

<b>Objector</b>	<b>Name</b>	<b>Agent</b>
056h	James and Evelyn Sunley 12 Lochnagar Way Ballater AB35 5PB	

### **Company**

**Policy/site** Policy 13

### **Representation to Deposit Plan**

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

### **CNPA analysis of objection to Deposit Plan**

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

### **Response to 1st modifications**

The modified Park Plan does not address any of the objections that we made, we therefore continue our objections and ask you to think again.

### **CNPA analysis of response to 1st modifications**

The policy has been largely altered to reflect the comments of SEPA and further work on flood risk on housing allocations is ongoing. No further amendment is therefore proposed.

### **response to 2nd modifications**

Thank you for your letter dated 5th Nov. 2008 with regard to the arrangements for the Local Plan inquiry and the further modifications to the Local Plan. I refer you to the changes indicated in appendix page 8 of your letter and point out that "page 68 , Ballater ..."is in fact page 72, page 68 refers to Kingussie. I further point out that the change to 16.2ha from the original 10.99ha, is a change due to the inclusion by CNPA of areas E2, and E3 areas which did not form part of development land on the Aberdeenshire CC Local Plan. This change should be properly delineated as a change from the ACC Local Plan.

With regard to my intentions with regard to the Reporters enquiry, it is decide on this matter but will probably follow the informal route.

## **HEARING**

**Objector**      **Name** Nicola Abrams                                      **Agent**  
399r                                      SEPA  
   Leading Light Building  
   142 Sinclair Road  
   Aberdeen, AB11 9PR

**Company** SEPA

**Policy/site** Policy 13

**Representation to Deposit Plan**

Objection - Failure to appraise or demonstrate that all allocations have been appraised for Flood Risk

SEPA notes that, in line with national planning policy, the potential for flood risk should be considered on all proposed allocations prior to allocation. SEPA objects to any allocation where the position is unclear and adequate consideration of flood risk has not been undertaken.

In our representations made in January 2006, SEPA highlighted that it did not appear that an appraisal of flood risk had been fully undertaken. SEPA would be pleased to advise further on how this appraisal could be carried out. To illustrate the importance of this appraisal, SEPA makes the following site specific comments but stresses that it has not appraised all the allocations.

These site allocations appear to lie outwith areas of flood inundation. However, SEPA wish to remind CNPA that SEPA's Indicative River and Coastal Flood Map (Scotland) only estimates flood outlines on catchments greater than 3.0km<sup>2</sup>. Sites adjacent to watercourses with catchment areas of less than 3.0km<sup>2</sup> may also be at risk of fluvial (or other) flooding but will not appear as such on the SEPA flood map. To highlight this situation, SEPA recently received anecdotal information regarding the site allocation at Newtonmore. A resident wished to point out that this area, although not shown as being at risk on the SEPA flood map, has suffered historic flooding. She recalls, as a child (1969 or 70), wading knee deep in floodwaters near the station but on the northern side of the rail track.

Settlement      Allocation

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

Kingussie      H1

Boat of Garten H1, C1

Braemar      H1

Carrbridge    H1, ED1

Cromdale      H1, H2

Dulnain Bridge H1, H2

Kincraig      H1, H2

Nethybridge   H2, C1, ED1

Tomintoul    H1, H2, H3, H4, C1, Ed1

Newtonmore H1, H2

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

flood plain. Following best practice, all sites should be the subject of flood risk assessment preallocation, and areas shown to be at flood risk should be removed from these allocations.

Aviemore H1

Ballater H1

Braemar H2

Dalwhinnie H1, H2, H3

Nethybridge H1

Additionally, SEPA makes the following further comments:

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

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

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

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

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

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

43— Each Local Plan should:

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

While SEPA welcomes the fact that some consideration has been given to flood risk during the consideration of allocation, it is not clear what information has been used to appraise the site information, the examples cited above highlight that SEPA's indicative maps are only one of a number of potential sources of information. The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance available on flood risk. regarding flooding and drainage. The issue of flood risk assessments will be reviewed in line with the comments received and the appropriate changes will be made

Furthermore SEPA does not consider that the approach taken to allocations in the Local Plan accord with the precautionary approach to flood risk promoted in the both to the policy wording and settlement proposals where necessary to provide a clear direction to the development industry in line with both SPP7 and SPPI. National Park Plan (Pg 52— objective d).

SEPA recommends that a clear and robust appraisal of all allocations for the potential to be affected by flood risk is undertaken prior to their allocation in the local plan to accord with the requirements of SPP7. SEPA notes that in line with national planning policy, the potential for flood risk should be considered on all proposed allocations prior to allocation. SEPA objects to

any allocation where the position is unclear and adequate consideration of flood risk has not been undertaken. In representations made in January 2006 SEPA Suggested Modifications - SEPA requests that all allocations in the local plan be appraised for flood risk using all appropriate available sources of information as set out highlighted that it did not appear that an appraisal of flood risk had been fully undertaken. SEPA raised this issue in representations of January 2006 and August in SPP7 and that allocations shown to be at risk of flooding are removed from the local plan. SEPA is concerned that allocations have been placed in the local plan 2007. SEPA undertook further discussions with CNPA on this issue and provided further advice to CNPA in March 2008 in relation to the appraisal of sites for which have been identified by CNPA as being at potential risk of flooding with a requirement that a detailed Flood Risk Assessment be undertaken by the applicant flood risk prior to allocation in the Local Plan. SEPA is disappointed to note that it does not appear that any further appraisal has been undertaken of allocations in at the planning application stage, SEPA considers that this does not provide sufficient clarity to the development industry at an early stage in the development relation to flood risk.

process. SEPA is concerned that detailed flood risk assessments may show that large portions of the sites are not suitable for development due to flood risk. SEPA is To illustrate the importance of this appraisal, SEPA makes the following site specific comments but stresses that it has not appraised all the allocations. therefore concerned that the integrity of these allocations may in fact be brought into question and a developer may have to undergo significant expense at the planning application stage to produce a FRA which may in fact show that large parts of the site are not suitable for the proposed development. SEPA considers that These site allocations appear to line outwith areas of flood inundation. However SEPA wishes to remind CNPA that SEPA's indicative River and Coastal Flood Map the local plan should clearly indicate those parts of the sites which, based on information available at present on flood risk, are unlikely to be suitable for development (Scotland) only estimates flood outlines on catchments greater than 3.0km<sup>2</sup>. Sites adjacent to watercourses with catchment areas of less than 3.0km<sup>2</sup> may also be at or alternatively the plan should indicate those parts of the site which are likely to be suitable for development. SEPA would welcome the opportunity to undertake risk of fluvial (or other) flooding but will not appear as such on the SEPA flood map. To highlight this situation, SEPA recently reviewed anecdotal information further discussion with the CNPA on this matter to provide advice on practical approaches to the further work we are requesting. regarding the site allocation at Newtonmore. A resident wished to point out that this area, although not shown as being at risk on the SEPA flood map, has suffered historic flooding. She recalls as a child (1969 or 70) wading knee deep in floodwaters near the station but on the northern side of the rail track.

SEPA is To illustrate the importance of this appraisal, SEPA makes the following site specific comments but stresses that it has not appraised all the allocations.

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Settlement	Allocation
Aviemore	H1, H2, C1, C2, ED1, ED2, ED3
Kingussie	H1
Boat of Garten	H1, C1

Braemar	H1
Carrbridge	H1, ED1
Cromdale	H1, H2
Dulnain Bridge	H1, H2
Kincraig	H1, H2
Nethybridge	H2, C1, ED1
Tomintoul	H1, H2, H3, H4, C1, ED1
Newtonmore	H1, H2

Areas of these sites have been acknowledged as being at high risk of flooding with the site allocation plans. However under the Proposals section of these allocations, CNPA goes on to specify housing totals for these sites. Eg allocation H1 for the community of Ballater is estimated to provide 250 housing units. SEPA's indicative River and Coastal Flood Map (Scotland) 0.5% annual probability layer shows the site as being almost totally inundated by this flood event. The site H2 at Braemar is shown as approximately 40% inundated. SEPA reiterate that they would object to any allocation for development on greenfield sites within the functional floodplain.

Following best practice all sites should be subject to flood risk assessment preallocation, and areas shown to be at flood risk should be removed from these allocation.

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

Additionally SEPA makes the following comments:

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

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

Reason for objection

SEPA wishes to draw attention to para 42 and 43 of SPP7: planning and flooding.

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

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

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

Local Planning 43: Each local plan should

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

While SEPA welcomes the fact that some consideration has been given to flood risk during the consideration of allocation, it is not clear what information was used to appraise the site information, the examples cited above highlight that SEPAs indicative maps are only one of a number of potential sources of information available on flood risk.

Furthermore SEPA does not consider that the approach taken to allocations in the local plan accords with the precautionary approach to flood risk promoted in the National Park Plan (pg 52 objective d).

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

Suggested modification: SEPA requests that all allocations in the local plan be appraised for flood risk using all appropriate available sources of information as set out in SPP7 and that allocations shown to be at risk of flooding are removed from the local plan. SEPA is concerned that allocations have been placed in the local plan which have been identified by CNPA as being at potential risk of flooding with a requirement that a detailed flood risk assessment be undertaken by the applicant at the planning application stage, SEPA considers this does not provide sufficient clarity to the development industry at an early stage in the development process. SEPA is concerned that detailed flood risk assessments may show that large proportions of the sites are not suitable for development due to flood risk. SEPA is therefore concerned that the integrity of these allocations may in fact be brought into question and a developer may have to undergo significant expense at the planning application stage to produce a FRA which may in fact show that large parts of the site are not suitable for the proposed development. SEPA considers that the local plan should clearly indicate those parts of the site which, based on the information available at present on flood risk, are unlikely to be suitable for development or alternatively the plan should indicate those parts of the site which are likely to be suitable for development. SEPA has undertaken further discussions with CNPA on this matter to provide advice on practical approaches to the further work we are requesting and SEPA notes that CNPA will provide further information in relation to flood risk shortly. SEPA would be happy to review any further work undertaken to address SEPAs concerns.

#### **CNPA analysis of response to 1st modifications**

CNPA continue to analyse the sites for proposed development in the local plan against the criteria suggested by SEPA and any modifications considered necessary as a result of this work will be included by way of second modifications.

#### **response to 2nd modifications**

Maintain objection.

## **HEARING**

<b>Objector</b>	<b>Name</b>	<b>Agent</b>
437g	Mrs Jane Angus Darroch Den Hawthorn Place Ballater AB35 5QH	

### **Company**

**Policy/site** Policy 13

### **Representation to Deposit Plan**

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

The SEA also pleads for health policies while apparently ignoring the huge importance of enjoyment and satisfaction in suitable occupations. Jo reduce fishing potential not only reduces the economic benefits (1 0,000 a fish to the rural economy) but also the health- giving properties of relaxation and increased cardio-activity for both fisher and ghillie.

### **CNPA analysis of objection to Deposit Plan**

The policy allows for the full consideration of development on water resources, and the importance of flow levels will be considered under d) where every effort should be made to minimise use of water. Some rewording may be necessary however to clarify this point. Confirm wording will ensure appropriate levels of protection and provision in line with SEPA comments and mods in light of those. The environmental report will also be revised to ensure the appropriate future assessments are undertaken.

### **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**

## **HEARING**

**Objector**      **Name** Jamie Williamson                      **Agent**  
439k                      Alvie and Dalraddy Estate  
                                    Alvie Estate Office  
                                    Kinncraig, Kingussie  
                                    PH21 INE

**Company** Alvie and Dalraddy Estate

**Policy/site** Policy 13

**Representation to Deposit Plan**

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

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

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

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

Proposed Modifications -

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



- a) Have no significant adverse impact on the current hydrology/water environment
- b) Be free from significant risk of (delete flooding) flood damage, not increase the risk of flooding elsewhere, not add to the area of land that requires flood prevention measures, or affect the ability of the functional flood plain to store or move flood waters. Development in areas susceptible to flooding (as defined by SPP7's Flood Risk Framework, SEPA's Flood Risk maps, or other flood risk information) (delete will) may require a developer-funded flood risk assessment
- c) Treat surface water discharge separately from foul waters and in the most sustainable manner;
- d) (delete Minimise use of water) Conserve water where appropriate;
- e) Have no significant adverse impact on existing or proposed public or private water supplies, or waste water treatment services within or linked to the National Park, and.
- f) (delete Utilise water supply and waste water disposal services where reasonable and comply with best practice standards for private water supplies and waste water treatment facilities where connection to public services is unreasonable)

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

### **CNPA analysis of objection to Deposit Plan**

The aim of the policy is to ensure that management of the water environment in line with the established legal framework which exists, and other national guidance and directives. The comment is therefore noted and the wording of the policy will be revised to ensure it is clear and the appropriate level of guidance is available for developers. Further supporting information may also be prepared in support of this policy in the form of SPG to ensure the policy is implemented in a consistent manner across the Park area. The wording of the policy has been selected to comply with national guidance, european directive, etc and a more relaxed approach is therefore not an option. The wording however is not intended to stifle development but make sure it is done in the most appropriate way.

### **Response to 1st modifications**

#### a) Use of Resources

Development will:

(i minimise the use of treated/abstracted water; )

ii not result .... To good ecological status

ii) treat surface water and foul discharge ....

iv have no significant adverse impact ....

b) Flooding - Development will ...

c) Connection to sewerage - (Development will connect to the public sewerage network unless: ..... Can be easily connected to the public sewer.)

At most times of the year the Cairngorms National Park area has an adequate supply of water. Much of the water that is extracted is utilised within the water catchment area and returned into the system.

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

Encouraging Scottish Water to monopolise the supply of water and water treatment facilities has already severely constrained housing development in some areas of

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

The section: '4.80 Wherever it is considered reasonable ...relevant standards' should be deleted.

We support concerns expressed by the Kincaig & Vicinity Community Council that the increase in flooding of Insh Meadows /Marshes up river of Loch Insh together with the lack of positive riparian management in the vicinity of the Spey/Feshie Confluence may be increasing flooding and flood damage in the vicinity of the River Spey between Kingussie and Aviemore

#### **CNPA analysis of response to 1st modifications**

The wording is not considered to be overly restrictive as it encourages minimising use of water in a. This is not therefore an absolute. Connection to sewerage is in line with advice given from SEPA and as the government agency responsible for this aspect of development, CNPA are keen to work with them as partners of the Park. No modifications are therefore proposed.

#### **response to 2nd modifications**

## **WRITTEN**

**Objector**      **Name** Bob Garrow                      **Agent**  
464b                      RS Garrow Ltd  
                                    4 Mossspark Avenue  
                                    Milngavie  
                                    Glasgow, G62 8NL

**Company** RS Garrow Ltd

**Policy/site** Policy 13

**Representation to Deposit Plan**

Governments' Policies

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

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

Scottish Water's Costs Using Traditional Solutions - Quoting from the supporting documents to the January 2007 Scottish Executive Non-household Water Charges: A Consultation on Changes to the Current Charging Arrangements –

"Sewage treatment works -

We have noted the Reporter's comments on the costing of sewage treatment works. The Reporter commented that Scottish Water had calculated the cost of building or upgrading sewage treatment works based on traditional solutions. The Reporter considered that Scottish Water could achieve savings if it used packaged plants' for small populations."

And

"Water industry commissioner for Scotland wics Reporter Services

STRATEGIC REVIEW OF CHARGES 2006 SECOND DRAFT BUSINESS PLAN REPORTERS REPORT, VOLUME I (June 2005 Black & Veatch)

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

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

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

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

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

“Scottish Water is splashing out between £1million - £2million to connect the 14-pupil primary school at Achnaeroish, on Lismore, to a public water supply on the mainland

A Scottish Water spokesman confirmed to the Press and Journal last night: “It will cost at least Limillion” but added that the final cost could possibly reach the £2million mark.”

And a follow up on 10th February 2007

“Independent water expert Brian Clarke, deputy director at the Centre for Environmental Health Engineering at the University of Surrey, who is currently involved in research contracts relating to water treatment and surveillance with Oxfam and Southern Water Services, said: “I think it’s very unlikely that the water quality on the island of Lismore is not perfectly good for sustaining life.”

He added that Mr Garrow’s figure of £1,500 was optimistic, but said the most state-of-the art local water treatment system, complete with the full range of filters and disinfectant systems, would only cost £50,000-£100,000.”

Scottish Water’s Capacity to Provide Public Network Connections

Quoting from BBC News 8th August 2006

“Homes ‘held up’ by water supplies”

“Up to 3,000 new houses cannot be built in the Highlands because of constraints on water and sewerage supplies, according to the area’s council. Officials claim around 1,500 private houses were being held up although they have got planning permission. The construction of 1,500 houses proposed in local plans were also in doubt, said officials.”

“Scottish Water said it was trying to work with the council and developers while committing its funds efficiently. Skye Councillor John Laing said that development of private and housing association housing in his area was at a standstill. Margaret Davidson, who represents Loch Ness West, said the situation in her ward would not improve for at least five years.”

Quoting from the West Highland Free Press Friday 18 August 2006

“Lack of water supplies could cost housing association millions in lost funding”

“Housing projects in Plockton and Kyle are now in jeopardy because Scottish Water cannot connect most of Lochalsh to a new supply until the end of 2008, the Free Press has learned.

“Over £3.6 million earmarked for the construction of 24 affordable homes in Plockton — where young families have been priced out of the local market — and the development of a gap site on Kyle’s Main Street to provide six flats may not be spent because of the delay, Lochalsh and Skye Housing Association said this week.

“We can’t carry over the money to another year,” said association director Lachie Macdonald. “There is a real danger that the programme becomes overloaded. If you don’t spend it you lose it and Communities Scotland will allocate these funds to another part of Scotland.”

and

“Kyle counsellor Bill Fulton said the whole area seemed to have a problem with regard to water connections. “Skye and Lochalsh have a huge problem,” he added.

“This is a progressive area with a rising population and all the building work that should be going ahead isn’t.

“I’ve lost count of the number of planning applications we have approved for houses at Carhost, for instance, which can’t go ahead without a water supply.”

and

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

#### Introducing Our Water Services

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

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

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

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

By using the existing natural environment to deliver water to us and discharging it clean locally after use we only need short input feeds and discharge pipes. Compared to costs from the Consultation quoted above, £150,000 for a km of input main and £220,000 for a kilometre of foul sewer, a total of £375,000 per km, our infrastructure network costs are likely to be less or absent.

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

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

Standard delivery on our Microbac MBR waste water treatment plants is twelve weeks. The Site survey only needs to find a level base foundation the size of a garden shed and, by carrying out the limited civil and electrical works and breeding the bacteria population to match the waste (their food) stream during plant

manufacture, delivery, installation and commissioning can be a same day process. Our Aqualogix drinking water plants are on short delivery, sometimes ex stock. The Aqualogix is portable and Microbac MBR plants can be specified to be relocatable and/or expandable. Regulatory bodies unused to the technologies are possibly the limiting feature on deploying them for temporary or seasonal use.

These plants could be used in conjunction with the public network infrastructure. Where a sewer network coincides with a watercourse or water environment capable of accepting a drinking water quality discharge a Microbac MBR package plant could be installed to process some of the flow in the sewer out to the **CNPA**

#### **analysis of objection to Deposit Plan**

environment. The sewer network then enables the equivalent volume to be connected elsewhere, upstream or downstream of the MBR. The comment is noted. However the policy has been worded to take account of the established legal framework which exists, and other national guidance and directives. The wording of the policy does not preclude other sources as in f) it allows for some degree of flexibility (under 'reasonable'). It is therefore considered that a modification is not required as a result of this representation. Confirm policy is intended to ensure the most sustainable use of the resource regardless of the technology used in this. The proposal for use of modern technologies as described in the rep would therefore be in accordance with this.

#### **Response to 1st modifications**

I wish to maintain my comment as the modifications move in the opposite direction from my comment which suggested we encourage the adoption of newer but proven technology techniques to provide water services. As these newer technologies are more capable they are effectively independent of site conditions and as they use only modest amounts of energy to process drinking water and waste water their environmental signature is much reduced compared to the methods preferred in the CNPA Deposit Local Plan. They are also more compact, do not use consumable chemicals, are quicker to install and cheaper to buy and operate.

I recognise that much central public guidance excludes these newer technology techniques.

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

#### **CNPA analysis of response to 1st modifications**

between the locally processed water and the public network main. The policy does not preclude the use of modern technology as referred to in the objection. No modification is therefore proposed.

#### **Representation response to 2nd modifications**

The information in Box 4 identifies the capabilities of newer technologies. The third party evidence highlights limitations of currently used conventional methods. I would like to take the informal hearing route on verbal presentation.

We suggest that taking raw water from the local environment, including but not limited to collecting rainwater, storing it, processing it to drinking water, using it, processing the 95% which comes out as waste water locally to drinking water quality and returning it to the local water environment close to where it was drawn out has little or no adverse impact on the water environment.

We suggest that the newer technology fresh water treatment facilities and waste water treatment facilities have much lower effects on the environment and lower energy use than conventional methods.

Accordingly newer technology should be stated as preferred for new development rather than the Deposit Local Plan requirement to connect to public water

supplies and waste water treatment networks.

Also public network waste water treatment facilities should be encouraged to incorporate newer technology plants on environmental, cost and speed of capacity delivery criteria.

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

## **HEARING**

<b>Objector</b> 448i	<b>Name</b> The Cairngorms Campaign PO Box 10037 Alford AB33 BWZ	<b>Agent</b>
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### **Company**

**Policy/site** Policy 13

### **Representation to Deposit Plan**

### **CNPA analysis of objection to Deposit Plan**

### **Response to 1st modifications**

Regarding Policy 13 on Water Resources, under Sustainable Use of Resources, we welcome the recognition of the importance of protection of the headwaters of the major river systems. We would point out, however, certain points that should be incorporated into background rationale and thinking for the Local Plan in this subject area:-

1)The situation where a core mountain mass acts as the source of several diverging major river systems and also house their headwaters is found globally and globally it is recognised that the management of these core areas is important for the welfare of the rest of the catchments of these river systems at a distance. The main Cairngorms massif is a good example of this on a Scottish scale, although the situation also occurs, on a lesser scale, in the mounth within the Park and, further afield in the uplands of southwest Scotland.

2)The Water Framework Directive and derived Scottish national legislation are the major legislation driving this. Para 4.74 asserts that the Local Plan is key to the protection of the river systems. While it is undoubtedly very important in this respect, many of the factors affecting the river systems derive from broader land management, which should be covered by the Park Plan. The tributaries, soils and vegetation of the uplands are increasingly vulnerable to bad practice in landsue, which can in turn affect biodiversity, flooding etc – both of which are covered and linked under the relevant Scottish legislation. This para and associated policies should therefore make clear links between the Park Plan and the Local plan.

3)Para 4.74 states that two major river systems arise in the Central Cairngorms. While there may be quibbles as to what constitutes a major river system, this statement is surely wrong since it omits the Don which is a sizeable river by Scottish standards and arises within the Park and flows through it. It should also be noted that the Don, unlike the Dee and Spey and indeed most Scottish rivers, arises in and flows through relatively base rich geology and derived soils and is comparatively nutrient rich. It is thus ecologically distinct and nationally famous as a brown trout river. The Don also has emerging problems within the Park such as rapidly expanding invasions by giant hogweed and other alien species and apparent major reduction in its salmon and brown trout populations and associated fisheries. At the same time, it has no catchment management plan. Note should therefore be taken of the Don and the river systems arising from the Mounth.

### **CNPA analysis of response to 1st modifications**

Reference to management is included in Para 4.74. No further modifications are therefore proposed.

### **response to 2nd modifications**

**WRITTEN**



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

**Company** Scottish Council for National Parks

**Policy/site** Policy 13

**Representation to Deposit Plan**

Whilst supporting the aims of Policy13, under b), the limitations of developer funded flood risk assessments should be recognised. On occasion, there have been examples of such assessments which have led to proposals to overcome flood risk which are very damaging in landscape and environment terms.

**CNPA analysis of objection to Deposit Plan**

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

**Response to 1st modifications**

Objection maintained as in 434a.

**CNPA analysis of response to 1st modifications**

The requirement for a suitably qualified professional to carry out surveys is included in b). No further modifications are therefore proposed.

**response to 2nd modifications**

## HEARING

<b>Objector</b>	<b>Name</b>	<b>Agent</b>
399c	Nicola Abrams SEPA Leading Light Building 142 Sinclair Road Aberdeen, AB11 9PR	

**Company** SEPA

**Policy/site** Policy 13

### **Representation to Deposit Plan**

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

Reason for Objection - PAN 79: Water and Drainage (paragraph 48) highlights that it is SEPA's policy to promote SuDS for all new development, provided that surface water drainage meets the requirements the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (CAR) General Binding Rule 10 (1) it would be authorised under CAR. "Drainage Assessment — A Guide for Scotland" produced by the SuDS Working Party recommends that a Drainage Assessment be produced for development of more than a few dwelling houses or non-householder extensions of 1 00m<sup>2</sup> or more.

### **Suggested Modification**

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

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

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

### **CNPA analysis of objection to Deposit Plan**

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

### **Response to 1st modifications**

While SEPA supports the inclusion of a policy in the local plan which promotes sustainable surface water drainage and the need to treat foul and surface waters separately, SEPA objects to this policy which we consider does not provide clear guidance on how surface water drainage should be dealt with in a sustainable way nor does it provide clear guidance to developers on what information should be submitted in support of a planning application. SEPA welcomes the inclusion in the supporting text of the relevant supporting documents, however, SEPA objects to the failure of the Local Plan to clearly require a Drainage Impact Assessment (DIA).

PAN 79 Water and Drainage (para 48) highlights that it is SEPA's policy to promote SuDS for all new development, provided that surface water drainage meets the requirements the Water Environment (Controlled Activities)(Scotland) Regulations 2005 (CAR) General Binding Rule 10(1) it would be authorised under CAR. 'Drainage Assessment - A guide for Scotland' produced by the SuDS working party recommends that a Drainage Impact Assessment be produced for development of more than a few dwelling houses or non-householder extensions of 100m<sup>2</sup> or more. The local plan does not give clear guidance to developers when a DIA will be required in support of their planning application.

Suggested Modification - SEPA requests that the Policy be reworded to explicitly require the use of SuDS to deal with surface water run off from all new developments. The Policy should also refer to the requirement to submit a DIA with any planning application for developments of 10 houses or greater than 100sq m floor space.

Additional comments - SEPA also highlights the following typographical errors:

Policy 13(a) iii should refer to CIRIA Construction Industry Research and Information Association (CIRIA) Manual not Circa manual;

Para 4.75 Sewers for Scotland is now published and not draft

#### **CNPA analysis of response to 1st modifications**

iii) explicitly requires that developments WILL treat surface water and foul water discharge separately in line with SUDs manual ciria C697. 'And' will be added after 'separately' for additional clarity. The additional highlighted textual comments are noted and the appropriate changes will be made.

#### **response to 2nd modifications**

Maintain objection.

## **WRITTEN**

<b>Objector</b>	<b>Name</b>	<b>Agent</b>
399b	Nicola Abrams SEPA Leading Light Building 142 Sinclair Road Aberdeen, AB11 9PR	

**Company** SEPA

**Policy/site** Policy 13

### **Representation to Deposit Plan**

General Comments - SEPA notes that the Consultative Draft Plan had separate policies for Protection of the Water Environment, Water Supplies, Foul Water Drainage, Surface Water Drainage and Flood Risk and Management. While SEPA supports the inclusion of a policy in the local plan to address issues related to the water environment, SEPA is concerned that the amalgamation of 5 previous policies relating to the water environment into 1 has resulted in a very complicated policy dealing with a number of complex issues. SEPA is concerned that the policy does not provide clear guidance to both development management planners and the development industry on how issues relating to flood risk, foul drainage, surface water drainage, protection of the water environment and water supply should be dealt with. SEPA notes that protection of the water environment is of particular importance to the interests of the Park particularly given the location of the Rivers Spey and the Dee which are just two of the many designated aquatic sites within the Park.

Objection - SEPA objects to the policy on the ground of flood risk as point b implies the onus to commission a flood risk assessment lies with the developer after site allocation and estimation of site units. Paragraph 4.65 in the supporting text states that "The Local Plan avoids allocating sites for development in areas at risk of flooding wherever possible", and that the Local Plan "highlights the need for developers to fund detailed flood risk assessments on these sites"

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

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

### **CNPA analysis of objection to Deposit Plan**

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

### **Response to 1st modifications**

SEPA maintains its objection to the policy on the grounds of flood risk as point b implies the onus to commission a flood risk assessment lies with the developer after site allocation and estimation of site units. Para 4.65 in the supporting text states that 'the local plan avoids allocating sites for development in areas at high risk of flooding wherever possible,' and that the local plan 'highlights the need for developers to fund detailed flood risk assessments on these sites'.

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

Suggested modification – areas of greenfield sites that lie within the functional flood plain should be removed from the allocations. SEPA has undertaken further discussions with CNPA regarding flood risk issues and is disappointed that this issue has not been addressed.

### **CNPA analysis of response to 1st modifications**

CNPA will continue to analyse the allocation of sites against the flood risk maps and will take the appropriate action in line with guidance from SEPA. Any modifications necessary as a result of this work will be made by way of second modifications.

**response to 2nd modifications**

Maintain objection.

**WRITTEN**

<b>Objector</b> 020f	<b>Name</b> Dr A Watson Clachnaben Crathes, Banchory Kincardineshire AB31 5JE	<b>Agent</b>
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**Company**

**Policy/site** Policy 13

**Representation to Deposit Plan**

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

**CNPA analysis of objection to Deposit Plan**

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

**Response to 1st modifications**

Objection maintained.

**CNPA analysis of response to 1st modifications**

The revised para in 4.80 has been redrafted for clarity. No further modification 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**

<b>Objector</b>	<b>Name</b>	<b>Agent</b>
400j	Dr A M Jones Badenoch and Strathspey Fiodhag Nethybridge PH25 3DJ	

**Company**

**Policy/site** Policy 13

**Representation to Deposit Plan**

**CNPA analysis of objection to Deposit Plan**

**Response to 1st modifications**

Policy 13 - Object. Mains sewerage should be in place before a development goes ahead.

4.74 - Object. It should be clarified that headwaters means the headwaters of all tributaries of the Spey and Dee.

**CNPA analysis of response to 1st modifications**

The connection to sewers is in line with SEPA guidance and therefore no modification is proposed. The term headwater is defined as 'streams flowing from the sources of a river'. This is considered to be sufficiently clear. No modifications are therefore proposed.

**response to 2nd modifications**

Maintain objection Policy 13 Object. Mains sewerage should be in place before a development goes ahead, other than for, say, an individual house.

Withdrawn objection 4.74 It should be clarified that headwaters means the headwaters of all tributaries of the Spey and Dee.

## HEARING

<b>Objector</b>	<b>Name</b>	<b>Agent</b>
037c	DW and IM Duncan Pineacre West Terrace Kingussie PH21 IHA	

### **Company**

**Policy/site** Policy 13

### **Representation to Deposit Plan**

a) the proposed house building programme as outlined in Section 5 will undoubtedly have a significant impact on the current hydrology/water environment. In Strathspey and Badenoch the existing public water supply, gravity fed from Loch Eanaich, is already stressed and interruptions to the supply are not infrequent particularly in villages such as Carrbridge. This is due mainly to leakage and bursts in the poor existing pipe network. Despite Scottish Water and their predecessor body NOSWA spending years trying to find a solution to the supply from Loch Eanaich, we now read that the Eanaich scheme is to be abandoned in favour of boreholes or perhaps water abstraction from the River Spey. Both of these proposals are likely to be extremely controversial. In short to suggest a house building programme of this scale without having the assurance of a secured water supply is frankly ludicrous.

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

d) support

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

### **CNPA analysis of objection to Deposit Plan**

The comments are noted. The policy is written to ensure that new developments do not have a significant adverse impact on the current hydrology/water environment and the planning authority has a duty to ensure that all planning proposals comply with this and all other planning policies in the local plan unless there are overriding reasons for departure. It is therefore considered that the wording addresses the issues raised and therefore no modification is considered necessary as a result of this representation. Confirm close working relationship with SW and input into their investment programme to ensure it is in line with the local plan. Also confirm SW approach to connections and supply.

### **Response to 1st modifications**

Objection maintained.

### **CNPA analysis of response to 1st modifications**

Policy 13 has been largely rewritten following further discussions with SEPA. Additional guidance has also been added to the supporting text. No further modifications are therefore proposed.

### **response to 2nd modifications**

I refer to your letter of 5th November regarding modifications to the Local Plan.

I have no further comments to make on these modifications but I would reiterate that I still have serious concerns regarding the extent of the zoning for new housing development across the area and I believe that this is at odds with the first aim of the National Park.

I am happy for my written submissions to be considered by the Reporter at the Local Plan Inquiry.

**WRITTEN**



**Objector**      **Name** Ian Francis      **Agent**  
424i                      RSPB Scotland  
                                 East Regional Office  
                                 10 Albyn Terrace  
                                 Aberdeen, AB10 1YP

**Company** RSPB Scotland

**Policy/site** Policy 13

**Representation to Deposit Plan**

While aspects of this policy are welcome, it is disappointing not to see a general stronger presumption against developments in the functional flood plain in the policy.

We would also like to see some specific reference to flood prevention measures. This should make it clear that any flood management measures proposed would need to take a strategic, catchment-based approach to flooding, use natural systems (such as wetlands), promote soft engineering techniques and use existing flood plains to attenuate flooding. We appreciate that hard engineering works will sometimes still be required but soft engineering techniques can often completely replace the need for hard engineering or else significantly reduce the scale of hard engineering required. All flood prevention and alleviation developments should be expected to maximise any opportunities for habitat enhancement or creation.

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

**CNPA analysis of objection to Deposit Plan**

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

**Response to 1st modifications**

One matter of considerable importance here is that National Park Authorities have been designated under the Water Environment Services Act as ‘responsible authorities’. This introduces legal duties to terms of delivering Water Framework directive aims and objectives, as well as promoting sustainable use of water resources and sustainable flood management. This designation gives NPAs a direct legal duty to ensure compliance with the requirements of WFD promote sustainable flood management and adopt an integrated approach by co-operating with other responsible authorities (in this case local authorities, Forestry Commission, and Scottish Water). This policy is crucial to ensure sustainable management of water resources and to protect, promote and enhance the ecological status of the water environments. These appropriate duties of Cairngorms NPA as a ‘responsible authority’ under the WEWS Act, should be clearly listed in policy 13.

We would like to see some specific guidance in relation to flood prevention measures. All flood prevention and alleviation developments should be expected to maximise any opportunities for habitat enhancement or creation. As a ‘responsible authority’ under the WEWS Act the Cairngorms NPA should aim to promote sustainable management; therefore flooding policy should have a strong presumption against any new development in the functional floodplain. Within the National Park, there are many areas already at risk from flooding. Any proposals for new flood management measures that protect existing areas at risk must aim to comply with the aims of sustainable flood management by taking a strategic, catchment based approach to flood management and exploring the use of structural (natural flood management, hard engineering where necessary, flood resilience) and non structural (flood warning, strong flooding policies, support for communities, education). Flooding policies must be in lien with the proposals for the new Flooding Bill.

**CNPA analysis of response to 1st modifications**

Tan additional para will be included to highlight the role of CNPA as responsible authority under the WESS Act. The policy will also be amended to reflect ongoing discussions with SEPA.

**response to 2nd modifications**

**WRITTEN**

**Objector**      **Name** Muir Homes Ltd  
038g

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

**Company**

**Policy/site** Policy 14

**Representation to Deposit Plan**

**CNPA analysis of objection to Deposit Plan**

**Response to 1st modifications**

Policy 14 is not objected to on the basis that necessary disturbance relates to the reasonable development of the site and is not another means of restricting/preventing development in areas allocated for that purpose. This is also based on the recognition that some disturbance to peat deposits may be required in order to allow the reasonable development of a site.

Paragraph 4.98 it should be established whether the Sustainable Design Guide forms part of the emerging local plan in order that its contents may form part of the consultation/representation process. In the event that this document is not part of the plan then its status is limited.

**CNPA analysis of response to 1st modifications**

The wording of the representation is noted, and it is in line with the wording of the policy. The representation correctly identifies that the policy is not intended to hamper appropriate development which minimises disturbance in the process of the development process. The sustainable design guide will form supplementary guidance to support the plan and will be consulted upon accordingly. No further action required.

**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** The Crown Estate  
419c

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

**Company** The Crown Estate

**Policy/site** Policy 14

**Representation to Deposit Plan**

This policy is very restrictive and to a degree contradictory. The policy aims to protect future mineral reserves from development but also restricts their extraction except for immediate local usage.

Modifications to resolve this objection.

This policy should be refined to allow for forms of mineral extraction which do not cause significant damage for wider usage.

**CNPA analysis of objection to Deposit Plan**

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text.

**Response to 1st modifications**

Objection maintained.

**CNPA analysis of response to 1st modifications**

The final para refers to workable reserves rather than new extraction. An additional criteria has been added to allow for some additional extraction. No further modifications are proposed.

**response to 2nd modifications**

**WRITTEN**

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

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

**Company** Dunachton Estate

**Policy/site** Policy 14

**Representation to Deposit Plan**

This policy is very restrictive and to a degree contradictory. The policy aims to protect future mineral reserves from development but also restricts their extraction except for immediate local usage.

Modifications to resolve this objection -

This policy should be refined to allow for forms of mineral extraction which do not cause significant damage for wider usage.

**CNPA analysis of objection to Deposit Plan**

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text. The wording will also be reviewed to ensure it is clear, and supported by the necessary detail to allow assessment and implementation by users.

**Response to 1st modifications**

Objection maintained.

**CNPA analysis of response to 1st modifications**

The final para refers to workable reserves rather than new extraction. An additional criteria has been added to allow for some additional extraction. No further modifications are proposed.

**response to 2nd modifications**

**WRITTEN**

**Objector**      **Name** Glenmore Properties Ltd  
453f                      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 14

**Representation to Deposit Plan**

This policy suggests that new mineral extraction, processing or recycling developments, or extensions to existing mineral developments will only be permitted in certain circumstances i.e. where the market is within the CNP itself; where there are social or economic benefits or no suitable alternatives exist, although we understand the principle of this policy we would suggest that the use of existing facilities must be better than creating new facilities elsewhere. Extensions to such facilities therefore should be possible even where the market is not necessarily wholly within the National Park. An example may be a quarry just within the boundary of the Park that services a wider area. In sustainability terms the national park requires sources of raw construction materials and the ability to process or recycle materials locally.

Modifications: Policy wording altered to reflect issues raised in summary.

**CNPA analysis of objection to Deposit Plan**

The policy will be reviewed to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text. The wording will also be reviewed to ensure it is clear, and supported by the necessary detail to allow assessment and implementation by users. The issue of local materials for local use particularly in conservation and restoration projects is also an interesting issue and the wording of the policy will be reviewed to ensure appropriate provision is made for such extraction.

**Response to 1st modifications**

Maintain objection.

**CNPA analysis of response to 1st modifications**

The issue of providing for a market elsewhere is not accepted in regard to the aims of the Park. An additional option has been added to allow for some extraction to meet a particular sector of the market. No further modifications are proposed.

**response to 2nd modifications**

In respect of our previous correspondence we would wish to maintain our objections as previously detailed to Policy 14

## HEARING

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

**Company** Scottish Council for National Parks

**Policy/site** Policy 14

**Representation to Deposit Plan**

Mineral extraction is almost invariably damaging to the landscape or habitats to some degree. Because the landscape and habitats are fundamental to the wellbeing of the Park, Policy 14 would be clearer and stronger in its intent if it expressed a general presumption against new mineral workings “unless etc”. It is difficult to conceive of a situation where no suitable or reasonable alternatives are available to meet the limited development demands of the Park.

**CNPA analysis of objection to Deposit Plan**

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text.

**Response to 1st modifications**

Objection maintained as in 434a.

**CNPA analysis of response to 1st modifications**

The tone of the policy has been amended. No further modifications are therefore proposed.

**response to 2nd modifications**

## HEARING

**Objector Name** Jamie Williamson  
4391 Alvie and Dalraddy Estate  
Alvie Estate Office  
Kinncraig, Kingussie  
PH21 INE

**Agent**

**Company** Alvie and Dalraddy Estate

**Policy/site** Policy 14

**Representation to Deposit Plan**

The economy within the Park is already dangerously over dependent on tourism and government. The Park has some valuable mineral resources including sand, gravel, granite, schist, and slate that are of both economic and cultural importance. The Park should encourage and not preclude the development of minerals extraction and processing where such activities can diversify and enhance the economy.

If the Park is to meet the aim of conserving and enhancing the built cultural heritage of the Park area, slate, granite and schist workings will need to be reopened and stone processing and masonry skills re-learned to supply the materials from which traditionally buildings and bridges within the Park were built.

Sand, gravel and aggregates are relatively expensive to haul long distances. It is more environmentally beneficial if these minerals are extracted and processed close to their point of use.

Peat extraction and use as a fuel is part of our cultural heritage. If the Park is to conserve and enhance the area's cultural heritage further peat extraction should be allowed.

The extraction and burning of peat releases carbon into the atmosphere that has been sequestered in the relatively short term. Most vegetation extracts carbon from the atmosphere, burning wood releases carbon back into the atmosphere that has been captured within the last 15 to 200 years, burning peat releases carbon that has been captured between 200 and 2,000 years ago, burning coal or oil releases carbon that has been captured more than 5,000 years ago. In terms of a sustainable resource burning peat close to its source of production should be preferable to burning oil or coal, particularly where the oil or coal has been transported long distances or has undergone extensive energy demanding processing.

**Proposed Modifications –**

Proposals for new mineral extraction, processing or recycling developments , or extensions to existing mineral developments will (delete only be permitted) be encouraged where:

- a) The developer can demonstrate local demand for the material extracted or processed. Or (delete the market within the Cairngorms National Park where the extracted or processed material will be used or provide other social or economic benefits; and)
- b) No suitable and reasonable alternatives to the material are available; or
- c) There are social or economic benefits that outweigh any detrimental impacts to the Park.

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

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

- i) There is no alternative site for the development
- ii) The value of the development to the delivery of the aims of the Park is considered to outweigh the value of the mineral resource; and



iii) The opportunity has been provided for the extraction of the mineral resource before the development commences.

(delete Proposals for new areas of commercial mechanised peat extraction will not be permitted)

All development will avoid unnecessary disturbance of soils and will adopt best practice for the movement storage, management and reinstatement of soils.

### **CNPA analysis of objection to Deposit Plan**

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text. Confirm that tone of policy must take into account the 4 aims of the Park and the need to protect resources, whilst allowing sufficient flexibility to take forward an appropriate level of development.

#### **Response to 1st modifications**

a) Soil and Peat

Development should ... of the same.

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

b) Minerals

(There will be a presumption against proposals for) new mineral extraction, processing or recycling developments, or extensions to existing mineral developments (unless) will be encouraged where the development will satisfy local demand, provide social or other benefits including minimising delivery miles for produce or contribute to the cultural or built environment of the Park.

The economy within the Park is already dangerously over dependent on tourism and government. The Park has some valuable mineral resources including sand, gravel, granite, schist and slate that are of both economic and cultural importance. The Park should encourage and not preclude the development of mineral extraction and processing where such activities can diversify and enhance the economy.

Peat extraction and use as a fuel is part of our cultural heritage. If the Park is to conserve and enhance the area's cultural heritage further small scale peat extraction for use as a fuel should be allowed.

If the Park is to meet the aim of conserving and enhancing the built cultural heritage of the Park area, slate, granite and schist workings will need to be reopened and stone processing and masonry skills re-learnt to supply the materials from which traditionally buildings and bridges within the Park were built.

Rock armour, sand, gravel and aggregates are relatively expensive to haul long distances. It is more environmentally beneficial if these minerals are extracted and processed close to their point of use.

The Park includes mineral resources such as granite and slate that can be used as a valuable raw material for value added products such as quoins, kerbs and setts, monuments and stone dykes capable of being used both within the Park and exported elsewhere replacing imported products. Such development should be encouraged.

#### **CNPA analysis of response to 1st modifications**

a) the plan has included additional references to economic growth and diversity but the development of new peat extraction is not in line with aims to reduce carbon emissions, encourage sustainable use of valuable and limited resources and does link to the 4 aims of the Park.

b) the wording of the policy allows for local use, and where it is needed for restoration of built heritage. The rewording suggested is not considered to improve on the wording included.

No modifications are therefore proposed.

#### **response to 2nd modifications**

**WRITTEN**

<b>Objector</b>	<b>Name</b>	<b>Agent</b>
020g	Dr A Watson Clachnaben Crathes, Banchory Kincardineshire AB31 5JE	

### **Company**

**Policy/site** Policy 14

### **Representation to Deposit Plan**

i), good. This point should be in some earlier policies, as I have suggested above.

ii) outweighed is undefined again, and no method suggested how it is to be assessed

Last sentence of purple box has soils as the last word, should add and vegetation.

4.73 2nd sentence is only partially correct. Not just soil microbial, but soil plants and soil animals also. If you must make summary statements on scientific technical issues (many of which could readily be dropped without much loss), you ought to be accurate.

4.74 line 2, its should be their. Delete balance and replace with characteristics. The idea of balance in soil development is illusory. Also, why use the clumsy impact on instead of the simpler affect?

4.75 2nd last sentence. Good. As said above, this should be included in earlier policies.

### **CNPA analysis of objection to Deposit Plan**

The general tone will also be revisited to ensure that it is reasonable and delivers the aims of the policy as detailed in the supporting text. The wording will also be reviewed to ensure it is clear, and supported by the necessary detail to allow assessment and implementation by users.

### **Response to 1st modifications**

Objection maintained.

### **CNPA analysis of response to 1st modifications**

Additional clarity has been included in para 4.84 and 4.85. No further modifications 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**

<b>Objector</b>	<b>Name</b>	<b>Agent</b>
437h	Mrs Jane Angus Darroch Den Hawthorn Place Ballater AB35 5QH	

**Company**

**Policy/site** Policy 14

**Representation to Deposit Plan**

4.68-77 as above. we would suggest advice from best and local sources. Most potential mineral resources are not near settlements and would require transport and water for exploitation in times of National Scarcity. There are greatly improved methods of remediation and knowledge of the benefits of involvement of local people than even a few years ago.

**CNPA analysis of objection to Deposit Plan**

The issue of local materials for local use particularly in conservation and restoration projects is an interesting one and the wording of the policy will be reviewed to ensure appropriate provision is made for such extraction. Advice on materials is available from staff within CNPA . Confirm we are working on a green directory for this purpose.

**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**

**HEARING**

**Objector** Name Scottish and Southern Energy Plc  
447e

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

**Company** Scottish and Southern Energy Plc

**Policy/site** Policy 16

### **Representation to Deposit Plan**

Policy 16 is the only energy related policy in the Plan and it addresses small scale renewable and micro generation developments. Paragraph 4.82, which contains the supporting text of this policy, notes the role “everyone should play in efforts to slow climate change. This is supported through the second aim of the Park”. The Local Plan therefore acknowledges that addressing the climate change issue is directly related to the second aim of the Park which is “to promote sustainable use of natural resources of the area”. However, the Local Plan does not refer at all to any potential for medium or large scale energy projects within the National Park area and at paragraph 4.83 it states that the area is considered “unsuitable for large scale energy production schemes”.

The Local Plan, surprisingly, makes no reference to the Highland Council’s Renewable Energy Strategy (HRES), which is approved Supplementary Planning Guidance which refers to the whole of the Highland Council area including that within the Cairngorms National Park. The HRES identifies broad areas of search for wind farms and it is recognised that these do not include the area of the National Park. However, Scottish Planning Policy (SPP) 6 (Renewable Energy) states (paragraph 40) that such search areas should “not be used to rule out development elsewhere if it can be accommodated in a manner consistent with the approach set out “[in SPP6].

It must therefore be questioned whether there is any justification for the prohibition in the Plan against any medium and large scale renewable energy developments to be located within the National Park. It is submitted that this approach is contrary to national planning policy. The approach in the Local Plan is also contrary to paragraph 39 of SPP6 which states that planning authorities in updating development plan policies should “reflect the policies in this SPP”. The CNPA is not, in my view, “supporting the Scottish Ministers” commitment to renewable energy” and is not providing positively for its development.

### **CNPA analysis of objection to Deposit Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use.

### **Response to 1st modifications**

The modifications have addressed part of the objection made in 2007. It is acknowledged that the policy has been modified to make provision for all renewable energy projects, not just small schemes, by removing the term ‘small scale’ and ‘micro’. However para 4.99 contradicts Policy 16 and has not been modified in light of the changes to the policy wording itself. The approach is therefore still considered to be contrary to SPP6 (para 39) and the commitment of Scottish Ministers to the generation of renewable energy.

The modified Policy 16 does not refer to the Highland Council’s Renewable Energy Strategy (HRES) or SPP6 (para 40) in particular. Given SPP6 demands a development plan led approach, this policy still falls short of extant national planning policy. The statement at 4.99 comes across as an ‘absolute’ presumption against

large scale projects, but there should be some flexibility. Given the above points, the modifications to Policy 16 do not sufficiently address the points raised in objection of 2007.

#### **CNPA analysis of response to 1st modifications**

The policy has been developed to follow government guidance regarding the appropriate forms of development expected in a National Park. Para 4.99 has been amended to clarify what such forms of development would be. The policy does not refer to the Highland Council Renewable Energy Strategy and this will not be amended. Para 2.1 refers generically to the need to cross check proposals against government guidance and advice. There is considered no need to repeat these references throughout the plan. No further amendments are therefore 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**

<b>Objector</b> 427	<b>Name</b> Gemma Grimes BWEA Renewable Energy House 1 Aztec Row, Berners Road London, N1 0PW	<b>Agent</b>
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**Company** BWEA

**Policy/site** Policy 16

**Representation to Deposit Plan**

BWEA welcomes the opportunity to provide comments on the Cairngorms National Park – Deposit Local Plan, and provides this submission on behalf of the UK wind energy industry.

BWEA was established in 1978 and is the representative body for companies active in the UK wind energy market. In representing the wind industry, BWEA is in a unique position to comment on the circumstances which affect the future growth and development of the sector. BWEA would be pleased to clarify any issues raised and offer any further information which may be required.

Scotland has a rich variety of renewable energy resource, including 25% of Europe's wind energy resource. Having already met the 2010 target for renewable energy provision, Scotland has committed itself to a further target of 40% of electricity to come from renewable resources by 2020. There has already been considerable investment and employment in the Scottish renewables sector. It is important to continue to support and encourage the growth of the sector and associated benefits.

Low and Zero Carbon Developments - BWEA emphasis the contribution that small renewable systems can make, and urges the National Park Authority to introduce a policy for the mandatory requirement for all new buildings and renovations to provide electricity for at least 15% of the building's needs, through on site renewables, in accordance with the advice of SPP6. The following wording is highlighted as an example:

•All new residential, commercial and industrial development with a cumulative floor space of over 500 sq.metres must provide onsite renewable energy generation to provide at least a 15% reduction in the predicted CO2 emissions of the building (s) unless it can be satisfactorily demonstrated that such provision would be technically or economically unfeasible.

While building regulations will be strengthened over the next decade, BWEA recommend the inclusion of a discrete policy on sustainable design and construction methods, and the introduction of minimum efficiency standards for extensions, change of use conversions, and refurbishments / listed building restorations. Such a policy would help ensure increase in energy efficiency within the existing building stock, as well as in new build development.

BWEA welcomes the preparation of the Local Plan and the inclusion of Policy 16 – Energy Generation. However, BWEA recommend enhancing the resilience of the Plan through the introduction of specific policies on sustainable design and construction methods and a prescriptive micro generation policy, in line with SPP6 guidance on low and zero carbon developments.

**Policy 16 – Energy Generation**

BWEA welcomes the inclusion of a renewable energy policy that follows the guidance of the Scottish Planning Policy 6 (SPP6) and Planning Advice Note 45 (PAN45).

It is important that the Local Plan presents a positive, objective and robust approach to renewable energy for the wider and local benefit, as demonstrated here, rather than a restrictive policy. It is particularly encouraging that this policy does not impose unnecessary restrictions on building types and area locations considered

suitable for such proposals. The fact that the policy does not take on the assumption that renewable energy developments will have a negative effect, is to be commended.

In addition, BWEA recommend that the development plan provide a briefly outline of the different renewable energy generation technologies, and equally encourage and promote all forms of renewable energy (solar, biomass, wind, geothermal, hydro etc). The plan should include as robust criteria based policy that will be used to assess all applications for renewable energy developments.

#### **CNPA analysis of objection to Deposit Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use. Confirm all policies must be read together. Policy 18 and 19 relate to sustainable development and carbon emissions.

#### **Response to 1st modifications**

#### **CNPA analysis of response to 1st modifications**

#### **response to 2nd modifications**

## **WRITTEN**

<b>Objector</b> 434h	<b>Name</b> Robert Maund Scottish Council for National Parks The Barony 2 Glebe Road Kilbirnie, Ayrshire	<b>Agent</b>
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**Company** Scottish Council for National Parks

**Policy/site** Policy 16

**Representation to Deposit Plan**

The policy in the Plan in relation to energy generation are not as comprehensive and explicit as those in the Consultative Draft. Whilst Para. 4.83 says that the Park is not a suitable place for large scale energy production schemes, there is no mention of transmission and distribution infrastructure, undergrounding of cables etc., other than for telecommunications or of other sustainable generation techniques.

**CNPA analysis of objection to Deposit Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use.

**Response to 1st modifications**

Objection maintained as in 434a.

**CNPA analysis of response to 1st modifications**

The policy has been amended to include reference to ancillary works and transmission operations. No further modifications are therefore proposed.

**response to 2nd modifications**

## HEARING



**Objector**      **Name** The Crown Estate  
419d

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

**Company** The Crown Estate

**Policy/site** Policy 16

**Representation to Deposit Plan**

Renewable energy schemes can be vital for sustainable communities and this policy should not exclude the opportunity for larger schemes where these can have beneficial impacts on climate change and can be appropriately sited to minimise impact.

Modifications to resolve this objection - The policy should delete the words “small scale” and “micro”.

**CNPA analysis of objection to Deposit Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use.

**Response to 1st modifications**

Objection maintained. Additional specific objection to Para 4.99 -

My client objects to the continued refusal of the Park Authority to consider large scale energy production such as commercial wind farms. It is considered that the automatic exclusion of all wind farms from the Park Area is in itself incompatible with the Park's four aims, particularly;

- b) To promote sustainable use of natural resources of the area and
- d) To promote sustainable economic and social development of the area's communities.

The siting and design of wind farms has become increasingly sophisticated and given current and projected energy problems and the requirement to produce energy in a more sustainable way, it is unacceptable for the Park Authority to reject wind farm development on a blanket basis across the Park without allowing sensitive and carefully designed proposals to come forward which could benefit local communities, and contribute to the minimisation of climate change. It is unacceptable for the Park Authority to exempt the Park from playing its part in the challenge facing the entire world to tackle global warming and fuel scarcities.

Wind farms can promote sustainable development of local economies through innovative use of community trust funds. The rentals they provide to farmers and landowners are a very beneficial form of diversification of the rural economy which is usually re-invested in the local economy. Frequently the land management and mitigation measures which accompany wind farms can produce significant benefits for nature conservation.

Proposed amendment - Paragraph 4.99 of this policy should be altered to read;

“Whilst the National Park Authority is supportive of the drive to minimise climate change, it is considered that the National Park status of the Park, together with the numerous natural heritage designations contained within it and the duty placed on the National Park Authority under international and national statutory obligations to protect its many special and outstanding qualities, make it an area where the development of large scale energy production schemes such as commercial wind farms will be carefully assessed in order to maximise local community benefit and positive environmental impacts and minimise impact on the landscape and environment.”

**CNPA analysis of response to 1st modifications**

The reference to small scale and micro has been removed as requested by the original objection. The approach taken regarding large scale wind farms remains in line with the Government view regarding National Parks. No additional modifications are therefore proposed.

**response to 2nd modifications**

**HEARING**

<b>Objector</b>	<b>Name</b>	<b>Agent</b>
400f(i)	Dr A M Jones Badenoch and Strathspey Fiodhag Nethybridge PH25 3DJ	

**Company** Badenoch and Strathspey Conservation Group

**Policy/site** Policy 16

### **Representation to Deposit Plan**

We are generally supportive of appropriately sited small-scale renewable energy schemes, especially where they are near to existing settlements rather than in remoter areas.

However, such schemes potentially have significant adverse effects beyond visual and amenity impacts referred to in the Policy.

Other impacts that should be addressed in the Policy include:

- Impacts on birds and bats, for example of turbines, transmission lines and masts;
- Impacts of access roads, including on vegetation, soils and watercourses as well as on access;
- Disturbance or pollution of watercourses;
- Loss of wild land characteristics;
- Noise and light pollution;
- Decommissioning issues.

### **CNPA analysis of objection to Deposit Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use. Confirm all policies must be read together and issues affecting those listed will be considered under those policies.

### **Response to 1st modifications**

4.100 - Object. - In the last sentence a reference should be inserted to potential negative impact on reduction, reuse and recycling of waste as a further key consideration.

### **CNPA analysis of response to 1st modifications**

The paragraph is intended to give a supportive stance to reduction, reuse and recycle and the objection would detract from this aim. No modification is therefore proposed.

### **response to 2nd modifications**

4.100 Object.

In the last sentence a reference should be inserted, as a further key consideration, to potential negative impacts of an Energy from Waste plant on reduction, reuse and recycling of waste. This situation can arise through an EfW plant requiring minimum quantities of waste and therefore there developing a conflict between the EfW plant's requirement for waste and waste minimisation and recycling.

## **HEARING**

<b>Objector</b>	<b>Name</b>	<b>Agent</b>
037d	DW and IM Duncan Pineacre West Terrace Kingussie PH21 IHA	

**Company**

**Policy/site** Policy 16

**Representation to Deposit Plan**

There appears to be no definition as to what is considered to be 'small-scale'.

**CNPA analysis of objection to Deposit Plan**

Further information will be provided in regard to the comment, both in terms of the supporting text and wording in the policy and in any supplementary planning guidance produced to support this policy.

**Response to 1st modifications**

Objection maintained.

**CNPA analysis of response to 1st modifications**

The reference has been removed. No further modifications are therefore proposed.

**response to 2nd modifications**

I refer to your letter of 5th November regarding modifications to the Local Plan.

I have no further comments to make on these modifications but I would reiterate that I still have serious concerns regarding the extent of the zoning for new housing development across the area and I believe that this is at odds with the first aim of the National Park.

I am happy for my written submissions to be considered by the Reporter at the Local Plan Inquiry.

**WRITTEN**

**Objector**      **Name** Novera Energy Plc  
486b              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 16

**Representation to Deposit Plan**

**CNPA analysis of objection to Deposit Plan**

**Response to 1st modifications**

The policy is welcomed by Novera Energy however it is currently inconsistent with Policy 7 which effectively limits any renewable energy developments which do not make a 'positive contribution' to the landscape character of the National Park.

**CNPA analysis of response to 1st modifications**

The support for this policy is noted. It is not considered to conflict with policy 7 as certain forms of renewable energy development could be undertaken which would comply with both policies. No modification is therefore proposed.

**response to 2nd modifications**

**WRITTEN**

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

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

**Company** Dunachton Estate

**Policy/site** Policy 16

**Representation to Deposit Plan**

Renewable energy schemes can be vital for sustainable communities and this policy should not exclude the opportunity for larger schemes where these can have beneficial impacts on climate change and can be appropriately sited to minimise impact.

Modifications to resolve this objection - The policy should delete the words “small scale” and “micro”.

**CNPA analysis of objection to Deposit Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use.

**Response to 1st modifications**

Objection maintained. Additional specific objection to Para 4.99 -

My client objects to the continued refusal of the Park Authority to consider large scale energy production such as commercial wind farms. It is considered that the automatic exclusion of all wind farms from the Park Area is in itself incompatible with the Park's four aims, particularly;

- b) To promote sustainable use of natural resources of the area and
- d) To promote sustainable economic and social development of the area's communities.

The siting and design of wind farms has become increasingly sophisticated and given current and projected energy problems and the requirement to produce energy in a more sustainable way, it is unacceptable for the Park Authority to reject wind farm development on a blanket basis across the Park without allowing sensitive and carefully designed proposals to come forward which could benefit local communities, and contribute to the minimisation of climate change. It is unacceptable for the Park Authority to exempt the Park from playing its part in the challenge facing the entire world to tackle global warming and fuel scarcities.

Wind farms can promote sustainable development of local economies through innovative use of community trust funds. The rentals they provide to farmers and landowners are a very beneficial form of diversification of the rural economy which is usually re-invested in the local economy. Frequently the land management and mitigation measures which accompany wind farms can produce significant benefits for nature conservation.

Proposed amendment - Paragraph 4.99 of this policy should be altered to read;

“Whilst the National Park Authority is supportive of the drive to minimise climate change, it is considered that the National Park status of the Park, together with the numerous natural heritage designations contained within it and the duty placed on the National Park Authority under international and national statutory obligations to protect its many special and outstanding qualities, make it an area where the development of large scale energy production schemes such as commercial wind farms will be carefully assessed in order to maximise local community benefit and positive environmental impacts and minimise impact on the landscape and environment.”

**CNPA analysis of response to 1st modifications**

The reference to small small scale and micro has been removed as requested by the original objection. The approach taken regarding large scale wind farms remains in line with the Government view regarding National Parks. No additional modifications are therefore proposed.

**response to 2nd modifications**

**HEARING**

**Objector**      **Name** Rona Main  
425z                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 16

**Representation to Deposit Plan**

**CNPA analysis of objection to Deposit Plan**

**Response to 1st modifications**

Policy 16 Energy Generation policy committed to renewable energy and opportunities for large scale developments such eg: Biomass is welcomed.

**CNPA analysis of response to 1st modifications**

The support is welcomed. No further action is required.

**response to 2nd modifications**

**HEARING**



<b>Objector</b>	<b>Name</b>	<b>Agent</b>
439m	Jamie Williamson Alvie and Dalraddy Estate Alvie Estate Office Kinncraig, Kingussie PH21 1NE	

**Company** Alvie and Dalraddy Estate

**Policy/site** Policy 16

### **Representation to Deposit Plan**

The Park has a wealth of renewable resources. The Park Plan should be based on sustainable use of our resources and self sufficiency, not on NIMBYism (Not in my back yard). Solar panels, wind and water energy generation and bio-fuels can all contribute to reducing our reliance on oil, gas and coal imported into the Park area. Such schemes also provide an opportunity to diversify and enhance our local rural economy. There may even be opportunities to export energy outside the Park. The Park's Local Plan should not preclude large scale renewable energy generation.

Proposals for (delete small-scale) renewable energy schemes and (delete micro) energy generation will be favourably considered where they contribute positively to the minimisation of climate change, and where they complement the sustainability credentials of the proposal. Developers will ensure that schemes are sited and designed to minimise any visual impact, including any cumulative impact caused as a result of energy generation measures, and (delete will not have an) any adverse impact on the amenity of neighbouring properties will be taken into account and mitigated as far as reasonable.

### **CNPA analysis of objection to Deposit Plan**

The approach to renewable energy production will be reviewed in light of comments received. Any proposals must be assessed against the policies in the Local Plan and the Park Plan and also the aims of the Park and the policy regarding energy production must be worded to ensure that this is done correctly.

Modifications will endeavour to ensure a more appropriate balance is struck between development opportunities and the protection of the special qualities of the area as identified as a National Park. The wording used within policies throughout will be clarified to ensure the appropriate level of guidance is available for developers, and the Plan is easy to understand and use. Confirm all policies must be read together.

### **Response to 1st modifications**

Developments for renewable energy schemes ... development.

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

The Park has a wealth of renewable resources. The Park Plan should be based on sustainable use of our resources and self sufficiency, not on NIMBYism . Solar panels, wind and water energy generation and bio-fuels can all contribute to reducing our reliance on oil, gas and coal imported into the Park area. Such schemes also provide an opportunity to diversify and enhance our local rural economy and reduce the transport of goods we consume. There may even be opportunities to export energy outside the Park. The Park's Local Plan should not preclude large scale renewable energy generation. We therefore disagree with the statement in 4.99 that the National Park is "... an area incompatible with the development of large scale energy production schemes such as commercial wind farms." We consider such as statement as irresponsible and reflecting a NIMBYism attitude.

When replacing imported energy with renewable energy produced within the Park there will inevitably be some compromises particularly in regard to visual impacts. We should bear in mind that our environment is at far more risk from the adverse effects of global warming than the visual effects of a wind turbine, hydro-electric

dam or an overhead transmission line. If we truly want a sustainable environment some compromises will need to be made in regard to landscape. Financial bonds should only be used where appropriate and not used as a tax or disincentive on renewable energy enterprises.

**CNPA analysis of response to 1st modifications**

The wording of the policy is intended to link to the aims of the Park, the 1st of which is to conserve AND enhance the natural and cultural heritage of the area. The proposed wording would not achieve this and would therefore conflict with policies 1 and 7 amongst others. No modification is therefore proposed.

**response to 2nd modifications**

**WRITTEN**

**Objector**      **Name** Novera Energy Plc  
486c                      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 16

**Representation to Deposit Plan**

**CNPA analysis of objection to Deposit Plan**

**Response to 1st modifications**

Para 4.99 We note that the National Park encourages renewable energy developments which 'contribute to national targets for greater renewable production through increasing community, business and domestic scale renewable energy schemes in para 4.97. Whilst this is likely to be the most suitable scale of developments within the National Park, outwith the Park's boundary there is the opportunity for larger scale renewable energy developments.

The Loch Lomond and Trossachs National Park Plan encourage the development of large scale renewable energy proposals adjacent to the Park's boundaries where there is considered to be no adverse visual or damaging effects on the special qualities of the National Park. This type of positive approach to renewable energy is welcomed and may be appropriate for the Cairngorms National Park Authority to consider.

**CNPA analysis of response to 1st modifications**

The local plan for the Cairngorms National Park Authority is not in a position to encourage developments outwith its boundaries, as it holds no jurisdiction but is consulted by the 4 local authorities as a consultee. The impact of developments on the special qualities of the Park is important and the National Park Plan as the strategic document guiding the future management of the Park is key to this. As consultees the CNPA also seek specialist opinion on the impact the development would have on these special qualities. A policy within the Local Plan is not therefore considered appropriate. No modification is therefore proposed. This is also a new issue not previously raised.

**response to 2nd modifications**

**WRITTEN**