

**Objector**      **Name** Muir Homes Ltd  
038m

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

**Company**

**Policy/site** Policy 22

**Representation to Deposit Plan**

**CNPA analysis of objection to Deposit Plan**

**Response to 1st modifications**

This policy states that: "Settlement boundaries have been identified which indicate the extent to which these settlements should expand during the Local Plan period and new housing development should be contained within these boundaries. Housing proposals within these settlement boundaries will be considered favourably where the development:

- a) occurs within an allocated site identified within the proposals maps; or
- b) comprises infilling, conversion, small scale development, the use of derelict or underused land or the redevelopment of land. The proposal should reinforce and enhance the character of the settlement and not detract from the landscape setting of that settlement, and can accommodate within the development site appropriate amenity."

This appears to give support to specific allocations within the local plan. However, there remains a need to refer back to the other policies outlined, including Policies 1, 4, 6 and 7, wherein the requirements of individual allocations may not be fully compatible and therefore as the local plan is set up failure to comply with all policies provides failure to comply with Policy 1 and the implication here is that the development would be contrary to the plan. There is a reasonable assumption that the allocation of a site for development in the first instance is related to it satisfying, to an appropriate extent, the development requirements within an area, including the delivery of beneficial development and the protection of the environment (albeit both will be determined by the actual nature of the development delivered on the ground). Greater clarity/support needs to be clearly outlined related to allocated sites.

Paragraph 5.58 in effect requires 75% of houses to comprise 2 or 3 bedrooms. This is a very blunt tool as the overall size of property and therefore the related affordability is not necessarily governed by the number of rooms used as bedrooms. Such a restriction may also unnecessarily interfere with the ability of developers to address reasonable market needs within an area. Such a requirement should be removed from the local plan.

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

This additional policy allows for development within identified settlements. The representation is accurate in that it highlights the need for all developments, whether on allocated sites or not, to adhere to the policies of the plan. The policies are clearly set out and their requirements are grouped by topic in line with the Park Plan for additional clarity to developers. It is therefore considered that the approach taken is indeed clear and no second modifications or amendments are therefore proposed.

Para 5.58 - the paragraph reflects previous objections to Deposit Local Plan policy 23. The revision instead of establishing a policy, encourages developers to take into account all available information in terms of house size requirements when drawing up proposals. It reflects work undertaken on behalf of CNPA to assess housing demand within the Park. The reference to 75% is clearly labelled as a guide and the figure a benchmark. This is not therefore considered a 'blunt tool' and 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.

Related specifically to the “2nd Modifications to the Deposit Local Plan” the further following objections are made:

Page 45 policy 22, b) – here it is stated in effect that new housing development will be supported where it “is compatible with existing and adjacent land uses”. It is difficult to envisage a situation where a site to be developed will be compatible with its existing use i.e. how can a residential development be compatible with, for instance, agricultural land. If developed for housing the “existing” use would effectively be extinguished and therefore there is no compatibility. The modification relating to adjacent land uses is understood albeit if an allocated site compatibility of use would be assumed to have already been assessed and accepted.

Page 46 paragraph 5.58 – in addition to previous comments related to this paragraph, it is considered to be a very naïve means of trying to determine the form of housing to be provided. Numbers of bedrooms do not necessarily determine property size or cost. In addition, meeting lifetime needs is a major part of housing policy and such restrictions may not help to this end.

## **HEARING**

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

**Policy/site** Policy 22

### **Representation to Deposit Plan**

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

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

5.52 Object if 'their' in final sentence 'their growth is key...' is referring to communities; do not object if 'their' is referring to services.

5.53 Object. It is misleading to simplistically suggest that creating large scale, quality residential environments supports sustainable and thriving communities. Such developments have a multitude of impacts, including negative ones that are both significant and irreversible.

The growth proposed is not sustainable and does not best use existing resources and is only geared towards meeting local demand in a limited way. In addition, due to the CNPA's scant knowledge about the sites proposed for large scale housing, there are many respects in which the CNPA cannot judge whether best use of resources is being made.

Policy 22 - Object to word 'should' where first used in first paragraph ('settlements should expand...'). Recommend change to e.g. 'may'.

Object. For clarity recommend starting a new sentence with 'New housing development ..' and deleting the word 'and'.

5.54 We support strategic settlements accommodating the majority of housing. We consider that growth does not necessarily support sustainable and vibrant communities.

5.60 Object. Insert 'sales, and take up of rented property' after housing completions in first sentence.

Object to 'to ensure adequate effective land supply at all times' in final sentence. The CNPA has to set limits to growth. The present DLP promotes a level of growth that is unsustainable. We are concerned that this could mean extending the settlement boundaries (e.g. in the next local plan). It should be clarified in the present DLP what the CNPA's thinking on this is (see comment under Policy 22).

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

For clarification 'their' in para 5.52 refers to the services found within communities.

The approach proposed is felt to support communities through providing opportunities for growth and economic prosperity, and create environments which people will like to live in. New development within settlements is considered the most sustainable method of provision and allows access to the greatest variety of facilities. Regarding monitoring, we do not have access to dates when properties are sold, but do have information on completions through the building standards services of the Local Authorities. We therefore maintain the use of records we have best access to.

The point made regarding the word 'should' in the policy is noted and a change to 'may' will be included as a further modification.

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

Maintain objection 5.52 Object if 'their' in final sentence 'their growth is key...' is referring to communities; do not object if 'their' is referring to services.

Maintain objection 5.53 Object. It is misleading to simplistically suggest that creating large scale, quality residential environments supports sustainable and thriving communities. Such developments have a multitude of impacts, including negative ones that are both significant and irreversible.

The growth proposed is not sustainable and does not best use existing resources and is only geared towards meeting local demand in a limited way. In addition, due to the CNPA's scant knowledge about the sites proposed for large scale housing, there are many respects in which the CNPA cannot judge whether best use of resources is being made.

Withdrawn objection Policy 22 Word 'should' where first used in first paragraph ('settlements should expand...'). Recommend change to e.g. 'may'.

Object. For clarity recommend starting a new sentence with 'New housing development ..' and deleting the word 'and'.

Maintain objection 5.54 We support strategic settlements accommodating the majority of housing. We consider that growth does not necessarily support sustainable and vibrant communities, and object to this simplistic inference.

Maintain objections 5.60 Object.

Insert 'sales, and take up of rented property' after housing completions in first sentence.

Object to 'to ensure adequate effective land supply at all times' in final sentence. The CNPA has to set limits to growth. The present mDLP promotes a level of growth that is unsustainable. We are concerned that this could mean extending the settlement boundaries (e.g. in the next local plan). It should be clarified in the present mDLP what the CNPA's thinking on this is (see comment under Policy 22).

## **HEARIN**

<b>Objector</b>	<b>Name</b>	<b>Agent</b>
371c	James Hall Craigdhu Braeside Place Newtonmore PH20 1DW	

**Company**

**Policy/site** Policy 22

**Representation to Deposit Plan**

**CNPA analysis of objection to Deposit Plan**

**Response to 1st modifications**

The Implementation and Monitoring associated with Policy 22 "Housing Development within Settlement Boundaries" should include a reference to community benefit, e.g. recreational or playing field space, through the use of planning gain expected with larger scale developments. I recognise that this is covered by Policy 20 "Developer Contributions" but there is no link between "Development which gives rise to a need to increase or improve public services" (Policy 20) and Policy 22. The production and agreement of a development brief for Policy 22 developments should also involve the local Community Council.

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

The issue of developer contributions is implemented through policy 20. The intention is that the policies are read together and do not repeat each other. No modification is therefore proposed in light of this representation.

**response to 2nd modifications**

**WRITTEN**

**Objector**      **Name** The Crown Estate  
419k

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

**Company** The Crown Estate

**Policy/site** Policy 22

**Representation to Deposit Plan**

This policy is unduly prescriptive and seeks to cater too much for the current position in the Park without planning for future provision. The requirement to provide specific house sizes is likely to be a significant deterrent to house builders who will need to respond to the market in order for their ventures to be economically viable. This combined with the developer contributions and the affordable housing requirements, is likely to prove a complete deterrent to house building in the park area and therefore, the objective of achieving affordable housing will not be met.

There is also a danger that providing a large number of small properties purely caters for particular sectors that will potentially outgrow these houses and then be unable to find larger accommodation. The Park must encourage and facilitate young families to live in this area and thereby support local services such as primary schools.

Modifications to resolve this objection - This policy is unduly onerous and impracticable and should be removed. If the demand is for two and three bed units, the market will respond to that demand.

**CNPA analysis of objection to Deposit Plan**

The need for a variety of house sizes was established in a paper supporting the local plan produced on behalf of CNPA and available on line for information. However the view has been taken to hold this aspiration as something to be negotiated on a site by site basis to reflect local need.

**Response to 1st modifications**

Objection Sustained. While the reference to house sizes has been removed in the policy, it remains in the text relating to Policy 22 "Housing Development within settlement boundaries". Objection to First Modifications. A further objection to the modifications is set out below.

My client objected to Policy 23 in the Finalised Draft Plan which set out a "Sustainable Balance of House Sizes" on the grounds that the policy was unduly prescriptive, did not allow for future needs, and did not allow for a response to market conditions. This policy has disappeared in the Modified Draft but has reappeared in the text accompanying Policy 22 "Housing Development within Settlement Boundaries."

Paragraph 5.57 states that

The household projections for the Park show that the increase in numbers of households and two person "all adult" households made up of older and also young new households. Many recent developments have focussed on the market's ability to develop higher value homes that are larger and more costly than the homes required to meet this need"

Paragraph 5.58 states;

Proposals should take into account local community needs survey, local housing needs studies, local waiting lists or any other information on local housing need

collated by the CNPA or local authority within the past three years. Where no such information exists a benchmark of 75% two and three bed units will be used as a guide.

Paragraph 5.59 goes on to state that;

This policy approach endeavours to secure a supply of smaller units while still retaining the financial viability of developments. The principle of achieving a sustainable balance of house sizes will apply to both affordable and open market housing.”

This approach is fundamentally flawed in that it does not take into account the demands and aspirations of such households or their future growth. For example, frequently two person households want to live in a house with more than two bedrooms. They may have aspirations for a family, or wish to work from home. It is inappropriate for a Local Plan to seek to influence house sizes to this degree. This is best left to the market to decide.

It is to a degree understandable that, when assessing the appropriate provision of affordable housing, the house size is decided upon by assessing various sources of **CNPA analysis of response to 1st modifications**

information on housing need. However, even in the case of affordable housing, households may have aspirations, and eventually needs, beyond the minimum provision. The paragraphs are intended to ensure that the housing built within the National Park addresses the needs of people in terms of size and reflect the established to fit their existing circumstances and there should be scope to provide for household aspirations, whether for family growth, working from home, or even for need. The paragraph encourages the use of the most up to date information but suggests a guide of 75% 2 and 3 bedrooms where no information is available as this providing bed and breakfast accommodation as a supplement to family income especially in low income households. supports the work undertaken to establish need. No modifications are therefore proposed.

It is appreciated that frequently with affordable housing, the grant structures do not allow for aspirations for growth of households and merely provide for current need. But it is also understood that some Housing Associations and rural bodies are looking at new approaches to housing provision in rural areas which build in the scope to extend or expand the dwelling as needs arise without having to move house. Examples include using appropriate attic trusses so that new rooms can over time be created in roof voids, or having a plot size and house design sufficient to allow extensions to affordable homes. There is a need to look at grant regimes which can assist in providing affordable homes in rural areas which allow people to work from home or run appropriate types of business from home.

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

It is recognised that the creation of such regimes are beyond the scope of the Local Plan. However the Plan should create a planning environment which is flexible enough to allow for such developments given the five year plan period. The text in the paragraphs listed above while well intentioned are unnecessarily interventionist and miss the opportunity to produce innovative and truly rural based housing policies which cater for the housing and economic development of rural areas while also being more sustainable. Providing people with the scope to work from home will reduce their need to travel dramatically thereby reducing their carbon footprint. Homes with the flexibility to grow as their occupants' requirements change will also create a more efficient housing stock.

Allocations and funding on need not on aspiration in relation

Proposed amendment - Paragraph 5.57 to 5.59 could be removed altogether or could be altered to say;

“In developing housing proposals within settlements it will be expected that a range of house sizes is provided to reflect the needs and aspirations of the communities of the Park.” And the remaining paragraphs 5.57 to 5.59 could be removed.

## **HEARING**

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

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

**Company** Dunachton Estate

**Policy/site** Policy 22

**Representation to Deposit Plan**

This policy is unduly prescriptive and seeks to cater too much for the current position in the Park without planning for future provision. The requirement to provide specific house sizes is likely to be a significant deterrent to house builders who will need to respond to the market in order for their ventures to be economically viable. This combined with the developer contributions and the affordable housing requirements, is likely to prove a complete deterrent to house building in the park area and therefore, the objective of achieving affordable housing will not be met.

There is also a danger that providing a large number of small properties purely caters for particular sectors that will potentially outgrow these houses and then be unable to find larger accommodation. The Park must encourage and facilitate young families to live in this area and thereby support local services such as primary schools.

Modifications to resolve this objection -

This policy is unduly onerous and impracticable and should be removed. If the demand is for two and three bed units, the market will respond to that demand.

**CNPA analysis of objection to Deposit Plan**

The need for a variety of house sizes was established in a paper supporting the local plan produced on behalf of CNPA and available on line for information. However the view has been taken to hold this aspiration as something to be negotiated on a site by site basis to reflect local need.

**Response to 1st modifications**

Objection Sustained. While the reference to house sizes has been removed in the policy, it remains in the text relating to Policy 22 "Housing Development within settlement boundaries". Objection to First Modifications. A further objection to the modifications is set out below.

My client objected to Policy 23 in the Finalised Draft Plan which set out a "Sustainable Balance of House Sizes" on the grounds that the policy was unduly prescriptive, did not allow for future needs, and did not allow for a response to market conditions. This policy has disappeared in the Modified Draft but has reappeared in the text accompanying Policy 22 "Housing Development within Settlement Boundaries.

Paragraph 5.57 states that

The household projections for the Park show that the increase in numbers of households and two person "all adult" households made up of older and also young new households. Many recent developments have focussed on the market's ability to develop higher value homes that are larger and more costly than the homes required to meet this need"

Paragraph 5.58 states;

Proposals should take into account local community needs survey, local housing needs studies, local waiting lists or any other information on local housing need collated by the CNPA or local authority within the past three years. Where no such information exists a benchmark of 75% two and three bed units will be used as a

guide.”

Paragraph 5.59 goes on to state that;

“This policy approach endeavours to secure a supply of smaller units while still retaining the financial viability of developments. The principle of achieving a sustainable balance of house sizes will apply to both affordable and open market housing.”

This approach is fundamentally flawed in that it does not take into account the demands and aspirations of such households or their future growth. For example, frequently two person households want to live in a house with more than two bedrooms. They may have aspirations for a family, or wish to work from home. It is inappropriate for a Local Plan to seek to influence house sizes to this degree. This is best left to the market to decide. **CNPA analysis of response to 1st modifications**

The paragraphs are intended to ensure that the housing built within the National Park addresses the needs of people in terms of size and reflect the established. It is to a degree understandable that, when assessing the appropriate provision of affordable housing, the house size is decided upon by assessing various sources of need. The paragraph encourages the use of the most up to date information but suggests a guide of 75% 2 and 3 bedrooms where no information is available as this information on housing need. However, even in the case of affordable housing, households may have aspirations, and eventually needs, beyond the minimum provision supports the work undertaken to establish need. No modifications are therefore proposed.

to fit their existing circumstances and there should be scope to provide for household aspirations, whether for family growth, working from home, or even for providing bed and breakfast accommodation as a supplement to family income especially in low income households. **response to 2nd modifications**

It is appreciated that frequently with affordable housing, the grant structures do not allow for aspirations for growth of households and merely provide for current need. But it is also understood that some Housing Associations and rural bodies are looking at new approaches to housing provision in rural areas which build in the scope to extend or expand the dwelling as needs arise without having to move house. Examples include using appropriate attic trusses so that new rooms can over time be created in roof voids, or having a plot size and house design sufficient to allow extensions to affordable homes. There is a need to look at grant regimes which can assist in providing affordable homes in rural areas which allow people to work from home or run appropriate types of business from home.

It is recognised that the creation of such regimes are beyond the scope of the Local Plan. However the Plan should create a planning environment which is flexible enough to allow for such developments given the five year plan period. The text in the paragraphs listed above while well intentioned are unnecessarily interventionist and miss the opportunity to produce innovative and truly rural based housing policies which cater for the housing and economic development of rural areas while also being more sustainable. Providing people with the scope to work from home will reduce their need to travel dramatically thereby reducing their carbon footprint. Homes with the flexibility to grow as their occupants' requirements change will also create a more efficient housing stock.

Allocations and funding on need not on aspiration in relation

Proposed amendment - Paragraph 5.57 to 5.59 could be removed altogether or could be altered to say;

In developing housing proposals within settlements it will be expected that a range of house sizes is provided to reflect the needs and aspirations of the communities of the Park.” And the remaining paragraphs 5.57 to 5.59 could be removed.

## HEARING

<b>Objector</b> 056n	<b>Name</b> James and Evelyn Sunley 12 Lochnagar Way Ballater AB35 5PB	<b>Agent</b>
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### **Company**

**Policy/site** Policy 22

### **Representation to Deposit Plan**

5.42/5.60 (Policy 23/24) we fail to see how any future development in Ballater can sustain 30% affordable housing, in addition in 5.52 states that between 15% to 25% of a development will be social rented housing. This means that The Plan expects a house purchaser to subsidise the 50% affordable and social rented housing in that development. The Plan also ignores the fact that many house purchasers, especially people buying expensive homes will not buy houses in such a mixed development. This kind of social engineering has been tried before in Scotland i.e. Cumbernauld, East Kilbride and failed miserably. You should also consider the problems that are now arising in other areas which have the mixed developments you propose.

This housing policy and the application of Section 75 Planning Agreements needs to be vigorously looked at again. Failure to do so may result in developers taking the view that housing development in Ballater is not financially viable. This would have a serious effect in Ballater and for which CNPA could be held to account. With regard to house type and house size, the Park Plan should recognise the unique housing needs in Ballater. Low cost housing certainly for young families to get on the housing ladder, but also, two bedroom single storey private developments for an aging population who can no longer manage stairs and large gardens, but we also require high value private housing to achieve planning gain to help pay for the low cost housing. Above all we are determined to strive to keep the character of this beautiful village

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

The need for a variety of house sizes was established in a paper supporting the local plan produced on behalf of CNPA and available on line for information. However the view has been taken to hold this aspiration as something to be negotiated on a site by site basis to reflect local need.

The need for affordable homes does however remain a key aim of the local and national park plans and is retained in a revised form in policy 21, supported by the work of the 3Dragons study.

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

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

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

The housing allocations reflect the work undertaken to establish local need, and the phasing is intended to ensure that new development does not adversely impact on existing communities and allow new residents to become part of the community. The approach to house sizes has been altered but the response does not comment on this change. No further amendment is therefore proposed.

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

Thank you for your letter dated 5th Nov. 2008 with regard to the arrangements for the Local Plan inquiry and the further modifications to the Local Plan.

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

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

## **HEARING**

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

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

**Company** Reidhaven Estate

**Policy/site** Policy 22

**Representation to Deposit Plan**

This is an arbitrary policy that does not necessarily reflect the modern needs for housing across the whole of the Park. Requiring 75% 2 & 3 bedroom houses where development is for 4 or more houses will artificially inflate that central part of the market. If these are indeed the types of houses required then the market will build them. RSLs will provide the type of housing that their waiting lists suggest is required.

This policy also works against the development of flatted or smaller scale accommodation. Two of the key housing sectors are the young and the old. Flatted or smaller than 2-bed accommodation suits these sectors of the community well but would run contrary to this policy.

Modifications: This policy should be removed or altered to provide a more flexible approach.

**CNPA analysis of objection to Deposit Plan**

The need for a variety of house sizes was established in a paper supporting the local plan produced on behalf of CNPA and available on line for information. However the view has been taken to hold this aspiration as something to be negotiated on a site by site basis to reflect local need.

**Response to 1st modifications**

Objection maintained.

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

The policy has been deleted and a guidance paragraph added to policy 22 which gives a benchmark guide but not policy. No further modifications are therefore proposed.

**response to 2nd modifications**

**WRITTEN**

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

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

**Company** The Proprietors of Mar Centre

**Policy/site** Policy 22

**Representation to Deposit Plan**

**CNPA analysis of objection to Deposit Plan**

**Response to 1st modifications**

Policy 22 should be less restrictive. Settlement boundaries should be considered flexible in order to meet demand as and when it arises. New potential development sites in Braemar will be identified later in this report.

Changes Required to Resolve the Objection

Make settlement boundaries flexible or/and increase Braemar's settlement boundary to accommodate further development.

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

The policy is intended to give clarity to opportunities for development within settlements, and outside those settlements the other policies of the plan may apply.

The use of a flexible approach to boundaries would not give adequate clarity. No modifications are therefore proposed.

**response to 2nd modifications**

We had objected on this policy at the 1st modification stage on behalf of our Client. The changes proposed don't effect that objection particularly and therefore our objections still stand.

## HEARING

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

**Company**

**Policy/site** Policy 22

**Representation to Deposit Plan**

para 5.44 You seem to be suggesting here that the development of low cost rented housing is financially unviable. This is untrue - it simply means that the profits for the developers will not be as large as those to be made from higher value properties.

**CNPA analysis of objection to Deposit Plan**

The need for a variety of house sizes was established in a paper supporting the local plan produced on behalf of CNPA and available on line for information. However the view has been taken to hold this aspiration as something to be negotiated on a site by site basis to reflect local need.

**Response to 1st modifications**

Objection maintained.

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

Policy 23 has been removed and the reference to balanced house sizes included into the supporting text of new policy 21. The wording of the policy and the supporting text has been redrafted for clarity. 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**

<b>Objector</b> 425n	<b>Name</b> Rona Main Scottish Enterprise Grampian 27 Albyn Place Aberdeen AB10 1DB	<b>Agent</b> Steve Crawford Halliday Fraser Munro 8 Victoria Street Aberdeen AB10 1XB
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**Company** Scottish Enterprise Grampian

**Policy/site** Policy 22

### **Representation to Deposit Plan**

Housing is a concern to SE Grampian as it underpins the local economy. We recognise housing policies will support economic growth and attract skills and talent into the region.

Table 2 on page 43 indicates, broadly, how the numbers have been calculated. The total additional household figure is calculated to be 1,639 units to 2016. This calculation, appears to be based on a very low growth scenario and does not seem to take into account the economic factors that would help the National Park achieve its aims and vision. Nor does it take into account the 132 units of affordable housing expected every year.

Table 3 then goes on to split the land per local authority area. The settlements on the eastern side of the Cairngorms have 13 times less consented housing than the settlements on the western side, 5 times less allocated land over the next 5 years and 10 years respectively. In total, Aberdeenshire's housing land over the next 10-year period will amount to approximately 1/6th of that of Highland. The difference is 1,300 households. The housing allocation strategy does not support equitable economic development across the Park, and could be viewed as restricting economic growth in Aberdeenshire. This does not support the key aims of SE Grampian for this area of the Park, nor would it help achieve the overall aims and vision for the whole Park. SE Grampian are working with Partners to improve the development of tourism and business in the key settlements on the eastern side of the Park and would like to see more sustainable development opportunities being promoted through this Local Plan and the supporting Housing Strategy.

### **Policy 23 — Sustainable Balance of House Sizes**

There is a concern that this policy does not necessarily reflect the modern needs for housing across the whole of the Park. There is a concern that requiring 75% 2 & 3 bedroom houses where development is for 4 or more houses could artificially inflate that central part of the market. SE Grampian would welcome a policy that supports market demand and reflects the type of housing that is required on the waiting lists of RSL's.

This policy also works against the development of flatted or smaller scale accommodation. Two of the key housing sectors are the young and the retired. Flatted or smaller than 2-bed accommodation suits these sectors of the community well. There may also be scope to allow limited seasonal workers accommodation in locations such as Glenshee (to service the seasonal tourist market). These could be smaller units to serve a particular purpose but would not be allowed by LI policy. We would request that this policy be removed or adjusted.

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

The need for a variety of house sizes was established in a paper supporting the local plan produced on behalf of CNPA and available on line for information. However the view has been taken to hold this aspiration as something to be negotiated on a site by site basis to reflect local need.

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

Objection maintained.

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

The CNPA position regarding population growth and the need for land allocations for housing has not changed. No further modifications are therefore proposed.

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

## **HEARING**



Proposals for housing development built with public subsidy (delete of four our more units will) may be required to demonstrate a balance of unit sizes based on (a benchmark of 75% two bed and three units) assessed local demand for affordable houses.

**CNPA analysis of objection to Deposit Plan**

The need for a variety of house sizes was established in a paper supporting the local plan produced on behalf of CNPA and available on line for information. However the view has been taken to hold this aspiration as something to be negotiated on a site by site basis to reflect local need.

**Response to 1st modifications**

A meeting of land based businesses together with their staff and tenants in the Kincaig area during a previous Local Plan consultation concluded that the overwhelming majority of those living and working in the countryside wish to continue living in the countryside. They do not wish to be housed in urban areas even when they retire.

Housing development should not be confined to within settlement boundaries; housing should be allowed in the countryside, particularly when associated with land based businesses.

Many rural villages remain rural in character; where possible the rural character of these communities should be retained. This may preclude some infill development and housing estates.

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

Opportunities for new housing development are not confined to urban areas. Policy 23 has been added to create additional opportunities and it is not therefore proposed to add any further amendment or modification.

**response to 2nd modifications**

**WRITTEN**

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

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

**Company** The Proprietors of Mar Centre

**Policy/site** Policy 23

**Representation to Deposit Plan**

**CNPA analysis of objection to Deposit Plan**

**Response to 1st modifications**

This policy is generally supported. The reference to ribbon development in paragraph 5.63, however, is not relevant to the type of development being proposed. Development along transport routes is both a traditional form of development in the Park and suits sustainability criteria in being close to public transport routes.

The objection to ribbon development is a historical one suited

to suburban areas rather than small groups of rural houses. The policy also needs to identify what constitutes Rural Building Groups and we would suggest that more dispersed patterns of development (Dispersed Rural Settlements) in rural areas should be considered within this category.

Changes Required to Resolve the Objection

Remove reference to ribbon development and define Rural Building Groups, including Dispersed Rural Settlements.

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

The reference to ribbon development is in line with government advice regarding development in the countryside and no modification is therefore proposed.

**response to 2nd modifications**

## HEARING

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

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

**Company** Reidhaven Estate

**Policy/site** Policy 23

**Representation to Deposit Plan**

**CNPA analysis of objection to Deposit Plan**

**Response to 1st modifications**

Our initial representation to Policy 26 Housing Proposals Outside Settlements referred to the lack of policy guidance for dispersed Rural Settlements. We welcome the inclusion of Policy 23 in addressing some of these concerns as it would help to sustain rural communities. We do however have some concern about the reference in paragraph 5.63 to ribbon development. Development along transport routes is a traditional form of development in many rural communities and can be more sustainable taking advantage of proximity to public transport routes.

Amendment - reference to ribbon development should be deleted.

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

The reference to ribbon development is in line with government advice regarding development in the countryside and no modification is therefore proposed.

**response to 2nd modifications**

**HEARING**

**Objector** Name The Crown Estate  
419m

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

**Company** The Crown Estate

**Policy/site** Policy 23

**Representation to Deposit Plan**

This policy is being used by the Park Authority as a “Catch-all” for all but 15 of the settlements within the National Park. The Finalised Plan does not contain allocations for anything other than the 15 largest settlements despite 30 settlements being highlighted and provided with short and longer term allocations in the Consultative Draft Plan. This is a retrograde step as it has created an atmosphere of uncertainty around what will be considered acceptable in the smaller settlements. The policy also suggests that no settlement should increase by more than 20%. This is an extremely restrictive policy.

This policy is also designed to capture all but the largest of settlements. The large settlements have specific allocations but the large numbers of smaller settlements are expected to be captured by this policy. This means that substantial, medium sized settlements will only be allowed to expand by a recommended 20%. In the case of a settlement of 20 houses, this would only allow expansion by the figure of 4 houses. This policy will severely limit the scope to provide housing in rural settlements to meet housing need, grow the population, support rural services and support the rural economy. The extremely small growth allowed by this policy would probably prove uneconomic to develop in many instances, given the strict affordable housing requirements (Policy 24) proposed in the Plan, costs of construction in remote areas, and developer contributions required by Policy 19 in the Plan.

The lack of allocations in the small to medium sized settlements is a significant change from the Consultative Draft Plan. A large number (30) small/medium sized settlements were specifically identified and given allocations in the Consultative Draft. The Finalised Draft only identifies 15 settlements.

A significant number of allocations were also given to each settlement both for the short and longer term development. This provided a greater degree of certainty to the development community in bringing forward sites and planning for the longer term. It also allowed for the planned and appropriate growth of these settlements. Instead their growth will be restricted and will happen in a more piecemeal fashion as the Planning Authority responds to individual planning applications.

While the scope to extend smaller rural settlements is welcomed, the threshold of 15 houses is unnecessarily high. There will be a number of situations where small housing clusters (4 plus houses) could assist in providing a small number of additional plots which would contribute to the sustainability of local services and provide much needed housing in the Park area. There is support for such an approach in Scottish Planning Policy 15 Rural Development which promotes policy in favour of small housing clusters.

Modifications to resolve this objection -

There should be specific allocations for medium sized settlements.

Growth of over 20% should be allowed in these settlements.

The threshold for Small Rural Settlements should be reduced to a minimum of 4 houses.

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

The approach to the identification of settlements outwith those identified in the deposit plan will be reviewed, and in line with the requirements of SPPI a detailed rationale behind the approach taken will be drawn up. Where it is considered that additional detail including land allocations would assist in the level of detail provided for smaller communities and help attain their aspirations, the specific identification of those settlements will be considered as appropriate through modification both Section 7 of the Plan, the policies regarding housing outwith strategic settlements, and the proposals maps. Any change to the approach taken may also impact on the SEA.

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

Objection maintained.

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

The policy has been totally redrafted. No additional comment has been included on the changes. No further modifications are therefore proposed.

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

## **HEARING**

**Objector**      **Name** Little Tolly Properties Ltd  
039                      c/o Gordon Gauld architectural

**Agent** Gordon Gauld architectural services  
Bankhead Croft Cottage  
Midmar  
Inverurie  
AB51 7QD

**Company**

**Policy/site** Policy 23

**Representation to Deposit Plan**

Existing settlements in Aberdeenshire consist of hamlets with less than 15 houses and therefore this number should be reduced to take this into consideration.

Changes being sought -

Either reduce the figure from 15 to (5-8) or have a comprehensive list of these types of settlements ie Roughpark, Bellabeg, Waterside etc

Drawing GG1138/1 enclosed showing area of ground at Waterside suitable for residential development including some affordable homes.

**CNPA analysis of objection to Deposit Plan**

The approach to the identification of settlements outwith those identified in the deposit plan will be reviewed, and in line with the requirements of SPPI a detailed rationale behind the approach taken will be drawn up. Where it is considered that additional detail including land allocations would assist in the level of detail provided for smaller communities and help attain their aspirations, the specific identification of those settlements will be considered as appropriate through modification both Section 7 of the Plan, the policies regarding housing outwith strategic settlements, and the proposals maps. Any change to the approach taken may also impact on the SEA.

**Response to 1st modifications**

Objection maintained.

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

Policy 23 has been amended to address development opportunities within groups of three. No further modifications are therefore proposed.

**response to 2nd modifications**

**WRITTEN**

**Objector** 453k  
**Name** Glenmore Properties Ltd  
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 23

### **Representation to Deposit Plan**

This policy effectively allows for new housing in small settlements where they are a cohesive group of 15 or more dwellings. Aberdeenshire Council already operates a similar and successful policy that allows such developments in cohesive groups of 5 or more houses (rather than 15) with a 20% increase in the size of the group every 5 years (similar to Policy 26 of the CNPA Local Plan). This effectively supports rural settlements and their services and, as a result, the economic development opportunities in these more rural areas. We believe that this is a good example that should be adopted by the CNPA to support their rural settlements. Good design and criteria for location are required to enable this type of approach to work.

Modifications:

We believe that this policy should be altered to allow for this approach in smaller settlements than 15 units, allow for new housing in settlements that contain significant industrial or employment uses (such as distillery villages) and ensure that development on the outskirts of such settlements could be considered, but we fully support the principle.

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

Further analysis of the impacts of the approach taken to affordable housing will be undertaken to ensure it is workable, realistic and will deliver the level of affordable houses required in the area. Further clarification is also needed to ensure housing delivered meets the needs of local people. The policy review will take into account national advice on affordable housing delivery and match it against the local situation, and additional information will be supplied to clarify the background being taken to justify the level of affordable housing required.

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

This policy is welcomed as an improvement on the previous Policy 25. Further information is however required to clarify what actually constitutes an 'existing rural building group.' Is it, for example, a dispersed group of houses in an area related by the wider topography, or a tightly knit row or group of houses with contiguous boundaries?

The reference to ribbon development in paragraph 5.63, however, is not relevant to the type of development being proposed. Development along transport routes is both a traditional form of development in the Park and suits sustainability criteria in being close to public transport routes. The objection to ribbon development is a historical one suited to suburban areas rather than small groups of rural houses.

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

A note will be produced by CNPA to explain what constitutes a group and work on this is ongoing. The reference to ribbon development is in line with government advice regarding development in the countryside 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 23

## **HEARING**

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

**Company** Alvie and Dalraddy Estate

**Policy/site** Policy 23

**Representation to Deposit Plan**

This is too prescriptive, what justifies the figure of 15 dwellings? There are many isolated communities within the Park that would benefit from more residents. Retiring staff in rural communities may wish to remain within the community requiring additional housing for replacement staff.

Proposed Modification – Proposals for new housing development as a part of existing small rural settlements (delete where there is a cohesive group of 15 or more dwellings) will be permitted where the proposal reinforces and enhances the character of the settlement

**CNPA analysis of objection to Deposit Plan**

The approach to the identification of settlements outwith those identified in the deposit plan will be reviewed, and in line with the requirements of SPPI a detailed rationale behind the approach taken will be drawn up. Where it is considered that additional detail including land allocations would assist in the level of detail provided for smaller communities and help attain their aspirations, the specific identification of those settlements will be considered as appropriate through modification both Section 7 of the Plan, the policies regarding housing outwith strategic settlements, and the proposals maps. Any change to the approach taken may also impact on the SEA.

**Response to 1st modifications**

This policy is too prescriptive and will be inappropriate in many situations. It should be replaced with a presumption in favour of houses in the countryside particularly where they are associated with the land holding or a land based business. Land based businesses change along with their housing requirements. The National Park Authority should not place unreasonable restrictions on businesses seeking to evolve, adapt or change.

There are many isolated communities within the Park that would benefit from more residents. Retiring staff in rural communities may wish to remain within the community requiring additional housing for replacement staff.

Buildings should be in keeping with their surroundings.

Houses in the countryside are more likely to be able to install or connect into local private water supplies and sewerage systems. This reduces the demand on Scottish Water who are already struggling to provide adequate water and sewer facilities and will be better for the environment as sewer outfalls and soakaways will be dissipated and pipe distances and the need for pumping stations reduced.

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

The policy is intended to create some opportunity for housing outside settlements and aims to give clarity as to where such development might be considered appropriate. A policy to build within the countryside without any parameters would not give any clarity and it is not therefore suggested as a modification.

**response to 2nd modifications**

**WRITTEN**

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

**Company**

**Policy/site** Policy 23

**Representation to Deposit Plan**

This is fine but the scale of any new development should be such as to enhance the existing settlements. The conversion of croft land to mini-housing estates (such as has occurred at Balgowan, Laggan recently) should not be permitted. This is not what the crofts fought for in the 19th century!

**CNPA analysis of objection to Deposit Plan**

The approach to the identification of settlements outwith those identified in the deposit plan will be reviewed, and in line with the requirements of SPPI a detailed rationale behind the approach taken will be drawn up. Where it is considered that additional detail including land allocations would assist in the level of detail provided for smaller communities and help attain their aspirations, the specific identification of those settlements will be considered as appropriate through modification both Section 7 of the Plan, the policies regarding housing outwith strategic settlements, and the proposals maps. Any change to the approach taken may also impact on the SEA.

**Response to 1st modifications**

Objection maintained.

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

The policy regarding housing in settlements has been completely redrafted and allows for limited growth where there are existing building groups. 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**



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

The site in question would fall under policy 23. It is the intention of the CNPA to produce notes to further explain what constitutes a group and work on this is ongoing. No further modifications are therefore proposed for the local plan policy.

**response to 2nd modifications**

**WRITTEN**

**Objector**      **Name** Lorna Fraser  
352                      20 Braid Hills Approach  
                                 Edinburgh  
                                 EH10 6 IY

**Agent** Stewart G Fulton  
2 Upper Derraid  
Grantown-on-Spey  
PH26 3PT

### **Company**

**Policy/site** Policy 23

### **Representation to Deposit Plan**

We object to the Deposit Local Plan on the grounds that it does not reflect government advice on the form and content of Local Plans; and in consequence, does not properly fulfil its statutory purpose.

One of the key functions of Local Plans is to present the policies set out in Structure Plans; in this case the Cairngorms National Park Plan; and other relevant documents, in a spatial framework; and in such a way as to allow users to determine clearly what will and will not be acceptable to the Planning Authority.

Apart from the thinly prescribed settlement areas, policies are not related to specific areas. That taken together with the value judgements inherent in the wordings of many of the policies, make it impossible to determine with any surety what the future could hold for the land owned by Lorna Fraser, the history of whose interest in the Deposit Local Plan will be familiar to the Park Authority.

Some time ago she and her late husband bought ground at Blairgorm which had planning permission for a house; her husband tragically died, before the consent could be validated, and it thereby lapsed; a new application was made; was called in by the Park Authority and refused; and a subsequent appeal was rejected.

During these processes, it was noted at various stages that the correct way of reviewing the acceptability of additional housing in that dispersed settlement area, would be a matter to be taken up when the Development Plan was being reviewed, and not by the way of individual applications.

That point has now arrived, but as far as we can see, the position at Blairgorm and its environs has not been specifically addressed; and the policies that are intended to apprise would-be users of the Plan are so opaque, as to be unfit for that purpose.

Lorna Fraser therefore intends to maintain her objection to the Plan, as long as that remains the case.

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

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

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

This is just to thank you for meeting me at Blairgorm and Old Spey Bridge yesterday, to look at the sites ion which the folk I represent have an interest. It was most kind of you, and I very much appreciate you taking the time and trouble to discuss the prevailing issues on site with me.

Having thought over the various angles, and having paid careful attention to what you said, I think the safest route forward for the time being is to sustain by objections, until a clearer interpretation of what constitutes an 'existing rural building group which comprises three or more occupied buildings' is available. Hopefully that issue will be raised with, and addressed by the National Park Authority during the oncoming consultation period and its aftermath, and if you thought it would be useful for me to write specifically on that point during the consultation, I would be happy to do so.

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

The site in question would fall under policy 23. It is the intention of the CNPA to produce notes to further explain what constitutes a group and work on this is ongoing. No further modifications are therefore proposed for the local plan policy.

**response to 2nd modifications**

**WRITTEN**

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

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

**Company** Scottish Enterprise Grampian

**Policy/site** Policy 23 SUPPORT

**Representation to Deposit Plan**

This policy effectively allows for new housing in small settlements where they are a cohesive group of 15 or more dwellings. Aberdeenshire Council already operates a similar and successful policy that allows such developments in cohesive groups of 5 or more houses with a 20% increase in the size of the group every 5 years (similar to Policy 26 of the CNPA Local Plan). This effectively supports rural settlements and their services and, as a result, the economic development opportunities in these more rural areas. We believe that this is a good example that should be adopted by the CNPA to support their rural settlements. Good design and criteria for location are required to enable this type of approach to work.

**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 is welcomed. No further modifications are therefore proposed.

**response to 2nd modifications**

## HEARING

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

**Company** Badenoch and Strathspey Conservation Group

**Policy/site** Policy 24

### **Representation to Deposit Plan**

Object to this policy on grounds of being too permissive and too much lacking in suitable, strong safeguards.

We object to inclusion of “favourably” in 1st paragraph on grounds that this appears to bypass the planning process. We recommend an appropriate wording would be along the lines of “There is a presumption that proposals for new affordable housing outside settlements would only be considered where there are no suitable sites within settlements and/or they meet a demonstrable local need in the rural location”.

We object to “will be permitted” in 2nd paragraph on grounds that appears to bypass the planning process, is not justified in the DLP, is not backed up by sufficiently strong conditions in a-e, and is more permissive than for affordable houses.

Object to a, c and d on grounds of being too all encompassing, insufficiently specific, and open to spurious justification from developers, that the CNPA will not have the time or the local knowledge to identify or counter.

Object to b on grounds of being too unspecific as to what types of work would meet this criteria.

We note with concern that this policy appears to be wide open to abuse: planning permission can be obtained on grounds of employment, circumstances then change through chance or design, and the house is sold on the open market without any restrictions as to employment.

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

The approach taken in policy 26 will be reviewed to ensure it allows for the appropriate level of development and is flexible enough to support local people in their own communities. The wording and approach taken on the proposals maps will also be reviewed against national guidance on the issue of rural development to ensure the appropriate level of clarity is provided to developers in line with SPPI. Confirm that 'favourably' and 'will be permitted' do not mean that compliance with one policy implies permission, but all policies must be complied with. These phrases relate only to the compliance with this policy. Confirm that there is a requirement in SPP3 and SPP15 to provide options for housing both within settlements and in the countryside. The occupancy conditions are restricted by use of planning condition.

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

c) Needs to be qualified, given that it is established that brownfield sites can have high biodiversity value (often particularly for invertebrates). Examples in the NP include quarries/gravel pits and old railway lines. Suggest insert e.g. 'where recent survey has demonstrated that there is no special biodiversity interest'.

Also brownfield sites can have special heritage value and this should be recognised in the Policy.

Alterations will need to be fully reflected in 5.70.

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

The policies of the plan are intended to be read together and where development affects biodiversity policy 6 would also apply. No modification is therefore proposed.

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

Maintain objection

Policy 24 Object.

c) Needs to be qualified, given that it is established that brownfield sites can have high biodiversity value (often particularly for invertebrates). Examples in the NP include quarries/gravel pits and old railway lines. Suggest insert e.g. 'where recent survey has demonstrated that there is no special biodiversity interest'.

Also brownfield sites can have special heritage value and this should be recognised in the Policy.

The wording in this policy appears to reflect a lack of understanding that a rural brownfield site can be a fantastic area, rich in biodiversity, and excellent for amenity.

Such rural brownfield sites are likely to already be served by tracks that are now used for recreation; to put a development there effectively means traffic on the track, which reduces quality of amenity/recreational experience.

Alterations will need to be fully reflected in 5.70.

## **HEARING**

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

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

**Company** The Proprietors of Mar Centre

**Policy/site** Policy 24

**Representation to Deposit Plan**

**CNPA analysis of objection to Deposit Plan**

**Response to 1st modifications**

The policy is too restrictive and is at odds with new Policy 23. That policy allows for cohesive groups within the rural areas to expand outwith existing boundaries (and we support that policy) whereas Policy 24 restricts housing developments to locations within an arbitrary boundary line over the 5-year plan period. It should be possible to consider small-scale mainstream housing as a standalone or mixed-tenure development at the edge of any settlement. We have already suggested that a flexible settlement boundary should be considered for Braemar but this could be applied across the board with conditions required to be met before such sites are released e.g. high demand, lack of effective housing supply plus other environmental and design quality requirements.

In terms of part (b) where the dwelling is for a retiring farmer or crofter, it is stated that 'where relevant such proposals will be secured through planning condition or legal agreement. This is unnecessary, as the occupancy of the house will already be restricted through the justification used to secure planning permission. Part (c) allows for residential development on brownfield land. It refers to a single 'dwelling'. It is however likely that most brownfield sites will be relatively large and capable of accommodating more than one dwelling. The policy should be amended to reflect this, making sustainable use of brownfield land in line with SPP 3 and SPP 15.

The National Park is also home to many Dispersed Rural Settlements where houses and farms support the local services over a wider area than a tightly defined settlement. Limited new housing in these areas, in line with the requirements of SPP3, could help support the local economy and community. The Plan should incorporate some allowance and mechanism for such development.

We also consider that paragraph 5.67 is not required for parts b) or c) of this policy. Why should a retiring farmer/crofter/rural business owner move away from his home for the past 10 years?

**Changes Required to Resolve the Objection**

Remove reference to planning conditions/legal agreements, allow for more than one house on brownfield land and confirm that paragraph 5.67 is only relevant to part a) of the policy.

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

The policy does not apply to sites within a boundary line, but is intended to sites outside settlements and groups. The issue of a flexible approach to boundaries for settlements remains as previously. The view is taken that SPP allows for the use of occupancy conditions where the dwelling is tied to the use, and the policy allows for this. The SPP also ensures that within the National Park the aims of the Park must be upheld and it is considered that the policy as worded will do this. It is not therefore proposed to amend the policy to include the modification sought.

The comments regarding c) are noted. c) will be amended to read 'development' rather than dwelling and included as a second modification to the plan. Para 5.67

however aims to ensure that the most appropriate and sustainable site is chosen and a sequential approach to this is not considered onerous.

In regard to brownfield land, the advice given in PAN 73 gives a definition which USUALLY will apply. The wording of para 5.70 adds clarity to how this will be used in the National Park and does not include the ambiguity of the term USUALLY. It is not therefore proposed to change this or add any further modification in light of the response. Modifications will therefore only be made in regard to c).

**response to 2nd modifications**

A sentence has been added that requires all development under this policy to 'not detract from the landscape setting' ie. This text will apply to all affordable housing development proposals outside of existing settlements. We suggest that some form of value definition such as 'not unduly' or 'not significantly' detract might be useful in this policy. Otherwise it is in danger of protecting landscape over a recognised human need for affordable housing that may not be possible develop elsewhere locally.

**HEARING**

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

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

**Company** The Proprietors of Mar Centre

**Policy/site** Policy 24

**Representation to Deposit Plan**

**CNPA analysis of objection to Deposit Plan**

**Response to 1st modifications**

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

**response to 2nd modifications**

most of the other changes are minimal. The only exception may be the CNPA's new definition of 'brownfield' land in the glossary, which doesn't follow the national definition. It effectively removes ex-housing land from the definition and applies the definition to commercial land only. The purpose of this seems to be to make policies 24 and 25 work together. We believe that altering the definition of 'brownfield' to suit policies is the wrong way round. The policies should be altered to fit the national definition.

## HEARING

**Objector**      **Name** Glenmore Properties Ltd  
4531                      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 24

### **Representation to Deposit Plan**

We support this policy where it allows development of affordable housing outside of settlements. To be more pro-active the CNPA could designate such sites on settlement maps. The policy, however, is too restrictive for smaller settlements where policy 25 is not altered as per the above comments. Smaller settlements with 5 or more houses set in a cohesive form should not simply be restricted to affordable housing. They should also be able to accommodate mainstream housing. The National Park is also home to many Dispersed Rural Settlements where the local services are supported by houses and farms over a wider area than a tightly defined settlement. Limited new housing in these areas, in line with the requirements of SPP3, could help support the local economy and community. The Plan should incorporate some allowance and mechanism for such development.

Modifications: Extend policy provisions as described in summary.

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

The approach taken in policy 26 will be reviewed to ensure it allows for the appropriate level of development and is flexible enough to support local people in their own communities. The wording will also be reviewed against national guidance on the issue of rural development to ensure the appropriate level of clarity is provided to developers in line with SPP1. Further analysis of the impacts of the approach taken to affordable housing will be undertaken to ensure it is workable, realistic and will deliver the level of affordable houses required in the area. Further clarification is also needed to ensure housing delivered meets the needs of local people. The policy review will take into account national advice on affordable housing delivery and match it against the local situation, and additional information will be supplied to clarify the background being taken to justify the level of affordable housing required. (WORK WITH DEVELOPERS, HOUSING ASSOCIATIONS, GOVERNMENT AGENCIES, LOCAL AUTHORITY HOUSING SECTIONS, CNPA ECONOMIC DEVELOPMENT SECTION AND OTHERS TO ENSURE WIDEST AGREEMENT ON APPROACH BEING TAKEN)

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

We support this policy where it allows development of affordable housing outside of settlements. To be more pro-active the CNPA could designate such sites on settlement maps.

The policy, however, is too restrictive for smaller settlements where Policy 25 of the Deposit Local Plan is not altered as per the above comments. Smaller settlements with 5 or more houses set in a cohesive form should not simply be restricted to affordable housing. They should also be able to accommodate mainstream housing.

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

Groups of 5 or more houses where an additional dwelling is sought would be considered under policy 23.

The use of planning conditions or legal agreements can be used by the planning authority when appropriate and the wording was intended to clarify that this may be an option.

In c) the word 'dwelling' will be amended in second modifications to 'development'.

Para 5.67 applies to all developments considered under this policy. The policy is also considered to allow for limited development in the countryside to support rural

businesses through a). No further 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 24

**HEARING**

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

**Company** Alvie and Dalraddy Estate

**Policy/site** Policy 24

**Representation to Deposit Plan**

This policy is too prescriptive and restrictive. If the Park Authority wants more housing within the Park they will need to go somewhere. There will be many circumstances where the local economy and our cultural heritage would be better preserved by building more houses in the countryside than expanding or infilling existing settlements.

There will be situations where a rural land holding would benefit economically and socially by diversifying into another economic activity. The person requiring the new house may be self employed or the owner or tenant of the land holding. What is important is that the house is required for a resident with some tie to the landholding and does not become a second home or used by a household commuting outside the Park with no other investment, economic or family ties within the Park.

Many workers in tied houses or owner occupied dwellings have lived most of their lives in the countryside; they have no desire to move into an urban environment on their retirement. It is not just farmers and crofters who retire from occupations where they live and work in the countryside.

As people marry, divorce, have children, children grow up and spouses leave or die, houses that were at one time appropriate to the household may no longer meet their requirements. Any policy must be sufficiently flexible to cater for changing family circumstances. Some houses deemed adequate 20 or more years ago may now be considered below standard and it may be deemed more cost effective to replace rather than improve the property. This policy must not restrict landholders from improving or replacing their dwellings.

The Local Plan should not be so prescriptive that it precludes additional housing that is required to sustain the local community or land holding. The policy as proposed is so prescriptive that it could threaten the survival and sustainability of some rural communities. (5.65)

Any section 75 Agreement should be for a fixed time or open to renegotiation in the event of a change in circumstances. The investor (owner of the landholding) should be able anticipate a return on his investment net of tax. (5.66), otherwise there is a danger of such a restriction contributing to economic stagnation.

Proposed modifications –

Proposals for new affordable housing outside settlements will be considered favourably where (delete there are no suitable sites within settlements and/or) they meet a demonstrable local need in the rural location.

Proposals for other new housing outside settlements will be permitted where:

a) The proposal is for (delete a worker in an occupation appropriate to the rural location) an economically active resident; or

- b) The presence of the (delete worker) person on site is (delete essential) desirable in order to provide 24-hour supervision of the rural business; or
- c) There is no suitable alternative residential accommodation available; and
- d) The proposed dwelling is within the (delete immediate) vicinity of the workers place of employment  
or
- e) The proposed dwelling is for a retiring worker (delete farmer or crofter, or land managed by them for at least the previous ten years), where their previous accommodation is required for (delete the new main operator of the farm or croft business) their replacement.

(delete Where the proposal is for a location or connected to a cohesive group of five or more houses, the proposal must not add more than 20 per cent to the cohesive group (based on the size of the group on the date the Plan is adopted). New housing must be in keeping with its location and not compromise the cultural heritage of the area.

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

The approach taken in policy 26 will be reviewed to ensure it allows for the appropriate level of development and is flexible enough to support local people in their own communities. The wording and approach taken on the proposals maps will also be reviewed against national guidance on the issue of rural development to ensure the appropriate level of clarity is provided to developers in line with SPPI.

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

(Affordable Housing outside settlements

Developments for new (affordable) housing outside settlements will be considered favourably where (there are no suitable sites within settlements and/or) they meet a demonstrable local need in the rural location.

Other housing outside settlements

(a) Developments for other ... brownfield land.)

This policy is too prescriptive and restrictive. It will unreasonably restrict houses in rural areas thereby putting pressure on land based businesses and increasing the price of existing houses in the countryside to a point where they will become unaffordable to local residents and businesses.

The paragraphs following the first paragraph should be deleted.

If the Park Authority wants more housing within the Park they will need to go somewhere. There will be many circumstances where the local economy and our cultural heritage would be better preserved by building more houses in the countryside than expanding or infilling existing settlements.

There will be situations where a rural land holding would benefit economically and socially by diversifying into another economic activity. The person requiring the new house may be self employed or the owner or tenant of the land holding. What is important is that the house is required for a resident with some tie to the landholding and does not become a second home or used by a household commuting outside the Park with no other investment, economic or family ties within the Park.

Many workers in tied houses or owner occupied dwellings have lived most of their lives in the countryside; they have no desire to move into an urban environment on their retirement. It is not just farmers and crofters who retire from occupations where they live and work in the countryside.

As people marry, divorce, have children, children grow up and spouses leave or die, houses that were at one time appropriate to the household may no longer meet their requirements. Any policy must be sufficiently flexible to cater for changing family circumstances. Some houses deemed adequate 20 or more years ago may now be considered below standard and it may be deemed more cost effective to replace rather than improve the property. This policy must not restrict landholders from improving or replacing their dwellings. They should not be taxed for the privilege of improving living standards or the standard of houses in the community.

The Local Plan should not be so prescriptive that it precludes additional housing that is required to sustain the local community or land holding. The policy as proposed is so prescriptive that it could threaten the survival and sustainability of some rural communities.

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

The 1st part of the policy aims to encourage affordable housing in the countryside. The proposed change would not achieve this. The removal of brownfield sites would also remove some opportunity for development. There is not therefore any proposal to modify the policy further.

**response to 2nd modifications**

**WRITTEN**

<b>Objector</b>	<b>Name</b>	<b>Agent</b>
100	Graham MacPherson 18 Birch Grove Boat of Garten PH24 3BA	

### **Company**

**Policy/site** Policy 24

### **Representation to Deposit Plan**

I object to the plan as a worried employer of local people within the National Park. Much of my work is with small local building firms and the areas allowed for new development within the plan are too large for small developers be able to afford. You are forcing us out of business as only the larger incoming developers can afford to buy large areas of land to build on. There appears to be little allowance for smaller businesses to develop. Apart from the business aspects, we must ensure that smaller developments go ahead within communities to keep these communities alive and keep their schools open. "Locals" are often shy about coming forward and not used to speaking publicly about their concerns however this is something you should address and not allow those who have been in the area for five minutes to decide our children's futures! We've all been to Local Plan consultations but our comments seem to be ignored.

What change(s) you are seeking in future modifications to the Local Plan which could resolve your objection: I would like to see more areas for development in and around the Cairngorms National Park. NOT large housing developments like Robertsons in Aviemore but smaller, more manageable ones.

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

The policies as drafted do provide for small scale development on sites which are not specifically allocated within the Plan. The wording of policies for new development outwith allocated sites will be revisited to clarify the range of opportunities available and provide the appropriate level of guidance is available for developers. Also in text for larger sites make reference to securing opportunities for small scale builders.

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

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

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

**WRITTEN**

**Objector**      **Name** Glenmore Properties Ltd  
453t              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 24

**Representation to Deposit Plan**

**CNPA analysis of objection to Deposit Plan**

**Response to 1st modifications**

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

**response to 2nd modifications**

Brownfield land is referred to in the Glossary as 'land previously used for industrial or commercial uses that has the potential to be re-used ...

We would suggest that this definition of Brownfield land should be amended to reflect the nationally recognised definition recently contained in Scottish Planning Policy 3 'Planning for Homes (July 2008):

'land which has been previously developed. The term may cover vacant or derelict land, infill sites, land occupied by redundant or unused buildings, and developed land within the settlement boundary where further intensification of use is considered acceptable'.

Brownfield land includes any land that has previously been used, and is not restricted to purely industrial or commercial uses. The glossary should be amended to reflect this.

## HEARING

**Objector**      **Name** Muir Homes Ltd  
0380

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

**Company**

**Policy/site** Policy 24

**Representation to Deposit Plan**

**CNPA analysis of objection to Deposit Plan**

**Response to 1st modifications**

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

**response to 2nd modifications**

Page 114 Glossary – the definition of Brownfield land is too restrictive and is out of step with that detailed within national policy including Scottish Planning Policy 3 "Planning for Homes" and should be altered to reflect the latter.

## HEARING

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

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

**Company** Reidhaven Estate

**Policy/site** Policy 24

**Representation to Deposit Plan**

This policy is overly restrictive in its criteria for new development. The National Park is home to many Dispersed Rural Settlements where the local services are supported by houses and farms over a wider area than a tightly defined settlement. Limited new housing in these areas, in line with the requirements of SPP3, could help support the local economy and community.

Modifications: The policy should be reworded to incorporate some allowance and mechanism for limited new housing associated with dispersed groups of housing.

**CNPA analysis of objection to Deposit Plan**

The approach taken in policy 26 will be reviewed to ensure it allows for the appropriate level of development and is flexible enough to support local people in their own communities. The wording and approach taken on the proposals maps will also be reviewed against national guidance on the issue of rural development to ensure the appropriate level of clarity is provided to developers in line with SPPI.

**Response to 1st modifications**

Objection maintained. We welcome the amendment to this policy to include reference to other rural business and for brownfield sites. Some brownfield sites can however be large enough to accommodate more than one dwelling. The policy should therefore be altered to make reference to dwellings.

In relation to para 5.68 this information needs to be readily available and up to date in order that this requirement can be easily assessed.

Para 5.67 refers to the requirement for type of sequential test for site selection. This is unduly onerous. We do not consider this to be a requirement where sufficient justification of need is provided. The likelihood is that retiring persons will be looking to locate close to their previous accommodation.

Changes - para 5.67 should be deleted. Part c) of the policy should be altered to read dwellings.

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

The comments are noted. c) will be amended to read 'development' rather than dwelling and included as a second modification to the plan. Para 5.67 however aims to ensure that the most appropriate and sustainable site is chosen and a sequential approach to this is not considered onerous. No modification to this is proposed.

**response to 2nd modifications**

**HEARING**

<b>Objector</b> 425q	<b>Name</b> Rona Main Scottish Enterprise Grampian 27 Albyn Place Aberdeen AB10 IDB	<b>Agent</b> Steve Crawford Halliday Fraser Munro 8 Victoria Street Aberdeen AB10 IXB
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**Company** Scottish Enterprise Grampian

**Policy/site** Policy 24

**Representation to Deposit Plan**

We support this policy where it allows development of affordable housing outside of settlements. To be more pro-active in assisting developers and RSL's, it would be helpful if the designation of such sites could be depicted on settlement maps.

**CNPA analysis of objection to Deposit Plan**

The approach taken in policy 26 will be reviewed to ensure it allows for the appropriate level of development and is flexible enough to support local people in their own communities. The wording and approach taken on the proposals maps will also be reviewed against national guidance on the issue of rural development to ensure the appropriate level of clarity is provided to developers in line with SPPI.

**Response to 1st modifications**

Objection maintained.

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

The policy is intended to provide a certain level of development opportunity outside settlements on an ad hoc basis and therefore sites would be considered on their merits rather than through an allocations approach. This flexible approach has not changed and no modifications are therefore proposed.

**response to 2nd modifications**

## HEARING

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

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

**Company** Frogmore Estates Scotland Ltd

**Policy/site** Policy 24

**Representation to Deposit Plan**

SPP15 increased the scope and justification for small scale rural housing development, including replacement housing and holiday homes, with its statement (Paragraph 18, Page 6) that the overall message is that there is considerable scope for allowing more housing developments of this nature". SPP15 confirms (Paragraph 22, Page 7) that occupancy conditions tying dwelling units to agriculture and forestry use will no longer be relevant to the new housing groups to which it refers. However, it acknowledges that planning authorities may wish to continue to implement them where a new dwelling is obviously tied to the agricultural or forestry use of the land in question.

SPP15 further states (Paragraph 23) that: "Opportunities to replace run down housing and steadings with designs using new materials should also be embraced. Planning authorities should not unreasonably constrain such modernisation and steading conversion within the original footprint or height limit unless there are compelling design or conservation reasons for doing so. They should adopt a supportive approach and ensure that new development fits in the landscape. There is an unmet demand for plots on which unique, individually designed houses can be built in rural locations. Consideration should be given by planning authorities to formulating supportive policies in their local plans where such developments may be justifiable for economic reasons. The availability of new, originally designed housing and plots should help to encourage entrepreneurs and investors to live in rural Scotland and to start new businesses. In addition, local contractors, using local materials, should often be able to benefit."

Policy 26 of the Cairngorms National Park Deposit Local Plan identifies the instances where new housing development will be permitted outwith existing settlements. These instances are either where the proposals are for affordable housing which cannot be accommodated within a settlement, or where the housing can be justified by the operational needs of a rural business. Although occupancy conditions are not specifically mentioned within Policy 26, the subtext which follows (Paragraph 5.67) suggests that housing which would not constitute affordable housing may be required to be subject to a Section 75 Agreement to ensure that it remains linked to the rural business and its workers. Whilst it may be appropriate to think some new housing to rural businesses in circumstances in which an operational need is the primary justification for such development, the present wording of Policy 26 is unduly restrictive in its consideration of housing outwith settlements. New housing in the rural area, if not affordable housing or justified by the operational needs of a rural business and most likely tied to that business by means of a Section 75 Agreement, would not be acceptable under any circumstances under the current provisions the policy.

SPP15 has relevance to national parks and, accordingly, it is submitted that the Cairngorms National Park Local Plan should be more flexible in its approach to rural housing in order to allow appropriate development where it would not impact upon any of the special qualities of the Park, In certain circumstances not acknowledged in Policy 26, new housing could be accommodated satisfactorily outwith settlements without compromising the aims and special qualities of the Park. Although the provisions of the equivalent policies have remained relatively unchanged from the Consultative Draft Local Plan, the subtext which previously accompanied those policies was more supportive of housing development in the rural areas.

The Consultative Draft Cairngorms National Park Local Plan allowed greater scope for rural housing, when associated with groups or clusters of existing dwellings

(Paragraph 3.102). It also stated (Paragraph 3.106):

“In many areas of the Park there are derelict properties and ruinous houses which may be suitable for renovation back to habitable standard. Many of these ruins will be integral to the cultural heritage of the Park, and may be integral to the ‘historical’ landscape.” The absence of this text from the Deposit Plan adjusts the spirit of the provisions of the Plan and, in particular, reduces its compliance with SPP15. The Deposit Plan states, in reference to replacement houses, that where the original structure is not largely intact (Paragraph 5.71, Page 51) “Development proposals on abandoned house sites and ruins would be considered as new housing development.” As discussed earlier, new housing development would be subject to Policy 26 and is, therefore, required to be either affordable housing or to support a rural worker.

Policy 26 should be modified to include an additional point after e) stating:

'or,

f) the proposed dwelling is sited on previously developed land and does not result in any adverse impact upon the special qualities of the Park.

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

The approach taken in policy 26 will be reviewed to ensure it allows for the appropriate level of development and is flexible enough to support local people in their own communities. The wording will also be reviewed against national guidance on the issue of rural development to ensure the appropriate level of clarity is provided to developers in line with SPP1.

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

Maintain objection. SPP15 increased the scope and justification for small scale rural housing development, including replacement housing and holiday homes, with its statement (para 18 page 6) that ‘the overall message is that there is considerable scope for allowing more housing development of this nature.’

SPP15 confirms (para 22, page 7) that occupancy conditions tying dwelling units to agriculture and forestry use will no longer be relevant to the new housing groups to which it refers. However, it acknowledges that planning authorities may wish to continue to implement them where a new dwelling is obviously tied to the agricultural or forestry use of the land in question.

SPP15 further states (para 23) that ‘Opportunities to replace run down housing and steadings with designs using new materials should also be embraced. Planning authorities should not unreasonably constrain such modernisation and steading conversion within the original footprint or height limit unless there are compelling design or conservation reasons for doing so. They should adopt a supportive approach and ensure that new development fits in the landscape. There is an unmet demand for plots on which unique, individually designed houses can be built in rural locations. Consideration should be given by planning authorities to formulating supportive policies in their local plans where such developments may be justifiable for economic reasons. The availability of new, originally designed housing and plots should help to encourage entrepreneurs and investors to live in rural Scotland and to start new businesses. In addition, local contractors, using local materials, should often be able to benefit.’

The Cairngorms National Park Deposit Local Plan Housing Developments outside Settlements Policy 26 identified instances where new housing development would be permitted outwith existing settlements. These instances were either where the proposals are for affordable housing which cannot be accommodated within a settlement, or where the housing can be justified by the operational needs of a rural business. Although occupancy conditions were not specifically mentioned within Policy 26, the subtext which followed (para 5.67) suggested that housing which would not constitute affordable housing may be required to be subject to a Section 75 agreement to ensure that it remains linked to the rural business and its workers.

Barton Willmore objected to the wording of the subtext of policy 26 on the grounds that it was unduly restrictive and against the principles set out in SPPI5 regarding occupancy conditions.

Barton Willmore also objected to the removal of the text from the Consultative Draft Local Plan which allowed greater scope for rural housing, when associated with groups or clusters of existing dwellings (para 3.102) and also stated (para 3.106) 'in many areas of the Park there are derelict properties and ruinous houses which may be suitable for renovation back to habitable standard. Many of these ruins will be integral to the cultural heritage of the Park, and may be integral to the 'historic' landscape.'

The supporting text set out in the Consultative Draft Local Plan was more consistent with the aims of SPPI5 in that there was recognition of the role which the reuse of ruinous buildings can play in attracting investment to the rural areas without detracting from and potentially improving the special qualities of the landscape.

It was submitted in objection that the deletion and absence of this text from the Deposit Local Plan adjusted the spirit of the provisions of the Plan, and, in particular, reduced its compliance with SPPI5. The Deposit Local Plan stated in reference to replacement houses, that, where the original structure is not largely intact (para 5.71 page 51), 'Development proposals on abandoned house sites and ruins would be considered as new housing development'. As discussed earlier, new housing development would be subject to Policy 26 and therefore requires to be either affordable housing or to support a rural worker.

The first modifications to the Deposit Draft Plan have renumbered policy 26 as policy 24 with additional criteria, which includes reference to brownfield land. The justification subtext of Policy 24 seeks at para 5.70 to clarify that 'brownfield' is taken to mean land previously used for commercial or industrial purposes and that the reuse of abandoned rural dwellings will not be considered as brownfield.

PAN 73 Rural Diversification states (para 33 page 22) that 'Development Plan policies should encourage rehabilitation of brownfield sites in rural areas and in appropriate locations allow for their re-development. Brownfield sites are broadly defined as sites that have previously been developed. In rural areas this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity.'

The meaning of the term 'brownfield' set out in the modifications (para 5.70) to the Deposit local plan is inconsistent with the definition of brownfield in PAN 73, it inappropriately restricts brownfield to previously developed industrial and commercial land and neither does it account for redundant or underused buildings. In this way para 5.70 is an incorrect interpretation of PAN 73 and is misleading rather than providing clarity as it intends.

Consequently whilst the introduction of policy 24 of criterion c is supported, continued objection is made to the omission of the text contained in para 3.106 of the Consultative Draft Local Plan from the modified deposit, due to non compliance with the spirit of SPPI5 Rural Development and PAN 73 Rural Diversification.

Objection is also made to the terms of para 5.70 relating to brownfield land. This should be reworded to read: '5.70 For Clarity 'brownfield' is taken in accordance with PAN 73 to mean land that has previously been previously developed and has the potential to be reused once any contamination, waste or pollution has been cleaned up'.

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

The view is taken that SPP allows for the use of occupancy conditions where the dwelling is tied to the use, and the policy allows for this. The SPP also ensures that within the National Park the aims of the Park must be upheld and it is considered that the policy as worded will do this. It is not therefore proposed to amend the policy to include the modification sought.

In regard to the reintroduction of para 3.101 from the consultative plan, this issue was not raised at the deposit stage of the consultation process, however policy 29 allows for the conversion and reuse of buildings for housing and policy 23 allows for additions to existing groups. It is considered therefore that the level of opportunity provided through these various policies is sufficient to comply with the various SPP requirements while maintaining at the forefront, the aims of the Park.

No modification is therefore proposed as a result of this point.

In regard to brownfield land, the advice given in PAN 73 gives a definition which USUALLY will apply. The wording of para 5.70 adds clarity to how this will be used in the National Park and does not include the ambiguity of the term USUALLY. It is not therefore proposed to change this or add any further modification in light of the response.

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

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

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

## **INQUIRY**

**Objector**      **Name** Colin Lawson (Builders) Ltd      **Agent**  
341  
Achnagonalin Industrial Estate  
Grantown on Spey  
Morayshire  
PH26 3TA

**Company** Colin Lawson (Builders) Ltd

**Policy/site** Policy 24

**Representation to Deposit Plan**

We are a local building firm who employ and train local people within the area. We have recently expanded our business and have moved out to a new site at Achnagonalin Industrial Estate. Our business mainly deals with building individual houses and we have become extremely concerned after reading the Deposit Local Plan, and in particular Policy 26.

Our main objections are as follows:

The Plan seems to be out of touch with Local Businesses and all of the aims that the Cairngorms National Park has set out. The policy seems very restrictive and promotes large scale developments, and in particular with Grantown, the settlement areas have already been bought by larger scale developers, who the majority are based outwith the Cairngorms National Park! Policy 26 certainly does not 'promote sustainable economic, and social development'. The larger scale developers have a significant financial backing that the local builders will be unable to compete with. Such developers have come into our home town with huge financial backing and offered people and land owners ridiculous figures for land and houses that the local people and builders cannot compete with. This only drives up the cost of housing in the area.

We are extremely concerned that there have been no other areas outwith the settlement areas for potential housing! There has been no consideration and understanding for the local builders who's majority of work consists of individual houses!

Modifications needed to resolve this objection – the Deposit Local Plan is fantastic for the large scale developers who have already acquired the majority of the land in the settlement areas but for the local builders who employ a large amount of local people, this Plan in its current form offers a very bleak future for us all! We would offer the Cairngorms Nation Park Authority to meet with ourselves and the other Local Builders to discuss the Local Plan and the future of the Local Businesses.

**CNPA analysis of objection to Deposit Plan**

The policies as drafted do provide for small scale development on sites which are not specifically allocated within the Plan. The wording of policies for new development outwith allocated sites will be revisited to clarify the range of opportunities available and provide the appropriate level of guidance is available for developers. The Plan cannot however retain certain sites to be developed by particular developers, and local developers must be reassured that there are appropriate opportunities to meet their aspirations for the life time of the Plan.

**Response to 1st modifications**

We unite representing three of the larger local building firms operating from Grantown on Spey. As a group we support directly and indirectly over 100 local tradesmen and apprentices. Recent large housing, planning applications and current housing development are being monopolised by large construction firms, this trend coupled with the National Parks policies on housing in the countryside is representing a serious threat to our separate firms sustainability's.

The current draft local plan further erodes our potential landbank eg the residential areas identified in the 1997 local plan in Nethy Bridge at former nursery Dell Road (8 houses) and Duack Bridge (6 houses) are no longer zoned for residential development (see attached pages). Small sites such as these have historically

provided a solid backbone on which to run our businesses. We unite to ask on the feasibility of reinstating areas such as these for residential development and suggest a meeting to discuss this issue further.

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

The sites referred to were not included in the deposit plan, and no objection was raised to their removal at that point. The objection therefore raises a new issue which is not appropriate at this time. It is therefore not proposed to add any second modification or amendment to these allocations.

**response to 2nd modifications**

**WRITTEN**

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

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

**Company** Reidhaven Estate

**Policy/site** Policy 24

**Representation to Deposit Plan**

**CNPA analysis of objection to Deposit Plan**

**Response to 1st modifications**

We welcome the amendment of this policy to include reference to other rural business and for brownfield sites. Some brownfield sites can however be large enough to accommodate more than one dwelling. The policy should therefore be altered to make reference to dwellings.

In relation to paragraph 5.68 this information needs to be readily available and up to date in order that this requirement can be easily assessed.

Paragraph 5.67 refers to the requirement for types of sequential test for site selection. This is unduly onerous. We do not consider this to be a requirement where sufficient justification of need is provided. The likelihood is that retiring persons will be looking to be located close to their previous accommodation.

Amendment - paragraph 5.67 should be deleted. Part c of the policy should be altered to read dwellings.

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

re 5.68 the CNPA will continue to work closely with the housing authorities to ensure the most up to date information is available.

Re 5.67 the approach to site selection is not considered onerous and is intended to ensure the most appropriate site is selected.

c) will be amended to read 'development'

**response to 2nd modifications**

**HEARING**