountaineering in Scotland, by protecting, informing and developing the interests of hill walkers, climbers and ski-tourers." Our interest lies, therefore, in access and conservation to hills and crags. We recognise Cairngorm National Park as a premier location for both upland conservation and recreation in Scotland, and find a lot in the Local Plan to commend.

Policy 1- MCofS welcomes the emphasis on the special qualities of the park as the landscape, biodiversity and recreation opportunities in an area of wild character, as these are what attracts mountaineers, both local and visiting. These sectors make a significant contribution to the economy and community vibrancy of the area. Hence we very much support, in the instance of conflict between the Park aims, acceptance that the other 3 aims all depend upon achievement of the aim "to conserve and enhance the natural and cultural heritage of the area" (1.1), and hence it should be given greater weight (3.3)

### **Summary**

Support for approach being proposed in Policy 1

### **CNPA analysis**

No modification considered necessary as a result of this representation.

**Policy** Policy 01      **Name** Mrs Jane Angus      **Company**      **Objector Ref** 437a

### **Representation**

Policy 1, p 14, 3.4. The extract from the Act gives the Park Authority the right to do anything it wants regardless of the wishes of the inhabitants or the stated aims, if there is over-riding national importance'. As below in discussing 4.9 and 4.18-40, the inherent conflicts are not helpful to harmonious management.

### **Summary**

The problems between the aims of the Park, and the protection of the natural heritage of the Park do not help in harmonious management.

### **CNPA analysis**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance.

Modifications will also endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties.

<b>Policy</b> Policy 01	<b>Name</b> Reidhaven Estate	<b>Company</b> Reidhaven Estate	<b>Objector Ref</b> 456d
	<b>Agent</b> Jill Paterson		

**Representation**

Reidhaven Estates would wish to make representation about para b) of the policy. This in effect states that a proposal will be permitted if “any significant adverse effects on the qualities for which the Park has been designated are clearly out weighed by social or economic benefits of national importance...”

The meaning as written is clear but Reidhaven believe that the criteria suggested may well in practice be difficult to define and difficult to assess. With the bar being set at ‘national Importance’ it is also considered that this may well be used to prevent developments that might be of local importance such as schools, hospitals or even affordable housing. Setting the bar at ‘national importance’ may well be appropriate for much of the designated heartlands of the Cairngorms, but such a policy may mitigate against sensible consolidation, regeneration and development of some of the communities within the National Park area. The policy should refer to the aims as set out in the National Parks (Scotland) Act 2000 as these are not reflected. Implicitly this policy reads as a protectionist policy but should also allow for controlled growth and sustainable development to form part of the Park aims.

Modifications: It would be perfectly feasible to suggest that Policy 1 have two levels of effect - not dissimilar to the original formulation set out so long ago in the Popular Mountain Areas Report published by the Countryside Commission for Scotland in the mid 80s. This suggested that there should be areas identified within the national Parks which were ‘Community Zones’. The balance of the land (and naturally the majority) would be termed the ‘Conservation Zones’.

In such a formulation Policy 1 would apply to the Conservation Zones. Within the Community Zones a lesser threshold should be applied, but designed to set the emphasis quite rightly on “Local Importance”. This would resonate very well with efforts being made to ensure a strong degree of local influence within the National Park.

It would also be quite possible to clarify Policy 1 in such a way that a) applied to all development; b) applied to Conservation Zones requiring the national Importance test; and a new c) could be added which applied to defined Community Zones (at very least all the areas within settlement boundaries shown in the plan) requiring a local importance test.

The policy should also refer to the aims of the national park as defined in the National Parks (Scotland) Act 2000.

**Summary**

Para a) states that a proposal will be permitted if “any significant adverse effects on the qualities for which the Park has been designated are clearly out weighed by social or economic benefits of national importance...” How will this be defined in practice? Will

the 'national' level of importance be used to prevent developments that might be of local importance such as schools? The policy should refer to the aims of the Park. The wording is overly restrictive and should be reworded to allow for controlled growth and sustainable development to form part of the Park aims.

The policy should be reworded to allow for a two tier approach identifying 'Community Zones' and 'Conservation Zones'. The approach proposed by this policy would then apply to conservation zones, whereas a lesser threshold would apply in community zones.

Alternatively a) could apply to all development, b) to conservation zones requiring a national Importance test; and a new c) added to define community zones requiring a local importance test. The policy should also refer to the aims of the national park as defined in the National Parks (Scotland) Act 2000.

### **CNPA analysis**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties.

**Policy** Policy 01

**Name** Jamie Williamson **Company**

Alvie and Dalraddy Estate

**Objector Ref**

439c

### **Representation**

If the Cairngorms National Park Authority wants more accommodation provided within the Park the more regulations, restrictions and taxes placed on development the less likely additional houses will be built. Landowners will have their own aims, objectives, plans and aspirations that will not necessarily be the same as those of the Cairngorms National Park. Where the aims, objectives and aspirations of the landowner are different from those of the Cairngorms National Park Authority development is unlikely to take place.

The Authority's policy towards development should be more strategic and less prescriptive.

The Local Plan should take into account local economic and social benefits, not just national benefits. Particularly in isolated communities there may be a serious local problem that is not reflected nationally. For example there could be a serious problem of depopulation or lack of jobs in a particular glen that could be resolved with the introduction of a job opportunity. The survival of the whole community in this glen could depend on this job opportunity even though the depopulation of this glen would be insignificant in a national context.

We already have 5 tiers of legislation<sup>5</sup> regulating how communities and land within the Cairngorms National Park is managed; inevitably there is a degree of overlap between different tiers of legislation and in some cases conflict between these regulations. Where the National Park (Scotland) act already dictates aims and regulations of the Cairngorms National Park, the Local Plan should refer to this legislation rather than attempt to duplicate Local Authority or National legislation.

If the Cairngorms National Park Authority genuinely wishes to reduce the " ... gap between housing need and supply in the Park to meet community needs" (see page 12 Cairngorms National Park Deposit Local Plan) fundamental changes will need to be made to their policies as proposed.

#### Proposed Modifications

Development in the Cairngorms National Park will be permitted where it has been demonstrated that

- a) The aims of the Park and overall integrity of the ea would not be compromised; or
- b) Any significant adverse effects on the qualities for which the Park has been designated are clearly outweighed by social or economic benefits of local or 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.

Development that makes a positive contribution to one or more aims of the Cairngorms National Park will be supported where it will not significant or unreasonably conflict with any of the other aims or have any significant adverse effects on its special qualities.

Development that is likely to conflict with any of the aims of the Park as defined in the National Parks (Scotland) Act 2000 section 1, or lead to adverse effects on the Parks special qualities, will only be permitted where it is considered that these would be outweighed by the developments positive contribution to one or more aims (delete and) or the Park's special qualities, and where appropriate measures are taken to minimise and mitigate the adverse effects of the development

(Delete - Where a development would be likely to lead to conflict between the first aim of the Park - to conserve and enhance the natural and cultural heritage of the area - and any other aim or objective, the decision on the development will give greater weight to securing the first aim than any other aim or objective.)

#### Summary

If the approach taken is overly complicated and regulatory, development will not go ahead. The approach should therefore be more strategic and less prescriptive and should take into account local economic and social benefits, not just national benefits. To simplify the situation the local plan should refer to other legislation rather than try to duplicate it.

Amended wording suggested:

In b) add 'local and' before 'national'

In para 2 add 'or unreasonably' after 'significant'

In para 3 add after 'the aims of the Park' as defined in the National Parks (Scotland) Act 2000 Section 1

In para 3 in line 6 change 'and' to 'or' the Parks special qualities.

Delete final paragraph.

#### CNPA analysis

Throughout the plan has endeavoured to highlight other legislation, making direct reference to it only where there is a particular need. However in modifications further efforts will be made to ensure this approach is taken. The local plan throughout its policies also tries to take an approach that provides an appropriate level of detail to and guidance for developers, and the Plan is easy to understand and

use. The policies of the plan also endeavour to provide a balanced approach to land allocation and services to support this, including creating the correct level of opportunities for employment. Modifications will therefore be proposed which review the tone and clarity of policies, and the proposed wording will be assessed accordingly.

**Policy** Policy 01

**Name** Scottish and Southern Energy Plc **Company** Scottish and Southern Energy Plc **Objector Ref** 447a  
**Agent** Jones Lang Lasalle

### **Representation**

The Local Plan states that policy 1 sets out the role of the Park's aims and the special qualities in planning decisions within the CNP and that the policy will be both the "starting point an ending point" for assessing planning applications. It is also stated that policy 1 does not override other policies within the Plan and that it is not the only policy by which development proposals are determined. However policy 1 provides the "foundation" for all planning decisions and links the detailed policies back to the aims of the Park. It is stated that:

"This policy also provides a basis of assessment of any proposals that have not been anticipated by other policies of the plan...Developments must comply with all policies in the plan to comply with policy 1."

It is notable that parts (a) and (b) of policy 1 generally replicate the policy tests as set out at paragraph 25 of National Planning Policy Guideline (NPPG) 14 (Natural Heritage), with the exception of the first part of (a) which uses the term "aims of the Park" whereas paragraph 25 of NPPG 14 uses the term "objectives of designation". It is unusual in that there is no cross-reference at all or acknowledgement in the supporting text of the Plan to any link to NPPG 14.

Points (a) and (b) of policy 1, as with paragraph 25 of NPPG 14, provide two means by which development may be permitted. However, part (b) of the policy goes further and provides a third element to the test which is not contained within NPPG 14. The policy is therefore over-restrictive and in conflict with the paragraph 25 test in NPPG 14.

This third element can be considered to be within part (b) of the policy where it is stated that development will be permitted where it has been demonstrated that the development "will be mitigated to the satisfaction of the Planning Authority by the enhancement of qualities or features of equal importance to the National Park". This aspect of the policy is not considered to be appropriate. This third criterion against which acceptability purports to be tested provides no clear guidance for developers. The main reason for this is the same reason why this policy should not be given such primacy in planning decisions, that is to say it is predicated upon the significance of adverse effects on special qualities. The identification of 'special qualities' are therefore of crucial importance. Without identification of the special qualities by geographic area how can a developer form a view as to the appropriate location for particular forms of development and how can the CNPA form a view as to whether there can be enhancement of qualities or features of equal importance if they are not identified in the first place?

It is not clear what is meant by the term "features of equal importance" and no guidance is provided in the supporting text of the Plan with regard to this phrase. Furthermore, the policy does not allow for a situation where a particular project could have satisfactory

mitigation built into it to make it acceptable in planning terms, and, where there may not be a particular 'feature' to enhance.

Planning Advice Note (PAN) 49 (Local Planning) at paragraph 22 makes it clear that policies in Local Plans require to be "consistent with broader national policy and environmental objectives ". Furthermore paragraph 50 of the PAN states that "it is critical for planning authorities to frame policies so that they are inter alia:

- properly justified to explain their intention;
- provide clear guidance to the public and the developer;
- are expressed in simple, positive and unambiguous terms;
- set out any criteria necessary for their interpretation.

Furthermore, paragraph 5 of PAN 49 makes it clear that Local Plans "should provide a stable and consistent framework within which investment decisions can be made with confidence."

The paragraph adds that authorities preparing Plans should "take account of national and regional policies. Furthermore, PAN 49 sets various objectives for the preparation of Plans and in my view this policy (and indeed other policies referred to in the bullet points and paragraphs below); do not accord with the Local planning objectives in terms of being:

- "realistic" — references in policies such as policies 4, 3 and 18 do not represent realistic policy objectives as they contain requirements for developers to provide and / or enhance features of equal importance which a developer may not have the power to deliver.
- "practical" - a number of the draft policies have been highlighted which are not particularly practical and which are not easily understood.
- "clear"- national planning advice states that "clarity is essential" and the most effective Local Plans will be those which convey their policies without ambiguity.

Paragraph 52 of the PAN adds that: "the intention of the policy should always be clear". Policy 1, as drafted, does not meet the requirements as set out in PAN 49.

### **Summary**

Parts a) and b) of the policy generally replicate the policy tests set out at para 25 of NPPG 14, with the exception of the first part of (a) which uses the term "aims of the Park" rather than NPPG 14's "objectives of designation". However there is no cross-reference or acknowledgement to NPPG 14. Both the policy and NPPG14 provide two means by which development may be permitted. However, part b) of the policy goes further and provides a third element to the test which is not contained within NPPG 14. The policy is therefore over-restrictive and in conflict with the para 25 test in NPPG 14.

This third element can be considered to be within part b) of the policy where it is stated that development will be permitted where it has been demonstrated that the development "will be mitigated to the satisfaction of the Planning Authority by the enhancement of qualities or features of equal importance to the National Park". This part of the policy is not appropriate, it gives no clear guidance for developers since it is predicated upon the significance of adverse effects on special qualities, while there is no definition given of these special qualities.

There is no clarification of "features of equal importance". Also the policy does not allow for a situation where a particular project could

have satisfactory mitigation built into it to make it acceptable in planning terms, and, where there may not be a particular 'feature' to enhance.

Details analysis is given in the submission on the requirements of PAN 49 in terms of local plan preparation and policy development. The policy does not accord with this pan or its objectives in terms of being:

- "realistic" — references in policies such as policies 4, 3 and 18 do not represent realistic policy objectives as they contain requirements for developers to provide and / or enhance features of equal importance which a developer may not have the power to deliver.
- "practical" - a number of the draft policies have been highlighted which are not particularly practical and which are not easily understood.
- "clear"- national planning advice states that "clarity is essential" and the most effective Local Plans will be those which convey their policies without ambiguity.

In terms of the requirement for the policy to always be clear (para 52 PAN 49) the policy does not meet this.

#### **CNPA analysis**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties.

**Policy** Policy 01

**Name** Glenmore Properties Ltd  
**Agent** Steve Crawford

**Company** Glenmore Properties Ltd

**Objector Ref**

453a

#### **Representation**

Reference to the "Aims of the Park" when the actual Plan does not set these out. The policy should refer to the aims as set out in the National Parks (Scotland) Act 2000. These clearly relate to economic and social development. These are not reflected in the Policy 1. Implicitly this policy reads as a protectionist policy but should also allow for controlled growth and sustainable development to form part of the Park aims. New housing could, for example, allow local services to remain open and available to many other local residents, and help to create a sustainable rural community that reflects the natural pattern of development in the Park that has made it what it is today.

Modifications: Policy altered to reflect the aims of the park in full.

#### **Summary**

The policy should be amended to reflect the full aims of the Park set out in the National Parks (Scotland) Act 2000. These clearly relate to economic and social development. The wording of this policy should not only aim to protect, but also allow for controlled growth and sustainable development to form part of the Park aims. The wording should therefore be amended to reflect the aims in full.



## CNPA analysis

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Throughout proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties.

<b>Policy</b> Policy 01	<b>Name</b> Susan Davies	<b>Company</b>	Scottish Natural Heritage	<b>Objector Ref</b>	465e
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## Representation

We welcome your intent of embedding key requirements of the National Parks (Scotland) Act into the Local Plan. However we feel that Policy 1 as currently drafted is unclear and potentially internally contradictory. In particular, it is not clear which of the tests in the four paragraphs within the Policy have to be met by any development proposal. Furthermore, whilst we note that the first paragraph of this policy has been derived from NPPG 14, it does not seem to reflect the provisions of Section 9(6) of the National Parks (Scotland) Act as encapsulated in the fourth paragraph. The different parts of the policy therefore seem to be internally inconsistent, and some parts seem to conflict with later natural heritage policies (eg. parts b of policies 3 and 4, and parts a and b of Policy 7).

We strongly recommend that these problems are tackled by splitting the Policy into sub-parts and clearly explaining which of these parts must be met in different circumstances. We include a suggested revised text at Annex 2.

Suggested alternative wording -

Policy gap: Precautionary principle

In the relatively rare situation of assessing development proposals within the National Park where the potential impacts are uncertain, but where there are scientific grounds for believing that significant damage could occur either to the environment or the well-being of communities, the precautionary principle shall be applied.

Given that this policy refers extensively to the Park's special qualities, it would be helpful to refer to the section of the Park Plan that defines these qualities.

We also strongly recommend including a policy that embeds the precautionary principle into development decision making. This could perhaps be a further sub-part to Policy 1, or alternatively a separate policy. We suggest a possible text at Annex 2. (text from Annex 2 - suggested rewording)

Policy 1

1a - Development in the Cairngorms National Park 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 will not be compromised.

1b - Development in the Cairngorms National Park that would have significant adverse effects on the special qualities for which the Park has been designated 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.

1c - Development in the Cairngorms National Park that is likely to conflict with the first aim of the Park - to conserve and enhance the natural and cultural heritage of the area - notwithstanding that it would contribute towards the achievement of other aims of the Park - will only be permitted where the adverse effects on the first aim will be fully mitigated or compensated to the satisfaction of the planning authority.

1d - Development in the Cairngorms National Park 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.

### **Summary**

Concerns expressed about Policy 1, the fact is is potentially internally contradictory, does not reflect the provisions of Section 9 (6) of the National Parks (Scotland) Act, and seems to conflict with parts of policies 3,4 and 7.

Suggest the following as alternative wording:

Policy 1

1a - Development in the Cairngorms National Park 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 will not be compromised.

1b - Development in the Cairngorms National Park that would have significant adverse effects on the special qualities for which the Park has been designated 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.

1c - Development in the Cairngorms National Park that is likely to conflict with the first aim of the Park - to conserve and enhance the natural and cultural heritage of the area - notwithstanding that it would contribute towards the achievement of other aims of the Park - will only be permitted where the adverse effects on the first aim will be fully mitigated or compensated to the satisfaction of the planning authority.

1d - Development in the Cairngorms National Park 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.

As the policy refers extensively to the Park's special qualities, it would be helpful to refer to the section of the Park Plan that defines these qualities.

Strongly recommend including a policy that embeds the precautionary principle into development decision making. This could perhaps be a further sub-part to Policy 1, or alternatively a separate policy.

### **CNPA analysis**

The links between the Local Plan and the Park Plan are key to the success of the Local Plan and its delivery. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Throughout proposed modifications will

endeavour to clarify while providing an appropriate level of guidance for developers and interested parties. The proposed wording will also be assessed in line with the above.

<b>Policy</b> Policy 01	<b>Name</b> Susan Davies	<b>Company</b>	Scottish Natural Heritage	<b>Objector Ref</b>	465c
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### **Representation**

#### General Comments

A key issue which we recommend you resolve through modifications to the Plan is the potential contradiction between the final part of Policy 1, and Policies 4, 7 and earlier parts of Policy 1. We support the final part of Policy 1, which reflects Section 9(6) of the National Parks (Scotland) Act 2000. However we are concerned that parts of Policies 4, 7 and 1 seem to indicate that concerns about adverse effects on the Park's special qualities can be outweighed by local social and economic benefits to the Park. Such policies would mean that the National Park designation provided little added value in terms of protecting the qualities for which it was designated, and seem not to comply with Section 9(6). We recommend and suggest ways of resolving these problems in Annexes 1 and 2.

We also feel that the Deposit draft has missed some important opportunities to maximise its contribution to delivering the Park Plan and Outdoor Access Strategy. These missed opportunities include policies and/or proposals that support spreading the benefits of tourism more widely across the Park; and support the provision of visitor information and interpretation. We explain these points in greater detail in Annex 1.

Our detailed comments are set out in Annex 1, and some suggestions for revised Policy texts are included at Annex 2.

#### **Summary**

Concerned about inconsistencies between policies 1, 4 and 7 and the National Parks (Scotland) Act 2000.

Missed opportunities for linking the local plan to the delivery of the Park Plan and the Outdoor Access Strategy.

#### **CNPA analysis**

Throughout the plan further cross referencing will be made to ensure that policies are consistent within themselves and when compared to others. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, the Park Plan, and the Outdoor Access Strategy. Supporting text will also be added to clarify and highlight opportunities to link with these other plans and policies.

**Policy** Policy 01

**Name** John Anderson

**Company** Kincaig & Vicinity Community Council

**Objector Ref**

463a

**Representation**

We generally support the Alvie Estate view on this Policy. See also Note of KVCC meeting of 25 September 2007.

**Summary**

Support Alvie estate view on this policy

**CNPA analysis**

The comment is noted. The issue will be considered under the Alvie representation. No modification considered necessary as a result of this representation.

**Policy** Policy 01

**Name** Mrs Sally Spencer

**Company**

**Objector Ref**

017a

**Representation**

While I agree with the policy as laid out on Page 14 of the Deposit Local Plan, and in particular with the Park's first aim, I think that, really as part of the latter, special consideration should be given to individual applicants with strong family connections sometimes going back generations, to the village/area where they wish to build. Many of them are unlikely to be able to afford expensive sites or houses, so are currently at a considerable disadvantage.

Where a local landowner is prepared to offer such an applicant a particular site, or one below market price, because he is a 'local', I think the assumption should be that permission will be granted unless there are extremely good reasons for refusal. Such consideration should apply only to individual applicants with a genuine current as well as ancestral, workaday connection to the locality concerned, not to developers who would undoubtedly use one local potential purchaser to provide them with an excuse to apply for special consideration for an estate!

It will be quite impossible to "conserve and enhance the .... cultural heritage of the area" if those who have inherited its customs and traditions have to move away because they cannot afford to stay. Many of them are young, with children, and are the very people we need to carry into the future those traditions and customs that make up the local way of life of the various parts of the Park.

**Summary**

Special consideration should be given to individual applicants with strong family or local connections. Many are unlikely to be able to afford expensive sites or houses, so are currently at a considerable disadvantage and local landowners may be willing to offer land to such people at below market price because he is a 'local', In such cases there should be an assumption that permission will be granted unless there are extremely good reasons for refusal. This local connection with folk who have inherited local customs and traditions will be the only way of "conserve and enhance the .... cultural heritage of the area".

**CNPA analysis**

The approach taken has tried to create a clear link between the Park Plan, the aims of the Park and the Local Plan and its delivery. Throughout the remainder of the policies in the Plan, issues such as landscape impact, sensitivity of development and the promotion of a

healthy rural economy must all be considered in the determination of any planning application. The proposal regarding local connection is not one favoured by CNPA as it precludes many sectors of society. However the important point raised regarding providing appropriate development opportunities to those wishing to add to sustainable rural communities across the point will be reinforced throughout the Plan .

**Policy** Policy 01                      **Name** Mrs Audrey MacKenzie **Company** Aviemore & vicinity Community Council **Objector Ref** 416c

### **Representation**

Page 14 – Policy 1: “Development in the CNP will be permitted...” Change ‘will’ to ‘should’. John Grierson said there was an assumption against development beside core paths. Should this be made clearer?

### **Summary**

Development in the park 'should' be permitted - amendment to wording.

### **CNPA analysis**

The comment is noted. The wording of the policy will be amended to clarify the position regarding the approach to all development considered under this policy.

**Policy** Policy 01                      **Name** Frogmore Estates Scotland Ltd                      **Company** Frogmore Estates Scotland Ltd                      **Objector Ref** 026a  
**Agent** Philip Clarke

### **Representation**

2.1 In the first instance, objection is made to the removal of General Policies 1 - 3 in the Consultative Draft Plan and the substitution of Policy 1- Development in the Cairngorms National Park, as set out in the Deposit Plan.

2.2 The Consultative Draft Plan set out Policies 1 - 3, which allowed for a considered position to be taken on the control of development in different landscape character areas. This approach would have provided appropriate scrutiny and control over proposed development within the most sensitive landscape character areas to ensure that there would be no adverse impact upon the special qualities of the Park.

2.3 The Cairngorms Landscape Assessment, undertaken by Turnbull Jeffrey Partnership in 1996, identified a range of landscape types and proposed measures for their management and protection. In summary, it found that the Cairngorms has a varied landscape character ranging from the uninhabited and physically dominated high mountain plateaux to the settled and farmed landscapes of the Straths, and that varying measures would be appropriate over different parts of the Park to protect special landscape features. Some areas of the Cairngorms were found to be more sensitive to development than others.

2.4 The approach set out in the Consultative Draft Local Plan, where a set of policies with varying levels of development being supported in different areas, would be the most appropriate approach to the control of development within the Park. Areas of lower sensitivity in landscape terms, albeit generally more sensitive than average rural areas outwith the National Park, would be afforded an

appropriate level of protection, whilst allowing for sensitive development in the right places to ensure a healthy rural economy, being subject to General Policy 1. Those areas which are of different or greater landscape significance, or are subject to national or international environmental designations would be afforded an appropriate level of protection under General Policies 2 and 3.

2,5 In light of this, objection is made to the deletion of General Policies 1 - 3 in the Consultative Draft Plan and their replacement with Policy 1 - Development in the Cairngorms National Park in the Deposit Plan. It is respectfully submitted that General Policies 1 - 3 should be reinstated.

### **Summary**

Object to the removal of general policies 1-3 from the draft plan and their substitution with new policy 1. Landscape character assessment carried out for the Cairngorms identified a variety of different landscape character areas, each with different sensitivity for development. The policies in the draft plan recognised this, the new Policy 1 does not, and therefore wish to see original approach retained.

### **CNPA analysis**

The approach taken has tried to create a clear link between the Park Plan, the aims of the Park and the Local Plan and its delivery. Throughout the remainder of the policies in the Plan, issues such as landscape impact, sensitivity of development and the promotion of a healthy rural economy must all be considered in the determination of any planning application. Whilst the approach taken may not be a definitive, modifications will be made to the Introduction and Context to clarify that all the policies in the Plan must be considered equally, and also to clarify the relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance.

**Policy** Policy 01

**Name** Dr A M Jones **Company** Badenoch & Strathspey Conservation Group

**Objector Ref** 400e

### **Representation**

Policy 1 - Object on grounds that the phrases "development .... will be permitted.." (1st sentences) and "Development .. will be supported" (4th para) indicate a bias in favour of development.

We welcome the reiteration of the primacy of the 1st aim in the last sentence.

3.6 - We are concerned at contradiction between 3.6 and Policy 1. We recommend that the primacy of the 1st aim is stated again in 3.6 to make it unambiguous that the 1st aim takes precedence where there is a conflict,

3.7 - Object. We are concerned that there is an absence of even basic baseline information on natural heritage against which the policy can be realistically monitored. At present, and into the foreseeable future, the CNPA has virtually no idea of what natural heritage is being lost beneath development, what the direct and indirect impacts on natural heritage are, nor virtually any measure of the cumulative impacts of developments proposed in the DLP. This information shortfall urgently needs to be rectified if meaningful monitoring is to be possible.

We therefore urge that the need for baseline surveys of natural heritage capital within potential settlement areas is explicitly noted in the DLP.

p.13 Park Facts and Figures should give data for the Cairngorms (Partnership) area. The park includes fails to mention NNRS the wetlands of Insh marshes

### Summary

Policy 1 - The phrases "development ..... will be permitted.." (1st sentences) and "Development .. will be supported" (4th para) indicate a bias in favour of development. There should be greater focus on the 1st aim of the Park.

Para 3.6 - contradicts Policy 1. The primacy of the 1st aim should be stated again in 3.6 to clarify the 1st aim takes precedence where there is a conflict,

Para 3.7 - There is an absence of even basic baseline information on natural heritage against which the policy can be realistically monitored. Presently and for the foreseeable future, the CNPA has virtually no idea of what natural heritage is being lost beneath development, what the direct and indirect impacts on natural heritage are, nor virtually any measure of the cumulative impacts of developments proposed in the DLP. This shortfall urgently needs to be rectified if meaningful monitoring is to be possible. The need for baseline surveys of natural heritage capital within potential settlement areas should be explicitly noted in the DLP.

Page 13- The Facts and Figures should give data for the Cairngorms (Partnership) area. The parts included fail to mention NNRS the wetlands of Insh marshes

### CNPA analysis

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties. The proposed wording will be assessed accordingly.

**Policy** Policy 01

**Name** Angus Yarwood **Company**

Woodland Trust Scotland

**Objector Ref**

393b

### Representation

We support the policy that development in the CNP will only be permitted where, "a) the aims of the Park and overall integrity of the area would not be compromised". The final paragraph of the policy is the most important point, that it is the primary aim of the Park - quoted above in paragraph 5 - that must take precedence in development decisions. As stated we regard ancient and semi-natural woodland as forming an integral part of the natural and cultural heritage of the Park.

The Cairngorms Local Biodiversity Action Plan (CLBAP) also supports this view by stating the importance of the Park not only at a national but also international scale when it states:

The woodlands of the Cairngorms are of national and international importance because they contain the largest remaining areas of

semi-natural woodland habitats in Britain. The Cairngorms area occupies just less than 10% of Scotland's land mass, yet contains 25% of the entire Scottish resource of native woodlands and its Caledonian pine woodlands are greater in total area and individual size than anywhere else in Scotland. The extent of native woodland is important for many specialist species of plant, animal and fungus that depend upon this habitat.

### **Summary**

Support Policy 1 where it states that development will only be permitted where, "a) the aims of the Park and overall integrity of the area would not be compromised". The final para is also important as it places precedence on the 1st aim of the Park in decision making. We regard ancient and semi-natural woodland as forming an integral part of the natural and cultural heritage of the Park. This view is supported by the Cairngorms Local Biodiversity Action Plan where it states :

The woodlands of the Cairngorms are of national and international importance because they contain the largest remaining areas of semi-natural woodland habitats in Britain. The Cairngorms area occupies just less than 10% of Scotland's land mass, yet contains 25% of the entire Scottish resource of native woodlands and its Caledonian pine woodlands are greater in total area and individual size than anywhere else in Scotland. The extent of native woodland is important for many specialist species of plant, animal and fungus that depend upon this habitat.

### **CNPA analysis**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties. The proposed wording will be assessed accordingly.

**Policy** Policy 01

**Name** Mairi Maciver

**Company** Communities Scotland

**Objector Ref** 025g

### **Representation**

12. We suggest Policy 1 - Development in the Cairngorms National Park - should include reference to the requirement for planning decisions to reflect current Scottish planning legislation and national planning policy guidance and advice.

### **Summary**

Policy 1 should refer to requirement for planning decisions to reflect current Scottish planning legislation and national planning policy guidance and advice.

### **CNPA analysis**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance.



**Policy** Policy 01

**Name** Roy Turnbull

**Company**

**Objector Ref**

390b

**Representation**

Whilst the policy of not compromising the aims of the Park is supported, the policy as worded is too pro-development.

Re-word first para to, "Development in the Cairngorms National Park may only be permitted where it has been demonstrated that:"

Re-word para 3 to: ... "by the development's positive contribution to one or more aims, which must include the first aim, and the Park's special qualities, ..."

Otherwise, the policy is supported.

**Summary**

The policy is too pro development. Re-word first para to, "Development in the Cairngorms National Park may only be permitted where it has been demonstrated that:"

Re-word para 3 to: ... "by the development's positive contribution to one or more aims, which must include the first aim, and the Park's special qualities, ..."

**CNPA analysis**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties. The proposed wording will be assessed accordingly.

**Policy** Policy 01

**Name** The Crown Estate

**Company**

The Crown Estate

**Objector Ref**

419a

**Agent** Debbie Mackay

**Representation**

Policy 1, criteria (b) requires that development will be permitted where it is demonstrated that;

"(b) Any significant adverse effects on the qualities for which the Park has been designated are clearly outweighed by social or economic benefits of national importance..."

This policy should also include social or economic benefits of "local" importance. The aims of National Parks in Scotland under the National Parks (Scotland) Act 2000 include aim 4;

"To promote sustainable, economic and social development of the area's communities."

There may be occasions when the economic or social good of the community must be given due recognition, not just economic or social benefits of national importance.

Modifications to resolve this objection - The policy should be altered to read; "...outweighed by social or economic benefits of local and/or national importance..."

### **Summary**

The policy should also include social or economic of local importance in line with the 4th aim of the Park. The wording should be amended to "...outweighed by social or economic benefits of local and/or national importance..."

### **CNPA analysis**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. The proposed wording will be assessed accordingly.

**Policy** Policy 01

**Name** Mrs Sally Spencer

**Company**

**Objector Ref**

017b

### **Representation**

I think people are sick and tired of those who cheat and bend the Planning system to their own advantage. The CNPA needs to ensure that there is fairness for all, which means, sadly, that it needs sharp teeth!

I think that it should be stated clearly and unequivocally in the Local Plan, that retrospective planning permission will not be granted. Such an application drives a coach and horses through the Planning system, but sadly seems often to be successful. It is presumably done because the applicant has a shrewd idea his application would be refused if he went about it in the correct way. This, and the successful outcome, is not lost on the local community, and causes great resentment among the law-abiding, who may face refusal of their own application.

In order to discourage such applications, potential penalties need to be set out clearly, and be well known, and I think should be draconian, for example:

-a fine of (at least) twice the normal Planning Application fee

-the obligation to restore the site to its previous state, regardless of what has been built. Such restoration to include the replacement of any large trees, and to be monitored, to ensure that it is done. (This, one hopes, would be sufficiently expensive to be the real deterrent). -Only then, (if the applicant still wishes to build) a normal Planning Application may be made, including paying the normal fee, and the whole thing be treated as if it was a first application, no consideration being given to the previous 'gun jumping' attempt.

I imagine there would need to be a caveat to cater for 'extremely rare and exceptional circumstances' but it needs to be very carefully worded so that it is "loophole proof"!

I think that those who apply to build, and subsequently, but while building is still in progress, apply to alter this or that, for example, 'a

house with separate garage' subsequently altered by the addition of extra windows, skylights, shower, lavatories etc, should have such an application refused unless they can show very good reason why these additions were not on the original planning application, and that they are not – and will not in future – be using such a 'garage' as extra living accommodation. I am sure there are examples of such underhand behaviour in all areas covered by the Park. The loophole that allows this is, I think, that such an application goes to the Local Authority planners, not back to the Park Committee. I don't know how you sort that out, but the loophole needs to be closed! One reason why I think you need to do something about what are often quite blatant deceptions is that they do cause resentment among the law-abiding, who feel that it is up to the Planning Authority – Park or Council – to be fair to all their applicants/citizens. The other reason, stemming from the first, is that resentment against the Park is likely to increase if you don't, and that would be a great pity.

**Summary**

The CNPA needs to ensure the planning process is fair and transparent. Retrospective planning permission should not be granted as it gives the impression that developments which might not get permission if considered in the normal way, do get permission because they are already in existence. Robust discouragement should be in place to ensure retrospective applications are not successful, including fines, additional fees, stringent planning conditions to restore the site, etc. This should be "loophole proof". Where permission is granted subsequent alterations should not be allowed unless there are good reasons why amendments are needed. The Park Authority should always consider such amendments, and not the Local Authority.

**CNPA analysis**

The comment is noted. The regulations regarding the implementation of planning legislation through the development management approach are set out by Scottish Government. The CNPA will continue to work to ensure that these regulations are written in a way which best serves the Park and its communities. No modification considered necessary as a result of this representation.

<b>Policy</b> Policy 01	<b>Name</b> Campbell Gerrard	<b>Company</b> Sportscotland	<b>Objector Ref</b>	380a
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**Representation**

While supportive of this policy, consider wording of final paragraph to be flawed. Paragraph states that the first Park aim will take precedence in situations of conflict over 'any other aim or objective'. This is not what the National Park Act states. The Act is clear that the first aim will take precedence over the other three Park aims and not any other aim or objective. We consider that the wording in Policy 1 does not properly reflect the wording of the Act, and that it causes confusion given that it is not clear what other aims and objectives are being referred to.

Modifications needed to resolve this objection – Policy 1 should be revised to ensure that the final paragraph refers only to National Park aims as defined in the Act and not to any other aims and objectives.

**Summary**

Support the policy but consider the need for amended wording to better reflect the actual wording of the National Park Act. It is clear that the first aim will take precedence over the other three aims and the policy does not properly reflect this. The wording should be revised to ensure that the final paragraph refers only to National Park aims as defined in the Act and not to any other aims and objectives.

### **CNPA analysis**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties. The proposed wording will be assessed accordingly.

<b>Policy</b> Policy 01	<b>Name</b> James and Evelyn Sunley	<b>Company</b>	<b>Objector Ref</b> 056g
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### **Representation**

3.4 Under the heading Policy 1(b) this paragraph is a most deliberate obfuscation worthy of Sir Humphrey himself! Its intent is to defeat every other policy regardless; in the name of "social or economic benefits of national importance". This clause gives the Park the rite to do what it wants regardless of the wishes of people who live in the Park. Such power if only given to democratically elected government under political scrutiny, not to a largely unelected quango. We need more clarification and reassurance on safeguards.

### **Summary**

The wording is overly complicated and confusing. The policy seems to conflict with all other policies in the Plan and seems too powerful.

### **CNPA analysis**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties.

<b>Policy</b> Policy 01	<b>Name</b> Rona Main	<b>Company</b> Scottish Enterprise Grampian	<b>Objector Ref</b> 425c
	<b>Agent</b> Steve Crawford		

### **Representation**

Aims and Special Qualities of the Park

Policy 1 — Development in the Cairngorms National Park sets out the general provisions that relate to all development within the Park. It ties these back to the "aims of the Park" and indicate that development will generally be permitted where it does not adversely affect the overall integrity of the Park or, where there are significant adverse affects on the qualities, that these effects will be outweighed by social or economic benefits of national importance.

Key issues here are:

- Reference to the "aims of the Park" when the actual Plan does not set these out. The policy should refer to the aims as set out in the

National Parks (Scotland) Act 2000. These clearly relate to economic and social development. These are not reflected in the Policy 1. Implicitly this policy reads as a protectionist policy but should also allow for economic development to form part of the Park aims. - Only allowing “economic benefits of national importance” to outweigh adverse effects on the qualities of the Park. This would seem to be at odds with the aims of the Park as per the 2000 Act which clearly allow for economic and social development of Communities. Those aims do not relate to nationally important economic development but to more local economic development to support the Park, its communities, the tourism industry and existing/new businesses. We understand the need to protect the Park’s qualities but there is a difference between conservation (and sustainable controlled growth) and preservation. This policy should therefore be altered to reflect the aims more closely.

### **Summary**

The policy should refer to the aims of the Park which are not set out. The wording is protectionist and should be reworded to allow for economic development which link to the aims of the Park. The reference to “economic benefits of national importance” is at odds with the aims of the Park which do not relate to nationally important economic development but to more local economic development to support the Park, its communities, the tourism industry and existing/new businesses.

### **CNPA analysis**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. Throughout proposed modifications will endeavour to clarify while providing an appropriate level of guidance for developers and interested parties.

**Policy** Policy 01

**Name** Phil Rowsby

**Company** SRPBA

**Objector Ref** 429b

### **Representation**

SRPBA object to paragraph b) and suggest the following change to the text:

b) Any significant adverse effects on the qualities for which the park has been designated are clearly outweighed by social or economic benefits of local and/or 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. The justification for this is that economic benefits may be local rather than national. Large developments may produce national benefits whereas smaller developments may only provide local economic benefits. In addition, we would recommend that ‘national’ should be qualified. Does it relate to Scotland, the UK, Great Britain or even the European Union?

### **Summary**

To reflect the fact that some developments will only have local benefits, but that this may be the preferred outcome, the wording of b) should be amended:

b) “Any significant adverse effects on the qualities for which the park has been designated are clearly outweighed by social or economic benefits of local and/or 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.” Also ‘national’ should be defined.

**CNPA analysis**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. The proposed wording will be assessed accordingly.

**Policy** Policy 01

**Name** John Forbes-Leith Esq

**Company** Dunachton Estate

**Objector Ref** 418a

**Agent** Debbie Mackay

**Representation**

Policy 1, criteria (b) requires that development will be permitted where it is demonstrated that;

“b) Any significant adverse effects on the qualities for which the Park has been designated are clearly outweighed by social or economic benefits of national importance...”

This policy should also include social or economic benefits of “local” importance. The aims of National Parks in Scotland under the National Parks (Scotland) Act 2000 include aim 4;

“To promote sustainable, economic and social development of the area's communities.” There may be occasions when the economic or social good of the community must be given due recognition, not just economic or social benefits of national importance.

Modifications to resolve this objection: The policy should be altered to read; “...outweighed by social or economic benefits of local and/or national importance...”

**Summary**

The policy should also include social or economic of local importance in line with the 4th aim of the Park. The wording should be amended to “...outweighed by social or economic benefits of local and/or national importance...”

**CNPA analysis**

The comment is noted. Modifications within the Introduction and Context sections will endeavour to clarify the relationship of the Local Plan and its relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance. Modifications will also endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. The proposed wording will be assessed accordingly.

**Policy** Policy 01

**Name** Ian Francis

**Company** RSPB Scotland

**Objector Ref** 424c

**Representation**

RSPB Scotland objects to the wording of this policy. The original wording in the draft General Policies 1 and 2 was much clearer, and more likely to achieve the balance between the aims of the National Park. We recommend that this policy is reworded to closely

resemble that in the draft.

However, in its current form, we object to the inclusion of the word 'or' at the end of clause a) and recommend that it is replaced with 'and'. The use of 'or' implies that development could be permitted where the aims of the National Park (and the integrity of the area) would be compromised. (It should also be clarified which area is being referred to here — the whole Park?). The general purpose of the National Park Authority, as defined in the National Parks (Scotland) Act 2000, is to ensure that the National Park aims are collectively achieved in a coordinated way. We believe that this policy, as currently worded, allows for conflict with that requirement of the National Parks Act, as the National Park Authority must always be seeking to ensure the collective achievement of the NP aims. The NPA cannot permit development where the aims of the Park would be compromised. Replacing 'or' with 'and' would solve this problem and fit better with the requirements of the Act.

We also believe that the wording in clause b) is ambiguous. We suggest it should be amended so that it simply makes it clear that development proposals will be assessed against the aims of the National Park. The policy should also make reference to the need for consideration of alternatives to development proposals, in order to minimise any potentially adverse implications for the aims of the National Park.

We welcome, though, the final paragraph in this policy which emphasises the need to give greater weight to the first National Park aim. This must be retained.

### **Summary**

The wording is not clear and is less likely to achieve a balance between the aims of the Park. The wording of the draft plan should be restored.

The word 'or' at the end of clause a) should be replaced with 'and', as it implies that development could be permitted where the aims of the Park (and integrity of the area) would be compromised. (Does this refer to the whole Park?). The wording allows for conflict with the requirements of the National Park Act and the aim to collectively achieve the aims in a co-ordinated way. The NPA cannot permit development where the aims of the Park would be compromised. The overall wording in b) should therefore be clarified to explain the links with the aims of the Park. The policy should also refer to the need to consider alternatives in order to minimise any potentially adverse implications for the aims of the National Park.

The final paragraph should be retained to ensure the links to the 1st aim of the Park.

### **CNPA analysis**

The approach taken has tried to create a clear link between the Park Plan, the aims of the Park and the Local Plan and its delivery. Throughout the remainder of the policies in the Plan, issues such as landscape impact, sensitivity of development and the promotion of a healthy rural economy must all be considered in the determination of any planning application. Whilst the approach taken may not be a definitive, modifications will be made to the Introduction and Context to clarify that all the policies in the Plan must be considered equally and also to clarify the relationship with other documents including the aims of the Park, and the Park Plan, and also national planning guidance.

**Policy** Policy 01-06

**Name** North East Mountain Trust

**Company** North East Mountain Trust

**Objector Ref**

443b

**Representation**

We support the comments on policies 1-6 made by the Mountaineering Council of Scotland, particularly with regard to the need of safeguarding against the incremental accumulation of impacts. A current example is the cumulative impact of proposed housing developments on ancient and semi- ancient woodland, and in species-rich grasslands. Permitting incremental impacts on such habitats that cannot in practice be renewed does not in the end protect them. It simply delays their point of extinction. A particular problem that is increasingly evident is the current inadequacy of data available on such sites on which to base decisions. The plan should explicitly take cognisance of this.

**Summary**

Support comments on policies 1-6 made by the Mountaineering Council of Scotland, particularly with regard to the need of safeguarding against the incremental accumulation of impacts. A particular problem that is increasingly evident is the current inadequacy of data available on sites such as ancient and semi ancient woodland on which to base decisions. The plan should explicitly take cognisance of this.

**CNPA analysis**

The limitations of the data sets are noted and the text will be amended to adequately reflect this.

**Policy** Policy 01-07

**Name** The Cairngorms Campaign

**Company** The Cairngorms Campaign

**Objector Ref** 448b

**Representation**

We support the comments on policies 1-6 made by the Mountaineering Council of Scotland, particularly with regard to the need of safeguarding against the incremental accumulation of impacts. A current example is the cumulative impact of proposed housing developments on ancient and semi-ancient woodland, and in species-rich grasslands. Permitting incremental impacts on such habitats that cannot in practice be renewed does not in the end protect them; it simply delays their point of extinction. A particular problem that is increasingly evident is the current inadequacy of data available on such sites on which to base decisions. The plan should explicitly take cognisance of this.

**Summary**

Support the Mountaineering Council of Scotland comments on policies 1-6, particularly with regard to the need of safeguarding against the incremental accumulation of impacts. A particular problem that is increasingly evident is the current inadequacy of data available on such sites on which to base decisions. The plan should explicitly take cognisance of this.

**CNPA analysis**

The limitations of the data sets are noted and the text will be amended to adequately reflect this.