

Objector 437c	Name Mrs Jane Angus Darroch Den Hawthorn Place Ballater AB35 5QH	Agent
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Company

Policy/site Policy 05

Representation to Deposit Plan

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. but there is still room for conflict—see below.

CNPA analysis of objection to Deposit Plan

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

Response to 1st modifications

response received - need to confirm actual position regarding formality of objection

CNPA analysis of response to 1st modifications

response received - need to confirm actual position regarding formality of objection

response to 2nd modifications

WRITTEN

Objector **Name** Jamie Williamson **Agent**
439g Alvie and Dalraddy Estate
 Alvie Estate Office
 Kinncraig, Kingussie
 PH21 1NE

Company Alvie and Dalraddy Estate

Policy/site Policy 05

Representation to Deposit Plan

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.

CNPA analysis of objection to Deposit Plan

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. Confirm wording is in line with the European Directives requiring a level of protection.

Response to 1st modifications

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

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

The development will not be detrimental to the maintenance of the (local) population

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.

There are species where the local population is relatively insignificant when compared to the national population. The Plan needs to provide a better balance between the natural and cultural heritage of the area. The Plan as stated is weighted in favour of the natural heritage of the area at the expense of its cultural heritage.

The Plan should reflect the interests, needs and aspirations of residents within the park.

CNPA analysis of response to 1st modifications

The wording used is in line with national guidance on this topic. No modification is therefore proposed.

response to 2nd modifications

WRITTEN

Objector 020d	Name Dr A Watson Clachnaben Crathes, Banchory Kincardineshire AB31 5JE	Agent
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Company

Policy/site Policy 06

Representation to Deposit Plan

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.

CNPA analysis of objection to Deposit Plan

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

Response to 1st modifications

Objection maintained.

CNPA analysis of response to 1st modifications

Additional wording has been included for clarity. No further modifications proposed.

response to 2nd modifications

Thank you for your letter of 5 November. I am content for the written representations that I made earlier to be used for the public inquiry.

WRITTEN

Objector **Name** Jamie Williamson **Agent**
439h Alvie and Dalraddy Estate
 Alvie Estate Office
 Kinncraig, Kingussie
 PH21 1NE

Company Alvie and Dalraddy Estate

Policy/site Policy 06

Representation to Deposit Plan

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.

CNPA analysis of objection to Deposit Plan

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.

Response to 1st 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, including any cumulative impact will only be permitted where:

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

- b) Significant harm or disturbance to the ecological functions, continuity and integrity of the habitats or species populations is (avoided, or) minimised (where harm is unavoidable), and where appropriate compensatory and/or management measures are provided (and) or new habitats of commensurate or greater 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 (comprehensive) survey of the area's natural environment to assess the effect of the development on it.

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

CNPA analysis of response to 1st modifications

The wording used is in line with national guidance on this topic. No modification is therefore proposed.

response to 2nd modifications

WRITTEN

Objector	Name	Agent
434d	Robert Maund Scottish Council for National Parks The Barony 2 Glebe Road Kilbirnie, Ayrshire	

Company Scottish Council for National Parks

Policy/site Policy 06

Representation to Deposit Plan

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.

CNPA analysis of objection to Deposit Plan

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.

Response to 1st modifications

Objection maintained as in 434a.

CNPA analysis of response to 1st modifications

The policy as worded ensures appropriate levels of protection in line with national guidance. No further modifications are therefore proposed.

response to 2nd modifications

HEARING

Objector **Name** Muir Homes Ltd
038e

Agent Malcolm Smith
TMS Planning and Development Services
Balclune, 32 Clune Road
Gowkhall, Fife
KY12 9NZ

Company

Policy/site Policy 06

Representation to Deposit Plan

CNPA analysis of objection to Deposit Plan

Response to 1st modifications

Many of the concerns listed in respect of Policy 4 are also applicable to Policy 6. Again this policy makes no reference to allocated development sites, these sites being identified as those required to deliver beneficial development within the Park area and where the principle of the development (and therefore the assessment process gone through within the local plan to reach this point) is established. Furthermore, Part a) is inappropriately vague referring “to the satisfaction of the planning authority” – what is that? In addition this policy appears to seek the justification of the principle of development where this must surely already be clear for allocated sites. A development plan by its very definition will allow development which will clearly impact to some degree on the natural environment. The challenge is to do this in such a manner in order to mitigate impact while protecting sensitive designated areas from inappropriate development. The significant majority of the land area within the Park will be protected from/not affected by development and therefore, implicitly, the intrinsic qualities of the designated area will be conserved. Carefully crafted development taking cognisance of the environment should be an accepted part of the evolution of the Park going forward with development avoiding sensitive parts within sites. Based on this assessment it is suggested that the terms of part b) of the policy is flawed and the requirement to mitigate by the provision of new habitats of commensurate or greater importance to those that are lost should not apply. The practicality of delivering such a requirement in terms of the land required and other resources has not been reasonably considered by the Cairngorm National Park Authority. What is the recourse if a habitat fails, is the development removed and the site reinstated?

Looking at Cairngorm National Park Authority’s Local Plan First Modifications (June 2008) Summary of Comments and Modifications comments related to Policy 6 appeared positive. Indeed, the following comments have been extracted: -

CNPA analysis page 128 - 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. Confirm that we must act within the limitations of the designations, and policy 4 is intended to offer a degree of protection to those sites not considered of appropriate quality to be formally designated and so considered under policies 2 and 3. The CNPA duty to further biodiversity is also enshrined in policy 6 to add a further level of protection. However it would be unreasonable to offer the level of protection proposed to sites which are not designated nationally or internationally. We will of course work with partners to ensure the most appropriate level of designation is provided to sites within the NP.

CNPA analysis page 135 - 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 identified as a National Park.

The sentiment in these statements appears not to have been translated into the modified plan as the terms of Policies 1, 4, and 6 provide little certainly in respect of allocated development sites. It is difficult to see, having allocated these sites in the first instance, how there can be any kind of balance in seeking to restrict their

development in the event that the Cairngorm National Park Authority is not satisfied that new features and/or habitats of commensurate or greater importance can be provided. There requires to be an acceptance that development will have related impacts (both beneficial and potentially negative to some extent) but that it is for the local plan to balance these considerations and not to put more unnecessary obstacles in the way of beneficial development and in doing so remove the certainty required to allow the required investment (or part of it) in the first instance.

In addition, as with Policies 1 and 4, where required, the original wording of Policy 6 as contained within the Cairngorm National Park Deposit Local Plan should be retained in preference to the modified Policy 6. This provided for a better balance between conservation and appropriate development within the Park area.

Paragraph 4.33 states that “Developments should therefore conserve and enhance natural and semi-natural habitats for the ecological, recreational, landscape and natural heritage values, including water bodies, watercourses, wetlands, peat and river corridor habitats”. This paragraph should either be deleted or clarified. It

CNPA analysis of response to 1st modifications

As recognised in the representation the issues raised here are similar to those raised regarding Policy 4. This policy is intended to support the 1st aim of the Park and ensure that all new development does not have an adverse impact on the natural heritage and biodiversity of the area. It is therefore worded to allow for developments to proceed where the criteria established in paragraphs a and b are met. The policy is also intended to ensure that all development goes ahead in line with the requirements of the Nature Conservation (Scotland) Act 2004 which has a direct relevance to the work of planning authorities. The term 'to the satisfaction of the planning authority' reflects the need for the planning authority to take advice from specialists in the field to ensure that criteria a is complied with. The term 'commensurate' is used to reflect the 1st aim of the Park which is to conserve AND enhance the natural and cultural heritage of the area. The policy is not however intended to hamper appropriate development, and this is the reasoning for paragraphs a and b of the policy. No second modifications or amendments are therefore proposed.

Para 4.33 - the issue raised in this paragraph highlights the need for a balanced approach to development which respects the aims of the Park. The key to success must be seen as the direction of development to sites where the policy can be complied with, together with the other relevant policies of the plan. The paragraph is included for assistance and highlights the importance of natural and semi natural habitats within the National Park. No second modifications or amendments are therefore proposed.

appears to suggest that all development should conserve and enhance habitats. This begs the question of how you protect, for example, grasslands when you

response to 2nd modifications

I refer to the letter from Cairngorm National Park Authority dated 5 November, 2008 and the attached “2nd Modifications to the Deposit Local Plan” related to the above. I would confirm at this stage that Muir Homes Limited retains its objections to the plan for those reasons set out within the representation submitted by TMS Planning and Development Services dated July 2008. Muir Homes Limited will wish all of its objections to be considered as part of the Local Plan PLI process and is likely to wish to support some objections in the form of oral evidence at a hearing with the remainder by further written submissions. This position will be clarified in due course.

HEARING

Objector Name Glenmore Properties Ltd
453d Viewfield Farm
Craigellachie
Aberlour
AB38 9QT

Agent Steve Crawford
Halliday Fraser Munro
8 Victoria Street
Aberdeen
AB10 1XB

Company Glenmore Properties Ltd

Policy/site Policy 07

Representation to Deposit Plan

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.

CNPA analysis of objection to Deposit Plan

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.

Response to 1st modifications

The additional first paragraph of the policy complicates matters, suggesting that there will be presumption against development that does not make a positive contribution to the Park's landscape character. It will prove very difficult to demonstrate that a development makes a positive contribution to the Park's landscape character. Impacts on the Park's landscape are controlled by the remaining parts of the policy, therefore the first paragraph is superfluous and should be deleted.

CNPA analysis of response to 1st modifications

The wording of Policy 7 reflects the aims of the Park established in the National Parks (Scotland) Act 2000, the 1st of which is 'to conserve AND enhance' the natural and cultural heritage of the area. As such it is considered that to comply with this aim all development should make a positive contribution and a neutral position would not achieve the AND ENHANCE part of the aim. No amendment or modification is therefore proposed to Policy 7.

response to 2nd modifications

In respect of our previous correspondence we would wish to maintain our objections as previously detailed to Policy 7

HEARING

Objector **Name** The Proprietors of Mar Centre
394e

Agent Steve Crawford
Halliday Fraser Munro
8 Victoria Street
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AB10 1XB

Company The Proprietors of Mar Centre

Policy/site Policy 07

Representation to Deposit Plan

CNPA analysis of objection to Deposit Plan

Response to 1st modifications

Policy 7 includes an initial paragraph that sets out a “presumption against development that does not make a positive contribution to landscape character of the National Park by virtue of its location, siting and design”. This could easily be interpreted as a presumption against all development as there are very few, in any, types of development that would not impact on “landscape character”. It is also at odds with the second paragraph and provisions a) and b) where developments with a significant adverse impact may be permitted.

Changes Required to Resolve the Objection

Alter policy wording and remove presumption against development as set out in the first paragraph.

CNPA analysis of response to 1st modifications

The wording of Policy 7 reflects the aims of the Park established in the National Parks (Scotland) Act 2000, the 1st of which is 'to conserve AND enhance' the natural and cultural heritage of the area. As such it is considered that to comply with this aim all development should make a positive contribution and a neutral position would not achieve the AND ENHANCE part of the aim. No amendment or modification is therefore proposed to Policy 7.

response to 2nd modifications

HEARING

Objector **Name** Reidhaven Estate
456s Seafield Estate Office
 Cullen
 Buckie
 Banffshire

Agent Jill Paterson
Halliday Fraser Munro
8 Victoria Street
Aberdeen
AB10 1XB

Company Reidhaven Estate

Policy/site Policy 07

Representation to Deposit Plan

CNPA analysis of objection to Deposit Plan

Response to 1st modifications

We have some concern about the rewording proposed for this policy, in particular the first paragraph. Any development is likely to have an impact on the landscape character, therefore achieving this in a positive manner is almost impossible to do. In practice development should seek to have a minimal impact on the landscape character and seek to improve wherever possible. We would therefore suggest that this first element of this policy is not required and the remainder of the policy would still deal with this issue.

Amendments - delete first part of policy 7 and make some reference to development should seek to minimise any impact on landscape character and improve where possible.

CNPA analysis of response to 1st modifications

The wording of Policy 7 reflects the aims of the Park established in the National Parks (Scotland) Act 2000, the 1st of which is 'to conserve AND enhance' the natural and cultural heritage of the area. As such it is considered that to comply with this aim all development should make a positive contribution and a neutral position would not achieve the AND ENHANCE part of the aim. No amendment or modification is therefore proposed to Policy 7.

response to 2nd modifications

HEARING

Objector **Name** Muir Homes Ltd
038f

Agent Malcolm Smith
TMS Planning and Development Services
Balclune, 32 Clune Road
Gowkhall, Fife
KY12 9NZ

Company

Policy/site Policy 07

Representation to Deposit Plan

CNPA analysis of objection to Deposit Plan

Response to 1st modifications

This policy states that “There will be a presumption against development that does not make a positive contribution to the landscape character of the National Park by virtue of its location, siting and design. Such positive enhancement will be sought in all development proposals”. By implication therefore, if a development would be mitigated to the extent that it would have a neutral or not adverse impact on the character of the landscape then it would fail to accord with Policy 7. The policy sets an unattainable standard and is therefore unreasonable no matter the status of the Park. The original wording of the policy is preferable albeit there should be an acceptance that a neutral or not adverse impact will be acceptable in almost all cases. How else will beneficial development be delivered in some cases particularly when cross referenced with the need for compliance with all policies in order to comply with Policy 1.

Paragraph 4.42 states that “the quality of the dark night skies in the Park is highlighted in the National Park Plan as significantly contributing to the sense of wildness that can be experienced. The Planning Authority will therefore ensure that all developments minimise light pollution by seeking the minimum level of light provision in developments for security, safety and operations as well as minimising light spillage from developments”. In order to achieve this the Cairngorm National Park Authority will require to address this matter with Highland Council as roads authority otherwise developers are again left in limbo between planning and roads requirements.

CNPA analysis of response to 1st modifications

The wording of the policy does not rule out development that does not make a positive contribution to the landscape character, but presumes against it. Mitigation must therefore be included when this presumption is not followed. The positive requirement for development links once again to the aims of the park, and the 1st aim to conserve AND enhance the natural and cultural heritage of the area.

Para 4.42 - the CNPA will continue to work closely with the Local Authorities as Roads Authorities. The paragraph however states that developments should MINIMISE the use of light, and where roads requirements set a particular level to ensure safety, this would therefore be seen as taking that minimum approach.

No second modifications or amendments are therefore proposed.

response to 2nd modifications

I refer to the letter from Cairngorm National Park Authority dated 5 November, 2008 and the attached “2nd Modifications to the Deposit Local Plan” related to the above. I would confirm at this stage that Muir Homes Limited retains its objections to the plan for those reasons set out within the representation submitted by TMS Planning and Development Services dated July 2008. Muir Homes Limited will wish all of its objections to be considered as part of the Local Plan PLI process and is likely to wish to support some objections in the form of oral evidence at a hearing with the remainder by further written submissions. This position will be clarified in due course.

HEARING

Objector 425e
Name Rona Main
Scottish Enterprise Grampian
27 Albyn Place
Aberdeen
AB10 IDB

Agent Steve Crawford
Halliday Fraser Munro
8 Victoria Street
Aberdeen
AB10 IXB

Company Scottish Enterprise Grampian

Policy/site Policy 07

Representation to Deposit Plan

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.

CNPA analysis of objection to Deposit Plan

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.

Response to 1st modifications

Policy 7 – again we appreciate the need for conservation in the landscape, but we believe this should be balanced with economic viability and need.

CNPA analysis of response to 1st modifications

All policies of the plan must be considered together and the balance between them struck depending on the circumstances of the application. No further modification is therefore proposed.

response to 2nd modifications

HEARING

Objector	Name	Agent
098b	R B Tozer 7 Barclay Road Aviemore PH22 IUH	

Company

Policy/site Policy 07

Representation to Deposit Plan

CNPA analysis of objection to Deposit Plan

Response to 1st modifications

In respect of the modifications to the Deposit Local Plan, my comments are:

Policy 7: Landscape - The whole point of a national park is to preserve its landscape character. No development should be allowed that does not enhance this. The working 'there is no alternative solution' is open ended and should be changed to 'there is no alternative to a development that is essential for an overriding national interest that cannot be provided elsewhere.

CNPA analysis of response to 1st modifications

The wording of the policy presumes against development which does not make a positive contribution. However it is appropriate to include criteria to be met when this is not possible. No modifications or amendments are therefore proposed.

response to 2nd modifications

Thank you for your letter of 5th November.

Policy 7 - Landscape. I would be most grateful if you could clarify your comment regarding my objection and the allocation of land for housing in Aviemore. It was never my intention to oppose the allocation of land for house building in Aviemore or in any settlement. My addition to sub para a) in Policy 7 was an attempt to prevent the building of wind farms, or any other development that destroys the appearance of wilderness that is such an essential part of the Park. However, I am equally opposed to any additional high rise building in the Aviemore Centre.

Presenting my case - I confirm that I wish to use written representation. Subject to your clarification of the land for housing issue mentioned above, there is nothing more I wish to add to what I have already submitted. Do you need anything more in writing to you?

WRITTEN

Objector 537b	Name Victor Jordan 2 Oakleigh Albert Road Ballater AB35 5QL	Agent
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Company

Policy/site Policy 07

Representation to Deposit Plan

CNPA analysis of objection to Deposit Plan

Response to 1st modifications

CNPA analysis of response to 1st modifications

response to 2nd modifications

Page 23 para 4.43 I object to the inclusion of the words "landscape framework" as there is no indication what this is. If it is part of the LCA the words "Including the "or "Especially the" should be inserted immediately before "landscape".

INQUIRY

Objector **Name** Hebe Carus **Agent**
024f The Mountaineering Council of
 The Old Granary
 West Mill Street
 Perth, PH1 5QP

Company The Mountaineering Council of Scotland

Policy/site Policy 07

Representation to Deposit Plan

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.

CNPA analysis of objection to Deposit Plan

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.

Response to 1st modifications

However, Policy 7 remains somewhat weak with respect to wild land quality. In particular, 4.41 should be considerably strengthened. With respect to areas of wildness it is stated that “the impact of development on such areas is important,” which does not add to the protection of the type of area that is literally the heart of the Park. This neutral statement could mean it is important that it is developed, or hopefully that it is important that it does not. Loss of wildness in almost every case will be irreversible, with a few exceptions that are extremely slow and may never be fully achieved, such as reinstatement of the area of track on Beinn a Bhuid. The MCoFS believes that a zone of core mountain area should have a presumption against development as any development will erode the wild land qualities of the area and surrounding area from which it is visible.

CNPA analysis of response to 1st modifications

The Cairngorms National Park Authority are intending to continue ongoing work on wildness within the Park, and formally adopt it as supplementary guidance in support of the Local Plan. This work will provide the appropriate level of guidance and protection to the most remote areas of the Park. As such it is not proposed to include any additional amendment or modification.

response to 2nd modifications

As the Landscape Framework to which you refer is not yet available, it is difficult to withdraw this objection as it is unknown at present whether or not this will fulfill the needs of the plan with respect to landscape, hence in the meantime, the MCoFS comments stand. Additionally, I do not feel that any of the MCoFS other

comments have been addressed by these modifications. MCofS would request that our written submissions to date, including this e-mail should go forward to the inquiry.

If you need anything else from us, do not hesitate to get in contact.

WRITTEN

Objector 448c	Name The Cairngorms Campaign PO Box 10037 Alford AB33 BWZ	Agent
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Company The Cairngorms Campaign

Policy/site Policy 07

Representation to Deposit Plan

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.

CNPA analysis of objection to Deposit Plan

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.

Response to 1st modifications

In connection with development in wild land, we note that Policy 7 on protection of landscape, which we strongly support in general terms, specifies protection of wildness in land. There is however now no policy on bulldozed tracks in wild land, although this is a highly contentious issue needing attention. We OBJECT to this omission and request that a suitable policy be inserted. Currently, such tracks can be built without planning permission if they are for agricultural purposes, but there is evidence that landowners are avoiding the requirement for planning permission for tracks built for sporting ends by tactics like introducing a few sheep and claiming the track has an agricultural function. In a previous version of the plan, (para 4.2 Landscape of that version) there was a proposal to consult on removing certain permitted development rights. We urge that this is restored as a measure, particularly with regard to the construction of bulldozed tracks for agricultural purposes.

We support Policy 7 on giving a presumption against developments that do not make a positive contribution to the landscape of the park, including its historic landscape, against those that damage it. However, we would point out that virtually the whole of Aviemore fits both conditions, including major proposed developments.

CNPA analysis of response to 1st modifications

The issue of hill tracks would be considered under the various policies relevant to such development in the Local Plan and it is not considered necessary to have a separate policy for this form of development. No further amendment is therefore proposed.

response to 2nd modifications**WRITTEN**

Objector **Name** Frogmore Estates Scotland Ltd
026c

Agent Philip Clarke
Barton Willmore
12 Alva Street
Edinburgh
EH2 4QG

Company Frogmore Estates Scotland Ltd

Policy/site Policy 07

Representation to Deposit Plan

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.

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..”.

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.

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.

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 SPPIS:

Rural Development and would also be contrary to the provisions of PAN49: Local Planning.

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

CNPA analysis of objection to Deposit Plan

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.

Response to 1st modifications

Maintain objection.

CNPA analysis of response to 1st modifications

The Cairngorms National Park Authority are intending to continue ongoing work on wildness within the Park, and formally adopt it as supplementary guidance in support of the Local Plan. This work will provide the appropriate level of guidance and protection to the most remote areas of the Park. As such it is not proposed to include any additional amendment or modification.

response to 2nd modifications

With reference to your letter of 5th November 2008 we write to confirm that we wish to maintain our unresolved objections to the Cairngorms National Park Local

Plan. The forms which accompanied our representations to the first modifications indicate that we sought to have those objections considered via written submissions. Notwithstanding, the forms which were submitted with our original objections to the Deposit Local Plan indicated our intention to have our objections considered by formal inquiry. We therefore, at this stage intend that our unresolved objections to the Deposit Local Plan be considered by formal inquiry, but reserve the right to change consideration to written submissions at a later date, should we or our client consider it appropriate. We can confirm that we have no further comments on the most recent modifications to the Plan which were issued in November 2008. We trust that you find this acceptable, however should you wish to discuss the matter further then please do not hesitate to contact either Philip Clarke or the undersigned (Gordon Thomson).

INQUIRY

Objector	Name	Agent
017c	Mrs Sally Spencer Pitagowan House Newtonmore Inverness-shire PH20 IBS	

Company

Policy/site Policy 07

Representation to Deposit Plan

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.

CNPA analysis of objection to Deposit Plan

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.

Response to 1st modifications

response received - need to confirm actual position regarding formality of objection

CNPA analysis of response to 1st modifications

response received - need to confirm actual position regarding formality of objection

response to 2nd modifications

WRITTEN

Objector 020e	Name Dr A Watson Clachnaben Crathes, Banchory Kincardineshire AB31 5JE	Agent
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Company

Policy/site Policy 07

Representation to Deposit Plan

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.

CNPA analysis of objection to Deposit Plan

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

Response to 1st modifications

Objection maintained.

CNPA analysis of response to 1st modifications

The paras in the original objection have been redrafted for clarity. Additional information on lighting has also been included in para 4.42. No further modifications are therefore proposed.

response to 2nd modifications

Thank you for your letter of 5 November. I am content for the written representations that I made earlier to be used for the public inquiry.

WRITTEN

Objector Name Scottish and Southern Energy Plc
447d

Agent Jones Lang Lasalle
7 Exchange Crescent
Conference Square
Edinburgh
EH3 8LL

Company Scottish and Southern Energy Plc

Policy/site Policy 07

Representation to Deposit Plan

“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.

CNPA analysis of objection to Deposit Plan

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.

Response to 1st modifications

It is acknowledged that part of the objection in relation to this policy has been addressed in the modifications eg reference is made to ‘significant adverse effect’. Part a) has also been modified making it less restrictive. However, this policy has not been modified to help direct development to suitable sites and is therefore still contrary to SPP1. In particular the lack of definition of the Park’s special qualities in the Plan makes this policy unclear in practical terms and difficult to interpret for developers. Part b) of the policy should include reference to ‘significant’ adverse effects to make it consistent with the first part of the policy. The ‘and’ between part a) and b) of the policy should be changed to ‘or’ as if significant adverse effects can be appropriately mitigated then there would be no requirement to consider alternative solutions. Furthermore the term ‘to the satisfaction of the planning authority’ should be deleted from part b) of the policy – the requirement should be to provide appropriate mitigation only.

CNPA analysis of response to 1st modifications

The policy is intended to assist in the assessment of proposals as they impact the landscape of the National Park and ensures that the aims of the Park are taken into full and proper consideration. As such it is considered to give appropriate guidance and no further modifications are proposed.

response to 2nd modifications

I refer to your letter of 5th November 2008 with regard to the above which enclosed the “second modifications” to the wording of the first modifications to the Local Plan. I note that the Second modifications generally relate to points of clarification and the correction of errors rather than any substantive changes to policy wording.

As you are aware, Jones Lang LaSalle act on behalf of Scottish and Southern Energy plc and its subsidiary companies (SSE) and representations were submitted to the Cairngorms National Park Local Plan – First Modifications. The objections to the First Modifications maintained those made in response to the original Deposit Local Plan.

SSE has always maintained the position that they support the Cairngorms National Park Authority (CNPA) in delivering an appropriate Local Plan for their administrative area. Within a ‘plan-led’ system it is important that the Local Plan reflects up to date national planning policy in respect of land use planning objectives and that the Plan provides clear and helpful policy guidance for developers and investors in accordance with planning guidance.

Following a review of the Second Modifications SSE is disappointed that their objections have not been reflected in any changes to policy wording, with the exception of the Modification to Policy with regard to transportation matters. The representations previously submitted are therefore maintained, except those in relation to Policy 30.

You have requested clarification as to how SSE would wish their objections to be dealt with at the forthcoming Public Local Inquiry. As previously stated, my client would wish for evidence to be presented verbally at the Inquiry by way of formal Inquiry process. However if the CNPA intends to seek to resolve objections prior to any Public Inquiry, then SSE would be willing to engage in appropriate discussions.

HEARING

Objector **Name** Novera Energy Plc
486a 39 George Street
 Edinburgh
 EH2 2HN

Agent Jennifer Gordon
Terence O'Rourke Ltd
9-10 St Andrew Square
Edinburgh
EH2 2AF

Company

Policy/site Policy 07

Representation to Deposit Plan

CNPA analysis of objection to Deposit Plan

Response to 1st modifications

Novera Energy has concerns about the inclusion of paragraph 1 in Policy 7 in particular the presumption against development that does not make a 'positive contribution' to the landscape character. Novera's concerns primarily relate to how this policy will be exercised beyond the National Park boundary in relation to wind farm proposals that the Cairngorms National Park Authority may be consulted on. This policy would effectively sterilise development opportunities that may comfortably exist without detrimental effect in the National Park and the wider setting. SPP6 makes it clear that in all instances applications should be assessed in relation to criteria based policies. The term 'positive contribution' is considered to be an unhelpful guide to acceptability and is a matter of subjective judgement, particularly in relation to wind farm development, which will normally always introduce a new and distinctive feature in the landscape.

The 'presumption against development' in this instance is considered to be contradictory to the purpose of the National Park Local Plan which is to 'promote sustainable development and where possible, the enhancement of its outstanding natural and cultural heritage' as it allows no consideration of the need to consider the wider national climate change targets as part of a balanced assessment, particularly where no adverse visual or other damaging effect on the special qualities of National Park is perceived. Neither is the term in line with NPPG14 which clearly states that the presence of a national natural heritage designation does not preclude development, rather that the objectives of designation and the overall integrity of the areas should not be compromised by development. NPPG14 also makes it clear that the precautionary principle should not be invoked to impede development unnecessarily. Novera Energy supports the aim of encouraging positive enhancement in all proposals.

Paragraph 2 provides adequate protection therefore the need for para 1 is questioned.

CNPA analysis of response to 1st modifications

The wording of Policy 7 reflects the aims of the Park established in the National Parks (Scotland) Act 2000, the 1st of which is 'to conserve AND enhance' the natural and cultural heritage of the area. As such it is considered that to comply with this aim all development should make a positive contribution and a neutral position would not achieve the AND ENHANCE part of the aim. No amendment or modification is therefore proposed to Policy 7.

response to 2nd modifications

WRITTEN

Objector **Name** Frogmore Estates Scotland Ltd
026b

Agent Philip Clarke
Barton Willmore
12 Alva Street
Edinburgh
EH2 4QG

Company Frogmore Estates Scotland Ltd

Policy/site Policy 07

Representation to Deposit Plan

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."

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.

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.

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.

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.

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."

CNPA analysis of objection to Deposit Plan

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.

Response to 1st modifications

Maintain objection. In the deposit Local Plan Policy 7 Landscape required that all development should be sites, laid out, designed and constructed of materials so as

CNPA analysis of response to 1st modifications

The wording of Policy 7 reflects the aims of the Park established in the National Parks (Scotland) Act 2000, the 1st of which is 'to conserve AND enhance' the natural and cultural heritage of the area. As such it is considered that to comply with this aim all development should make a positive contribution and a neutral position would not achieve the AND ENHANCE part of the aim. No amendment or modification is therefore proposed to Policy 7.

response to 2nd modifications

With reference to your letter of 5th November 2008 we write to confirm that we wish to maintain our unresolved objections to the Cairngorms National Park Local Plan. The forms which accompanied our representations to the first modifications indicate that we sought to have those objections considered via written submissions. Notwithstanding, the forms which were submitted with our original objections to the Deposit Local Plan indicated our intention to have our objections considered by formal inquiry. We therefore, at this stage intend that our unresolved objections to the Deposit Local Plan be considered by formal inquiry, but

reserve the right to change consideration to written submissions at a later date, should we or our client consider it appropriate.

We can confirm that we have no further comments on the most recent modifications to the Plan which were issued in November 2008. We trust that you find this acceptable, however should you wish to discuss the matter further then please do not hesitate to contact either Philip Clarke or the undersigned (Gordon Thomson).

INQUIRY

Objector	Name	Agent
434e	Robert Maund Scottish Council for National Parks The Barony 2 Glebe Road Kilbirnie, Ayrshire	

Company Scottish Council for National Parks

Policy/site Policy 07

Representation to Deposit Plan

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.

CNPA analysis of objection to Deposit Plan

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.

Response to 1st modifications

Objection maintained as in 434a.

CNPA analysis of response to 1st modifications

Policy 7 has been partly redrafted and ensures that all developments reflect the 1st aim of the Park. No further modifications are therefore proposed.

response to 2nd modifications

HEARING

Objector	Name	Agent
443c	North East Mountain Trust Burnhead Farmhouse Raemoir Banchory AB31 4EB	

Company North East Mountain Trust

Policy/site Policy 07

Representation to Deposit Plan

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 proposal I 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.

CNPA analysis of objection to Deposit Plan

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.

Response to 1st modifications
CNPA analysis of response to 1st modifications
response to 2nd modifications

HEARING

Objector **Name** Dr A M Jones **Agent**
400f(g) Badenoch and Strathspey
 Fiodhag
 Nethybridge
 PH25 3DJ

Company Badenoch and Strathspey Conservation Group

Policy/site Policy 07

Representation to Deposit Plan

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

CNPA analysis of objection to Deposit Plan

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.

Response to 1st modifications

4.38 - Object. - Whereas we appreciate that some buildings make a positive contribution to the landscapes of the Park, we do not accept that this can be said of the 'sum of patterns and buildings of human development'.

CNPA analysis of response to 1st modifications

The comment is noted. The paragraph is intended to highlight the impact people have had on the landscape. No modification is therefore proposed.

response to 2nd modifications

Welcome changes - Para 4.37 3rd sentence. We welcome the changes that have been made to this sentence.

Maintain objection

4.38 Object.

Whereas we appreciate that some buildings make a positive contribution to the landscapes of the Park, they certainly do not all, and therefore we do not accept that it is justifiable to refer to the 'sum of patterns and buildings of human development'. We recommend that 'some of the patterns and buildings of human development' should be exchanged for 'the sum of patterns and buildings of human development'.

HEARING

Objector 448d	Name The Cairngorms Campaign PO Box 10037 Alford AB33 BWZ	Agent
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Company The Cairngorms Campaign

Policy/site Policy 09

Representation to Deposit Plan

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.

CNPA analysis of objection to Deposit Plan

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

Response to 1st modifications

We continue to support Policy 9 on the protection of features of archaeological interest but repeat our assertion that military roads, as an archaeological feature of historical and cultural national significance, currently poorly protected and recently damaged, should be specifically mentioned.

CNPA analysis of response to 1st modifications

The issue of military roads has been specifically included in the supporting text to policy 12. No further amendment is therefore proposed.

response to 2nd modifications

WRITTEN

Objector	Name	North East Mountain Trust	Agent
443d		Burnhead Farmhouse	
		Raemoir	
		Banchory	
		AB3I 4EB	

Company North East Mountain Trust

Policy/site Policy 09

Representation to Deposit Plan

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.

CNPA analysis of objection to Deposit Plan

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

Response to 1st modifications

CNPA analysis of response to 1st modifications

response to 2nd modifications

WRITTEN

Objector 443e	Name North East Mountain Trust Burnhead Farmhouse Raemoir Banchory AB31 4EB	Agent
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Company North East Mountain Trust

Policy/site Policy 11

Representation to Deposit Plan

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.

CNPA analysis of objection to Deposit Plan

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.

Response to 1st modifications

CNPA analysis of response to 1st modifications

response to 2nd modifications

WRITTEN

Objector 425g
Name Rona Main
Scottish Enterprise Grampian
27 Albyn Place
Aberdeen
AB10 IDB
Agent Steve Crawford
Halliday Fraser Munro
8 Victoria Street
Aberdeen
AB10 IXB

Company Scottish Enterprise Grampian

Policy/site Policy 11

Representation to Deposit Plan

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.

CNPA analysis of objection to Deposit Plan

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.

Response to 1st modifications

Objection maintained.

CNPA analysis of response to 1st modifications

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 further amendment is therefore proposed.

response to 2nd modifications

HEARING

Objector **Name** Glenmore Properties Ltd
453e Viewfield Farm
 Craigellachie
 Aberlour
 AB38 9QT

Agent Steve Crawford
Halliday Fraser Munro
8 Victoria Street
Aberdeen
AB10 1XB

Company Glenmore Properties Ltd

Policy/site Policy 11

Representation to Deposit Plan

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.

CNPA analysis of objection to Deposit Plan

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.

Response to 1st modifications

Maintain objection.

CNPA analysis of response to 1st modifications

Para 4.67 clarifies the importance of consultation for such management plans. No further modification proposed.

response to 2nd modifications

In respect of our previous correspondence we would wish to maintain our objections as previously detailed to Policy 11

HEARING

Objector 448e	Name The Cairngorms Campaign PO Box 10037 Alford AB33 BWZ	Agent
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Company The Cairngorms Campaign

Policy/site Policy 11

Representation to Deposit Plan

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.

CNPA analysis of objection to Deposit Plan

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.

Response to 1st modifications

We also support Policy 11 on the protection of Conservation Areas but maintain our assertion that the planned village, as an almost uniquely Scottish feature of major national cultural and historical interest should be specifically mentioned, as the Park contains a diverse range of examples.

CNPA analysis of response to 1st modifications

Reference has been included in the supporting text of Policy 11 regarding highland settlements. No further modification is therefore proposed.

response to 2nd modifications

WRITTEN

Objector **Name** John Forbes-Leith Esq
418b Dunachton Estate

Agent Debbie Mackay
Smiths Gore
12 Bernard Street
Edinburgh
EH6 6PY

Company Dunachton Estate

Policy/site Policy 12

Representation to Deposit Plan

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.

CNPA analysis of objection to Deposit Plan

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.

Response to 1st modifications

Objection maintained.

CNPA analysis of response to 1st modifications

Some additional information has been added to include military roads and heritage and veteran trees. The list is however not definitive and the policy will be used to support the 1st aim of the Park. No further modifications are proposed.

response to 2nd modifications

WRITTEN

Objector **Name** The Crown Estate
419b

Agent Debbie Mackay
Smiths Gore
12 Bernard Street
Edinburgh
EH6 6PY

Company The Crown Estate

Policy/site Policy 12

Representation to Deposit Plan

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.

CNPA analysis of objection to Deposit Plan

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.

Response to 1st modifications

Objection maintained.

CNPA analysis of response to 1st modifications

Some additional information has been added to include military roads and heritage and veteran trees. The list is however not definitive and the policy will be used to support the 1st aim of the Park. No further modifications are proposed.

response to 2nd modifications

WRITTEN