

Representation, summary and analysis – Conserving and Enhancing the Park

Policy Policy 02

Name Jamie Williamson **Company**

Alvie and Dalraddy Estate

Objector Ref

439d

Representation

Natura 2000 sites have normally been designated due to one or more specific features of interest, There will be situations where a development will impact on the integrity of the site but not on the feature of interest. In some cases the reason for designation should be questioned. Some sites have been designated because the UK were perceived to have insufficient sites and not because a particular feature of interest was so important, rare, the best example or endangered. We require a more pragmatic approach UK'S interpretation of EU regulations in regard to Natura sites are already sufficiently draconian as to raise concern that where we have a habitat influenced and modified by man, removing the contribution man has had in creating the habitat, may be detrimental to the feature for which the site was designated

Gold plating" the 1994 regulations by refusing to consider development in balance with other interests is both unnecessary and could be counter productive to the aims of the Park.

Proposed Modifications -

Any development likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment Development will only be permitted where:

- a) The appropriate assessment concludes that the development will not adversely affect the feature of interest for which the site has been designated (delete integrity of the site); or, (delete exceptionally)
- b) There are no alternative solutions; (delete and/or)
- c) There are imperative reasons of overriding public interest

Summary

In some cases the reason for the designation of such sites should be questioned. A more pragmatic approach is needed to get away from the current draconian approach. Gold plating the 1994 regs is unnecessary and could be counter productive to the aims of the Park.

Amended wording –

In a) before 'compromised' add 'unreasonably',

In b) add after 'national' 'or local importance'.

CNPA analysis

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

Policy Policy 02 **Name** John Anderson **Company** Kincaig & Vicinity Community Council **Objector Ref** 463b

Representation

We support the Alvie Estate view on this Policy.

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 02 **Name** Robert Maund **Company** Scottish Council for National Parks **Objector Ref** 434c

Representation

In general, the policies outlined are not rigorous enough to protect the natural heritage interest. As an example, Policy 2 is provided to protect Natura 2000 sites. If the Water Authority progresses its idea of using ground water and the River Spey, but does it in an 'insignificant', piece meal, way, will this policy suffice. It is not clear. The need is to increase the water holding capacity within Badenoch and Strathspey. Investigation of a new source of reservoir water, perhaps in the Monadhliath, should be a prerequisite for any major increase in development.

Summary

The policies in this section are not rigorous enough to protect the natural heritage interest. The links between these policies and other development policies are confusing. E.g. the links between protecting natural heritage interests against proposals to increase water provision in the area. Will the policies to protect be enough.

CNPA analysis

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

Policy Policy 02 **Name** Phil Rowsby **Company** SRPBA **Objector Ref** 429k

Representation

The SRPBA believe that this policy should equate with Sites of Sites of Special Scientific Interest. The SRPBA would like the CNPA to recognise and reflect in their policies that often only part of a site requires protection where for

example a development will impact on a site but not on the features. We would like to highlight the differences between the wording in policies 3 and 4. These refer to 'overall integrity' whilst this policy 2 refers only to 'integrity'. We recommend that a consistent approach is taken on all three policies.

Summary

The wording should equate with SSSIs. The policy should also recognise that often only part of a site requires protection. There is a difference in wording. In 3 & 4 the wording refers to the 'overall integrity' while in policy 2 it refers only to 'integrity'. A consistent approach should be taken.

CNPA analysis

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

Policy Policy 02

Name Mrs Jane Angus

Company

Objector Ref

437b

Representation

Policy 2 p.17, Natura 2000 sites 2.b does not include a complete restoration. In 4.9. p.18 implementation: From the published information already described as the background to the First Draft of the Park Plan I should not like to confine applying for advice on Biodiversity, Geo-diversity and Cultural Heritage to SNH and Historic Scotland but also look to the British Geological Survey, Macaulay Institute, R.C.A.& H.M.S, the Biological Records and Recorders, and River Boards as well as other locally knowledgeable consultants and local knowledge. Only National Interests are to be permitted to override the Policies which protect species and sites of higher protection status, or of lower status. of social and economic benefits to the CNP and mitigation and replacement ... so significant harm or disturbance is to be 'avoided, minimized, mitigated or replaced'. Developer is to survey, but there is no discussion on the quality of the results — see also 3.4, and below - and the legal positions.

Summary

The wording does not include a complete restoration.

Consultation should also be made with the British Geological Survey, Macaulay Institute, R.C.A.& H.M.S, the Biological Records and Recorders, and River Boards as well as other locally knowledgeable consultants and local knowledge. In the survey work to be carried out by developers, there is no comment on the quality of the results.

CNPA analysis

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

Representation

We recommend that:

- The DLP should inform all readers that this is an existing legal obligation that has nothing to do with NP status; and, such legal obligation extends to developments outwith a Natura 2000 site where development could negatively impact in any way on Natura interests.

Para 4.5 - We have not found a reference in the DLP to a circular dated 16 May 2006 to head of planning authorities, headed:

EC DIRECTIVE 92/43/EEC ON THE CONSERVATION OF NATURAL HABITATS AND OF WILD FLORA AND FAUNA ("THE HABITATS DIRECTIVE").

THE CONSERVATION (NATURAL HABITATS &c) REGULATIONS 1994 ("THE 1994 REGULATIONS").

EUROPEAN PROTECTED SPECIES, DEVELOPMENT SITES AND THE PLANNING SYSTEM: INTERIM GUIDANCE FOR LOCAL AUTHORITIES ON LICENSING ARRANGEMENTS ("THE GUIDANCE")

that makes reference to <http://www.scotland.gov.uk/library3/environment/epsg-00.asp>. This circular appears to contain additional advice to the 2005 circular referred to in the DLP, and therefore we consider it should probably be referred to.

4.7, 4.15, 4.42 etc. - There has been an environmental justice issue in the failure of the CNPA to provide complete and accurate information during earlier stages of the Local Plan consultation process and to make corrections as reasonably requested by BSCG. We are concerned that this failure continues in the DLP through providing maps that are at a scale that makes it impossible on some sites to tell exactly where the boundary of the site is.

We recommend that:

1. Information in Maps A-D should be displayed on the CNPA website at a resolution and scale that enable exact boundaries to be zoomed in on and identified; and
2. This information should be updated whenever appropriate; and
3. This should be stated in the DLP.

4.8 - Object to "in practice it is possible" and suggest replace with "it may in certain circumstances be possible";

Object to "to avoid or mitigate the potential adverse effects" and suggest replace with "some of the potential adverse effects";

Object to "most" developments and suggest replace with "some" developments.

4.9 - Object as this could be interpreted as meaning the CNPA does not determine for itself the need for, and specific requirements of, individual assessments.

Whereas it is appropriate for the CNPA to consult with SNH, we are concerned that it should be clear in the DLP that the CNPA takes full responsibility for the standards of assessment they require, and does not in any sense abdicate these responsibilities to SNH.

4.10 - Object as no means of keeping development requirements up to date. Suggest insert after "pre-application discussions or when the need for such requirements are recognized by the authorities".

Summary

The policy should clarify that this is an existing legal obligation which extends to developments outwith Natura 2000 areas where the development could negatively impact in any way on Natura interests.

Para 4.5 - There is no reference to the Habitats Directive, or its associated regulations or guidance.

Para 4.7, 4.15, 4.42 etc. – Concern has been expressed regarding the transparency of the local planning process, and this continues with the scale of the maps used which make it impossible to accurately identify the boundary of designated sites. The maps should be displayed on the CNPA website at a resolution and scale that enable exact boundaries to be zoomed in on and identified; and this info should be regularly updated. This should be stated in the local plan.

Para 4.8 – Replace “in practice it is possible” with “it may in certain circumstances be possible”; Replace “to avoid or mitigate the potential adverse effects” with “some of the potential adverse effects”; Replace “most” developments with “some” developments.

Para 4.9 - could be interpreted as meaning the CNPA does not determine for itself the need for, and specific requirements of, individual assessments. However it is appropriate for the CNPA to consult with SNH, and this should be clarified so that CNPA takes full responsibility for the standards of assessment they require, and does not in any sense abdicate these responsibilities to SNH.

Para 4.10 – No definition of how to keep development requirements up to date. Insert after ‘pre-application discussions’ “or when the need for such requirements are recognized by the authorities”.

CNPA analysis

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

Policy Policy 02

Name Ian Francis

Company

RSPB Scotland

Objector Ref

424d

Representation

RSPB Scotland objects to the wording of this policy.

We believe this policy is not fully consistent with SOEnD Circular No.6/1995 (as revised 2000), “Habitats and Birds Directives” and suggest that it should be amended to reflect the latest wording put forward by the Scottish Executive in their Pilot Model Policy Study Conclusions and Next Steps Report, produced in 2006 (<http://www.scotland.gov.uk/Resource/Doc/90377/0021755.pdf>). The wording is:

MODEL POLICY: Natura 2000 Sites

Development likely to have a significant effect on a Natura 2000 site will be subject to an appropriate assessment. Where an assessment is unable to conclude that a development will not adversely affect the integrity of the site, development will only be permitted where:

(a) there are no alternative solutions; and

(b) there are imperative reasons of overriding public interest. These can be of a social or economic nature except where the site has been designated for a European priority habitat or species. Consent can only be issued in such cases 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).

There should also be specific mention of Ramsar sites, and the 'Background and Justification' section should also mention the duty on CNPA to further the conservation of biodiversity, under the Nature Conservation (Scotland) Act 2004. This is relevant here, not just to the Biodiversity section (4.28), where it is mentioned. There should also be mention of the requirement to treat proposed SPAS or SACs as if they were already designated. Finally, the title of the Policy should be changed to read "International Natural Heritage Designations".

Paragraph 4.6 inaccurately reflects the Circular Flowchart Annex D, Appendix B and should read -

"Where a priority habitat or species (as defined in Article 1 of the Habitats Directive) would be affected, planning permission may only be granted if there are human health or safety considerations, or benefits of primary importance to the environment or, in the case of other imperative reasons of overriding public interest following consultation between Scottish Ministers and the European Commission." In Paragraph 4.10— the need for an Appropriate Assessment of the Local Plan is stated here (which we welcome) but there appear to be only very general proposals elsewhere in the plan to state how this is to be achieved, by when, and how any modifications might be made as a result. Appropriate assessment may necessitate changes to the Plan and it is not clear how and when these would be made. Consideration of the need for AA needs to be carried out from the earliest possible stage in plan development to allow for any changes to the plan that may be required. It is disappointing that consideration of the need for appropriate assessment of the plan was not integrated with the SEA process. In our experience, an integrated assessment is less time consuming to prepare and easier for external stakeholders to interpret. It results in a more transparent appropriate assessment process, with the consideration of appropriate assessment, and the assessment itself if required, subject to public consultation as part of the SEA consultation.

Summary

The wording is not consistent with SOEnD Circular No.6/1995 (as revised 2000), "Habitats and Birds Directives" and should be amended in line with the suggested model policy. There should be specific mention of Ramsar sites and the supporting text should mention the duty on CNPA to further the conservation of biodiversity, under the Nature Conservation (Scotland) Act 2004. This should be in addition to the reference in section 4.28. There should also be mention of the requirement to treat proposed SPAS or SACs as if they were already designated. Finally, the policy title should read "International Natural Heritage Designations".

Para 4.6 should be amended to read: "Where a priority habitat or species (as defined in Article 1 of the Habitats Directive) would be affected, planning permission may only be granted if there are human health or safety considerations, or benefits of primary importance to the environment or, in the case of other imperative reasons of overriding public interest following consultation between Scottish Ministers and the European Commission."

Para 4.10 – Greater mention should be made within the Plan of the need for Appropriate Assessment and the implications of such an assessment, as it may necessitate changes to the Plan. The consideration of the need for an appropriate assessment should have also been integrated within the SEA as this results in a more transparent appropriate assessment process, with the consideration of appropriate assessment, and the assessment itself if required, subject to public consultation as part of the SEA consultation.

CNPA analysis

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

Policy Policy 02	Name Susan Davies	Company Scottish Natural Heritage	Objector Ref	465f
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Representation

The text of the policy itself does not reflect the stricter tests required to be met where priority habitats or species are involved (although these are identified in para 4.6). For clarity, we strongly recommend using the Scottish Executive Model Policy 5, and we suggest a revised wording at Annex 2.

Suggested rewording -
Policy 2

Any 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 Habitats &c) Regulations 1994 (as amended). Where an assessment is unable to ascertain that a development will not adversely affect the integrity of the site, development will only be permitted where –

(a) there are no alternative solutions; and

(b) 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).

We also recommend that paragraph 4.4 of the accompanying text specifically mentions the River SACs in the Park, because they are hard to depict clearly on maps being lines, rather than areas, and they potentially have wide-ranging implications for development management. The text should also explain about the implications of the Natura designation for permitted development rights.

Summary

Text of Policy 2 does not adequately deal with priority habitats or species, therefore, suggest using Scottish Exec model policy as set out below:

Any 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 Habitats &c) Regulations 1994 (as amended). Where an assessment is unable to ascertain that a development will not adversely affect the integrity of the site, development will only be permitted where –

(a) there are no alternative solutions; and

(b) 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).

Recommend that paragraph 4.4 of the accompanying text specifically mentions the River SACs in the Park, because they are hard to depict clearly on maps being lines, rather than areas, and they potentially have wide-ranging implications for development management. The text should also explain about the implications of the Natura designation for permitted development rights.

CNPA analysis

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

Policy Policy 02	Name Roy Turnbull	Company	Objector Ref 390c
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Representation

SUPPORT - However, it must be made clear in the following Background and Justification that significant effects on Natura 2000 sites can result from developments that occur out with the Natura sites, and any assessment of the likely effects of a proposed development must take such effects fully into account.

Summary

Clarify that significant effects on Natura 2000 sites can result from developments that occur out with the Natura sites, and any assessment of the likely effects of a proposed development must take such effects fully into account.

CNPA analysis

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

Policy Policy 02	Name Anne MacNamara, Planning Directorate	Company Scottish Government	Objector Ref 422g
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Representation

The approach taken in Policy 2 – Natura 2000 Sites is consistent with the Habitats Regulations, but is vague in relation to Ramsar sites. While these do not have the same legal protection as Natura sites, Scottish Ministers' policy is that they should receive the same level of policy protection. The background to Policy 2 acknowledges this, but does not explicitly state that the Policy will be applied to Ramsar sites. It is suggested that the following text added to the end of paragraph 4.4 would assist: "This policy will apply to development likely to have a significant effect on Ramsar sites. 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". Insert "policy" before protection in the last sentence of paragraph 4.4.

Paragraph 4.6 is superfluous and misleading – it is the Planning Authority, rather than the developer, which is required to arrange for consultation with the European Commission. This should either be clarified or the paragraph deleted.

In assessing the potential cumulative impact on a Natura site, as set out in paragraph 4.9, consideration should be given to all potential plans and projects. Suggest adding "and other" after 'development' in the last sentence to paragraph 4.9.

Paragraph 4.10 refers to "sites that are not zoned"; for clarity this should be amended to "identified in the Plan" or "allocated".

Summary

The approach taken for ramsar sites is vague. Scottish Ministers' policy is that they should receive the same level of policy protection as Natura sites which is acknowledged in the background information, but is not explicitly stated in the Policy. Text should be added at the end of 4.4: "This policy will apply to development likely to have a significant effect on Ramsar sites. 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". Insert "policy" before protection in the last sentence of paragraph 4.4.

Para 4.6 - is superfluous and misleading as it is up to the planning authority to consult the European Commission. This should either be clarified or the paragraph deleted.

Para 4.9 - Consideration should be given to all potential plans and projects when considering the cumulative impact on a site. Suggest adding "and other" after 'development' in the last sentence.

Para 4.10 - refers to "sites that are not zoned"; for clarity amended to "identified in the Plan" or "allocated".

CNPA analysis

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

Policy Policy 02

Name Dr A M Jones **Company** Badenoch & Strathspey Conservation Group **Objector Ref** 400f(a)

Representation

4.1 - Object to only long term management being included. Suggest include "short , medium and " before "long-term management".

4.2 - Object to "encourage". Suggest substitute with 'reconcile'. Encouraging development is often likely to be at the expense of

delivering the 1st aim of the NP. The CNPA should be seeking optimal outcomes.

4.3 - We support the words 'must', 'any', 'will', 'any', 'might' (lines 5-end). We would object if any of these words were dropped.

Summary

Para 4.1 - Short, and medium should be noted before "long-term management".

Para 4.2 - Should substitute 'encourage' with 'reconcile' as encouraging could be seen to be at the expense of delivering the 1st aim of the NP.

Para 4.3 - Support the words 'must', 'any', 'will', 'any', 'might' (lines 5-end).

CNPA analysis

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

Policy Policy 02

Name Susan Davies

Company

Scottish Natural Heritage

Objector Ref

465b

Representation

Natura issues

We understand that you will undertake an appropriate assessment of the effects of the Local Plan on Natura sites prior to publishing modifications to the Deposit draft. At this stage, therefore, it has not yet been ascertained that the Plan will not adversely affect the integrity of the Natura sites in the Park.

The Environmental Report identifies the key policies and settlement proposals that will need to be subject to this assessment. However, in the Local Plan itself, Natura issues are only mentioned in relation to the proposed new settlement at An Camus Mor. Once the appropriate assessment is complete, we strongly recommend embedding key findings from the assessment within the Local Plan. In particular, if the assessment identifies a need for mitigation, conditions, or further appropriate assessments once detailed proposals are worked up, we recommend making these points clear in relevant parts of the Plan.

Summary

Once the appropriate assessment is completed, strongly advise embedding the key findings into the Local Plan, especially if mitigation, conditions or further appropriate assessments are identified.

CNPA analysis

Appropriate Assessment will be undertaken to inform the development of policies and proposals in line with the corresponding legislation and before any modifications are finalised and published for consultation.

Policy Policy 02

Name Hebe Carus

Company The Mountaineering Council of Scotland

Objector Ref 024b

Representation

Policy 2 - MCofS welcomes the commitment to take account of cumulative effects (4.9). This needs to apply to cumulative effects from developments that are not only already in existence, but are progressing through the planning system in parallel. This “loophole” has been encountered in Highland Council area with parallel applications for windfarms and their cumulative effects not being fully taken into consideration. Hence, we suggest this is made clear as part of the statement in this section.

We also welcome the commitment to apply Policy 2 to non-zoned areas (4.10). It is vital to ensure that designated and zoned sites are not islands of strongly protected quality surrounded by areas of visibly lower “special quality.”

Summary

Policy needs to recognise the low capacity for recovery of habitats as well as the impossibility of replacement of long established woodlands. It also needs to ensure the integrity of the Park is not eroded through cumulative effects.

CNPA analysis

The wording has been selected to reflect accurately the legislation regarding Natura 2000 sites. However in light of the comments, the policy wording will be reviewed to ensure it is accurate, clear and precise, whilst providing an appropriate level of guidance for developers.

Policy Policy 03

Name Anne MacNamara, Planning Directorate

Company Scottish Government

Objector Ref 422h

Representation

Policy 3 – Other National Natural Heritage Designations is supported as reflecting NPPG14 and requiring mitigation, which is more exacting but appropriate in the context of the National Park. The Planning etc. (Scotland) Act 2006, Section 50, reinforces the statutory basis of NSAs in requiring planning authorities to pay special attention to the desirability of safeguarding the character or appearance of NSAs. Consideration should be given to inserting a reference to this in paragraph 4.14 and to amending the second sentence from “have been selected” to better reflect the Act as “... considered of outstanding scenic value in a national context and for which special protection measures are appropriate”.

Summary

The policy is supported particularly regarding mitigation, which is more exacting but appropriate in the context of the National Park. An additional para should be inserted at 4.14 to clarify the special attention that should be paid to safeguarding the character or appearance of NSAs as highlighted in Sec 50 of the 2006 Planning etc. (Scotland) Act 2006. Amend the 2nd sentence from “have been selected” to better reflect the Act as “... considered of outstanding scenic value in a national context and for which special protection measures are appropriate”.

CNPA analysis

The policy wording endeavours to link the requirements of national legislation regarding natural heritage designations and the responsibilities placed on CNPA with the aims of the park, and to provide an appropriate level of guidance to developers in line with SPP1. In light of the comments made, the wording will be reviewed to ensure that these intentions are achieved, and that the policy is clear, precise and accurate. Any additional information will be added to both policy and supporting text accordingly.

Policy Policy 03

Name Dr A M Jones **Company** Badenoch & Strathspey Conservation Group **Objector Ref** 400f(c)

Representation

Object to “will only be permitted”. Recommend change to ‘may’ only be permitted.
Object to “significant” and “clearly”. Suggest substitute with “possible” and “certainly”.

Objection - We object to the lack of inclusion of adequate reference to additional aspects of the Nature Conservation (Scotland) Act 2004.

In particular we consider it would be helpful if the DLP included an outline of the responsibilities of officials in the planning authority with respect to biodiversity (the biodiversity duty of the NCA). The scope of the Act in relation to habitats and species should also be outlined.

The DLP should include a list of SBL species, species of conservation concern, and habitats relevant to the Act, that are known to occur or likely to occur within the area covered by the DLP.

Summary

Change “will only be permitted” to ‘may’ only be permitted.
Change “significant” and “clearly” with “possible” and “certainly”.

There is a lack adequate reference to additional aspects of the Nature Conservation (Scotland) Act 2004.

The plan should include an outline of the responsibilities of planning officials with respect to biodiversity (the biodiversity duty of the NCA). The scope of the Act in relation to habitats and species should also be outlined. The Plan should also include a list of SBL species, species of conservation concern, and habitats relevant to the Act, that are known to occur or likely to occur within the area covered by the DLP.

CNPA analysis

The policy wording endeavours to link the requirements of national legislation regarding natural heritage designations and the responsibilities placed on CNPA with the aims of the park, and to provide an appropriate level of guidance to developers in line with SPP1. In light of the comments made, the wording will be reviewed to ensure that these intentions are achieved, and that the policy is clear, precise and accurate. Any additional information will be added to both policy and supporting text accordingly.

Policy Policy 03

Name John Anderson **Company** Kincaig and Vicinity Community Council **Objector Ref**

463c

Representation

We support the Alvie Estate view on this Policy.

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 03

Name Scottish and Southern Energy Plc **Company** Scottish and Southern Energy Plc **Objector Ref** 447b

Agent Jones Lang Lasalle

Representation

Policy 3 states:

"Development that affects 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 objectives of the designated areas 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 National Park's natural heritage."

The policy does not require part (b) to be satisfied if part (a) is met. However, once again, the balancing consideration of exceptional circumstances that is required by part (b) of the policy is vague due to the lack of definition of special qualities by reference to particular geographical areas and particular features. The policy refers to the need for mitigation by enhancement of "qualities of equal importance" to the National Park's natural heritage which is an additional requirement which is not envisaged by NPPG 14. It is also unclear as to how developers might in practical terms, comply with this policy and there is no specific guidance on the matter in the supporting text to the policy.

Summary

Part b) is not needed if a) is met. The exceptional circumstances considered in b) are vague as there is no definition of the 'special qualities', and how could mitigation be achieved by "qualities of equal importance" if there is no initial definition of the qualities. Also this requirement is in addition to those of NPPG14.

CNPA analysis

The policy wording endeavours to link the requirements of national legislation regarding natural heritage designations and the responsibilities placed on CNPA with the aims of the park, and to provide an appropriate level of guidance to developers in line with SPP1. In light of the comments made, the wording will be reviewed to ensure that these intentions are achieved, and that the policy is

clear, precise and accurate. Any additional information will be added to both policy and supporting text accordingly. Reference will also be included as to the links between the local plan policy and national planning guidance.

Policy Policy 03	Name Ian Francis	Company	RSPB Scotland	Objector Ref	424e
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Representation

RSPB Scotland objects to the wording of this policy.

We consider that this policy lacks the clarity of the text we suggested in our earlier submission. We commend the following, alternative wording:

“Development that is likely to affect a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will be subject to the most rigorous assessment and will only be permitted where it has been demonstrated that:

- a) the objectives of the designated areas and overall integrity of the area would not be compromised; and
- b) in the absence of alternative solutions, that any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by benefits of economic or national importance (which may include social or economic benefits) and are mitigated by enhancement of qualities of equal importance to the National Park's natural heritage.”

In our response to the draft plan, we recommended revisions to the equivalent policy. We believe those recommendations are still valid and urge CNPA to revise the wording as suggested above.

Summary

The wording lacks clarity and should be amended to

“Development that is likely to affect a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will be subject to the most rigorous assessment and will only be permitted where it has been demonstrated that:

- a) the objectives of the designated areas and overall integrity of the area would not be compromised; and
- b) in the absence of alternative solutions, that any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by benefits of economic or national importance (which may include social or economic benefits) and are mitigated by enhancement of qualities of equal importance to the National Park's natural heritage.”

CNPA analysis

The policy wording endeavours to link the requirements of national legislation regarding natural heritage designations and the responsibilities placed on CNPA with the aims of the park, and to provide an appropriate level of guidance to developers in line with SPP1. In light of the comments made, the wording will be reviewed to ensure that these intentions are achieved, and that the policy is clear, precise and accurate. Any additional information will be added to both policy and supporting text accordingly.

Policy Policy 03

Name Hebe Carus

Company The Mountaineering Council of Scotland

Objector Ref

024c

Representation

Many protected site features, due to the geographical scale of the sites, cannot survive as isolated islands. Many populations of animal and plant species form part of a meta-population that requires a suitable habitat continuum between sites for immigration and emigration, to maintain the genetic health and numbers in each individual site. Hence, we welcome the commitment to protecting the integrity of the sites, but would urge recognition of the importance of corridors between sites. This point is touched on in 4.16, but it is important to consider the integrity of connectivity not just the sites alone.

MCofS has some concerns about the statement “mitigated by enhancement of qualities of equal importance to the National Park’s natural heritage.” We would not like to see examples of instances such as an area used by Red Squirrel lost to development mitigated by pond creation for Great Crested Newts or a newly planted woodland offered as mitigation for loss of semi-natural woodland.

Summary

Support the protection of the integrity of sites, but the policy should be changed to recognise the importance of corridors between sites. Concern over proposals to allow mitigation for loss of certain sites by enhancement of different qualities that are of equal importance to the National Park’s natural heritage.

CNPA analysis

The policy wording endeavours to link the requirements of national legislation regarding natural heritage designations and the responsibilities placed on CNPA with the aims of the park, and to provide an appropriate level of guidance to developers in line with SPP1. In light of the comments made, the wording will be reviewed to ensure that these intentions are achieved, and that the policy is clear, precise and accurate. Any additional information will be added to both policy and supporting text accordingly.

Policy Policy 03

Name Jamie Williamson

Company Alvie and Dalraddy Estate

Objector Ref

439e

Representation

Natural heritage designations are imposed to regulate and control areas where there is a landscape, flora or fauna of interest. However conservation and enhancement of our cultural heritage is as important as conserving and enhancing our natural heritage. This is enshrined in the first aim of the National Park as dictated by the National Parks (Scotland) Act 2000. The social and economic impact of such designations should also be considered. Consideration of any development that is likely to impact on a natural heritage designation should also take into account of its beneficial impact on the local economy, community and culture.

Proposed Modifications –

Development that affects a Site of Special Scientific Interest, Natural Nature Reserve or National Scenic Area will only be permitted where it has been demonstrated that

- a) The objectives of the designated areas and overall integrity of the area would not be unreasonably 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 or local importance and are mitigated by enhancement of qualities of equal importance to the National Paths natural heritage.

Summary

A balance must be reached between conserving the natural heritage and cultural heritage as in the 1st aim of the Park. The social and economic impacts of natural heritage designations should be more carefully considered, both positive and negative.

Amended wording –

In a) add 'unreasonably' before 'compromised',

In b) add 'or local' after 'national'.

CNPA analysis

Modifications will 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 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.

Policy Policy 03

Name Susan Davies

Company Scottish Natural Heritage

Objector Ref

465g

Representation

In order to comply with NPPG 14 we strongly recommend that this Policy is expanded to cover the National Park designation, in addition to Sites of Special Scientific Interest, National Nature Reserves, and National Scenic Areas.

In addition, we recommend that part (b) is expanded to refer to the need to 'minimise impacts', in addition to mitigation.

We also think that the 'other' in the title of the policy is not needed because, if National Parks are added, the Policy would then cover all national natural heritage designations. This will need to be considered in the light of recommended modifications to Policy 1, which we have discussed above and in Annex 2. We recommend that the implications of the NSA designation with regard to certain permitted development rights are explained in text accompanying this policy.

Para 4.14 and 4.15 - It would be helpful to refer here to the statement in the Park Plan that 'an equivalent level of consideration [to that in NSAs] will be given to landscape throughout the whole Park' (p38), and to any plans or aspirations to extend the protection given to NSAs more widely to all the Park's landscapes. Additionally, reference to the new provisions concerning National Scenic Areas contained in s263A of the Planning etc (Scotland) Act 2006 would be useful. In particular, sub-section (2) says that for NSAs '...special attention is to be paid to the desirability of safeguarding or enhancing its character or appearance in the exercise, with respect to any land in that area, of any powers under this Act.'

Summary

Strongly recommend that this Policy is expanded to cover the National Park designation. In addition, we recommend that part (b) is expanded to refer to the need to 'minimise impacts', in addition to mitigation. If National Parks are added, then the 'other' in the title is not needed. This policy will need to be considered in the light of any modifications made to policy 1. Also recommend that the implications of the NSA designation with regard to certain permitted development rights are explained in text accompanying this policy. Para 4.14/15 should refer to the statement in the Park Plan that 'an equivalent level of consideration [to that in NSAs] will be given to landscape throughout the whole Park' (p38), and to any plans or aspirations to extend the protection given to NSAs more widely to all the Park's landscapes. Additionally, reference to the new provisions concerning National Scenic Areas contained in s263A of the Planning etc (Scotland) Act 2006 would be useful. In particular, sub-section (2) says that for NSAs '...special attention is to be paid to the desirability of safeguarding or enhancing its character or appearance in the exercise, with respect to any land in that area, of any powers under this Act.'

CNPA analysis

The policy wording endeavours to link the requirements of national legislation regarding natural heritage designations and the responsibilities placed on CNPA with the aims of the park, and to provide an appropriate level of guidance to developers in line with SPP1. In light of the comments made, the wording will be reviewed to ensure that these intentions are achieved, and that the policy is clear, precise and accurate. Any additional information will be added to both policy and supporting text accordingly.

Policy Policy 04

Name Maurice Stack

Company Aberdeenshire Council

Objector Ref

473b

Representation

Policy 4 refers to regionally or locally important sites recognised by the Planning Authority and later lists SINS. Guidance for the review of these sites has been issued to encourage a system which is the same across Scotland. Aberdeenshire Council is looking to review its SINS sites in line with this advice, and to update the information on which SINS are based as this is now very out of date. Several of our SINS sites cross the boundary with the Park and we need to ascertain whether they intend to review these sites in line with the guidance.

At the ALP inquiry we were instructed to either plot SINS on map or provide list (we went for list). There is no mention in CNPA LP as to how they will identify sites and no maps or lists appear to be provided.

Settlement Map for Ballater shows H1 area within Entomological SINS site E74 Banchory from Deeside Upwards. This is a large SINS site which forms a strip along the River Dee and excludes built up area. My memory of this area is that it is improved grassland and therefore unlikely to have an impact on this SINS. However, if they have not already done so may be worth CNPA consulting Mark Young on this to avoid any future problems over this one. The proposals for Ballater: H1 is within a SINS site and consultation may be necessary.

The Council is considering a review of its SINS sites referred to in Policy 4. Individual sites are crossing the boundary into the Cairngorms National Park.

Policy 4 - Is 'earth' the most appropriate word to use? Surely nature conservation also encompasses geological sites...

Summary

Suggest either plotting SINS on a map, or including a list of sites in the Local Plan.

CNPA should note that Aberdeenshire Council is considering a review of its SINS sites.

Questions if 'earth' is the most appropriate word to use? Surely nature conservation also encompasses geological sites?

CNPA analysis

The comments regarding the links with work ongoing in Aberdeenshire Council are noted. In regard to natural heritage designations, the view has been taken that since the area as a whole has been designated as a National Park, other local designations would not be used, so avoiding any possible inference that some areas of the Park are of more natural heritage value than others. However the proposals maps will take cognisance of such designations in the 4 local authorities. Further discussions will be required with Council representatives to ensure that there is no conflict in the work being undertaken, and that appropriate levels of protection are included within the National Park Boundary.

Policy Policy 04

Name Glenmore Properties Ltd

Company Glenmore Properties Ltd

Objector Ref

453c

Agent Steve Crawford

Representation

Although we have no significant objections to this policy it does set out how these sites may accept development where its local social or economic impact outweighs any adverse impact on the qualities of the Park. This is to be welcomed. It is difficult, however, to determine from the Plan what the "social or economic benefits of importance to the Cairngorms National Park" are. These should be clarified in more detail to ensure consistency.

Modifications: Clarification.

Summary

The wording makes it difficult to determine what the rounds of "social or economic benefits of importance to the Cairngorms National Park" are. These should be clarified in more detail to ensure consistency.

CNPA analysis

The comment is noted. Modifications will endeavour to clarify an 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.

Representation

We are concerned that Part b of this Policy runs counter to Section 9(6) of the National Parks (Scotland) Act 2000 by indicating that significant adverse effects on the Park's special qualities can be outweighed by social or economic benefits of importance to the aims of the National Park. This is also inconsistent with the final paragraph of Policy 1.

We are also concerned about the reliance in part b of this policy on mitigation by providing features of equal importance to those lost. In practice, this sort of mitigation is difficult or impossible in many situations. For example, it is clearly impossible to replace any loss of ancient woodland on a timescale of less than hundreds of years. We think that the limited scope for mitigation in many situations should be clearly stated.

Our recommended approach to resolving these problems is to remove Policy 4 altogether, and rely on the protection provided by a revised Policy 1. This approach would best be accompanied by a clear statement that ancient and semi-natural woodland, Geological Conservation Review sites and other regionally or locally important natural and earth heritage sites are key components of the Park's special natural heritage qualities.

para 4.22 - It would be helpful to show these local natural heritage sites, and Geological Conservation Review sites, on Map D.

Para 4.23/4.24 - We also recommend taking into account options for mitigation and / or compensation when making decisions on proposals that could affect these sites. We recommend monitoring the success of any mitigation agreed when consenting development.

Summary

Concerned that part b of this policy is contrary to section 9(6) of the National Parks (Scotland) Act 2000, and with the final paragraph in policy 1. Also concerned about reliance in part b on mitigation by providing features of equal importance to those lost. This is difficult or impossible in many situations. Suggest removing the policy and rely on the protection provided by a revised Policy 1. This approach would best be accompanied by a clear statement that ancient and semi-natural woodland, Geological Conservation Review sites and other regionally or locally important natural and earth heritage sites are key components of the Park's special natural heritage qualities.

4.22 - It would also be helpful to show these local natural heritage sites, and Geological Conservation Review sites, on Map D.

4.23/4.24 - Recommend taking into account options for mitigation and / or compensation when making decisions on proposals that could affect these sites, and recommend monitoring the success of any mitigation agreed when consenting development.

CNPA analysis

The wording of the policy will be reviewed to ensure that its requirements are in line with the Park Plan and the aims of the Park established in the National Parks (Scotland) Act 2000 and are clear and reasonable. Any amendments to draw the wording in line with these will be made by way of modification. The additional comments regarding the level of detail are also noted and the modifications will endeavour to resolve this and clarify the position and intent of this policy.

Policy Policy 04

Name Scottish and Southern Energy Plc

Company Scottish and Southern Energy Plc

Objector Ref 447c

Agent Jones Lang Lasalle

Representation

Policy 4 refers to ancient and semi-natural ancient woodland sites and states that development which could affect those sites would only be permitted when:

“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 outweighed by social or economic benefits of importance to the aims of the Cairngorms National Park and are mitigated by the developer providing features of equal importance to those that are lost”

The policy provides that development will only be permitted where it meets one of two tests. The first test is that the objectives of the identified site and the “overall integrity of the identified area would not be compromised”.

Part (b) of the policy allows for the significant adverse effects to be outweighed by social or economic benefits of importance to the aims of the National Park. Again, this point has already been referred to in terms of there being an inconsistency with policy 1. Part (b) also requires mitigation by the developer in terms of providing “features of equal importance” to those that are lost. This aspect of the policy does not provide clear guidance to developers as to how they might practically provide features of equal importance (contrary to PAN 49) and the supporting text of the Plan is of no help in terms of either definitions or explaining how the policy might work in practice.

Summary

Within the wording development will only be permitted where it meets one of two tests. The 1st relates to the protection of the overall integrity. The 2nd allows for this to be outweighed by social or economic benefits of importance to the aims of the Park. This is inconsistent with policy 1. b) also requires mitigation providing “features of equal importance”, but there is no guidance as to how this might be done (contrary to PAN 49).

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. The wording will also be reviewed to ensure that it is in line with national guidance on the topic, as well as striking an appropriate balance between development opportunities and protecting the special qualities of the area as identified as a National Park. Any amendments will be made as appropriate to ensure the underlying aim of the policy is achieved.

Representation

Some ancient woodland sites and semi-natural ancient woodland sites have no remnant of ancient woodlands or features of the previous woodland remaining. Such woodlands have been designated because the area appears as woodland in the 1750's Roy maps and again on the first Ordnance Survey maps surveyed in the 1860s and 1870s. According to the Statistical Accounts of the Parishes in Badenoch and Strathspey the area was largely devoid of trees between the 1780s and 1830s. Many areas shown as woodland in the 1750 Roy maps contained only scattered remnants of birch, rowan and pine. Between 1830 and 1900 many parts of Badenoch & Strathspey were fenced and planted to Scots pine, European larch and Norway spruce. Most of these conifer plantations were felled during the first and second world wars and replanted again after 1945.

For example:

In the Kinveachy woodland, designated as an SAC because of its native Caledonian pinewood, analysis of the oldest trees has shown that there are no trees older than 180 years which is about the time the area was first fenced and planted. Most of these conifers that were planted were felled for the war effort between 1940 and 1945 and much of the area replanted between 1946 and 1988.

North east of Kincaig the area designated semi natural ancient woodland appears to have been scattered trees when surveyed around 1750. The area was fenced and planted to conifers for timber production in 1866 and 1667. There may be no trees or descendents of the vegetation left from the time prior to the area being planted as a conifer plantation for timber production. This area was felled and replanted to Scots pine prior to 1960. It is therefore a second generation conifer plantation established and managed for timber production.

The ancient and semi-natural ancient woodland designations do not mean that there are ancient or semi- natural ancient woodlands still present on these sites. If there are no ancient or semi natural ancient woodlands left on sites so designated, why should these areas be sterilised from development for purposes other than woodland? Development should take account of features of interest on designated sites but that should not preclude or curtail development just because the site has been designated.

Developers are unlikely to be in a position to provide designated features such as ancient woodland sites or geological conservation review sites.

Proposed Modifications

Development that affects 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 (delete 'identified site and overall integrity of the identified area) designation would not be compromised; or
- b) Any significant adverse effects on the qualifies for which the area or site has been identified are outweighed by social cc economic

benefits of importance to the aims of the Cairngorms National Park (delete features of equal importance to those that are lost)

Summary

The designation of some of these sites must be questioned as they do not contain any ancient woodland or features of previous woodland and are included because of the methods used to identify sites as a desk based exercise. Such sites should not be excluded from development opportunities.

Developers are unlikely to be in a position to provide designated features such as ancient woodland sites or geological conservation review sites. Where habitats are lost to development it seems unlikely that mitigation will create something that is considered of equal importance. Amended wording –

In a) reword to 'the objectives of the designation would not be compromised',

In b) delete final section 'and are mitigated by the developer providing features of equal importance to those that are lost'.

CNPA analysis

The comments regarding the datasets are noted and work will continue between the CNPA and its partners to ensure that this is addressed to allow the best information to be available to inform the development process. Within the terms of the policy the wording will be reviewed to ensure it is reasonable, clear, and delivers the intentions of the policy. The wording proposed will be assessed as part of this review.

Policy Policy 04

Name Hebe Carus

Company The Mountaineering Council of Scotland

Objector Ref

024d

Agent

Representation

MCofS welcomes the recognition of the impossibility of replacement of long-established woodlands. Recognition also needs to be made of the low capacity for recovery of other habitats. This is particularly true in montane environments where the short growing season and low nutrient levels will make recovery from damage very slow, or impossible within a meaningful timescale. The statement needs to make it clearer that no quality should suffer compared to others, or the integrity of the Park may be eroded through cumulative effect.

Summary

Policy needs to recognise the low capacity for recovery of habitats as well as the impossibility of replacement of long established woodlands. It also needs to ensure the integrity of the Park is not eroded through cumulative effects.

CNPA analysis

The comment is noted and the appropriate amendments will be made to the wording to clarify the position.

Policy Policy 04

Name Anne MacNamara, Planning Directorate

Company Scottish Government

Objector Ref 422i

Representation

The reference to sites "...recognised by the planning authority" in Policy 4 suggests that there is a list somewhere in the plan or that sites

are shown on the proposals map(s). While more information is provided in the background text, a simple list of all the relevant designations somewhere in the plan would make the policy clearer. Clause b) referring to “the developer providing” should be amended to “the provision of”. As with Policy 3, the second part of b) is quite demanding and this doesn't seem quite consistent with the downplaying of the importance of these sites in paragraph 4.23.

Summary

The wording suggests a list of sites that would be marked on the proposals map(s). A list of all relevant designations would clarify this. Clause b) amend “the developer providing” to “the provision of”. The 2nd part of b) is quite demanding and this doesn't seem quite consistent with the downplaying of the importance of these sites in paragraph 4.23.

CNPA analysis

The comment is noted and the policy will be reworded to clarify the sites referred to. The wording will also be reviewed in light of the comments to ensure it is reasonable, and does not place onerous demands on developers.

Policy Policy 04	Name Ian Francis	Company RSPB Scotland	Objector Ref	424f
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Representation

It should be clarified whether the “other locally important site(s) recognised by the planning authority includes the Sites of Interest to Natural Science designated by Moray and Aberdeenshire Councils, as referred to in passing in paragraph 4.22.

Summary

Do the “other locally important site(s)” include the Sites of Interest to Natural Science designated by Moray and Aberdeenshire Councils, as referred to in passing in paragraph 4.22?

CNPA analysis

The comment is noted and the policy will be reworded to clarify the sites referred to. The wording will also be reviewed in light of the comments to ensure it is reasonable, and does not place onerous demands on developers.

Policy Policy 04	Name Angus Yarwood	Company	Woodland Trust Scotland	Objector Ref	393c
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Representation

We are pleased to see that the DLP has taken into consideration the importance on non designated sites, particularly woodland given the statement from the CLBAP outlined in the previous paragraph. However the last section of this policy (b) is not acceptable to WTS and we strongly object to it. We are adamant that there must be no further loss to ancient woodland at all and that with 25% of all of Scotland's native woodland resource, it should receive enhanced protection.

Whilst we understand that the CNP has to balance the environmental, social and economic needs of the Park, we do not accept that allowing the loss of ancient and semi-natural woodland can then be mitigated by the site developer. In this instance there are no 'features of equal importance to those that are lost'. This point is clearly stated in the DLP itself (see paragraph 4.19 on the same page). Ancient woodland is our richest habitat for wildlife and is home to more species of conservation concern than any other habitat. In addition native woodland in Scotland supports some 263 species that are endangered to some degree. Ancient woodland sites are irreplaceable - the interactions between plants, animals, soils, climate and people are unique and have developed over hundreds of years. These eco-systems cannot be re-created and with only 4% of Scotland's total woodland comprising ancient woodland, we cannot afford any more of this finite resource to be lost forever. It is therefore essential that this habitat be protected from development. We would like to see paragraph 'b' amended to reflect the importance of this habitat and afford it further protection. Economic and social benefits are human constructions and can be relocated; ancient and semi-natural woodland cannot.

Summary

The last para of policy 4 is not acceptable. WTS are adamant that there must be no further loss to ancient woodland at all and that with 25% of all of Scotland's native woodland resource, it should receive enhanced protection.

Whilst understanding that there must be a balance between the environmental, social and economic needs of the Park, WTS do not accept the loss of such habitat can be mitigated by the developer. In this instance there are no 'features of equal importance to those that are lost'. The plan supports this in para 4.19. Ancient woodland sites are irreplaceable, developed over hundreds of years, and cannot be re-created. It is therefore essential that this habitat be protected from development.

Paragraph 'b' should be amended to reflect the importance of this habitat and afford it further protection. Economic and social benefits are human constructions and can be relocated; ancient and semi-natural woodland cannot.

CNPA analysis

The comment is noted. Modifications will endeavour to clarify an 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 04

Name Angus Yarwood

Company Woodland Trust Scotland

Objector Ref

393h

Representation

While the WTS were initially pleased to see that woods feature positively in the broader vision of the DLP and CNP's work more widely, we are extremely disappointed to see clear deviations from Park, UK and national planning and conservation guidance.

We feel that the CNP must practise the strictest adherence to policies protecting, restoring and enhancing for the future, our natural heritage and the important habitats that they are entrusted with. It cannot be emphasised enough that ancient and semi-natural woodland cannot be replaced and needs stronger protection.

In addition to the Park's own policies and strategy documents, UK and Scotland wide planning policies also highlight the importance of protecting ancient and native woodland. We would like to make reference to the protection of the natural heritage through other existing planning frameworks such as:

- "The UK Forestry Standard" sets out the UK Government's approach to sustainable forestry. It states: "Ancient Semi-natural Woods are of special value¹". The Standard has a series of UK-wide aims for semi-natural woodland and states, in terms: "The area occupied by semi-natural woodland should not be reduced ". The Standard goes on to discuss the importance of expanding and linking small woods to others and recognises that fragmentation of semi-natural woodland is a problem.
- NPPG 14 gives guidance on how the Scottish Government's policies for the conservation and enhancement of Scotland's natural heritage should be reflected in land use planning. In this context, Scotland's natural heritage includes its plants and animals, its landforms and geology, and its natural beauty and amenity. More specifically, NPPG 14 states that 'planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality.' It goes on to say that, 'Ancient and semi-natural woodlands have the greatest value for nature conservation.'²
- Biodiversity is the indicator of a healthy environment and as noted above the Nature Conservation (Scotland) Act 2004 requires every public body and office-holder to further the conservation of biodiversity.
- PAN 60 identifies the value of native woodland as reservoirs of biodiversity. It goes on to state that 'It is Government policy to expand the forest resource, especially the area under native woodland.' It also recommends that A Forest Habitat Network framework be drawn up to identify a model for native woodland expansion.

The WTS urges Cairngorms National Park Authority to give ancient and semi-natural woodland absolute protection from development in the Cairngorms National Park Deposit Local Plan and to ensure that its own Local Biodiversity Plan is properly consulted in all of the Park's planning developments.

Summary

The local plan contains clear deviations from Park, UK and national planning and conservation guidance in its approach to woodland protection. The plan should adhere to policies protecting, restoring and enhancing natural heritage and important habitats. Ancient and semi-natural woodland cannot be replaced and needs stronger protection.

UK and Scotland wide planning policies also highlight the importance of protecting ancient and native woodland. Please refer to

- "The UK Forestry Standard" - UK Government's approach to sustainable forestry;
- NPPG 14 - Scottish Government's policies for conservation and enhancement of Scotland's natural heritage;
- Nature Conservation (Scotland) Act 2004 which requires every public body and office-holder to further the conservation of biodiversity.
- PAN 60 Scottish Executive advice on Planning for Natural Heritage.

CNPA analysis

Modifications will 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 wording used within this policy will be clarified to ensure the

appropriate level of guidance is available for developers, and the Plan is easy to understand and use together with ensuring the appropriate level of protection and compliance with national and international obligations placed on the CNPA.

Policy Policy 04

Name Angus Yarwood

Company Woodland Trust Scotland

Objector Ref

393a

Representation

We are extremely concerned that at least two of the proposed Strategic Settlements for development are sites of ancient and semi-natural woodland. Our objections to these sites are set out in more detail from paragraph 16 below.

We welcome that the DLP clearly states that the aim of the plan is to provide one of the tools for achieving the Cairngorm National Park Authority's four aims but we are very disappointed to see from studying the accompanying maps and the Semi-Natural and Ancient Woodland Inventories, that areas of ancient and semi-natural woodland have been earmarked for development.

The first aim of the Cairngorms National Park (CNP) is:

a. To conserve and enhance the natural and cultural heritage of the area. Ancient woodland has stood for hundreds of years and is the most bio diverse habitat in Scotland. As such it is one of the best examples of natural and cultural heritage within the Park. The CNP should be demonstrating to the rest of Scotland that these habitats of high conservation value will be protected from development planning. It should therefore be protecting all areas of ancient and semi-natural woodland within the Park. Once this woodland habitat is lost it cannot be replaced. There is no mitigation for lose of ancient woodland.

We would like the DLP to make it clear that any area of ancient woodland will be protected not only from development but from other threats such as grazing, invasive species, lack of management and buffered against the effects of climate change.

Ancient woodland is, by definition, an irreplaceable natural resource and takes centuries, even millennia to evolve. As the habitat most representative of original, natural, stable conditions, ancient woodland is home to more threatened species than any other habitat in the UK. The Nature Conservation (Scotland) Act 2004 states, "It is the duty of every public body and office-holder, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions." As such it is crucial that the DLP reflects this statement.

Summary

2 of the strategic settlements identified in the Plan are sites of ancient and semi-natural woodland which is in conflict with the aims of the Park to protect such habitat.

Development of such land which has stood for hundreds of years is in conflict with the 1st aim of the Park. The CNP should be demonstrating to the rest of Scotland that ancient and semi ancient woodland is of high conservation value and will be protected from development. Once lost it cannot be replaced. There is no mitigation for lose of ancient woodland.

Ancient woodland is, by definition, an irreplaceable natural resource and takes centuries, even millennia to evolve. As the habitat most

representative of original, natural, stable conditions, ancient woodland is home to more threatened species than any other habitat in the UK. The Nature Conservation (Scotland) Act 2004 states, "It is the duty of every public body and office-holder, in exercising any functions, to further the conservation of biodiversity so far as is consistent with the proper exercise of those functions."

The local plan should state clearly that any area of ancient woodland will be protected not only from development but from other threats such as grazing, invasive species, lack of management and buffered against the effects of climate change.

CNPA analysis

Modifications will 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 wording used within this policy will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use together with ensuring the appropriate level of protection and compliance with national and international obligations placed on the CNPA.

Policy Policy 04

Name Dr A M Jones

Company Badenoch & Strathspey Conservation Group

Objector Ref 400f(d)

Representation

Object to "Development will only be permitted". Suggest this be revised to "may" only be permitted, on grounds that this may be interpreted as pre-judging the planning process.

Arguably too much is being sought to be covered under too few policies here. It is debatable whether Geological conservation review sites are best safeguarded by the same policy as eg native woodlands or second tier sites identified for different interest (eg for high biodiversity value).

Object to "planning authority" in singular. We understand there is not one (competent) planning authority.

Object further to the principle and suggest a statement along the lines "recognised by standards accepted by those with relevant knowledge and competence in the appropriate field such as SNH, JNCC or relevant eNGO's" would be more appropriate. BSCG is keen to assist the CNPA or others in the identification of second tier sites in B & S and we consider as a matter of environmental justice and good practice second tier sites need to be extended across the park as a matter of urgency and certainly within the lifetime of the DLP.

As further good practise it is desirable to involve eNGO's. For example we would consider the WT has access to information on high quality woodland sites including the AWI, the BMS has expertise on identifying PERL fungi.

Object to "providing features of equal importance" as in many cases this is impossible (e.g. for ancient and semi-natural ancient woodland sites, and landscapes that bear witness to the activities of our forebears). The wording on this policy does not accord with important and longstanding government post-Rio policies on protecting and enhancing native woodlands. It is appropriate and in line

with the first aim of the NP to address the delivery deficit on woodland protection promises. Delivery is not achieved by destroying/ diminishing the resource. Indeed seeming failure to recognize that diminishing the resource “has adverse effects on the qualities for which the area has been identified” reflects weak analysis and it cannot be considered intelligent planning to offer to do the impossible.

Propose inclusion of a sentence along the lines of: “In all circumstances there will be a strong presumption against development that affects an ancient woodland site ...or locally important site”.

We object to a) on grounds it reflects what can be considered to be lack of ecological understanding and affords inadequate respect for the precautionary principle. There is a need for more precision and clarity. Who for example does the identifying and ranking of the qualities “for which the site or area has been identified” is completely unspecified. Overall integrity is not defined and no reference to what natural/ ecological communities are being considered is stated. It should not be prejudged whether current knowledge and ecological understanding is sufficient to fairly assess whether the “overall integrity of the identified area would not be compromised”. As an example of the lack of relevant knowledge even on sites that have been looked at by CNPA NHG staff on present showing the CNPA have for example failed to correctly identify as even of local significance sites that can be shown on published criteria to have at least national significance for certain communities of high conservation interest.

We object to b). As worded we consider b) conflicts with the 1st and overriding aim of the NP. We suggest delete “significant” and replace with “possible”. We suggest insert overriding before importance. We urge clarity and consistency with policy. We object to emphasis on mitigation. Mitigation measures may have knock on effects that may be impossible or impractical to properly evaluate (e.g. due to timescale, seasonality or resource issues).

4.23 - Object to “many of these identified areas” as possibly being inaccurate. Suggest change to “some of these”.

We are concerned that the DLP makes no reference to using specialist professional advice to inform the decision-making process, although this is stated in 4.37, an equivalent paragraph on landscape.

4.24 - Object on grounds of incompleteness and inconsistency. This paragraph makes no reference to cumulative impacts, which should be included. We note that 4.40 (an equivalent paragraph for landscape) does state that cumulative effects will be assessed

Summary

Replace “Development will only be permitted” with “may” only be permitted, since this may be interpreted as pre-judging the planning process.

The policy is trying to cover too many aspects under one heading. Are Geological conservation review sites best safeguarded by the same policy as eg native woodlands or second tier sites identified for different interest (eg for high biodiversity value).

Object to “planning authority” as there is not one (competent) planning authority.

Object further to the principle and suggest a statement along the lines “recognised by standards accepted by those with relevant knowledge and competence in the appropriate field such as SNH, JNCC or relevant eNGO's” would be more appropriate. Second tier sites need to be extended across the Park as a matter of urgency and within the lifetime of the Plan and BSCG is keen to assist the CNPA or others in this.

As further good practise it is desirable to involve eNGO's. For example we would consider the WT has access to information on high quality woodland sites including the AWI, the BMS has expertise on identifying PERL fungi.

Object to "providing features of equal importance" as in many cases this is impossible (e.g. ancient and semi-natural ancient woodland sites; landscapes that bear witness to the activities of our forebears). Supporting info regarding this is detailed. It cannot be considered intelligent planning to offer to do the impossible.

Include sentence to effect "In all circumstances there will be a strong presumption against development that affects an ancient woodland site ...or locally important site".

A) Demonstrates a lack of ecological understanding and affords inadequate respect for the precautionary principle, and there is therefore a need for more precision and clarity. Need to include definition of 'integrity' and what natural/ ecological communities are being considered. The wording implies that current knowledge and ecological understanding is sufficient to fairly assess whether the "overall integrity of the identified area would not be compromised".

B) conflicts with the 1st aim of the Park. Delete "significant" and replace with "possible". We suggest insert overriding before importance. Clarity and consistency is needed. Object to emphasis on mitigation. Which may have knock on effects that may be impossible or impractical to properly evaluate (e.g. due to timescale, seasonality or resource issues).

para 4.23 – Replace "many of these identified areas" with "some of these". The Plan makes no reference to using specialist professional advice to inform the decision-making process, although this is stated in 4.37, an equivalent paragraph on landscape.

para 4.24 – wording is incomplete and inconsistent. It makes no reference to cumulative impacts, which should be included although this is included in 4.40 regarding landscape.

CNPA analysis

Modifications will 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 wording used within this policy will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use together with ensuring the appropriate level of protection and compliance with national and international obligations placed on the CNPA.

Policy Policy 04

Name Roy Turnbull

Company

Objector Ref

390d

Representation

Whilst I strongly support the policy of not compromising the integrity of these sites, in the case of ancient woodlands or geological sites it is not possible to provide features of equal importance. These sites are finite and irreplaceable and it is impossible to provide further examples. The policy is therefore illogical.

Since these sites are irreplaceable, and since significant adverse effects on these sites would inescapably be in conflict with the first aim of the Park, a far stronger policy for protection than that here offered is required. Nor should the planning authority be the body responsible for determining which sites are nationally or locally important: this should be determined by appropriate governmental and non-governmental organisations.

It is not just the integrity of the sites that should be protected. Integrity of a site is difficult to define and recognise. Moreover, whilst consideration of integrity is important (as a means to resisting fragmentation of sites, for example), it is also important to recognise that every square metre of such sites is precious and should be protected. This is the case even where the destruction of part of the site is not considered to threaten the integrity of the whole site. There should be no further loss of ancient woodland in the Cairngorms National Park.

The Woodland Trust published a report, (Why the UK's Ancient Woodland Is Still under Threat) on the threats to ancient woodlands in 2000. The following is taken from the foreword, by Chief Executive, Mike Townsend: "Ancient woodland is one of our richest habitats for wildlife. Ancient woods are places of inordinate beauty, reservoirs of archaeology and economic history, and a source of inspiration for local culture and folklore. In some cases, they form a direct link back to the original wildwood which was established after the last Ice Age. However, as we enter a new century, our rich heritage of ancient woodland continues to be under threat from destruction, isolation and overgrazing. During the last hundred years, many of our ancient and native woods have been damaged or destroyed, largely by conversion to conifer plantation or by clearance for agriculture. Today, only two per cent of Britain is covered by ancient woodland. Increasingly, there is a much greater awareness of the value of ancient woods: as a finite resource they can never be replaced and what little remains is very precious. Not only do they contribute to the existence of life on our planet, these few remaining islands of ancient woodland contain a wealth of wildlife, dependent on the continuity of this unique habitat. Despite a growing understanding of the importance of ancient woodland and a number of new policies and programmes for its protection and enhancement, ancient woods continue to be threatened and destroyed. We must take action now to fulfil the policy promises and to plug the gaps.

The Trust is calling on government, opinion formers and decision makers to increase protection for ancient woodland and to act on the solutions outlined in this report. Urgent action is needed if we are to turn the tide of destruction of ancient woodland. Ancient woods are irreplaceable, uplifting places, linking us with our past, but their future survival is dependent on our action now."

Further, the Scottish Executive signed the UK Forest Partnership for Action at the World Summit on Sustainable Development in Johannesburg in 2002. This stated, "The Partnership is committed to the restoration, protection and expansion of native woodlands in the UK"

This Johannesburg commitment is entirely consistent with "Biodiversity, The UK Action Plan" (1994). HMSO, London, which states, p. 100, 6.48. "Action. Continue to protect ancient semi-natural woodlands and encourage forms of management which conserve their special characteristics. Encourage the extension and creation of native woodlands. Support the creation of community woodlands near population centres" p. 163, 10.15. "Policies and programmes have as their objective to maintain the present area of ancient and semi-natural woodlands; to expand the area of native woodland of a natural character;....". [my emphasis]

Since it is impossible to create more ancient woodlands, there is only one way to "maintain the present area of ancient and semi-natural woodlands" and that is to stop destroying them.

It is therefore a requirement of "Biodiversity, The UK Action Plan (1994)" to establish a policy in the Cairngorms National Park that ensures

that no further loss of areas of ancient and semi-natural woodlands occurs. That is what I urge the CNPA to do.

Summary

In the case of ancient woodlands or geological sites it is not possible to provide features of equal importance. These sites are finite and irreplaceable and it is impossible to provide further examples. The policy is therefore illogical. Since these sites are irreplaceable, and since significant adverse effects on these sites would inescapably be in conflict with the first aim of the Park, a far stronger policy for protection is required. The planning authority should not be the body responsible for determining which sites are nationally or locally important: this should be determined by appropriate governmental and non-governmental organisations.

It is not just the integrity of the sites that should be protected, which is in itself difficult to define, but also the whole of the site in its entirety. There should be no further loss of ancient woodland in the Cairngorms National Park. Supporting text is included from the Woodland Trust and Scottish Executive and requirements under the LBAP. .

Since it is impossible to create more ancient woodlands, there is only one way to “maintain the present area of ancient and semi-natural woodlands” and that is to stop destroying them. It is therefore a requirement of “Biodiversity, The UK Action Plan (1994)” to establish a policy that ensures that no further loss of areas of ancient and semi-natural woodlands occurs.

CNPA analysis

Modifications will 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 wording used within this policy will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use together with ensuring the appropriate level of protection and compliance with national and international obligations placed on the CNPA.

Policy Policy 04

Name Sheena Semple

Company

Objector Ref

059

Representation

One of the things which puzzles me when I look at the local map is the continuing designation of particular areas as ancient woodland. There are, of course, areas of afforestation which quite clearly do qualify as ancient in every respect. Equally there are zones which, whilst still carrying this classification, have long since lost their ancient arboreal splendour.

A quick audit on the ground at NJ 014 205, for example, shows there to be very little ancient woodland. The majestic pines of yesteryear were harvested decades ago, as can be attested to by residents who have spent their lives in Nethy Bridge. What is left is characterless and certainly does not demand to be ring-fenced in the interests of preservation. Here is no great residual heritage.

There must be many other areas within the national Park boundaries which fall into the same situation. It might well be that the CNPA could usefully carry out an exercise which would update the real condition of these locations. Perhaps if re-designated, parts of such areas could offer scope for opportunity and value.

Summary

The allocation of ancient woodland should be reviewed to accurately reflect what is important on the ground.

CNPA analysis

The comments regarding the datasets are noted and work will continue between the CNPA and its partners to ensure that this is addressed to allow the best information to be available to inform the development process. Within the terms of the policy the wording will be reviewed to ensure it is reasonable, clear, and delivers the intentions of the policy. The wording proposed will be assessed as part of this review.

Policy Policy 04	Name Phil Rowsby	Company	SRPBA	Objector Ref	4291
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Representation

With reference to paragraph (b) we would ask the CNPA the following question: If an ancient woodland is lost what could the developer provide as an equivalent?

It is the case in some instances that some ancient woodland sites and semi-natural ancient woodland sites have no remnant of ancient woodlands or features of the previous woodlands remaining. Such woodlands are under designation due to their appearance as woodlands on the 1750s Roy maps and the first Ordnance Survey maps from 1861, thus meaning that some are wrongly classified.

Summary

In b) if an ancient woodland is lost what could the developer provide as an equivalent? Also in some cases there is no ancient woodland left in these designated areas. Such areas are only designated because they were both on the 1750s Roy maps and the first Ordnance Survey maps from 1861, but had been replanted in the interim.

CNPA analysis

The comments regarding the datasets are noted and work will continue between the CNPA and its partners to ensure that this is addressed to allow the best information to be available to inform the development process. Within the terms of the policy the wording will be reviewed to ensure it is reasonable, clear, and delivers the intentions of the policy. The wording proposed will be assessed as part of this review.

Policy Policy 04	Name Rona Main	Company	Scottish Enterprise Grampian	Objector Ref	425d
	Agent Steve Crawford				

Representation

Although we have no significant objections to this policy, it does set out how these sites may accept development where its local economic impact outweighs any adverse impact on the qualities of the Park. This is to be welcomed. It is difficult, however, to determine from the Plan what the “economic benefits of importance to the Cairngorms National Park” are. It would be useful to explore these with the CNPA in more detail.

Summary

The policy should clarify what the “economic benefits of importance to the Cairngorms National Park” are.

CNPA analysis

The comment is noted and additional information will be included to clarify this position.

Policy Policy 04

Name John Anderson

Company Kincaig & Vicinity Community Council

Objector Ref 463d

Representation

We generally support the Alvie Estate view on this Policy.

KVCC comment: Makes reference to ancient woodland, semi-natural ancient woodland, Geological Conservation Review or other nationally, regionally or locally important sites — information (including definitions) on these sites should be provided as an Appendix to the Plan. Land designated as ancient woodland but which now sports replanted woodland for commercial purposes should be capable of sensitive development — see Kincaig Settlement comments for a case in point.

Summary

Generally, support Alvie estate view on this policy

KVCC refer to ancient woodland, semi-natural ancient woodland, Geological Conservation Review or other nationally, regionally or locally important sites – information (including definitions) on these sites should be provided as an Appendix to the Plan. Land designated as ancient woodland, but which has been replanted for commercial purposes should be capable of sensitive development.

CNPA analysis

The comments regarding the datasets are noted and work will continue between the CNPA and its partners to ensure that this is addressed to allow the best information to be available to inform the development process. Within the terms of the policy the wording will be reviewed to ensure it is reasonable, clear, and delivers the intentions of the policy. The wording proposed will be assessed as part of this review.

Policy Policy 05

Name Phil Rowsby

Company SRPBA

Objector Ref

429n

Representation

The SRPBA object to the term ‘adverse’ being used as it can be very subjective.

Summary

The term ‘adverse’ can be very subjective.

CNPA analysis

The comment is noted and additional information will be included to clarify this position.

Policy Policy 05

Name Anne MacNamara, Planning Directorate

Company Scottish Government **Objector Ref** 422j

Representation

The tests in Policy 5 – Protected Species are broadly consistent with the Habitats Directive. However the comma after “nature” in a) is not in the regulations, and it makes a subtle change by perhaps suggesting that the “beneficial consequences...” are required in addition to one of the circumstances listed. As I understand it they are just another exception and it is clearer to remove the comma. Paragraph 4.26 could be amended to reflect the difficulties which have occurred where planning authorities have issued permissions with suspensive conditions requiring species surveys to be carried out. It is suggested that the following is added after the second sentence: “If the planning authority suspects 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”.

Summary

The comma after “nature” in a) is not in the regulations, and it makes a subtle change by perhaps suggesting that the “beneficial consequences...” are required in addition to one of the circumstances listed.

Para 4.26 - amend to reflect the difficulties which have occurred where planning authorities have issued permissions with suspensive conditions requiring species surveys to be carried out. Amend the 2nd sentence to “If the planning authority suspects 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”.

CNPA analysis

The comment regarding the punctuation is noted and the appropriate change will be made. Also the comment regarding para 4.26 is noted and the wording suggested will be assessed in future modifications to clarify the point.

Policy Policy 05

Name Ian Francis

Company

RSPB Scotland

Objector Ref

424g

Representation

Policy 5. Protected Species We welcome this policy.

However, some further explanation should be given of what exactly is meant by “full consideration” in this context. For Schedule I Birds or European Protected Species, it needs to be categorically established which species are present on a site, and where, before an application can be considered for consent. Any consent given without due consideration to these species may breach European Directives with the possibility of consequential delays or the project being halted by the EC. The discovery of an EPS or Schedule 1 bird species during construction could result in a planning consent that cannot be implemented. This procedural aspect needs to be covered in an explanatory paragraph.

Summary

Further clarity is needed on what is meant by “full consideration”. For Schedule I Birds or European Protected Species, it needs to be categorically established which species are present on a site, and where, before an application can be considered for consent. Any

consent given without due consideration to these species may breach European Directives with the possibility of consequential delays or the project being halted by the EC. The discovery of an EPS or Schedule 1 bird species during construction could result in a planning consent that cannot be implemented. This could be explained in the supporting text.

CNPA analysis

The wording of the policy will be reviewed to ensure that it is in line with national guidance on the topic, as well as striking an appropriate balance between development opportunities and protecting the special qualities of the area as identified as a National Park. The wording will also be assessed to ensure it is clear and consistent both with other policies in the Plan and other guidance given in the Park Plan, National guidance and the aims of the Park. Any amendments will be made as appropriate to ensure the underlying aim of the policy is achieved.

Policy Policy 05	Name Susan Davies	Company	Scottish Natural Heritage	Objector Ref	465i
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Representation

We strongly recommend that the final part of this policy is extended to also protect species listed in Annexes II and V of the EC Habitats Directive and Annex 1 of the EC Birds Directive. We are not clear exactly what 'full consideration will be given to the protection of...' means, and recommend that the wording is clarified. NPPG 14, for example, refers to 'avoiding harm' to species (paragraph 20). To help developers, it would be useful to explain in text accompanying either Policy 5 or Policy 29 that all bats are European Protected Species, or alternatively to provide a list of all the species covered by Policy 5 in an Appendix.

Para 4.25 - The final sentence about licences is misleading. We recommend the following:

"For some species a licence is required before it, or its habitat can be disturbed and these licences are available from the Scottish Government. Licences for scientific, research or educational purposes are available from SNH."

Summary

Strongly recommend that the final part of this policy is extended to also protect species listed in Annexes II and V of the EC Habitats Directive and Annex 1 of the EC Birds Directive. It is not clear exactly what 'full consideration will be given to the protection of...' means, and so recommend that the wording is clarified. NPPG 14 (para 20), for example, refers to 'avoiding harm' to species. It would be useful to explain in text accompanying either Policy 5 or Policy 29 that all bats are European Protected Species, or alternatively to provide a list of all the species covered by Policy 5 in an Appendix.

4.25 - The final sentence about licences is misleading, and should be replaced with: "For some species a licence is required before it, or its habitat can be disturbed and these licences are available from the Scottish Government. Licences for scientific, research or educational purposes are available from SNH."

CNPA analysis

The wording of the policy will be reviewed to ensure that it is in line with national guidance on the topic, as well as striking an appropriate balance between development opportunities and protecting the special qualities of the area as identified as a National Park. Any amendments will be made as appropriate to ensure the underlying aim of the policy is achieved. Within this review the

proposed wording will be assessed and appropriate changes made.

Policy Policy 05 **Name** John Anderson **Company** Kincaig and Vicinity Community Council **Objector Ref** 463e

Representation

We generally support the Alvie Estate view on this Policy. KVCC comment: Makes reference to European Protected Species — details please in an Appendix to the Plan which should also include the species listed in Schedules 1, 5 & 8 of the Wildlife & Countryside Act 1981.

Summary

Generally, support Alvie estate view on this policy. Seek an additional appendix which should include the species listed in Schedules 1,5 and 8 of the Wildlife and Countryside Act 1981

CNPA analysis

The comment is noted. The additional information will be reviewed and reference made to it within the Plan for clarity and to ensure developers are clear on the expectations place on them.

Policy Policy 05 **Name** Roy Turnbull **Company** **Objector Ref** 390e

Representation

I Support the full implementation of the Habitats and Birds Directive

Summary

Support this policy.

CNPA analysis

No modification considered necessary as a result of this representation.

Policy Policy 05 **Name** Jamie Williamson **Company** Alvie and Dalraddy Estate **Objector Ref** 439g

Representation

The increase in some raptors such as the hen harrier will reduce the number and diversity of certain prey species. It is not correct to assume that protection of European Protected Species will enhance biodiversity. Consideration of the welfare of protected species should be considered in balance with other aims of the Park.

Proposed Modification –

Development that would have an adverse impact on any European Protected Species will (delete not) only be permitted (delete unless) where:

- a) There are public health, public safety or other (delete imperative) reasons of (delete overriding) public interest including those of a social or economic nature, and beneficial consequences of (delete Primary) importance for the environment;
- b) There is no satisfactory alternative; (delete and) or
- c) The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

In addition to these, full consideration will be given to the protection of species listed in Schedules 1 5 & 8 of the Wildlife & Countryside Act 1981, as amended.

Summary

It is incorrect to assume that the protection of European Protected species will enhance biodiversity as they may be predators who will reduce the number and diversity of certain species. A balance must be reached between protection and the other aims of the Park.

Amended wording –

In a) remove 'imperative', and 'overriding', and 'primary'

In b) change 'and' to 'or'

CNPA analysis

The wording of the policy will be reviewed to ensure that it is in line with national guidance on the topic, as well as striking an appropriate balance between development opportunities and protecting the special qualities of the area as identified as a National Park. Any amendments will be made as appropriate to ensure the underlying aim of the policy is achieved.

Policy Policy 05

Name Dr A M Jones **Company** Badenoch & Strathspey Conservation Group **Objector Ref** 400f(e)

Representation

Publicly stated policy of Scottish Ministers is “that the provisions of the Habitats Directive are taken properly into account and that a breach of the Directive does not occur.” Partly for this reason we therefore object to failure to incorporate after “Species” the statement “wherever they occur” (Part 3 of the 1994 regulations are not limited in effect merely to specific, designated areas.) We further object to lack of reference to “breeding sites and resting places” (that enjoy a particularly high degree of protection under Regulation 39 (1) (d) such that at its simplest level even unintentional destructive acts at for example a bat roost could potentially be grounds for criminal prosecution.)

We object to a) due to inclusion of “including those of a social or economic nature” as unnecessary. There is already a catchall phrase in “or other imperative reasons”.

Object to b) on grounds that “no satisfactory alternative” is too weak; this should be a stronger statement in line with the weight that should be attached to the first aim of the NP.

Object to c) on grounds it reflects a lack of ecological understanding. The loss of a “population... at a favourable conservation status .. in their natural range” is likely to occur by ‘a thousand cuts’ (cumulative small minor losses, and the proverbial back breaking straw and only more rarely by a single devastating development). Within a National Park there needs to be a strong presumption in favour of planning that aims to deliver for SOCC and for example to ensure that populations of protected species are not bucking national trends of recovery as has been recently reported for some better studied groups, (see Birds Chapter in Nature of the Cairngorms). If SOCC are treated as of low priority a significant element of public support for public investment in the PA of the NP is likely to dwindle.

Summary

The policy should incorporate after “Species” the statement “wherever they occur” (Part 3 of the 1994 regulations are not limited in effect merely to specific, designated areas.) There should also be greater reference to “breeding sites and resting places” (that enjoy a particularly high degree of protection under Regulation 39 (1) (d) such that at its simplest level even unintentional destructive acts at for example a bat roost could potentially be grounds for criminal prosecution.)

In a) inclusion of “including those of a social or economic nature” is unnecessary and is covered by the catchall phrase in “or other imperative reasons”.

In b) “no satisfactory alternative” is too weak; this should be in line with the weight given to the 1st aim of park.

In c) wording reflects a lack of ecological understanding. The loss of a “population... at a favourable conservation status..in their natural range” is likely to occur by cumulative small minor losses, and only more rarely by a single devastating development. There should be a presumption in favour of planning that aims to deliver for SOCC and for example to ensure that populations of protected species are not bucking national trends of recovery as has been recently reported for some better studied groups, (see Birds Chapter in Nature of the Cairngorms).

CNPA analysis

The wording of the policy will be reviewed to ensure that it is in line with national guidance on the topic, as well as striking an appropriate balance between development opportunities and protecting the special qualities of the area as identified as a National Park. Any amendments will be made as appropriate to ensure the underlying aim of the policy is achieved.

Policy Policy 05-07

Name Mrs Jane Angus

Company

Objector Ref

437c

Representation

4.18-40: pp.20-3. Policies 5-7 These seem to be vague for a legal document and in practice could give rise to considerable argument and employment of ‘expert’ witnesses. I should like to be certain that familiarity will not sway decisions in any direction, developer or conservationist. The SEA sets out policies and cross-references on these points. hut there is still room for conflict—see below.

Summary

The wording of these policies seems vague and could lead to confusion in implementation.

CNPA analysis

The wording of the policy will be reviewed to ensure that it does deliver the aim of the policy, and is not overly restrictive or onerous, but also provides an appropriate level of guidance for developers and people using the policy

Policy Policy 06

Name Anne MacNamara, Planning Directorate

Company Scottish Government **Objector Ref** 422k

Representation

Biodiversity is welcomed in providing a general policy on the issue, though bold given the number of species which are on the Scottish Biodiversity List. Will the Park Authority have the resources to properly consider, as suggested in the background, whether any such species exist for all planning applications?

Summary

Given the number of species on the Scottish Biodiversity List, will the Park Authority have the resources to properly consider whether any such species exist for all planning applications?

CNPA analysis

The CNPA will work closely with its partners to implement this policy, and in particular will endeavour to support the 4 local authorities in using this policy. No modification considered necessary as a result of this representation.

Policy Policy 06

Name Robert Maund

Company Scottish Council for National Parks **Objector Ref** 434d

Representation

Policy 6 on biodiversity states that 'where there is evidence or likelihood to suggest 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 survey of the area's natural environment to assess the effect of the development on it'. Bearing in mind the present experience with a developer at Carrbridge, this policy is a hostage to the imperative for developers to make profit. In a national park, where there is any threat as above, it should be incumbent on the planning authority to ensure that there is, first of all, no risk to specific habitats and species through the development allocations, and secondly, that should such risk be identified, the Park Authority undertakes the survey and monitoring with charges being recouped from the developers.

Summary

This policy is a hostage to the imperative for developers to make a profit. It should be incumbent on the planning authority to ensure that with any proposal there is no risk to specific habitats and species, and secondly, that should such risk be identified, the Authority undertakes the survey and monitoring with charges being recouped from the developers.

CNPA analysis

Further work is needed to clarify how policies will be implemented through the development management process and to ensure the

wording is not open to unnecessary interpretation. It is proposed to produce a series of working practice notes for use by staff across the 4 local authorities and the CNPA to ensure a consistent approach is taken.

Policy Policy 06

Name John Anderson

Company Kincaig & Vicinity Community Council

Objector Ref 463f

Representation

We support the Alvie Estate view on this Policy.

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 06

Name Jamie Williamson

Company Alvie and Dalraddy Estate

Objector Ref

439h

Representation

Biodiversity should be considered in balance with social, economic and cultural consequences of a proposed development. Equally important is eco economic diversity and our cultural inheritance.

Proposed Modifications –

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, will only be permitted where:

- a) The developer can demonstrate that the need and justification for the development outweighs the local, national or international contribution of the area or 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 (delete avoid, or) minimised (delete where harm is unavoidable), and where appropriate compensatory and/or management measures are provided and or new habitats of equal nature conservation value are created as appropriate to the site.

Where there is evidence or likelihood to suggest 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 may be required to undertake a survey of the area's natural environment to assess the effect of the development on it.

Summary

A balance must be reached between biodiversity and social, economic and cultural consequences of a proposed development.

Amended wording –

In b) delete 'avoided, or' and 'where harm is unavoidable', and add 'where' before 'appropriate'

In the last para change 'will' to 'may'

CNPA analysis

The CNPA has a duty placed on it in regard to Biodiversity and the policy has been worded accordingly. However the wording will be reviewed to ensure that it does deliver the aim of the policy, and is not overly restrictive or onerous, but also provides an appropriate level of guidance for developers and people using the policy.

Policy Policy 06

Name Nicola Abrams

Company SEPA

Objector Ref

399a

Representation

SEPA's recent Interim position statement "SEPA and Biodiversity" recognises the need for SNH to lead in the area of biodiversity and nature conservation but also identifies SEPA's strategic role in this area. While SEPA welcomes the inclusion of a policy in the plan dealing with biodiversity issues, SEPA objects to the wording of the Policy.

Reason for the Objection - NPPG14 para 63 states that development plans should set out the locational policy framework for the protection and enhancement of natural heritage. SEPA objects to the omission of a statement in the local plan specifically stating that developments which enhance or restore existing habitats will be encouraged.

Suggestions Modifications - SEPA requests that the policy be amended to refer to the requirement to protect, create and enhance natural and semi-natural habitats for their ecological, recreational, landscape and natural heritage values; to protect, create and enhance open and natural water bodies, watercourses, wetlands and river corridor habitats including a presumption against excessive engineering and culverting of watercourses and a presumption for the creation of riparian buffer zones, and require the restoration of culverted or canalized watercourses.

SEPA also requests that reference is made to NPPG 14: Natural Heritage.

Summary

Object to the wording of policy 6, since NPPG13 states that development plans should set out the locational policy framework for the protection and enhancement of natural heritage. SEPA objects to the omission of a statement specifically stating that developments which enhance or restore existing habitats will be encouraged. The policy should be amended to refer to the requirement to protect, create and enhance natural and semi-natural habitats for their ecological, recreational, landscape and natural heritage values; to protect, create and enhance open and natural water bodies, watercourses, wetlands and river corridor habitats including a presumption against excessive engineering and culverting of watercourses and a presumption for the creation of riparian buffer zones, and require the restoration of culverted or canalized watercourses. Reference should also be made to NPPG14.

CNPA analysis

The wording of the policy will be reviewed to ensure that it is in line with national guidance on the topic, as well as striking an

appropriate balance between development opportunities and protecting the special qualities of the area as identified as a National Park. The important role of SEPA will be properly included. Any amendments will be made as appropriate to ensure the underlying aim of the policy is achieved.

Policy Policy 06 **Name** Hebe Carus **Company** The Mountaineering Council of Scotland **Objector Ref** 024e

Representation

The comments in response to policies 3 and 4 equally apply to the statement “appropriate compensatory and/or management measures are provided and new habitats of equal nature conservation value are created as appropriate to the site.” Often well-established habitats have an intrinsic value due to their age alone. In most circumstances creating a new habitat will not result in “equal conservation value.” Often it is the processes that formed the habitat that dictates the value, such as build up of sediment in wetland areas, deadwood in woodland or peat formation on bogs. There is no indication of how this equality will be judged. One suggestion would be that the new habitats must have the capacity to support the same population size, have the same level of connectivity and the same level of complexity. This should be stated in the Local Plan.

Summary

Concern about proposals to allow for mitigation for loss of habitats. Well-established habitats often have an intrinsic value due to their age alone. The policy should be changed to ensure that new habitats created as ‘mitigation should be able to support the same population size, and have the same levels of complexity and connectivity.

CNPA analysis

Modifications will 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 wording used within this policy will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use together with ensuring the appropriate level of protection and compliance with national and international obligations placed on the CNPA.

Policy Policy 06 **Name** Dr A Watson **Company** **Objector Ref** 020d

Representation

Policy 6b, at end, new habitats of equal value. This is special pleading, and also factually incorrect. In general, no newly created habitat equals a long established one in wildlife value. The Plan recognises this in 4.19, but only for long-established woodland. However, it applies to old planted woods, moorland, and some semi-natural habitats within farmland, such as fluvio-glacial sandy hillocks.

Summary

Recognise that old planted woods, moorland, and some semi-natural habitats within farmland, such as fluvio-glacial sandy hillocks have the same value as long established woodland, in that when they are newly recreated, they do not have equal wildlife value as a long established site.

CNPA analysis

The comment is noted and the wording of the policy in regard to the comments will be reviewed to ensure correctness and clarity.

Policy Policy 06

Name Ian Francis

Company RSPB Scotland

Objector Ref 424h

Representation

Policy 6. Biodiversity - We welcome this policy.

Summary

Support

CNPA analysis

No modification considered necessary as a result of this representation.

Policy Policy 06

Name Dr A M Jones

Company Badenoch & Strathspey Conservation Group

Objector Ref 400f(f)

Representation

Object to “will only be permitted” as appears to pre-judge the planning process. Suggest substitute with “may”.

Object to a on grounds of being too open-ended and non-specific. We note that the developer has to be able to “demonstrate” a “need and justification”, and presumably this has to be about something which the CNPA hasn’t already identified, and therefore covered, in the DLP or the Park Plan. This could result in numerous lengthy disagreements between developers and objectors.

At least the DLP should provide some examples of the kinds of “need and justification” that the CNPA has in mind that the developer could demonstrate.

Object to b on grounds of lack of credible ecological understanding. To suggest that new habitats of equal value as established ones can be created on a whim, instantly, and on the kind of limited budget likely to be available is simply highly misleading. It is particularly inappropriate coming from an organisation that has a remit to educate the public on issues to do with special natural heritage. Can be created that are of equal nature conservation value as ones.

We would welcome this Policy acknowledging the responsibility of the planning authority to take account of SBL species when considering development proposals, in the context of the biodiversity duty contained in the NCA.

The DLP should include a list of SBL species known to occur or likely to occur in the DLP area.

We would further welcome the DLP stating that circumstances can arise when the CNPA can recoup costs of survey work from the developer.

4.27 - We object to the statement beginning “just as important” given potential problems of interpretation.

The argument presented here could be construed as indicating that development could be permitted in a designated site on the

Cairngorms National Park Deposit Local Plan – Analysis of consultation – Section 3 Conserving and Enhancing the Park

grounds that an equally important undesignated area exists elsewhere in the Park. We object to such a development-orientated approach to designated sites as inappropriate, especially in a NP. This conflicts for example with the 1st and overriding aim of the Park. The DLP should be setting an example of high standards of protection for designated sites, rather than suggesting the substitution of designated sites with an undesignated site in such a way as to permit development in designated sites. This undermines the status of designated sites as Protected Areas and loses credibility in relation to delivering the first aim.

4.28, 4.29 - We support these paragraphs as being useful and informative.

4.30 - We welcome that the "direct, indirect and cumulative effects of development proposals" will be assessed on habitats and species. We object to the statement "This will reduce the likelihood of delays in obtaining planning permission" because it implies a presumption in favour of granting permission.

4.31 - Object as mechanism of review in light of lack of information available to the CNPA is liable to be unrealistic, especially if no provision has been made for 'ring-fenced' funding.

Written answers in the Scottish Parliament indicate the inadequacy of baseline data. We consider there is an urgent need for high standard independent review and proper programme of updating natural heritage data provided by Leaper 1999 in Biodiversity of the Cairngorms.

Even the recently re-published Nature of the Cairngorms requires updating already, a good example being with respect to the number of species of national importance in the Carrbridge "important area for invertebrates" even using data from the CNPA's own limited survey of this site.

Summary

Substitute "will only be permitted" with "may" to retain open consideration of proposals. The wording is too open ended and non specific. The policy should include examples of the kinds of "need and justification" that the CNPA has in mind that the developer could demonstrate.

Object to b) on grounds of lack of credible ecological understanding. The policy should acknowledge the responsibility of the planning authority to take account of SBL species when considering development proposals, in the context of the biodiversity duty contained in the NCA. The plan should include a list of SBL species known to occur or likely to occur in the plan area. The plan should also state that circumstances can arise when the CNPA can recoup costs of survey work from the developer.

Object to the ambiguity of "just as important". It gives a development orientated emphasis to designated sites which conflicts with the 1st aim of the Park.

Support Para 4.28 and 4.29.

Para 4.30 - Object to "This will reduce the likelihood of delays in obtaining planning permission" because it implies a presumption in favour of granting permission.

Para 4.31 – Methods for review rely on inadequate baseline information available to CNPA. There is therefore a need for high standard independent review to update natural heritage data.

CNPA analysis

The wording of the policy will be reviewed to ensure that it is in line with national guidance on the topic, as well as striking an appropriate balance between development opportunities and protecting the special qualities of the area as identified as a National Park. Any amendments will be made as appropriate to ensure the underlying aim of the policy is achieved. Within this review the proposed wording will be assessed.

Policy Policy 07	Name Mr Michael Bruce	Company Glen Tanar Estate	Objector Ref 403b
	Agent Sinead Lynch		

Representation

The Cairngorms National Park Deposit Local Plan sifts out a policy and spatial framework for the future development of the National Park and contains a number of policies which are pertinent to Glen Tanar Estate. Generally, Glen Tanar Estate supports the deletion of the general policies as contained in the Consultation Draft of the Cairngorms National Park Local Plan.

Policy 7— Landscape: Glen Tanar Estate would maintain its support of the general approach of Policy 7, but would continue to comment that forestry proposals should be regulated by the Forestry Commission within the context of the Cairngorms Forestry Framework. This would allow for a proportion of non-native trees.

Summary

The estate generally support the approach taken to general policies in the deposit local plan. In regard to landscape, while supporting the policy, forestry proposals should be regulated by the Forestry Commission within the context of the Cairngorms Forestry Framework. This would allow for a proportion of non-native trees.

CNPA analysis

The comment is noted. The local plan is in place only to guide those developments which fall under normal planning regulations. No modification considered necessary as a result of this representation.

Policy Policy 07	Name Maurice Stack	Company Aberdeenshire Council	Objector Ref 473c
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Representation

It's clear from the draft plan that there will be ongoing significant demand for housing and therefore housing land in the CNP, area and this has implications for the landscape both in and around existing settlements and the general CNP area.

Many developers, and especially the developers that appear to have little understanding of landscape or environmental issues are often highly driven organisations and individuals who have a tendency to focus on sites of interest more in relation to what they own and control, rather than what is appropriate in relation to the development plan. There is often a tendency for such sites to be pursued by developers through the planning process almost on an opportunistic basis, and it is therefore important that planning staff have at their

disposal a clearly worded development plan.

In relation to the Strategic Settlements and Intermediate Settlements plans, it would be appropriate that contour information be included on the final draft. This is a fundamental landscape design issue that relates to appropriately fitting new development into the landscape etc. All parties to the development plan need to be aware of the importance of careful detail design of development in relation to topography, and a primary aspect of this is including contour information on the settlement plans. We have a number of examples of local development locational peculiarities, including development being situated in local landscape character areas that are topographically different to the core of the settlement, and development that isn't in tune with principles outlined in PAN 44 etc, and it is my opinion that part of the reason for this is that contour information has never been included on local plan settlement maps. Given the importance of landscape to the CNPA, I think it would be sensible that this issue be addressed. Recommend that contour information, as a fundamental consideration in fitting new development in the landscape, be included with settlement proposals. Because of the general landscape sensitivity of the CNP I would say that there is an argument for developers and the planning authority to agree a design statement (mentioned in section 5.7) for all new development at pre application stage, and this should be emphasised in relevant policies including policy 7-landscape. The design statement could cover issues of detail site layout, styles and material finishes of buildings, open space location and provision, hard and soft landscaping details and public access issues etc.

Recommend that relevant policy e.g. Policy 7 – Landscape include requirement for a design statement for all new development at pre-application stage.

Recommend inclusion of information on general development/ landscape design principles to ensure they are addressed in planning applications.

For this reason I have come to the conclusion that it is essential, particularly for areas of landscape sensitivity, that planning policy is worded as clearly and robustly as practical. Policy that tends to be worded along the lines of 'Development will not be permitted where' Is most useful when dealing with inappropriate or poorly designed development. If, as is current thinking, policy should be positively worded then 'Development will be permitted only where.....' should also be effective.

Related landscape issues:

The Aberdeenshire Local Plan contains Appendices that outline general development/landscape design principles and information that would be expected to be produced by an applicant for a full planning application etc. These appendices have proved to be valuable because many developers are not aware of, or reluctant to produce the level of landscape design information that is needed to adequately appraise a scheme. I would therefore suggest that this sort of information might be worthwhile including in the CNP Local Plan

Policy 7 - This is a bit vague - really needs a design guide to give more specific information and guidance on what will be acceptable. 4.35 highlights the quality of night skies but there is no info. on lighting design in new developments., again could form part of supplementary guidance. Development with adverse effects appears to be permitted if there are social or economic benefits and

mitigation.

Summary

Recommend that Policy 7 includes a requirement for a design statement for all new development at pre-application stage.

Recommend inclusion of information on general development/ landscape design principles to ensure they are addressed in planning applications.

Concern expressed that Policy 7 is too vague, and that a design guide is required to provide extra guidance on what would be acceptable.

Concern also expressed that development with adverse effects appears to be permitted if there are social or economic benefits and mitigation.

CNPA analysis

The issue of design statements is a valid point and will be considered under Policy 18 - design standards. Also note the comment regarding information displayed on the proposals maps and this will be reviewed for future plans. The importance of Policy 7 in terms of guiding development to the most appropriate landscape setting has been highlighted in the consultation process, and the wording of the policy will be reviewed to ensure it contains sufficient detail to allow for the implementation of the policy as intended. The links between the importance of landscape setting and other benefits including social and economic growth will be included within this.

Policy Policy 07

Name Glenmore Properties Ltd

Company Glenmore Properties Ltd

Objector Ref

453d

Agent Steve Crawford

Representation

Again the reference to local social and economic benefits is welcomed. This policy, however, adds a further undefined term — “economic benefits of primary importance to the aims of the National Park”. This too needs clarification to ensure consistency of decision making given that the Plan is to be used by a number of Planning Authorities. Much of the landscape is not wild and, although the Plan has recognised this, the justification section leans heavily on the wild elements of the Park. Most visitors to the Park will travel by road and therefore view the man-made elements of the Park (including settlements, buildings, roads, bridges, farmed land and cleared land). Conservation of this character and new development of an appropriate scale in an appropriate location are not mutually exclusive.

Modifications: Clarification and a recognition that development and conservation are not mutually exclusive.

Summary

The policy introduces another undefined term - “economic benefits of primary importance to the aims of the National Park”. Clarity is needed to ensure consistency of decision making across the CNPA and 4 Local Authorities.

In the background text the wording is too heavily focused on wild land, although much of the Park is characterised with man made elements. The fact that conservation and appropriate developments are not mutually exclusive should be recognised in the text.

CNPA analysis

Further work is needed to clarify how policies will be implemented through the development management process and to ensure the wording is not open to unnecessary interpretation. It is proposed to produce a series of working practice notes for use by staff across the

4 local authorities and the CNPA to ensure a consistent approach is taken. The comment is noted. Modifications will endeavour to clarify an 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 07

Name North East Mountain Trust **Company**

North East Mountain Trust

Objector Ref

443c

Representation

We believe there are important omissions. Wild land is a key feature of the National Park. Only after much pressure was this key aspect included in the Park Plan. In our submission on the Consultative Local Plan we pointed out how weakly this was addressed. Despite minor changes in wording, this remains the case. In para 4.35. In particular we note that policy 24 stated:-

“There will be a general presumption against the development of new vehicle hill-tracks, or upgrading/extensions to existing tracks, within the National Park. In exceptional circumstances, new tracks may be considered if all of the following criteria are met:

- The proposal can be demonstrated as vital for the efficient working of the estate/farm, and there are no existing tracks which can be utilised.

- There are no significant adverse environmental impacts on flora, fauna, habitats, drainage and landscapes/landforms which cannot be satisfactorily mitigated against. The track does not cross a designated site and cultural heritage issues (e.g. historic drove-roads or military roads) are carefully considered and protected.

- The track is constructed and maintained in line with SNH's Good Practice for Upland Vehicle Tracks.

- It would not adversely affect the amenity of existing public access; new tracks should give consideration to public access in their design (e.g. via stiles, signage). Steps should be taken to ensure that tracks which are no longer required are reinstated to an approved natural condition/reduced to footpath width.”

We object to the omission of this important policy and urge that, even as it stands, it needs strengthened if protection of wild areas is to be effective, as pointed out in our previous submission!

We also note that, in our previous submission, another NGO stated that:- 4.2 Landscape We support proposal1 in which the National Park Authority will consult on removing certain permitted development rights in the National Park with a view to seeking an Article 4 Direction to implement the proposals”

We note that this consideration is neither commented on, nor followed through in the Deposit Plan. We object to this omission and advocate that this proposal be carried through.

Summary

Policies should be included to ensure the protection of wild land and hill tracks, in line with comments made on the draft plan. Even within Policy 7 the wording should be strengthened if protection of wild areas is to be effective. Previous comment regarding the removal of permitted development rights have also been ignored and the section removed. This should be reinstated.

CNPA analysis

The policies within the plan have been devised to sit together, and all should be taken into account when considering any development
Cairngorms National Park Deposit Local Plan – Analysis of consultation – Section 3 Conserving and Enhancing the Park

proposal. The wording within the Introduction will be amended to clarify this position. In this regard, it is not considered necessary to include separate policies for developments such as hill tracks. The wording of Policy 7 will however be reviewed to ensure that modifications clarify the position 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 further comment regarding permitted developments is also noted. This is a functions which can be instigated by the Planning Authority in regard to particular developments, and does not require a local plan policy to do it. There is not therefore a need for an additional policy to cover such planning function.

Policy Policy 07

Name Mrs Spencer

Company

Objector Ref

017c

Representation

I think your policy is first class, but how do you ensure the implementation of this laudable aim? Having sat in on some of the Park's planning meetings, I know the Committee goes to great lengths to ensure "appropriate siting, layout, design and construction".

4.38 (pg 23) Unfortunately some developers seem to run rings round your decisions! Can you make someone undo that which does not "make a positive contribution to the special landscape qualities of the Park"?

4.39. Another excellent proposal, and one that I do hope you will be able to implement, since I understand 'the public' can currently only complain if the light pollution is of football stadium strength! I appreciate that there is an argument on safety grounds for appropriate lighting in towns, on 'estates', and, possibly, in villages. There is much less reason for it in rural areas, where most people reach their destination by car, using their headlights at nights, therefore lights permanently on along drives and outside houses (as opposed to the movement-sensitive variety) are un-necessary.

Summary

How do you ensure the implementation of this policy when some developers so not implement that carefully considered landscape sections of their planning permissions. This is also true for light pollution when not all lighting requires planning permission. Robust enforcement is required throughout.

CNPA analysis

The policy regarding landscape will be implemented through the planning process when development proposals are considered for permission. The detail of such permissions will be considered in the normal way and those issues which can be addressed by the planning process will be. No modification considered necessary as a result of this representation.

Policy Policy 07

Name Frogmore Estates Scotland Ltd

Company Frogmore Estates Scotland Ltd **Objector Ref** 026b

Agent Philip Clarke

Representation

2.6 SPP15 sets out the Scottish Executive's aspirations for a healthy rural economy, and recognises the need for an appropriate approach to rural development in order to secure this. It is relevant not only to general rural areas but also protected landscapes, including National Parks (Paragraph 3). SPP15 states (Paragraph 5) that the countryside should be able to absorb more people content to live and able to work there."

2.7 Given changes in living and working trends, it is recognised (Paragraph 10) that, whilst the natural and historic environment must be protected if the national vision is to be realised, planning policies should enable development in some areas which, hitherto, have not been considered suitable for development.

2.8 Policy 7 of the Deposit Local Plan requires that all development within the Park will be sited, laid out, designed and constructed so as to make a positive contribution to the special landscape qualities of the Cairngorms National Park.

2.9 Whilst any adverse impact upon the special landscape qualities of the Park should be avoided and enhancement encouraged, the determination of what might constitute a positive contribution to the special landscape qualities, rather than an appropriate neutral contribution resulting in no adverse effect, would be subjective under the terms of Policy 7 as it is currently worded.

2.10 The requirement that all development must make a positive contribution to the special landscape qualities of the Park is unduly restrictive, particularly in the context of SPP15, which seeks to encourage appropriate rural development. Consequently, objection is made to the wording of Policy 7, which should be modified to allow appropriate development in the rural area which will not have negative impact upon the landscape quality or special features of the Park.

2.11 It is, therefore, submitted that the first paragraph of Policy 7 — Landscape should be reworded to read: "All development will be sited, laid out, designed and constructed of materials so as to ensure no unacceptable adverse impact upon the special landscape qualities of the Cairngorms National Park."

Summary

Policy 7 is overly restrictive in terms of appropriate development in rural areas and as such is not in line with SPP15. Wording should be amended to "All development will be sited, laid out, designed and constructed of materials so as to ensure no unacceptable adverse impact upon the special landscape qualities of the Cairngorms National Park."

CNPA analysis

The wording of the policy will be reviewed to ensure that it is in line with national guidance on the topic, as well as striking an appropriate balance between development opportunities and protecting the special qualities of the area as identified as a National Park. Any amendments will be made as appropriate to ensure the underlying aim of the policy is achieved.

Policy Policy 07

Name Frogmore Estates Scotland Ltd

Company Frogmore Estates Scotland Ltd **Objector Ref** 026c

Agent Philip Clarke

Representation

2.12 PAN49: Local Planning (Paragraph 50, Page 17) states that policies must be properly justified to explain their intention, provide clear guidance to the public and the developer, and be expressed in simple, positive and unambiguous terms.

2.13 Accordingly, objection is made to the inclusion of the term “wildness” in the second paragraph of Policy 7. It states (Page 22) that: “Development that would have an adverse effect on the special landscape qualities of the Park, including its distinctive landscape character, scenic qualities, natural beauty, amenity, historic landscape elements or qualities of wildness will only be permitted where...”.

2.14 The qualities of wildness are subsequently illustrated in the Background and Justification for Policy 7 (Paragraph 4.35, Page 23), which refers to a combination of the landscape character, dark night skies, a sense of remoteness or a perceived absence of recent development as contributing to the sense of wildness.

2.15 The Consultative Draft Cairngorms National Park Local Plan made reference to ‘wild land character’. However, it was specifically stated (Paragraph 3.19, Page 20) to refer to land over 400m above sea level, as these areas have fewer recent developments and would generally be inappropriate for new development. These areas were subject to Policy 2 of the Consultative Draft Plan, which did not apply to the entire National Park. In the Deposit Plan, Policies 1 - 3 have been amalgamated into one general policy and the area-specific approach to control has been abandoned.

2.16 It is submitted that the elements attributed to “wildness” in the Deposit Local Plan are ambiguous and lack objectivity, and could be misapplied against any and all new development within the Cairngorms National Park, There is a risk that adverse impact upon wildness could be used as a broad-brush justification to refuse any development within the National Park whenever it introduces new building and/or lighting where there was none before. This would be out of keeping with the policy, aims and spirit of SPP15: Rural Development and would also be contrary to the provisions of PAN49: Local Planning.

2.17 It is recommended, therefore, that specific reference to “wildness” should be removed from Policy 7.

Summary

Object to the term 'wildness' in Policy 7. The elements attributed to “wildness” are ambiguous and lack objectivity, and could be misapplied against any and all new development within the Park, Adverse impact on wildness could be used as a broad-brush justification to refuse any development within the National Park whenever it introduces new building and/or lighting where there was none before. This would be out of keeping with the policy, aims and spirit of SPP15 and would also be contrary to the provisions of PAN49: Local Planning. Reference to “wildness” should be removed.

CNPA analysis

The wording of the policy will be reviewed to ensure that it is in line with national guidance on the topic, as well as striking an appropriate balance between development opportunities and protecting the special qualities of the area as identified as a National Park. Any amendments will be made as appropriate to ensure the underlying aim of the policy is achieved. In addition, more information will be included to define the terms used, and ensure the wording is clear and easy to understand.

Policy Policy 07

Name Kirsty Cameron, Archaeology **Company** The Highland Council

Objector Ref

470b

Representation

P22: I am pleased to see that historic landscape is included within Policy 7 – Landscape. I would hope that any historic landscape not Cairngorms National Park Deposit Local Plan – Analysis of consultation – Section 3 Conserving and Enhancing the Park

falling within the remit of Policy 8 - Gardens and Designed Landscapes, specifically, only those G&DL recognised by Historic Scotland, would fall under Policy 7.

Summary

Welcomes inclusion of historic landscape in Policy 7. Seeks reassurance that any historic landscape not falling within the remit of Policy 8, specifically, only those G&DL recognised by Historic Scotland, would fall under Policy 7.

CNPA analysis

The policy regarding landscape will be used when assessing any development proposal which would make an impact on the special landscape qualities of the Park. This would be in addition to policy 8 rather than instead of it. The intention throughout the plan is that all policies should be taken into account when considering any development proposal. The wording within the Introduction will be amended to clarify this position.

Policy Policy 07

Name The Cairngorms Campaign **Company**

The Cairngorms Campaign

Objector Ref

448c

Representation

Regarding policy 7, we believe there are important omissions. Wild land is a key feature of the National Park, only after much pressure was this key aspect included in the Park Plan. In our submission on the consultative Local Plan we pointed out how weakly this was addressed. Despite minor changes in wording, this remains the case. In para 4.35. In particular we note that policy 24 stated:-

“Policy 24: Upland Vehicular Tracks

There will be a general presumption against the development of new vehicle hill-tracks, or upgrading/extensions to existing tracks, within the National Park. In exceptional circumstances, new tracks may be considered if all of the following criteria are met:

- The proposal can be demonstrated as vital for the efficient working of the estate/farm, and there are no existing tracks which can be utilised.
- There are no significant adverse environmental impacts on flora, fauna, habitats, drainage and landscapes/landforms which cannot be satisfactorily mitigated against. The track does not cross a designated site and cultural heritage issues (e.g. historic drove-roads or military roads) are carefully considered and protected.
- The track is constructed and maintained in line with SNH's Good Practice for Upland Vehicle Tracks.
- It would not adversely affect the amenity of existing public access; new tracks should give consideration to public access in their design (e.g. via stiles, signage). Steps should be taken to ensure that tracks which are no longer required are reinstated to an approved natural condition/reduced to footpath width.”

We object to the omission of this important policy and urge that, even as it stands, it needs strengthened if protection of wild areas is to be effective, as pointed out in our previous submission!

We also note that, in our previous submission, we stated that:-

“4.2 Landscape: We support proposal 1 in which the National Park Authority will consult on removing certain permitted development rights in the National Park with a view to seeking an Article 4 Direction to implement the proposals”

We note that this consideration is neither commented on, nor followed through in the Deposit Plan. We object to this omission and advocate that this proposal be carried through.

Summary

The previous policy regarding hill tracks should be reinstated to protect wild land. The policy regarding landscape would not adequately protect such areas. The previous proposal regarding the removal of permitted development rights should also be reinstated.

CNPA analysis

The policies within the plan have been devised to sit together, and all should be taken into account when considering any development proposal. The wording within the Introduction will be amended to clarify this position. In this regard, it is not considered necessary to include separate policies for developments such as hill tracks. The wording of Policy 7 will however be reviewed to ensure that modifications clarify the position 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 further comment regarding permitted developments is also noted. This is a function which can be instigated by the Planning Authority in regard to particular developments, and does not require a local plan policy to do it. There is not therefore a need for an additional policy to cover such planning function.

Policy Policy 07 **Name** Anne MacNamara, Planning Directorate **Company** Scottish Government **Objector Ref** 422I

Representation

Policy 7 – Landscape is also welcomed and is consistent with national policy. It is not clear, however, if the social and economic benefits mentioned at a) are detailed in the Local Plan or elsewhere. Paragraph 4.39 reads more as additional policy guidance than background to the policy on landscape and consideration should be given to whether this is appropriate. Paragraph 4.60 mentions future recording of cultural heritage sites or features, but does not indicate who may carry this out.

Summary

The wording does not clarify if the social and economic benefits mentioned at a) are detailed in the Local Plan or elsewhere. Para 4.39 reads more as additional policy guidance than background to the policy on landscape – is this is appropriate. Para 4.60 who will carry out the future recording of cultural heritage sites or features?

CNPA analysis

The comments are noted and the policy will be revised to clarify the position and ensure that it is easy to understand and implement, and contains sufficient detail to guide developers and interested parties in line with SPP1.

Policy Policy 07 **Name** Scottish and Southern Energy Plc **Company** Scottish and Southern Energy Plc **Objector Ref** 447d
Agent Jones Lang Lasalle

Representation

"All development will be sited, laid out, designed and constructed of materials so as to make a positive contribution to the special landscape qualities of the Cairngorms National Park. Development that would have an adverse effect on the special landscape qualities of the Park, including its distinctive landscape character, scenic qualities, natural beauty, amenity, historic landscape elements or qualities of wildness will only be permitted where the adverse effects:

- a) Are outweighed by social or economic benefits of primary importance to the aims of the National Park; and
- b) Have been minimised and mitigated to the satisfaction of the planning authority through appropriate siting, layout, design and construction'

This policy provides two balancing considerations. Part (a) of the policy allows for adverse effects to be outweighed by social or economic benefits, but it states that these have to be of primary importance "to the aims of the National Park". It is considered that this aspect of the policy is overly restrictive and it conflicts with part (b) of policy 1 (see above) which allows for adverse effects on the qualities for which the Park has been designated to be outweighed by social or economic benefits of 'national importance'. There is therefore, an inconsistency that permeates through various policies (see further policies below). As noted above with reference to policy 1, the lack of identification of special qualities and areas where they exist make it impossible to take account of "special qualities" in particular locations when designing a project. Consequently, it cannot be said that this land use document assists with the direction of development to acceptable locations within the CNPA where there are no or limited special qualities. In this regard, this policy as currently drafted is contrary to the specific guidance in Scottish Planning Policy (SPP) 1 that policies in development plans should provide clear guidance to developers. I refer to this point further with reference to conclusions below.

Furthermore, it is not reasonable to expect mitigation of any adverse effect as suggested by the policy: reference should be made to 'significant' adverse effects.

Summary

Part (a) allows for adverse effects to be outweighed by social or economic benefits, but it states that these have to be of primary importance to the aims of the Park. This is overly restrictive and conflicts with b) in policy 1 which allows for adverse effects on the qualities for which the Park has been designated to be outweighed by social or economic benefits of 'national importance'. Without a definition of the special qualities of the park, make it impossible to take them into consideration when designing a project. As this policy does not help to direct development to acceptable sites the policy is therefore contrary to SPP1 (clear guidance). Further it is not reasonable to expect mitigation of any adverse effect. Reference should be made to 'significant' adverse effects.

CNPA analysis

In modifying the plan in the future checks and cross referencing will continue to ensure that the policies both within themselves, and when compared against each other, are not contradictory, and are clear, understandable and provide the appropriate level of detail for developers. The wording of the policy will also be reviewed to ensure that it is in compliance with national guidance and the terminology is reasonable and will deliver the original aims of the policy.

Policy Policy 07

Name Frank and Alison Bardgett

Company

Objector Ref

384b

Representation

We commend paragraph 4.35 "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".

Paragraph 4.39 however, is by no means sufficient as a defence against light pollution, as what is in effect a policy is relegated to a comment or aspiration in the Background and Justification section of Policy 7. By contrast, policies that have a longer history of enforcement are included as specific statements of Policy: see for example, the five (and more) sections of Policy 26 – Housing Proposals outside Settlements. Light pollution, because it is a newly recognised restraint on development, and because by its very nature it is a very widely perceived problem, ought to merit a separate Policy paragraph of its own and not to be subsumed under the generalities of Landscape. We therefore object to the current formulation of Policy 7 – Landscape.

Modifications to resolve this objection – Paragraph 4.39 should be reworded and become a final paragraph in the box on page 22, Policy 7 – Landscape, thus becoming a formal statement of Policy as follows: "the planning authorities will ensure that all consented developments minimise light pollution by seeking the minimum level of light provision in developments for security, safety and operation, as well as minimising light slippage from consented developments"

The effect of this alteration is to...

- retain the existing wording of Landscape, which in the worst cases would block development altogether where "wildness" would be badly compromised by potential light pollution;
- make it crystal clear that all developments under whatever policy need in addition to be considered under Policy 7, with regard to the mitigation of light pollution.
- This heightened emphasis is justified by the highlighting of the significance of dark skies in the National Park (para 4.35)

Summary

Support para 4.35. Para 4.39 however is not sufficient as a defence against light pollution as it is included only in the supporting text to the policy. To be enforceable it should be included in the policy: "the planning authorities will ensure that all consented developments minimise light pollution by seeking the minimum level of light provision in developments for security, safety and operation, as well as minimising light slippage from consented developments".

CNPA analysis

The comment is noted, and the wording of the supporting text will be revised to ensure that the appropriate level of protection is offered to the landscape and that where necessary, additional information is included within the Policy wording rather than the supporting text.

Policy Policy 07

Name Rona Main

Company Scottish Enterprise Grampian

Objector Ref

425e

Agent Steve Crawford

Representation

Again the reference to local economic benefits is welcomed. This policy, however, adds a further undefined term — “economic benefits of primary importance to the aims of the National Park”. This too needs further discussion with SE Grampian as the key economic development support body.

Summary

The term “economic benefits of primary importance to the aims of the National Park” should be defined.

CNPA analysis

The comment is noted and the supporting text will be revised to clarify the position and ensure the policy is clear and easy to understand.

Policy Policy 07	Name Roy Turnbull	Company	Objector Ref	390f
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Representation

The Policy is illogical. If all developments ... make a positive contribution to the special landscape qualities of the CNP, then the subset of developments that would have an adverse impact does not exist. The Policy should consist of the first paragraph only.

Summary

The Policy is illogical. If all developments ... make a positive contribution under the terms of the policy, there would be no developments having an adverse impact. The Policy should consist of the 1st para only

CNPA analysis

The comment is noted. 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.

Policy Policy 07	Name Jamie Williamson	Company	Alvie and Dalraddy Estate	Objector Ref	439i
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Representation

The economy within the Cairngorms National Park is already dominated by tourism and government. According to Andrew Harper (Head of Economic and Social Development for the Cairngorms National Park) 85% of the Park's employment is dependent on tourism (Verbal Communication at a meeting on 6th June 2007).

Although we don't know the full extent as to the dominance of tourism and government to the local economy it is likely to exceed 90% of the Park's gross domestic output. Economies so dominated by a single industry can suffer serious recession or even catastrophic collapse in the event of a downturn in the dominant industry. Examples are the many towns in the UK that were almost solely dependent on the coal industry and parts of Glasgow that were dominated by shipbuilding. A favourable landscape is important to the tourist industry but this should not be used to exclude other industries that might diversify the National Park's economic base and make the

Park's economy more sustainable and less susceptible to fluctuations in tourism.

Proposed Modifications –

(Delete All) Where possible and practical development will be sited, laid out designed and constructed of materials so as to make a positive contribution to the special landscape qualities of the Cairngorms National Park. Development that would have an adverse effect on the special landscape qualities of the Park, including its distinctive landscape character, scenic qualities, natural beauty, amenity, historic landscape elements or qualities of wildness will only be permitted where the adverse effects:

a) Are outweighed by social or economic benefits of (delete primary) importance to the (delete aims) economy of the National Park; and

b) Have been minimised and mitigated to the satisfaction of the planning authority through appropriate siting, layout design and construction.

Summary

The economy within the Park is already dominated by tourism and government. A greater balance on a variety of economic opportunities should be sought to avoid collapse in a downturn in the dominant industry. Amended wording -

In para 1 Delete 'All'

In para 1 commence para 'Where possible and practical'

In a) delete 'primary' and replace 'aims' with 'economy'

CNPA analysis

The comments regarding the economic balance within the Park are noted. The intention throughout the plan is however that all policies should be taken into account when considering any development proposal. The policies elsewhere in the plan regarding economic growth and tourism development should be considered. The wording within the Introduction will be amended to clarify this position. The wording of the policy will however be reviewed to ensure that its requirements are in line with the Park Plan and the aims of the Park established in the National Parks (Scotland) Act 2000 and are clear and reasonable.

Policy Policy 07

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

Objector Ref 400f(g)

Representation

We object as it is self contradictory to state "All developments .. will make a positive contribution to the special landscape qualities of the CNP" and then state "Development that would have an adverse effect on the special landscape qualities of the park ... will only be permitted..".

We object to "will" (in the second part of the preceding quote) as it appears to bypass the planning process by stating that developments "will" be permitted.

Object to a) and b) on grounds of lack of clarity and as they appear highly open ended. The DLP should at least provide an indication of what the type of social or economic benefit of primary importance to the aims of NP could outweigh adverse impact on such features as special landscape qualities. We also object to b) as the list of "siting, layout, design and construction" is incomplete. These four elements should be provided as examples rather than in a form that could be read as an exhaustive list. This Policy should be

reviewed in the light of the new report by Scottish Landscape Forum.

4.32 - We support reference to landscape as an asset. However we object to the statement that “most of the ..vegetation” is “the result of human activity” as this is misleading, and in addition could be construed as indicating that such vegetation could be recreated by further human activity.

4.35 and 4.39 - We welcome the reference to the importance of dark night skies as contributing to the sense of wildness, and that the planning authorities will minimise light pollution. Minimising light pollution is an important consideration and has multiple benefits.

4.35, 4.36 - We welcome the support for wildness in these paragraphs. We would very much welcome the CNPA taking to heart the following quote from W H Murray (1968):

“Wild, lonely, isolated country is a thing of very high value ...it is a value that has been greatly underestimated by all but a very few of our planners.. the remnants of wild Scotland will become a priceless asset, if we resolve now to keep them”.

We suggest that the CNPA recognises the importance of, and scope for, fostering areas close to communities where elements of wildness can provide inspiration and other benefits to many people. Such areas exist even in the heart of Aviemore (see comments on AV/ED2) and there are examples applicable to most communities (e.g. parts of C/H1 and C/OS2; parts of NB/H2 and NB/ED1). Indeed one of the special qualities of our district is the wealth of such areas in and around most of our communities. We are concerned that some treasured examples are threatened in this DLP.

4.37 - We welcome reference to the use of specialist professional advice to inform the decision-making process.

4.40 - We welcome the assessment of cumulative impacts.

We are concerned that modification of permitted development rights e.g. allowing exemptions for developments associated with agriculture and forestry referred to in the draft plan seem to escape mention in the DLP. We support expanding the realm of planning control and see this as especially relevant in the context of landscape (see the recently erected blacksmith shed by the B970 on Rothiemurchus Estate). We are concerned that the DLP should seek to address the loophole to good planning control through these rights

Summary

Statements within the policy are contradictory and to “will” as it implies permission is already granted.

a) and b) need additional clarity as the policy should indicate what type of social or economic benefit could outweigh adverse impact on such features as special landscape qualities.

In b) the list of “siting, layout, design and construction” is incomplete as these should be used as examples, not a definitive list. The Policy should be reviewed in the light of the new report by Scottish Landscape Forum.

Para 4.32 - “most of the ..vegetation” is “the result of human activity” is misleading, and could be construed as indicating that such vegetation could be recreated by further human activity.

Para 4.35 and 4.39 – support efforts to minimise light pollution.

Para 4.35, 4.36 – Support the reference to wildness and urge the recognition of areas close to communities where elements of wildness provide inspiration and other benefits to many people.

Para 4.37 – Support reference to the use of specialist professional advice to inform decision-making.

Para 4.40 – Support the assessment of cumulative impacts and would support the expansion of planning control in regard to the impact development has on landscape.

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. In this review the proposed rewording will be assessed and the appropriate amendments made.

Policy Policy 07

Name Phil Rowsby

Company

SRPBA

Objector Ref

429o

Representation

The SRPBA object to paragraph 1 being so subjective. Again, the SRPBA would reiterate that design issues are costly and can hinder the provision of affordable housing.

Summary

Para 1 is too subjective. Also design issues can be costly and hinder the provision of affordable housing.

CNPA analysis

The wording of the policy will be reviewed to ensure that its requirements are in line with the Park Plan and the aims of the Park established in the National Parks (Scotland) Act 2000 and are clear and reasonable. Any amendments to draw the wording in line with these will be made by way of modification. The additional comments regarding the level of detail are also noted and the modifications will endeavour to resolve this and clarify the position and intent of this policy. Further issues regarding design issues will be considered in more detail under policy 18.

Policy Policy 07

Name Hebe Carus

Company The Mountaineering Council of Scotland

Objector Ref 024f

Representation

Much of the “social and economic benefits of primary importance to the aims of the Park” are dependent on the landscape character. This is the quality that motivates people to visit (so spend money supporting the local economy and jobs) and live in the Park (supporting the social benefits). Hence, it is difficult to see how adverse effects on the special landscape quality can be outweighed by the economic and social benefits. It could be argued that minor adverse impacts within the settlements, for example, will not significantly affect the benefits accrued from landscape quality. However, MCofS urges that any adverse effects on the wildness qualities in and on the fringes of the mountain areas need protected to preserve the integrity of the Parks qualities. This zone should be given higher standards of criteria to protect the core landscape. The Landscape Character Assessment (LCA) could be used to define this higher level landscape area as the Plateau and Upland & Glens categories. We welcome the emphasis on wildness, but 4.36 states “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." Hence the areas of "wildness" needs to be given greater weight in any balancing against social and economic benefits.

Summary

Concern that the Policy states adverse effects on the special landscape quality can be outweighed by economic and social benefits. MCofS seeks protection against adverse effects on the wildness qualities in and on the fringes of the mountain areas in the Park. Suggest using Landscape Character Assessment to define this higher level landscape areas as the Plateau and Upland & Glens categories. Also then suggest these areas of 'wildness' should be given greater weight in any balancing against social and economic benefits.

CNPA analysis

Modifications will 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 wording used within this policy will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use together with ensuring the appropriate level of protection and compliance with national and international obligations placed on the CNPA.

Policy Policy 07

Name John Anderson

Company Kincaig & Vicinity Community Council

Objector Ref 463g

Representation

We generally support the Alvie Estate view on this Policy.

KVCC comment: Makes reference to 'all development will be sited, laid out, designed and constructed of materials so as to make a positive contribution to the special landscape qualities of the Cairngorms National Park.' See also Policy 18 for possible conflict.

Summary

Generally support Alvie estate view on this policy. Questions possible conflict with policy 18.

CNPA analysis

The comment is noted. The issue will be considered under the Alvie representation. 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.

Policy Policy 07

Name Susan Davies

Company Scottish Natural Heritage

Objector Ref 465j

Representation

We support the first paragraph of this policy. However, we recommend that the wording is changed slightly, referring to "location, siting and design" instead of "sited, laid out, designed and constructed of materials." We also recommend that "landscape character" is substituted for, or used in addition to, "special landscape qualities." Landscape character being a concept and term more widely

understood and used. However, we are concerned that the second paragraph - including clauses a and b - runs counter to Section 9(6) of the National Parks (Scotland) Act 2000 by indicating that significant adverse effects on the Park's special landscape qualities can be outweighed by social or economic benefits of importance to the aims of the National Park. This is also inconsistent with the final paragraph of Policy 1. Our concerns here are the same as those we raise in relation to Policy 4.

Our recommended approach to resolving these problems is to remove the whole second paragraph of Policy 7, including clauses a and b, and rely on a revised Policy 1 to protect the special landscape qualities of the Park. This approach would best be accompanied by a clear statement that landscape character, scenic qualities, natural beauty, amenity, historic landscape elements and qualities of wildness are key components of the Park's special natural heritage qualities. We recommend leaving the first paragraph of Policy 7, and adding some words to reflect the contents of paragraph 4.39 which appears to contain additional policy. We offer a possible revised wording at Annex 2.

Para 4.35 - It would be useful to refer to the work starting shortly to identify where wildness can be experienced in the Park, and to the role the outputs will have in development management decisions and the forthcoming landscape management plan.

Para 4.37 - We recommend that this paragraph explains about the work underway to prepare a landscape management plan. The Park Plan indicates that the landscape management plan 'will form the basis of decisions related to planning control', so it is important to refer to it here.

Suggested rewording - Policy 7

All development proposals will be assessed in terms of siting, layout, design, construction materials and minimisation of light pollution, and will be expected to make a positive contribution to the special landscape qualities of the National Park.

Summary

Support the first para, but seek slight changes to the wording as follows: All development proposals will be assessed in terms of siting, layout, design, construction materials and minimisation of light pollution, and will be expected to make a positive contribution to the special landscape qualities of the National Park. .Concern expressed that the second para runs counter to Section 9(6) of the National Parks (Scotland) Act 2000 by indicating that significant adverse effects on the Park's special landscape qualities can be outweighed by social or economic benefits of importance to the aims of the National Park. This is also inconsistent with the final paragraph of Policy 1. Seek the removal of the whole 2nd para in Policy 7, and rely on a revised policy 1 to protect the special landscape qualities of the Park. This approach should be accompanied by a clear statement that landscape character, scenic qualities, natural beauty, amenity, historic landscape elements and qualities of wildness are key components of the Park's special natural heritage qualities. Recommend leaving the first paragraph of Policy 7, and adding some words to reflect the contents of paragraph 4.39 which appears to contain additional policy.

4.35 - refer here to the forthcoming work identifying where wildness can be experienced in the Park, and to the role the outputs will have in development management decisions and the forthcoming landscape management plan.

4.37 - Recommend that this paragraph explains about the preparation of a landscape management plan. The Park Plan indicates that the landscape management plan 'will form the basis of decisions related to planning control', so it is important to refer to it here.

CNPA analysis

The proposed rewording is noted and will be considered in a review of this policy. The wording of the policy will be reviewed to ensure that its requirements are in line with the Park Plan and the aims of the Park established in the National Parks (Scotland) Act 2000 and are

clear and reasonable. Any amendments to draw the wording in line with these will be made by way of modification.

Policy Policy 07	Name Robert Maund	Company Scottish Council for National Parks	Objector Ref	434e
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Representation

Policy 7 states that 'all development..., will make a positive contribution to the special landscape qualities of the Cairngorms National Park'. How can this be justified when, for example, in Kincaig, there is a newly completed development which is of poor design and a proposal in the Plan to allocate adjacent land for housing of similar density in an open location? Policy 7 is not as firm in its resolve as that contained in the consultative draft and the outcomes could vary depending on who is interpreting the policy. The removal of Proposal I concerning Permitted Development Rights does not help matters.

Summary

How can all development make a positive contribution to landscape qualities when there are many examples in the area where new development is of poor design, and allocations suggest more of the same during the life of the plan. The wording is not as firm in its resolve as that contained in the draft plan and the outcomes could vary depending on who is interpreting the policy. The removal of Proposal 1 from the previous plan concerning Permitted Development Rights does not help.

CNPA analysis

The comment is noted. New development proposals will be assessed against the policies contained within this plan, and CNPA will work closely with the 4 local authorities to ensure that the policies are implemented in a consistent manner across the Park. The wording of the policy will be reviewed to ensure it is robust and reasonable while providing the necessary level of guidance to developers. The issue of permitted development rights is something that can be carried out by the Planning Authority in its normal function and does not therefore require an additional local plan policy.

Policy Policy 07	Name Dr A Watson	Company	Objector Ref	020e
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Representation

4.32, last 4 lines. This is erroneous to the extent of being nonsensical.

4.33 line 2, mix is a verb, mixture the noun

4.35 last sentence. Good, but the policy implications are left unstated. What about removing unnecessary lighting, especially if it is out of place, such as the floodlighting of Corgarff Castle and Ruthven Barracks. Also wastes energy.

Summary

para 4.32 last four lines are incorrect

para 4.33 line 2 replace mix with mixture

4.35 - agree with principle, but plan needs to recognise this should lead to action. Policy should make this action clear

CNPA analysis

The comments regarding the text used are noted and the wording will be amended to ensure clarity and ease of use.

Policy Policy 08 **Name** Kirsty Cameron, Archaeology **Company** The Highland Council **Objector Ref** 470c

Representation

P24 para 4.45: The final sentence should be amended to say that '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.' As all such features should be reported to and recorded on the SMR/HER once identified – the maintenance of a SMR/HER is an ongoing process and sites will continually be added as they are identified within the Park and its landscapes.

Summary

Para 4.45 add 'yet' to 'not recorded'. As all such features should be reported to and recorded on the SMR/HER once identified – the maintenance of a SMR/HER is an ongoing process and sites will continually be added as they are identified within the Park and its landscapes.

CNPA analysis

The proposed amendment to the wording of para 4.45 will be added as a modification.

Policy Policy 08 **Name** Mrs Jane Angus **Company** **Objector Ref** 437d

Representation

Gardens and designed Landscapes: 4.41-6, p.24. Policy 8 The question as to whether funds will be available for retention of listed or unlisted but known gardens, remains.

Summary

There is a question over whether funds will be available for retention of listed or unlisted but known gardens.

CNPA analysis

The CNPA do not provide funding at present for the preservation or restoration of listed or unlisted but important remains. Although an important part of our cultural heritage, it would not be relevant to add a policy within the Local Plan to suggest this. The issue could be considered as part of the implementation of the 1st aim of the Park. No modification considered necessary as a result of this representation.

Policy Policy 08 **Name** Mr Michael Bruce **Company** Glen Tanar Estate **Objector Ref** 403c
Agent Sinead Lynch

Representation

An objection is maintained to Policy 8 — Guidance and Designed Landscapes, specifically in relation to the extent of land at Glen Tanar designated as designed landscape. An area of landscape has been designed and is shown on the plan attached existing at Appendix 2. When this designation was originally drawn in the 1960s-1970s, the Estate attempted to influence the designation to exclude land that clearly had not been designed. Areas of forestry and/or woodland have been included as part of the designation, despite being clearly outwith the designed landscape of Glen Tanar. It is considered that a more appropriate designation would be that as illustrated on the plan at Appendix 2. We would submit that the Local Plan should be amended accordingly.

Summary

The designation for the designed landscape within Glen Tanar estate should be amended in line with the map provided.

CNPA analysis

The designation of designed landscapes is undertaken by Historic Scotland. The proposal will be forwarded to the relevant Historic Scotland for their consideration, and if they are of the view that the site should be designated, the boundary will be added to the Local Plan maps.

Policy Policy 09	Name Jamie Williamson	Company	Alvie and Dalraddy Estate	Objector Ref	439j
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Representation

In glens and straths that are relatively narrow there may be situations where important developments such as a road or railway cannot be reasonably constructed without relocating a scheduled ancient monument. It is important that the Cairngorms National Park Local Plan is not so prescriptive as to preclude reasonable decisions and common sense solutions.

Proposed Modifications –

There will be a presumption that Scheduled Ancient Monuments and other identified nationally important archaeological resources will be preserved in situ, 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 evaluation 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.

Summary

The policy should not be so prescriptive to preclude reasonable decisions and common sense solutions.

Amended wording – begin para 1 'there will be a presumption that'

CNPA analysis

The 1st aim of the Park is to conserve and enhance the natural and cultural heritage of the area, and the policy has been worded in a

way to achieve this in line with national policy guidance and advice. The wording of the policy will however be reconsidered to ensure that the appropriate level of protection is offered balanced against the aspirations of communities to secure active and economically fulfilling futures.

Policy Policy 09 **Name** John Anderson **Company** Kincaig & Vicinity Community Council **Objector Ref** 463h

Representation

Policy 9 - We support the Alvie Estate view on this Policy.

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 09 **Name** Kirsty Cameron, Archaeology **Company** The Highland Council **Objector Ref** 470d

Representation

Policy 9 – Archaeology: The third paragraph could be amended to use the word 'appraisal' instead of 'evaluation' as this would adequately cover both desk-based and field work required in advance of determination. para 4.47 & 4.48: These paragraphs should also mention the potential for the survival of further sites not yet recorded either in the NMRS or the SMR/HER - the potential sites are also a fragile and irreplaceable resource that must be considered within the development planning and the development control processes.

Summary

Seeks amendment of third para to use the word 'appraisal' instead of 'evaluation' as this would adequately cover both desk-based and field work required in advance of determination.

Seeks changes to paras 4.47 and 4.48 so that they mention the potential for the survival of further sites not yet recorded either in the NMRS or the SMR/HER

CNPA analysis

The comments regarding the proposed rewording are noted. In para 3 of the policy the change will be included as a modification proposal. In paras 4.47 and 4.48 the appropriate alterations will be made to make reference as suggested.

Policy Policy 09 **Name** The Cairngorms Campaign **Company** The Cairngorms Campaign **Objector Ref** 448d

Representation

We support this policy but, as in our previous submission, maintain that military roads are of particular significance in the Park and have recently been eliminated in at least one site in the Park, being unscheduled. A particular mention should therefore be made of these.

Summary

Support this policy, but feel that military roads should be specifically mentioned

CNPA analysis

The comment is noted. Further clarification on sites at particular risk will be added to the supporting text.

Policy Policy 09 **Name** North East Mountain Trust **Company** North East Mountain Trust **Objector Ref** 443d

Representation

We support this policy but, as in our previous submission, maintain that military roads are of particular significance in the Park and have recently been eliminated in at least one site in the Park, being unscheduled. A particular mention should therefore be made of these.

Summary

Military roads are of particular significance in the Park and have recently been eliminated in at least one site in the Park, being unscheduled. A particular mention should therefore be made of these.

CNPA analysis

The comment is noted. Further clarification on sites at particular risk will be added to the supporting text.

Policy Policy 09 **Name** Phil Rowsby **Company** SRPBA **Objector Ref** 429m

Representation

We believe that reference should be made to national or other planning policies where appropriate in this policy.

Summary

There should be reference to national or other planning policies where appropriate

CNPA analysis

The format adopted by the Local Plan has endeavoured not to repeat the advice provided through other documents such as national policy, but has distilled the key elements of that advice and guidance into the wording of the various policies. However to assist clarity, the reference in para 4.48 will be expanded.

Policy Policy 09,10

Name Mrs Jane Angus

Company

Objector Ref

437e

Representation

Cultural and Archaeology 4.47-9 p. 25 Policy 9-10 as above, sites are not all recorded. Moreover we have no idea of future techniques, (Policy 16, p33 Listed Buildings.) so careful retention of material samples is important. 'Retention while practicable' Policy 10 p.26 is fair enough, but again ,may have to be taken to court for definitions.

Summary

Not all sites are recorded and we do not know about future recording techniques, so careful retention of material samples is important. The wording should not be open to interpretation.

CNPA analysis

Further work is needed to clarify how policies will be implemented through the development management process and to ensure the wording is not open to unnecessary interpretation. It is proposed to produce a series of working practice notes for use by staff across the 4 local authorities and the CNPA to ensure a consistent approach is taken.

Policy Policy 10

Name Rona Main

Company

Scottish Enterprise Grampian **Objector Ref**

425f

Agent Steve Crawford

Representation

Preservation of listed buildings is enshrined in national planning policy. This local policy reflects that but we suggest that it should include, perhaps in its background and justification, allowance for the extension of a listed building where it forms an extension to an existing business in order that the business could improve its offering or simply expand.

Summary

The policy should also allow for the extension of a listed building to allow for an expanding or improving business.

CNPA analysis

The comment is noted. Although the wording does not mention particularly the extension of the building for business use, the wording does not preclude this and focuses on ensuring the physical works are appropriate for that building. No modification considered necessary as a result of this representation.

Policy Policy 10

Name Maurice Stack

Company Aberdeenshire Council

Objector Ref

473d

Representation

In relation to policy 10-listed buildings, it's noted that there are 424 listed buildings in the CNP area. In relation to housing development in particular, Aberdeenshire Council is currently dealing with a number of large-scale housing applications justified as 'enabling development' relating to listed buildings at risk. The principles of enabling development are outlined in paragraph 57 of NPPG It is my

opinion that enabling development is open to some interpretation by developers and is being used to justify proposals for many hundreds of houses for countryside sites, associated with listed buildings at risk, that otherwise would be unacceptable for housing or development generally. I think the CNP Authority should be aware of this, and it would be appropriate that the issue be addressed in the local plan document with appropriately worded policy to ensure that developers don't interpret enabling development for a scale well beyond what was originally envisaged in NPPG 18 etc. Recommend that the Plan address the issue of enabling development in relation to listed buildings in order to avoid misinterpretation of the intentions of national policy guidance (NPPG18).

Policy 10 Listed Buildings - 1st para. Should add "possessed" as well as "possesses" – it may not possess many features of interest any more but there is an opportunity through development to try to restore those which it did have.

3rd para. Doesn't read very well.

Who decides what is a reasonable price for the marketing?

National Trust could argue all buildings are capable of repair and re-use whether that it financially viable is another issue.

Summary

Suggest that the Plan address the issue of enabling development in relation to listed buildings in order to avoid misinterpretation of the intentions of national policy guidance (NPPG18).

1st para - Should add "possessed" as well as "possesses" – it may not possess many features of interest any more but there is an opportunity through development to try to restore those which it did have. Questions who decides what is a reasonable price for the marketing?

CNPA analysis

The comments regarding enabling development and marketing are noted. Further work is needed to clarify how policies will be implemented, including occasions such as this and the wording must ensure that the policy is not open to unnecessary interpretation. The additional comments regarding wording are also noted and the policy will be revised to ensure that it is clear and provides the appropriate level of guidance for developers.

Policy Policy 11

Name Maurice Stack

Company

Aberdeenshire Council

Objector Ref

473e

Representation

The comments on demolition in conservation areas are good, would help with some cases. Requiring full planning applications for all development in conservation areas seems a bit harsh, is it possible to do that? Surely an outline is acceptable with careful conditioning for the reserved matters.

Summary

Concern that it is actually not possible to require full planning applications for all development in conservation areas, and thinks this is too restrictive.

CNPA analysis

The comment is noted and legal advice will be sought to ensure the wording complies with the requirements of local plan policies as

established in national guidance and advice.

Policy Policy 11	Name Rona Main	Company Scottish Enterprise Grampian	Objector Ref	425g
	Agent Steve Crawford			

Representation

Similar to policy 10 this policy should, perhaps in its background and justification, include an allowance for the extension of buildings in conservation areas where it forms an extension to an existing business in order that the business could improve its offering or simply expand. The policy is predicated on Conservation Appraisal and Management Plans — these should be subject to a robust consultation process to be effective. Conservation and development are not mutually exclusive and Management Plans should not create too onerous requirements where these are not justifiable.

Summary

The policy should also allow for the extension of a listed building to allow for an expanding or improving business. The use of conservation appraisals and management plans should be the subject of consultation and should not create too onerous requirements where they are seen to be justifiable.

CNPA analysis

The comment is noted. Although the wording does not mention particularly the extension of buildings for business use, the wording does not preclude this and focuses on ensuring the physical works are appropriate for the designated conservation area. The preparation of conservation area appraisals and management plans will be carried out in conjunction with the 4 local authorities, and will undergo public consultation in the normal way. No modification considered necessary as a result of this representation.

Policy Policy 11	Name Glenmore Properties Ltd	Company Glenmore Properties Ltd	Objector Ref	453e
	Agent Steve Crawford			

Representation

The policy is predicated on Conservation Appraisal and Management Plans — these should be subject to a robust consultation process to be effective. Conservation and development are not mutually exclusive and Management Plans should not create too onerous requirements where these are not justifiable.

Modifications: - Commit to robust consultation on the Conservation Management Plans and appraisal.

Summary

Any conservation area appraisal or management plan must be subject to wide consultation and their requirements should not make the requirements for new development too onerous.

CNPA analysis

The preparation of conservation area appraisals and management plans will be carried out in conjunction with the 4 local authorities, and will undergo public consultation in the normal way. No modification considered necessary as a result of this representation.

Policy Policy 11	Name M T Collings	Company	Objector Ref 395c
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Representation

No Plan has a legend showing building conservation areas.

Modifications to resolve this objection - Groups of traditional stone built 1 and 1 1/2 storeys in the centres of smaller communities should be conserved to provide a reference for cultural design standards for Policies 12 and 18 and maps marked accordingly.

Summary

Conservation areas should be marked on the proposals maps, and should be extended to include groups of Groups of traditional stone built 1 and 1 1/2 storeys in the centres of smaller communities to protect their cultural heritage.

CNPA analysis

Conservation Areas are marked on the Proposals Maps. In regard to suggesting areas warranting additional protection, the policies referred to in the representation together with the other policies of the plan which must be considered collectively for all development proposals provide an appropriate level of protection and promotion of good quality new design. Also of relevance is policy 12 regarding local cultural heritage. No modification considered necessary as a result of this representation. No modification considered necessary as a result of this representation.

Policy Policy 11	Name John Anderson	Company Kinraig & Vicinity Community Council	Objector Ref 463i
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Representation

KVCC comment: Makes reference to 'Trees with Conservation Areas are protected'. Present regulations tend to be over protective of native birch, particularly adjacent to rail and road links, where large trees often give little warning (if any) of impending collapse.

Summary

State that present regulations tend to be over protective of native birch, particularly adjacent to rail and road links, where large trees often give little warning (if any) of impending collapse.

CNPA analysis

The comment is noted. Cross referencing will be made to current regulations regarding trees in conservation areas. Further clarification may be necessary in the supporting text to expand on precisely what the level of protection includes.

Policy Policy 11 **Name** North East Mountain Trust **Company** North East Mountain Trust **Objector Ref** 443e

Representation

While we support this policy in general, as in our previous submission, we submit that particular mention should be made of the planned villages within the park as an almost uniquely Scottish cultural feature reflecting key historical movement such as the lowland clearances. What is missing from this general area is any policy clearly aimed at improving the reverse of such attractive settlements. In our previous submission we referred to “the ramshackle architectural incoherence of Aviemore” and would point also to the social incoherence this is fostering. There is a need for a policy that specifically aims to tackle such problem areas proactively.

Summary

Particular mention should be made of the planned villages within the park as an almost uniquely Scottish cultural feature reflecting key historical movement such as the lowland clearances. There seems to be no policy aimed at improving the reverse of such attractive settlements.

CNPA analysis

Conservation Areas are marked on the Proposals Maps. In regard to suggesting areas warranting additional protection, policies 11 and 18 in particular together with the other policies of the plan which must be considered collectively for all development proposals provide an appropriate level of protection and promotion of good quality new design. Also of relevance is policy 12 regarding local cultural heritage. No modification considered necessary as a result of this representation.

Policy Policy 11 **Name**The Cairngorms Campaign **Company**The Cairngorms Campaign **Objector Ref** 448e

Representation

While we support this policy in general, as in our previous submission, we submit that particular mention should be made of the planned villages within the park as an almost uniquely Scottish cultural feature reflecting key historical movement such as the lowland clearances.

What is missing from this general area is any policy clearly aimed at improving the reverse of such attractive settlements. In our previous submission we referred to “the ramshackle architectural incoherence of Aviemore” and would point also to the social incoherence this is fostering. There is a need for a policy that specifically aims to tackle such problem areas proactively.

Summary

Planned villages particular to this region should be particularly mentioned. There should also be a policy on how to improve small settlements which have seen inappropriate development in recent years.

CNPA analysis

The policies of the plan aim to support the improvement of the built environment across the Park and in particular policies to consider are policy 11 regarding conservation areas, and for non designated areas, policy 22 regarding settlement improvements. Together with

the other policies of the plan which must be considered collectively for all development proposals, it is felt that an appropriate level of protection, and promotion of good quality new design is included. No modification considered necessary as a result of this representation.

Policy Policy 11 **Name** Dr Sheila Sedgwick **Company** Ballater & Crathie Community Council **Objector Ref** 091e

Representation

3. There are four conservation villages.

Summary

There are 4 conservation villages

CNPA analysis

The comment is noted. The conservation areas are marked on the proposals maps. No modification considered necessary as a result of this representation.

Policy Policy 11,12 **Name** Mrs Jane Angus **Company** **Objector Ref** 437f

Representation

No demolition until contracts for replacement after planning approval 4.47 This calls for eternal vigilance and a recognition of the need for private and personal support. No doubt the Design Guide will have details of information and assistance to owners. Other sites Policy 12 p 28 4.58-60 deals with commercial developments and again can be contentious especially in light of the SEA statements.

Summary

The comment regarding demolition being linked to letting of contracts for replacement is open to abuse and could be contentious.

CNPA analysis

The wording of the policy can be secured through planning condition and enforced in the normal way. No modification considered necessary as a result of this representation.

Policy Policy 12 **Name** The Crown Estate **Company** The Crown Estate **Objector Ref** 419b
Agent Debbie Mackay

Representation

The use of the phrase: "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" is too vague and the accompanying definitions in the text, will create significant uncertainty in the development process. As the features mentioned are

unlikely to be covered by protective designations, there will present great difficulty to the applicant and the planning authority in assessing whether a particular feature should be considered under this policy.

Modifications to resolve this objection -

The Local Plan should provide greater clarity as to the type of feature and how the relative importance of such features is to be assessed in the planning process.

Summary

The wording is too vague and will create uncertainty. The wording should be clarified as to the type of feature and how the relative importance of such features is to be assessed in the planning process.

CNPA analysis

Further work is needed to clarify how policies will be implemented through the development management process and to ensure the wording is not open to unnecessary interpretation. It is proposed to produce a series of working practice notes for use by staff across the 4 local authorities and the CNPA to ensure a consistent approach is taken.

Policy Policy 12

Name Kirsty Cameron, Archaeology

Company The Highland Council **Objector Ref** 470e

Representation

I welcome the explicit inclusion of the setting of a site within this policy.

para 4.58: This should be amended to say 'The National Park contains many such examples that are not yet protected by designation or recorded systematically or officially' as all the specified examples should be recorded within the SMR/HER where known.

para 4.60: This paragraph should also mention the potential for unrecorded sites to survive – perhaps phrased as '...impact on recognised or potential sites of features of cultural heritage significance...'.

Summary

Welcome explicit inclusion of the setting of a site within this policy. Change para 4.58 to add 'yet' before 'protected'. Change para 4.60 to read '...impact on recognised or potential sites of features of cultural heritage significance...'.

CNPA analysis

The proposed wording is noted and the appropriate modifications will be added to the supporting text.

Policy Policy 12

Name Maurice Stack

Company

Aberdeenshire Council

Objector Ref

473f

Representation

Who will objectively assess the significance of the feature? The policy would be used by potential objectors to stifle the planning process. Also mitigation measures could potentially make the development unviable. Wasn't something similar removed from ALP?

Summary

Question who would objectively assess the significance of the feature. Concern that the policy will be used by objectors to stifle the planning process, and that mitigation measures could make developments unviable.

CNPA analysis

Further work is needed to clarify how policies will be implemented through the development management process and to ensure the wording is not open to unnecessary interpretation. It is proposed to produce a series of working practice notes for use by staff across the 4 local authorities and the CNPA to ensure a consistent approach is taken.

Policy Policy 12	Name John Forbes-Leith Esq	Company Dunachton Estate	Objector Ref	418b
	Agent Debbie Mackay			

Representation

The use of the phrase: "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" is too vague and the accompanying definitions in the text, will create significant uncertainty in the development process. As the features mentioned are unlikely to be covered by protective designations, there will present great difficulty to the applicant and the planning authority in assessing whether a particular feature should be considered under this policy.

Modifications to resolve this objection -

The Local Plan should provide greater clarity as to the type of feature and how the relative importance of such features is to be assessed in the planning process.

Summary

The wording is too vague and will create uncertainty. The wording should be clarified as to the type of feature and how the relative importance of such features is to be assessed in the planning process.

CNPA analysis

Further work is needed to clarify how policies will be implemented through the development management process and to ensure the wording is not open to unnecessary interpretation. It is proposed to produce a series of working practice notes for use by staff across the 4 local authorities and the CNPA to ensure a consistent approach is taken.

Policy Policy 13	Name Maurice Stack	Company	Aberdeenshire Council	Objector Ref	473g
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Representation

Policy 13 - covers all of the key issues but water resources and the impact of development - impact on water bodies and abstraction issues are becoming significant particularly on the River Dee (SAC). So section d) minimise use of water will be critical especially during periods of low flow which is likely to increase with climate change

Welcome Policy 13 in relation to the increasing importance of abstraction issues for the River Dee (SAC).
Policy 13 Water Resources - "significant" risk of flooding – what is "significant"?

Summary

Welcome Policy 13 in relation to the increasing importance of abstraction issues for the River Dee (SAC).
Questions what is a "significant" risk of flooding?

CNPA analysis

The comment is noted. The wording of the policy will be reviewed to ensure it is clear and provides an appropriate level of guidance for developers and interested parties. Further work is needed to clarify how policies will be implemented through the development management process and to ensure the wording is not open to unnecessary interpretation. It is proposed to produce a series of working practice notes for use by staff across the 4 local authorities and the CNPA to ensure a consistent approach is taken.

Policy Policy 13

Name Nicola Abrams

Company SEPA

Objector Ref 399e

Representation

Objection - SEPA welcomes the inclusion of a policy in the plan which requires that development must not have a significant adverse impact on the water environment, however, SEPA objects to the wording of the policy and requests that this be reworded to provide greater clarity.

Reason for Objection - SEPA considers that the term the water environment is not clearly defined in the policy (although we recognise that further clarity is provided in 4.63). The Policy does not fully accord with the provision of NPPG14, SPP1 and other guidance. The Water Environment and Water Services (Scotland) (WEWS) Act 2003 implements the EC Water Framework Directive (2000/60/EC), which is aimed at maintaining and improving the quality of aquatic ecosystems and requires that any ecological risks associated with development (including engineering operations) in rivers, tidal and coastal waters be identified and controlled. One of the key tasks of the Water Framework Directive regime is the production of River Basin Management Plans and SEPA considers that the land use planning system has an important role to play in maintaining and enhancing the water environment, particularly prior to River Basin Management Plans being produced. Furthermore under the WEWS Act Local Authorities are Responsible Authorities and therefore must give consideration to the aims of the Directive when exercising their functions.

Suggested Modifications - SEPA would remove its objection if the Policy was amended to recognise the role of the land use planning system in delivering the objectives of the Water Framework Directive. SEPA recommends that the Policy require that any development which would result in deterioration in ecological status or ecological potential (as defined in terms of the Directive) or prejudice the ability to restore such water bodies to good ecological status be refused, unless a derogation in Water Framework Directive terms applies. It is important that the policy applies to water bodies and not just watercourses as the Directive applies to surface waters, groundwater and wetlands as defined in Section 3 of WEWS 2003. The aim of the Policy would be to provide these water bodies with adequate protection against insensitive engineering works that could result in unacceptable ecological impacts. This is to meet the requirements of the Water Framework Directive, SPP1 and NPPG 14.

Summary

Greater clarity in the wording of this policy is required. The term the water environment is not clearly defined (although we recognise that further clarity is provided in 4.63). The Policy does not fully accord with the provision of NPPG14, SPP1 and other guidance. The Water Environment and Water Services (Scotland) (WEWS) Act 2003 implements the EC Water Framework Directive (2000/60/EC), which is aimed at maintaining and improving the quality of aquatic ecosystems and requires that any ecological risks associated with development (including engineering operations) in rivers, tidal and coastal waters be identified and controlled. One of the key tasks of the Water Framework Directive regime is the production of River Basin Management Plans and SEPA considers that the land use planning system has an important role to play in maintaining and enhancing the water environment, particularly prior to River Basin Management Plans being produced. Furthermore under the WEWS Act Local Authorities are Responsible Authorities and therefore must give consideration to the aims of the Directive when exercising their functions.

The policy should be amended to recognise the role of the land use planning system in delivering the objectives of the Water Framework Directive. The Policy should require that any development which would result in deterioration in ecological status or ecological potential (as defined in terms of the Directive) or prejudice the ability to restore such water bodies to good ecological status be refused, unless a derogation in Water Framework Directive terms applies. It is important that the policy applies to water bodies and not just watercourses as the Directive applies to surface waters, groundwater and wetlands as defined in Section 3 of WEWS 2003. The aim of the Policy would be to provide these water bodies with adequate protection against insensitive engineering works that could result in unacceptable ecological impacts, thus meeting the requirements of the Water Framework Directive, SPP1 and NPPG 14.

CNPA analysis

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national policy and directives. The comment is therefore noted. The wording of the policy will be revised to ensure it is clear and the appropriate level of guidance is available for developers.

Policy Policy 13	Name Fred Mackintosh	Company	The Highland Council	Objector Ref	472b
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Representation

Highland Council supports the incorporation of Sustainable Urban Drainage Systems (SUDS) within new developments. The Council will consider for adoption any SUDS measures dealing exclusively with road water that have been designed and constructed to a suitable standard. Particular attention should be given to minimise the long term maintenance requirements of such measures. Nationally, the responsibility for the adoption and maintenance of shared drainage systems (that also accept roof and curtilage water) is not clear at present and remains to be clarified at a national level.

Summary

Highland Council supports the incorporation of Sustainable Urban Drainage Systems (SUDS) within new developments and will consider adopting SUDS measures dealing exclusively with road water that are of a suitable standard. Particular attention should be given to minimise the long term maintenance requirements of such measures. Nationally, the responsibility for the adoption and maintenance of Cairngorms National Park Deposit Local Plan – Analysis of consultation – Section 3 Conserving and Enhancing the Park

shared drainage systems (that also accept roof and curtilage water) is not clear at present and remains to be clarified at a national level.

CNPA analysis

The comment is noted. No modification considered necessary as a result of this representation.

Policy Policy 13	Name Nicola Abrams	Company	SEPA	Objector Ref	399d
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Representation

While SEPA supports a statement in the policy promoting connection to the public sewer, SEPA objects to the policy as it stands as it does not provide clear guidance to a developer as to when it would be deemed reasonable to connect to the public sewer.

Reason for Objection - The policy does not provide clear guidance to developers as to the appropriate considerations that should be applied to foul drainage provision in a development. The policy does not accord with SEPA's policy WAT-PS-06-08 on the Provision of Wastewater Drainage in Settlements which PAN 19 highlights Planning Authorities should have regard to when preparing development plans.

Suggested Modification - SEPA requests that a policy be included in the local plan to the following effect:-

All development within or adjacent to settlements (as identified in the Local Plan) will require to connect to the public sewerage network unless:

1. The development is in a small settlement where no collection exists or where the collection system serves a limited number of dwellings. If the public collection system cannot be developed due to technical constraints or the connection being unacceptable to Scottish Water, then a private system may be permitted provided 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 general area. Consultation with SEPA will be undertaken in these cases; or
2. The development is in an area where connection to the collection system is not permitted due to lack of capacity, but where Scottish Water has confirmed that investment has been allocated within its investment programme to address this constraint. 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 (drainage will require to be provided to a likely connection point). The developer will require funding Scottish Water's completion of the connection following upgrading of the sewerage system.

Where a private system is deemed to be acceptable (within settlements as above or small-scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with the Technical Handbooks (which set out guidance on how proposals may meet the Building Standards set out in the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters. SEPA also requests that a reference is included in 4.62 to SEPA Policy WAT-PS-06- 08 on the Provision of Wastewater Drainage in Settlements.

Summary

The policy does not provide clear guidance to a developer as to when it would be deemed reasonable to connect to the public sewer and the appropriate considerations that should be applied to foul drainage provision in a development. It does not comply with SEPA's policy WAT-PS-06-08 on the Provision of Wastewater Drainage in Settlements which PAN 19 highlights Planning Authorities should have regard to when preparing development plans.

An additional policy should be included to the following effect:-

All development within or adjacent to settlements (as identified in the Local Plan) will require to connect to the public sewerage network unless:

1. The development is in a small settlement where no collection exists or where the collection system serves a limited number of dwellings. If the public collection system cannot be developed due to technical constraints or the connection being unacceptable to Scottish Water, then a private system may be permitted provided 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 general area. Consultation with SEPA will be undertaken in these cases; or
2. The development is in an area where connection to the collection system is not permitted due to lack of capacity, but where Scottish Water has confirmed that investment has been allocated within its investment programme to address this constraint. 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 (drainage will require to be provided to a likely connection point). The developer will require funding Scottish Water's completion of the connection following upgrading of the sewerage system. Where a private system is deemed to be acceptable (within settlements as above or small-scale development in the countryside) a discharge to land (either full soakaway or raised mound soakaway) compatible with the Technical Handbooks (which set out guidance on how proposals may meet the Building Standards set out in the Building (Scotland) Regulations 2004) should be explored prior to considering a discharge to surface waters.

Reference should also be included in 4.62 to SEPA Policy WAT-PS-06-08 on the Provision of Wastewater Drainage in Settlements.

CNPA analysis

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance and directives. The comment is therefore noted and the wording of the policy will be revised to ensure it is clear and the appropriate level of guidance is available for developers. Further supporting information may also be prepared in support of this policy in the form of SPG to ensure the policy is implemented in a consistent manner across the Park area.

Policy Policy 13

Name DW and IM Duncan

Company

Objector Ref

037c

Representation

a) the proposed house building programme as outlined in Section 5 will undoubtedly have a significant impact on the current hydrology/water environment. In Strathspey and Badenoch the existing public water supply, gravity fed from Loch Eanaich, is already stressed and interruptions to the supply are not infrequent particularly in villages such as Carrbridge. This is due mainly to leakage and

bursts in the poor existing pipe network. Despite Scottish Water and their predecessor body NOSWA spending years trying to find a solution to the supply from Loch Eanaich, we now read that the Eanaich scheme is to be abandoned in favour of boreholes or perhaps water abstraction from the River Spey. Both of these proposals are likely to be extremely controversial. In short to suggest a house building programme of this scale without having the assurance of a secured water supply is frankly ludicrous.

c) This is a sensible proposal but as in the case of Kingussie due to Scottish Water's financial constraints, this is unlikely to be achieved in the next 10 years.

d) support

e) similar comments to a). Waste water is a contentious issue particularly in villages such as Kingussie and Newtonmore where there is no reserve sewage capacity.

Summary

a - Any major development proposals, including those for housing within the Plan should be supported by an assurance of a secured water supply.

c - whilst supportive of the principle, the constraints within Kingussie should be recognised.

d - support.

e - any new developments should be linked to adequate provision for sewage capacity. This again is particularly the case in Kingussie and Newtonmore.

CNPA analysis

The comments are noted. The policy is written to ensure that new developments do not have a significant adverse impact on current hydrology/water environment and the planning authority has a duty to ensure that all planning proposals comply with this and all other planning policies in the local plan unless there are overriding reasons for departure. It is therefore considered that the wording addresses the issues raised and therefore no modification is considered necessary as a result of this representation.

Policy Policy 13

Name M T Collings

Company

Objector Ref

395b

Representation

The Park should not abdicate all responsibility to the water authority not rely solely on a biased developer funded survey.

Modifications to resolve this objection - The Policy should reserve the right to challenge either SEPA or a developer in the light of (word illegible) global warming. Eg. With a 15% increase in severe weather by 2050 which has been forecast the limits of the Great Moray floods should be increased similarly and the surface water run off from multiple housing developments factored in.

Summary

Policy 13 should not rely on SEPA but should be amended to reserve the right to challenge either SEPA or a developer in the light of global warming.

CNPA analysis

The aim of the policy is to ensure that management of the water environment is in line with the established legal framework which exists, and other national guidance regarding flooding and drainage. The issue of flood risk assessments will be reviewed in line with the

comments received from SEPA and the appropriate changes will be made both to the policy wording and settlement proposals where necessary

Policy Policy 13	Name Susan Davies	Company Scottish Natural Heritage	Objector Ref 465k
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Representation

We strongly recommend that the close links between this Policy and the appropriate assessment of the cumulative effects of the Local Plan on the River SACs in the Park are identified and explained in the accompanying text. Policy 13, and any modifications to it recommended by SEPA, will be one of the key aspects of the Plan that will need to be subject to this appropriate assessment, along with the settlement proposals. It is also important to emphasise here that almost all of the Park lies within the catchments of the three River SACs, and therefore that almost all proposals that involve water abstraction and waste water treatment will need to comply with the requirements of the Conservation (Natural Habitats, &c) Regulations 1994 (as amended). We have some potential concerns about the wording of this policy and the possible effects on the river SACs in the Park. These are explained in our response to the consultation on the Environmental Report.

Para 4.62 - It would be useful to refer also to the Rivers Spey and Dee SACs Catchment Management Plans.

Summary

Strongly recommend that the close links between this policy and the appropriate assessment of the cumulative effects of the Local Plan on the River SACs in the Park are identified and explained in the accompanying text. Need to emphasis that almost all of the Park lies within the catchments of 3 River SACs, and therefore almost all proposals that involve water abstraction and waste water treatment will need to comply with the requirements of the Conservation (natural Habitats etc) Regulations 1994 (as amended).

4.62 - This para should refer to the Rivers Spey and Dee SACs catchment management plans.

CNPA analysis

Appropriate Assessment will be undertaken to inform the development of policies and proposals in line with the corresponding legislation and before any modifications are finalised and published for consultation

Policy Policy 13	Name Nicola Abrams	Company SEPA	Objector Ref 399c
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Representation

While SEPA supports the inclusion of a Policy in the Local Plan which promotes sustainable surface water drainage and the need to treat foul and surface waters separately, SEPA objects to this policy which we consider does not provide clear guidance on how surface water drainage should be dealt with in a sustainable way nor does it provide clear guidance to developers on what information should be submitted in support of a planning application.

Reason for Objection - PAN 79: Water and Drainage (paragraph 48) highlights that it is SEPA's policy to promote SuDS for all new Cairngorms National Park Deposit Local Plan – Analysis of consultation – Section 3 Conserving and Enhancing the Park

development, provided that surface water drainage meets the requirements the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) General Binding Rule 10 (1) it would be authorised under CAR. "Drainage Assessment — A Guide for Scotland" produced by the SuDS Working Party recommends that a Drainage Assessment be produced for development of more than a few dwelling houses or non-householder extensions of 1 00m² or more.

Suggested Modification

SEPA requests that the policy be reworded to explicitly require the use of SuDS to deal with surface water run off from all new developments. The Policy should also refer to the requirement to submit a Drainage Assessment with any planning application for developments of 5 houses or greater than 100 sq m floor space.

SEPA requests that 4.62 include reference to the following relevant documents:

- The Water Environment (Controlled Activities) (Scotland) Regulations 2005;
- Scottish Planning Policy 7: Planning and Flooding;
- The SuDS Manual (CIRIA C697);
- Sewers for Scotland Manual Edition (draft);
- Drainage Assessment — A Guide for Scotland (SuDSWP)

Summary

This policy does not provide clear guidance on how surface water drainage should be dealt with in a sustainable way nor does it provide clear guidance to developers on what information should be submitted in support of a planning application. PAN 79 para 48 highlights that it is SEPA's policy to promote SuDS for all new development, provided that surface water drainage meets the requirements the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) General Binding Rule 10 (1) it would be authorised under CAR. "Drainage Assessment — A Guide for Scotland" produced by the SuDS Working Party recommends that a Drainage Assessment be produced for development of more than a few dwelling houses or non-householder extensions of 1 00m² or more.

The policy should be reworded to explicitly require the use of SuDS to deal with surface water run off from all new developments. It should also refer to the requirement to submit a Drainage Assessment with any planning application for developments of 5 houses or greater than 100 sq m floor space. SEPA requests that 4.62 include reference to the following relevant documents:

- The Water Environment (Controlled Activities) (Scotland) Regulations 2005;
- Scottish Planning Policy 7: Planning and Flooding;
- The SuDS Manual (CIRIA C697);
- Sewers for Scotland Manual Edition (draft);
- Drainage Assessment — A Guide for Scotland (SuDSWP)

CNPA analysis

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance and directives. The comment is therefore noted and the wording of the policy will be revised to ensure it is clear and the appropriate level of guidance is available for developers. Further supporting information may also be prepared in support of this policy in the form of SPG to ensure the policy is implemented in a consistent manner across the Park area.

Representation

At most times of the year the Cairngorms National Park area has an adequate supply of water. Much of the water that is extracted is utilised within the water catchment area and returned into the system. Changing extraction from Loch Einich to ground water extraction beside the River Spey will not in itself increase the amount of water being extracted from the Spey catchment area. If the water is cycled through sewerage systems back into the catchment area any net loss of water from the catchment area will be minimal. Where there is concern is where water is extracted in quantity and diverted into other catchment areas. This is what happens at the Spey Dam in Laggan. The River Spey catchment also suffers from periods of flooding. The Spey dam system is a valuable tool in mitigating flood events.

Some of the most productive land in Badenoch & Strathspey is on the haugh lands that flood relatively frequently. Flooding can help rejuvenate soils; however in some circumstances it can erode soils and vegetation, occlude water courses and endanger livestock. Along some areas of the Spey and its tributaries there has been a presumption against maintaining flood banks and other flood management features by SNH, SEPA and the Forestry Commission. Many of these flood management features date back to the Napoleonic wars and before. They are of historic, cultural and economic significance as well as contributing to the biodiversity of the area, If the Cairngorms National Park is to meet the first aim of National Parks in Scotland it is important that these features are preserved, maintained and where appropriate enhanced.

Some developments on the flood plains can be adapted to withstand normal flood events and may therefore be appropriate in flood susceptible areas. These could include livestock and feed shelters, roads, bridges, gravel extraction and golf courses. The Local Plan needs to be more flexible and less prescriptive.

Encouraging Scottish Water to monopolise the supply of water and water treatment facilities has already severely constrained housing development in some areas of the Park. Extracting relatively large amounts of water from one or a few areas, transporting it long distances and then transporting foul water long distances to central processing units is inefficient, wasteful and less sustainable and damaging to the environment than extracting and processing water locally. Extracting a relatively small amount of water from a large number of sites close to the point of use and processing the relatively small amounts of foul water arising thereafter in the locality reduces the chance of leakage and returns water to the catchment system closer to where it has been extracted. In an area such as Badenoch where the land is relatively short of nutrients and organic matter, processing foul water locally and spreading organic matter on the land can be beneficial to agriculture. The Park should encourage the development and improvement of private and community water supplies and foul water processing rather than attempting to force residents to use a public sector monopoly.

Proposed Modifications -

There will be a presumption that (delete new) development will:

Cairngorms National Park Deposit Local Plan – Analysis of consultation – Section 3 Conserving and Enhancing the Park

- a) Have no significant adverse impact on the current hydrology/water environment
- b) Be free from significant risk of (delete flooding) flood damage, 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 flood plain to store or move flood waters. Development in areas susceptible to flooding (as defined by SPP7's Flood Risk Framework, SEPA's Flood Risk maps, or other flood risk information) (delete will) may require a developer-funded flood risk assessment
- c) Treat surface water discharge separately from foul waters and in the most sustainable manner;
- d) (delete Minimise use of water) Conserve water where appropriate;
- e) Have no significant adverse impact on existing or proposed public or private water supplies, or waste water treatment services within or linked to the National Park, and.
- f) (delete Utilise water supply and waste water disposal services where reasonable and comply with best practice standards for private water supplies and waste water treatment facilities where connection to public services is unreasonable)

There will be a presumption in favour of maintaining existing flood prevention and management features some of which contribute positively to the diversity of our local economy and biodiversity. Many of these features are an important part of the Parks cultural heritage.

Summary

The policy should be more flexible to recognise that not all development will have an adverse impact on the flood plain, and that flooding has been experienced in the area for generations, and has in some instances been harnessed to improve soils, etc. Encouraging Scottish Water to monopolise the supply of water and water treatment facilities has already severely constrained housing development in some areas of the Park, and extracting large amounts of water from one or a few areas, transporting it long distances and then transporting foul water long distances to central processing units is inefficient, wasteful and less sustainable and damaging to the environment than extracting and processing water locally. In an area such as Badenoch where the land is relatively short of nutrients and organic matter, processing foul water locally and spreading organic matter on the land can be beneficial to agriculture. The Plan should encourage the development and improvement of private and community water supplies and foul water processing rather than attempting to force residents to use a public sector monopoly.

Amended wording –

In sentence 1 begin 'There will be a presumption that new development will:'

In b) replace 'flooding' with 'flood damage'

In b) replace in final section 'will' with 'may'

In d) change wording to 'conserve water where appropriate'

In f) delete whole section

Add final section 'There will be a presumption in favour of maintaining existing flood prevention and management features some of which contribute positively to the diversity of our local economy and biodiversity. Many of these features are an important part of the Parks cultural heritage.'

CNPA analysis

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists,

and other national guidance and directives. The comment is therefore noted and the wording of the policy will be revised to ensure it is clear and the appropriate level of guidance is available for developers. Further supporting information may also be prepared in support of this policy in the form of SPG to ensure the policy is implemented in a consistent manner across the Park area.

Policy Policy 13	Name Phil Rowsby	Company	SRPBA	Objector Ref	429p
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Representation

The SRPBA would state that any size of development affects hydrology.

Summary

Any size of development can affect hydrology.

CNPA analysis

The comment is noted. The wording of the policy refers to 'significant' adverse impact. It is not therefore considered necessary to make a modification as a result of this representation.

Policy Policy 13	Name Roy Turnbull	Company		Objector Ref	390g
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Representation

Support

Summary

Support

CNPA analysis

No modification considered necessary as a result of this representation.

Policy Policy 13	Name James and Evelyn Sunley	Company		Objector Ref	056h
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Representation

4.65 We propose that this policy needs to be reviewed and be more specific. The recent experience of exceptional rainfall in England (the highest in over 200 years) must shift the goal posts in consideration of the SEPA 200 year flood risk predictions. If the flood plan area designated by the Park Plan for housing development is to be implemented, major flood defences (levees) will be required on the River Dee banks to prevent inundation of the H1 area and those areas what have already been developed and are identified on the SEPA flood risk maps. 13(a) identifies the responsibility to like with the developer. We however feel that the Park Plan should ensure that Aberdeenshire CC fulfils the responsibilities placed on them by the Scottish Executive to provide flood protection where housing

developments are planned.

Summary

The policy should be more specific and flood prevention measures should be identified in association with new housing land allocations.

CNPA analysis

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance regarding flooding and drainage. The issue of flood risk assessments will be reviewed in line with the comments received from SEPA and the appropriate changes will be made both to the policy wording and settlement proposals where necessary.

Policy Policy 13

Name Ian Francis

Company RSPB Scotland

Objector Ref 424i

Representation

While aspects of this policy are welcome, it is disappointing not to see a general stronger presumption against developments in the functional flood plain in the policy. We would also like to see some specific reference to flood prevention measures. This should make it clear that any flood management measures proposed would need to take a strategic, catchment-based approach to flooding, use natural systems (such as wetlands), promote soft engineering techniques and use existing flood plains to attenuate flooding. We appreciate that hard engineering works will sometimes still be required but soft engineering techniques can often completely replace the need for hard engineering or else significantly reduce the scale of hard engineering required. All flood prevention and alleviation developments should be expected to maximise any opportunities for habitat enhancement or creation.

4.61 "The need for management of the water environment has been reinforced is incorrect and should be changed to: "The need to protect and enhance the water environment has been reinforced / which more accurately reflects the requirements of the Directive and the WEWS Act.

Summary

There should be a stronger presumption against developments in the functional flood plain, and more specific reference to flood prevention measures which should make it clear that any management measures would need to take a strategic, catchment-based approach to flooding, use natural systems (such as wetlands), promote soft engineering techniques and use existing flood plains to attenuate flooding. All flood prevention and alleviation developments should be expected to maximise any opportunities for habitat enhancement or creation. Para 4.61 should read: "The need to protect and enhance the water environment has been reinforced / which more accurately reflects the requirements of the Directive and the WEWS Act."

CNPA analysis

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance regarding flooding and drainage. The issue of flood risk assessments will be reviewed in line with the comments received from SEPA and the appropriate changes will be made both to the policy wording and settlement proposals where necessary.

Representation

4.61-7 and Sustainable Design Guide. The constraints of rainfall, snow retention, ice-erosion, effects of dredging — or failure to dredge - river-beds. effects of increased forestry and increased population. horticultural. agricultural or industrial usage, alteration by cleaning chemicals etc. are not considered. There is still no assessment of quantity of available extraction, which, we have learnt recently, has been reduced from some of the Dee tributaries, and there is concern about recent lack of direct supply. However the SEA states clearly that development of housing and indeed any development in the Straths of the Dee and Spey (as being themselves SSSTs and of financial importance to the indigenous population}, will depend on an assessment of the quality and amount of waters in the rivers. Ballater and Crathie Community Council have been bringing this question forward for more than ten years. I was delighted to hear the Aberdeenshire opinion that water comes first at the first Prince's Foundation meeting, but there has been little sign of this in the recent rapid growth of Banchory and Aboyne. Increased native forest will reduce the water available for fish, otters and mussels, as well as people. It was a shock to discover that the new sewage system for Bal later will not be big enough to cope with the new development, but I am not clear that it is for a five or 30 year plan? If the first, and only housing for local need was built initially, 2010 would make allowance for the urgent needs of the local community. The recent figures of the local social housing list require about 60 one or two bedroom houses/flats etc and nearly 40 other 'affordable' with a low number of 3 bedrooms and only one four-bedroom. The SEA also pleads for health policies while apparently ignoring the huge importance of enjoyment and satisfaction in suitable occupations. Jo reduce fishing potential not only reduces the economic benefits (I 0,000 a fish to the rural economy) but also the health- giving properties of relaxation and increased cardio-activity for both fisher and ghillie.

Summary

The policy does not adequately consider all aspects of water resource found in the Park. There is still no assessment of quantity of available extraction and there is concern about recent lack of direct supply. However the SEA states that development will depend on an assessment of the quality and amount of waters in the rivers. The impact on activities such as fishing cannot be underestimated in regard of the knock on impacts on the economy.

CNPA analysis

The policy allows for the full consideration of development on water resources, and the importance of flow levels will be considered under d) where every effort should be made to minimise use of water. Some rewording may be necessary however to clarify this point.

Representation

General Comments - SEPA notes that the Consultative Draft Plan had separate policies for Protection of the Water Environment, Water Supplies, Foul Water Drainage, Surface Water Drainage and Flood Risk and Management. While SEPA supports the inclusion of a policy in the local plan to address issues related to the water environment, SEPA is concerned that the amalgamation of 5 previous policies relating to the water environment into 1 has resulted in a very complicated policy dealing with a number of complex issues. SEPA is concerned that the policy does not provide clear guidance to both development management planners and the development industry on how issues relating to flood risk, foul drainage, surface water drainage, protection of the water environment and water supply should be dealt with. SEPA notes that protection of the water environment is of particular importance to the interests of the Park particularly given the location of the Rivers Spey and the Dee which are just two of the many designated aquatic sites within the Park. Objection - SEPA objects to the policy on the ground of flood risk as point b implies the onus to commission a flood risk assessment lies with the developer after site allocation and estimation of site units. Paragraph 4.65 in the supporting text states that "The Local Plan avoids allocating sites for development in areas at risk of flooding wherever possible", and that the Local Plan "highlights the need for developers to fund detailed flood risk assessments on these sites"

Reason for Objection - SEPA does not consider that the Local Plan has done enough to avoid allocating sites for development in areas at risk of flooding and stresses the need for thorough vetting of sites before allocation in accordance with SPP7.

Suggested Modification - Areas of greenfield sites that lie within the functional flood plain should be removed from the allocations.

Summary

The amalgamation of what was previously 5 policies relating to the water environment into 1 policy has resulted in a very complicated policy dealing with a number of complex issues. The policy does not provide clear guidance to both development management planners and the development industry on how issues relating to flood risk, foul drainage, surface water drainage, protection of the water environment and water supply should be dealt with. Protection of the water environment is of particular importance to the interests of the Park particularly given the location of the Rivers Spey and the Dee which are just two of the many designated aquatic sites within the Park.

SEPA therefore object on the grounds of flood risk as point b implies the onus to commission a flood risk assessment lies with the developer after site allocation and estimation of site units. Paragraph 4.65 in the supporting text states that "The Local Plan avoids allocating sites for development in areas at risk of flooding wherever possible", and that the Local Plan "highlights the need for developers to fund detailed flood risk assessments on these sites". The Plan has not done enough to avoid allocating sites for development in areas at risk of flooding and stresses the need for thorough vetting of sites before allocation in accordance with SPP7.

Areas of greenfield sites that lie within the functional flood plain should therefore be removed from the allocations.

CNPA analysis

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance regarding flooding and drainage. The issue of flood risk assessments will be reviewed in line with the

comments received from SEPA and the appropriate changes will be made both to the policy wording and settlement proposals where necessary.

Policy Policy 13	Name Nicola Abrams	Company	SEPA	Objector Ref	399r
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Representation

Objection - Failure to appraise or demonstrate that all allocations have been appraised for Flood Risk
 SEPA notes that, in line with national planning policy, the potential for flood risk should be considered on all proposed allocations prior to allocation. SEPA objects to any allocation where the position is unclear and adequate consideration of flood risk has not been undertaken. In our representations made in January 2006, SEPA highlighted that it did not appear that an appraisal of flood risk had been fully undertaken. SEPA would be pleased to advise further on how this appraisal could be carried out. To illustrate the importance of this appraisal, SEPA makes the following site specific comments but stresses that it has not appraised all the allocations.

These site allocations appear to lie outwith areas of flood inundation. However, SEPA wish to remind CNPA that SEPA's Indicative River and Coastal Flood Map (Scotland) only estimates flood outlines on catchments greater than 3.0km². Sites adjacent to watercourses with catchment areas of less than 3.0km² may also be at risk of fluvial (or other) flooding but will not appear as such on the SEPA flood map. To highlight this situation, SEPA recently received anecdotal information regarding the site allocation at Newtonmore. A resident wished to point out that this area, although not shown as being at risk on the SEPA flood map, has suffered historic flooding. She recalls, as a child (1969 or 70), wading knee deep in floodwaters near the station but on the northern side of the rail track.

Settlement Allocation

Aviemore	H1, H2, C1, C2, ED1, ED2, ED3	Dulnain Bridge	H1, H2
Kingussie	H1	Kincraig	H1, H2
Boat of Garten	H1, C1	Nethybridge	H2, C1, ED1
Braemar	H1	Tomintoul	H1, H2, H3, H4, C1, Ed1
Carrbridge	H1, ED1	Newtonmore	H1, H2
Cromdale	H1, H2		

Areas of these sites have been acknowledged as being at high risk of flooding within the site allocation plans. However, under the 'Proposals' section of these allocations, CNPA goes on to specify housing totals for these sites: e.g. allocation H1 for the community of Ballater is estimated to provide 250 housing units. SEPA's Indicative River and Coastal Flood Map (Scotland) 0.5% annual probability layer shows the site as being almost totally inundated by this flood event. The site H2 at Braemar is shown as approximately 40% inundated. SEPA reiterate that they would object to any allocation for development on greenfield sites within the functional flood plain. Following best practice, all sites should be the subject of flood risk assessment preallocation, and areas shown to be at flood risk should be removed from these allocations.

Aviemore	H1	Braemar	H2
Ballater	H1	Dalwhinnie	H1, H2, H3

Nethybridge H1

Additionally, SEPA makes the following further comments:

Grantown H1 -Although this site is not shown to be at risk on SEPA's flood map, a recent planning application to develop part of the site for housing has highlighted a large area susceptible to flood inundation.

An Camas Mor -SEPA has received an initial request for information with regard to 'Phase 1' of a housing development on this site. Although the site plans show the development as being situated outwith the indicative limits of flooding, there are issues with the alignment of access roads through the floodplain.

Reason for Objection - SEPA wishes to draw attention to Paragraphs 42 and 43 of SPP7: Planning and Flooding.

SUMMARY "The Scottish Executive expects developers and planning authorities to err on the side of caution in decision making whenever flooding is an issue".

INTRODUCTION 2. "Planning authorities must take the probability of flooding from all sources and the risks involved into account during the preparation of development plans and in determining planning applications."

LOCAL PLANNING 42 — "The potential for sites to flood must be considered during the preparation and review of every local plan. Few, if any, local plan areas will be completely free from the threat of flooding. Flood plains, other land alongside watercourses, land with drainage constraints or otherwise poorly drained, and low lying coastal land should be assumed to be at risk. The consideration should take into account any areas identified in the Structure Plan, SEPA's indicative flood risk maps, records of previous floods, other sources and advice from consultees. Flood risk assessments undertaken by developers or agents may also be available, though planning authorities may wish to validate them. FLAG's should be used to help identify and source the available information. These sources of information should usually be sufficient for local planning but a specific piece of work may occasionally be needed".

43— Each Local Plan should:

- for watercourse and coastal flooding set out policies and select development sites on the basis of the Risk Framework providing full justification if different probabilities are chosen;
- consult adjacent authorities where different probabilities raise cross boundary issues;
- indicate the circumstances where a freeboard allowance should apply;
- identify sites or areas constrained by flood risk from other sources;
- safeguard the flood storage capacity of functional flood plains;
- set out policy for SuDS;
- indicate the circumstances when a drainage assessment will be required on grounds of flood risk;
- if appropriate describe where the promotion of managed coastal realignment or restoration of functionality to the floodplain could contribute to more sustainable flood management and natural heritage objectives; and
- indicate the circumstances when water resistant materials and forms of construction will be appropriate".

While SEPA welcomes the fact that some consideration has been given to flood risk during the consideration of allocation, it is not clear what information has been used to appraise the site information, the examples cited above highlight that SEPA's indicative maps are only one of a number of potential sources of information available on flood risk. Furthermore SEPA does not consider that the approach taken to allocations in the Local Plan accord with the precautionary approach to flood risk promoted in the National Park Plan (Pg 52—

objective d). SEPA recommends that a clear and robust appraisal of all allocations for the potential to be affected by flood risk is undertaken prior to their allocation in the local plan to accord with the requirements of SPP7.

Suggested Modifications - SEPA requests that all allocations in the local plan be appraised for flood risk using all appropriate available sources of information as set out in SPP7 and that allocations shown to be at risk of flooding are removed from the local plan. SEPA is concerned that allocations have been placed in the local plan which have been identified by CNPA as being at potential risk of flooding with a requirement that a detailed

Flood Risk Assessment be undertaken by the applicant at the planning application stage, SEPA considers that this does not provide sufficient clarity to the development industry at an early stage in the development process.

SEPA is concerned that detailed flood risk assessments may show that large portions of the sites are not suitable for development due to flood risk. SEPA is therefore concerned that the integrity of these allocations may in fact be brought into question and a developer may have to undergo significant expense at the planning application stage to produce a FRA which may in fact show that large parts of the site are not suitable for the proposed development. SEPA considers that the local plan should clearly indicate those parts of the sites which, based on information available at present on flood risk, are unlikely to be suitable for development or alternatively the plan should indicate those parts of the site which are likely to be suitable for development. SEPA would welcome the opportunity to undertake further discussion with the CNPA on this matter to provide advice on practical approaches to the further work we are requesting.

Summary

The local plan fails to demonstrate that all allocations have been appraised for flood risk in accordance with national planning policy and objection is maintained to any allocation where the position is unclear and adequate consideration of flood risk has not been undertaken. In terms of site specific comments:

The following appear to lie outwith areas of flood inundation. However SEPA's Indicative River and Coastal Flood Map (Scotland) only estimates flood outlines on catchments greater than 3.0km². Sites adjacent to watercourses with catchment areas of less than 3.0km² may also be at risk of fluvial (or other) flooding but will not appear as such on the SEPA flood map, and anecdotal information regarding this exists in particular for Newtonmore.

Settlement Allocation

Aviemore H1, H2, C1, C2, ED1, ED2, ED3

Kingussie H1

Boat of Garten H1, C1

Braemar H1

Carrbridge H1, ED1

Cromdale H1, H2

Dalnain Bridge H1, H2

Kincraig H1, H2

Nethy Bridge H2, C1, ED1

Tomintoul H1, H2, H3, H4, C1, Ed1

Newtonmore H1, H2

Areas of these sites have been acknowledged as being at high risk of flooding within the site allocation plans but the plan goes on to specify housing totals for these sites. Eg H1 Ballater where the SEPA's Indicative River and Coastal Flood Map (Scotland) — 0.5% annual probability layer shows the site as being almost totally inundated by this flood event. H2 Braemar is shown as approximately 40%

inundated. All sites should be the subject of flood risk assessment preallocation, and areas shown to be at flood risk should be removed from these allocations.

Aviemore H1
Ballater H1
Braemar H2

Dalwhinnie H1, H2, H3
Nethy Bridge H1

Additionally

Grantown H1 -Although not shown to be at risk on SEPA's flood map, a recent planning application to develop part of the site has highlighted a large area susceptible to flood inundation.

An Camas Mor -SEPA has received an initial request for information with regard to 'Phase 1' of a housing development on this site. Although the site plans show the development as being situated outwith the indicative limits of flooding, there are issues with the alignment of access roads through the floodplain.

Paragraphs 42 and 43 of SPP1: Planning and Flooding provide an expectation from the Scottish Executive that developers and planning authorities err on the side of caution in decision making whenever flooding is an issue.

Although recognising that some consideration has been given to flood risk, the plan does not clarify what information has been used to appraise the site information. The approach taken does not accord with the precautionary approach to flood risk promoted in the National Park Plan (Pg 52— objective d).

All allocations in the local plan should be appraised for flood risk using all appropriate available sources of information as set out in SPP7 and allocations shown to be at risk of flooding removed from the local plan. While recognising that some sites have potential risk of flooding, the requirement that detailed Flood Risk Assessment be undertaken by the applicant at the planning application stage does not provide sufficient clarity to the development industry at an early stage in the development process. Such assessments may show large portions of the sites are not suitable for development due to flood risk and the integrity of these allocations may in fact be brought into question, resulting in fruitless and considerable expense to developers at application stage. The plan should clearly indicate those parts of the sites which, based on information available at present on flood risk, are unlikely to be suitable for development or alternatively the plan should indicate those parts of the site which are likely to be suitable for development.

CNPA analysis

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance regarding flooding and drainage. The issue of flood risk assessments will be reviewed in line with the comments received and the appropriate changes will be made both to the policy wording and settlement proposals where necessary to provide a clear direction to the development industry in line with both SPP7 and SPP1.

Policy Policy 13

Name Dr A Watson

Company

Objector Ref

020f

Representation

Para 4.66, "Wherever reasonable" is undefined, and therefore will lead to unnecessary problems of pollution.

Summary

Need to define "wherever reasonable" in para 4.66 to ensure prevention of unnecessary problems of pollution

CNPA analysis

The comment is noted. The wording of the policy will be reviewed to ensure it is clear and provides an appropriate level of guidance for developers and interested parties. Further work is needed to clarify how policies will be implemented through the development management process and to ensure the wording is not open to unnecessary interpretation. It is proposed to produce a series of working practice notes for use by staff across the 4 local authorities and the CNPA to ensure a consistent approach is taken.

Policy Policy 13	Name Nicola Abrams	Company SEPA	Objector Ref 399SEA(g)
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Representation

SEPA accepts the results of the assessment undertaken with regard to this policy. Please refer to SEPA's representation on the Finalised Local Plan for detailed comments on the Local Plan.

Summary

SEPA accepts the results of the assessment in regard to Policy 13.

CNPA analysis

No modification considered necessary as a result of this representation.

Policy Policy 13	Name Bob Garrow	Company RS Garrow Ltd	Objector Ref 464b
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Representation

Governments' Policies

Our UK and European Union policies on supplying water and handling sewage waste water are largely long established and based on using historical technologies and processes at large scale for urban environments. The water utility companies in Scotland were not privatised when area water utilities in England and Wales were. Instead the Scottish area water and sewage undertakings were consolidated into Scottish Water covering the whole of Scotland.

Amongst the tariffs and policies set by the Scottish Executive for Scottish Water is that a class of service customers should be charged the same price throughout for Scotland without taking account of geographic variations in the actual cost of providing that service in particular locations.

Scottish Water's Costs Using Traditional Solutions - Quoting from the supporting documents to the January 2007 Scottish Executive Non-household Water Charges: A Consultation on Changes to the Current Charging Arrangements – "Sewage treatment works - We have noted the Reporter's comments on the costing of sewage treatment works. The Reporter commented that Scottish Water had calculated the cost of building or upgrading sewage treatment works based on traditional solutions. The Reporter considered that

Scottish Water could achieve savings if it used packaged plants' for small populations." And "Water industry commissioner for Scotland wics Reporter Services STRATEGIC REVIEW OF CHARGES 2006 SECOND DRAFT BUSINESS PLAN REPORTERS REPORT, VOLUME I (June 2005 Black & Veatch)

"During our audits we identified a concern that the generic solution adopted for new treatment works could result in a number of treatment stages where a package plant would possibly provide a cheaper alternative. In particular we were concerned by the sequence of SAFF plant, humus settlement tanks, tertiary treatment and UV disinfection with associated interstage pumping used as the basis of estimates for small works discharging to shellfish waters. In response to our comments, Scottish Water provided details of historic estimates using package plant which are lower than the estimates in the Business Plan based on the generic solutions.

We have noted the high cost of some small works ranging with some examples ranging from 1.5 £m to 2.5 £m over the population range 0 - 500. Having considered a sample of these works we concluded that:

1. Some of these small works which are currently septic tanks discharge to shellfish waters and must achieve a standard which includes disinfection. The costs of these works will be high due to the stringent standards set. Any bench- marking of these costs must account for the specific standards required in Q&SIII for shellfish waters."

From the same Consultation papers public water network connections costs exceed, £150 per metre for a water main and £220 per metre for a waste sewer.

Quoting from the Press and Journal 7th February 2007 "Pupils at a tiny island primary school in north Argyll will soon have access to one the most expensive tap water supplies in Britain."

"Scottish Water is splashing out between £1million - £2million to connect the 14-pupil primary school at Achnaeroish, on Lismore, to a public water supply on the mainland. A Scottish Water spokesman confirmed to the Press and Journal last night: "It will cost at least Limillion" but added that the final cost could possibly reach the £2million mark." And a follow up on 10th February 2007

"Independent water expert Brian Clarke, deputy director at the Centre for Environmental Health Engineering at the University of Surrey, who is currently involved in research contracts relating to water treatment and surveillance with Oxfam and Southern Water Services, said: "I think it's very unlikely that the water quality on the island of Lismore is not perfectly good for sustaining life." He added that Mr Garrow's figure of £1,500 was optimistic, but said the most state-of-the art local water treatment system, complete with the full range of filters and disinfectant systems, would only cost £50,000-£100,000."

Scottish Water's Capacity to Provide Public Network Connections

Quoting from BBC News 8th August 2006 Homes 'held up' by water supplies" "Up to 3,000 new houses cannot be built in the Highlands because of constraints on water and sewerage supplies, according to the area's council. Officials claim around 1,500 private houses were being held up although they have got planning permission. The construction of 1,500 houses proposed in 1oca plans were also in doubt, said officials." "Scottish Water said it was trying to work with the council and developers while committing its funds efficiently. Skye Councillor John Laing said that development of private and housing association housing in his area was at a standstill. Margaret Davidson, who represents Loch Ness West, said the situation in her ward would not improve for at least five years."

Quoting from the West Highland Free Press Friday 18 August 2006 "Lack of water supplies could cost housing association millions in lost funding" "Housing projects in Plockton and Kyle are now in jeopardy because Scottish Water cannot connect most of Lochalsh to a new supply until the end of 2008, the Free Press has learned. "Over £3.6 million earmarked for the construction of 24 affordable homes in Plockton — where young families have been priced out of the local market — and the development of a gap site on Kyle's Main Street to provide six flats may not be spent because of the delay, Lochalsh and Skye Housing Association said this week. "We can't carry over the money to another year," said association director Lachie Macdonald. "There is a real danger that the programme becomes overloaded. If you don't spend it you lose it and Communities Scotland will allocate these funds to another part of Scotland." and "Kyle councillor Bill Fulton said the whole area seemed to have a problem with regard to water connections. "Skye and Lochalsh have a huge problem," he added. "This is a progressive area with a rising population and all the building work that should be going ahead isn't. "I've lost count of the number of planning applications we have approved for houses at Carhost, for instance, which can't go ahead without a water supply."

And East Ayrshire Council state in their October 2006 East Ayrshire Local Plan Consultative Draft "the water and sewerage infrastructure throughout East Ayrshire will not be able to cope with the level of construction necessary to retain population at current levels."

Introducing Our Water Services

R S Garrow Ltd is a small business with over twenty years experience in business and product development. We created Garrow Water Services after identifying widespread housing site generation and other developments being severely constrained by the absence, difficulty and high costs in providing water services.

In our search for solutions we found the Aqualogix award winning UK based drinking water processing plant specified to cope with virtually any raw water source and deliver WHO quality water. For waste water, also UK based, we have the Microbac Membrane Bio Reactor aerobic natural bacterial non odiferous package waste water treatment plants, as used in the English Lake District National Park. We now offer these used elsewhere proven technology plants to homes, business, industry, water utilities and other customers.

Capital and running costs with these new technologies are very small fractions of the financial numbers attributed to Scottish Water in the quotations above. Our drinking water quality exceeds the targets set for public water utilities to reach in a few years time. Our waste water discharge quality can be at drinking water quality 100% of the time although there is little benefit and additional cost in discharging at a quality better than the local water environment.

Taken together, the capability to draw on virtually any local sources of water including collected rainwater, process it into drinking water, clean it up to the local water environment quality and return it to the environment means that the environmental effect is very small. Water utilities plan on 95% of the water metered in appearing as waste water. On the 200 litres per day per head of population planning figure, 10 litres, a bucket full to the brim, is the 5% not returned to the environment. If we are collecting and storing rainwater that would otherwise run off, the environmental effect of development on flood drainage could conceivably be positive.

By using the existing natural environment to deliver water to us and discharging it clean locally after use we only need short input feeds and discharge pipes. Compared to costs from the Consultation quoted above, £150,000 for a km of input main and £220,000 for a

kilometre of foul sewer, a total of £375,000 per km, our infrastructure network costs are likely to be less or absent.

Freed from water network hook up costs and/or waste water technology that relies on soakaway ground conditions and sludge tanker access, development can be more flexible. New buildings can be moved to less intrusive positions in the landscape. Catering and toilets can be provided economically at points where tourists congregate, along trafficked paths and cycle tracks, etc.

Multimillion pound schemes tend to custom designs, involve several parties and take time for regulatory and budget approvals. Then the construction phase causes upheaval and takes time. Our new technology plants with their small footprints, low dependence on site conditions, low environmental impacts, flexibility of siting, high technical capabilities and modest costs may be simpler and easier to get approved and funded particularly once they are more widely known.

Standard delivery on our Microbac MBR waste water treatment plants is twelve weeks. The Site survey only needs to find a level base foundation the size of a garden shed and, by carrying out the limited civil and electrical works and breeding the bacteria population to match the waste (their food) stream during plant manufacture, delivery, installation and commissioning can be a same day process. Our Aqualogix drinking water plants are on short delivery, sometimes ex stock. The Aqualogix is portable and Microbac MBR plants can be specified to be relocatable and/or expandable. Regulatory bodies unused to the technologies are possibly the limiting feature on deploying them for temporary or seasonal use. These plants could be used in conjunction with the public network infrastructure. Where a sewer network coincides with a watercourse or water environment capable of accepting a drinking water quality discharge a Microbac MBR package plant could be installed to process some of the flow in the sewer out to the environment. The sewer network then enables the equivalent volume to be connected elsewhere, upstream or downstream of the MBR.

Fitting an Aqualogix, drawing local raw water and/or installing rain water collection in premises already connected to the mains network and using this in priority to drawing water off the mains leaves this additional capacity in the network and available anywhere on the network. Note that this does not make any connection between the locally processed water and the public network main.

Representation

The information in Box 4 identifies the capabilities of newer technologies. The third party evidence highlights limitations of currently used conventional methods. We suggest that taking raw water from the local environment, including but not limited to collecting rainwater, storing it, processing it to drinking water, using it, processing the 95% which comes out as waste water locally to drinking water quality and returning it to the local water environment close to where it was drawn out has little or no adverse impact on the water environment.

We suggest that the newer technology fresh water treatment facilities and waste water treatment facilities have much lower effects on the environment and lower energy use than conventional methods. Accordingly newer technology should be stated as preferred for new development rather than the Deposit Local Plan requirement to connect to public water supplies and waste water treatment networks. Also public network waste water treatment facilities should be encouraged to incorporate newer technology plants on environmental, cost and speed of capacity delivery criteria.

We accept that reasonableness permits newer technology solutions but suggest that wording preferring them will increase their use and accelerate the benefits from adopting them.

Summary

Suggest that the newer technology fresh water treatment facilities and waste water treatment facilities have much lower effects on the environment and lower energy use than conventional water treatment methods. For this reason, the local plan should state that preference for new development is the use of these new technologies rather than the current proposals for a requirement to connect to public water supplies and waste water treatment networks.

CNPA analysis

The comment is noted. However the policy has been worded to take account of the established legal framework which exists, and other national guidance and directives. The wording of the policy does not preclude other sources as in f) it allows for some degree of flexibility (under 'reasonable'). It is therefore considered that a modification is not required as a result of this representation.

Policy Policy 13 **Name** Mrs Audrey MacKenzie **Company** Aviemore & vicinity Community Council **Objector Ref** 416d

Representation

This policy is already in position, with Scottish Water not requiring Planning permission for eg bore holes.

4.64: "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)".

The only bits on the floodplain are those affected by the burn. We think that the CNP should not be discounting any area within the 1-200 year floodplain. Dalfaber Farm House and houses on Dalfaber Road were instanced.

Summary

The 1 in 200 year flood risk maps should be used to ensure that developments do not affect flood risk.

CNPA analysis

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance regarding flooding and drainage. The issue of flood risk assessments will be reviewed in line with the comments received from SEPA and the appropriate changes will be made both to the policy wording and settlement proposals where necessary.

Policy Policy 13 **Name** John Anderson **Company** KinCraig & Vicinity Community Council **Objector Ref** 463j

Representation

We support the Alvie Estate view on this Policy.

KVCC Comment: The Plan must allow for managed flood prevention measures to be undertaken, the Feshie confluence being a case in point. Left to its own devices, the river can either pull water out of the Spey or cause it to back up — which raises water levels all the way up to Newtonmore. The present designated approach to letting the Feshie find its own way, has to be capable of being overridden in the interests of Invereshie Farm (part of Alvie Estate) and all upstream properties. There will be similar situations elsewhere in the Park.

Summary

Support Alvie estate view on this policy. State that the plan must allow for managed flood prevention measures to be undertaken.

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 13

Name Robert Maund **Company** Scottish Council for National Parks

Objector Ref

434f

Representation

Whilst supporting the aims of Policy 13, under b), the limitations of developer funded flood risk assessments should be recognised. On occasion, there have been examples of such assessments which have led to proposals to overcome flood risk which are very damaging in landscape and environment terms.

Summary

The limitations of developer funded flood risk assessments should be recognised, as there are examples where such assessments have resulted in proposals which are damaging in landscape and environment terms.

CNPA analysis

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance regarding flooding and drainage. The issue of flood risk assessments will be reviewed in line with the comments received from SEPA and the appropriate changes will be made both to the policy wording and settlement proposals where necessary

Policy Policy 13

Name Dr Sheila Sedgwick **Company** Ballater & Crathie Community Council

Objector Ref 091f

Representation

4.65 Water Resources and Sustainable Design Guide – we consider that this policy needs to be reviewed and to be more specific. Recent exception rainfall must change perceptions when considering the SEPA 200 year flood risk predictions. If the floodplain area designated by the Park Plan for housing development is to be implemented, major flood defences will be necessary on the Dee to prevent flooding of the H1 area and other areas already developed and identified on the SEPA flood-risk map. 13a makes the developer responsible. There is no detail of upstream retention or the condition of the Dee banking near Sluvanichie, for instance, where

erosion continues and previous attempts at reinforcement have not continued. It appears from recent comments that the new sewage system for Ballater will not be adequate for a large development.

Summary

The policy regarding flooding needs more careful consideration to ensure that sites are not allocated in areas at risk from flooding and appropriate levels of protection are included in all developments.

CNPA analysis

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance regarding flooding and drainage. The issue of flood risk assessments will be reviewed in line with the comments received from SEPA and the appropriate changes will be made both to the policy wording and settlement proposals where necessary.

Policy Policy 13	Name Mairi Maciver	Company	Communities Scotland	Objector Ref	025h
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Representation

13. We support Policy 13 - Water Resources - particularly Policy 13b) and paras 4.65, 4.66 and 4.67 in relation to development in areas at risk of flooding and conservation of resources. It would be useful to address here the major investment required at source to be able to supply units after those with detailed planning permission have been connected to existing supplies.

Summary

Support for approach to water resources, but it would be useful to address the requirement for major investment required at source for new developments once those with detailed planning permission have been connected.

CNPA analysis

The comment is noted. The issue of investment is an important one and consideration will be given to highlighting it in the supporting text to the policy.

Policy Policy 14	Name Fred Mackintosh	Company	The Highland Council	Objector Ref	472c
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Representation

Policy 14: Flood Risk Management
Highland Council supports the policy as drafted.

Summary

Policy supported.

CNPA analysis

No modification considered necessary as a result of this representation.

Policy Policy 14

Name Robert Maund

Company Scottish Council for National Parks

Objector Ref

434g

Representation

Mineral extraction is almost invariably damaging to the landscape or habitats to some degree. Because the landscape and habitats are fundamental to the wellbeing of the Park, Policy 14 would be clearer and stronger in its intent if it expressed a general presumption against new mineral workings “unless etc”. It is difficult to conceive of a situation where no suitable or reasonable alternatives are available to meet the limited development demands of the Park.

Summary

The wording would be clearer in its intent if it expressed a general presumption against new mineral workings “unless etc”. It is difficult to conceive of a situation where no suitable or reasonable alternatives are available to meet the limited development demands of the Park.

CNPA analysis

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text.

Policy Policy 14

Name Glenmore Properties Ltd

Company Glenmore Properties Ltd

Objector Ref

453f

Agent Steve Crawford

Representation

This policy suggests that new mineral extraction, processing or recycling developments, or extensions to existing mineral developments will only be permitted in certain circumstances i.e. where the market is within the CNP itself; where there are social or economic benefits or no suitable alternatives exist, although we understand the principle of this policy we would suggest that the use of existing facilities must be better than creating new facilities elsewhere. Extensions to such facilities therefore should be possible even where the market is not necessarily wholly within the National Park. An example may be a quarry just within the boundary of the Park that services a wider area. In sustainability terms the national park requires sources of raw construction materials and the ability to process or recycle materials locally.

Modifications: Policy wording altered to reflect issues raised in summary.

Summary

The wording suggests that any extraction, processing or recycling developments will only be acceptable if there is a market within the Park, where there are social or economic benefits or there no suitable alternative exists. Surely the use of existing facilities must be better than creating new ones elsewhere. Extensions should therefore be possible even where the market is not wholly within the park. The wording should be amended to reflect this.

CNPA analysis

The policy will be reviewed to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text. The

wording will also be reviewed to ensure it is clear, and supported by the necessary detail to allow assessment and implementation by users. The issue of local materials for local use particularly in conservation and restoration projects is also an interesting issue and the wording of the policy will be reviewed to ensure appropriate provision is made for such extraction.

Policy Policy 14 **Name** Dr A M Jones **Company** Badenoch & Strathspey Conservation Group **Objector Ref** 400f(h)

Representation

Object to "Proposals ...will only be permitted" (para. 1) on grounds of pre-judging the planning process. Suggest alter to "may only be permitted". Similarly object to "Development ..will only be permitted" (para. 5).

Suggest alter to "may only be permitted".

We welcome that no new areas of commercial peat extraction will be permitted.

We welcome the final sentence in the Policy referring to best practice in relation to management of soils

Summary

Replace "Proposals ...will only be permitted" (para. 1) to "may only be permitted".

Replace "Development ..will only be permitted" (para. 5) to "may only be permitted".

Support restrictions on peat extraction and soil management.

CNPA analysis

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text. The wording will also be reviewed to ensure it is clear, and supported by the necessary detail to allow assessment and implementation by users

Policy Policy 14 **Name** Mrs Jane Angus **Company** **Objector Ref** 437h

Representation

4.68-77 as above. we would suggest advice from best and local sources. Most potential mineral resources are not near settlements and would require transport and water for exploitation in times of National Scarcity. There are greatly improved methods of remediation and knowledge of the benefits of involvement of local people than even a few years ago.

Summary

Advice from local sources should be included in the policy. The impact of extracting local minerals on transport and natural heritage should be recognised.

CNPA analysis

The issue of local materials for local use particularly in conservation and restoration projects is an interesting one and the wording of the policy will be reviewed to ensure appropriate provision is made for such extraction.

Policy Policy 14 **Name** Ian Francis **Company** RSPB Scotland **Objector Ref** 424j

Representation

Policy 14. Earth Resources - This policy should be cross-referred to the site and species protection policies (Policies 2-6). We welcome the statement that no new areas of commercial peat extraction will be permitted and requirement for all development to have regard to impacts on soil.

Summary

While supporting this there should be a cross reference to policies 2-6.

CNPA analysis

The policy should be read in conjunction with the other policies in the plan and additional information will be included to ensure that users of the local plan are clear that all policies must be taken into account in all applications for development.

Policy Policy 14 **Name** John Anderson **Company** Kinraig & Vicinity Community Council **Objector Ref** 463k

Representation

We support the Alvie Estate view on this Policy.

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 14 **Name** John Forbes-Leith Esq **Company** Dunachton Estate **Objector Ref** 418c
Agent Debbie Mackay

Representation

This policy is very restrictive and to a degree contradictory. The policy aims to protect future mineral reserves from development but also restricts their extraction except for immediate local usage.

Modifications to resolve this objection - This policy should be refined to allow for forms of mineral extraction which do not cause

significant damage for wider usage.

Summary

The policy is too restrictive and contradictory. The wording should be refined to allow for forms of mineral extraction which do not cause significant damage for wider usage.

CNPA analysis

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text. The wording will also be reviewed to ensure it is clear, and supported by the necessary detail to allow assessment and implementation by users.

Policy Policy 14

Name Phil Rowsby

Company

SRPBA

Objector Ref

429q

Representation

With the objective of reducing the use of carbon The SRPBA believe the CNPA should encourage use of local materials in developments; preferably from close to the site. We are concerned about a blanket approach to mineral extraction. Some minerals do not cause the same extent of damage as others. Curtailing all economic development is viewed as inappropriate. If there is not a conflict with the first aim of National Parks, we believe that there is no reason this should not proceed. A potential business idea may be put forward which this policy may prevent from taking place.

Summary

The policy should encourage the use of local preferably from close to the site. The approach to mineral extraction should be more flexible as extraction of some minerals causes less damage than others. This approach is seen as curtailing economic development. It should be judged against the impact on the 1st aim of the Park.

CNPA analysis

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text. The wording will also be reviewed to ensure it is clear, and supported by the necessary detail to allow assessment and implementation by users.

Policy Policy 14

Name Hank Dittmar

Company The Prince's Foundation **Objector Ref** 476c

Representation

We suggest that a specific clause under Policy 14, Earth Resources, be included to actively promote the extraction of dimensioned stone for local development and conservation use, provided that it minimises environmental impacts. In order to help reduce the cost of appropriate materials, and therefore increase usage, the extraction of stone for local uses should be exempt from provision b), that mineral developments will only be permitted: where no suitable and reasonable alternatives to the material are available.

In addition to the use of appropriate stone, the sustainable use of timber and other materials such as clay from within the Park for local construction purposes should also be encouraged, and provision accommodated where possible for local processing and working of these materials. Localised construction skills training as part of the larger development proposals should be encouraged as an additional benefit to the Park.

Summary

Include a clause to actively promote the extraction of dimensioned stone for local development and conservation use, provided that it minimises environmental impacts. To help reduce cost and increase usage, the extraction of stone for local uses should be exempt from b) that mineral developments will only be permitted where no suitable and reasonable alternatives to the material are available. The sustainable use of timber and other materials such as clay from within the Park for local construction purposes should be encouraged, and provision made where possible for local processing and working of these materials. Localised construction skills training as part of the larger development proposals should be encouraged as an additional benefit to the Park.

CNPA analysis

The issue of local materials for local conservation and restoration projects is an interesting one and the wording of the policy will be reviewed to ensure appropriate provision is made for such extraction.

Policy Policy 14	Name Jamie Williamson	Company	Alvie and Dalraddy Estate	Objector Ref	4391
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Representation

The economy within the Park is already dangerously over dependent on tourism and government. The Park has some valuable mineral resources including sand, gravel, granite, schist, and slate that are of both economic and cultural importance. The Park should encourage and not preclude the development of minerals extraction and processing where such activities can diversify and enhance the economy. If the Park is to meet the aim of conserving and enhancing the built cultural heritage of the Park area, slate, granite and schist workings will need to be reopened and stone processing and masonry skills re-learnt to supply the materials from which traditionally buildings and bridges within the Park were built.

Sand, gravel and aggregates are relatively expensive to haul long distances. It is more environmentally beneficial if these minerals are extracted and processed close to their point of use.

Peat extraction and use as a fuel is part of our cultural heritage. If the Park is to conserve and enhance the area's cultural heritage further peat extraction should be allowed.

The extraction and burning of peat releases carbon into the atmosphere that has been secured in the relatively short term. Most vegetation extracts carbon from the atmosphere, burning wood releases carbon back into the atmosphere that has been captured within the last 15 to 200 years, burning peat releases carbon that has been captured between 200 and 2,000 years ago, burning coal or oil releases carbon that has been captured more than 5,000 years ago. In terms of a sustainable resource burning peat close to its source of production should be preferable to burning oil or coal, particularly where the oil or coal has been transported long distances

or has undergone extensive energy demanding processing.

Proposed Modifications –

Proposals for new mineral extraction, processing or recycling developments , or extensions to existing mineral developments will (delete only be permitted) be encouraged where:

- a) The developer can demonstrate local demand for the material extracted or processed. Or (delete the market within the Cairngorms National Park where the extracted or processed material will be used or provide other social or economic benefits; and)
- b) No suitable and reasonable alternatives to the material are available; or
- c) There are social or economic benefits that outweigh any detrimental impacts to the Park.

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:

- i) There is no alternative site for the development
- ii) 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
- iii) The opportunity has been provided for the extraction of the mineral resource before the development commences.

(delete Proposals for new areas of commercial mechanised peat extraction will not be permitted)

All development will avoid unnecessary disturbance of soils and will adopt best practice for the movement storage, management and reinstatement of soils.

Summary

The Plan should encourage the development of mineral extraction and processing where such activities can diversify and enhance the economy. In meeting its obligations regarding cultural heritage, some reopening of workings may be necessary and masonry skills re-learned to work on traditional buildings in the Park. It is also more environmentally beneficial to extract and process close to point of use. The extraction of peat is also part of our cultural heritage and is more sustainable than burning coal or oil.

Amended wording –

In intro – delete 'only be permitted' and add 'encourage'

In a) after 'demonstrate' add 'local demand for the material extracted or processed' Delete 'the market within the Cairngorms National Park where the extracted or processed material will be used or provide other social or economic benefits'

In b add new section 'No suitable and reasonable alternatives to the material are available'

In c) add new section 'There are social or economic benefits that outweigh any detrimental impacts to the Park'.

After iii) delete 'Proposals for new areas of commercial mechanised peat extraction will not be permitted'

CNPA analysis

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text.

Policy Policy 14

Name Dr A Watson

Company

Objector Ref

020g

Representation

i), good. This point should be in some earlier policies, as I have suggested above.

ii) outweighed is undefined again, and no method suggested how it is to be assessed

Last sentence of purple box has soils as the last word, should add and vegetation.

4.73 2nd sentence is only partially correct. Not just soil microbial, but soil plants and soil animals also. If you must make summary statements on scientific technical issues (many of which could readily be dropped without much loss), you ought to be accurate.

4.74 line 2, its should be their. Delete balance and replace with characteristics. The idea of balance in soil development is illusory. Also, why use the clumsy impact on instead of the simpler affect?

4.75 2nd last sentence. Good. As said above, this should be included in earlier policies.

Summary

Include the reference to alternative sites elsewhere in the plan to support this idea.

In ii) define 'outweighed'

In final para of Policy include 'vegetation'

In 4.73 note that soil plants and soil animals are microbial. Ensure that summary statements on scientific technical issues are accurate.

In 4.74 grammar error - 'its' should be 'their'. Replace 'balance' with 'characteristics'. Use 'affects' rather than 'impact'.

In 4.75 Include reference to 'suitable alternatives' in previous policies.

CNPA analysis

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text. The wording will also be reviewed to ensure it is clear, and supported by the necessary detail to allow assessment and implementation by users.

Policy Policy 14

Name Simon Blackett

Company

Invercauld Estate

Objector Ref

442e

Representation

The opportunity to re-open former stone quarries should be available where a local need can be identified and is economically viable. Any requirement to use local stone may impact on the overall cost of the development and the provision of affordable housing.

Summary

Provision must be included to allow the re-opening of former quarries where a local need can be identified and is economically viable. Any requirement to use local stone may impact on the overall cost of the development and the provision of affordable housing.

CNPA analysis

The issue of local materials for local use particularly in conservation and restoration projects is an interesting one and the wording of the policy will be reviewed to ensure appropriate provision is made for such extraction.

Policy Policy 14

Name Maurice Stack

Company Aberdeenshire Council

Objector Ref 473h

Representation

'Minerals' should replace the word 'earth' as this is the commonly used terminology and accords with National Policy.

Refers to recycling developments as well and says there has to be a market within the Park, that could be a limitation for a business in the more accessible areas who wanted to produce re-cycled goods for a wider market.

Including info. on soils is good, they are a resource which is often neglected by the development industry.

Summary

Welcome the inclusion of information on soils.

Suggest replacing 'earth' with 'minerals' as this is the commonly used terminology and accords with National Policy.

Concern expressed over the reference to the need for a market within the Park for recycled materials. This could be a limitation for a business located in the more accessible areas of the Park, and who want to produce recycled goods for a wider market.

CNPA analysis

The rewording suggested is noted and the appropriate modification will be made. The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text.

Policy Policy 14

Name Nicola Abrams

Company SEPA

Objector Ref

399f

Representation

SEPA objects to the wording of the policy which appears to presume against minerals recycling developments, unless there are social and economic benefits and no reasonable alternatives.

Reason for objection - The "recycling" of aggregates would in principle normally be encouraged (e.g. crushing of used stone/demolition waste etc) in waste management terms as making a useful product out of waste and being a sustainable practice which minimises the use of raw materials in accordance with the principles of the National Waste Strategy. The supporting text appears to relate to extraction of new mineral resources therefore it is not clear why the term recycling is introduced.

Suggested Modification - SEPA requests that the policy be reworded and the word recycling is removed.

Summary

The wording appears to presume against minerals recycling developments, unless there are social and economic benefits and no reasonable alternatives. The "recycling" of aggregates would in principle normally be encouraged (e.g. crushing of used stone/demolition waste etc) in waste management terms as making a useful product out of waste and being a sustainable practice which minimises the use of raw materials in accordance with the principles of the National Waste Strategy. The supporting text appears to relate to extraction of new mineral resources therefore it is not clear why the term recycling is introduced. The policy should be reworded and the word recycling removed.

CNPA analysis

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text including recycling. The wording will also be reviewed to ensure it is clear, and supported by the necessary detail to allow assessment and implementation by users.

Policy Policy 14	Name Susan Davies	Company Scottish Natural Heritage	Objector Ref 465I
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Representation

It is easy to miss the short paragraphs about peat and soils at the end of this policy, which mostly concerns mineral extraction. It would be clearer to split the policy into numbered / lettered sub-parts, and to list those applicable to a greater number of development proposals(eg soils) before those applicable to fewer proposals (eg commercial peat extraction).

Para 4.68 - It would be useful to make it clear that in addition to being an important natural resource, soils, minerals and peat are also important components of the Park's special natural and cultural heritage qualities.

Para 4.76 - The contents of this paragraph seem to be at odds with the penultimate paragraph of Policy 14, which indicates that new commercial peat extraction will not be permitted.

Summary

Suggest splitting the policy into subparts, and to list those applicable to a greater number of development proposals (eg soils) before those applicable to fewer proposals (eg commercial peat extraction).

4.68 - Make clear that as well as being important natural resources, soils, minerals and peat are also important components of the Park's special natural and cultural heritage qualities.

4.76 - Suggest this para is at odds with Policy 14 which indicates that new commercial peat extraction will not be permitted.

CNPA analysis

The comments regarding layout are noted and the policy will be reviewed accordingly to ensure it is clear, reasonable and delivers the aims of the policy as detailed in the supporting text. The wording will also be amended to ensure it is not contradictory, and to add additional information where necessary to clarify issues such as components important to the natural and cultural heritage of the Park.

Policy Policy 14	Name The Crown Estate	Company The Crown Estate	Objector Ref 419c
	Agent Debbie Mackay		

Representation

This policy is very restrictive and to a degree contradictory. The policy aims to protect future mineral reserves from development but also restricts their extraction except for immediate local usage.

Modifications to resolve this objection.

This policy should be refined to allow for forms of mineral extraction which do not cause significant damage for wider usage.

Summary

Cairngorms National Park Deposit Local Plan – Analysis of consultation – Section 3 Conserving and Enhancing the Park

4.78-81. Garages are a source of petroleum residues in large 'haloes'. Excavation or confinement may spread this further, but methods may improve e.g. bacterial. More care should be taken of road washing to avoid direct supply to rivers.

Summary

The contamination caused by garages should be identified in the policy.

CNPA analysis

The comment is noted but it is considered that the wording of the policy covers the issue raised. The wording of the policy ensures that any site with known or suspected contamination must be assessed, and this would include sites such as garages. No modification considered necessary as a result of this representation.

Policy Policy 15

Name Nicola Abrams

Company SEPA

Objector Ref

399g

Representation

SEPA welcomes the inclusion of a Policy to address the issues of development affected by contaminated land, however SEPA objects to the terminology in the Policy as below: "Investigations and assessments". For clarity site specific risk assessments should be specifically referred to;

Suggested Modification - Point (a) of the policy should be amended to include a reference to site specific risk assessments.

Objection - SEPA objects and wishes to clarify that SEPA's role is to provide advice to Local Authorities primarily with respect to the water environment aspects of the identification and treatment of contaminated sites.

Reason for Objection - To clarify SEPA's role.

Suggested Modification - Para 4.79 is amended to more clearly reflect SEPA's role in the contaminated land regime

Summary

Object to the term "Investigations and assessments". For clarity site specific risk assessments should be specifically referred to and point a) should be amended to refer to this.

Also the wording should clarify that SEPA's role is to provide advice to Local Authorities primarily with respect to the water environment aspects of the identification and treatment of contaminated sites. Para 4.79 should be amended to more clearly reflect SEPA's role in the contaminated land regime

CNPA analysis

The comment is noted. In a) the wording will be revised accordingly. In para 4.79 the wording will also be amended to better reflect the role of SEPA in this regard.

Policy Policy 16	Name The Crown Estate	Company The Crown Estate	Objector Ref 419d
	Agent Debbie Mackay		

Representation

Renewable energy schemes can be vital for sustainable communities and this policy should not exclude the opportunity for larger schemes where these can have beneficial impacts on climate change and can be appropriately sited to minimise impact. Modifications to resolve this objection - The policy should delete the words “small scale” and “micro”.

Summary

The policy should not exclude larger schemes which can be important economically for communities. 'Small scale' and 'micro' should be removed from the wording.

CNPA analysis

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will 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 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.

Policy Policy 16	Name Susan Davies	Company Scottish Natural Heritage	Objector Ref 465m
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Representation

This would be clearer if there were three sub-parts to the Policy, dealing respectively with large scale commercial; small scale community; and micro-scale domestic renewable energy generation schemes. This would also better reflect SPP6, and give greater clarity as to whether the contents of para 4.83 are agreed policy in respect of large scale commercial. We recommend that definitions for the three categories (eg. in terms of numbers and heights of turbines, etc) are also clearly stated.

Summary

Suggest splitting the policy into 3 parts, dealing separately with large scale commercial, small scale community, and then micro scale domestic renewable energy generation schemes. This would clarify the policy stance for large scale commercial development. Recommend including definitions for the 3 categories.

CNPA analysis

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will 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 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.

Policy Policy 16 **Name** John Anderson **Company** Kincaig & Vicinity Community Council **Objector Ref** 463I

Representation

We generally support the Alvie Estate view on this Policy.

KVCC comment: Makes reference to 'small scale renewable energy schemes'. 'While perhaps not strictly a planning issue, it seems absurd that SEPA should seek an abstraction fee for a small- scale hydro plant (understood to be the case at Kingussie) which returns the water to the water course below the plant, when every encouragement is being given to harness renewable energy sources as cost-effectively as possible.

Summary

Generally support Alvie estate view on this policy. Comment that it seems absurd that SEPA should seek and abstraction fee for a small hydro plant which returns the water to the water course below the plant, where every encouragement is being given to harness renewable energy sources as cost-effectively as possible.

CNPA analysis

The comment is noted. The issue will be considered under the Alvie representation. In regard to the issue with SEPA the comment is noted but the matter is not something that can be dealt with through planning policy.

Policy Policy 16 **Name** Jamie Williamson **Company** Alvie and Dalraddy Estate **Objector Ref** 439m

Representation

The Park has a wealth of renewable resources. The Park Plan should be based on sustainable use of our resources and self sufficiency, not on NIMBYism (Not in my back yard). Solar panels, wind and water energy generation and bio-fuels can all contribute to reducing our reliance on oil, gas and coal imported into the Park area. Such schemes also provide an opportunity to diversify and enhance our local rural economy. There may even be opportunities to export energy outside the Park. The Park's Local Plan should not preclude large scale renewable energy generation.

Proposals for (delete small-scale) renewable energy schemes and (delete micro) energy generation will be favourably considered where they contribute positively to the minimisation of climate change, and where they complement the sustainability credentials of the proposal. Developers will ensure that schemes are sited and designed to minimise any visual impact, including any cumulative impact caused as a result of energy generation measures, and (delete will not have an) any adverse impact on the amenity of neighbouring properties will be taken into account and mitigated as far as reasonable.

Summary

The policy should encourage sustainable use of resources and self sufficiency and the wording should encourage all scales of generation.

Amended wording –

Delete 'small scale' and 'micro' in 1st sentence

In final section delete 'will not have an' and replace with 'any'

Add final part to end section 'will be taken into account and mitigated as far as reasonable'.

CNPA analysis

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will 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 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.

Policy Policy 16

Name Phil Rowsby

Company

SRPBA

Objector Ref

429r

Representation

The SRPBA recognises the importance of renewable energy for sustainable communities. We believe that the CNPA should encourage more than small scale wind farms.

With regard to the wording we object to the current wording and recommend that the following changes are made:

Proposals for (small scale) renewable energy schemes and (micro) generation will be favourably considered where they contribute positively to the minimisation of climate change, and where they complement the sustainability credentials of the proposal. Developers will ensure that schemes are sited and designed to minimise any visual impact, including any cumulative impact, caused as a result of energy generation measures, and will not have an adverse impact on the amenity of neighbouring properties.

We do not believe that complement in the first paragraph is the most appropriate word to be used. We also recommend that 'sustainable' requires further definition.

Summary

The policy should encourage more small scale wind farms. The wording should therefore be changed to remove 'small scale' and 'micro' generation. The word 'complement' is not the appropriate word. Also 'sustainable' requires further definition.

CNPA analysis

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of Cairngorms National Park Deposit Local Plan – Analysis of consultation – Section 3 Conserving and Enhancing the Park

the special qualities of the area as identified as a National Park. 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.

Policy Policy 16	Name DW and IM Duncan	Company	Objector Ref 037d
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Representation

There appears to be no definition as to what is considered to be 'small-scale'.

Summary

What is small scale?

CNPA analysis

Further information will be provided in regard to the comment, both in terms of the supporting text and wording in the policy and in any supplementary planning guidance produced to support this policy.

Policy Policy 16	Name Nicola Abrams	Company SEPA	Objector Ref 399h
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Representation

SEPA welcomes the inclusion of a policy in the Local Plan promoting small-scale renewable energy generation as a means of reducing climate change; however SEPA objects to the wording of the policy as it does not require proposals to consider impacts on the environment. Reason for Objection - The policy does not ensure that proposals will not have a detrimental impact on the environment. SEPA wishes to highlight that even small scale energy generation proposals (wind farms and micro-hydropower schemes) have the potential to have detrimental impacts on the environment.

Suggested Modification - SEPA requests that the policy is reworded to include requirements for development not to result in detrimental impacts on the environment. SEPA also requests that reference is made in the background and justification text to the need to comply with the requirements of the EC Water Framework Directive and the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR).

Other Comments - SEPA recommends that reference is also made to energy from waste in this policy or supporting text.

Summary

The wording of the policy should ensure proposals are required to consider impacts on the environment and ensure no detrimental impact. Even small scale energy generation proposals (wind farms and micro-hydropower schemes) have the potential to have detrimental impacts on the environment. The policy should be reworded to include requirements for development not to result in detrimental impacts on the environment. Reference should also be made in the background and justification text to the need to comply with the requirements of the EC Water Framework Directive and the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR). Reference should also be made to energy from waste in this policy or supporting text.

CNPA analysis

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will 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 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.

Policy Policy 16	Name John Forbes-Leith Esq	Company Dunachton Estate	Objector Ref 418d
	Agent Debbie Mackay		

Representation

Renewable energy schemes can be vital for sustainable communities and this policy should not exclude the opportunity for larger schemes where these can have beneficial impacts on climate change and can be appropriately sited to minimise impact.

Modifications to resolve this objection - The policy should delete the words "small scale" and "micro".

Summary

The policy should not exclude larger schemes which can be important economically for communities. 'Small scale' and 'micro' should be removed from the wording.

CNPA analysis

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will 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 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.

Policy Policy 16	Name Mairi Maciver	Company Communities Scotland	Objector Ref 025i
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Representation

14. We support Policy 16 - Energy Generation, Policy 17 - Sustainable Development, Policy 18 - Design Standards for New Development and Policy 19 - Developer Contributions in respect of sustainable communities and development. The table of developer contribution themes on page 37 and proposed sustainable design guide on page 38 will be of particular use in implementing these policies. We remain prepared to consider participation in implementation of renewable energy and energy recycling technologies, as well as the development of community or domestic small-scale/micro-renewable energy projects.

15. Policy 16 - Energy Generation - policy box, first sentence - we suggest amending to read "...complement the sustainability of a Cairngorms National Park Deposit Local Plan – Analysis of consultation – Section 3 Conserving and Enhancing the Park

development." This would remove the double use of "proposal" from the first sentence and focus on the substance of sustainability, rather than the perception of credentials.

Summary

Support for policies 16, 17, 18 and 19. Suggest amending Policy 16, first sentence, to read "... complement the sustainability of a development." to focus clearly on sustainability and not on perception.

CNPA analysis

The comments are noted and the appropriate amendments will be made to the wording to clarify the position.

Policy Policy 16	Name Gemma Grimes	Company	BWEA	Objector Ref	427
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Representation

BWEA welcomes the opportunity to provide comments on the Cairngorms National Park – Deposit Local Plan, and provides this submission on behalf of the UK wind energy industry.

BWEA was established in 1978 and is the representative body for companies active in the UK wind energy market. In representing the wind industry, BWEA is in a unique position to comment on the circumstances which affect the future growth and development of the sector. BWEA would be pleased to clarify any issues raised and offer any further information which may be required.

Scotland has a rich variety of renewable energy resource, including 25% of Europe's wind energy resource. Having already met the 2010 target for renewable energy provision, Scotland has committed itself to a further target of 40% of electricity to come from renewable resources by 2020. There has already been considerable investment and employment in the Scottish renewables sector. It is important to continue to support and encourage the growth of the sector and associated benefits.

Low and Zero Carbon Developments

BWEA emphasis the contribution that small renewable systems can make, and urges the National Park Authority to introduce a policy for the mandatory requirement for all new buildings and renovations to provide electricity for at least 15% of the building's needs, through on site renewables, in accordance with the advice of SPP6. The following wording is highlighted as an example:

- All new residential, commercial and industrial development with a cumulative floor space of over 500 sq.metres must provide onsite renewable energy generation to provide at least a 15% reduction in the predicted CO2 emissions of the building (s) unless it can be satisfactorily demonstrated that such provision would be technically or economically unfeasible.

While building regulations will be strengthened over the next decade, BWEA recommend the inclusion of a discrete policy on sustainable design and construction methods, and the introduction of minimum efficiency standards for extensions, change of use conversions, and refurbishments / listed building restorations. Such a policy would help ensure increase in energy efficiency within the existing building stock, as well as in new build development.

BWEA welcomes the preparation of the Local Plan and the inclusion of Policy 16 – Energy Generation. However, BWEA recommend enhancing the resilience of the Plan through the introduction of specific policies on sustainable design and construction methods and a Cairngorms National Park Deposit Local Plan – Analysis of consultation – Section 3 Conserving and Enhancing the Park

prescriptive micro generation policy, in line with SPP6 guidance on low and zero carbon developments.

Policy 16 – Energy Generation

BWEA welcomes the inclusion of a renewable energy policy that follows the guidance of the Scottish Planning Policy 6 (SPP6) and Planning Advice Note 45 (PAN45).

It is important that the Local Plan presents a positive, objective and robust approach to renewable energy for the wider and local benefit, as demonstrated here, rather than a restrictive policy. It is particularly encouraging that this policy does not impose unnecessary restrictions on building types and area locations considered suitable for such proposals. The fact that the policy does not take on the assumption that renewable energy developments will have a negative effect, is to be commended.

In addition, BWEA recommend that the development plan provide a brief outline of the different renewable energy generation technologies, and equally encourage and promote all forms of renewable energy (solar, biomass, wind, geothermal, hydro etc). The plan should include a robust criteria based policy that will be used to assess all applications for renewable energy developments.

Summary

While supporting the approach, the Plan should include a brief outline of the different forms of technology and encourage all forms of renewable energy. In addition there should be an additional policy for the mandatory requirement for all new developments and renovations to provide electricity for at least 15% of the need through on site renewables. Additionally, a policy regarding sustainable design and construction methods and energy efficiency so increasing energy efficiency in the existing and new building stock.

CNPA analysis

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will 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 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.

Policy Policy 16

Name Campbell Gerrard

Company

Sportscotland

Objector Ref

380b

Representation

No reference is made in this policy to the negative impact small scale renewables can have on sport and recreation interests. Small scale hydro schemes can, for example, have a negative impact on water flow levels in rivers popular for canoeing and may impact on fishing interests.

Modifications needed to resolve this objection – Our objection to this policy depends on the definition of a small scale scheme. Our concerns may be satisfied if proposals are of a scale which is never likely to impact on sport and recreation interests. If this is the case

then we propose a definition of small scale to be included in the Plan. If however, proposals will be of a scale that sport and recreation interests could be impacted on, then we propose an additional to Policy 16 which makes reference to the need to consider potential impacts on sport and recreation interests in any scheme proposed.

Alternatively, a general policy on the need to take sport and recreation interests into account would suffice. This would be appropriate in Chapter/Section 6 of the Plan. (see comments on Policy 36)

Summary

No reference is made to the negative impact small scale renewables can have on sport and recreation. Eg impact on water flow for canoeing or fishing. There needs further clarification on what is meant by 'small scale', and consideration of how this definition would impact on recreational activities. There may be need to make reference to the need to consider potential impacts on sport and recreation interests in any scheme proposed. Alternatively an additional policy should be included to require the consideration of sport and recreation interests in development proposals

CNPA analysis

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will 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 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.

Policy Policy 16	Name Nicola Abrams	Company SEPA	Objector Ref 399SEA(jj)
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Representation

SEPA queries the assessment of not applicable for this policy, as it is currently worded the policy does not require to consider potential impacts on the environment, SEPA notes that small scale energy generation scheme do have the potential to have impacts on the environment and that the policy which does not require proposals to avoid or minimise impacts on the environment could have a (minor) detrimental impact on a number of SEA objectives including objectives 4, 5, and 13. Please refer to SEPA's representation on the Finalised Local Plan for detailed comments on the Local Plan.

Summary

How is policy 16 considered to be 'not applicable' in terms of the assessment as it does not require to consider potential impacts on the environment, or require proposals to avoid or minimise impacts on the environment could have a (minor) detrimental impact on a number of SEA objectives including objectives 4, 5, and 13.

CNPA analysis

The comment is noted and the SEA will be reviewed to ensure that the appropriate level of consideration is given to this policy.

Policy Policy 16 **Name** Anne MacNamara, Planning Directorate **Company** Scottish Government **Objector Ref** 422m

Representation

Policy 16 refers to the “sustainability credentials” of proposals but it is not clear if this is a reference to the Park Authority’s Sustainable Design Guide as mentioned in paragraph 85.

Summary

Is the reference to “sustainability credentials” of proposals a reference to the Sustainable Design Guide as mentioned in paragraph 85.

CNPA analysis

The comment is noted and additional information to clarify will be added to the detail contained within the Sustainable Design Guide and the supporting text to policy 17.

Policy Policy 16 **Name** Dr A M Jones **Company** Badenoch & Strathspey Conservation Group **Objector Ref** 400f(i)

Representation

We are generally supportive of appropriately sited small-scale renewable energy schemes, especially where they are near to existing settlements rather than in remoter areas.

However, such schemes potentially have significant adverse effects beyond visual and amenity impacts referred to in the Policy.

Other impacts that should be addressed in the Policy include:

- Impacts on birds and bats, for example of turbines, transmission lines and masts;
- Impacts of access roads, including on vegetation, soils and watercourses as well as on access;
- Disturbance or pollution of watercourses;
- Loss of wild land characteristics;
- Noise and light pollution;
- Decommissioning issues.

Summary

Generally support small scale renewable energy schemes. However the policy should also ensure no significant adverse effects in regard to:

- Impacts on birds and bats, for example of turbines, transmission lines and masts;
- Impacts of access roads, including on vegetation, soils and watercourses as well as on access;
- Disturbance or pollution of watercourses;
- Loss of wild land characteristics;
- Noise and light pollution;
- Decommissioning issues.

CNPA analysis

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will 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 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.

Policy Policy 16	Name Scottish and Southern Energy Plc	Company Scottish and Southern Energy Plc	Objector Ref 447e
	Agent Jones Lang Lasalle		

Representation

Policy 16 is the only energy related policy in the Plan and it addresses small scale renewable and micro generation developments. Paragraph 4.82, which contains the supporting text of this policy, notes the role “everyone should play in efforts to slow climate change. This is supported through the second aim of the Park”. The Local Plan therefore acknowledges that addressing the climate change issue is directly related to the second aim of the Park which is “to promote sustainable use of natural resources of the area”. However, the Local Plan does not refer at all to any potential for medium or large scale energy projects within the National Park area and at paragraph 4.83 it states that the area is considered “unsuitable for large scale energy production schemes”.

The Local Plan, surprisingly, makes no reference to the Highland Council’s Renewable Energy Strategy (HRES), which is approved Supplementary Planning Guidance which refers to the whole of the Highland Council area including that within the Cairngorms National Park. The HRES identifies broad areas of search for wind farms and it is recognised that these do not include the area of the National Park. However, Scottish Planning Policy (SPP) 6 (Renewable Energy) states (paragraph 40) that such search areas should “not be used to rule out development elsewhere if it can be accommodated in a manner consistent with the approach set out “[in SPP6]. It must therefore be questioned whether there is any justification for the prohibition in the Plan against any medium and large scale renewable energy developments to be located within the National Park. It is submitted that this approach is contrary to national planning policy. The approach in the Local Plan is also contrary to paragraph 39 of SPP6 which states that planning authorities in updating development plan policies should “reflect the policies in this SPP”. The CNPA is not, in my view, “supporting the Scottish Ministers” commitment to renewable energy” and is not providing positively for its development.

Summary

The plan nor this policy make any provision for medium or large scale projects despite acknowledgement of the importance in making efforts to slow climate change. No reference is made to Highland Council’s Renewable Energy Strategy (HRES), which included the Park in its consideration. Also reference should be made to SPP6 para 40 regarding suitable areas of search. Is there therefore any justification for the prohibition against medium and large scale developments? This seems contrary to national planning policy (see para 39 of SPP6) and to the commitment of Scottish ministers to renewable energy.

CNPA analysis

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will 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 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.

Policy Policy 16

Name Richard Renton **Company** Nethy Bridge & Vicinity Community Council

Objector Ref 348a

Representation

This letter is submitted jointly by the Nethy Bridge and vicinity community council and the Nethy Bridge Community Development Company. We would like to notify the CNPA of various local initiatives which we hope will take place in Nethy Bridge during the life of the Plan and its successor.

1. Community Energy Project. The NCDC, with the support of the Highlands and Islands Community Energy Company, is in the process of developing a community energy project, based on one, or possibly two, wind turbines located on Corriechulie Farm and adjoining the A939 road. This project, if brought into operation, would provide the Nethy Bridge community with a source of revenue, independent of grant aid, which would enable the community to carry out a number of local projects described below.

An initial screening study for the project will shortly to be put out to tender, and will involve initial discussions with the CNPA about the planning issues involved. However the project depends critically on the use of the existing Boat of Garten to Donside pylon line to provide grid connection. If this line is taken down as part of compensation for the proposed Beauly to Denny power line, the opportunity for Nethy Bridge to develop this project is likely to be lost. The same would apply to any other community energy projects along this line, such as may be proposed by the communities in Tomintoul and Strathdon. We will be writing separately about this to the CNPA but it is important that it is mentioned in the present context.

Summary

The line between Boat of Garten to Donside will facilitate the development of a number of local generation schemes creating revenue for local communities and should not be taken down as a result of the Beauly to Denny power line inquiry.

CNPA analysis

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will 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 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.

Policy Policy 16

Name Roy Turnbull

Company

Objector Ref

390h

Representation

I am generally supportive of small-scale renewable energy schemes, since they can help reduce carbon dioxide emissions, save fossil fuel use and supply income at a local level.

However, the effects of such schemes can extend beyond visual or amenity impacts. The following potential impacts should be explicitly addressed in this policy:

- access roads and tracks
- concrete bases and other infrastructure for wind turbines
- bird-strikes of wind turbines
- disturbance or pollution of watercourses by damming and diverting the flow, with consequent negative effects on wildlife.
- loss of wild land characteristics

Policy 16 should ensure that no such negative impacts occur.

Summary

Small scale developments can have potential impacts as a result of

- access roads and tracks
- concrete bases and other infrastructure for wind turbines
- bird-strikes of wind turbines
- disturbance or pollution of watercourses by damming and diverting the flow, with consequent negative effects on wildlife.
- loss of wild land characteristics

The wording of the policy should address all these issues and ensure no such negative impacts occur.

CNPA analysis

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will 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 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.

Policy Policy 16

Name Maurice Stack **Company** Aberdeenshire Council

Objector Ref

473i

Representation

In relation to Policy 16 and wind energy. The emphasis on small-scale renewable energy schemes is understandable in relation to the landscape and visual sensitivity of the CNP area. It may be worth expanding the policy to address the issue of potential community wind energy schemes that may be proposed for within the CNP boundary area that would feature one or a small number of commercial size wind turbines (i.e. 50 or 70 metres + in height). This is a sector of the industry that could present problems in relation to the aims of policy 16 and may be worthy of consideration. In terms of wind energy in particular and small scale, is the policy referring to the size of structures or the number of units?

Recommend expanding Policy 16 – Wind Energy to address community wind energy schemes.

Policy 16 Energy Generation - What is a "small scale" renewable energy scheme? Could argue a 15m turbine is small scale but in some locations it could have a big impact

Is there any point in saying they will be favourably considered where they contribute positively to the minimisation of climate change, surely that is what they are designed for!

Summary

Recommend expanding Policy 16 – Wind Energy to address community wind energy schemes. The policy should address the issue of potential community wind energy schemes which could feature one or more commercial size wind turbines. Questions what is meant by "small scale"? And whether the policy is referring to the size of structure or the number of units?

CNPA analysis

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will 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 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.

Policy Policy 16

Name Ian Francis

Company RSPB Scotland

Objector Ref

424k

Representation

Paragraph 4.83 states that CNPA considers that the area is unsuitable for large-scale energy production schemes. We agree with this statement, and it should be reflected in the Policy, which should begin with "The outstanding qualities of the Park are incompatible with the development of large-scale energy production schemes".

Summary

Para 4.83 should begin with: "The outstanding qualities of the Park are incompatible with the development of large-scale energy production schemes".

CNPA analysis

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will 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 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.

Policy Policy 16	Name Mrs Jane Angus	Company	Objector Ref	437j
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Representation

4.82-5 The Sustainable Design Guide is awaited but care in implementation is still required in a fast-moving field. Particularly in peat areas, there should be full archaeological study to below the Bronze Age farming levels. I am not sure if the Tarff reservoir is still generating electricity.

Summary

With peat extraction a full archaeological study should be included to below Bronze Age field levels.

CNPA analysis

The comments regarding archaeology interests are noted. Reference should be made to Policy 9 which protects such resources. No modification considered necessary as a result of this representation.

Policy Policy 16	Name Robert Maund	Company Scottish Council for National Parks	Objector Ref	434h
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Representation

The policy in the Plan in relation to energy generation are not as comprehensive and explicit as those in the Consultative Draft. Whilst Para. 4.83 says that the Park is not a suitable place for large scale energy production schemes, there is no mention of transmission and distribution infrastructure, undergrounding of cables etc., other than for telecommunications or of other sustainable generation techniques.

Summary

The policy is not as comprehensive as in the draft plan. Whilst Para. 4.83 says that the Park is not a suitable place for large scale energy production schemes, there is no mention of transmission and distribution infrastructure, undergrounding of cables etc., other than for

telecommunications or of other sustainable generation techniques.

CNPA analysis

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will 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 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.