

Objector **Name** Muir Homes Ltd
038h

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

Company

Policy/site Policy 17

Representation to Deposit Plan

CNPA analysis of objection to Deposit Plan

Response to 1st modifications

This policy states that “Improvements to Settlements Within settlements, development proposals will demonstrate how they contribute to the following criteria:

- a) developing prosperity, eg by improved economic viability; increase the range and variety of shops and services; develop quality open spaces; include appropriate landscaping; safeguard existing services; and
- b) increasing accessibility, eg encourage a range of multi-use paths and transport options; provide adequate vehicle and cycle parking; provide for special needs groups; provide for delivery of goods; and
- c) improving amenity, eg make centres suitable for non motorised traffic; introduce high standards of management and maintenance; promote good design; make the centre safe and secure.

Developments which would result in a loss of vitality, viability and amenity of settlements and their communities will be resisted unless the effect can be mitigated.”

Despite the limited “red” text (modifications) contained within this policy it appears as entirely new as compared with the Deposit Local Plan. The only comment here is that in the event that a site is allocated for development it would appear entirely unnecessary for compliant development to have to demonstrate that part a) and the final paragraph would be complied with. If it is allocated then that status has to be recognised. The same comments apply to paragraphs 5.5 and 5.6.

Paragraph 5.4 refers to a Sustainable Design Guide. The status of this guide, unless it is part of the local plan and able to be commented on as part of the process is questioned. If it is not then how can reliance/compliance be required.

Paragraph 5.8 requires that all development has a positive impact on the built environment. This will not provide mitigation to the natural environment. This inherent conflict requires to be recognised.

CNPA analysis of response to 1st modifications

Para 5.4 - the reference to the sustainable design guide highlights the ongoing work to produce a design guide as supplementary guidance in support of the local plan. This document will be produced for adoption at the same time as the local plan.

Para 5.8 - the paragraph relates to development within settlements where the impact on the built environment is important. It is not considered to have any conflict with natural heritage.

Policy 17 - The policy is a rewording of previous policy 22 in the deposit plan. It encourages a positive approach to ensuring sustainable communities through the settlements in which they live, work and shop, and supports the 4th aim of the Park and the Governments approach to supporting rural settlements and their services. No second modifications or amendments are therefore proposed.

response to 2nd modifications

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

HEARING

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

Company Alvie and Dalraddy Estate

Policy/site Policy 17

Representation to Deposit Plan

Improvements within settlements should not just be about the provisions of services for tourism and residents. Given the overdependence of the local economy on tourism and government, other economic activities should be encouraged including the provision of services to the countryside such as abattoirs, game dealers, saw doctors and veterinary practices.

The cultural heritage of some of our communities is being compromised by the infilling of open spaces with “affordable housing” and extending the settlements out into the surrounding countryside in an urban sprawl of urban housing schemes out of sympathy with the character and architecture of the original settlement.

Kincaig is a good example of how a traditional rural settlement can be ruined by inappropriate development.

Proposed Modifications –

Within identified settlements, (delete all) development proposals (delete will) may be required to demonstrate how they contribute to the following criteria:

- a) Improving the economic viability and diversity of the community, increasing the provision of accommodation or increasing the range and variety of shops and services (delete Developing attractions, e.g. by improving economic viability, increase the range and variety of shops and services, encourage housing provision, develop quality open spaces, include appropriate landscaping, safeguard existing services)
- b) Improving the quality or extent of open spaces, mitigating the impact of new development on the landscape, our built cultural heritage and safeguarding local services. (delete increasing accessibility eg encourage a range of transport options; provide adequate parking; provide for special needs groups; provide for delivery of goods and)
- c) Improving amenity, e.g. make centres pedestrian friendly; introduce high standards of management and maintenance; promote good design; make the centre safe and secure.

CNPA analysis of objection to Deposit Plan

The comment is noted. The policy has been worded to correspond to national guidance on the subject, but will be reviewed to ensure the most appropriate criteria are included to achieve the best outcome for the National Park and its settlements. The policy is intended to improve the public realm within settlements. The provision of businesses to support rural businesses would not be considered reasonable in this instance.

Response to 1st modifications

Within settlements development proposals will demonstrate how they contribute to the following criteria:

- a) develop prosperity ...existing services: and / or
- b) increase accessibility , e.g. encourage a range of ... goods and services including new and extending existing water supplies and sewerage systems.; and
- c) improving amenity ... secure.

Development in many areas of the Park is constrained by a lack of services including water and sewerage systems. Further development of both private and public sector services should be encouraged and supported.

CNPA analysis of response to 1st modifications

The issue of water and sewerage is covered in policy 13. all policies of the plan relevant to a proposals should be read together and repetition is not therefore required. No modification is therefore proposed.

response to 2nd modifications

WRITTEN

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

Policy/site Policy 17

Representation to Deposit Plan

We wholeheartedly support the sentiments behind these policies. SE Grampian and its Partners are examining a programme of infrastructure improvements, which should be reflected in the Local Plan.

CNPA analysis of objection to Deposit Plan

No modification considered necessary as a result of this representation.

Response to 1st modifications

Objection maintained.

CNPA analysis of response to 1st modifications

The original support for this policy are welcomed. No further action required.

response to 2nd modifications

HEARING

Objector **Name** The Crown Estate
419j

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

Company The Crown Estate

Policy/site Policy 17

Representation to Deposit Plan

This policy is open to misinterpretation. It will be difficult for certain developments to demonstrate that they contribute to “developing attractions”.
Modifications to resolve this objection - This policy requires to be clarified.

CNPA analysis of objection to Deposit Plan

The comment is noted. The policy has been worded to correspond to national guidance on the subject, but will be reviewed to ensure the most appropriate criteria are included to achieve the best outcome for the National Park and its settlements.

Response to 1st modifications

Objection maintained.

CNPA analysis of response to 1st modifications

The supporting text to this policy has been redrafted to improve clarity. The policy is intended to assess how developments help improve settlements. The original objection related to the word 'attraction'. This has been changed to 'prosperity'. No further modification is proposed.

response to 2nd modifications

HEARING

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

Policy/site Policy 17

Representation to Deposit Plan

Once again, an excellent policy, but one more likely to be successfully achieved if you could persuade the Health and Safety Executive to use a bit of common sense, and not always work on the principle of “Go and see what little Johnny’s doing and tell him not to”!

I understood that it was the health and safety people at work that was the reason for the creation of the Health and Safety Executive, and a perfectly justifiable reason too. What is less justifiable is their interference in the lives and activities of persons not ‘at work’.

CNPA analysis of objection to Deposit Plan

The comment is noted. The CNPA work hard and ensuring meaningful links with other agencies and key partners, and this will continue in working to implement this plan. No modification considered necessary as a result of this representation.

Response to 1st modifications

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

CNPA analysis of response to 1st modifications

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

response to 2nd modifications

WRITTEN

Objector 037f	Name DW and IM Duncan Pineacre West Terrace Kingussie PH21 IHA	Agent
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Company

Policy/site Policy 17

Representation to Deposit Plan

If this policy is to be adopted there surely would have to be a presumption against any further large scale supermarket development in order to protect the existing retail businesses.

CNPA analysis of objection to Deposit Plan

The comment is noted. The policy has been worded to correspond to national guidance on the subject, but will be reviewed to ensure the most appropriate criteria are included to achieve the best outcome for the National Park and its settlements. Confirm developments such as that would require to include a retail impact assessment to consider the impact it may have on existing shops. This is done along with the planning application and there are regulations on this kind of consideration given by the Scottish Government.

Response to 1st modifications

Objection maintained.

CNPA analysis of response to 1st modifications

Whilst a specific reference to supermarkets has not been added para 5.5 clarifies that new developments should support the economic function of settlements, and should have a sense of local identity and character. 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	Agent
425i	Rona Main Scottish Enterprise Grampian 27 Albyn Place Aberdeen AB10 IDB	Steve Crawford Halliday Fraser Munro 8 Victoria Street Aberdeen AB10 IXB

Company Scottish Enterprise Grampian

Policy/site Policy 18

Representation to Deposit Plan

SE Grampian welcome and encourage the formation of a Sustainable Design Guide to provide clarity on the materials and layout of new developments. We would wish the opportunity to review and comment on the Design Guide's formation. We would encourage a simple and workable Design Guide that does not impede modernisation and upgrading of business premises and the viability of new schemes. It is worth noting, SE Grampian have a Rural and Sustainability Officer who is engaged with the CNPA and Partners in the area and who could provide further commentary and feedback on the Design Guide as it develops.

CNPA analysis of objection to Deposit Plan

The comments are noted. The design guide and checklist which will support this policy will be the subject of full and comprehensive public consultation before it is used to support this policy. The aim of the guide is to be clear and user friendly and it is hoped that it will support sustainable communities and developments to the benefit of the Park and all its communities. The wording of the policy will be amended to ensure the links with the guide and checklist are clear.

Response to 1st modifications

Objection maintained.

CNPA analysis of response to 1st modifications

The design guide and checklist which will support this policy will be the subject of full and comprehensive public consultation before it is used to support this policy. The aim of the guide is to be clear and user friendly and it is hoped that it will support sustainable communities and developments to the benefit of the Park and all its communities. The wording of the policy will be amended to ensure the links with the guide and checklist are clear. No further modification is therefore proposed.

response to 2nd modifications

HEARING

Objector **Name** The Crown Estate
419f

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

Company The Crown Estate

Policy/site Policy 18

Representation to Deposit Plan

The first statement of this policy: "All new development will conserve and enhance the natural and cultural environment" While laudable this aspect of the policy is potentially unworkable and impossible to achieve in every development.

Modifications to resolve this objection - The wording could be changed to state that "All new development will seek wherever possible to conserve and enhance the natural and cultural environment"

CNPA analysis of objection to Deposit Plan

The wording of the policy will be reviewed to ensure that its requirements are in line with the Park Plan and the aims of the Park established in the National Parks (Scotland) Act 2000 and are clear and reasonable. Any amendments to draw the wording in line with these will be made by way of modification. Confirm all policies should be read together so issues of impact on natural and cultural environment would be considered under other policies.

Response to 1st modifications

Objection maintained.

CNPA analysis of response to 1st modifications

The policy will be implemented with the help of a sustainability design guide and checklist and this will consider that limitation of any appraisal to certain scales of development. This guide will be supplementary to the local plan and will be the subject of full and comprehensive public consultation before it is used to support this policy. None the less, all developments should endeavour to make some contribution and this is the underlying thinking behind the policy. No further modification is proposed.

response to 2nd modifications

WRITTEN

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

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

Company Dunachton Estate

Policy/site Policy 18

Representation to Deposit Plan

The first statement of this policy:

“All new development will conserve and enhance the natural and cultural environment”

While laudable this aspect of the policy is potentially unworkable and impossible to achieve in every development.

Modifications to resolve this objection - The wording could be changed to state that “All new development will seek wherever possible to conserve and enhance the natural and cultural environment”

CNPA analysis of objection to Deposit Plan

The wording of the policy will be reviewed to ensure that its requirements are in line with the Park Plan and the aims of the Park established in the National Parks (Scotland) Act 2000 and are clear and reasonable and provides an appropriate level of detail and guidance to developers in line with SPP1. Any amendments to draw the wording in line with these will be made by way of modification. Confirm all policies should be read together so issues of impact on natural and cultural environment would be considered under other policies.

Response to 1st modifications

Objection maintained.

CNPA analysis of response to 1st modifications

The policy will be implemented with the help of a sustainability design guide and checklist and this will consider that limitation of any appraisal to certain scales of development. This guide will be supplementary to the local plan and will be the subject of full and comprehensive public consultation before it is used to support this policy. None the less, all developments should endeavour to make some contribution and this is the underlying thinking behind the policy. No further modification is proposed.

response to 2nd modifications

WRITTEN

Objector **Name** The Crown Estate
419h

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

Company The Crown Estate

Policy/site Policy 18

Representation to Deposit Plan

Paragraph 5.10 sets out the Park Authority's intention to prepare a design guide looking specifically at the sustainable aspects of all development. This design guide will contain a "sustainability " score against which all proposals will be expected to attain an agreed score as a minimum standard.

While the intentions behind this approach are applauded, it will be vital that this guide is consulted on widely so that its ability to be implemented, without deterring appropriate development, is assessed. The methodology must be well recognised and approved, having been successfully used elsewhere.

Modifications to resolve this objection - The Plan should state that the Park Authority will consult widely on the development and content of this Guide and that it will only be used if it gains wide public support.

CNPA analysis of objection to Deposit Plan

The comments are noted. The design guide and checklist which will support this policy will be the subject of full and comprehensive public consultation before it is used to support this policy. The aim of the guide is to be clear and user friendly and it is hoped that it will support sustainable communities and developments to the benefit of the Park and all its communities. The wording of the policy will be amended to ensure the links with the guide and checklist are clear. The sustainable design guide will be adopted as supplementary planning guidance, only after it has been through wide ranging and thorough consultation with the public, developers, builders and other organisations.

Response to 1st modifications

Paragraph 5.14 Sustainability Checklist. Specifically;

"The guide will contain a checklist which must be filled in and submitted with every planning application. This checklist will generate a "sustainability score" and all proposals will be expected to attain an agreed score as a minimum standard."

While the principle of increasing the sustainability of developments in the Park is readily supported, there are concerns over the burdens which this will place on the Park Authority in terms of assessing and scoring applications. The tick box approach may be open to interpretation. While it is accepted that such approaches are gradually emerging across the country in the light of the various targets for zero carbon developments, undue restrictions should not be placed on development by skills gaps and lack of consistency in application by local planning authorities in assessing the sustainability of applications. These skills gaps and potential inconsistencies must be addressed the Park Authority.

In any case, the Sustainable Design Guide is yet to be consulted on and therefore while the principle of such a guide is supported and accepted, there is no need at Local Plan stage to go into the level of detail on its application which paragraph 5.14 sets out. Instead the detail on the application of the Sustainable Design Guide should be set out and consulted upon at an appropriate time as Supplementary Planning Guidance rather than being included in the Local Plan. Setting out this level of detail in fact pre-empts the consultation process. It is impossible for the public to comment in an informed manner on the proposals as set out here when they are not being given the full picture which will no doubt emerge through the Design Guide.

Proposed amendment - The removal of the entire second half of paragraph 5.14 from “The Guide will contain a checklist.....” would resolve this objection.

CNPA analysis of response to 1st modifications

The comments are noted on the implementation of the design guide and checklist. The wording is intended to clarify how the guide will be used. It is therefore not proposed to amend this.

response to 2nd modifications

HEARING

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

Company Alvie and Dalraddy Estate

Policy/site Policy 18

Representation to Deposit Plan

CNPA analysis of objection to Deposit Plan

Response to 1st modifications

Design of all development ...for new developments. All proposals (must) may require to be accompanied by a statement ... Sustainable Design Guide.

For some developments how some of these requirements will be met will be obvious. For others some of these desirable aims will be irrelevant. Where possible the planning application process should be simplified, not made more onerous or complicated for the potential developer.

CNPA analysis of response to 1st modifications

The wording of the policy aims to give clarity to developers of what is expected under the policy. The proposed amendment would undermine this clarity and is not therefore proposed as a modification.

response to 2nd modifications

WRITTEN

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

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

Company Scottish and Southern Energy Plc

Policy/site Policy 18

Representation to Deposit Plan

“All new development will conserve and enhance the natural and cultural environment found within the Cairngorms National Park, and protect and enhance the landscape quality surrounding the development site....”

Policy 18 is not considered acceptable. The policy states that “all new development” will conserve and enhance the natural and cultural environment of the National Park. The first aim of the Park is to conserve and enhance the natural and cultural heritage of the area. Paragraph 3.2 of the Local Plan makes an explicit acknowledgement that not all developments will make equal contributions to the Park’s aims and indeed the Plan notes that some developments “may contribute to one or more aims whilst conflicting with others” (paragraph 3.2).

This policy does not provide this flexibility and it contradicts earlier statements in the Plan. The policy adds that all new development “will” enhance the landscape qualities surrounding “the development site”. However, there may be situations where housing developments are proposed where it is not possible to enhance a particular landscape quality that surrounds a particular site. It is often possible in urban design terms, to locate a development such that it is responsive and respects a surrounding land use or landscape context of a site. However that is a different matter from ‘enhancing’ the surrounding landscape quality. Again, this is considered to be an unreasonable aspect of this particular policy. This is of particular concern to SSE as a Transmission Licence holder. There is no national planning policy relating to electricity infrastructure which takes such a restrictive approach. There is general policy support for upgrades which facilitate renewable energy generation, however, the terms of this policy seem to either ignore the possibility of such development or worse still, deliberately set an unreasonably high threshold. A particularly unacceptable aspect of the policy is that it cannot be assumed to be appropriate in all circumstances. This is particularly important in light of the requirement in paragraph 3.7 of the Local Plan that developments must comply with all policies in the Plan in order to comply with policy 1.

Furthermore, there is no locational guidance in the Local Plan indicating those parts of the Park where infrastructure development might be looked upon favourably. It is also notable that, unlike the Loch Lomond and the Trossachs National Park Authority, the CNPA has not attempted to analyse or explain, in a geographically meaningful way, the “special qualities” of the National Park which makes it all the more difficult for developers to be clear as to the likely policy implications. The Local Plan should address this matter and relate it to specific policy expressions.

CNPA analysis of objection to Deposit Plan

The wording of the policy will be reviewed to ensure that its requirements are in line with the Park Plan and the aims of the Park established in the National Parks (Scotland) Act 2000 and are clear and reasonable and provides an appropriate level of detail and guidance to developers in line with SPPI. Any amendments to draw the wording in line with these will be made by way of modification. Confirm all policies are to be read together.

Response to 1st modifications

See previous objection.

CNPA analysis of response to 1st modifications

No further action. See objection 447f

response to 2nd modifications

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

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

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

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

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

HEARING

Objector 409k	Name William Stuart Paterson 3 Lynstock Park Nethy Bridge PH25 3EL	Agent
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Company

Policy/site Policy 18

Representation to Deposit Plan

Planners should have the authority to advice developers / builders of the specific styles of houses to be built which should be in keeping with the original village. Should the builder not stick to his plans then planners have the authority to have the houses demolished and rebuilt.

CNPA analysis of objection to Deposit Plan

The comments are noted. The design guide and checklist which will support this policy will be the subject of full and comprehensive public consultation before it is used to support this policy. The aim of the guide is to be clear and user friendly and it is hoped that it will support sustainable communities and developments to the benefit of the Park and all its communities. The wording of the policy will be amended to ensure the links with the guide and checklist are clear.

Response to 1st modifications

Objection maintained. Some concerns appear to have been addressed.

CNPA analysis of response to 1st modifications

Policy 18 has been completely redrafted. No further modifications are therefore proposed.

response to 2nd modifications

WRITTEN

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

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

Company Dunachton Estate

Policy/site Policy 18

Representation to Deposit Plan

Paragraph 5.10 sets out the Park Authority's intention to prepare a design guide looking specifically at the sustainable aspects of all development. This design guide will contain a "sustainability " score against which all proposals will be expected to attain an agreed score as a minimum standard.

While the intentions behind this approach are applauded, it will be vital that this guide is consulted on widely so that its ability to be implemented, without deterring appropriate development, is assessed. The methodology must be well recognised and approved, having been successfully used elsewhere.

Modifications to resolve this objection -

The Plan should state that the Park Authority will consult widely on the development and content of this Guide and that it will only be used if it gains wide public support.

CNPA analysis of objection to Deposit Plan

The comments are noted. The design guide and checklist which will support this policy will be the subject of full and comprehensive public consultation before it is used to support this policy. The aim of the guide is to be clear and user friendly and it is hoped that it will support sustainable communities and developments to the benefit of the Park and all its communities. The wording of the policy will be amended to ensure the links with the guide and checklist are clear.

Response to 1st modifications

Paragraph 5.14 Sustainability Checklist. Specifically;

"The guide will contain a checklist which must be filled in and submitted with every planning application. This checklist will generate a "sustainability score" and all proposals will be expected to attain an agreed score as a minimum standard."

While the principle of increasing the sustainability of developments in the Park is readily supported, there are concerns over the burdens which this will place on the Park Authority in terms of assessing and scoring applications. The tick box approach may be open to interpretation. While it is accepted that such approaches are gradually emerging across the country in the light of the various targets for zero carbon developments, undue restrictions should not be placed on development by skills gaps and lack of consistency in application by local planning authorities in assessing the sustainability of applications. These skills gaps and potential inconsistencies must be addressed the Park Authority.

In any case, the Sustainable Design Guide is yet to be consulted on and therefore while the principle of such a guide is supported and accepted, there is no need at Local Plan stage to go into the level of detail on its application which paragraph 5.14 sets out. Instead the detail on the application of the Sustainable Design Guide should be set out and consulted upon at an appropriate time as Supplementary Planning Guidance rather than being included in the Local Plan. Setting out this level of detail in fact pre-empts the consultation process. It is impossible for the public to comment in an informed manner on the proposals as set out here when they are not being given the full picture which will no doubt emerge through the Design Guide.

Proposed amendment - The removal of the entire second half of paragraph 5.14 from “The Guide will contain a checklist.....” would resolve this objection.

CNPA analysis of response to 1st modifications

The comments are noted on the implementation of the design guide and checklist. The wording is intended to clarify how the guide will be used. It is therefore not proposed to amend this.

response to 2nd modifications

HEARING

Objector	Name	Agent
385d	Donald Lockhart Albyn Housing Association 98-100 High Street Invergordon IV18 0DL	

Company Albyn Housing Association

Policy/site Policy 18

Representation to Deposit Plan

In terms of design standards, the Society welcomes the Park's intention to publish a Sustainable Design Guide but urges the Park to avoid making this too prescriptive particularly in terms of adding cost to affordable housing developments. I am particularly disappointed in the lack of promotion within the draft Policy 18 of design innovation and contemporary design solutions in favour of reinforcing the existing patterns, character and vernacular. This represents a lost opportunity which the launch of a National Park in the Cairngorms area at the start of the 21st Century affords.

CNPA analysis of objection to Deposit Plan

The comments are noted. The design guide and checklist which will support this policy will be the subject of full and comprehensive public consultation before it is used to support this policy. The aim of the guide is to be clear and user friendly and it is hoped that it will support sustainable communities and developments to the benefit of the Park and all its communities. The wording of the policy will be amended to ensure the links with the guide and checklist are clear.

Response to 1st modifications

CNPA analysis of response to 1st modifications

response to 2nd modifications

WRITTEN

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

Policy/site Policy 18

Representation to Deposit Plan

Again, an absolutely first class Policy, but how do you ensure its implementation? There are examples up and down Badenoch and Strathspey (I don't know Angus and Aberdeen well enough to comment, but I expect the same applies) where new developments have done anything but "reflect and reinforce the local vernacular and local distinctiveness". Scottish vernacular housing is lovely, and really good C21st architectural design should be able to be compatible with it, and comply with this policy without difficulty. Unfortunately it seems largely to be lacking!

As for "the amenity enjoyed by neighbouring properties will be protected..." most developers couldn't care a fig about the neighbours! It is in their interest to ensure that, where they are proposing to build a number of houses, prospective purchasers can feel that their 'amenity' is protected, but the 'amenity' of already existing houses, the future neighbours of either a single new house, or the 'estate' is of absolutely no interest or importance to them. How on earth do you ensure this entirely desirable 'protection' policy is put into practice?

CNPA analysis of objection to Deposit Plan

The policy attempts to draw a line under previous poor quality design and promote good design within the National Park for all new developments. The CNPA will work to promote this policy and its aims across the Park to raise standards and ensure that new developments do reach an improved standard to the benefit of all communities. No further modification is considered necessary as a result of this representation.

Response to 1st modifications

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

CNPA analysis of response to 1st modifications

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

response to 2nd modifications

WRITTEN

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

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

Company The Proprietors of Mar Centre

Policy/site Policy 18

Representation to Deposit Plan

CNPA analysis of objection to Deposit Plan

Response to 1st modifications

Our Client supports good design standards for new development. Policy 18, part b) encourages innovation in design. The Park needs to move forward in its design aspirations and support modern development that respects traditional form and materials. Although the policy does touch on this we believe that the justification and implementation elements need to clarify that modern design is acceptable.

Changes Required to Resolve the Objection

Clarify that modern design is acceptable in the justification and implementation sections.

CNPA analysis of response to 1st modifications

The wording of the policy clearly encourages good design and it is not considered appropriate to single out traditional, modern or any other style. The issue remains that it be good quality. No modification is therefore proposed.

response to 2nd modifications

HEARING

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

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

Company Dunachton Estate

Policy/site Policy 18

Representation to Deposit Plan

While the aims of this policy are very laudable, it presents an almost impossible challenge to applicants to demonstrate, and to planning authorities to assess, whether a proposal can make the contributions outlined.

Modifications to resolve this objection - It may be wise to consider a size limit on the development which would have to consider all of these factors. However this policy is probably completely unworkable and should therefore be either removed or presented as aspirations within the text of the Plan rather than a specific policy.

CNPA analysis of objection to Deposit Plan

The comments are noted. The policy will be implemented with the help of a sustainability design guide and checklist and this will consider that limitation of any appraisal to certain scales of development. This documents and its supporting checklist will be the subject of full and comprehensive public consultation before it is used to support this policy. None the less, all developments should endeavour to make some contribution and this is the underlying thinking behind the policy. No modification considered necessary as a result of this representation.

Response to 1st modifications

Objection maintained.

CNPA analysis of response to 1st modifications

The policy will be implemented with the help of a sustainability design guide and checklist and this will consider that limitation of any appraisal to certain scales of development. This guide will be supplementary to the local plan and will be the subject of full and comprehensive public consultation before it is used to support this policy. None the less, all developments should endeavour to make some contribution and this is the underlying thinking behind the policy. No further modification is proposed.

response to 2nd modifications

WRITTEN

Objector **Name** Muir Homes Ltd
038i

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

Company

Policy/site Policy 18

Representation to Deposit Plan

CNPA analysis of objection to Deposit Plan

Response to 1st modifications

Policy 18 – same comments as paragraph 5.43 related to the Sustainable Design Guide. Part b) requires development to “reflect and reinforce the traditional pattern and character of the surrounding area, and reinforce the local vernacular and local distinctiveness, whilst encouraging innovation in design and use of materials”.

The word “reflect” should be replaced with “respect”. In addition, the idealised requirement will fall apart where the traditional development pattern (whatever that is) is not consistent with the character of the surrounding area. The local plan should seek to outline within the settlement statements the traditional pattern and character and the local vernacular and local distinctiveness which is to be built upon. A character based on a commercial town centre core will not equally apply/translate to an edge of settlement residential development. The policy is, I fully understand, seeking to give guidance and in doing so to reflect present national policy statements. This however is no excuse for setting such a standard without also providing guidance on its interpretation.

CNPA analysis of response to 1st modifications

The reference to the sustainable design guide highlights the ongoing work to produce a design guide as supplementary guidance in support of the local plan. This document will be produced for adoption at the same time as the local plan.

The word 'reflect' is defined as 'remind oneself' whereas 'respect' is defined as 'have regard with deference or esteem'. It is considered in the context of the policy that the former is more appropriate. In reading the policy the 1st sentence does state that the criteria should be considered where appropriate. Therefore clearly if there is no identifiable traditional character this would not apply.

The criteria are intended as guidance to assist in the design of new developments, and it is considered that the policy does this and will be further assisted through the previously mentioned design guide. No second modifications or amendments are therefore proposed.

response to 2nd modifications

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

HEARING

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

Company

Policy/site Policy 18,19

Representation to Deposit Plan

Policy 18. Sentence two. First part up to surrounding area, not clear what is meant, seems very vague., Vagueness will lead to bad development. Second part, good, but how is it to be assessed and put into practice?

5.2 add at the end “to the same extent”. Not sustainable if future generations continue to use and enjoy them, but to a lesser quality than we do.

Sustainability arguments at end. This conflicts openly with the recent and current and projected rapid increase of population in Speyside and to a lesser extent Deeside due to immigration of commuters and holiday home-dwellers and retired home-dwellers. It is bound to reduce natural and semi-natural habitats.

CNPA analysis of objection to Deposit Plan

The comments are noted. The design guide and checklist which will support this policy will be the subject of full and comprehensive public consultation before it is used to support this policy. The aim of the guide is to be clear and user friendly and it is hoped that it will support sustainable communities and developments to the benefit of the Park and all its communities. The wording of the policy will be amended to ensure the links with the guide and checklist are clear.

Response to 1st modifications

Objection maintained.

CNPA analysis of response to 1st modifications

Policies 18 and 19 have been completely redrafted. 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

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

Company Alvie and Dalraddy Estate

Policy/site Policy 19

Representation to Deposit Plan

CNPA analysis of objection to Deposit Plan

Response to 1st modifications

Development with a total floorspace of 500 square metres or more (should) may be required to incorporate on-site zero and low carbon equipment contributing (at least an extra 15%) a significant reduction in carbon dioxide emissions ... emissions standard.

The policy as stated is too prescriptive. Planners should be given more flexibility in determining such matters.

CNPA analysis of response to 1st modifications

The wording of the policy is in line with Scottish Government planning advice on the topic and no modification is therefore proposed.

response to 2nd modifications

WRITTEN

Objector Name Glenmore Properties Ltd
453s 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 19

Representation to Deposit Plan

CNPA analysis of objection to Deposit Plan

Response to 1st modifications

This policy aims to reduce carbon emissions of certain developments by at least 15% above that required by the 2007 Building Regulations. We have concerns regarding the role of planning in this process, in terms of relevance, appropriately qualified officers, and the weight that might be attached to such a policy in determining planning applications.

The Scottish Building Standards Agency report 'A Low Carbon Building Standards Strategy For Scotland' (the Sullivan Report, 2007) tackles the issue of the respective roles of planning and building standards, stating that:

"The panel appreciates the intention of the last administration in introducing the requirements in Scottish Planning Policy 'Renewable Energy' (SPP6) for on-site low and zero carbon equipment. While this measure aims to reduce carbon dioxide emissions and promote the development of the renewables industry, the installation of low carbon equipment is unlikely to produce cost-effective reductions in carbon dioxide emissions without energy efficiency measures. We therefore consider that as energy standards in building regulations become more demanding it will be necessary to reconsider the role of planning. There is also a need to consider more generally what the respective roles of planning and building standards should be in promoting the development of local energy centres."

In these circumstances it is hard to envisage a development proposal which could be refused planning permission when it fully complies with the Building Standards in terms of carbon emissions.

With the use of the policy as presently suggested it would appear that the CNPA could be considering refusing planning permission on the basis of proposals not going 15% beyond Building Standards. This is impractical in terms of process. Planning Officials are also not qualified to assess this.

In essence, the main aspiration of this policy: -

- is either a Building Standard - which has to be met; OR

- is a planning aspiration which encourages development to go beyond what is required as a standard – but if it is this then the CNPA should find another means by which this could be achieved.

CNPA analysis of response to 1st modifications

The wording of the policy is in line with Scottish Government planning advice on the topic and no modification is therefore proposed.

response to 2nd modifications

In respect of our previous correspondence we would wish to maintain our objections as previously detailed to Policy 19

HEARING

Objector **Name** The Crown Estate
419e

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

Company The Crown Estate

Policy/site Policy 19

Representation to Deposit Plan

While the aims of this policy are very laudable, it presents an almost impossible challenge to applicants to demonstrate, and to planning authorities to assess, whether a proposal can make the contributions outlined.

Modifications to resolve this objection.

It may be wise to consider a size limit on the development which would have to consider all of these factors. However this policy is probably completely unworkable and should therefore be either removed or presented as aspirations within the text of the Plan rather than a specific policy.

CNPA analysis of objection to Deposit Plan

The comments are noted. The policy will be implemented with the help of a sustainability design guide and checklist and this will consider that limitation of any sustainability appraisal to certain scales of development. This documents and its supporting checklist will be the subject of full and comprehensive public consultation before it is used to support this policy. None the less, all developments should endeavour to make some contribution and this is the underlying thinking behind the policy. The policy wording will be amended to reflect this link.

Response to 1st modifications

Objection maintained.

CNPA analysis of response to 1st modifications

The policy will be implemented with the help of a sustainability design guide and checklist and this will consider that limitation of any appraisal to certain scales of development. This guide will be supplementary to the local plan and will be the subject of full and comprehensive public consultation before it is used to support this policy. None the less, all developments should endeavour to make some contribution and this is the underlying thinking behind the policy. No further modification is proposed.

response to 2nd modifications

WRITTEN

Objector	Name	Agent
391f	David Horsfall Homes for Scotland 5 New Mart Place Edinburgh EH14 1RW	

Company

Policy/site Policy 19

Representation to Deposit Plan

CNPA analysis of objection to Deposit Plan

Response to 1st modifications

The principles of the important issues being addressed by sustainable policies cannot be questioned from either the national or international perspective. The advantages to the economy and the need to tackle the consequences of climate change are clear and the Scottish Home Building Industry continues to stress the need for a partnership between government and business to deliver real progress in this agenda.

Our member companies accept that this policy is intended to support the delivery of a National Framework and Development Plans that contribute sustainable development. Homes for Scotland fully supports the underlying objectives in that regard. However, our concern focuses on the premature introduction of local sustainable building standards that will lead to inconsistency in approach across the country. This focus is concerned with the relationship over time between the requirement for energy reduction measures (increased insulation of the building fabric) in new homes and provision of renewable energy (on-site micro-generation). The main concerns with the latter are the high capital costs and the present refusal of the principle private housing warranty providers to give cover to homeowners for these technologies.

SPP6 (paragraph 36) sets out a policy framework aimed at reducing CO2 emissions by 15% beyond the 2007 building regulations carbon dioxide emissions standards.

It would be a matter of grave concern if the development industry was required to work to 34 different sets of standards across Scotland. On this basis Homes for Scotland will always prefer to have changes in building standards contained within building regulations, promoted and implemented by the Scottish Building Standards Agency (SBSA) rather than through the forum of subjectively applied Planning Policies and decisions

Rather than simply low carbon equipment, we support the objective of placing the emphasis on the overall carbon and thermal efficiency of new homes. This is a matter addressed within the Government appointed research document 'A Low Carbon Building Standard Strategy For Scotland' (hereby referred to as the Sullivan Report) which states that low carbon equipment is not appropriate as the industry is not yet sufficiently well developed to deliver low carbon equipment. The Sullivan Report goes on to state that the requirement for low carbon equipment, set out in SPP6 (Renewable Energy) should be reviewed and probably removed in time.

Our members are ready and willing to work with the Cairngorms National Park Authority. Nonetheless, this must be in a climate where planning officers have the necessary resources and technical expertise to manage such measures. Concerns relate to

- 1) Whether planning officers have the capacity to make judgements?
- 2) What happens when a Planning Consent is contravened or the Building Warrant withdrawn?

3) In the case of point 2, who does what when?

Planning officers must be aware of the effect that new standards will have on the viability of a scheme and consideration must be given to associated matters such as density standards which may need to be increased to make some schemes viable.

Our members are happy to engaged with Cairngorms National Park Authority but maintain that the industry is not yet adequately experienced in the design, operational and cost issues associated with sustainable power generation. We would also question whether the technology is sufficiently robust and cost-effective for use in large scale housing developments. In addition we remain to be convinced on whether there is yet sufficient customer buy-in for these technologies to be used on a significant scale in the private house building sector.

We would suggest that this policy should not seek contributions for on-site zero and low carbon equipment until the research advocated by the Sullivan Report has

CNPA analysis of response to 1st modifications

The policy reflects the requirements of PAN84 Reducing Carbon Emissions in new development, and it is therefore appropriate for it to be considered through the planning process as well as building standards. Para 5.15 relates to the impact new development has on carbon emissions. Within all new developments, including those on allocated sites, the siting of buildings can have an impact on reducing carbon emissions and this should therefore be considered in the development process.

No second modifications or amendments are therefore proposed.

response to 2nd modifications

WRITTEN

Objector Name Scottish and Southern Energy Plc
447f

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

Company Scottish and Southern Energy Plc

Policy/site Policy 19

Representation to Deposit Plan

Policy 17 states that: “All proposals for new development in the Cairngorms National Park will include within the design integrated social, community, environmental and economic factors...” and the policy then lists various criteria.

It is notable that policy 17 requires “all proposals for new development” to include various ‘factors’. It is considered that it would be reasonable to add the term “where relevant” to the policy and to define exceptions, as it will not necessarily be appropriate for all proposed development to include certain aspects of the ‘integrated social, community and environmental factors’ that the policy refers to. Again this would bring the policy more in line with the advice in PAN 49.

CNPA analysis of objection to Deposit Plan

The comments are noted. The policy will be implemented with the help of a sustainability design guide and checklist and this will consider that limitation of any appraisal to certain scales of development. This documents and its supporting checklist will be the subject of full and comprehensive public consultation before it is used to support this policy. None the less, all developments should endeavour to make some contribution and this is the underlying thinking behind the policy. The policy wording will be amended to reflect this link.

Response to 1st modifications

Policies 17 and 18 of the deposit local plan have been modified and combined into a new Policy 18 ‘Design Standards for Development’. It is acknowledged that the modified policy includes the term ‘all development, where appropriate’ but this gives rise to the potential for considerable debate as to what is meant by ‘where appropriate’. It is considered that it is necessary to include some explanatory text explaining that it would not be expected that an infrastructure development such as an overhead transmission line would necessarily meet the literal terms of Policy 17 since the application of the policy would clearly not be appropriate in those circumstances.

CNPA analysis of response to 1st modifications

The policy applies to all developments, and the wording indicates that from the list not all will be relevant to all development proposals. However it highlights the issues which need to be addressed and therefore is considered to be clear and give appropriate direction. No modification is 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

Objector **Name** Muir Homes Ltd
038j

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

Company

Policy/site Policy 19

Representation to Deposit Plan

CNPA analysis of objection to Deposit Plan

Response to 1st modifications

This policy is objected to in its entirety. This requirement should be a matter for Building Standards and not related to the assessment of a planning application. Paragraph 5.15 surely the allocation of a site within the local plan must provide support for the siting of that particular development and this should be accepted/referred to within the text.

CNPA analysis of response to 1st modifications

The policy reflects the requirements of PAN84 Reducing Carbon Emissions in new development, and it is therefore appropriate for it to be considered through the planning process as well as building standards. Para 5.15 relates to the impact new development has on carbon emissions. Within all new developments, including those on allocated sites, the siting of buildings can have an impact on reducing carbon emissions and this should therefore be considered in the development process.

No second modifications or amendments are therefore proposed.

response to 2nd modifications

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

HEARING

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

Policy/site Policy 19

Representation to Deposit Plan

Chapter 5 of the Cairngorms National Park Deposit Local Plan deals with how the 16,000 residents and employees within the Park are able to go about their daily life. It recognises that these people face economic and social issues similar to those throughout rural Scotland. This recognition is welcomed, as is the potential for the Park to contribute to the well being of the wider region. This is perhaps the most important section of the Plan from SE Grampian's perspective.

Key issues are:

Policy 17— Sustainable Development - SE Grampian support sustainable and energy efficiency as a policy, however in terms of interpretation and implementation of this section we would request a balance between the Plan's sustainability objectives and economic development criteria, particularly in relation to the commercial viability of developments.

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 delivers the underlying aims of promoting sustainable communities and development.

Response to 1st modifications

We acknowledge the modifications carried out under Section 5 Living and Working in the Park to encourage the growth of sustainable communities, the Economy & Employment and Outdoor Access/Recreation. We have some concerns about the prescriptive nature of the design standards and the impact this may have on the viable of new developments or restoration projects. Policy 19 we appreciate is a direction from National Planning Guidance on zero and low carbon emission developments > 500 m², however again we have a concern this is too prescriptive and may render some development proposals unviable.

CNPA analysis of response to 1st modifications

The guidance on design is not intended to be prescriptive in any way, but to assist in the creation of high quality developments which compliment the National Park. The requirements under policy 19 are in line with recently produced government guidance on the subject. No further modifications are therefore produced.

response to 2nd modifications

HEARING

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

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

Company The Proprietors of Mar Centre

Policy/site Policy 19

Representation to Deposit Plan

CNPA analysis of objection to Deposit Plan

Response to 1st modifications

This policy aims to reduce carbon emissions of certain developments by at least 15% above that required by the 2007 Building Regulations. We have concerns regarding the emphasis on the planning process in this respect - in terms of relevance, appropriately qualified officers, and the weight that might be attached to such a policy in determining planning applications. The Scottish Building Standards Agency report 'A Low Carbon Building Standards Strategy For Scotland' (the Sullivan Report, 2007) tackles the issue of the respective roles of planning and building standards, stating that: "The panel appreciates the intention of the last administration in introducing the requirements in Scottish Planning Policy 'Renewable Energy' (SPP6) for onsite low and zero carbon equipment. While this measure aims to reduce carbon dioxide emissions and promote the development of the renewables industry, the installation of low carbon equipment is unlikely to produce cost-effective reductions in carbon dioxide emissions without energy efficiency measures. We therefore consider that as energy standards in building regulations become more demanding it will be necessary to reconsider the role of planning. There is also a need to consider more generally what the respective roles of planning and building standards should be in promoting the development of local energy centres."

In these circumstances it is hard to envisage a development proposal which could be refused planning permission when it fully complies with the Building Standards in terms of carbon emissions. With the use of the policy as presently suggested it would appear that the CNPA could consider refusing planning permission on the basis of proposals not going 15% beyond Building Standards. This is impractical in terms of process. Recent experience has also reinforced the case that Planning Officials are also not qualified to assess carbon reduction calculations. In essence, the main aspiration of this policy: -

- is either a Building Standard - which has to be met; OR
- is a planning aspiration which encourages development to go beyond what
- is required as a standard – but if it is this then the CNPA should find another means by which this could be achieved.

As either of these it should also allow for locally sensitive areas, such as those around Braemar, to opt out of on-site solutions where they impact adversely on the national nature designations e.g. wind turbines, solar panels etc. Other less obvious technologies i.e. well insulated and sealed housing, can contribute similar CO2 reductions.

Changes Required to Resolve the Objection

Remove policy. At the very least allow for locally sensitive solutions and optout.

CNPA analysis of response to 1st modifications

The wording of the policy is in line with Scottish Government planning advice on the topic and no modification is therefore proposed.

response to 2nd modifications

HEARING

Objector Name Scottish and Southern Energy Plc
447h

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

Company Scottish and Southern Energy Plc

Policy/site Policy 20

Representation to Deposit Plan

Policy 19 states: “where a development would give rise to a need to increase or improve public services, facilities or infrastructure or mitigate adverse effects, it will be approved if the developer makes a fair and reasonable contribution in cash or kind towards the additional costs or requirement. Such contributions will be consistent with the scale and nature of the development may be secured through a Section 75 agreement where necessary.”

The legality of this policy is questioned. It is not considered to be acceptable as it states that any project that requires the mitigation of adverse effects will only be approved where the developer makes a fair and reasonable contribution in cash or kind towards other costs or requirements. It is considered that this policy is inconsistent with Circular 12/96 (Planning Agreements). The policy is considered to conflict with the provisions of the Circular because not all developments which result in adverse effects, that require to be mitigated against, will require a cash or in kind donation. As drafted, the policy does not allow for or envisage the possibility of necessary infrastructural development, brought forward in the national interest by a Transmission Licence holder (which has statutory licence obligations). Such projects may inevitably have significant adverse effects on the environment or amenity, but would be brought forward with suitable mitigation measures designed to make the development acceptable. In the case of, for example, a transmission line, the further mitigation of significant adverse effects may involve compensatory or offsetting measures distant to the line itself. Funding for such measures should not be extricated by means of this policy since there is no direct relationship between the effect and the contribution which the policy would require. Furthermore, it is not reasonable to expect mitigation of any adverse effect as suggested by the policy: reference should be made to ‘significant’ adverse effects.

Therefore there may be circumstances where contributions (required by the policy as currently drafted) would not have a planning purpose which could fairly and reasonably relate to the particular development. In such circumstances the policy offends against the basic principle that planning permission should not ‘be bought’.

CNPA analysis of objection to Deposit Plan

The wording of the policy will be reviewed to ensure that it is in line with national guidance on the topic, as well as striking an appropriate balance between development opportunities and protecting the special qualities of the area as identified as a National Park. Any amendments will be made as appropriate to ensure the underlying aim of the policy is achieved. The wording will also be reviewed to strike an appropriate balance between development opportunities and the impact this may have on the wider community and the services it requires. Further explanation will be added to ensure the expectations of the policy are clear to developers, and can be included from the outset when considering development proposals. The issues which will be addressed through this policy will also be clarified.

The comments regarding Table 1 are noted but the table is indicative only and should be considered as such. Some changes will be made to clarify this point and

Response to 1st modifications

This policy has been amended so that it no longer states that any project that requires the mitigation of adverse effects will only be approved where the developer makes a fair and reasonable contribution in cash or kind towards other costs or requirements. However it has not been modified to allow for infrastructure development of a national interest and it has not been amended to include reference to ‘significant’ adverse effects and accordingly our objections in respect to

these issues are maintained.

CNPA analysis of response to 1st modifications

The policy does now include reference to the contribution 'normally' being required. Where there are exceptions to this rule the wording allows for this. No modification is 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.

clarify the expectations of the policy.

HEARING

Objector	Name	Agent
368a	Sandra Hebenton Network Rail Buchanan House 8 Port Dundas Road Glasgow, G4 0LQ	

Company Network Rail

Policy/site Policy 20

Representation to Deposit Plan

This policy is welcomed but given the dependence of this Policy on the Local Transport Strategy we trust it will be produced timeously relative to approval of the development plan. We would welcome consultation on that document.

CNPA analysis of objection to Deposit Plan

The comment is noted, and the text will be reviewed to clarify the position. Confirm policy will rely on best available information, and consultation on forthcoming documents will occur in the normal way.

Response to 1st modifications

The modifications are generally welcomed however we note that Table I Developer Contribution Themes has been modified in relation to Transportation to refer to 'cumulative impacts on the road network'. We are concerned that this reference to only one aspect of the transportation system has been included without due justification elsewhere within the text. We must object unless this is deleted or replaced by a more general reference to all transport infrastructure.

CNPA analysis of response to 1st modifications

The objection is noted, and the wording will be amended by way of a second modification to 'transport network'. The appropriate amendment will be included within the advertised second modifications.

response to 2nd modifications

WRITTEN

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

Policy/site Policy 20

Representation to Deposit Plan

SE Grampian acknowledges the need for developer contributions in certain circumstances, depending on the nature and scale of the development. To avoid confusion and provide clarity and assist developers to quantify contributions in advance of planning applications. The Plan should make reference to Circular 12/1996 in the policy as well as the justification.

Table 1 sets out a list (not exhaustive) of developer contribution themes. In order to be fair these themes and the subsequent planning gain calculations must be based on existing capacity and offer clarity in calculation. The National Park should therefore develop a set of baseline information that can be regularly monitored. The policy should include an exception where the viability of a development scheme that could contribute to the economic well being of the Park is in jeopardy because of planning gain requirements.

CNPA analysis of objection to Deposit Plan

The comment is noted. However the policy wording endeavours not to repeat other legislation or guidance, and a reference to the relevant circular in the supporting text is considered sufficient to ensure that it is highlighted to potential developers. In regard to themes for contribution, it is the intention of CNPA to base the contributions on community needs surveys and this will be further explained in the supporting text. The wording of the policy allows for exceptions to the rule, and it is not considered necessary to list these within the policy. The mechanisms for the implementation of this policy will be established in a subsequent protocol note.

Response to 1st modifications

We welcome the guidance for developer contributions under Policy 20, however the guidance is open to interpretation and does not provide cost certainty to developers.

CNPA analysis of response to 1st modifications

The impact of the policy will be assessed against the impact of individual developments and it would therefore not be appropriate to set out scales of contribution as these will change on a case by case basis. The policy is intended to clarify the role of developer contributions and no further modifications are therefore proposed.

response to 2nd modifications

HEARING

clear to developers, and can be included from the outset when considering development proposals. The issues which will be addressed through this policy will also be clarified. The comments regarding Table I are noted but the table is indicative only and should be considered as such. Some changes will be made to clarify this point and clarify the expectations of the policy. Confirm that the policy is in line with national guidance and is reasonable within the planning process. The contributions will only be towards the costs of facilities etc which are directly affected as a result of the development. The wording of the policy allows a degree of flexibility in what that contribution might be.

Response to 1st modifications

This policy should be removed from the Plan.

Allowing the Local Authority or Cairngorms National Park Authority to raise what is in effect a tax on individual developers at their discretion would be open to abuse and would encourage corruption.

If the objective is to make "...housing more affordable..." and reduce "... the gap between housing need and supply in the Park to meet the community needs." (see page 12 of Deposit Local Plan), using private sector development as an opportunity to raise taxes for the benefit of the National Park or Local Authority will be counterproductive. It will add to the cost of houses in the Park and it will also be a disincentive to building more houses in the Park or undertake developments. If the Cairngorms National Park Authority wants to encourage the building of sustainable and affordable houses, or encourage further development within the Park, don't increase the tax on them.

Additional homes will contribute additional rates and economies of scale. If rates and taxes are designed to cover the supply of public services, the additional revenue generated by these additional homes should cover the public services provided without having to impose a one off tax on the developer.

CNPA analysis of response to 1st modifications

The options for developer contributions are clearly established in the planning system and the inclusion of a policy to explain their use is appropriate. No modifications are therefore proposed.

response to 2nd modifications

WRITTEN

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

Policy/site Policy 20

Representation to Deposit Plan

So many 'estates' are little more than dormitories, with the residents often leading quite lonely lives, because, unlike the old-fashioned street, whose inhabitants changed bit by bit over the years, the residents all tend to arrive at much the same time, from a wide and diverse variety of places. Creating a 'living community' in such circumstances is very difficult, especially where there is nowhere the residents can meet on neutral territory. You need a building that will accommodate the whole community, but there is no reason why it cannot fulfil several functions. In table I (p37) you state "factors to be considered in calculating (the developer's) contribution". Should it not be obligatory, in the same way that roads, lighting, sewage, water etc are obligatory, for Developers to provide at least the basic community infrastructure such as a church/hall and a couple of local shops, as well as, depending on the size of the development, the facilities outlined on page 37. An absolutely essential need is for somewhere for the young to gather with their peers, and very often is it meeting in the local church, shop or outside the school gates, that gets people acquainted.

(One example of a very good multi-function building, is the new church in Inshes, Inverness. As well as the church itself, there are several other rooms of various sizes, good lavatories, and in particular an excellent, and very welcoming, foyer, with comfortable chairs and tables, and a small kitchen off it. A variation on such a building would make a very good 'heart' for any development.)

CNPA analysis of objection to Deposit Plan

The comment is noted. It is the intention of CNPA to base the contributions on community needs surveys and this will be further explained in the supporting text.

Response to 1st modifications

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

CNPA analysis of response to 1st modifications

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

response to 2nd modifications

WRITTEN

Objector **Name** The Crown Estate
419g

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

Company The Crown Estate

Policy/site Policy 20

Representation to Deposit Plan

While the principle of developer contributions in appropriate circumstances is accepted, this must be balanced against the need to ensure that the Park attracts development and does not deter investors because the contributions required are so onerous that they damage the viability of a proposal. The particularly onerous requirements in relation to Affordable Housing contributions, combined with demanding Developer Contributions could make the Park a particularly unattractive location for investment.

Modifications to the Local Plan which could resolve your objection: The policy should clarify what constitutes “fair and reasonable” and it should also clarify its relationship to the Affordable Housing requirements under Policy 24 – Affordable Housing. A statement should be made to the effect that, the combined effect of developer contributions and Affordable Housing contributions will be assessed and coordinated so that the combined effect of both does not deter investment in the National Park.

CNPA analysis of objection to Deposit Plan

The intention throughout the plan is that all policies should be taken into account when considering any development proposal. The wording within the Introduction will be amended to clarify this position and policy 19 and 24 should both be considered. The wording of the policy will however be reviewed to strike an appropriate balance between development opportunities and the impact this may have on the wider community and the services it requires. Further explanation will be added to ensure the expectations of the policy are clear to developers, and can be included from the outset when considering development proposals. The issues which will be addressed through this policy will also be clarified. Confirm the policy as worded allows flexibility in what a reasonable contribution is, and this would take into account the form of development. However also confirm that the policy is intended to be in addition to any affordable housing contribution as it is towards services and facilities directly affected by the development. The mechanisms for the implementation of this policy will be established in a subsequent protocol note.

Response to 1st modifications

Objection maintained.

CNPA analysis of response to 1st modifications

The contribution is related directly to the development and the impact it has on public services, facilities or infrastructure. Government guidance is quite clear on the use of such a policy. No further modification is therefore proposed.

response to 2nd modifications

WRITTEN

Objector 453g	Name Glenmore Properties Ltd Viewfield Farm Craigellachie Aberlour AB38 9QT	Agent Steve Crawford Halliday Fraser Munro 8 Victoria Street Aberdeen AB10 1XB
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Company Glenmore Properties Ltd

Policy/site Policy 20

Representation to Deposit Plan

Although Glenmore Properties Ltd acknowledge the need for developer contributions in certain circumstances it also acknowledges that these can be controversial. To avoid some of that controversy the Plan should make reference to Circular 12/1996 in the policy as well as the justification.

Table 1 sets out a list (not exhaustive) of developer contribution themes. In order to be fair these themes and the subsequent planning gain calculations must be based on existing capacity and offer clarity in calculation. The National Park should therefore develop a set of baseline information that can be regularly monitored. The policy should include an exception where the viability of a development scheme that could contribute to the economic well being of the Park is in jeopardy because of planning gain requirements.

Modifications: Policy wording altered to reflect issues raised in summary and a robust monitoring regime adopted.

CNPA analysis of objection to Deposit Plan

The comment is noted. However the policy wording endeavours not to repeat other legislation or guidance, and a reference to the relevant circular in the supporting text is considered sufficient to ensure that it is highlighted to potential developers. In regard to themes for contribution, it is the intention of CNPA to base the contributions on community needs surveys and this will be further explained in the supporting text. The wording of the policy allows for exceptions to the rule, and it is not considered necessary to list these within the policy. Mechanisms for implementation will come through subsequent protocol note.

Response to 1st modifications

Maintain objection.

CNPA analysis of response to 1st modifications

Reference is made in the supporting text to Circular 12/1986. Para 5.20 has also been amended to refer to how assessments will be undertaken and the role of community needs assessments. No further amendments are proposed.

response to 2nd modifications

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

HEARING

Objector
462e

Name Phillip John Swan
30 Monaltrie Avenue
Ballater
AB35 5RX

Agent

Company

Policy/site Policy 20

Representation to Deposit Plan

This objection relates to the same documentation as Objection 2, plus Section 5, Table 1 'Developer contribution themes', page 37. As far as I can ascertain from reading this Plan document no statements of a specific nature have been made in relation to the impact of the proposed increase in the population of Ballater on the primary school facilities requirement. I believe that an increase in the number of new houses on the scale proposed in the Plan, combined with the Scottish Executive's intention to reduce class sizes, would pose a serious problem for the provision of primary schooling in Ballater. Requested change: augment or modify the Plan proposals to provide adequate assurance to parents and other concerned parties of the suitability of future primary schooling facilities.

CNPA analysis of objection to Deposit Plan

The comments are noted. CNPA will continue to work closely with the relevant local authority to ensure that any new development does not place undue pressure on existing services including school roles. This will be done through policy 19 which will be amended to clarify the expectations placed on developers. Confirm that up to date information on the impact on Ballater school has been obtained from Aberdeenshire Council, and this would be included in the consideration of any proposal in Ballater, and covered under Policy on Developer Contributions.

Response to 1st modifications

I wish to maintain my objections to the CNPA Deposit Plan.

CNPA analysis of response to 1st modifications

The CNPA continue to work closely with the local authority to ensure that new development is factored into growth plans for public services. No further modifications are therefore proposed.

response to 2nd modifications

INQUIRY

Objector 456e
Name Reidhaven Estate
Seafield Estate Office
Cullen
Buckie
Banffshire

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

Company Reidhaven Estate

Policy/site Policy 20

Representation to Deposit Plan

Reidhaven Estate acknowledges that there is a requirement for developer contributions in specific circumstances. Circular 12/1996 provides national guidance on the circumstances for the use of contributions and therefore reference should be made to this within the policy and justification section.

Table 1 within this section sets out a list (not exhaustive) of developer contribution themes. In order to be fair and relevant these themes and the subsequent planning gain calculations must be based on existing capacity and offer clarity in calculation. The National Park should therefore develop a set of baseline information that can be regularly monitored. The policy should include an exception where the viability of a development scheme that could contribute to the economic well being of the Park is in jeopardy because of planning gain requirements.

Modifications:

Reference should be made to Circular 12/1996 within the policy and also justification section.

Reference and commitment should be made to the development of baseline monitoring information.

CNPA analysis of objection to Deposit Plan

The comment is noted. However the policy wording endeavours not to repeat other legislation or guidance, and a reference to the relevant circular in the supporting text is considered sufficient to ensure that it is highlighted to potential developers. In regard to themes for contribution, it is the intention of CNPA to base the contributions on community needs surveys and this will be further explained in the supporting text. The wording of the policy allows for exceptions to the rule, and it is not considered necessary to list these within the policy.

Response to 1st modifications

Objection maintained.

CNPA analysis of response to 1st modifications

Reference is made in the supporting text to Circular 12/1986. Para 5.20 has also been amended to refer to how assessments will be undertaken and the role of community needs assessments. No further amendments are proposed.

response to 2nd modifications

WRITTEN

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

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

Company Dunachton Estate

Policy/site Policy 20

Representation to Deposit Plan

While the principle of developer contributions in appropriate circumstances is accepted, this must be balanced against the need to ensure that the Park attracts development and does not deter investors because the contributions required are so onerous that they damage the viability of a proposal. The particularly onerous requirements in relation to Affordable Housing contributions, combined with demanding Developer Contributions could make the Park a particularly unattractive location for investment.

Modifications to resolve this objection.

The policy should clarify what constitutes “fair and reasonable” and it should also clarify its relationship to the Affordable Housing requirements under Policy 24 – Affordable Housing. A statement should be made to the effect that, the combined effect of developer contributions and Affordable Housing contributions will be assessed and coordinated so that the combined effect of both does not deter investment in the National Park.

CNPA analysis of objection to Deposit Plan

The intention throughout the plan is that all policies should be taken into account when considering any development proposal. The wording within the Introduction will be amended to clarify this position. In this regard policies 19 and 24 must be considered together. With specific reference to policy 19, policy will be reviewed to strike an appropriate balance between development opportunities and the impact this may have on the wider community and the services it requires. Further explanation will be added to ensure the expectations of the policy are clear to developers, and can be included from the outset when considering development proposals. Confirm the policy as worded allows flexibility in what a reasonable contribution is, and this would take into account the form of development. However also confirm that the policy is intended to be in addition to any affordable housing contribution as it is towards services and facilities directly affected by the development.

Response to 1st modifications

Objection maintained.

CNPA analysis of response to 1st modifications

The contribution is related directly to the development and the impact it has on public services, facilities or infrastructure. Government guidance is quite clear on the use of such a policy. No further modification is therefore proposed.

response to 2nd modifications

WRITTEN

Objector **Name** Muir Homes Ltd
038k

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

Company

Policy/site Policy 20

Representation to Deposit Plan

CNPA analysis of objection to Deposit Plan

Response to 1st modifications

Table I Developer Contribution themes - It is strange that the addition to this list related to Biodiversity is not highlighted in red within the modifications document as it did not appear in the deposit local plan. Again, there is recurring theme that the local plan requires to accept that development will impact on biodiversity albeit there is a clearly accepted need to minimise such impacts. What is not clear is why a development would require to contribute to the creation of other "biodiversity" where this may already be plentiful within the Park area and beyond. Placing such requirements may affect the deliverability of beneficial development for the community. This should be deleted from the list.

CNPA analysis of response to 1st modifications

The table is indicative of what developer contributions may be required. The inclusion of biodiversity is not unreasonable as certain forms of development may impact on the existing biodiversity and therefore require the developer to make a contribution in line with Policy 6. No second modifications or amendments are therefore proposed.

response to 2nd modifications

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

HEARING

Objector 037e	Name DW and IM Duncan Pineacre West Terrace Kingussie PH21 IHA	Agent
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Company

Policy/site Policy 20

Representation to Deposit Plan

This is sensible, but the public should be able to advise planners as to what projects are considered priorities.

CNPA analysis of objection to Deposit Plan

The comment is noted. It is the intention of CNPA to base the contributions on community needs surveys and this will be further explained in the supporting text.

Response to 1st modifications

Objection maintained.

CNPA analysis of response to 1st modifications

The approach to developer contributions will be based on information gathered and in line with government guidance on what is appropriate. The use of community needs assessments will be key to this. Reference has been added to clarify this in para 5.20. 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