

Representation, summary and analysis – Strategic Environmental Assessment

Policy SEA

Name George Hogg

Company Scottish Natural Heritage

Objector Ref 465 (SEA01)

Representation

Thank you for consulting SNH on this Environmental Report. As the Report and the Local Plan itself are integrally linked, this response should be read alongside our response to consultation on the deposit draft Local Plan, which we are sending separately. In order to reduce duplication between our two responses, there are cross-references between them.

In general, we think that this is a good Environmental Report, and that the assessment methods and conclusions are clearly explained and presented, and broadly sound. We are pleased to see that many of our comments on earlier drafts have been incorporated. Our detailed comments are included at Annex 1. We have not repeated the positive detailed comments we made on the last draft of this Environmental Report, but these still stand. Given that this Environmental Report is now at a relatively advanced stage of preparation, some of our comments at Annex 1 are more appropriate for incorporation in future Strategic Environmental Assessments, rather than this one.

We note that you will be undertaking an appropriate assessment of the effects of the Local Plan on the Rivers Dee and Spey SACs, and on the SPAs designated for capercaillie in the vicinity of Boat of Garten. At this stage, therefore, it has not yet been ascertained that the Plan will not affect the integrity of the Natura sites in the Park. We understand that you will undertake this appropriate assessment prior to publishing modifications to the Plan, and that the modifications will be informed by the assessment.

We are happy to advise on Natura issues in due course – please get in touch when you wish to take this forward.

Summary

The environmental report is good, and the assessment methods clear and broadly sound. We note that an appropriate assessment will be undertaken in line with the legislation on particular sites, and until this is done, the integrity of Natura Sites cannot be ascertained. SNH are happy to help in this work.

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 SEA

Name Dr Sheila Sedgwick **Company** Ballater & Crathie Community Council **Objector Ref** 091d

Representation

1.12 The SEA Assessment needs to be more thoroughly examined. The conclusions of the Plan may result in irrevocable damage to adjacent rivers, the environment and the whole ethos of Ballater.

Summary

The SEA must be more carefully examined as its findings will have a major impact on the area as a whole.

CNPA analysis

The comments are noted, but CNPA must refer to the responses from the 4 statutory consultees on SEA who have all commented on the clarity and soundness of the Environmental Report. The findings of the ER will impact directly on the local plan, its policies and proposals and this will be done in line with the legislative requirements and in liaison with the consultees.

Policy SEA

Name James and Evelyn Sunley

Company

Objector Ref

056c

Representation

The Strategic Environmental Assessment document requires considerable further explanation as to how it reaches its conclusions and appears to ask more questions than it answers. We therefore do not think it worthwhile going into detail in this submission. We hope the Park will open this up for further discussion

Summary

The SEA should further explain how it reaches its conclusions.

CNPA analysis

The comments are noted, but CNPA must refer to the responses from the 4 statutory consultees on SEA who have all commented on the clarity and soundness of the Environmental Report. The findings of the ER will impact directly on the local plan, its policies and proposals and this will be done in line with the legislative requirements and in liaison with the consultees.

Policy SEA

Name James and Evelyn Sunley

Company

Objector Ref

056f

Representation

1.12 The SEA assessment needs to be more thoroughly examined. A great responsibility for the future of our community rests with the conclusions of this document and may provide the catalyst for irrevocable damage to the adjacent rivers, the environment, and the culture of Ballater.

Summary

The SEA assessment needs greater examination as its findings are so important to future development.

CNPA analysis

The comments are noted, but CNPA must refer to the responses from the 4 statutory consultees on SEA who have all commented on the clarity and soundness of the Environmental Report. The findings of the ER will impact directly on the local plan, its policies and proposals and this will be done in line with the legislative requirements and in liaison with the consultees.

Policy SEA

Name Mrs Jane Angus

Company

Objector Ref

437v

Representation

Strategic Environmental Assessment:

In the Methodology section 4. p 13-19: discussion on the background papers does seem to accept that the some of the initial Natural Resources sections were out of date and that other parts were depending on incompatible data. The more recent 'Biodiversity of the Cairngorms' was published with only two hundred copies and we were only able to have cursory glances at much of the material. However we are not completely happy with the density of the study and 'walkover by a planner or ecologist' and the later part of this section does seem to indicate recognition of the probable need for more detailed study. Scoring' as a convenient general method cannot replace detailed study of particular sites or the wider effects of any mistakes.

I am not clear on who is to do the monitoring. In various consultations' these questions of qualifications, experience and judgment of these hypothetical persons and the cost, delay and inconvenience involved have been raised. The easiest answer is simply to deny any development and cite the pre-eminence of the First Aim. It may also be the correct one, leaving us with the concentration of development within the existing settlements and the 'Canadian' solution of no residence without an occupation involved with the environment' under outside control. This, of course, is in conflict with the policy of Park For All, increased tourism and the bottom-up' concept.

Section 5 Predicted Environmental Baseline and Issues: covers the above ground and depends on the same data.[Limitations p.28 5.4]
The grounds for conflict are equally clear.

5.1 I am not clear on the 'deprivation indices'. Distance from Bank, Post Office, Community Centre, Schools, Churches, work, shops and variety of those, medical centre (and 24 hour system?), Ambulance, Public Transport used to be involved. Petrol taxes bear heavily in the country and pay-rates in agriculture and tourism are neither high nor always all-year round. Food prices are higher unless bought directly from producers. Yet Ballater and Crathie are fortunate in our GP practices, with early introduction of things like walking for health. Etc. The Deeside Way was resurfaced according to the tenders put out before there was consultation at this end and not according to expressed preference for maintaining a subdued rural ambience. There has been failure to strengthen the crossing points.

5.5-3 Native species: There is local concern about the severe culling of red deer. I have seen no economic discussion of the cost of removing stalking opportunities rather than 40 year fencing off patches and the absence of any apparent concern about Sika or Muntjac deer - which the SNH representative firmly told us was 'too difficult.' This also applies to disturbance by visitors and access, management responsibilities and education.

A - Forests and fires

B - Soil erosion of higher ground. and peat, and skiing.

C - Ramsar sites and enthusiasm for canoeing and frequent haul-outs. Also 6.4 6.7 Settlements should be for living AND working.- these are all points which already require stringent assessment.

SEA Objectives, Indicators and Targets. Section 61-6 pp 29-34

6.2.-7: No new barriers, yes. but consideration also for habitat networks which have already been modified.

4-7: as above, avoiding also unnatural flushing of water. Scottish law has always accepted responsible access with compensation for any damage. It is just that there does not always seem to be understanding of animal behaviour etc.

6. Geological sites might have lichen removed from opened rock faces or alternatives suggested for students' and children's hammering.

5. Sustainable Urban Drainage Schemes should not be 'for the present', but allow for increased run-off and rainfall to prevent flash flooding. Every effort should be made to retain run-off, also at 9.3 p.41

Should semi-natural always be preferred to development on cultivated land and for how long? This document is legally binding come climate change for tropical or arctic. As it is, the flood-plain is our cereal and vegetable supplier, the improved grass our meatsource (and the low-fat deer should be included in that) so housing goes where? Not as suburban sprawl?

11-15: all this sounds fine, but is it possible - climatically, population pressure, money etc?

Strategic Alternatives 7. pp 35-6 Assessment of Plan Policies: — splendid approach, thank you. But I am just not sure if scoring is the only way. see above. Aspirations good! But the verdict is 'too many people and the Homelessness Act is against them.

9. 1-10 general principles p. 41-2: Excellent sentiments for the First Aim. And acceptance of the damage to the environment that must occur with any development and from previous planning interests. But here also, the problem balance is between making a Farm uneconomic if houses and roads take up arable or rough grazing and thus affecting the social as well as the economic situation. We have lost many of the long-standing members of the communities and their Families in the last Few years with poor agricultural returns and failure to develop lighter industries and IT connections to bring back the graduates.

Summary

Methodology – the background information is lacking and detailed studies of particular sites may be needed to avoid mistakes.

Strategic

Monitoring - how will this be done and by whom.

Section 5 - also uses the flawed baseline information.

Para 5.11 – clarification needed on the 'deprivation indices'.

Para 5.3 – concern regarding deer culling. The background information provided by SNH is also unclear regarding forests and fires, soil erosion, and ramsar sites.

SEA Indicators and Targets –

Para 6.2-6.7 – consideration for habitat networks which have already been modified;

Para 4.7 – there seems to be an understanding of animal behaviour etc.

Sec 6 – geological impacts should be recognised

Sec 5 – every effort should be made to retain run-off, also at 9.3 p.41

The impacts of climate change and development on the floodplain which is also the key agricultural land should be recognised.

Strategic Alternatives – support this section but is the scoring approach the best one.

The problem of balancing the various aims must be remembered.

CNPA analysis

The comments are noted, but CNPA must refer to the responses from the 4 statutory consultees on SEA who have all commented on the clarity and soundness of the Environmental Report. The findings of the ER will impact directly on the local plan, its policies and proposals and this will be done in line with the legislative requirements and in liaison with the consultees. In regard to the detailed comments made, the environmental report, baseline information and indicators, the comments are noted, and in further working on the SEA for the local plan refinements will be made to inform the process.

Policy SEA	Name Susan Davies	Company Scottish Natural Heritage	Objector Ref	465z-c
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Representation

The SEA Environmental Report identifies a number of instances where mitigation will be needed to minimise or avoid negative environmental effects, but the Local Plan does not currently explain where mitigation is needed. We strongly recommend indicating clearly in the settlement statements what mitigation will be needed in which locations.

Summary

The SEA Environmental Report identifies a number of instances where mitigation will be needed to minimise or avoid negative environmental effects, and we strongly recommend indicating clearly in the settlement statements what mitigation will be needed in which locations.

CNPA analysis

The comments are noted, and better links and cross referencing will be undertaken to ensure the local plan takes full and proper account of the findings of the SEA. The wording within the local plan also be amended to highlight the findings of the SEA and any actions needed as a result of it during the delivery of the local plan.

Policy SEA - Energy Generation	Name Lily Linge	Company Historic Scotland	Objector Ref	467e
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Representation

Assessment of plan proposals

Policy 16 Energy generation – the assessment identifies that small scale renewable energy schemes and microrenewables have the potential to adversely affect the historic environment, and we agree that the application of other Local Plan policies should mean that adverse effects are avoided. We note that supplementary guidance will be produced to support the development of small scale and microgeneration schemes. Will this guidance address the potential effects of microrenewables on the historic environment, in particular

the potential cumulative effects on settlement character?

Summary

Seek reassurance that the supplementary guidance produced on small scale and microgeneration schemes will address the potential effects of the developments on the historic environment.

CNPA analysis

The comment regarding policy 16 is noted, and the wording of the policy will be amended to clarify the position on the historic environment.

Policy SEA Allocations	Name Nicola Abrams	Company SEPA	Objector Ref	399SEA(p)
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Representation

Assessment of allocations

SEPA welcomes the assessment of allocations and considers that the inclusion of the detailed assessment matrices and supporting tables in Appendix 2 allows the reader to readily understand the reasons for making assessment decisions. The full use of the comments boxes is especially welcome.

SEPA refers the reader to our detailed comments on the Deposit Local Plan with regard to specific comment on flood risk in relation to allocations. However, in relation to housing allocations there are a few sites which based on SEPA's initial assessment of allocations from information readily available, which appear to be at risk of flooding but which are not picked up as having potential impact on catchment processes and hydrological systems

Summary

The assessment matrices and supporting tables are clear and useful.

CNPA analysis

No modification considered necessary as a result of this representation.

Policy SEA An Camas Mor	Name Lily Linge	Company Historic Scotland	Objector Ref	467f
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Representation

An Camas Mor – the assessment against SEA objective 10 notes that the “detailed proposals will need to consider the potential effects of the development on priority species in more detail”. It is not clear if potential impacts on the historic environment have been considered in the assessment and I would welcome clarification on this point. The scheduled ancient monument known as Rothiemurchus, palisaded enclosure to NW of Dell Farm, lies to the south west of the development. The monument is normally only visible from the air as differences in crop growth and accordingly the new settlement is unlikely to significantly affect the setting of the monument. However, we would expect that potential effects on the monument are considered as more detailed proposals for this site

are developed and addressed in any EIA undertaken for the development. This should be identified as a mitigation measure.

Summary

Seeks clarification that potential impacts on the historic environment have been considered in the assessment of An Camas Mor. Also seeks inclusion as a mitigation measure impacts on Rothiemurchus scheduled ancient monument.

CNPA analysis

The comment regarding An Camas Mor is noted, and the wording of the proposal within the local plan will be amended to clarify the position on the historic environment.

Policy SEA An Camas Mor **Name** George Hogg **Company** Scottish Natural Heritage **Objector Ref** 465(SEA16)

Representation

Figure 9.1, para 9.13 and Appendix 2 - An Camus Mor new settlement. In the light of the statement above about loss of priority habitats and disturbance to priority species, we do not agree with the statement in the second paragraph of the 'Summary of effects' in Appendix 2 that the 'SEA does not predict any direct significant negative effects'. In view of the range of negative and uncertain environmental effects identified, we recommend further emphasis on, and explanation of, the role of a detailed masterplan for the new settlement. The need for this masterplan to incorporate measures to minimise and mitigate negative environmental effects should be explained.

Summary

In view of the range of negative and uncertain environmental effects identified, recommend further emphasis on, and explanation of, the role of a detailed master plan for the new settlement, and this should incorporate measures to minimise and mitigate negative environmental effects.

CNPA analysis

The comment regarding An Camas Mor is noted, and the wording of the proposal will be amended to clarify the role of the masterplan, and the links which should be taken into account as a result of the SEA.

Policy SEA An Camas Mor **Name** Nicola Abrams **Company** SEPA **Objector Ref** 399SEA(q)

Representation

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 itself as being situated outwith the indicative limits of the floodplain based on SEPA's information, SEPA has concerns about the alignment of the access roads through the flood plain. SEPA accepts the assessment with regard to these proposals. SEPA welcomes the recognition in the ER of the issue and need for a FRA to be produced to support any proposals, but highlights that the requirement of a FRA is not included in the Local Plan. Please refer to SEPA's representation on the Finalised Local Plan for detailed comments on the Local Plan .

Summary

An Camas Mor – although outwith the indicative limits of the floodplain, SEPA has concerns about the alignment of the access roads through the flood plain. The recognition in the ER of the issue and need for a FRA to be produced to support any proposals is welcomed, but the requirement of a FRA is not included in the Local Plan.

CNPA analysis

The comment regarding An Camas Mor is noted, and the wording of the proposal will be amended to clarify the position on the comments made and the impact any FRA might have.

Policy SEA Appendix 1

Name Ian Francis

Company RSPB Scotland

Objector Ref

424z

Representation

Appendix 1 needs some updating and checking. There are several errors and references that are out of date, including;

- Typographic errors in Appendix 1 — column 2 of the table showing other relevant plans/programmes incorrectly describes the Birds and Habitats Directives
- Nature Conservation Bill (Scotland) 2004— should be Nature Conservation (Scotland) Act 2004
- NPPC6 - now SPP6, NPPG4 - now SPP4.
- There is no reference in Appendix 1 to The Water Environment and Water Services (Scotland) Act — the CNPA is a Responsible Authority under the Act and must exercise its functions, including its local planning function, to promote sustainable development and contribute to the achievement of sustainable development.
- There is no reference to Choosing our Future: Scotland's Sustainable Development Strategy,

Summary

There are a number of errors:

- typographic errors in Appendix 1 — column 2 of the table showing other relevant plans/programmes incorrectly describes the Birds and Habitats Directives
- Nature Conservation Bill (Scotland) 2004— should be Nature Conservation (Scotland) Act 2004
- NPPG6 - now SPP6, NPPG4 - now SPP4.
- There is no reference in Appendix 1 to The Water Environment and Water Services (Scotland) Act — the CNPA is a Responsible Authority under the Act and must exercise its functions, including its local planning function, to promote sustainable development and contribute to the achievement of sustainable development.
- There is no reference to Choosing our Future: Scotland's Sustainable Development Strategy,

CNPA analysis

The corrections are noted, and the appropriate alterations will be made in future work on the SEA

Policy SEA Assessment

Name George Hogg **Company** Scottish Natural Heritage

Objector Ref

465(SEA13)

Representation

Section 8 – Assessment of Policies - In general we think that the assessment of effects is reasonable, and we welcome the detail provided in Appendix 2. We are pleased to see that the cumulative effects are predicted to be positive. It is perhaps disappointing that there are no significant positive cumulative effects predicted.

Summary

Welcome the detail contained in Appendix 2, and are pleased to see that the cumulative effects are predicted to be positive. Point out it is perhaps disappointing that there are no significant positive cumulative effects predicted.

CNPA analysis

The comment is noted and the findings will be reviewed to ensure that appropriate analysis has been undertaken and that future work on the SEA is not informed by misinformation.

Policy SEA Assessment

Name George Hogg **Company** Scottish Natural Heritage

Objector Ref

465(SEA14)

Representation

Figure 8.1, Policy 13 & para 8.14 - The policy seems to provide little additional protection for water bodies than current legislative framework that applies across Scotland. We are therefore not convinced that it merits the significant positive scores allocated. Furthermore, the Policy provides for the option of private waste water treatment, complying with 'best practice standards', if using public services is 'unreasonable'. We are not clear about the definitions of the terms in italics, but are concerned about the potential for an increased number of private sewage treatment systems in the catchments of the Rivers Spey and Dee SACs. We note that there is no legal requirement to monitor discharge from small private systems, and that, if they are not maintained, there is potential for increased pollution. We therefore advise that you should consider the cumulative effects of existing and potential future private waste water systems in the appropriate assessment of the Local Plan. Negative or uncertain scores against SEA Objectives 1 & 5 may be warranted in the Environmental Report.

Summary

Question the significant positive scores allocated as feel the policy provides little additional protection for water bodies than the current legislative framework that applies across Scotland.

Concerned about the definition of 'best practice standards' and 'unreasonable', also about the potential for an increased number of private sewage treatment systems in the catchments of the River Spey and Dee SACs, and the associated potential for increased pollution. Advise that CNPA should consider the cumulative effects of existing and potential future private waste water systems in the appropriate assessment of the local plan.

CNPA analysis

The approach taken will be reviewed to ensure that future work on the SEA takes proper account of an appropriate scoring

mechanisms. In terms of the wording of the policy, the text will be reviewed to improve clarity, and ensure that the wording is in line with national guidance whilst also providing an appropriate level of guidance to developers.

Policy SEA Assessment

Name George Hogg **Company** Scottish Natural Heritage

Objector Ref

465(SEA15)

Representation

Section 9 – Assessment of Proposals - We generally agree with the assessments, but we do think that, for some proposals, the negative effects are sufficiently probable that many of the ‘?’s in table are unnecessary. In particular, the Boat of Garten housing and An Camus Mor proposals will inevitably involve loss of priority habitats and disturbance to priority species and should be scored appropriately. In addition, we note that in many instances the impact minimisation and mitigation proposals in the Environmental Report are not reflected in the Local Plan itself. We strongly recommend embedding the findings of the Environmental Report more clearly within the Local Plan. Examples of Local Plan proposals that should incorporate the findings of the SEA in terms of mitigation to minimise negative effects include AV/H3; GS/H2; BL/H1; KC/H1; KC/H2.

We generally agree with your views on the issues that need to be subject to appropriate assessment. However, for the avoidance of doubt, in our view the appropriate assessment of the Local Plan should consider effects on the River Spey & Dee SACs both from disposal of waste waters, and from increased abstraction for water supplies to meet the needs of the Plan proposals. This appropriate assessment should consider cumulative effects and not just abstraction related to proposals in the Local Plan.

Summary

Question the use of ‘?’s in the table, as the negative effects are sufficiently probable in many cases, in particular in relation to loss of priority habitats and disturbance to priority species at Boat of Garten and An Camus Mor.

Note that in many instances the impact minimisation and mitigation proposals in the Environmental Report are not reflected in the Local Plan itself, and so strongly advise remedying this. Local Plan proposals that should incorporate the findings of the SEA in terms of mitigation include AV/H3, GS/H2, BL/H1, KC/H1 and KC/H2.

The appropriate assessment of the Local Plan needs to consider the effects on the River Spey and Dee SACs both from disposal of waste waters, and from increased abstraction for water supplies to meet the needs of the plans proposals. It should also consider cumulative effects and not just abstraction related to proposals in the Local Plan.

CNPA analysis

The assessments will be revisited to ensure that a consistent and clear approach has been taken to the assessment of effects. In regard to the policy wording in the plan, the comments are noted, and better links and cross referencing will be undertaken to ensure the local plan takes full and proper account of the findings of the SEA. The wording within the local plan also be amended to highlight the findings of the SEA and any actions needed as a result of it during the delivery of the local plan. 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 SEA Assessment of policies **Name** Lily Linge **Company** Historic Scotland **Objector Ref** 467d

Representation

Assessment of plan policies

We note that the assessment of the policies in the Local Plan has been revised since the previous Environmental Report. Paragraph 8.4 describes a key assumption made during the assessment – that the potentially adverse effects of some policies will be mitigated by the environmental protection policies included in the Local Plan that would prevent such effects from being permitted through development. We are content with this approach.

Appendix 2 sets out the detailed assessment of the Local Plan policies. As noted in our response to the previous Environmental Report, the assessment matrix used to assess and document the assessment of Local Plan policies is thorough. In particular, the information included in the 'reasoning for score' column helps to make the assessment accessible and transparent. Comments on the assessment of Local Plan policies are set out below:

Summary

Welcome methodology applied and how described in the environmental report.

CNPA analysis

No modification considered necessary as a result of this representation.

Policy SEA Assessment Process **Name** Nicola Abrams **Company** SEPA **Objector Ref** 399SEA(f)

Representation

SEA Assessment Process

SEPA strongly supports the clear and robust approach to the assessment and welcomes the inclusion of the detailed assessment sheets for any policy and proposal, which also includes any option for mitigation or improvement which may be incorporated into the next draft of the Local Plan. SEPA considers that this gives a clear indication of the reasoning behind the CNPA's judgement as to whether something has a significant effect, and highlights particular areas of relevance.

Summary

The assessment process is clear and robust. The approach gives a clear indication of the reasoning behind the CNPA's judgement as to whether something has a significant effect, and highlights particular areas of relevance.

CNPA analysis

No modification considered necessary as a result of this representation.

Policy SEA Aviemore H3

Name Nicola Abrams

Company SEPA

Objector Ref

399SEA(r)

Representation

Aviemore H3 - SEPA notes that the ER recognises that the sites are potentially affected by flooding and a FRA is required, however it is not clear how the allocation of a site which is potentially at risk of flooding can have an unknown or neutral effect on catchment processes and hydrological systems. While SEPA notes that proposals will require to comply with Policy 13 in relation to flood risk, SEPA does not consider that the potential for persons and property to be at risk from flooding to be a minor negative environmental effect as set out in the detailed assessment form. SEPA is disappointed that flood risk is not raised as an issue in the text in the ER (9.14-9.16) for Aviemore housing. Please refer to SEPA's representation on the Finalised Local Plan for detailed comments on the Local Plan.

Summary

H3 – the ER recognises that the sites are potentially affected by flooding and a FRA is required, however it is not clear how the allocation of a site which is potentially at risk of flooding can have an unknown or neutral effect on catchment processes and hydrological systems. The consideration the potential for persons and property to be at risk from flooding to be a minor negative environmental effect as set out in the detailed assessment form does not seem correct. Flood risk should be raised as an issue in the text in the ER (9.14-9.16) for Aviemore housing.

CNPA analysis

The assessments will be revisited to ensure that a consistent and clear approach has been taken to the assessment of effects which will then be used to inform future work on the SEA. The issue of FRA assessments will also be more clearly highlighted in the wording of the proposals relating to development sites.

Policy SEA Ballater

Name Lily Linge

Company Historic Scotland

Objector Ref

467g

Representation

Ballater ED1, ED2, ED3 and C1– the assessment should note that the old school is C(S) listed. The assessment could also identify at SEA objective 14 that all of the proposals are within Ballater Conservation Area, and accordingly any redevelopment of these sites should be in keeping with the character of the area.

Summary

SEA should note that Ballater Old School is C (S) Listed, and that all of the proposals for Ballater are within the Conservation area, and so all development of these sites should be in keeping with the character of the area.

CNPA analysis

The listing of the building will be included along with the existence of the conservation area in future work on the SEA.

Policy SEA Ballater H1

Name Nicola Abrams **Company** SEPA

Objector Ref

399SEA(s)

Representation

Ballater H1 - SEPA notes that the assessment indicates that this allocation would have an unknown affect on catchment processes and hydrological systems, SEPA considers that the allocation of sites known to be at risk of flooding would in fact have a negative affect on catchment processes and hydrological systems.

Summary

The allocation of sites known to be at risk of flooding would have a negative affect on catchment processes and hydrological systems rather than unknown.

CNPA analysis

The assessments will be revisited to ensure that a consistent and clear approach has been taken to the assessment of effects which will then be used to inform future work on the SEA. The issue of FRA assessments will also be more clearly highlighted in the wording of the proposals relating to development sites.

Policy SEA Ballater H1

Name Lily Linge **Company** Historic Scotland

Objector Ref

467h

Representation

Ballater H1 – the assessment identifies that development of this site would change the settlement character of Ballater. We note that a Masterplan will be prepared for this area, and advise that consideration should be given through this process to avoiding adverse effects on the setting of B-listed Monaltrie House, which lies to the north of the housing site. This should be identified as a mitigation measure.

Summary

Seek inclusion in the Masterplan for H1 of mitigation for adverse effects on B Listed Monaltrie House.

CNPA analysis

The impact on the listed building will be highlighted in future work on the SEA and also within any masterplanning work carried out for H1.

Policy SEA Baseline Environment **Name** Nicola Abrams **Company** SEPA

Objector Ref

399SEA(d)

Representation

Baseline Environment - SEPA notes that Section 5 outlines the environmental baseline and refers to more detailed information which is available in the State of the Park Report and Section 6 outlines the environmental issues relevant to the Park.

SEPA notes that Figure 5.2 has included an indication of a number of key current trends but does not include waste which is identified later as an SEA objective. SEPA does consider that Table 5.1 the section on air could be refined with relevant data used to support the

assertion of 'relatively low atmospheric pollution'. SEPA is disappointed to note that despite our recommendation at the Scoping and Consultative Draft Local Plan ER stages that additional datasets be used to inform the assessment, (including groundwater issues, flooding, contaminated land, waste management etc) that these have not been incorporated into the Key Baseline Facts section of the ER, although SEPA notes that flood management has been identified in the key trends and issues section (figure 5.2). SEPA notes that the State of the Park Report has now been published and queries whether additional datasets and information included in the State of the Park Report will be incorporated into the assessment.

SEPA considers that additional datasets as detailed above should have been used and while SEPA recognises that the CNPA is not a waste authority, it would be helpful to outline what the issues and trends are in relation to waste management in the Park, particularly as it is later outlined as an SEA objective (Figure 6.1 and 6.2)

Summary

The baseline information presented is thorough and detailed, but Figure 5.2 does not include waste which is identified later as an SEA objective. In Table 5.1 the section on air could be refined with relevant data used to support the assertion of 'relatively low atmospheric pollution'. Despite previous recommendations that additional datasets be used to inform the assessment, (including groundwater issues, flooding, contaminated land, waste management etc) these have not been incorporated into the Key Baseline Facts section of the ER, although flood management has been identified in the key trends and issues section (figure 5.2). Now that the State of the Park Report has been published will additional datasets and information included within it be incorporated into the assessment? Additional datasets should have been used and also it would be helpful to outline what the issues and trends are in relation to waste management in the Park, particularly as it is later outlined as an SEA objective (Figure 6.1 and 6.2)

CNPA analysis

The omission of waste will be rectified in future amendments and will inform alterations to the local plan policy wording.

Policy SEA Baseline facts	Name George Hogg	Company Scottish Natural Heritage	Objector Ref	465(SEA08)
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Representation

Figure 5.1 Key Baseline Facts - We recommend including two additional points, taken from the statements about the Park in 2006 within the National Park Plan 'vision', in the 'Earth Heritage, Landforms and Landscape' section:

- Extensive areas where the special quality of wildness can be experienced.
- Alongside the point about the 'coherent identify' it would also be worth explaining that the Park's landscapes have a distinctive character, and that they are an integral part of outstanding national importance and value of the Park.

These two points in italics about landscape have proved important in a recent PLI. It would be helpful to emphasise that they are key facts about the Park.

The "Water" section might usefully mention that there are 3 river SAC systems in the National Park

Summary

Recommend adding 2 additional points:

- Extensive areas where the special quality of wildness can be experienced.
- Alongside the point about the 'coherent identify' it would also be worth explaining that the Park's landscapes have a distinctive character, and that they are an integral part of outstanding national importance and value of the Park.

Recommend mentioning that there are 3 river SAC systems in the National Park in the water section.

CNPA analysis

The comments are noted, and will be fed into future work on the SEA process to ensure adequate and appropriate consideration of the key issues.

Policy SEA Boat of Garten	Name George Hogg	Company Scottish Natural Heritage	Objector Ref	465(SEA17)
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Representation

Figure 9.1 & Appendix 2 - Boat of Garten Housing & Community. Given the nature conservation and landscape constraints associated with the proposed, and previously proposed, housing development sites, we are surprised that the alternative of 'no local land allocation' was not considered, perhaps in combination with An Camus Mor playing a greater role in this Local Plan period, and improved public transport linkages. We note that you will carry out an appropriate assessment of the effects of this proposal on the population of capercaillie that use the nearby Natura sites. We will be happy to assist with advice at that time.

Summary

Given the nature conservation and landscape constraints associated with the proposed, and previously proposed housing sites, surprised that the alternative of 'no local land allocation' was not considered, along with links to An Camus Mor and better public transport links.

CNPA analysis

The comments are noted, and a review of the assessment will be revisited as work on the SEA continues to inform the development of local plan sites.

Policy SEA Braemar	Name Lily Linge	Company Historic Scotland	Objector Ref	467i
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Representation

Braemar H2 and H3 – the assessment at SEA objective 6 notes that development of these sites will inevitably lead to some change in the character of parts of Braemar. It is also noted at SEA objective 14 that development will be expected to comply with the Local Plan policies and the sustainable guide and checklist to ensure that they make a positive contribution to the settlement character. As you are aware, both sites lie on the edge of Braemar Conservation Area. H2 lies close to B-listed St Andrews Roman Catholic Church and H3 lies close to C(S) listed 22 Chapel Brae and timber wee house. We would expect significant adverse effects on the settings of these

buildings and the wider character of the Conservation Area to be avoided through the detailed design process

Summary

Seek avoidance of significant adverse impacts from H2 and H3 on both the Braemar conservation area and key listed buildings in the village by ensuring development complies fully with local plan policies and sustainable design guide / checklist.

CNPA analysis

The comments are noted, and a review of the assessment will be revisited as work on the SEA continues to inform the development of local plan sites.

Policy SEA Braemar **Name** George Hogg **Company** Scottish Natural Heritage **Objector Ref** 465(SEA22)

Representation

Figure 9.1 - Braemar Housing, Community & Open Space. We agree that H2 will have negative effects on SEA Objective 6 (landscape). We also think that H1 will have negative effects on SEA Objective 2 (habitats) unless the ancient woodland on this site is protected during development.

Summary

Agree H2 will have negative effects on SEA objective 6, and also think that H1 will have negative effects on SEA objective 2 unless the ancient woodland on the site is protected during development.

CNPA analysis

The comments are noted, and a review of the assessment will be revisited as work on the SEA continues to inform the development of local plan sites.

Policy SEA Braemar H2 **Name** Nicola Abrams **Company** SEPA **Objector Ref** 399SEA(t)

Representation

Braemar H2 - SEPA notes that the assessment indicates that this allocation would have an unknown or neutral affect on catchment processes and hydrological systems, SEPA considers that the allocation of sites known to be at risk of flooding would in fact have a negative affect on catchment processes and hydrological systems.

Summary

The allocation of sites known to be at risk of flooding would have a negative affect on catchment processes and hydrological systems rather than unknown or neutral.

CNPA analysis

The comments are noted, and a review of the assessment will be revisited as work on the SEA continues to inform the development of local plan sites.

Policy SEA Chapter 1

Name Ian Francis

Company RSPB Scotland

Objector Ref

424u

Representation

Chapter 1. Non-technical summary - Page 4. "There is some uncertainty about the potential cumulative effects ... on the river systems of the Dee and Spey the Park Authority is undertaking a separate assessment of the Local Plan's implications for them". What is the timescale of this, and is this the same as the Appropriate Assessment mentioned in Paragraph 4.10 of the Deposit Local Plan [See comments on 4.35 below]? Will it also consider impacts of the plan on other Natura 2000 sites?

Summary

Page 4 - what is the timescale for this? Is this the same as the Appropriate Assessment? Will it also consider impacts of the plan on other Natura sites?

CNPA analysis

The work on the appropriate assessment continues and will inform the modifications to the plan in line with corresponding legislation and before any modifications are finalised and published. The assessment will take into account all those factors required by legislation.

Policy SEA Chapter 4

Name Ian Francis

Company RSPB Scotland

Objector Ref

424v

Representation

Chapter 4. Methodology

The SEA uses the 'State of the Park' report as its baseline. As we have previously commented, we consider that report to be inadequate to set proper baselines to assess environmental impact.

Paragraph 4.35. "The CNPA is undertaking an appropriate assessment(s) of the implications of the Local Plan for Natura interests. The assessment(s) will inform future modification and implementation of the Plan". At what stage will any modifications be made as result of that Appropriate Assessment and how will the results of this process be made known to consultees?

Paragraph 4.10 states that the NPA conducted walkover studies of many local plan proposal sites in order to verify the ground conditions and species habitats present and surrounding the sites. The walkovers were conducted by an ecologist or planner during spring and summer 2005, with additional site visits made during 2006 and 2007. This implies that some sites allocated in the plan were not visited, and that some were visited by a planner only and not an ecologist. This must leave some concern as to whether the presence of protected species or habitats has been correctly identified on allocated sites.

Summary

The state of the Park report is inadequate to use a baseline information.

Para 4.35 - At what stage will any modifications be made as result of that Appropriate Assessment and how will the results of this process be made known to consultees?

Para 4.10 - Have the presence of protected species or habitats been correctly identified on allocated sites.

CNPA analysis

CNPA will continue to work on the adequacy and detail of baseline information used to inform both SEA and local plan development. 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. Work will also continue with specialists on the identification of species within allocated sites.

Policy SEA Chapter 6 **Name** Ian Francis **Company** RSPB Scotland **Objector Ref** 424w

Representation

Chapter 6. SEA Objectives - It is disappointing that there is not an SEA objective specifically concerned with climate change, and the SEA does not generally consider climate change fully. There is little or no consideration of the implications of the plan for climate change, either in terms of causes or effects, in the SEA. Planning can make a significant contribution to reducing the causes and dealing with the effects of climate change and the SEA should consider how effectively the deposit local plan would do this.

Summary

There should be an SEA objective specifically concerned with climate change. The SEA and the Plan do not generally consider climate change fully.

CNPA analysis

The issue of climate change will be included in future work on the SEA and is key to the sustainable design guide being prepared to support the local plan policies on design.

Policy SEA Chapter 8 **Name** Ian Francis **Company** RSPB Scotland **Objector Ref** 424x

Representation

Chapter 8. Assessment of Plan Policies - The assessment of Policies 1 to 3 concludes that they will have positive impacts. However, as noted above, we consider that they have deficiencies and could be improved. There appears to have been no environmental assessment of alternative policy wording.

Summary

The assessment here is flawed and could be improved. There appears to have been no environmental assessment of alternative policy wording.

CNPA analysis

The assessments will be revisited to ensure that a consistent and clear approach has been taken to the assessment of effects which will then be used to inform future work on the SEA.

Policy SEA Chapter 9

Name Ian Francis

Company RSPB Scotland

Objector Ref

424y

Representation

Chapter 9. Assessment of Plan Proposals - This relates primarily to the housing settlement statements.

Paragraph 9.19. Ballater housing and sewage disposal. There should be mention here, along with flood plain issues, that the existing Ballater Waste Water Treatment Works has been designed by Scottish Water to discharge to an enhanced wetland area with nature conservation benefits. Ensuring that this benefit is not lost, and is indeed enhanced, should be mentioned in this section.

Summary

Para 9.19 should mention the existing Ballater waste water treatment works which has been designed to discharge to an enhanced wetland area with nature conservation benefits. This benefit should be protected.

CNPA analysis

Future references to Ballater will include these references to ensure clarity and possible constraints to development.

Policy SEA Criteria

Name Nicola Abrams

Company SEPA

Objector Ref 399SEA(e)

Representation

SEA Criteria. - SEPA notes that Figures 6.1, 6.2 and 6.3 outlines the SEA objectives and the relevant criteria and indicators, and considers that the coverage of the objectives is appropriate. SEPA is pleased to note that suggestions made by SEPA at the scoping stage with regard to improving the objectives, targets and indicators have been taken on board and incorporated into the SEA assessment process to some extent. However, SEPA does consider that there is scope for further improvements particularly to targets and indicators set. For example objective 4 is "to protect and where appropriate improve, waterbody statues with or related to the Cairngorms National Park area", SEPA supports the improvements made to the overall objective but considers that the lined targets and indicators should be more specific in order to be more effective while SEPA supports in principle the target of "all developments consented with SUDS" SEPA does not consider that this is the only way for water body status to be maintained or improved, and reference could also be made to the need to minimise impacts from, for example, foul drainage systems and engineering works in and around water bodies.

SEPA notes that a number of other targets and indicators will be identified in the CNPA Sustainable Design Guide, it is not clear when this guide will be developed (will it fall within the Local Plan timetable or will it be developed as Supplementary Planning Guidance and included as a Plan alteration at a later stage?) SEPA would expect any targets or indicators incorporated into the Sustainable Design Guide to be precise and measureable and have clear linkages to relevant plans and programmes; for example while SEPA welcomes the inclusion of targets and indicators relating to the reduction of waste, SEA objective 13 could have clearer links to targets and indicators in the National Waste Plan and relevant Area Waste Plans.

SEPA considers that SEA Objective 9 – sustainable use of resources would benefit from criteria which relate to sustainable waste management.

While SEPA welcomes the strong stance taken in relation to many targets and indicators, SEPA also queries how they will be achieved. For example, the target for SEA Objective 9 is that 'all development heated without fossil fuels'. SEPA queries how all development can be heated without fossil fuel. Will permissions include conditions that only biomass/wood (i.e. no coal) be burnt on open fires and that there is no oil storage containers? Reliance on electricity (of which much is from fossil fuels) may also result in problems with grid capacity. SEPA requests that this issue be further clarified.

Summary

While this section has been improved since the scoping stage, there is scope for further improvements particularly to targets and indicators set.

Eg objective 4 is "to protect and where appropriate improve, waterbody statues with or related to the Cairngorms National Park area" - the lined targets and indicators should be more specific in order to be more effective, and while supporting the target of "all developments consented with SUDS" this is not the only way for water body status to be maintained or improved, and reference could also be made to the need to minimise impacts from, for example, foul drainage systems and engineering works in and around water bodies.

While noting that other targets and indicators will be identified in the CNPA Sustainable Design Guide, it is not clear when this guide will be developed (will it fall within the Local Plan timetable or will it be developed as Supplementary Planning Guidance and included as a Plan alteration at a later stage?) Any targets or indicators must be precise and measureable and have clear linkages to relevant plans and programmes; e.g. while welcoming the inclusion of targets and indicators relating to the reduction of waste, SEA objective 13 could have clearer links to targets and indicators in the National Waste Plan and relevant Area Waste Plans.

SEA Objective 9 – sustainable use of resources would benefit from criteria which relate to sustainable waste management.

How will the many targets and indicators be achieved. E.g. the target for SEA Objective 9 is that 'all development heated without fossil fuels'. How will all development be heated without fossil fuel. Will permissions include conditions that only biomass/wood (i.e. no coal) be burnt on open fires and that there is no oil storage containers? Reliance on electricity (of which much is from fossil fuels) may also result in problems with grid capacity. This issue should be further clarified.

CNPA analysis

The comments are noted. The future work on SEA and its impact on the Local Plan development will be informed by these comments, and greater links will be included within the Local Plan to ensure proper links with the SEA and its findings.

Policy SEA Cromdale

Name George Hogg

Company Scottish Natural Heritage

Objector Ref

465(SEA18)

Representation

Figure 9.1 - Cromdale Housing & Open Space. Part of H1 is an area of lowland heath, a BAP habitat. This merits a negative score against

SEA Objective 2, and consideration of options for mitigating this effect, for example protecting the area of lowland heath from development.

Summary

As part of H1 is an area of lowland heath, a BAP habitat, this should have a negative score against SEA objective 2, and consideration of options for mitigating this effect, for example, protecting the area of lowland heath from development should be considered.

CNPA analysis

The assessment will be revisited to ensure that a consistent and clear approach has been taken to the assessment of effects which will then be used to inform future work on the SEA.

Policy SEA Cumulative Effects	Name George Hogg	Company Scottish Natural Heritage	Objector Ref	465(SEA23)
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Representation

Figure 9.1 & Sections 9.53 – 9.54 - Possible Cumulative Effects.

- Further to our comment on Section 9 above, in our view there is sufficient information to conclude that there will be significant negative cumulative effects on SEA Objectives 1 (species) and 2 (habitats). A particular area of concern is the cumulative effects on Caledonian pine woodland and lowland heath habitats and species from the proposals at An Camus Mor, Boat of Garten, Carrbridge and Nethybridge. These sites are all within 10 miles of each other. It would be sensible to consider the combined effects of these proposals on the scale, function and connectivity of pinewood and heath habitats and species in this part of the Park, and whether any effects can be mitigated.

Summary

Possible Cumulative Effects

- State that there will be significant cumulative effects on SEA objectives 1 and 2.
- Particular concerns about cumulative effects on Caledonian pine woodland and lowland heath habitats and species from proposals at An Camus Mor, Boat of Garten, Carrbridge and Nethy Bridge. Due to proximity, suggest considering the combined effects of these proposals on the scale, function and connectivity of pinewood and heath habitats and species, and whether any effects can be mitigated.

CNPA analysis

The assessments will be revisited to ensure that a consistent and clear approach has been taken to the assessment of effects which will then be used to inform future work on the SEA.

Policy SEA Dalwhinnie **Name** George Hogg **Company** Scottish Natural Heritage **Objector Ref** 465(SEA19)

Representation

Figure 9.1 - Dalwhinnie housing and open space. We think that H1 would have negative landscape effects on SEA Objective 6 (landscape) unless accompanied by screening planting.

Summary

H1 would have negative landscape effects o SEA objective 6 unless accompanied by screening planting.

CNPA analysis

The assessment will be revisited to ensure that a consistent and clear approach has been taken to the assessment of effects which will then be used to inform future work on the SEA.

Policy SEA Dalwhinnie **Name** Nicola Abrams **Company** SEPA **Objector Ref** 399SEA(u)

Representation

Dalwhinnie H1, H2, H3 - SEPA notes that the assessment indicates that this allocation would have an unknown or neutral affect on catchment processes and hydrological systems, SEPA considers that the allocation of sites known to be at risk of flooding would in fact have a negative affect on catchment processes and hydrological systems.

Summary

The allocation of sites known to be at risk of flooding would have a negative affect on catchment processes and hydrological systems rather than unknown or neutral.

CNPA analysis

The assessment will be revisited to ensure that a consistent and clear approach has been taken to the assessment of effects which will then be used to inform future work on the SEA.

Policy SEA Development **Name** George Hogg **Company** Scottish Natural Heritage **Objector Ref** 465(SEA05)

Representation

4.20 - We welcome the clear statement that all policies apply to development proposals, and that policies are assessed on this basis in the SEA. We note that all the assessment decisions were made by CNPA Planners. Given the in-house expertise available in relation to many of the SEA Objectives, were staff in other Groups in CNPA involved in providing advice?

Summary

Welcome fact that all policies apply to development proposals, and that policies are assessed on this basis in the SEA.

Questions whether or not CNPA staff other than Planners were involved in providing advice to help make assessment decisions.

CNPA analysis

The comments are noted, and work within the CNPA endeavours always to call on the wide expertise that exists within its staff. This approach will continue throughout the Local Plan development and its SEA.

Policy SEA Future Developments **Name** Lily Linge **Company** Historic Scotland **Objector Ref** 4671

Representation

Future development of the Local Plan and SEA - We note that SEA will be integrated into the remaining steps of the Local Plan process, where required.

Summary

Note that the SEA will be integrated into the remaining steps of the Local Plan process.

CNPA analysis

No modification considered necessary as a result of this representation.

Policy SEA Grantown on Spey **Name** George Hogg **Company** Scottish Natural Heritage **Objector Ref** 465(SEA20)

Representation

Figure 9.1 - Grantown-on-Spey housing. We understand that H1 contains paths used by residents (see Cairngorms Landscape Capacity Study for Housing – Grantown West: Recommendations: Site B). The likely effect on SEA Objective 7 (access) is therefore likely to be negative unless these effects are mitigated and specified as such in the GS/H1 Local Plan proposal.

Summary

AS H1 contains paths used by residents, the likely effect on SEA objective 7 of the proposals is likely to be negative unless the effects are mitigated and specified as such is the GS/H1 local plan proposal.

CNPA analysis

The assessment will be revisited to ensure that a consistent and clear approach has been taken to the assessment of effects which will then be used to inform future work on the SEA.

Policy SEA Indicators and targets **Name** George Hogg **Company** Scottish Natural Heritage **Objector Ref** 465(SEA11)

Representation

Figure 6.3 SEA Indicators & targets -SEA Objective 4. We recommend that the wording of the target is linked more closely to the requirement under the Water Framework Directive for all water bodies to meet 'Good Ecological Status' by 2015.

SEA Objective 6. We recommend the addition of a target for no loss or damage to important geological or geomorphological features as a result of development.

SEA Objective 9. We recommend adding targets that reflect the full range of SEA criteria, particularly those concerning mineral working and soil disturbance.

More generally, we note that the indicators and targets are still in draft form. In future SEAs it would be useful to link the indicators more closely to the SEA criteria. As you develop your monitoring proposals, we recommend reviewing the targets to ensure that they are all precise and measurable – many read more as indicators than targets. By way of example, we have the following suggestions for targets under SEA Objective 6:

- All development to be compatible with existing landscape character.
- No development to take place within or close to areas with wildness qualities.
- All development sites chosen to reflect landscape capacity.

Summary

SEA Objective 4 - Recommend linking wording of target more closely to the requirement under the Water framework directive for all water bodies to meet 'Good ecological Status' by 2015.

CNPA analysis

The comments are noted. The future work on SEA and its impact on the Local Plan development will be informed by these comments, and greater links will be included within the Local Plan to ensure proper links with the SEA and its findings.

Policy SEA Key trends	Name George Hogg	Company Scottish Natural Heritage	Objector Ref	465(SEA09)
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Representation

Figure 5.2 Key trends and issues - We are disappointed that most of the comments we made at the scoping stage have not been incorporated into this summary.

Summary

Disappointed that most of comments made by SNH at the scoping stage have not been incorporated into this summary.

CNPA analysis

The comment is noted. The future work on the SEA and its role with the Local Plan will endeavour to take full account of the comments received and, where this is not the case, fully explain why the action taken has been so.

Policy SEA Kincaig	Name George Hogg	Company Scottish Natural Heritage	Objector Ref	465(SEA21)
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Representation

Figure 9.1 & Appendix 2 - Kincaig housing. Given the draft target in Figure 6.3 (Objective 5) of 'No development permitted on functional floodplain or wetland areas', the proposal in the Local Plan to incorporate the wetland area within H1 into its Sustainable Urban

Drainage System (SUDS) deserves a negative score.

The SEA identifies significant negative effects on landscape, but does not identify any specific mitigation. We recommend that this matter is considered further, and that the mitigation needed is explained in the Local Plan proposals. Options include guidance on landscaping, layout and design, and adjusting the straight NE boundary of H1 and NW boundary of H2 to better reflect the local landform.

Summary

The proposal to incorporate the wetland area within H1 into its sustainable urban drainage system deserves a negative score. Recommend that due to negative impacts on landscape, the mitigation required should be explained in the local plan proposals. Options include guidance on landscaping and design, and adjusting the straight boundaries of H1 and H2 to better reflect the local landform.

CNPA analysis

The assessment will be revisited to ensure that a consistent and clear approach has been taken to the assessment of effects which will then be used to inform future work on the SEA.

Policy SEA Local Plan	Name George Hogg	Company Scottish Natural Heritage	Objector Ref	465(SEA02)
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Representation

3.4 It would be useful to explain the new development plan arrangements that will come into place in the Park as a result of Modernising the Planning System.

Summary

Seek inclusion of an explanation of the new development plan arrangements that will come into place in the Park as a result of Modernising the Planning System.

CNPA analysis

The introduction of the local plan will provide additional guidance on the current situation regarding any of the aspects of 'modernising planning' which will have an impact on the plan and its adoption.

Policy SEA Mitigation	Name Nicola Abrams	Company SEPA	Objector Ref	399SEA(x)
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Representation

Mitigation measures - SEPA notes that no mitigation is considered necessary for policies and proposals at this stage although further mitigation may be identified as part of the appropriate assessment. However, based on SEPA's comments above on flood risk consideration needs to be given to mitigation in relation to flood risk (such as complete avoidance of allocation at risk of flooding or as an alternative a clearer indication of the extent of flood risk based on all available information including in some cases specific pieces of work). Again SEPA would be happy to liaise further with CNPA on this issue. For the avoidance of doubt, details of the proposed

mitigation should be included in the Post Adoption Statement.

Summary

No mitigation is considered necessary for policies and proposals at this stage although further mitigation may be identified as part of the appropriate assessment. However, consideration needs to be given to mitigation in relation to flood risk (such as complete avoidance of allocation at risk of flooding or as an alternative a clearer indication of the extent of flood risk based on all available information including in some cases specific pieces of work).

CNPA analysis

The comments regarding mitigation are noted and links and cross referencing will be included in the appropriate assessment. Further work will also be carried out to ensure the appropriate account is taken of flood risk and amendments to the plan made accordingly.

Policy SEA Mitigation measures **Name** Lily Linge **Company** Historic Scotland **Objector Ref** 467k

Representation

Proposed mitigation - We note that no additional mitigation is proposed at this stage and that further mitigation measures may be incorporated following the Appropriate Assessment. However, a number of our comments above note the need for further consideration of historic environment issues as more detailed proposals come forward for the development of the sites. In particular, for development sites that include or are near to historic environment features we advise that Masterplans or Development Briefs should:

- identify the historic environment characteristics of the site and its environs;
- set out clearly CNPA's expectations regarding the treatment of the historic environment, in line with Local Plan policies;
- include proposals/policies/design criteria that protect the site and wider setting of historic environment features.

It would be helpful if the SEA Adoption Statement clearly identifies the environmental issues that require further consideration as the Local Plan is implemented, and provides details of the proposed mitigation measures.

Summary

It would be helpful if the SEA Adoption Statement clearly identifies the environmental issues that require further consideration as the Local Plan is implemented, and provides details of the proposed mitigation measures, such as the sites for which Masterplans / development briefs will be required to give further detail about historic environment issues and others.

CNPA analysis

The comment is noted and will be fed into the ongoing work towards adoption of the SEA.

Policy SEA Monitoring **Name** Nicola Abrams **Company** SEPA **Objector Ref** 399SEA(w)

Representation

Monitoring of the Environmental Effects of the Local Plan - SEPA is pleased to note the inclusion of indicators to allow the monitoring of the long term environmental effects of the Local Plan. SEPA considers that there is scope for the indicators to be made more specific to

be more effective as discussed in example above (under EA criteria section) SEPA would be happy to liaise further with CNPA to assist in the development of their SEA indicators in relation to SEPA's interests. Full details of monitoring should be outlined in the post adoption statement

Summary

While the monitoring aspects of the ER are supported, there is scope for the indicators to be made more specific to be more effective

CNPA analysis

The indicators will be reviewed and any changes necessary will be included in ongoing work on the SEA and the development of the Local Plan.

Policy SEA Monitoring **Name** George Hogg **Company** Scottish Natural Heritage **Objector Ref** 465(SEA06)

Representation

4.27 - We note that proposals for monitoring significant environmental effects will be finalised later. We would be happy to discuss monitoring in more detail if helpful.

Summary

Note that monitoring significant environmental effects will be finalised later.

CNPA analysis

No modification considered necessary as a result of this representation.

Policy SEA Natura sites **Name** George Hogg **Company** Scottish Natural Heritage **Objector Ref** 465(SEA07)

Representation

4.33 – 4.35 - We welcome the addition of these paragraphs about Natura issues. We note that you will report on the findings of the appropriate assessment at the same time as publishing proposed modifications to the Deposit Local Plan.

Summary

Welcome addition of information about Natura issues.

Note the report on findings of appropriate assessment will be published at same time as proposed modifications to the Deposit Local Plan.

CNPA analysis

No modification considered necessary as a result of this representation.

Policy SEA Nethybridge H1 **Name** Nicola Abrams **Company** SEPA **Objector Ref** 399SEA(v)

Representation

Nethybridge H1 - SEPA notes that the assessment indicates that this allocation would have an unknown or neutral affect on catchment processes and hydrological systems, SEPA considers that the allocation of sites known to be at risk of flooding would in fact have a negative affect on catchment processes and hydrological systems

Summary

The allocation of sites known to be at risk of flooding would have a negative affect on catchment processes and hydrological systems rather than unknown or neutral.

CNPA analysis

The assessments will be revisited to ensure that a consistent and clear approach has been taken to the assessment of effects which will then be used to inform future work on the SEA.

Policy SEA objectives **Name** Lily Linge **Company** Historic Scotland **Objector Ref** 467c

Representation

SEA objectives, indicators and targets - Figure 6.2 sets out the SEA objectives used in the environmental assessment. We have assumed that 'archaeological sites' includes sites of national, regional and local importance. We have also assumed that effects on listed buildings and their settings are considered by SEA objective 14 for the built environment.

We are pleased to note that our comments made on the indicators included in the previous draft of the Environmental Report have been incorporated into the set of indicators in Figure 6.3. We are content with the indicators that are relevant to the historic environment (SEA objectives 6, 10 and 14).

Summary

Pleased to note that our comments made on the indicators included in the previous draft of the Environmental Report have been incorporated into the set of indicators in Figure 6.3. We are content with the indicators that are relevant to the historic environment (SEA objectives 6, 10 and 14).

CNPA analysis

No modification considered necessary as a result of this representation.

Policy SEA Objectives **Name** George Hogg **Company** Scottish Natural Heritage **Objector Ref** 465(SEA10)

Representation

Figure 6.2 SEA Objectives & Criteria - We welcome the addition of an SEA criterion under Objective 6 about minimising impacts on

wildness qualities.

Summary

Welcome the addition of new criterion about minimising impacts on wildness qualities.

CNPA analysis

No modification considered necessary as a result of this representation.

Policy SEA Omissions

Name Nicola Abrams **Company** SEPA

Objector Ref

399SEA(o)

Representation

Other Policy issues not addressed in the Plan

SEPA notes that air quality is not considered to be a major issue in the Cairngorms National Park and therefore no specific policy is included in the Local Plan; please refer to SEPA comments on the Deposit Draft Local Plan with regard to this. However given the nature of the Cairngorms area, it is recognised that the SEA is the most appropriate forum for consideration of air quality as it should be inherent in the commitment to sustainability in all development decisions.

There is however minimal recognition of air quality in the wider context of the Policies considered in the SEA, although SEPA notes that consideration has been given to the contribution made by car travel and by emissions from domestic and commercial premises. Local air quality will also be affected by transboundary pollutants such as ground level ozone and acidifying gases.

Summary

A number of other issues are not addressed in the plan, including air quality which is not considered to be a major issue in the Cairngorms National Park. Given the nature of the area, it is recognised that the SEA is the most appropriate forum for consideration of air quality as it should be inherent in the commitment to sustainability in all development decisions. However there is minimal recognition of air quality in wider context of the Policies considered in the SEA. It is noted however that consideration has been given to the contribution made by car travel and by emissions from domestic and commercial premises. Local air quality will also be affected by transboundary pollutants such as ground level ozone and acidifying gases.

CNPA analysis

The comment regarding air quality is noted, and future work on the SEA and local plan development will be informed by this comment.

Policy SEA Policy 01

Name BMS Dunlop

Company

Objector Ref

358b

Representation

While the actual policies are reasonable in so far as they must comply with the aims and overall integrity of the park, the justification for widespread housing and development (eg as stated in the strategic environmental assessment report) is not. The park was designated because of its outstanding natural environment to protect it and to control development pressures. It should not be managed as a development area for the massive expansion of housing for non locals. This is not sustainable, and damages the fragile wildlife,

landscapes and heritage.

Modifications being sought - Greater control and restrictions on housing development should be introduced to ensure an adequate supply of social / affordable housing for local residents without speculative building which can cause widespread and unsustainable migration. This in turn strains existing facilities and services, and increases the population of holiday homes to the detriment of the environment and quality of life for local populations.

Summary

The level of proposed development, particularly housing, is not in accordance with the aims of the Park as originally designated, and the level of development should therefore be controlled to provide housing for local people at affordable cost without any associated open market 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

Policy SEA Purpose	Name Nicola Abrams	Company SEPA	Objector Ref	399SEA(b)
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Representation

SEPA notes that the ER includes a clear outline of the contents and main objectives of the Local plan to which the SEA relates. SEPA also notes that a thorough list of other plans and programmes has also been included (3.9 to 3.17 and Appendix 1). SEPA welcomes the detailed consideration given in Appendix 1 of the linkages between relevant Area Waste Plans, SEPA considers that specific linkages could also have been made to the National Waste Strategy, and relevant Local Authority Waste Plans or Strategies (rather than just in generic terms in 3.17 "waste management plans")

Summary

While welcoming many aspects of the environmental report, specific links could also have been made to the National Waste Strategy, and relevant Local Authority Waste Plans or Strategies (rather than just in generic terms in 3.17 "waste management plans")

CNPA analysis

The comments are noted, and the links will be made more explicit in the wording of the text in the local plan.

Policy SEA Report	Name Lily Linge	Company Historic Scotland	Objector Ref	467b
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Representation

Historic Scotland received the Environmental Report that accompanies the deposit plan from the Scottish Government's SEA Gateway on 10 July 2007. We have previously been consulted on the Environmental Report accompanying the consultative draft Local Plan and,

as noted in our response of 26 February 2006, we consider that the report provides a clear overview of the environmental implications of the policies and proposals included in the Local Plan. We do have some detailed comments on the assessment of the allocations included in the finalised plan and have set these out in more detail in the annex to this letter.

In general, and as noted in part 1 of this letter, we are content that adverse effects on the historic environment can be avoided through the application of the protective policies in the Local Plan to development proposals and through the detailed design process. We understand that a Masterplan and Development Briefs will be prepared for some of the proposals included in the Local Plan and we consider that historic environment issues should be carefully addressed in these documents and in any other relevant supplementary guidance.

Summary

In general, and as noted in part 1 of this letter, we are content that adverse effects on the historic environment can be avoided through the application of the protective policies in the Local Plan to development proposals and through the detailed design process. We understand that a Masterplan and Development Briefs will be prepared for some of the proposals included in the Local Plan and we consider that historic environment issues should be carefully addressed in these documents and in any other relevant supplementary guidance.

CNPA analysis

No modification considered necessary as a result of this representation.

Policy SEA Scoping	Name Nicola Abrams	Company SEPA	Objector Ref	399SEA(c)
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Representation

Issues raised by SEPA at Scoping Stage

SEPA is pleased to note that Appendix 1 also makes reference to the environmental objectives and targets set by these plans, strategies and programmes as recommended by SEPA in our response to the Scoping Report.

Summary

Welcome the ER taking on board the issues raised at scoping stage.

CNPA analysis

No modification considered necessary as a result of this representation.

Policy SEA Scoring	Name George Hogg	Company Scottish Natural Heritage	Objector Ref	465(SEA04)
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Representation

4.17, Fig 4.3 & 4.18 - We note that best practice in relation to SEA is evolving, and that a useful feature of some recent assessments has been the inclusion of detailed assessment criteria to underpin the scoring system. This would be worth considering in future SEAs.

Summary

Consider the inclusion of detailed assessment criteria to underpin the scoring system in future SEAs.

CNPA analysis

No modification considered necessary as a result of this representation.

Policy SEA Scoring	Name George Hogg	Company Scottish Natural Heritage	Objector Ref	465(SEA03)
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Representation

Para 4.15 & 4.18 It would be useful to explain how the individual scores were used to predict cumulative effects.

Summary

Recommend explaining how the individual scores were used to predict cumulative effects.

CNPA analysis

The comment is noted and the methods of scoring will be reviewed to ensure that future work is clear and understandable.

Policy SEA Strategic Alternatives	Name Lily Linge	Company Historic Scotland	Objector Ref	467d
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Representation

Local Plan strategic alternatives - We note that few significant strategic alternatives were considered in the development of the finalised Local Plan, and have no detailed comments to offer on this section.

Summary

Note that few significant strategic alternatives were considered in the development of the finalised Local Plan, and have no detailed comments to offer on this section.

CNPA analysis

No modification considered necessary as a result of this representation.

Policy SEA Strategic Alternatives	Name George Hogg	Company Scottish Natural Heritage	Objector Ref	465(SEA12)
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Representation

Section 7 - We are surprised that the effects of the strategic housing alternatives on waste water treatment and water supply, and consequential environmental effects were not considered and reported on here. It might also have been useful to explain here the alternative approaches to identifying settlement boundaries for smaller settlements that you have adopted in the Consultative draft and Deposit draft, and consider their environmental effects.

Summary

Surprise expressed that the effects of the strategic housing alternatives on waste water treatment and water supply, and consequential environmental effects were not considered and reported on here. Would be helpful to explain the alternative approaches to identifying settlement boundaries for smaller settlements and consider their environmental effects.

CNPA analysis

The comments are noted, and future work on the SEA and the plan will take this into full account to ensure clarity.

Policy SEA Tomintoul

Name Lily Linge

Company Historic Scotland

Objector Ref

467j

Representation

Tomintoul H3 – the assessment notes that development of these sites will be expected to comply with the Local Plan policies and the sustainable guide and checklist to ensure that they make a positive contribution to the settlement character. In particular, B-listed St Michael's Roman Catholic Chapel lies opposite site H3 and we would expect adverse effects on the setting of this building to be avoided through the detailed design process.

Summary

Seek to see adverse effects of H3 on the setting of St Michael's Roman Catholic Chapel avoided through the detailed design process.

CNPA analysis

The assessment will be revisited to ensure that a consistent and clear approach has been taken to the assessment of effects which will then be used to inform future work on the SEA.