

**Proposed Local Development Plan
Consultation Responses 013 – 051
November 2013**

Objector Ref	Objector Name
013	Rodger Builders
016	Mountaineering Council for Scotland
020	George Knox
024	Gordon Bulloch
028	Alvie and Dalraddy Estate
031	Ballater and Crathie Community Council
033	Boat of Garten Community Council
035	Reidhaven Estate
036	Ogilvie Grant Estate
038	Janet Trythall
040	Scottish Natural Heritage
043	The Highland Council
044	North East Mountain Trust
045	Robert Greenwood
046	Blair Atholl Community Council
048	Nestrans
050	Glenprosen Estate
051	Scottish Government

requested attachment by attachment.
received 03/6/13

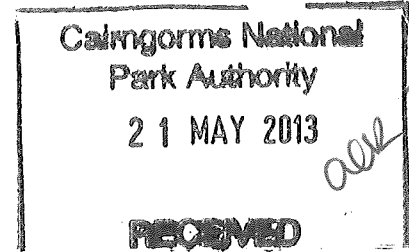
architecture * interior design * planning * landscape * urban design

keppie

20 May 2013

Our Ref: GMC / AMN / 210434

FREEPOST (RSHS-BHKL-KXHS)
Cairngorms National Park Authority
Albert Memorial Hall
Station Square
Ballater
AB35 5QB



Dear Sirs,

**Cairngorms National Park Proposed Local Development Plans
Objection on behalf of Rodger Builders
Land adjacent to Baddengorm Woods, Carrbridge**

We refer to the current consultation seeking views on the Proposed LDP for the Cairngorms National Park.

Rodger Builders have already responded to the Call-For-Sites and the Main Issues Report in November 2011. At that time, we also commented on the Draft Cairngorm NPP 2012-2017.

We enclose in full our Report of Consultation (Appendix 1), on the National Park Plan Main Issues Report. This document fully articulates our client's case for allocating a small scale residential enabling development along the A938 and a tourism development within the scrub woodland between the golf course and Baddengorm Woods.

This letter, the accompanying Representation Form and Appendix 1 forms our client's objection to the land use zonings at Carrbridge and, in particular, the non-allocation of a mixed residential and tourism development adjacent to Baddengorm Woods, Carrbridge.

Background

In June 2010, Rodger Builders engaged in the Call-for-Sites process in advance of the Main Issues Report and we note in the Park Authority's analysis of sites, that the site at Baddengorm rated poorly in respect of landscape, settlement relationship and ecology, and highly on access to services and facilities, immediate site access and flood risk.

In analysing the site's landscape assessment comments, we consider that these do not accurately reflect the nature of either the proposal we are describing nor, the influence the site would exert on the village.

We assume that the landscape analysis of the 'dramatic pine woodland' refers to the plantation surrounding the site, but outwith the proposed development area. The trees within the site itself, are largely self seeded birch, although there are also some scrubby self seeded pine.

Indeed, the habitat survey appears to have described our site incorrectly as 22, not 25. Notwithstanding this error, the description of the ecological value of the site, there is nothing in the description on pages 31 and 32 of the Enviro-Centre report that indicates there is any ecological potential on the site at threat by development. It is further strange that despite the large area of self seeded birch, the entire southern part of the site is described as a plantation. The balance being shrub heathland which is largely the open areas.

In summary, from the descriptions given in the two technical reports, supporting the Park Authority's reasons for not including this site for a plotted residential development and a subsequent settlement adjustment plus a tourism facility, there is no evidence that the development of this site would have an adverse impact on either landscape or ecology.

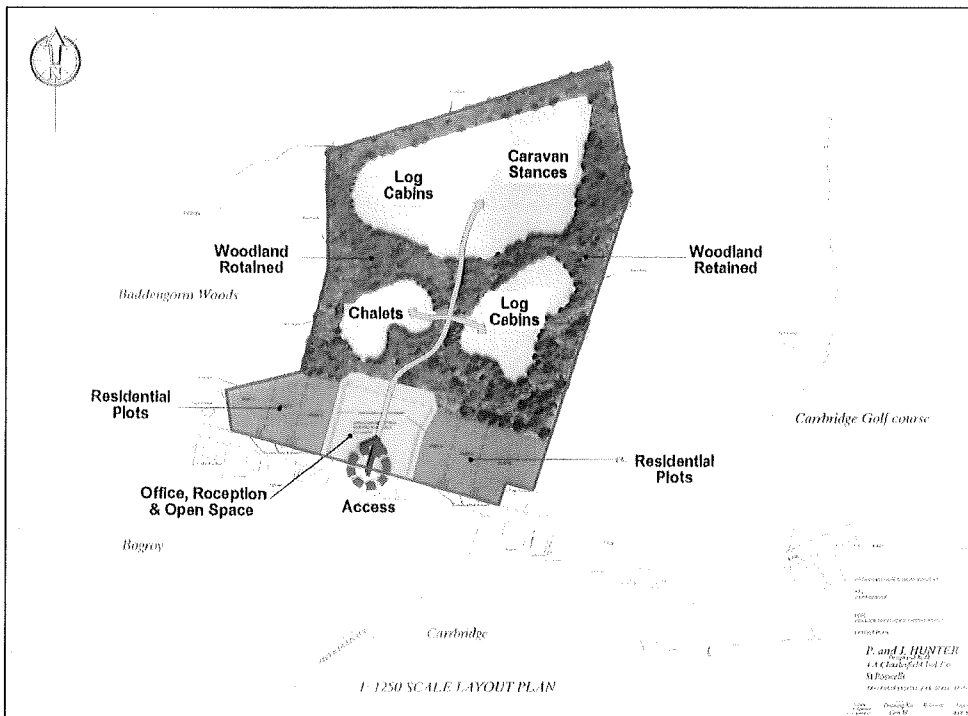
Site

The site is described in detail in Section 2 of Appendix 1, and has no national or strategic environment designations on the site, and is characterised by self-seeding bush woodland but not a plantation. In addition, there is no heritage or flood-risk issues relative to the ability to successfully develop this site.



Proposal

The attached outline masterplan sets out the type of development that could be accommodated on site which is entirely compatible with the aims and objectives of the proposed LDP. The stimulation of economic investment proposed by Roger Builders would bring a clear benefit to the village, and help stimulate both the local housing market and an active visitor destination to the benefit of the local economy.



Local Development Plan

Whilst we object to our client's site not being specifically identified (see also Representation Form), we note that mixed-use tourism developments are uses that could be supported in the Plan.

We support the statement "Mixed-uses which support sustainable developments and communities and meets the objectives for the village will also be supported where evidence indicates this to be the most appropriate way to take forward proposals."

We firmly contend that the tourism and residential development of our client's site will compliment fully with the stated aim and objectives for Carr- Bridge, as set out in pages 102 and 103.

Specifically:-

- Stimulating the rural economy and providing new jobs.
- Choice in the housing market.
- Spin-off trade from overnight stays in shops and hotels etc.
- Be of a scale, sympathetic to the size of the village.

We also note, and agree, that the focus for Carr-Bridge is for local people and tourists to the area. This proposed tourism development would further be set within the woodland setting of the village, and no sensitive, protected areas would be compromised. The scale proposed does, and will, reflect the existing housing areas in terms of density and scale, and provide a sensitively designed tourism facility to the economic benefit of the area.

In summary, we consider that, within the context of the proposed LDP, Rodger Builders can justify a planning application proposal, as described for the land adjacent to Baddengorm Woods and the golf course, along the A938. Our objection to the Plan relates to the lack of a precise zoning in the LDP, which would enable greater certainty in the delivery of a successful tourism and residential development in line with the stated aims and objectives of the Plan.

Tourism

In respect of the issue of tourism, the "Evidence Report" at page 45, para 17.11, states that "Given the predominance of the tourism industry in many of the centres, tourist attractions are generally lacking, as are information points and signage."

In paras 21.1 – 21.3, the Report considers

"The LDP must therefore divert new development to the most appropriate location . . . To ensure appropriate support is given to other ad-hoc development which supports both the economy in the aims of the Park the LDP must include a framework of policies to guide investment."

Rodger Builders agree with this policy statement and this is also reflected on page 21, Tourism & Leisure Development.

"Development which enhances formal and informal recreation and leisure facilities, tourism and leisure related business activities and attractions, tourism and leisure related infrastructure including accommodation, improved opportunities for responsible outdoor access and through improved levels of open space will be supported where –

- a) it has no adverse environmental impacts on the site or neighbouring areas; and*
- b) it makes a positive contribution to the experience of visitors; and*
- c) it adds to or extends the core tourist season."*

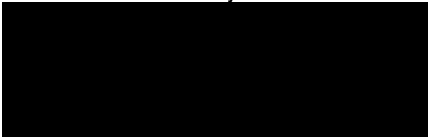
Conclusions

Rodger Builders agree with the sentiments in the policy response and, indeed, the policies themselves as affecting the general park area. The comments for Carr-Bridge would appear to combine to encourage such an economic and tourism proposal as we promote through this representation and objection to the LDP zonings.

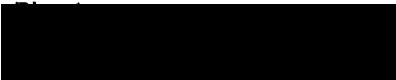
Our objection, therefore, relates to the specific need to allocate our client's site within the Proposals Map as T2 land adjacent to Baddengorm Woods for tourism accommodation and small-scale enabling residential development. We agree with the general aims and objective of the Plan, as the policies held enable such a proposal to be positively assessed by the Park Authority.

We trust this representation and objection is clearly stated, however, should you require any clarification or further information, please do not hesitate to contact Gordon MacCallum at Keppie Planning & Development.

Yours faithfully



Gordon MacCallum



cc: Rodger Builders

ack 31 May

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Objection No:

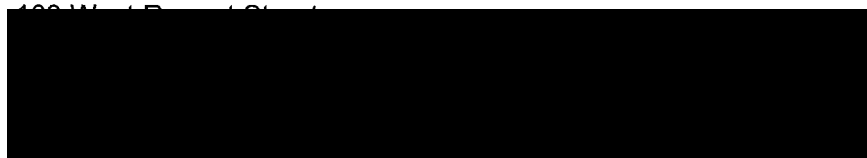



Form for representations on the Cairngorms National Park Proposed Local Development Plan

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Please use this form to state clearly the modification/s you would like to see made to the Plan. You should include the proposal/policy or paragraph reference where appropriate. Please use a separate form for each representation.


1. Name Keppie Planning & Development


Address 

Telephone 

2. If you are representing a third party, please give their details.

Name Rodger Builders

Address 

Telephone 

To which address do you wish all correspondence to be directed? (please tick)

Own Agent

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.

Proposals Map Carr-Bridge page 107, Section 23

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).

(See also attached letter and Appendix 1)

We object to the non-inclusion of the site as shown on the attached plan, adjacent to Baddengarm Woods and the golf course, not being zoned for residential and tourism uses. We consider that the text relating to Settlement 23, Carr-Bridge, does not fully consider, in the Economic Section, the potential for tourism uses adjacent to Baddengarm Woods. We note, and support, the statement on page 105 under "Mixed Uses".

"Mixed Uses which support sustainable developments and communities and meets the objectives for the village will be supported where evidence indicates this is the most appropriate way to take forward proposals."

Rodger Builders are experienced operators of successful housing and commercial ventures and have a track record of delivering successful project throughout the country, at a scale appropriate to the level of development we envisage for Carrbridge.

The residential component, which could be referred to as H3, will amount to between 6 - 8 houses, sold as plotted development. It is not considered that this level of housing would compromise the development potential of sites H1 or H2, which are larger in scale and for a different market. In terms of National Planning Policy, this would allow a range of choice of market provision in Carrbridge as well as acting as prime pumping enabling development for the tourism accommodation proposed to the east of the housing area.

4. Continued

Conclusions

Taking all the above, and the supporting letter and Appendix 1 into account, we consider that the site at Baddengorm Carrbridge should be supported in the Local Development Plan as a site for tourism accommodation and house plots for the following reasons:-

- The site is close to the village, but not within it, separating tourism accommodation from residential areas.
- The site is close to shops, facilities and recreational/tourism attractions.
- The site is not within an ENV designation which comprise sites that are protected from development due to their importance re. setting of Carrbridge.
- There is a need for additional new tourism facilities within the Park area per the aims of the Draft 2012-17 Plan.
- There is a need to retain young people by providing jobs locally.
- There is a need for serviced plots for self-build for local people.
- The site's development will not have an adverse effect on the setting of Carrbridge as development will be set within the significant gaps in the woodland.
- Much of the woodland is self seeded birch.
- The setting of the village is largely formed by the plantation, which will be unaffected by this proposal.
- The serviced plots will, in part pump prime the infrastructure required to create the tourism accommodation sites.
- There are no ecological resources of any designated protection on the site.

Recommendation

In conclusion we recommend that this proposal to extend the village along the A938 from the house adjacent to the golf course to Lilac Cottage to incorporate a number of house plots and the entrance to the tourism accommodation. In addition, the remaining land as shown on the indicative masterplan be zoned for tourism accommodation.

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

Under the Tourism allocation on page 105, T2 Land Adjacent to Baddengorm Woods along the A938 can play an extremely important role in supporting the local economy and stimulate tourism/overnight accommodation in the area. A mixed use solution would be compatible with this aim and a small-scale level of housing be associated with the development to ensure its viability for the longer term. In addition, H3 plotted site for 6 - 8 self build units.

Please return all completed forms to:

FREEPOST (RSHS-BHKL-KXHS)
Cairngorms National Park Authority
Albert Memorial Hall, Station Square
Ballater
AB35 5QB

Or email: localplan@cairngorms.co.uk

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If you have any queries regarding completion of the comments form, or require further assistance, please contact the Development Plan team at the CNPA Ballater office:

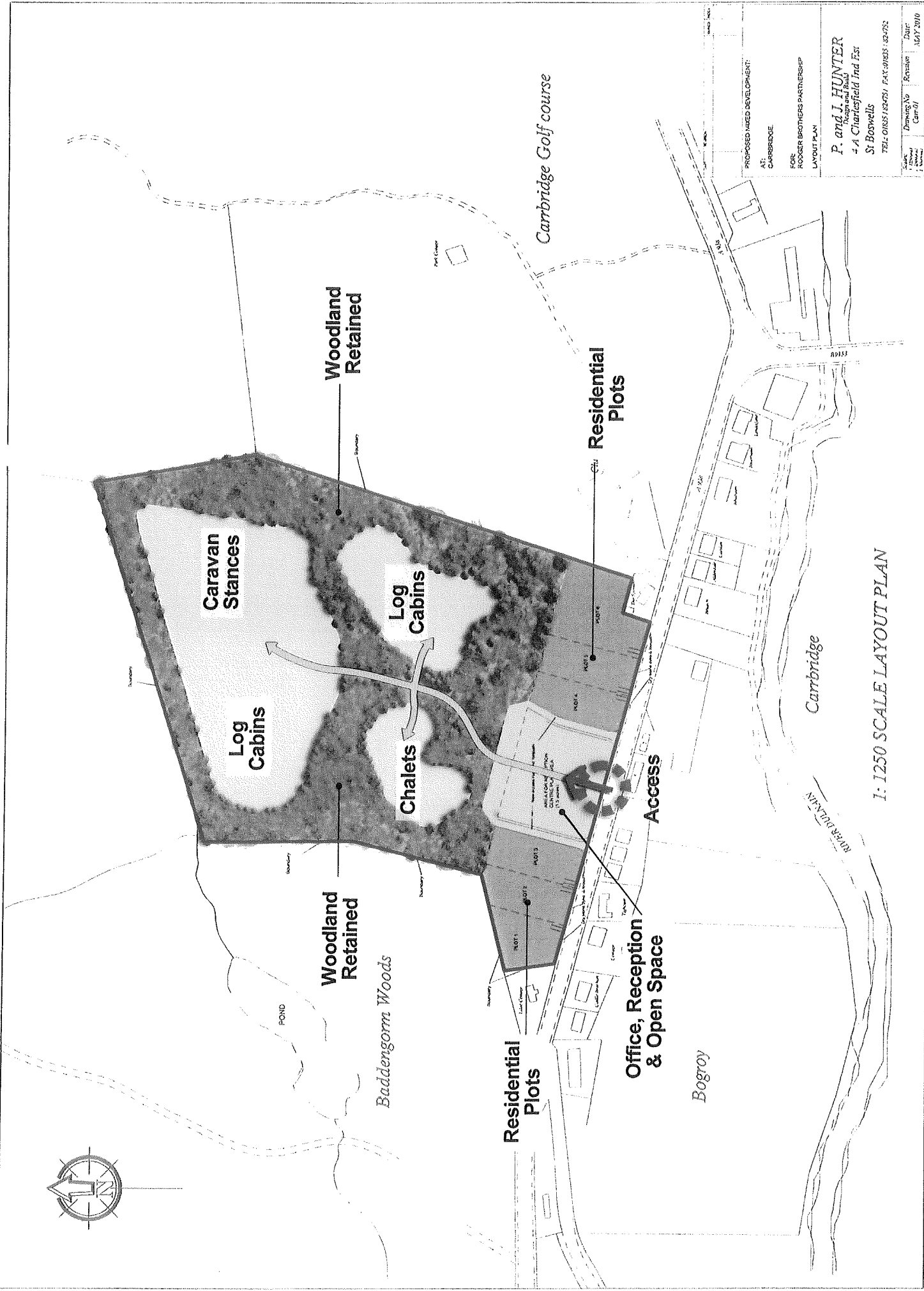
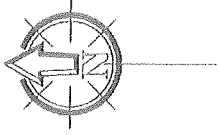
Tel: 013397 53601 Email: localplan@cairngorms.co.uk

www.cairngorms.co.uk

Data Protection

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PROPOSED WOOD DEVELOPMENT:
 AT: CARBRIDGE
 FOR: RODGER BROTHERS PARTNERSHIP
 LAYOUT PLAN

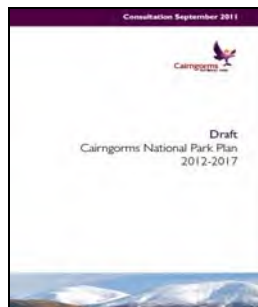
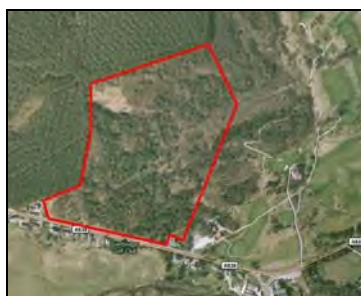
P. and J. HUNTER
 100, St. Andrews Road
 4 A Charterfield Ind Est
 St. Bowdells
 TEL: 01551 182551 FAX: 01551 182752

Scale:	Drawn No:	Revised:	Date:
1:1000	Car-01		MAY 2010

1: 1250 SCALE LAYOUT PLAN

- A. Draft Cairngorms National Park Plan 2012 –2017
- B. Cairngorms National Park Local Development Plan Main Issues Report

Land at Baddengorm, Carrbridge



Rodger (Builders) Ltd

November 2011

210434 / GMC

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Reference:	
Objection No:	

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1. NameMountaineering Council of Scotland.....
 Address ...

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.

Policy 7: Landscape
 .

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).

We support the LDP's recognition of the importance of the Park's landscapes and, in particular, the appreciation of the sense of wildness that can be experienced in the Park and the importance of safeguarding the perception of remoteness and wildness to be found in many parts of the Park

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

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1. NameMountaineering Council of Scotland.....
Address ...
.....

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.

Policy 8: Renewable Energy
Supplementary Guidance 7: Renewable Energy

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).

We support the clear statement that large scale commercial turbines are not compatible with the special qualities of the National Park. We support the definition of >1 turbine/>30m in height, on the assumption that the height is intended to refer to blade-tip and not tower height.

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

The definition of 30m in height should be unambiguous as to whether this is blade-tip height or tower height.

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1. NameMountaineering Council of Scotland.....
Address ... [REDACTED]

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.

Policy 9: Sport and recreation

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).

We support the policy statement that development of facilities will be supported where "there are no adverse environmental impacts on the site or neighbouring areas" (p.38 first (a) para) since we believe that this statement should preclude any further extension of mechanical facilities by Cairngorm Mountain Ltd or the opening up of pedestrian access to the plateau from the funicular.

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

[REDACTED]

Please return all completed forms to: localplan@cairngorms.co.uk

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1. NameMountaineering Council of Scotland.....
 Address .. [REDACTED] ..
 [REDACTED] ..
 [REDACTED] ..

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.

Policy 14: An Camas Mor

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).

Although not directly relevant to the mountaineering interests for which we speak, we share the view of the Cairngorms Campaign and others that the National Park's promotion of a large greenfield development on this site carries considerable risk both for the immediate environment of Glenmore and to the achievement of a balanced economic across Strathspey as a whole. We are unpersuaded that it can be a development 'Fit for a National Park' given its location within an NSA and are sceptical that the aspiration for it to contribute to tackling climate change will be realised. The SEA assessment that a large suburban expansion of Aviemore onto a greenfield site will "enhance the biodiversity of the area ... and over time will enhance the landscape character of the area." is not credible.

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

We believe the case for the development of An Camas Mor is unsupported by evidence and incompatible with the aims of the National Park and it should be deleted from the plan.

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Dear Sir/Madam,

I write to you with regards to the Cairngorm National Park Local development plan in line with the mechanisms outlined on your website; specifically I am writing to you with regards to the settlement of Nethy Bridge and the land which we have owned for the last 10+ years.

Goldcrest (Highland) Ltd previously developed in 2002 a development comprising of 10 x Private homes within the area. The company retain approximately 40 acres of land adjacent to the site - please refer to appendix 1 regarding the area in question - (the green area is the area of land which I am referring to).

Indeed a considerable sum of money has already been spent at the time of the previous development taking all electricity, drainage and water up a further 600m to within the perimeter of the remainder of the site. This was as a result of the positive responses that we were given at this point in time in terms of further development opportunities for the aforementioned site. After many discussions with the Cairngorm National Park it was suggested that our site was suitable for future housing - this going all the way back to October 2006.

Over the course of the last 10 years we have spent considerable time putting together proposals for a development at Nethy Bridge; positive responses have been received with regards to this throughout the years and some of the correspondence is included within the appendices.

These proposals have varied from:

- Affordable Housing/Private Housing/Tourist Development/Chalets
- Affordable Housing/Holiday Chalets/Tourist Development
- If Development is sanctioned all remaining land is to be given back to the local community for uses as they see fit – alternative energy/biomass etc.

Back in 2009 we were also approached by the Highlands and Islands Fire & Rescue service station manager for operations, concerning a new Fire Unit within the area. Subsequently we offered them an area of land for them to submit a planning application for the new unit for free effectively donating a portion of the land to them.

We feel that over the years we have contributed significantly to the local community – all the previous development was entirely made up of local tradesman and any future development would again utilise these resources – providing employment opportunities for locals. We have supported the local school and by offering part of this land to the Fire & Rescue service we are again showing our commitment to the local community and offering something back, both in terms of the Fire and Rescue Unit and the pledge we are making to the community in terms of remaining land. (A copy of the original letter to the Highland and Island Fire Unit along with the map showing proposed location can be seen in Appendices 2.1, 2.2 & 2.3). Furthermore please find attached correspondence with AF Cruden Associates (Appendix 2.4) showing locations where test holes were carried out on the proposed Fire & Rescue service site; following the test hole exercise the subsequent development was put

on hold due to the recession however it is hoped that the development could still take place now that the economy is showing signs of recovery

My biggest concern lies with the fact that for some reason this site has not been included as part of the settlement boundary, indeed I feel there is a great deal of confusion and unanswered questions regarding this - .

- In a letter dated 6th February 2009, Mr Andrew McCracken – then Team Leader for Planning and Development services at the Highland Council stated that with regard to the Local Plan “the park has adopted a rather different local plan format but it does beg the question of why this land has been excluded from the settlement boundary”. The Cairngorm National Park was included within this correspondence but to date there is still no justification for this. (A copy of this letter can be seen in Appendix 3).
- To add to the confusion, in January 2009 just one month prior to the aforementioned statement a letter from Ms Mary Grier, then planning officer, development manager at the Cairngorm National Park, stated that *“the site which is the subject of this pre-application query is included within the Nethybridge settlement area, but is on land which is identified as forestry/restraint. The forestry/restraint area largely refers to the settlement edges adjoining Nethybridge”*. This letter then goes on to state that *“the land which is the subject of your query is identified for forestry/restraint does not however suggest a complete prohibition on all development”*. (A copy of this letter can be seen in appendix 4). You will also note this document refers to the readily available access that is in place at the proposed site.
- In addition in August 2005 I received from Mr Keith Duncan – then Area Officer for Cairngorms at the Scottish Natural Heritage a letter stating *“I note that you have included the boundary of the Ancient Woodland inventory on your plan. In general, ancient woodlands are, due to their continuity of woodland cover, more likely to be of national heritage value than other woods”*. There are other areas to question here but it does bode the question as to why the Eagle Star application has been successful – when it is based on Ancient Woodland and just across the road from our site – yet our site appears not even to be within the settlement boundary even though a large part of the development does not fall under the “ancient” category - please see appendix 5 & 6 - included in this representation which should be cross referenced with appendix 1 and 8.
- I would also like to add that we have kindly been invited along to the community council meetings by the Community Council Chairman and have received only positive responses to all our plans for the site in question particularly from the community development officer with regards to affordable housing.
- Goldcrest Highland Ltd built and sold all 10 houses within 1 year following planning approval – based on that ratio 40 houses is only going to be suffice for the next 4 years and with the new plan targeting the next 5-10 years may leave the

village stretched. The proposed local plan does not seem to lend itself to what the locals want in terms of planning going forward.

We feel that the previous development we carried out in Nethy Bridge together with what we are offering back to the community is advantageous to section 38 of the Proposed Local Development Plan 2013 - namely that:

“Residents are keen any building development that does occur, to be done using local trade and skills in keeping with the existing dwellings, - scattered within woodland”

Our development would be complimentary to the above. In addition the community plan states that they seek;

“the continuation of traditional businesses such as farming, building and landscaping will hopefully continue to provide employment opportunities for the younger generation, but this can't happen if there is an accommodation shortage due to lack of access to land for building, low wages, high cost of living and affordable housing shortage in the community”

Again our development would be complimentary to the above.

- Regarding the Boat of Garten, Nethy Bridge & Carrbridge community meeting held at the Community Hall in the boat of Garten on October 25 2011 issue 4 (please refer to appendix 7) is in relation to Housing/Affordable Housing. There are various areas/points made which we again feel any development on our site would benefit including:

- 1) “Current Policy is not working. Must find mechanism to address local housing for local people”.

- 2) “Do we still need to state the obvious case for affordable housing”

- 3) “All the housing in the Pipeline may only scratch the surface of the local need”

- 4) “Have we looked back and calculated how much affordable housing has been developed over the last 20 years”

To summarise we feel that clarity is required with regard to the site and its positioning within the settlement boundary. Parts of the site are currently being used as an extension to people's gardens with sheds now encroaching on the land and parts of it being turned into a waste tip which is sad to see. It is very questionable as to why the Eagle Star Development across the road has been given permission to develop (on Ancient woodland) and forms part of the settlement and our does not – or at least appears it does not.

If the site does not form part of the settlement boundary we feel that the boundary of Nethy Bridge should be extended to include the land identified on the attached plan shown on appendix 8.

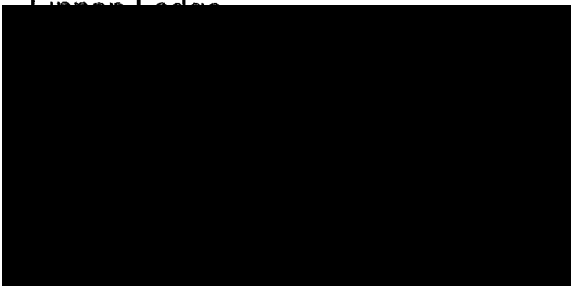
Subsequently, the land should be identified for residential/chalet/tourist development with a strong focus on affordable/social housing in keeping with what the locals want.

I trust that you find everything in order,

Should you need any further information please do not hesitate to contact me on one of the means below:

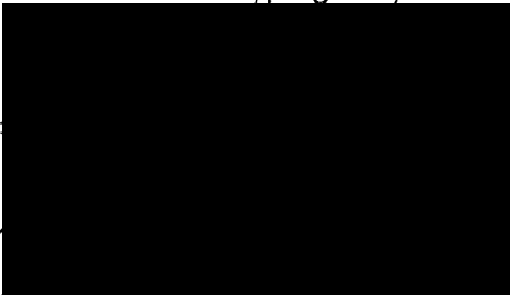
George Knox

Finny Lodge



I look forward to hearing from you in due course.

Thanks and Kind Regards,



02/07/2013

Official Use Only

Reference:

Objection No:

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Please use this form to state clearly the modification/s you would like to see made to the Plan. You should include the proposal/policy or paragraph reference where appropriate. Please use a separate form for each representation.

1. NameGordon Bulloch.....
Address

2. If you are representing a third party, please give their details.	
Name
Address
Postcode
Telephone
Email

To which address do you wish all correspondence to be directed? (please tick)

Own Agent

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.
31 – Grantown-on-Spey

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).
See attached

31. Grantown-on-Spey

#

1. Paragraph 31.5: a bullet point in this paragraph states, “protect existing shops and businesses and their normal operations”. Given the large number of long-term empty and semi-derelict shop premises in the High Street, protection of existing shop premises does not provide a solution to this major issue for Grantown-on-Spey’s High Street, in fact such protection will exacerbate the problem of long-term empty shop premises.

Change requested: Words need to be added recognising the problem and supporting a pro-active approach to getting shops back into economic use and a flexible approach to proposals requesting change of use to dwellings or for dwellings on the High Street being converted into retail.

2. Tourism T1: I support the acknowledgement of the importance of the Caravan Site to the town and the need to provide appropriate protection from adverse development. However, there is a major issue over ensuring that inappropriate development of the Caravan Site does not itself compromise the cultural heritage of the town or the quality of the surrounding woodland or protect those parts of the town that are important to its character and setting.

Change requested: There needs to be acknowledgement that inappropriate development of the Caravan Park can have an adverse affect on the many other tourism businesses in the town and could reduce the appeal of Grantown-on-Spey as a tourism destination. (I appreciate that there is an issue over the local authority control framework covering the Caravan Site which needs to be addressed).

3. Grantown-on-Spey plan: Firstly this plan needs to be given a title and needs to be referenced within Paragraph 31 of the LDP, otherwise its relevance and context are questionable.

Since 2007, CNPA has proposed at least 3 or 4 changes to the settlement boundary (around the Mossie area of the town) and this deposit draft for consultation shows yet another change. Such frequent and un-substantiated changes to the settlement boundary are unacceptable and in my view poor planning practice. Settlement boundaries should remain fixed for many years, if not decades and changes only made when fully justified and absolutely necessary. However land zoning within the settlement boundary can change more frequently when justified. The approach adopted by CNPA in the Mossie area seems to be to change the settlement boundary to include any part of the Mossie area proposed for development and exclude the rest. This is demonstrated by all the settlement boundary changes between the old deposit Local Plan (pre-2009 Inquiry), the adopted Local Plan, the Main Issues report and this deposit consultation draft LDP.

Change requested: Retain the settlement boundary shown in the adopted Local Plan as there is no justification for changing this boundary line. Consideration to alternative zoning of part of the Mossie area as protected open space would be much more appropriate than excluding this area from the settlement boundary.

4. Area of Grantown-on-Spey H1 housing: I support the new line of the northern boundary of the site lying between the existing houses The Dulaig and Revoan, however the line of the northern boundary west of Revoan does not help to make any development exemplary or provide a clear definition between settlement and countryside as stated in the Grantown-on-Spey objectives. This projection of the development into a pleasant area of countryside does not make good planning sense, will appear to be an add-on to the rest of the development area and will adversely impact views from the hillside above the caravan site, Seafield Avenue and the fields of The Mossie.

Change requested: Pull the northern boundary of the H1 site back to a line from the SW corner of the Revoan plot to 'square off' the H1 site at the corner of the woods to the west of the site. This would bring this part of the H1 site boundary back to that originally proposed in the previous CNPA draft Local Plan (before the 2009 Inquiry).

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1. NameGordon Bulloch.....

Address

2. If you are representing a third party, please give their details.

Name

Address

..... Postcode

Telephone Email

To which address do you wish all correspondence to be directed? (please tick)

Own Agent

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.

12 Development Briefs – Supplementary Guidance – in particular
Grantown-on-Spey HI

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).

See attached

4. Representations and Objections – Supplementary Guidance - Grantown-on-Spey H1

#

I support much of the wording in Supplementary Guidance paragraphs 12.1 to 12.37. I only hope that the Planning Authority rigorously enforces these paragraphs when considering any future planning application for Grantown-on-Spey H1.

I do, however, have some objections to certain parts of the Grantown-on-Spey H1 Supplementary Guidance.

1. The area of the H1 site: I support the new line of the northern boundary of the site lying between the existing houses The Dulaig and Revoan, however the line of the northern boundary west of Revoan does not help to make any development exemplary (as required in 12.10) or provide a sensible boundary (as implied in 12.16). This projection of the development into a pleasant area of countryside does not make good planning sense, will appear to be an add-on to the rest of the development area and will adversely impact views from the hillside above the caravan site, Seafield Avenue and the fields of The Mossie.

Change requested: Pull the northern boundary of the H1 site back to a line from the SW corner of the Revoan plot to 'square off' the H1 site at the corner of the woods to the west of the site. This would bring this part of the H1 site boundary back to that originally proposed in the previous CNPA draft Local Plan (before the 2009 Inquiry).

2. 12.46 states: "Building heights are acceptable from 1.5 storeys". This wording is particularly unclear and could be mis-interpreted. The existing adopted Grantown-on-Spey Development Brief states, "Building heights are acceptable up to 1.5 storeys". This limit of 1.5 storeys must remain.

Change requested: Change the wording back to the existing adopted Grantown-on-Spey Development Brief, which states, "Building heights are acceptable up to 1.5 storeys".

3. 12.50 – Options for alternative access from Seafield Avenue. Any access from Seafield Avenue will need to cross the Kylintra Burn flood plain. This is a very important natural flood alleviation feature – the key flood risk point being the Rhuarden Court culvert. Any plans to cross this flood plain with an access road must demonstrate no increased flood risk upstream or downstream of the access road.

Change requested: Addition of words in 12.50 which require developers to carry out a flood risk assessment as well as a transport assessment if proposing any access from Seafield Avenue.

4. Grantown-on-Spey H1 Requirements Plan: This plan shows 15m wide peripheral planting in compliance with 12.24 between all existing housing and the H1 site with the exception of the eastern site boundary where it bounds The Dulaig. Even the back garden of Revoan is protected by a 15m peripheral planting area.

The H1 site is only about 15m from the front door of The Dulaig, which is closest encroachment to the front door of any property on the boundary of the H1 site. As well as being a home, a successful luxury B&B operates from The Dulaig. The only visual and noise screen is a narrow hedge. Development this close to, in particular, the front door of The Dulaig will unduly adversely affect the amenity enjoyed by persons living at The Dulaig and guests using The Dulaig B&B.

Not including a 15m peripheral planting area is in contravention of:

- paragraph 12.24 (which specifically states "peripheral planting areas should be a minimum of 15m wide")

- the LDP Sustainable Design policy section i) (which states “protect the amenity enjoyed by neighbours including minimisation of disturbance caused by access to the development site”).
- Although The Dulaig is not specifically identified as an important tourism facility, not including some protection contravenes the spirit of paragraph 13.12 where “existing [tourism] facilities will be protected from adverse development”

Change requested: The Grantown-on-Spey H1 Requirements Plan needs to show a 15m peripheral planting area on its boundary with The Dulaig.

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Address

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Name

Address

..... Postcode

Telephone Email

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Own Agent

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.

4. Supporting Economic Growth, in particular paragraph 4.2 and policy linked to retail.

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).

See attached

4. Supporting Economic Growth – in particular paragraph 4.2 and policies linked to retail

#

The second part of paragraph 4.2 states:

“the Local Development Plan has an important role to play in addressing the economic, social and environmental issues facing towns, settlements and rural areas within the Cairngorms National Park and facilitating successful economic growth in the future”.

Part of paragraph 4.3 states:

“It is about assisting existing businesses and creating a flexible framework that allows the best economic developments to thrive and prosper”. In particular I refer to the recognition of the need for a flexible framework.

The policy goes on to provide a hierarchy for retail development and a presumption of resisting any proposal which could reduce economic opportunity.

These are all commendable words, however I do not see any mention of or policy to address the biggest issue affecting many of the main settlement high streets – the large number of empty retail premises, many of which have been empty for 5 years or more. Empty semi-derelict shop premises are a major issue which affects tourism by presenting a depressing run down feeling to tourists. Paragraph 4.2 says that the LDP has an important role to address issues like this, but then does not deliver any policies which will reduce the number of long-term empty shop premises. The words in the policy on reduction of economic opportunity support an inflexible approach to long-term empty shop fronts, despite paragraph 4.3 purporting to support a flexible framework.

Change requested: There needs to be a specific policy to address this key issue of long-term empty shop premises on many settlement high streets. Whilst, I am not attempting to write this policy for you, I request that CNPA considers inclusion of a number of, or all of, the following ideas:

- support the formation and development of local community companies
- look at addressing long-term empty shop fronts by a proactive approach to engaging with the owners of empty shops, similar to action taken by many local authorities to addressing long-term vacant housing
- develop a more flexible approach within the planning system to enable long-term empty shops to be converted into dwellings, and to enable dwellings on settlement high streets to be converted into retail premises

Without a clear policy which addresses long-term empty shop premises, the policies on supporting economic growth in the retail sector are worthless.

Cairngorms National Park

Local Development Plan Consultation

Response to consultation by Alvie & Dalraddy Estates

July 2013

1. Alvie & Dalraddy Estates

Alvie & Dalraddy Estates is a 13,350 acre (5,400 hectare) landholding in Badenoch stretching from the River Spey and its confluence with the River Feshie, north into the Monadhliath hills. 40% of the landholding is within the Cairngorms National Park.

The landholding has been owned by the Williamson family since 1927.

The objective is to sustain the landholding as an economically viable unit for the benefit of the owners, its beneficiaries, staff and tenants.

2. The CNP Local Development Plan

Since the Park's inception there have been a number of consultations on planning and planning constraints including the Local Plan, the Local Plan Consultative draft, the Deposit Local Plan, The Deposit Local Plan First Modifications, the Local Development Plan, the Cairngorms Forest and Woodland Framework, the draft Priorities for Action 2007-12, the draft Plan for the Future - Looking to 2030, the draft Strategic Environmental Assessment for State of the Park Report, the Partnership Plan 2012-17, the Strategy and Action Plan for Sustainable Tourism, the Deer Framework for the Cairngorms National Park,

the Outdoor Access Strategy, Supplementary Guidance on Radio Communications and Interim Planning Policies on Mineral Workings and Vehicle Hill Tracks. The management of Alvie & Dalraddy Estates has responded at length to many of these reports and consultative documents produced by the Highland Council and the Cairngorms National Park Authority.

We note with growing concern the frequency of these consultations, the growth of the public sector and the increasing attempts by the public sector to regulate, control and tax all aspects of our lives including economic activities and our endeavours to invest in a sustainable future for ourselves. This is a disincentive for future investment.

We have become frustrated at the lack of consideration for the views and aspirations for those who have developed and managed the landscape, habitats, economic activities and biodiversity that we value today. We believe those who live on and have invested in our land holding to make our landholding more economically viable and sustainable have been ignored. We have debated at some length whether we should continue to engage with the Cairngorms National Park Authority and the public sector with what appears to us to be endless rounds of consultation with little or no subsequent modification following our responses. The Alvie Trustees have asked to us to consider disengaging from this consultation process and accept that there will continue to be increasing control by the public sector over our endeavours to make our land holding sustainable and economically viable. They have recommended that we should instead invest outside the Cairngorms National Park and the UK if we wish to invest in economic opportunities to sustain our landholdings in Badenoch.

We perceive this latest proposed Local Development Plan is about preserving and increasing public sector employment, control and income at the expense of the private sector. It is a recipe for economic inertia.

We have concluded that we should respond, even if only to notify the Cairngorms National Park Authority of our frustration, dissatisfaction and disagreement with their proposals and plans. We should also remain available to engage with the public sector if and when they decide to listen and act on the views and aspirations of long term residents and investors rather than treating these consultations as a tick box exercise.

3. CNP Aims and Vision

Too many tiers of plans

We can concur with the aim of developing a strong and sustainable economy. We consider the various tiers of plans more of an impediment than an asset in achieving this vision.

The platitudes of enhancing landscapes and habitats, developing a strong and sustainable economy, and maintaining the working age population will not be achieved by the proposed constraints, regulations, control and taxation of private sector initiative, investment and assets within the area. This proposed Local Development Plan is far too prescriptive to provide a sound basis for future economic growth in our economy.

The spatial strategy

Land occupiers will have a range of objectives. This provides the diversity of land use that we enjoy today. Not every land owner holding land within an area designated by the Local Plan for a specified use will have this use amongst their objectives. It is only where the objective of the landowner and the CNP Local Plan coincide that a particular land use is likely to be progressed. Too many policies dictated by the public sector restricting activities and uses of land by land owners and occupiers will lead to inertia in further development.

4. New Housing Development

Villages and towns within Badenoch & Strathspey were developed in response to the needs and requirements of economic activities and opportunities in the area surrounding these communities. More recently these villages that used to serve the needs of their surrounding communities have grown as a result of developers exploiting the increased demand for second, holiday and retirement homes. This is the result of the area being designated as a National Park and promoted as a nice place in which to retire, holiday and recreate.

We believe further housing should be developed in response to local demand generated by economic activities rather than as speculative ventures. We are concerned at the recent growth in urban and suburban housing schemes and development by speculative house builders that are compromising the character of many villages.

We disagree with the proposed restrictions for housing in the countryside.

We consider the most affordable housing to be rented accommodation. It also provides fewer constraints on migration in response to changes in demand for labour when compared with houses that are owned. We are concerned that attempts to force developers to sell a proportion of new houses at below the cost of their development can only be achieved by selling the remainder at a higher price making them unaffordable to many local residents. We disagree with this policy.

5. Natural Heritage

We note that 49% of the land area of the Cairngorms National Park has now been designated. We have concerns at the growth and increasing proportion of the land area that has been designated under natural heritage legislation. This is encouraging development on some of this area's more productive farm land.

We are concerned the presumption against development on ancient and semi-natural woodland sites is resulting in a large proportion of development occurring on more productive farm land. This is reducing the area's ability to provide food for livestock and human consumption making the area less self sufficient in food. As the demand for food is predicted to grow beyond the ability of the world to meet this demand, we disagree with building on our most fertile and productive land thereby reducing this area's ability to produce food. It does not concur with the long term sustainability of our local rural economy.

We disagree with the weight given to preserving designated features and species at the expense of economic activities and sustainability. Land use in Badenoch & Strathspey has been dynamic over time. Attempting to preserve designated species and habitats in a time warp will not benefit or contribute to the sustainable development of our local economy in the longer term. Insisting on a plethora of environmental assessments will help sustain employment of environmental consultants but at the expense of further economic development and our future rural economy.

We disagree with the apparent weight given to the perception of wildness and its preservation. There is a direct correlation between vehicular access and economic activity. This includes tourism. The mountain in our area with the best vehicular access and most modern human artefacts is Cairngorm. It is also the mountain that attracts the most visitors and tourist related activities. Our objective of providing sustainable economically viable development is at odds with preserving the Cairngorms National Park Authority's perception of wildness.

6. Renewable Energy

Renewable energy provides an opportunity to diversify the areas reliance on tourism and generate income that can be invested back into the area. We believe the Local Authority should be more proactive in encouraging further investment in renewable energy in the area rather than finding reasons to constrain this type of economic development.

7. Resources

Water Resources

We believe it is better for our environment if we abstract a relatively small amount of water from a range of geographically spread sources close to the point of intended use. Following use waste water should be treated and discharged close to where it was abstracted. From our experience the main sources of pollution in the river Spey has come from public sector managed sewerage systems.

We disagree that there should be a presumption that development should be connected to the public sewerage network. Developers should not be forced into using a particular provider of services or goods thereby creating a monopoly.

Minerals

We believe the Cairngorms National Park should encourage and promote use and exploitation of local stone and mineral resources rather than importing such material from outside the Park. The policy as described will discourage use of local mineral resources.

Landfill

We support recycling, self sufficiency and a reduction in the proportion of waste that ends up in landfill. However we are concerned that the policies as described encourage the Park area to import their consumables and export their waste. We don't consider this a responsible attitude.

8. Developer Contributions

We pay rates and taxes so that the government can provide communal infrastructure and services to support our economy and enhance our lives. We note with concern the growth in the public sector and the attitude that government is no longer there to serve the people but instead the private sector economy is to be exploited to fund and serve the public sector.

We don't believe developer contributions should be used to further inflate the coffers of the public sector.

9. Kincaig and vicinity

We agree that further development should meet the needs of the local community. We don't agree that there should be a clear definition between settlement and countryside.

200 years ago there were few trees in the immediate vicinity of Kincaig. Almost all of the trees now present in and around Kincaig were planted or naturally regenerated with the aid of fencing. There should not be a presumption of developing on locally scarce productive farmland in order to protect surrounding woodland. Although areas of woodland are included in the Ancient Woodland Inventory, many of these trees are second generation conifer plantations on less productive land planted to enhance and diversify the local economy. It is more important to preserve productive farmland than woodland that is less demanding of site conditions.

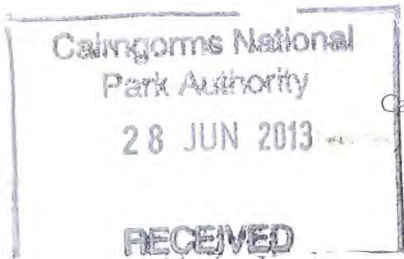
We agree with the desire to enhance and diversify the local economy.

We do not agree that natural heritage designations should take precedence over the needs of the local people.

Further taxation (developer contributions) of developers to fund infrastructure that should be financed through rates and existing taxation will be a disincentive to further development.

We disagree that all new development should be required to connect to the public sewer system. Pollution of the River Spey from sewage outfall is perceived to have mainly come from public sewerage systems in Kingussie, Kincaig and Aviemore and not from private sector sewage treatment.

We would prefer the further development of Kincaig to extend into the adjacent woodland and beside Alvie School marrying the settlement into the surrounding countryside rather than creating a sharply defined edge between settlement and surrounding countryside.

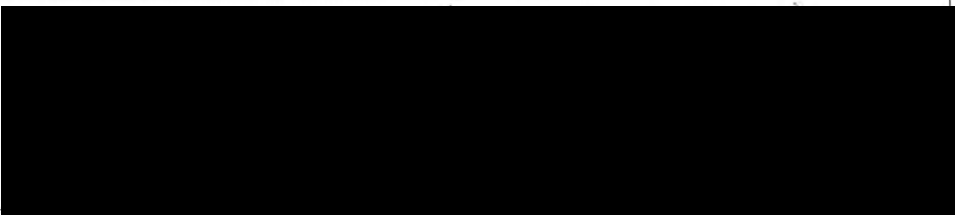
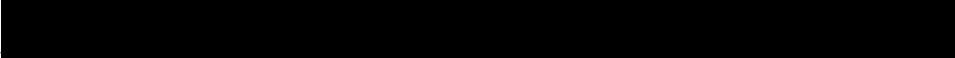


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Please use this form to state clearly the modification/s you would like to see made to the Plan. You should include the proposal/policy or paragraph reference where appropriate. Please use a separate form for each representation.

1. Name BALLATER AND CRATHIE COMMUNITY COUNCIL
Address 
Telephone 

2. If you are representing a third party, please give their details.
Name
Address
.....
..... Postcode
Telephone Email

To which address do you wish all correspondence to be directed? (please tick)

Own Agent

3. Please state clearly the policy, proposal, map or other aspect of the Plan or ~~guidance~~ to which you wish to seek a modification.
SECTION 17 , BALLATER , pages 71-78

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).
See attached

*SHM 28 June 2013
p1 of 4*

4. Continued

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

See attached

Please return all completed forms to:

FREEPOST (RSHS-BHKL-KXHS)
Cairngorms National Park Authority
Albert Memorial Hall, Station Square
Ballater
AB35 5QB

Or email: localplan@cairngorms.co.uk

Forms should be returned no later than 5pm, Friday 5 July 2013.

After that date, you will be contacted by a representative of the Cairngorms National Park Authority with regard to your objections.

If you have any queries regarding completion of the comments form, or require further assistance, please contact the Development Plan team at the CNPA Ballater office:

Tel: 013397 53601 Email: localplan@cairngorms.co.uk

www.cairngorms.co.uk

Data Protection

Details provided will only be used for purposes associated with the Local Development Plan. You may request to see personal information held by the CNPA at any time. Information will be shared with the Scottish Government Department of Planning and Environmental Appeals and may be published on our website. We will not publish address details but may publish the name of the person who has completed the form. By completing and submitting the form, you are consenting to the above.



4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary.

The proposed plan does not meet what the local community has repeatedly stated it wants: that as a priority sufficient housing for rent, in perpetuity, at prices that people on low to modest incomes can afford and secondly development that provides a relatively small number of privately owned homes for people employed locally or who have retired having lived locally. This is to be done in a manner that preserves the valued natural landscape and built heritage of the village.

The proposed LDP fails to do this because it is too general and aspirational in its wording and lacks sufficient detail and definition. If this plan is adopted, there is nothing to prevent continuation of developments of oversized mono cultural houses that perpetuates the development of the village as a place for retirees from outside of the village. There is nothing in the proposed LDP to prevent open market housing that will be sold as second homes.

As a Community Council we have in the past opposed developments that we consider detract from the village and are informed by planners that there is nothing in the policies to stop them being approved. There is nothing in the LDP that changes this.

We object to such as it uses resources to the detriment of the natural and built environment for unnecessary development.

We support the development of H2 for 100% inperpetuity rented housing as described above and the community must be involved in the detail of the implementation. It is a small plot and further sites must be developed to meet the need for more housing of this type.

We object to the continued stagnation of C2 the "Old School". No value has been added to its state as a result of the proposed LDP.

We object to the lack of provision for a bike and skateboard park for the local children.

We object to the lack of provision to protect the very small population of Capercaillie in the area of Craig Coilich and Pannanich and the failure to use local knowledge on the location of breeding sites and how to protect them.

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

That the Community is involved in the detail of the development of H2

That C2 is developed as a priority for housing suitable for local people as described and consideration to provision of some business units be made around the site.

That further sites for such housing are developed within the existing settlement boundary before any development is undertaken on the development of H1.

The area of Craig Coilich and Pannanich (southeast of the village) must be defined and managed to protect the few remaining breeding capercaillie sites.

Areas must be identified for a skateboard and bike track for the use of younger residents

That no development of H1 will be undertaken before a detailed Masterplan is developed. This masterplan will not be led or financed by either a developer or a landowner wishing to sell land



for development and it will be carried out with full involvement of the Ballater residents making good use of their local knowledge, ideas and suggestions.

The Masterplan must consider the whole village, beginning with how the village should prosper economically whilst enhancing the natural and built environment.

It must:

- Extend and link in the current grid system that is the heart of the existing village
- Reflect the architecture of the conservation area of the village.
- Provide for housing for rent over the course of all planned development
- Provide modest privately owned housing (for example Cornellan Square) suitable for people that are employed locally or have retired, having lived locally.
- Provide well laid out pathways that encourage people to walk/cycle/skate and routes for people who use, for example, mobility aids, so that they can access services.
- Lower speed limits throughout the village so that it becomes a place for people rather than cars.
- Show mixed use development and consider how businesses will be supported, including home working, retail units etc. It must carefully consider and detail where additional retail units are included that also enables the existing Bridge Street retail area to flourish.
- Ensure that there is more than adequate parking for the games park and protect this historic site in perpetuity.
- Contain details to ensure that it meets the aspirations laid out in the proposed LDP such as layout of areas using porous tarmac, balance of mix of housing, size of streets and pedestrian routes, play areas, provision for snow clearance and solar panels and grey water use.

Background information:

We do not accept the model that provides what is referred to as “affordable housing” by developing open market housing and using a proportion to provide for affordable housing.

We are angry and frustrated that the CNPA continues to be a drain on the public purse and that they continue to ignore feedback on consultations. The proposed LDP is a good example of this drain, in that a vast number of words that require a high degree of commitment from community volunteers to read and try to understand results in no changes to the LDP. There is a huge amount of community knowledge available for free that can produce a LDP that is suitable for the community. We have no confidence or trust that the CNPA will take any more notice of the feedback as a result of this consultation than they have of previous ones.

We understand the constraints on the CNPA but that does mean that we will change our opinion on what is being done to the village of Ballater under the auspices of the CNPA.

We realise the CNPA are an organisation we have to live with and as a Community Council we either continue to try to get them to listen to us or give up. Despite the anger, frustration and sheer time it takes to deal with the wasteful bureaucracy as demonstrated by this LDP consultation we want to continue to try to work with the CNPA and have the Ballater village developed in a way that meets the aspirations of the residents. It will not remain what CNPA likes to call a “thriving community” if the CNPA does not start doing something different.

The LDP must move away from a vast amount of written words that provide no value and get involved in the detail of community development. It is hard work and there will be many conflicts to handle but avoiding this is only continuing to create antipathy towards what is perceived as an expensive bureaucracy that we would be better off without.

END

Boat of Garten and Vicinity Community Council

Response to CNPA proposed Local Development Plan

Section 19 - Boat of Garten

Thank you for the opportunity to comment on this further. The following comments were agreed at our recent meeting on 3rd June.

This community council is in support of the inclusion of the H1 site for housing in this village and has already written to CNPA in support of the current Housing Application.

Para 19.2 – third line down- We do not like the word ‘inability’ at all. ‘Difficulty’ would be better. Otherwise there is an impression that no-one ever stays. Also, in line 5, should the word ‘local’ be put in before business?

Housing H1 – This says 30 houses, but our understanding is that the application for 30 houses and 2 plots is being recommended to committee by the CNPA planners and is supported by SNH so should this not read 32 instead of 30? Similarly in the next paragraph it should read ‘32 dwellings’.

Para – ‘Other Housing’ – ‘Infill’ is a word familiar to lay people. ‘Windfall’ is presumably a technical planning word, and is not easily accessible to lay people. We did not know what it meant. Could there please either be an explanation of the word in brackets, or use of more easily accessible language to make the point ?

From investigating the number of new houses which have been built over the last 30 years, figures would suggest it is approximately 3 houses per year. We would be concerned that if an application came forward in the next 5 years for a single house in an infill plot, that the need to present capercaillie monitoring information could make the cost for the individual applicant prohibitive unless the authorities (presumably CNPA and SNH) take responsibility for providing this information. Some clarity of CNPA expectations on this would be helpful.

Alison Fielding
Chairperson
Boat of Garten and Vicinity Community Council
7th June 2013

-Proposed Local Development Plan (Version: 2013)

Your Details

Your Name: Andrew Norval

Organisation Name: Reidhaven Estate

Agent Name:

Address 1:

Address 2:

Address 3:

Postcode:

Phone Number:

Email Address:

Site Name:

Contact Person: Me

Your comments will be applied to the following items:

1 Introduction - Paragraph 1.1

The period of the Plan is confusing. In the Introduction it refers to 5-10 years. At 3.2 it refers to up to 20 years and in the Housing Policy section, only land which is expected to be developed in the next 5 years is shown. Clarity is required.

-Proposed Local Development Plan (Version: 2013)

Your Details

Your Name: Andrew Norval

Organisation Name: Reidhaven Estate

Agent Name:

Address 1:

Address 2:

Address 3:

Postcode:

Phone Number:

Email Address:

Site Name:

Contact Person: Me

Your comments will be applied to the following items:

31 Grantown-on-Spey - Paragraph 31.20

The zoning of land for housing as H1 is helpful and sensible. In our opinion the remainder of the field to the rear of the hospital up to Lynemacgregor Wood should also be earmarked for future housing. This area is outwith the flood zone. Options for the future expansion of the town are limited and this site and the area adjacent to the caravan site off Seafiel Avenue are sensible and logical sites for this purpose.

HALLIDAY FRASER MUNRO
PLANNING

P1704/BR/jv

5 July 2013

Mr Don McKee
Head of Planning
The Cairngorms National Park Authority
Albert Memorial Hall
Station Square
Ballater
AB35 5QB

Dear Don



**LAND AT NORTH DALFABER, AVIEMORE
ON BEHALF OF REIDHAVEN ESTATE
CNPA LDP REPRESENTATION**

I write in reference to the two extant planning permissions in principle, which were granted in March 2010 on land at North Dalfaber, Aviemore (CNPA Ref: 07/144/CP & 07/145/CP).

As you will be aware there are two separate processes underway when considering the North Dalfaber Site. One relates to the planning applications referenced above. The other relates to the new Local Development Plan.

This letter is a representation concerning the connection between the two processes. It concerns the way that the site is dealt with in the proposed plan. In the map for Aviemore, the North Dalfaber site is shown as a grey shaded site split by a green shaded area. The key in the plans describes the grey areas as "Existing permissions – for information only". In our considered professional opinion that is an inadequate label and we would make representation against it. The implication is that this grey shading could disappear if the consent expires without a site start having been achieved.

The grey shading of an existing permission should ideally be an over-shading (normally done by a hatching) to indicate an existing consent. That hatching should ideally be over a map colour indicating the intended use – beige/brown is the usual convention for housing. Ideally the key to each map should also show that these sites are in fact either existing or new housing allocations and that should be indicated in the text, on the map, and in the key for the map.

A key justification for this is the timescales involved in achieving consents and site starts. Whilst the plan may be for 5 years, a planning consent only lasts 3 years since the 2006 Act. Even were there no difficulties at all, it is a strenuous task to marshal all the resources and players to achieve a site start in that time. In that context, it is crucial that allocations remain clearly mapped, labelled and explained in text and keys.



OFFICES IN BELFAST,
DUNDEE, EDINBURGH
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JOHN HALLIDAY
DIP ARCH (ABDN)
ARIBA ARIAS

IAN G FRASER
B ARCH (HONS)
RIBA FRIAS

DAVID HALLIDAY
BSC (HONS)
PG DIP ARCH (ABDN)

DIRECTOR OF PLANNING
BOB G REID
BA(HONS) MCD MRTPI

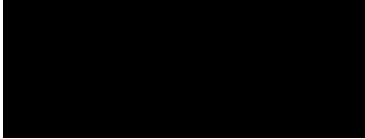
REGIONAL DIRECTOR
STEVE CRAWFORD
BSC (HONS) MRTPI



Together with Reidhaven Estate we would be willing to meet and explain our thinking. However we would object to the finalised plan if it was published / adopted without the appropriate safeguards that we have described.

Please could you confirm that this is accepted as a representation. I look forward to hearing from you.

Yours sincerely



Bob Reid
Director of Planning
Halliday Fraser Munro



-Proposed Local Development Plan (Version: 2013)

Your Details

Your Name: Andrew Norval

Organisation Name: Ogilvie-Grant Estate

Agent Name:

Address 1:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Site Name:

Contact Person: Me

Your comments will be applied to the following items:

19 Boat of Garten - Paragraph 19.24

It is important that further land is zoned for future housing once H1 is completed. This could be the woodland to the South of H1, assuming the mitigation measures adopted to minimise disturbance of caper prove to be successful.

Charlotte Milburn

From: J TRYTHALL [REDACTED]
Sent: 02 July 2013 17:08
To: Local Plan
Subject: Local Plan objection

Dear CNPA

I would like to register my objection to the allocation in the LDP of any housing or other development in School Wood, Nethy Bridge. It would be totally against the principles of the National Park to build in a wood of such high value for its amenity and nature value. I write as a frequent visitor to the area from the Moray coast.

Best wishes

[REDACTED]



Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Karen Major
Development Planning Manager
Cairngorms National Park Authority
Albert Memorial Hall
Station Square
BALLATER
Aberdeenshire
AB35 5QB

localplan@cairngorms.co.uk

Our ref: CNS/LDP/CNP/HRA
4 July 2013

Dear Karen

Cairngorms National Park Proposed Local Development Plan Draft Habitats Regulations Appraisal Record

Thank you for the opportunity to comment on the Draft HRA Record in respect of the Proposed Local Development Plan. We are grateful for earlier opportunities to comment on previous drafts, and would commend you and your colleagues for the thoroughness with which this HRA has been carried out. We note with appreciation how it has sought to take on board procedural guidance as set out in the SNH-David Tyldesley guidance (Version 2.0, August 2012).

I have set out our comments in the annex to this letter. Relevant representations have also been made separately to the Proposed Plan (including Supplementary Guidance) and so these responses should be read together. The principal issue concerns the five Special Protection Areas (SPAs) designated for capercaillie in Strathspey, and the three SPAs designated for capercaillie in Deeside. Given the metapopulation structures here, and the fact that non-designated woodland has connectivity with these SPAs, we advise that all the settlements in Strathspey as far south as Kinraig, together with Ballater and Braemar in Deeside, should be screened in for appropriate assessment as having a likely significant effect (alone or in combination) on these SPAs. In terms of mitigation, we then advise that measures should include requirements for a recreation management plan and agreed developer contributions to a strategic Capercaillie Action Plan assessed on a case by case basis according to the degree and location of potential recreational disturbance.

If you wish to discuss the Habitats Regulations Appraisal further, please do not hesitate to contact either Andrew Brown, Planning Adviser (andrew.brown@snh.gov.uk) or myself in the first instance.

Yours sincerely

Debbie Greene

Cairngorms Operations Manager, South Highland Area



ANNEX

Detailed comments on Cairngorms National Park Proposed Local Development Plan Draft Habitats Regulations Appraisal

Introduction

Para 1.2 – Ramsar sites – it is not quite accurate to say that under the SPP these sites are treated as if they are Natura sites, since the qualifying features might not be exactly the same. It would be more accurate to say that in Scotland all Ramsar sites are SPAs and/or SSSIs and are thus protected under the relevant statutory regime.

Screening process

Para 3.2.1 – The Maim SAC should be added to this list – that makes the total 43 sites rather than 42

Para 3.4.7 – suggest change ‘identifiable’ to ‘likely significant’

Para 3.4.15 – in regard to the link bridge between Aviemore and An Camas Mor, this paragraph notes possible likely significant effect on freshwater pearl mussel (fwpm) in the River Spey SAC. However there is no further reference to fwpm in Table 4 or Table 6. Instead these refer to ‘pollution and siltation’. We suggest therefore either reference to fwpm is removed from this paragraph, or they are mentioned in Tables 4 and 6

Table 2 – Screening of policies - the Sport and Recreation Policy should we suggest be screened out as ‘too general’ rather than relating to design

Para 3.4.9 – suggest end of 4th sentence is amended to: ‘..... unless mitigation can be applied that cancels or avoids the effect’

Para 3.4.11 – for clarity it would be useful if the reason why paths ‘unfit for purpose’ were screened. Is this because improvements would then occur which would encourage greater use? Also for clarity it would be useful if some basis for the 100m distance threshold was given.

Para 3.4.15 – it is not clear what mitigation has been applied to the proposed core path across the River Spey between Aviemore and An Camas Mor to enable it to be screened out and so not appear in Table 4. Text would appear to need adding to Map 15 of the Core Paths Plan. Also perhaps the Ballochbuie Path needs mentioning here as a prelude to it being removed from the Plan via mitigation in para 4.1.1.

Para 3.4.17 and Table 3 – Screening thresholds for capercaillie SPAs and housing development - you will be aware from informal discussions that we have concerns about applying set distance thresholds to inform whether settlements can be screened out as regards likely significant effect on capercaillie SPAs. Two factors in particular regarding capercaillie need to be allowed for –

1. that non designated woodlands are used by capercaillie from designated sites
2. that capercaillie from one SPA will also use the woodland of other SPAs

We consider this issue should be based on professional judgement of a range of staff and disciplines (e.g. access officers, capercaillie project officer, SNH officers, CNPA officers). At this stage, based on current understanding of capercaillie ecology, dispersal distances and metapopulation structure, we consider that any development which could impact on

capercaillie in any wood, including in the 'wider countryside', could impact on the metapopulations of Strathspey and Deeside & Donside and therefore could have a likely significant effect on all the capercaillie SPAs in Strathspey and Deeside/Donside. We therefore consider a precautionary approach should be taken to this issue by the HRA concluding likely significant effect (alone or in combination) for the Strathspey settlements as far south as Kinraig in respect of the five capercaillie SPAs in Strathspey, and for Ballater and Braemar in respect of the three capercaillie SPAs in Deeside & Donside. This is picked up in comments later on other parts of the draft HRA record.

Table 4 – Summary of LSE for Settlements and Core Paths

As noted above, we advise concluding LSE in respect of all five of the Strathspey capercaillie SPAs for all the Strathspey settlements as far south as Kinraig, and in respect of all three of the Deeside and Donside capercaillie SPAs for Ballater and Braemar. The following comments reflect this.

- Heading of columns – headings should be amended to SPA/Ramsar and SAC
- An Camas Mor – add Anagach Wood and Craigmor Wood SPAs
- Aviemore – add Anagach Wood and Craigmor Wood SPAs
- Ballater – add Ballochbuie, Cairngorms and Glen Tanar SPAs
- Boat of Garten – add Anagach Wood SPA
- Braemar – add Cairngorms and Glen Tanar SPAs
- Carrbridge – add Abernethy Forest, Anagach Wood, Cairngorms and Craigmor Wood SPAs
- Cromdale and Advie – add Abernethy Forest, Cairngorms and Kinveachy Forest SPAs
- Dulnain Bridge – add Abernethy Forest, Anagach Wood, Cairngorms and Kinveachy Forest SPAs
- Grantown-on-Spey – add Abernethy Forest, Cairngorms and Kinveachy Forest SPAs
- Kinraig – add Abernethy Forest, Anagach Wood, Cairngorms, Craigmor Wood and Kinveachy Forest SPAs
- Nethy Bridge – add Anagach Wood, Cairngorms and Kinveachy Forest SPAs
- Proposed core path between Aviemore and ACM, the Thieves' Road (Loch an Eilean – Feshiebridge), and Ballochbuie proposed core path should be added

It would be clearer if the in-combination assessment of MREs within the plan was reported in summary form before this table, rather than after, so that in-combination LSEs are included in Table 4 (and later again in Table 6)

Para 3.4.20 – we suggest reference to a 'neutral' effect is deleted, because if there is no effect at all on a European site, it is not a minor residual effect. We also suggest at the end of the 4th sentence is added – "... with the MREs within the LDP".

Para 3.4.21 – we suggest the 2nd sentence is amended to read – "... and if this does not avoid or cancel the likely significant effect"

Mitigation Measures

Para 4.1.2 – we have concluded our appraisal of the proposal to designate Thieves Road as a core path, including associated path repair as needed and promotion via signposts at each end of the route and being marked on OS 1:25,000 maps. We advise that there is a likely significant effect on the Cairngorms SPA, but that the proposal will not adversely affect the integrity of the site for the qualifying interests. Mitigation for the proposal, as described above, is therefore not required. However should there be plans for further promotion or path

upgrades beyond that described above, a revised appropriate assessment would be needed. We will send our Natura appraisal under separate cover.

Para 4.1.3 – this policy caveat wording re water abstraction appears different to that in the Supplementary Guidance (para 5.59) and to the approach taken in the Written Statement, where any LSE on specific river SACs is listed, together with water abstraction listed as a LSE, with cross reference then to paras 5.58-5.59 of the Supplementary Guidance. It is important that the mitigation in the HRA Record and the Proposed Plan are synchronised.

Para 4.1.4 – ditto also re otters – the difference in wording reinforces the need as mentioned in our comments on the Written Statement for a sentence to be added to the relevant paragraph in the Written Statement for each settlement that if the planning authority is unable to conclude that there would be no adverse effect on the integrity of the European site(s) concerned, the proposal will not be in accordance with the development plan.

Para 4.1.5 – ditto also re pollution and siltation from construction sites

Para 4.1.6 – ditto also re SuDS

Table 6 – please see earlier comments re Table 4

In addition it would appear as though there is a typographical error re Blair Atholl in that the four LSEs re the River Tay SAC subsequently screened out by straightforward mitigation have not been ruled out.

Appropriate Assessment

Para 6.1 – we recommend the 1st sentence is amended to – “.... for which LSEs remain will not adversely affect the integrity or otherwise of Natura sites”

As noted above, we consider that the appropriate assessment should include consideration of LSE (alone or in combination) in respect of all five of the Strathspey capercaillie SPAs from proposed housing development at all of the Strathspey settlements as far south as Kinraig, because of the metapopulation structure of capercaillie in Strathspey. The tables for these five SPAs should accordingly be amended to include the following settlements. We don't repeat this when commenting on each Natura site in turn within this AA.

Settlements	SPAs
An Camas Mor	Abernethy Forest
Aviemore	Anagach Wood
Boat of Garten	Cairngorms
Carrbridge	Craigmore Wood
Cromdale and Advie	Kinveachy Forest
Dalnain Bridge	
Glenmore (*)	
Grantown on Spey	
Inverdrue and Coylumbridge (*)	
Kinraig	
Nethy Bridge	
(*) – Cairngorms SPA only	

In addition, as also noted above, we consider that the appropriate assessment should include consideration of LSE (alone or in combination) in respect of all three of the Deeside and Donside capercaillie SPAs from proposed housing development at Ballater and Braemar, because of the metapopulation structure of capercaillie in Deeside and Donside. The tables for these three SPAs should accordingly be amended to include these settlements. We don't repeat this when commenting on each Natura site in turn within this AA.

Settlements	SPAs
Ballater Braemar	<u>Ballochbuie</u> <u>Cairngorms</u> <u>Glen Tanar</u>

Abernethy Forest SPA

- In the 3rd box we suggest text is amended to – “However there is potential for likely significant effect on capercaillie”
- Mitigation – the wording here does not appear to be the wording and method employed in the Proposed Plan (Written Statement and Supplementary Guidance), where lists of Natura sites and LSE under each settlement takes readers to more detailed mitigation text in the Natural Heritage Supplementary Guidance (this comment applies to all other similar SPAs, but not repeated below). We have included in our representations on the Proposed Plan (including the Natural Heritage Supplementary Guidance) how the nature of the policy caveat here should be included in the plan.
- Minor residual effects – we believe the aim should be to avoid MRE by the mitigation (being delivered through a combination of Recreation Management Plans and developer contributions to a ‘Capercaillie Action Plan’) being sufficient to result in no residual effects (this comment applies to all other similar SPAs, but not repeated below).

Cairngorms SPA

- The Thieves’ Road (Feshiebridge – Loch an Eilean) is not included here and should be added (mitigation has been added to Map 23 of the Core Paths Plan). Our advice in relation to this proposal is set out in our comments on para 4.1.2 above.
- The tourism allocations at Glenmore and at Inverdrue/Coylumbridge should also be included here in terms of LSE on capercaillie – see our representations for how mitigation can be included in the plan, given that these settlements do not have housing allocations
- Effect on conservation objectives – it is advised that qualifying interests should not be conflated as part of the appropriate assessment, but each considered in turn; nor should benefit to one QI be argued as offsetting loss to another QI
- Also it is advised that it should be made clear that the term ‘compensatory afforestation’ is not referring to compensatory measures under the Habitats Regulations following a negative appropriate assessment, but instead is referring to compensation for habitat at An Camas Mor

Cairngorms SAC

- Effect on conservation objectives – we advise the text should be amended here because a reduction in the area of some qualifying habitats (even 0.1%) would be considered to undermine the conservation objectives. It would probably be useful in this respect if reference is added to the revised conservation objectives which

allow woodland expansion within certain parameters where qualifying open ground habitats may be lost.

- Mitigation – please see our representation on paragraph 14.16 of the Proposed Plan (An Camas Mor) for suggested more specific policy caveat, which refers to this SAC and affirms that proposals will not accord with the plan, and planning permission will not be granted, if it is unable to be concluded that there would be no adverse effect on site integrity

Cairngorms Massif SPA

- Although Appendix 3 concludes LSE of the various MREs in combination for this SPA, here it then says that there is no LSE in combination. These two parts of the HRA need to be brought into line
- Assuming no LSE in combination, this table would then not be required in the AA. However it may be useful to consider some similar sets of entries towards the end of the HRA record to summarise MREs following all the mitigation, including as a result of the appropriate assessment.

Craigmore Wood SPA

- Here again while Appendix 3 concludes no LSE in-combination, this AA table assesses the LSE of in-combination MREs. As noted already we would agree with screening in effects as LSE either alone or in combination, and so these two parts of the HRA need to be brought into line

Kinveachy Forest SPA

- We recommend further discussion with your access colleagues on whether the High Burnside Path is, in fact, likely to result in increased recreational use of Kinveachy SPA. Access from the more populated north end of Aviemore to High Burnside is already available via the Aviemore Orbital route and a 'cattle creep' style underpass beneath the A9, so it may be that the additional access route from the south of Aviemore will have little effect. If your conclusions remain as described here, we note that mitigation is identified for the High Burnside Path, but this does not appear to feature specifically within the Core Paths Plan at Map 15.

River Dee SAC

- We presume there is a typing error for Ballater where it is stated that 258 houses are proposed, rather than 58
- The Habitats Regulations Appraisal of the Aberdeen City and Shire Strategic Development Plan in regard to the River Dee SAC considered water abstraction. One of the mitigation measures was water efficiency in new developments. Although this is included in paragraph 4.18 of this Plan's Supplementary Guidance (Sustainable Design) consideration could be given to making this more explicit in regard to Braemar, Ballater and Dinnet.

River Spey – Insh Marshes SPA

- Given consideration under Appendix 3, it may be worth mentioning under 'In-combination effect' that in regard to any recreational disturbance to this SPA (as

opposed to impact on water quality) the effects both individually and in combination are concluded to be minor residual

River Spey SAC

- We suggest the 1st sentence under 'Effect on conservation objectives' is amended to – “There is potential for likely significant effects on Atlantic salmon and” (applies for other Natura sites but not listed there too)
- It would be clearer if the proposed link bridge over the River Spey between Aviemore and ACM (Core Path LBS 147) was also listed, and mitigation specified here – this then to appear in the Core Paths Plan as a policy caveat for LBS 147 at Map 15 (e.g. a construction method statement for the avoidance of pollution or sediment run-off into the river from construction works; drainage arrangements to allow filtration of run-off before entering the river; otter survey and protection during construction works; a lighting scheme to avoid lights affecting species movement; preference for construction of the bridge to avoid direct works and foundations within the river)

Para 6.4.1 – we suggest the 1st sentence of the 1st paragraph is amended to read – “..... which, if implemented, will result in the CNPA being able to ascertain that there will be no adverse effect on the integrity”

Para 6.4.1 – we suggest the 1st sentence of the 2nd paragraph is amended to – “identifies, where relevant, the Natura sites that are likely to be significantly affected by the allocations, either alone or in combination, and specifies the mitigation”.

Paras 6.4.2 – 6.4.4 – Disturbance to capercaillie -

As set out in our comments on the equivalent part of the Natural Heritage Supplementary Guidance, we consider that the proposal to require recreational management plans (based on ten criteria) for capercaillie should be clarified to segregate this into (a) a recreation management plan, comprising on-site mitigation works through provisions of paths and open spaces to 'deflect' recreational pressure at source from sensitive areas and (b) developer contribution calculated on a case-by-case basis towards a strategic Capercaillie Action Plan, comprising off-site mitigation works at capercaillie woods likely to experience increased recreational activity. We note that the latter would appear to tie in to the Cairngorms Nature Action Plan and specifically Action 10.1(b): *“Produce a visitor management strategy and guidance for managing recreation in core capercaillie habitat to minimise disturbance impact”*.

Other comments at this stage are –

Para 6.4.2 – The wording in italics here – which is the proposed policy caveat – does not feature in either the Settlement Chapters or the Natural Heritage Supplementary Guidance. Please see representation in regard to paragraph 5.63 of the Supplementary Guidance for recommended policy caveat to add there, to reflect the wording here.

Para 6.4.3 – again the caveat wording here does not seem to appear as part of the general policy for European sites in the Natural Heritage part of the Written Statement. Having said that, 'tension' within a plan is usually eased by applying policy caveats to relevant allocations/settlements, rather than by amending the general protective policy for European sites.

- Criterion 2 – current capercaillie population should be understood within the affected SPA sites and within connected non-designated woodland sites

- Criterion 4 – as noted above targeted site specific mitigation is likely to involve a package of recreational management measures both ‘on site’ (i.e. as part of the development site itself, e.g. paths, open spaces) and ‘off site’ (i.e. to allow for impact as new residents travel elsewhere locally to walk dogs etc). While the former can be secured as part of a Recreational Management Plan linked to the development by condition (being submitted at the time of the planning application), the latter is only likely to be secured through developer contributions agreed on a case-by-case basis via a Section 75 Obligation to a ‘Capercaillie Action Plan’ administered by CNPA in conjunction with landowners. There is therefore an important link here to the Developer Contributions Supplementary Guidance, and to work by CNPA etc under the Cairngorms Nature Action Plan.
- Criterion 4 – in addition although this states that no MRE should remain, technically it is possible that MRE can remain after mitigation, but such MRE should be considered in combination with other plans and projects to ensure no in-combination LSE
- Criterion 5 – in terms of community engagement and support, thought needs to be given to how this will be met where there is no community at present (i.e. An Camas Mor)
- Criterion 6 – this should refer to mitigation being legally as well as practically enforceable
- Criterion 9 – this need to consider a number of potential impacts on one area from a multiplicity of developments in a holistic way is very important – later developments may need to be phased to allow for the effectiveness of mitigation for earlier developments to be fully assessed; or later developments may need to provide/contribute towards more substantial forms of mitigation to proceed.
- Criterion 10 – proportionality – while this is of course important, the mitigation must always be sufficient to enable the planning authority to conclude that there would be no adverse effect on the integrity of the European site(s), alone or in combination with other plans or projects

Para 6.4.5 - we have stated in our representations on paras 5.56 – 5.57 of the Natural Heritage Supplementary Guidance that compliance with current standards for phosphate discharge should be at the time of commencement rather than the time of approval

Conclusion

Para 7.2 – we suggest text is amended to – “Following stages 1 to 10 of the appraisal we conclude that there will be no adverse effect on the integrity of any Natura site through the provisions of the Proposed LDP”

Appendix 1- Details of Natura sites

Factors currently influencing sites – in terms of development we suggest making reference to –

Drumochter Hills SAC/SPA –

- ATVs and tracks
- Beauldy-Denny Transmission Line Upgrade
- Proposals for A9 Dualling

River Dee SAC –

- Consideration of potential future water abstraction for development proposed for Aberdeen and Aberdeenshire

Site Management Statements for underpinning SSSIs where relevant should be helpful in considering other factors influencing Natura sites (see our website).

Relevant settlements – these entries as regards capercaillie will need to reflect the metapopulation structures in Strathspey and Deeside & Donside, and so allow for linked SPAs and for non-designated woodland with connectivity. Please see earlier comments with a view to amending these tables too. These are not repeated below – please refer to tables above re relevant settlements for capercaillie SPAs in Strathspey and Deeside/Donside.

Ballochbuie SPA – add possibly the Ballochbuie Footpath

Cairngorm Lochs Ramsar site should be included in this appendix.

Cairngorms SAC – the following could be added under Conservation Objectives for qualifying habitats – “Recently it has been agreed to favour woodland expansion in the Cairngorms over a 20 year period while retaining the SAC’s ranking as the foremost site in Britain for dwarf shrub heath. To prevent adverse effects on certain dwarf shrub heaths, in particular lower altitude heath with bearberry, grasslands, active positive management may need to be included in forthcoming woodland expansion plans”.

Cairngorms SPA – could add the Thieves’ Road

Insh Marshes SAC – add Kincaig to relevant settlements

Morrone Birkwood SAC – add Geyer’s whorl snail as a qualifying species

River Dee SAC – add disturbance to otters as a potential effect of the plan

River South Esk SAC – add Angus Glens as relevant settlement

River Spey-Insh Marshes SPA – add Kincaig to relevant settlements

River Spey SAC – add disturbance to otters as a potential effect of the plan; add Tomintoul, Laggan, Glenmore and Glenlivet to relevant settlements; add the Aviemore-ACM link bridge

River Tay SAC – add disturbance to otters as a potential effect of the plan; add Killiecrankie, Bruar/Pitagowan and Glenshee to relevant settlements

Appendix 2 – Screening matrix

General comment – it would be helpful if the headings to the columns were repeated at the top of each page

As noted above, we consider that LSE should be concluded (alone or in combination) in respect of all five of the Strathspey capercaillie SPAs from proposed housing development at all of the Strathspey settlements as far south as Kincaig, because of the metapopulation structure of capercaillie in Strathspey. The table accordingly should be amended in respect of the following settlements for the following SPAs. We don’t repeat this when commenting on settlements in turn below.

Settlements	SPAs
An Camas Mor Aviemore Boat of Garten Carrbridge Cromdale and advie Dulnain Bridge Glenmore (*) Grantown on Spey Inverdrue and Coylumbridge (*) Kincaig Nethy Bridge (*) Cairngorms SPA only	Abernethy Forest Anagach Wood Cairngorms Craigmore Wood Kinveachy Forest

In addition, as also noted above, we consider that LSE should be concluded (alone or in combination) in respect of all three of the Deeside and Donside capercaillie SPAs from proposed housing development at Ballater and Braemar, because of the metapopulation structure of capercaillie in Deeside and Donside. The table accordingly should be amended in respect of the following settlements for the following SPAs. We don't repeat this when commenting on settlements in turn below.

Settlements	SPAs
Ballater Braemar	<u>Ballochbuie</u> <u>Cairngorms</u> <u>Glen Tanar</u>

The heading of the 7th column should be amended to – “Screened out as having no LSE alone following mitigation?” - entries here would then be picked up again in the in-combination assessment (Appendix 3)

Sustainable Design Policy – line needs completing (“Not lead to change”)

Sport and Recreation Policy – we suggest the reason to screen this out is ‘too general’

An Camas Mor – (1) Cairngorms SAC is only listed here for the otter qualifying interest; however habitat QIs are likely to be significant affected by compensatory planting. Also re otter the table indicates LSE but then in a later column notes no LSE – we believe the former column should be amended to no LSE.

Angus Glens – Cairngorms Massif SPA and River Tay SAC should also be listed here

Boat of Garten – the various capercaillie SPAs are screened out as having already been subject to HRA, but since the housing site is still being included in the LDP as an allocation, we recommend these are not screened out, but assessed as for other settlements. In any case there is the cumulative as well as the individual effect to assess.

Glenmore – we advise that the tourism allocations should be screened, as the plan supports enhancement opportunities. The various Natura sites in the area could be affected, because the allocations could involve expanding capacity, leading to LSEs on otter, capercaillie and water quality.

Glenshee – Cairngorms Massif SPA and Forest of Clunie SPA should also be listed here

Inverdrue and Coylumbridge - we advise that the tourism allocation should be screened, as the plan supports enhancement opportunities. The various Natura sites in the area could be affected, because the allocation could involve expanding capacity, leading to LSEs on otter, capercaillie and water quality

Kincraig – for Insh Marshes SAC two other qualifying interests should be listed, because these too may be vulnerable to pollution and siltation –

- Alder woodland on floodplains
- Very wet mires

Nethy Bridge – Cairngorms SAC should be included, and screened in because of the overlap of the settlement boundary with the designation

Newtonmore - for Insh Marshes SAC two other qualifying interests should be listed, because these too may be vulnerable to pollution and siltation –

- Alder woodland on floodplains
- Very wet mires

For River Spey SAC, abstraction of river water for consumption should be added as a LSE

Core Path LBS147 – Proposed bridge over the River Spey, Aviemore – this is screened out after straightforward mitigation, but a 'caveat box' is required on Map 15 to address this (as has been done for the Thieves Road Core Path on Map 23 (NB: If you conclude this is required, Map 15 should also have the 'caveat box' identified for the High Burnside Path (LBS 124)

Appendix 3 – In-combination matrix of MRE

Once again, please note earlier comments regarding the screening in (alone or in combination) of all the Strathspey settlements as far south as Kincraig for likely significant effect on the five Strathspey capercaillie SPAs, and of Ballater and Braemar for LSE on the three Deeside and Donside capercaillie SPAs. This is not repeated below.

Cairngorms Massif SPA – here it is concluded that there is LSE from the combination of MREs. However the appropriate assessment for this SPA states the opposite. This requires adjustment to bring them into line. We would advise no LSE from the combination of MREs identified. However these MREs should be recorded for any in-combination assessment with other plans or projects.

Appendix 4 - Glossary

We suggest the following rewordings –

LSE – Likely Significant Effect – an effect on a Natura site that cannot be ruled out on the basis of objective information.

MRE – Minor Residual Effect – an effect on a Natura site that is not significant. MREs must be considered in combination, since they may combine to create a likely significant effect

Appropriate Assessment – The part of the Habitats Regulations Appraisal which assesses likely significant effects on Natura sites to ensure that they would not have an adverse effect on site integrity (by applying mitigation) either alone or in combination with other plans or projects.



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Our ref: CNS/LDP/CNP/Action Programme

4 July 2013

Dear Karen

**Cairngorms National Park Proposed Local Development Plan
Proposed Action Programme**

Thank you for the opportunity to comment on the Proposed Action Programme which accompanies the Proposed Local Development Plan.

This lists the following actions where SNH is shown as a 'partner':

1. Boat of Garten Housing Site (30 units)
2. An Camas Mor – Country Park and associated link bridge to Aviemore

In addition we would be happy to be a 'partner' for the following other actions:

3. Natural Heritage Policy – Mitigation Plan to address potential and in-combination effects of recreational disturbance on capercaillie at Anagach SPA, Abernethy SPA, Kinveachy Forest SPA, Craigmore Wood SPA and Cairngorms SPA
4. Habitats Regulations Appraisal – actions arising from HRA

I hope these comments will be of assistance to you in taking the Action Programme forward for approval.

Yours sincerely

Debbie Greene
Cairngorms Operations Manager, South Highland Area

[Redacted signature]

[Redacted contact information]

[Redacted contact information]



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Our ref: CNS/LDP/CNP/Proposed Plan

4 July 2013

Dear Karen

Cairngorms National Park Proposed Local Development Plan

Thank you for your letter of 11 April 2013 enclosing a copy of the Proposed Local Development Plan, including Draft Supplementary Guidance.

We have set out our representations in the annex to this letter. The annex identifies the relevant part of the plan, the issue that we raise, and the recommended text or amendment to resolve the issue.

By separate letter we have provided comments on the Draft Habitats Regulations Appraisal of the plan. Many of the issues of course are inter-related.

While appreciating the new procedures for development planning limit the scope for further engagement at this stage, if you have any queries, or wish to discuss any aspect in more detail, please do not hesitate to contact either Andrew Brown, Planning Adviser
[REDACTED] or Debbie Greene, Operations Manager
[REDACTED] in the first instance.

Yours sincerely

[REDACTED]

George Hogg

[REDACTED]



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REPRESENTATIONS OF SCOTTISH NATURAL HERITAGE ON CAIRNGORMS NATIONAL PARK PROPOSED LOCAL DEVELOPMENT PLAN

Section of Plan	Representation	Modification Sought
Natural Heritage Policy (page 27-28)	This policy is focussed on the protection of the natural heritage. Whilst strongly welcoming this, we believe the policy should also more clearly foster the enhancement of the natural heritage. Strengthening of the policy in this way would also provide a stronger link to the Natural Heritage Supplementary Guidance, where one of the policy principles is enhancement. Also the SEA Environmental Report assesses this policy and all the settlement allocations as having a positive effect on the Objective of conserving and enhancing biodiversity, whereas at present the policy is not clear on enhancement.	The policy should begin with a bold statement along the lines of – “All development should seek to further the conservation of biodiversity through its maintenance and enhancement”
Natural Heritage Policy (page 27-28) – National designations	<p>1. The wording of this part of the policy is not the same as that contained in Scottish Planning Policy 2010 (paragraph 137) or the Draft Scottish Planning Policy 2013 (paragraph 141). This may cause confusion and so we would wish to see the policy wording here conform to SPP.</p> <p>2. Also we suggest that the reference to mitigation in part (b) of the policy seems to be implying compensation instead. Therefore for greater clarity in this policy we would wish to see this word amended accordingly.</p>	The policy should be amended to – “Development that affects the Cairngorms National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where – <ul style="list-style-type: none"> a) it will not adversely affect the integrity of the area or the qualities for which it has been designated; or b) any such adverse effects are clearly outweighed by social, economic or environmental benefits of national importance, and compensated by the provision of features of commensurate or

		greater importance to those that are adversely affected”
<p>Natural Heritage Policy (page 27-28) – Protected species</p>	<p>1. In respect of Schedule 5 and 8 species under the Wildlife and Countryside Act 1981 as amended, the policy requires updating to allow for the licensing purpose introduced by the Wildlife and Natural Environment (Scotland) Act 2011, together with the “tests” for the granting of a licence.</p> <p>2. Badgers should be added to this part of the policy, as they are statutorily protected under the Protection of Badgers Act 1992 as amended</p> <p>3. References to species listed in Annexes II or V of the Habitats Directive and Annex I of the Birds Directive should be moved to the next part of the policy (‘Other biodiversity’) because these are not strictly protected species in the statutory sense provided by the Habitats Regulations, Wildlife and Countryside Act or Protection of Badgers Act.</p>	<p>After the first part on European Protected Species, the policy should be amended to read –</p> <p>“Development that would have an adverse effect on species protected under Schedules 5 (animals) or 8 (plants) of the Wildlife and Countryside Act 1981 as amended will not be permitted unless:</p> <ul style="list-style-type: none"> a) undertaking the development will give rise to, or contribute towards the achievement of, a significant social, economic or environmental benefit; and b) there is no other satisfactory solution; and c) the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. <p>Development that would have an adverse effect on species protected under Schedules 1, 1A or A1 (birds) of the Wildlife and Countryside Act 1981 as amended will not be permitted unless:</p> <ul style="list-style-type: none"> a) the development is required for preserving public health or public safety; and b) there is no other satisfactory solution; and c) the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. <p>Development that would have an adverse effect on badgers or their setts will not be permitted unless</p>

		the development fully complies with the requirements of the Protection of Badgers Act 1992 as amended”.
Natural Heritage Policy (page 27-28) – Other biodiversity	<p>1. Following on from the above representation, the section under ‘Protected species’ relating to species listed in Annexes II or V of the Habitats Directive or Annex I of the Birds Directive should be moved to here, since they are not statutorily protected in the same way as European Protected Species, Wildlife and Countryside Act species and badgers. The two ‘tests’ in the Proposed Plan are copied here, although here these would be policy tests rather than licensing tests (as for protected species).</p> <p>2. Reference should be added here to bird species on the red and amber lists (‘Birds of Conservation Concern’) - http://www.bto.org/science/monitoring/psob</p>	<p>At the beginning of this part of the policy should be added -</p> <p>“Development that would have an adverse effect on species listed in Annexes II or V of the EC Habitats Directive or Annex I of the EC Birds Directive will not be permitted unless:</p> <p>a) there is no other satisfactory solution; and</p> <p>b) the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range”</p> <p>Add ‘Birds of Conservation Concern (red and amber lists)’ to the list of plans and lists to which this part of the policy relates (i.e. following on from the list that starts with the Cairngorms Nature Action Plan).</p>
Natural Heritage Policy (pages 27-28)	<p>1. The final paragraph of this policy regarding the need for a species survey is critical to all of this part of the policy, and so we believe this should be at the beginning, not the end. This would also mirror better the equivalent part of Scottish Planning Policy (2010) (paragraph 142) and Draft Scottish Planning Policy 2013 (paragraph 147).</p> <p>2. In addition this part of the policy should refer to submission of a species protection plan where necessary. It is through species protection plans that the need for a license should seek to be avoided (and hence the need to take the proposal through the rest of the</p>	<p>The last paragraph of the policy beginning ‘Where there is evidence’ should be moved to the beginning of the Protected Species part of the policy.</p> <p>At the end of this paragraph should be added – “and to submit a species/habitat protection plan where necessary to set out measures to avoid, reduce or mitigate such effects”</p>

	<p>policy avoided).</p> <p>3. At present the wording in this part of the policy simply refers to habitats or species for when a survey will be required. This seems too general, so we feel this should be tightened up by reference to habitats or species as covered by this policy (i.e. which have some nature conservation significance).</p>	<p>The reference to 'habitat or species' in this paragraph should be amended to “habitat or species as set out below”</p>
National designations Paragraph 6.11	<p>As well as mitigation, we consider this paragraph should refer to compensation, because it is unclear from the policy wording whether mitigation or compensation is being sought. Hence the plan would be clearer if the terms 'mitigation' and 'compensation' were consistently used and defined.</p>	<p>A sentence should be added after the sentence on mitigation along the lines of – “Compensation is defined here as ‘the provision of replacement areas of habitat to an equal quality (short term or long term) to offset habitat that will be adversely affected by development”</p>
Protected species Paragraph 6.14	<p>This paragraph on protected species makes reference to surveys but not to protection plans where surveys find species to be present or likely to be affected. It is through protection plans that mitigation can be secured, so avoiding the need to consider whether a licence will be required, and hence whether the relevant licensing tests can be met.</p>	<p>A sentence should be added at the end of 6.14 along the lines of – “Where protected species are found to be present, or potentially affected by the development, a species protection plan should be prepared and submitted to demonstrate how any offence under the relevant legislation will be avoided”.</p>
Other biodiversity Paragraph 6.16	<p>Woodlands are not mentioned in the list of habitats that might form networks of connectivity. We feel woodland should be included here. Paragraph 147 of Scottish Planning Policy (2010) and paragraphs 152-154 of Draft Scottish Planning Policy (2013) consider woodlands and hedgerows, and this can be reflected here.</p>	<p>“Woodlands” should be added to the list of habitats in the last sentence.</p>
Landscape Policy – page 32	<p>When compared to the policy on national designations under Natural Heritage (page 27) – which here includes</p>	<p>We recommend that part (a) of this policy is amended to read -</p>

	the National Park – this policy at part (a) is weaker because it does not require the provision of features of commensurate or greater importance to those that are lost as part of the overall mitigation/compensation. This creates a lack of clarity and consistency in the plan.	“... any significant adverse effects on the landscape character of the Park are minimised as much as possible, are clearly outweighed by social, economic or environmental benefits of national importance, and are compensated for by improvements to landscape character elsewhere in the Park;”
Landscape Policy – page 32	There is no explicit reference to wildness in the policy. While wildness is mentioned in the supporting text, more weight would be given – and a stronger linkage created to the Supplementary Guidance on wildness impact – by having wildness within the policy text itself.	We recommend the first part of policy is amended to read as follows – “..... that does not conserve and enhance the landscape character and special qualities of the Cairngorms National Park, including wildness, and in particular”
Renewables Policy – Page 35	For clarity and precision we recommend reference to associated infrastructure (e.g. tracks, borrow pits, power lines) is included in the policy.	The policy should be amended to begin – “Proposals for renewable energy generation and associated infrastructure”
Developer Contributions Paragraph 12.9	This paragraph refers to developer contributions for impacts on communities, but they may also be required for impacts on the natural heritage. For clarity and certainty we would like to see this added here.	The text in this paragraph should be amended to read – “... of the impacts on the recipient community or the natural heritage undertaken jointly”
Community Chapters – Sections 14-41	For clarity and ease of reference, where there is reference to formal national or international designated sites for each of the communities (SAC, SPA, Ramsar, NNR, SSSI) we recommend these should be named. We have set out in specific representations below instances of this, but for consistency throughout the plan, we advise you check this for all these chapters. Consistency is also required in whether SSSIs are named or not when they are also European sites which	Where the presence of national or international designated sites is referred to in each community chapter, these should be named. SSSIs as well as European sites should be named where these overlap.

	are named.	
An Camas Mor – Paragraph 14.13	This paragraph on formal natural heritage designations (including ancient woodland) appears incomplete when compared to the identical entries for other settlements. Some bullet points need adding to refer to the ancient woodland on and around the site, the National Scenic Area within which the site sits, plus the nearby SSSIs, SACs, SPAs and NNR	<p>Bullet points should be added after this text along the lines of –</p> <ul style="list-style-type: none"> • within and to the south of the site are areas of woodland registered in the Ancient Woodland Inventory • the whole area falls within a National Scenic Area • along the western boundary is the River Spey Special Area of Conservation • land to the south and west is designated as a Site of Special Scientific Interest (River Spey SSSI, Craigellachie SSSI, Kinveachy Forest SSSI and North Rothiemurchus Pinewood SSSI), Special Protection Area (Cairngorms SPA and Kinveachy Forest SPA) and/or Special Area of Conservation (Cairngorms SAC, River Spey SAC, Kinveachy Forest SAC) • west of the A9 is Craigellachie National Nature Reserve
An Camas Mor – Paragraph 14.14	<p>The wording of this paragraph is not accurate as regards the Habitats Regulations. The Natura sites that follow are those that the Habitats Regulations Appraisal has identified as likely to be significantly affected by proposals in this part of the plan (i.e. that have been ‘screened in’), and so have required ‘high level’ mitigation in the plan. The wording should reflect this.</p> <p>Note: This applies to all other instances where this phrase is used, i.e. paragraphs 16.7, 17.7, 18.7, 19.6, 20.7, 23.7, 24.7, 25.6, 26.5, 27.7, 31.7, 34.6, 35.6, 36.6, 38.7, 39.7, 41.7 and these are not repeated below, hence this representation should be taken to cover</p>	<p>This paragraph (and those others listed in the representation) should be amended to begin –</p> <p>“In addition, development on land allocated in the Plan has potential to have a significant effect, directly or indirectly, on a number of European designated sites, alone or in combination:”</p>

	<p><u>these paragraphs too</u></p> <p>Based on current understanding of capercaillie ecology, dispersal distances and metapopulation structure, Strathspey is the most important UK area for capercaillie. Five SPAs in Strathspey are designated for capercaillie. In addition woodland in the wider countryside has connectivity with these SPAs, and there is connectivity between SPAs, because of the metapopulation structure of the capercaillie here. We therefore consider that any development which could impact on capercaillie in any wood, including in the wider countryside, could impact on the metapopulation and therefore have a likely significant effect on all the Strathspey capercaillie SPAs. At this stage therefore we advise a precautionary approach should be taken by identifying a likely significant effect (alone or in combination) for all five of the Strathspey capercaillie SPAs as a result of land identified in the plan for housing in all of the Strathspey settlements as far south as Kincaig. The detailed impact may vary, and so when individual proposals are being assessed against the terms of the Natural Heritage Supplementary Guidance on disturbance to capercaillie, account can be taken of detailed ecological factors as well as detailed information on increase in households, travel distances etc.</p>	<p>Add –</p> <ul style="list-style-type: none"> • Anagach Woods SPA • Craigmore Wood SPA
<p>An Camas Mor – Paragraph 14.15</p>	<p>We believe the policy caveat in regard to European sites should be strengthened to make clear that if it cannot be concluded that a proposal would not have an adverse effect on the integrity of such sites, they would not be in accordance with the plan. This picks up on mitigation proposed in the draft HRA record but not actually reflected in the Proposed Plan (e.g. mitigation paragraph for various Natura sites in the Appropriate Assessment)</p>	<p>The text within this paragraph (and those others listed in the representation) should be amended to read as follows -</p> <p>“..... to carry out an Appropriate Assessment in order that they can be confident that your development will not have an adverse effect on the site integrity in view of the conservation objectives,</p>

	<p>Note: This applies to all other instances where this policy caveat is applied, i.e. paragraphs 16.8, 17.8, 18.8, 19.7, 20.8, 23.8, 24.8, 25.7, 26.6, 27.8, 31.8, 34.7, 35.7, 36.7, 38.8, 39.8, 41.8 and these are not repeated below, <u>hence this representation should be taken to cover these paragraphs too</u></p>	<p>either alone or in combination with other plans or projects. If the planning authority is unable to reach this conclusion, your proposal will not be judged to be in accordance with this plan and planning permission will not be granted. Specifically your proposal must address”</p>
<p>An Camas Mor – Paragraph 14.16</p>	<p>This paragraph relates specifically to Cairngorms Special Area of Conservation, and so it would be helpful if this policy caveat was made specific to this SAC, since it is advisable for policy caveats to be as specific as possible. In addition further mitigation details are not provided in this one-off case within the Natural Heritage Supplementary Guidance, and so this paragraph needs to be as comprehensive as possible regarding requirements and policy tests.</p>	<p>This paragraph should be amended to read –</p> <p>“In addition, for the Cairngorms SAC, a Compensatory Woodland Planting Plan (CWPP) should be submitted as part of the information for the Appropriate Assessment. This should indicate the habitat(s) where it is proposed that compensatory woodland planting will occur and the new habitat(s) to be established. The CWPP should demonstrate that there will be no adverse effect on the integrity of the Cairngorms SAC through habitat loss. Scarcer qualifying habitats should be avoided within the planting plan, including blanket bog, dwarf-shrub heaths and wet heath”</p>
<p>An Camas Mor – Paragraph 14.24</p>	<p>This paragraph in regard to recreational provision on land either side of the River Spey and a new foot/cycle bridge across the river is specific to An Camas Mor and is arguably not covered by the protective provisions of paragraph 14.14 -14.15 because they are not within the allocated land area of the Settlement Map. Accordingly we consider mitigation text should be added to reflect the River Spey’s designation as a Special Area of Conservation (e.g. potential disturbance to otter and potential impacts on water quality and freshwater species movement).</p>	<p>A sentence should be added to this paragraph along the lines of –</p> <p>“Development of recreational and leisure facilities on land either side of the river, and of a link bridge across the river to Aviemore, has potential to have a significant effect on the River Spey SAC through disturbance to otters, disturbance to freshwater species movement and impact on water quality. To accord with this plan, and for planning permission to be granted, detailed proposals for these developments must demonstrate that there would be</p>

		no adverse effect on the integrity of the River Spey SAC, alone or in combination with other plans or projects”
Angus Glens – Paragraph 15.5	<p>1. It would be helpful for completeness to refer also to the natural heritage designations in Glen Isla and Glen Esk.</p> <p>2. There is a Site of Special Scientific Interest in the area that should be noted</p> <p>3. For greater clarity of the plan, we would prefer the specific European sites to be mentioned in the bullet points, rather than reference only to the type of designation</p>	<p>Bullet points should be added as follows –</p> <ul style="list-style-type: none"> • The heads of Glen Isla and Glen Esk are largely designated as Cairngorms Massif Special Protection Area. The River Isla flows into the River Tay Special Area of Conservation • At the head of Glen Clova is Red Craig Site of Special Scientific Interest (Geological) <p>Bullet points should be amended as follows –</p> <ul style="list-style-type: none"> • Glen Clova is largely designated as Cairngorms Massif Special Protection Area. The River South Esk is designated a Special Area of Conservation • In Glen Prosen, the Prosen Water is designated a Special Area of Conservation (River South Esk SAC) and is also adjacent to Cairngorms Massif Special Protection Area
Angus Glens - Paragraph 15.6	We do not consider this paragraph (which appears in all the Settlement Chapters where no specific land allocations are being made) is strong enough in terms of being protective of European sites. It refers to the possible need for a Habitats Regulations Appraisal for development proposals to “inform” the final decision. However to be a stronger policy caveat, noting that European sites are within or adjacent to this area, we	<p>Text along the lines of the following should be added to the end of this paragraph (and those others listed in this representation) –</p> <p>“Developments will not be in accordance with this plan if the Planning Authority is unable to ascertain that the proposal will not adversely affect the integrity of a European designated site, either alone</p>

	<p>consider this text should go on to state that a development proposal with a negative HRA would not be supported. This would remove any ‘tension’ between these types of Settlement Chapters and the general Natura protective policy elsewhere in the plan.</p> <p>Note: This applies to all other instances where this policy caveat is applied, i.e. paras 21.5, 28.6, 29.6, 30.7, 32.6, 33.5, 37.7, and these are not repeated below, <u>hence this representation should be taken to cover these paragraphs too</u></p>	or in combination with other plans or projects”
Aviemore – Paragraph 16.5	Craigellachie National Nature Reserve provides an important landscape setting for Aviemore and is an asset for the village, and we would like to see this recognised in this plan.	<p>Amend 4th bullet point to –</p> <ul style="list-style-type: none"> • take full advantage of Aviemore’s riverside location and proximity to the National Nature Reserve at Craigellachie
Aviemore – Paragraph 16.6	With regard to the 2 nd bullet point, Craigellachie is a SSSI as well as a NNR	<p>Amend 2nd bullet point to –</p> <ul style="list-style-type: none"> • Land to the west at Craigellachie is a National Nature Reserve and Site of Special Scientific Interest
Aviemore – Paragraph 16.7	Based on current understanding of capercaillie ecology, dispersal distances and metapopulation structure, Strathspey is the most important UK area for capercaillie. Five SPAs in Strathspey are designated for capercaillie. In addition woodland in the wider countryside has connectivity with these SPAs, and there is connectivity between SPAs, because of the metapopulation structure of the capercaillie here. We therefore consider that any development which could impact on capercaillie in any wood, including in the wider countryside, could impact on the metapopulation and therefore have a likely significant effect on all the	<p>Add –</p> <ul style="list-style-type: none"> • Anagach Woods SPA • Craigmore Wood SPA

	<p>Strathspey capercaillie SPAs. At this stage therefore we advise a precautionary approach should be taken by identifying a likely significant effect (alone or in combination) for all five of the Strathspey capercaillie SPAs as a result of land identified in the plan for housing in all of the Strathspey settlements as far south as Kincaig. The detailed impact may vary, and so when individual proposals are being assessed against the terms of the Natural Heritage Supplementary Guidance on disturbance to capercaillie, account can be taken of detailed ecological factors as well as detailed information on increase in households, travel distances etc.</p>	
<p>Ballater – Paragraphs 17.7 and 17.8</p>	<p>Based on current understanding of capercaillie ecology, dispersal distances and metapopulation structure, Deeside and Donside is an important UK area for capercaillie. Three SPAs in Deeside and Donside are designated for capercaillie. In addition woodland in the wider countryside has connectivity with these SPAs, and there is connectivity between SPAs, because of the metapopulation structure of the capercaillie here. We therefore consider that any development which could impact on capercaillie in any wood, including in the wider countryside (eg. Pannanich Wood), could impact on the metapopulation and therefore have a likely significant effect on all the Deeside and Donside capercaillie SPAs. At this stage therefore we advise a precautionary approach should be taken by identifying a likely significant effect (alone or in combination) for all three of the Deeside and Donside capercaillie SPAs as a result of land identified in the plan for housing at Ballater and Braemar. The detailed impact may vary, and so when individual proposals are being assessed against the terms of the Natural Heritage Supplementary Guidance on disturbance to capercaillie, account can be taken of</p>	<p>Amend paragraph 17.7 to –</p> <p>“In addition, development on land allocated in the Plan has potential to have a significant effect, directly or indirectly, on a number of European designated sites, alone or in combination:</p> <ul style="list-style-type: none"> • River Dee SAC • Cairngorms SPA • Ballochbuie SPA • Glen Tanar SPA <p>Add bullet point to paragraph 17.8 –</p> <ul style="list-style-type: none"> • disturbance to capercaillie

	detailed ecological factors as well as detailed information on increase in households, travel distances etc.	
Blair Atholl – Paragraph 18.6	Blair Atholl Meadow SSSI should be mentioned here, just east of the settlement boundary	Add bullet point to 18.6 – <ul style="list-style-type: none"> • To the east of the settlement is Blair Atholl Meadow Site of Special Scientific Interest
Boat of Garten – Paragraph 19.6	<p>There are three typing errors here</p> <p>Based on current understanding of capercaillie ecology, dispersal distances and metapopulation structure, Strathspey is the most important UK area for capercaillie. Five SPAs in Strathspey are designated for capercaillie. In addition woodland in the wider countryside has connectivity with these SPAs, and there is connectivity between SPAs, because of the metapopulation structure of the capercaillie here. We therefore consider that any development which could impact on capercaillie in any wood, including in the wider countryside, could impact on the metapopulation and therefore have a likely significant effect on all the Strathspey capercaillie SPAs. At this stage therefore we advise a precautionary approach should be taken by identifying a likely significant effect (alone or in combination) for all five of the Strathspey capercaillie SPAs as a result of land identified in the plan for housing in all of the Strathspey settlements as far south as Kincaig. The detailed impact may vary, and so when individual proposals are being assessed against the</p>	<p>Amend bullet points to –</p> <ul style="list-style-type: none"> • Abernethy Forest SPA • Craigmore Wood SPA • Cairngorms SPA <p>Add –</p> <ul style="list-style-type: none"> • Anagach Woods SPA

	terms of the Natural Heritage Supplementary Guidance on disturbance to capercaillie, account can be taken of detailed ecological factors as well as detailed information on increase in households, travel distances etc.	
Braemar – Paragraph 20.7	Based on current understanding of capercaillie ecology, dispersal distances and metapopulation structure, Deeside and Donside is an important UK area for capercaillie. Three SPAs in Deeside and Donside are designated for capercaillie. In addition woodland in the wider countryside has connectivity with these SPAs, and there is connectivity between SPAs, because of the metapopulation structure of the capercaillie here. We therefore consider that any development which could impact on capercaillie in any wood, including in the wider countryside, could impact on the metapopulation and therefore have a likely significant effect on all the Deeside and Donside capercaillie SPAs. At this stage therefore we advise a precautionary approach should be taken by identifying a likely significant effect (alone or in combination) for all three of the Deeside and Donside capercaillie SPAs as a result of land identified in the plan for housing at Ballater and Braemar. The detailed impact may vary, and so when individual proposals are being assessed against the terms of the Natural Heritage Supplementary Guidance on disturbance to capercaillie, account can be taken of detailed ecological factors as well as detailed information on increase in households, travel distances etc.	Add – <ul style="list-style-type: none"> • Cairngorms SPA • Glen Tanar SPA
Bruar and Pitagowan – Paragraph 21.4	We consider it would be helpful if the text clarified that Bruar Water and River Garry were part of the River Tay SAC	Amend second bullet point to – <ul style="list-style-type: none"> • In addition, the Bruar Water and River Garry and bank areas are designated as a Special Area of Conservation (part of River Tay SAC)

<p>Carrbridge – Paragraph 23.6</p>	<p>This paragraph does not mention that the River Dulnain on which Carrbridge sits is a designated Special Area of Conservation. While this is picked up in the next paragraph by reference to the River Spey SAC, it would be clearer for users of the plan if reference to the River Dulnain being an SAC was added; also this would bring this paragraph into line with other similar paragraphs for other settlements, e.g. Nethy Bridge, where it states that the River Nethy is SAC</p>	<p>Add a bullet point to 23.6 –</p> <ul style="list-style-type: none"> • The River Dulnain and its bank area are also designated as a Special Area of Conservation (part of River Spey SAC)
<p>Carrbridge – Paragraph 23.7</p>	<p>Based on current understanding of capercaillie ecology, dispersal distances and metapopulation structure, Strathspey is the most important UK area for capercaillie. Five SPAs in Strathspey are designated for capercaillie. In addition woodland in the wider countryside has connectivity with these SPAs, and there is connectivity between SPAs, because of the metapopulation structure of the capercaillie here. We therefore consider that any development which could impact on capercaillie in any wood, including in the wider countryside, could impact on the metapopulation and therefore have a likely significant effect on all the Strathspey capercaillie SPAs. At this stage therefore we advise a precautionary approach should be taken by identifying a likely significant effect (alone or in combination) for all five of the Strathspey capercaillie SPAs as a result of land identified in the plan for housing in all of the Strathspey settlements as far south as Kincaig. The detailed impact may vary, and so when individual proposals are being assessed against the terms of the Natural Heritage Supplementary Guidance on disturbance to capercaillie, account can be taken of detailed ecological factors as well as detailed information on increase in households, travel distances etc.</p>	<p>Add –</p> <ul style="list-style-type: none"> • Abernethy Forest SPA • Anagach Woods SPA • Cairngorms SPA • Craigmore Wood SPA

Cromdale and Advie – Paragraph 24.6	The second bullet point refers to the River Spey SAC/SSSI. However this does not mention that the Burn of Cromdale, which runs through the settlement, is part of this SAC. It is important that this should be clarified (as has been done say in the chapter on Braemar re Clunie Water being part of River Dee SAC)	Add to 2 nd bullet point – <ul style="list-style-type: none"> • This includes the Burn of Cromdale running through the village
Cromdale and Advie – paragraph 24.7	Based on current understanding of capercaillie ecology, dispersal distances and metapopulation structure, Strathspey is the most important UK area for capercaillie. Five SPAs in Strathspey are designated for capercaillie. In addition woodland in the wider countryside has connectivity with these SPAs, and there is connectivity between SPAs, because of the metapopulation structure of the capercaillie here. We therefore consider that any development which could impact on capercaillie in any wood, including in the wider countryside, could impact on the metapopulation and therefore have a likely significant effect on all the Strathspey capercaillie SPAs. At this stage therefore we advise a precautionary approach should be taken by identifying a likely significant effect (alone or in combination) for all five of the Strathspey capercaillie SPAs as a result of land identified in the plan for housing in all of the Strathspey settlements as far south as Kinraig. The detailed impact may vary, and so when individual proposals are being assessed against the terms of the Natural Heritage Supplementary Guidance on disturbance to capercaillie, account can be taken of detailed ecological factors as well as detailed information on increase in households, travel distances etc.	Add – <ul style="list-style-type: none"> • Abernethy Forest SPA • Cairngorms SPA • Kinveachy Forest SPA
Dalwhinnie –	The second bullet point refers to the Drumochter Hills	Amend second bullet point to –

Paragraph 25.5	SSSI and SPA, but not to the SAC. It would also be helpful to name these designations here.	<ul style="list-style-type: none"> • Land to the south east is also identified as a Special Area of Conservation, Special Protection Area and Site of Special Scientific Interest (Drumochter Hills SAC/SPA/SSSI)
Dinnet – Paragraph 26.5	We advise no likely significant effect on Muir of Dinnet SPA/Ramsar, and so the second bullet point here can be deleted	Delete bullet point referring to Muir of Dinnet Ramsar site (which is also SPA)
Dulnain Bridge – Paragraph 27.7	Based on current understanding of capercaillie ecology, dispersal distances and metapopulation structure, Strathspey is the most important UK area for capercaillie. Five SPAs in Strathspey are designated for capercaillie. In addition woodland in the wider countryside has connectivity with these SPAs, and there is connectivity between SPAs, because of the metapopulation structure of the capercaillie here. We therefore consider that any development which could impact on capercaillie in any wood, including in the wider countryside, could impact on the metapopulation and therefore have a likely significant effect on all the Strathspey capercaillie SPAs. At this stage therefore we advise a precautionary approach should be taken by identifying a likely significant effect (alone or in combination) for all five of the Strathspey capercaillie SPAs as a result of land identified in the plan for housing in all of the Strathspey settlements as far south as Kincaig. The detailed impact may vary, and so when individual proposals are being assessed against the terms of the Natural Heritage Supplementary Guidance on disturbance to capercaillie, account can be taken of detailed ecological factors as well as detailed information on increase in households, travel distances etc.	Add – <ul style="list-style-type: none"> • Anagach Woods SPA • Abernethy Forest SPA • Cairngorms SPA • Kinveachy Forest SPA

Glenlivet – Paragraph 28.5	For the second bullet point it would be clearer if the River Spey SAC was named	Amend the end of the 2 nd bullet point to – <ul style="list-style-type: none"> • are also designated as a Special Area of Conservation (part of River Spey SAC)
Glenmore – Paragraph 29.5	For clarity we would like the SSSIs, NNRs, SACs and SPAs to be identified here, as this is a complex area for multiple designations	Amend 3 rd bullet point to – <ul style="list-style-type: none"> • Adjacent to the area is Glenmore National Nature Reserve Amend 4 th bullet point to – <ul style="list-style-type: none"> • The area contains and is surrounded by land designated as Special Area of Conservation (Cairngorms SAC and River Spey SAC), Special Protection Area (Cairngorms SPA, Abernethy Forest SPA and Cairngorms Massif SPA) and Site of Special Scientific Interest (Glenmore Forest SSSI)
Glenmore – Settlement Boundary	The settlement boundary includes areas of the Cairngorms Special Area of Conservation (SAC) and Cairngorms Special Protection Area (SPA). This has not been assessed in the Draft Habitats Regulations Appraisal Record, because Glenmore is screened out (paragraph 3.4.19) on the grounds of having no allocations of new development land. Nevertheless the settlement boundary indicates a general policy direction for any development to take place within rather than outwith the boundary. This should be subject to HRA, and straightforward mitigation applied. If the boundary is retained, rather than redrawn to exclude the Cairngorms SAC/SPA, a specific policy caveat should be added here. We recommend this should be at the end of the	Insert a further policy caveat after the paragraphs on Housing and Economy under ‘Proposals’ along the lines of – <p>“Irrespective of being within the settlement boundary, any proposal located in the Cairngorms SAC/SPA which would have an adverse effect on their site integrity will not be in accordance with this plan, and will not be granted planning permission”.</p>

	'Proposals' part of this chapter.	
Glenmore – Paragraph 29.16 – Proposals T1 and T2	Two sites are allocated for tourism and identified on the Proposals Map (T1 and T2). Both of these allocations include land designated as Special Area of Conservation and Special Protection Area (Cairngorms SPA/SAC). They are therefore likely to have a significant effect in terms of Habitats Regulations Appraisal. However subject to satisfactory HRA we consider at this stage that it is possible that suitable tourism-related development could occur in these areas. Because these are tourism-related allocations (based on existing sites) rather than new housing allocations the 'style' of the plan means there is no preceding text in the chapter in regard to identifying European sites where there is a likely significant effect and the general nature of those effects, with a cross reference then to further policy material in the Natural Heritage Supplementary Guidance. Therefore a specific caveat is necessary at the end of T1 and T2 to give protection to European sites.	Amend text at the end of both T1 and T2 along the lines of – <ul style="list-style-type: none"> Where appropriate, enhancement opportunities will be supported, subject to a satisfactory outcome of the Habitats Regulations Appraisal <i>(This to be read along with recommended text amendment to paragraph 29.6 above)</i>
Glenmore – Open Space	We would like to see the area to the south of the road between the identified open space area and Site T1 marked also as open space. This is an area of regenerating woodland.	Amend the Settlement Map to extend the identified Open Space area north and west as far as Site T1 (south of the road).
Glenshee – Paragraph 30.6	For clarity we would like the SACs and SPAs to be identified here	Amend bullet points to – <ul style="list-style-type: none"> Land to the north is designated as Cairngorms Massif Special Protection Area The Shee Water and its bank area are designated as a Special Area of Conservation (part of River Tay SAC) In addition, land to the south and west is designated as a Special Protection Area

		(Forest of Clunie SPA)
Grantown-on-Spey – Paragraph 31.7	Based on current understanding of capercaillie ecology, dispersal distances and metapopulation structure, Strathspey is the most important UK area for capercaillie. Five SPAs in Strathspey are designated for capercaillie. In addition woodland in the wider countryside has connectivity with these SPAs, and there is connectivity between SPAs, because of the metapopulation structure of the capercaillie here. We therefore consider that any development which could impact on capercaillie in any wood, including in the wider countryside, could impact on the metapopulation and therefore have a likely significant effect on all the Strathspey capercaillie SPAs. At this stage therefore we advise a precautionary approach should be taken by identifying a likely significant effect (alone or in combination) for all five of the Strathspey capercaillie SPAs as a result of land identified in the plan for housing in all of the Strathspey settlements as far south as Kincaig. The detailed impact may vary, and so when individual proposals are being assessed against the terms of the Natural Heritage Supplementary Guidance on disturbance to capercaillie, account can be taken of detailed ecological factors as well as detailed information on increase in households, travel distances etc.	Add – <ul style="list-style-type: none"> • Abernethy Forest SPA • Cairngorms SPA • Kinveachy Forest SPA
Grantown-on-Spey – Paragraph 31.10	The 5 th bullet point here (<i>“The fact that local woods should continue to be managed to meet the multiple objectives of both people and the local wildlife”</i>) is not HRA-compliant as it stands. It should be screened as part of the HRA for likely significance of effects, particularly on Anagach Wood SPA. We consider a policy caveat is required here to ensure continued protection of Natura sites.	This bullet point of local priorities should be qualified by adding a caveat along the lines of – “.... subject to their protection as European designated sites”

Insh – Paragraph 32.4	For clarity we would like the SSSIs, NNRs, SACs and SPAs to be identified here, as this is a complex area for multiple designations.	Combine 1 st and 2 nd bullet points to read – <ul style="list-style-type: none"> • Land to the north is designated as a Ramsar Convention Site and Special Protection Area (River Spey-Insh Marshes SPA/Ramsar), a Special Area of Conservation (Insh Marshes SAC and River Spey SAC), a Site of Special Scientific Interest (River Spey-Insh Marshes SSSI) and a National Nature Reserve (Insh Marshes NNR)
Inverdrue and Coylumbridge – Paragraph 33.4	The 4 th bullet point refers to land to the south and west being identified as SSSI. Since there are two SSSIs in the area, for clarity we would like to see these named here.	Amend 4 th bullet point to – <ul style="list-style-type: none"> • Lands to the south and west are also identified as Sites of Special Scientific Interest (North Rothiemurchus Pinewood SSSI and River Spey SSSI)
Inverdrue and Coylumbridge – Paragraph 33.14 Proposal T1	Because this is a tourism related proposal and allocation based on an existing site, it has not been screened as part of the Habitats Regulations Appraisal for likely significant effects on European sites. Since it is adjacent to the Cairngorms Special Protection Area, Cairngorms Special Area of Conservation and River Spey Special Area of Conservation we consider it should be subject to HRA. Given the ‘style’ of the plan, it would appear that the most appropriate place in the text to add a policy caveat where no housing allocations are being made is within the text of the Tourism allocation. At present this is supportive of enhancement opportunities for tourism development, and so without some specific qualification it is not HRA-compliant	Amend last sentence of text for Proposal T1 to – <p>“Where appropriate, enhancement opportunities will be supported, subject to a satisfactory outcome of the Habitats Regulations Appraisal</p> <p><i>(This to be read along with recommended text amendment to paragraph 33.5 above)</i></p>
Kincraig –	For clarity we would like to see the national and	Amend 2 nd bullet point to –

Paragraph 35.5	international designated sites named here, as this is a complex area of multiple designations.	<ul style="list-style-type: none"> • Outside the settlement boundary, to the south east, land is designated under the Ramsar Convention (River Spey – Insh Marshes Ramsar), is a Site of Special Scientific Interest (River Spey – Insh Marshes SSSI and River Feshie SSSI), a Special Protection Area (River Spey – Insh Marshes SPA) and Special Area of Conservation (Insh Marshes SAC and River Spey SAC)
Kincraig – Paragraphs 35.6 and 35.7	Based on current understanding of capercaillie ecology, dispersal distances and metapopulation structure, Strathspey is the most important UK area for capercaillie. Five SPAs in Strathspey are designated for capercaillie. In addition woodland in the wider countryside has connectivity with these SPAs, and there is connectivity between SPAs, because of the metapopulation structure of the capercaillie here. We therefore consider that any development which could impact on capercaillie in any wood, including in the wider countryside, could impact on the metapopulation and therefore have a likely significant effect on all the Strathspey capercaillie SPAs. At this stage therefore we advise a precautionary approach should be taken by identifying a likely significant effect (alone or in combination) for all five of the Strathspey capercaillie SPAs as a result of land identified in the plan for housing in all of the Strathspey settlements as far south as Kincraig. The detailed impact may vary, and so when individual proposals are being assessed against the terms of the Natural Heritage Supplementary Guidance on disturbance to capercaillie, account can be taken of detailed ecological factors as well as detailed information on increase in households, travel distances etc.	<p>Add bullet points to 35.6 –</p> <ul style="list-style-type: none"> • Anagach Woods SPA • Abernethy Forest SPA • Cairngorms SPA • Craigmore Wood SPA • Kinveachy Forest SPA <p>Add bullet point to 35.7 –</p> <ul style="list-style-type: none"> • disturbance to capercaillie

Kingussie – Paragraph 36.5	For clarity we would like to see the national and international designated sites named here, as this is a complex area of multiple designations. In addition we wonder if there is a typing error in that these designated areas are predominantly east of rather than west of the Ruthven Road	Amend 2 nd bullet point to – <ul style="list-style-type: none"> • Land south of the railway to the east of Ruthven Road is designated as a Ramsar Convention Site (River Spey – Insh Marshes Ramsar), a Special Area of Conservation (Insh Marshes SAC and River Spey SAC), a Special Protection Area (River Spey – Insh Marshes SPA), a National Nature Reserve (Insh Marshes NNR) and a Site of Special Scientific Interest (River Spey – Insh Marshes SSSI)
Nethy Bridge – Paragraph 38.6	For clarity we would like to see the national and international designated sites named here, as this is a complex area of multiple designations. However we advise it is not necessary to include reference to Cairngorms Lochs Ramsar site here. On the other hand it would be clearer if the text noted that the River Nethy is part of the River Spey SAC. Also in order to allow for Craigmore Wood SPA in this description we suggest text is amended to refer to designations predominantly south and north of the village, rather than south and west. In addition Abernethy National Nature Reserve should be noted here.	Amend 2 nd bullet point to – <ul style="list-style-type: none"> • The River Nethy, Duack Burn and Allt Mor and their bank areas are designated as a Special Area of Conservation (part of River Spey SAC) Amend 3 rd bullet point to – <ul style="list-style-type: none"> • In addition, land to the south and north of the village is designated as Special Area of Conservation (Cairngorms SAC and River Spey SAC), Special Protection Area (Abernethy Forest SPA and Craigmore Wood SPA), Site of Special Scientific Interest (Abernethy Forest SSSI and River Spey SSSI) and National Nature Reserve (Abernethy NNR)
Nethy Bridge – Paragraph 38.7	Based on current understanding of capercaillie ecology, dispersal distances and metapopulation structure, Strathspey is the most important UK area for	Add – <ul style="list-style-type: none"> • Anagach Woods SPA

	<p>capercaillie. Five SPAs in Strathspey are designated for capercaillie. In addition woodland in the wider countryside has connectivity with these SPAs, and there is connectivity between SPAs, because of the metapopulation structure of the capercaillie here. We therefore consider that any development which could impact on capercaillie in any wood, including in the wider countryside, could impact on the metapopulation and therefore have a likely significant effect on all the Strathspey capercaillie SPAs. At this stage therefore we advise a precautionary approach should be taken by identifying a likely significant effect (alone or in combination) for all five of the Strathspey capercaillie SPAs as a result of land identified in the plan for housing in all of the Strathspey settlements as far south as Kincaig. The detailed impact may vary, and so when individual proposals are being assessed against the terms of the Natural Heritage Supplementary Guidance on disturbance to capercaillie, account can be taken of detailed ecological factors as well as detailed information on increase in households, travel distances etc.</p> <p>In addition the settlement boundary overlaps with the Cairngorms Special Area of Conservation (SAC) in two/three places along the south of the village, and so this should be added to this paragraph, and screened in for the purposes of Habitats Regulations Appraisal.</p>	<ul style="list-style-type: none"> • Cairngorms SPA • Kinveachy Forest SPA <p>Add –</p> <ul style="list-style-type: none"> • Cairngorms SAC
<p>Newtonmore – Paragraph 39.6</p>	<p>For clarity we would like to see the national and international designated sites named here, as this is a complex area of multiple designations. The second bullet point refers to land to the west being ancient woodland, SSSI and SAC, but Creag Dhubh is not an SAC</p>	<p>Amend 2nd bullet point to –</p> <ul style="list-style-type: none"> • Land to the west is also registered in the Ancient Woodland Inventory and is designated as a Site of Special Scientific Interest (Creag Dhubh SSSI)

		<p>Amend 3rd bullet point to –</p> <ul style="list-style-type: none"> • Land to the south of the railway is designated as a Site of Special Scientific Interest (River Spey – Insh Marshes SSSI, with River Spey SSSI to the north of the railway line), a Special Protection Area (River Spey – Insh Marshes SPA), a Special Area of Conservation (Insh Marshes SAC and River Spey SAC) and is a Ramsar Convention Site (River Spey – Insh Marshes Ramsar)
Tomintoul – Paragraph 41.6	For clarity we recommend the 2 nd bullet point adds that these watercourses are part of the River Spey SAC	<p>Amend the end of the 2nd bullet point to –</p> <ul style="list-style-type: none"> • are also a Special Area of Conservation (part of River Spey SAC).
Glossary – Pages 195-197	We recommend that definitions are added for Habitats Regulations Appraisal, Appropriate Assessment, Wildness and Protected Species.	<p>Add definitions along the lines of the following –</p> <p>Habitats Regulations Appraisal An appraisal carried out by a planning authority to determine whether a development proposal would be likely to have significant effects on any Natura 2000 site, either alone or in combination with other plans or projects. If likely significant effects are identified, the HRA moves on to an Appropriate Assessment.</p> <p>Appropriate Assessment An assessment carried out by a planning authority as part of a Habitats Regulations Appraisal to determine whether it can be concluded that there would be no adverse effects on the integrity of a Natura site from a development proposal. If the planning authority is unable to reach this conclusion, the development</p>

	<p>In addition the definition for Ramsar sites should be amended to bring the policy position into line with Scottish Planning Policy (2010), paragraph 136, and Draft Scottish Planning Policy (2013), paragraph 140.</p>	<p>proposal can only be approved in the most limited of circumstances.</p> <p>Wildness The quality experienced within areas of wild land character, dependant on physical attributes of perceived naturalness, ruggedness of terrain, remoteness and visible absence of modern artefacts.</p> <p>Protected Species Wild species of animal, plant or fungi that are protected by law and for which an offence may be committed unless a licence is obtained. Legal protection is provided by the Conservation (Natural Habitats, &c.) Regulations 1994 as amended, Wildlife and Countryside Act 1981 as amended and Protection of Badgers Act 1992 as amended.</p> <p>Ramsar Convention Site A designation of globally important wetland areas that are classified to meet the UK's commitments under the Ramsar Convention. Scottish Government policy states that all Ramsar sites are also Natura 2000 sites and/or Sites of Special Scientific interest and are protected under the relevant statutory regimes.</p>
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Highland Council Consultation Comments

These comments are based on officer discussions between our development plans, development management, housing officers, and natural heritage officers as the consultation timescales did not allow us to take them to committee to gain the Council's endorsement.

We appreciate the effort in developing the Proposed Plan and Supplementary Guidance and consider that it will provide an excellent basis for the assessment of all planning applications made across the National Park. We have the following comments on the detail of the Proposed Plan and Supplementary Guidance.

- **General Comment:**

It is important that the Plan policy text is sufficiently full and clear in terms of covering the policy objectives of the Supplementary Guidance. There is therefore a need to ensure that the main principles of the supplementary guidance are always set out within the parent policy.

Change/s sought to the Plan: Consider and amend as necessary the parent policies of the Plan where they do not sufficiently set out the main principles of the Supplementary Guidance that follows.

- **Spatial Strategy and Vision of the Proposed Plan:**

The vision and spatial strategy are considered to provide a fitting framework for the Cairngorms National Park.

Change/s sought to the Plan: It is considered that the Strategy Map could be improved to reflect connections beyond the CNPA area and to pick up more elements of the Spatial Strategy as outlined in 1.21- 1.23 of the Plan.

- **Section 3: New Housing Development**

With regards to the Affordable Housing element of this policy The Highland Council (THC) makes the following comments;

- The policy includes "affordable private rented" as a form of affordable housing, however there is no definition of what this constitutes. THC would want to see this as being consistent with our definition which is "owned and/or managed by a private sector landlord to approved management and maintenance standards with equivalent Registered Social Landlords rents.";
- The definition of Affordable Housing in the glossary is inconsistent with the policy itself. The glossary definition includes Mid-Market rent as a form of affordable housing however this form is not mentioned in para 3.9. THC has reservations about the inclusion of mid-market rent accommodation as a means of providing affordable accommodation. THC does not consider this as a form of affordable accommodation;

Change/s sought to the Plan: Provide the following definition for affordable private rented: owned and/or managed by a private sector landlord to approved management and maintenance standards with equivalent Registered Social Landlords rents.

Amend the glossary definition of affordable housing to remove mention of mid-market rent accommodation.

In the Supplementary Guidance:

It is noted that the Policy and Guidance has developed an approach to Housing development in existing rural groups that is similar to that of The Highland Council (THC), although less restrictive in regard to the definition of where potential for development lies, i.e. group of 3 buildings, as opposed to THC requirement for 3 houses constituting a group. We also note the reference to the potential for redevelopment of brownfield land for housing purposes. We consider that the potential for development on brownfield sites should be supported by information on why and when these brownfield sites became redundant to prevent “speculative” brownfield sites being brought forward for development. In addition, and in line with PAN 73, new development should form the option for regeneration only where brownfield land cannot be returned to a greenfield state without significant investment and remediation.

Suggested Change to SG: That the definition of brownfield land, in text and glossary, is refined to state clearly where and in what circumstances brownfield land will be viewed as having potential for new housing development.

- **Section 4 - Supporting Economic Growth**

In the Supplementary Guidance:

Where a retail proposal is put forward outwith a town centre location it is considered that you should require sufficient retail capacity information to allow you to consider whether there will be no detrimental impact on the vitality and viability of that settlement/centre (in accordance with your policy).

Change/s sought: Suggest amendment of information requirements for retail development to seek sufficient retail impact analysis information to support retail proposals for developments outwith town centres.

- **Section 5 - Sustainable Design Policy**

Policy requirement for design statement for all development proposals is too onerous, particularly for minor planning applications such as house extensions or alterations. In many cases such applications are likely to have a minimal impact on the appearance of the area. Often annotated application drawings will provide the detail required to assess a developments compliance or otherwise with the sustainable design policy criteria. It can be resource intensive and require professional expertise to prepare design statement, resulting in cost and time burdens to applicants. It is also questioned if a design statement for minor applications adds any value to the development. Furthermore, applications accompanied by design statement will result in additional work for case officers appraising the statements. Please note we are fully supportive of the requirement for design statements for major applications and those that have potential to have a significant impact on the landscape, built or historic environment.

Change/s sought to the Plan: Requirement for design statement to be limited to certain types of application, for example in a conservation area, sensitive sites, such as those that are visually prominent from a public place or are of a scale or nature that would have a significant impact on the locality or for development that would extend or significantly or affect the setting of a listed building. Or simply to exclude house extensions and other minor applications unless it impacts a listed building, conservation area or would have a significant landscape impact.

- **Section 6 – Natural Heritage**

It is considered that the International and National Designations, National Designations, and Other Important Natural and Earth Heritage Sites and interests should be listed and mapped so it is clear which are being recognised by the Planning Authority. As part of this process clarity should be provided with regard to the Ben Alder, Laggan and Glen Banchor Special Landscape Area (SLA) and whether this will be recognised by the CNPA. You should be aware that in reviewing the Inner Moray Firth Local Development Plan our intention (subject to comments made on the Main Issues Report consultation) is for the Drynachan, Lochindorb and Dava Moors SLA boundary to follow the CNPA boundary (it currently has small overlaps into the CNPA). This amendment is considered to better reflect the ridgeline.

You can refer to the Highland wide Local Development Plan (HwLDP) policy 57, its Appendix 2 Definition of Natural and Cultural Heritage features, and our proposals map to see how this has been carried out for the Highland Council's Development Plan area.

Change/s sought to the Plan: A list and mapped features/designations that are being protected by the CNPA under this policy is sought. Additionally you may wish to provide supporting information similar to Appendix 2 of the Highland wide Local Development Plan (HwLDP).

For the Supplementary Guidance:

It is appreciated that the process identified by this policy ensures that natural heritage is given appropriate consideration through the planning process. The desire to have a policy approach which promotes the principle of no net loss of natural heritage is also appreciated. However it is considered that it may be clearer if figure 1 was upfront at the start of this SG to avoid confusion as to the implementation of this approach. As it stands the initial impression is that the approach may be at odds with the parent policy in the Plan and its provisions.

Also some examples of planning applications and the information requirement in support of these applications would be helpful to clarify the pragmatic and proportional approach that will be followed.

Change to the Supplementary Guidance: Placing figure 1 upfront at the start of this Supplementary Guidance, and provide examples of planning applications and the information requirement in support of these planning applications to help clarify your expectations.

- **Section 10: Cultural Heritage**

Overall the cultural heritage policies are strong and in line with national legislation, policy and guidance for the historic environment. The policies are clearly applied to the context of the national

park and have been tailored to ensure that the historic environment is a key element in achieving the overall aims of the Park Authority. However it would be useful if the plan contained a commitment to achieving conservation area appraisals and management plans within the Park Authority area.

The section on Demolition at sub-section a) should set down a time period – we usually advocate a minimum period of six months and in sub section b) could usefully refer to an appropriately qualified and experienced engineer to ensure that a conservation led solution is sought first and foremost.

Also it is considered that the National Designations, Conservation areas and Other Local cultural heritage should be listed and mapped so it is clear which are being recognised by the Planning Authority.

Also given the significant role cultural heritage plays in place-making and tourism in the National Park possibly you should incorporate promotion, possibly in 10.4 – “the Policy aims to conserve, enhance and promote the rich cultural heritage of the Cairngorms...”

Change to the Plan sought: A list and mapped features/designations that are being protected by the CNPA under this policy is sought. Additionally you may wish to provide supporting information similar to Appendix 2 of the Highland wide Local Development Plan (HwLDP).

Also a commitment is sought to achieving conservation area appraisals and management plans within the Park Authority area.

Furthermore the section on Demolition at sub-section a) should set down a time period – we usually advocate a minimum period of six months and in sub section b) could usefully refer to an appropriately qualified and experienced engineer to ensure that a conservation led solution is sought first and foremost.

Consider amending the first sentence of paragraph 10.4 to “the Policy aims to conserve, enhance and promote the rich cultural heritage of the Cairngorms...”

In the Supplementary Guidance:

Examples of planning applications and the information requirement in support of these planning applications would help clarify your expectations and clarify the pragmatic and proportional approach to be applied.

- **Section 7 - Landscape**

In the Plan:

It is considered that paragraph 7.3 of the supporting text is not in accordance with the policy text and does not reflect the exceptions that are made for social and economic benefits.

Change/s sought to the Plan: Amendment of paragraph 7.3 of the supporting text to refer to the policy exceptions for where significant adverse effects on the landscape are clearly outweighed by social and economic benefits of national importance.

In the Supplementary Guidance:

It is considered important that a proportionate approach is taken relative to the assessment requirement on wild land impact. Some examples of planning applications and the information requirement in support of these applications would be helpful to clarify the proportional and pragmatic approach you will take.

Change/s sought: Provide examples of planning applications and the information requirement in support of these planning applications to help clarify your expectations.

- **Section 8 – Renewable Energy**

In the plan:

Under 8.5 it is questioned whether affect its landscape setting means any affect or whether there should be a significance test applied to this.

As a general point is the definition of “large scale commercial wind turbines” meant to be defined as “more than one turbine and more than 30 metres in height” or was it intended to be “more than one turbine and more than 30 metres in height”. We would also query whether this is referring to 30 metres in height to hub or tip?

Within the policy itself as it stands the All Renewables Developments policy reads like it only applies to renewables as part of another development, and also clarity could be provided as to whether points a,c,d,e all need to be met.

Under Hydropower again it is questioned whether no significant impact is in fact the intention rather than any detrimental impact. Also after considering the Supplementary Guidance it seems like (b) is intended to be existing recreational use and therefore adding “existing or active” here would provide greater clarity.

Under Biomass it is considered that the intention if to minimise the frequency of deliveries and again this could be clarified.

Under Energy from Waste it is considered that point (a) could be reworded to make the intention clearer reflecting the Supplementary Guidance paragraph 7.36.

Change/s sought to the Plan: Generally consider amending to add “significant” in front of “affect” where this is the intention rather than “any affect” and clarify the definition of “large scale turbine”.

Also seeking rewording of the All Renewables Developments, Hydropower, Biomass, and Energy from Waste policy after considering the points raised above, in order to clarify the intention of this policy.

In the Supplementary Guidance

Change/s sought: It is considered that the information required of wind energy developments should state for Noise assessments “and should achieve acceptable levels”. Also it is wondered whether the intention for shadow flicker is “10 times rotor diameter” rather than blade length as rotor diameter would bring this in line with Scottish Government advice.

In paragraphs 7.24 and 7.25 it would be useful if the measurements were defined as either hub height or height to tip.

Change Sought: It is considered that the information required of wind energy developments should state that Noise assessments “ should achieve acceptable levels”. Also consideration should be given to amending 10 times blade length to 10 times rotor diameter. Clarification of whether the heights mentioned are to hub or tip height.

- **Section 9: Sports and Recreation**

In the plan:

In Para 9.10 it may be appropriate to modify the last sentence to include reference to the future management and maintenance of the replacement facility as well as its development. This will ensure that satisfactory long term management and maintenance arrangements are in place to retain a high quality, fit for purpose recreational facility in the longer term.

Change/s sought to the Plan: Properly set out the principles of the SG in the policy or supporting text and refer to the future management and maintenance of the replacement facility as well as it’s development in Para 9.10.

In terms of the SG:

It is not considered that the SG gives sufficient detail to enable the provision of new high quality, fit for purpose open spaces. Further details on the open space requirements within the National Park would enable the delivery of high quality open spaces through new development. While this is addressed in the Developer contributions SG it may sit better in the Sport and Recreation SG.

- **Section 12 - Developer Contributions**

Change/s sought to the Plan: Para 12.3 should be augmented to state ... “arising from the proposed development”. This will ensure that developer contributions sought will be done so in accordance with the provisions of Circular 3/2012 albeit that this type of wording is included in the policy. It would be beneficial to set out an indicative list of what the National Park are likely to be seeking developer contributions toward as this will provide a level of certainty to the development industry. Para 12.8 should be updated to refer to Circular 3/2012 rather than 12/1996.

In terms of the SG

It is a useful document which will help to deliver certainty to the development industry. The approach taken to developer contributions to the natural, built and cultural heritage is interesting and it will be useful to discuss how this works in practice.

NEMT Comments on CNPA Proposed Local Development Plan, Spring 2013

Submitted by

Dave Windle of [REDACTED]

Teleph [REDACTED]
[REDACTED]

On behalf of N [REDACTED]

Please send all correspondence to [REDACTED]

General

In many places, the document contains vague aspirations, which are inappropriate for what will be formal legal text intended for use in specific development cases by members of the public. For example, Paras 7.4 and 10.5 contain loose exhortations on, e.g. “us all to play a part in making Scotland a better place”. Many people differ about how “we” should go about doing this. It is probably too late to remove this all loose material from this document, but it should be reduced considerably. In future documents, such material should be left out as it clutters the text and makes it more difficult to read and use.

The document gives insufficient weight to the overriding “aim of conserving and enhancing the natural and cultural heritage of the area”. The plan should highlight that all developments will be tested against this objective.

There is a general requirement on Local Authorities to “identify sufficient land to meet the identified need and demand for housing land in its area”. Something needs to be said upfront that the Park Authority will make a case to be released from this general requirement as inappropriate for a National Park and that it will not cater for unrestricted demand for housing, resulting in excessive numbers of second homes and holiday lets. Doing so would inevitably damage the natural heritage that is the Park’s “unique” and “key” asset. More affordable housing for residents is needed and this has been used to justify further housing. Policies need to be devised that will cater for residents housing but will not cater for unrestricted housing demand.

Para 1.23

Figure 3 on page 12 should be revised to show areas where natural heritage is key and conservation should have priority, as one of the four aims of the Park, and to assert that development should be restricted in order to achieve this.

Section 3

Reference needs to be made to the landscape impact in this section, e.g. the effect on views from the mountains and from frequently travelled routes.

An important aspect of new housing development is the agreed need for affordable housing for Park residents. The policy here is too weak, simply referring to the national target of 25% for affordable housing. W McDermott has carried out a review of the policies of the Peak District National Park ("Affordable Housing in Cairngorms National Park", dated 11/4/2012 - already supplied to the Park Authority, but a new copy can be sent if wished). This clearly shows that a significantly higher percentage can be achieved, thus, safeguarding the natural heritage while supplying housing for park residents. Achieving a proportion of greater than 25% would reduce the size and environmental impact of the controversial new town of An Camas Mor.

The policy refers to the need to "reinforce and enhance the character of the existing settlement". Recent housing developments in Aviemore using white rendered finishes and no traditional grey stone arguably do not achieve this and stronger guidance needs to be given on this point. The above review of housing in the Peak District National Park gives good examples of buildings that do achieve this.

Para 3.7

This appears to be incompatible with the proposed new town of An Camas Mor, which clearly will not "reinforce and enhance the character of its surroundings", which are currently highly rural rather than urban.

Para 4.3

This should be stronger. We suggest that it should specifically state upfront that "economic growth will only be supported where this does not conflict with the natural or cultural heritage of the area".

Para 6.3

The policy allows development detrimental to the integrity of an internationally or nationally designated site for "imperative reasons of an economic nature". This get-out clause should be removed as it is in contravention of the overriding aim of the Park.

Para 6.7

It is difficult to see how the proposed developments can "improve the quality of the natural heritage found in the Park". This paragraph should be expanded to give examples of how this apparent contradiction can be resolved. We believe that the proposed Plan should give

complete protection for Natura 2000 sites and remove any possibility of a Trump case type appeal to Ministers to override a statutory designation. Cases might arise where Ministers choose to override the Plan but it is better not to raise the possibility that the Park Authority itself may condone this from the start in the Plan.

Para 6.10

We are pleased to see that “an equivalent level of consideration (to that afforded to National Scenic Areas) will also be given to the landscape throughout the whole Park”.

Para 6.11

Surely mitigation should apply to any proposed development and should not be restricted to natural heritage? Does this merit a separate section to make clear that it applies to all aspects of a proposed development?

Para 7.1

We welcome the stress placed upon “wildness” in this section.

Para 7.3

The policy allows development detrimental to the landscape character of the area for economic benefits of national importance. This is another get-out clause that should be removed as it is in contravention of the overriding aim of the Park. Cases might arise where Ministers choose to override the Plan but it is better not to raise the possibility that the Park Authority itself may condone this from the start in the Plan.

Para 7.10

We believe that it make sense to make specific reference to the wildness maps being prepared and currently revised by SNH. It makes no sense for the Cairngorms Landscape toolkit to use a different reference point.

The Plan should make clear that there will be no development in areas of high wildness value and that development in areas of medium value would only be supported if no alternatives exist.

The Dark Skies item is important and deserves a separate paragraph, which could also usefully include guidance on sound pollution, e.g. in relation to roads.

Section 8

We support the emphasis on renewable energy and also the statement that “large scale commercial wind turbines are not compatible with the special qualities of the National Park and are not considered to be appropriate within the National Park or where outside the Park they affect its landscape setting”.

Section 9

This section needs to address issues of access and shelter in the wild core areas of the Park. We suggest that the Authority makes it clear in this section that approval will not be given to proposals for additional bridges or shelters in areas of high or medium wildness value.

Para 14.26

This states that An Camas Mor will be “a real community, not a holiday village or second home enclave”. Many people think that this is exactly what will happen. The Plan needs to give specific details on how this will be achieved.

Para 16.2

This refers to a key project of allowing “responsible open access on Cairngorm Mountain”. Our understanding is that some local businesses want to see this, but that a large number of people are opposed to it. The EU funding for the funicular was dependent on the current closed system being maintained. Before promoting such a controversial project, the Plan should be clear on the very good reasons for not allowing open access and how those reasons will be respected.

Supplementary Guidance: Core Paths Plan

Page 106

There should be a clear statement that, while existing paths should be maintained, there will be no new core paths in areas of high or medium wildness value.

Page 107

“Multi use by legitimate forms of outdoor access is encouraged. Legitimate forms of access on paths include walking, cycling and horse riding.” This is too lax for core paths in the central Cairngorms: mountain biking over the Larigs Ghru and an Laoigh, for instance, should be discouraged as “irresponsible”, since they damage path surfaces as well as encourage off-path use of bikes on even more fragile surfaces.

Page 108

We endorse the policy that there should be no signage in the central Cairngorms area and suggest that this is extended to all areas of high and medium wildness value, except in woods.

Charlotte Milburn

From: ROBERT GREENWOOD [REDACTED]
Sent: 01 July 2013 17:22
To: Local Plan
Subject: Local Plan Consultation

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Red Category

Dear sir/madam,

I refer to the LDP consultation and wish to make the following comment:-

I think it is wrong to include any part of School Wood, Nethy Bridge in the LDP. The whole of School Wood is classified as an area of ancient woodland. It should be protected as such. It forms an important area for the local community and enhances the landscape character of the locality and the National Park. The Natural Heritage value is of far greater importance and I would like to see School Wood removed from the LDP please. Surely the whole reason behind the creation of a National Park is to conserve the natural and cultural heritage of the area and to lose any part of School Wood to development would clearly go against that intention. Also important, rare and legally protected species of wildlife occupy and breed in the woodland. Some of these species are part of "The Big Five" according to SNH, that visitors and locals alike wish to see and in very many cases travel and holiday in the area to specifically see. These species of wildlife add greatly to the natural heritage of the park. CNPA have a real opportunity to demonstrate its stewardship of our natural heritage by acting responsibly and taking the views of local people into consideration rather than being led by developers who are profit orientated and clearly care little for what they intend to destroy for ever.

Robert and Linda Greenwood
[REDACTED]

Blair Atholl & Struan Community Council
Cairngorms National Park Proposed Local Development Plan
Community Council Response July 2013

The Community Council has three comments on the Proposed Local Development Plan.

1. We note that part of the present Tilt Caravan Park is proposed for “Community uses”. We are aware that this site is adjacent to (and part may be within) SEPA’s 1 in 200 year flood area. We hope that suitable developments can be found to make use of this land.
2. We note that no land (apart perhaps from the “Community use” land) has been identified for future housing. If the Community use land is unsuitable, then it is likely that any future housing land will have to be outside the existing settlement boundary. We believe that full local consultation must be carried out before any extension of the settlement boundary is allowed.
3. For information, the Recycling Facility in the village is in the car park opposite the main entrance to Blair Castle, and not as shown on the Settlement Map.

Donald Isles
Chairman
5 July 2013

Official Use Only

Reference:

Objection No:

Form for representations on the Cairngorms National Park Proposed Local Development Plan

Please read the explanatory notes inside the front cover of the proposed Local Development Plan before completing this form. The deadline for returning completed forms is 5pm, Friday 5 July 2013. The forms can also be completed online at www.cairngorms.co.uk. You can photocopy this form, or further copies are available from the Cairngorms National Park Authority offices or can be printed from our website.

Please use this form to state clearly the modification/s you would like to see made to the Plan. You should include the proposal/policy or paragraph reference where appropriate. Please use a separate form for each representation.

1. Name **Kirsty Chalmers**

Address **Nestran**

2. If you are representing a third party, please give their details.

Name

Address

..... Postcode

Telephone Email

To which address do you wish all correspondence to be directed? (please tick)

Own Agent

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification. **Local Development Plan in relation to all settlements**

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).

In relation to the detailed policies provided under each settlement, Nestran's welcomes the references to improving pedestrian connectivity and achieving a more pedestrian and cycle friendly environment. Travel improvements are listed under the heading developer contributions and infrastructure requirements and we feel

4. Continued

that it may be worth expanding this to explicitly mention, not just walking and cycling, but also public transport as something for which developer contributions may be required. Equally, under the heading linkages and connections, we would welcome recognition of the importance of public transport links, not just within the settlement, but also to other key destinations and settlements.

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

Specific reference to cycling, walking and public transport under ‘developer contributions and infrastructure requirements’ within each settlement strategy.

Please return all completed forms to:
FREEPOST (RSHS-BHKL-KXHS)
Cairngorms National Park Authority
Albert Memorial Hall, Station Square
Ballater
AB35 5QB

Or email: localplan@cairngorms.co.uk

Forms should be returned no later than 5pm, Friday 5 July 2013.

After that date, you will be contacted by a representative of the Cairngorms National Park Authority with regard to your objections.

If you have any queries regarding completion of the comments form, or require further assistance, please contact the Development Plan team at the CNPA Ballater office: Tel: 013397 53601 Email: localplan@cairngorms.co.uk

www.cairngorms.co.uk

Data Protection

Details provided will only be used for purposes associated with the Local Development Plan. You may request to see personal information held by the CNPA at any time. Information will be shared with the Scottish Government Department of Planning and Environmental Appeals and may be published on our website. We will not publish address details but may publish the name of the person who has completed the form. By completing and submitting the form, you are consenting to the above.

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Please use this form to state clearly the modification/s you would like to see made to the Plan. You should include the proposal/policy or paragraph reference where appropriate. Please use a separate form for each representation.

1. Name **Kirsty Chalmers**

Address **Nestrans**

██
 ██
 ██
 ██

2. If you are representing a third party, please give their details.

Name

Address

..... Postcode

Telephone Email

To which address do you wish all correspondence to be directed? (please tick)

Own Agent

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification. **Supplementary Guidance and Core Paths Plan**

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).

Nestrans supports and welcomes the emphasis placed on the promotion of sustainable transport modes and the creation of new multi-use links where appropriate. Also welcomed is the reference to innovative options such as community cars, car sharing and electric vehicle charging points, all of which support the objectives of the Regional Transport Strategy.

4. Continued

Nestrans also welcomes the inclusion of the Core Paths Plan as supplementary guidance.

For the settlements along the Deeside Way, we would however welcome reference to the strategic nature of this walking and cycling route and the promotion of links from new developments to this strategic network. This will help to ensure that there are opportunities for sustainable travel within the park area but also connecting to strategic links enabling sustainable access to the park.

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

In the LDP, Core Paths Plan and Supplementary Guidance, make reference to connections to and enhance the network of strategic walking and cycling routes such as the Deeside Way for travel within the park and also to promote travel to the park by walking and cycling.

Please return all completed forms to:
FREEPOST (RSHS-BHKL-KXHS)
Cairngorms National Park Authority
Albert Memorial Hall, Station Square
Ballater
AB35 5QB

Or email: localplan@cairngorms.co.uk

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After that date, you will be contacted by a representative of the Cairngorms National Park Authority with regard to your objections.

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Please use this form to state clearly the modification/s you would like to see made to the Plan. You should include the proposal/policy or paragraph reference where appropriate. Please use a separate form for each representation.

1. Name Andrew Bayne
Address ABC Planning & Design

████████████████████
██████████ ████████████████████████████████████
██

2. If you are representing a third party, please give their details.

Name Glenprosen Estate
Address c ██████████

██
██

To which address do you wish all correspondence to be directed? (please tick)

Own Agent

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.

[Proposed LDP Chapter 7 Landscape and Supplementary Guidance Section 6](#)

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).

[See Attached Document named "CNPA LDP-7"](#)

DOCUMENT NAME: CNPA LDP-7

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.

Proposed Local Development Plan (PLDP) Chapter 7: Landscape and Proposed Supplementary Guidance Section 6.

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).

The key grounds of this representation are:

1. The PLDP policy on Natural Heritage must reflect the emerging Scotland's Third National Planning Framework (NPF3) and Scottish Planning Policy (SPP) desire to include "*strong protection for our wildest landscapes*" (NPF3, paragraph 2.18) through the use of SNH's mapping of Core Wild Land Areas to inform future planning for wind farm developments and include those core wild areas as areas of significant protection (SPP, paragraphs 128, 129 and 218).
2. PLDP paragraph 1.11 states "*What is required in National Parks is an approach that delivers for **ALL** four aims [of the National Parks as set out by the National Parks (Scotland) Act 2000] together*".
3. PLDP paragraph 1.12 goes on to confirm "*where it appears to the National Park Authority that there is such a conflict, the Act requires that **greater weight** is given to conserving and enhancing the natural and cultural heritage.*"
4. PLDP paragraph 7.1 states that "*The experience of large scale wildness in the National Park is particularly distinctive in UK terms.*" In our view, this places significant importance and value upon the unique and special qualities of the National Park and as such are worthy of greater protection against inappropriate development, such as wind farms.
5. In the foreword to the National Park Plan 2012-2017 **the Minister for Environment and Climate Change** states "***Scotland's National Parks are two of our greatest national assets. From the high mountains and straths of the Cairngorms to the lochs and woodlands of Loch Lomond and the Trossachs, these areas of outstanding natural beauty provide some of our most iconic landscapes. They are important for their contribution to the Scottish tourist industry and wider economy, their rich cultural heritage and for the health and social benefits they bring our citizens. They are valued by the communities and people that live, work and find recreation and enjoyment in them. Our National Park Authorities play a vital role in managing the Parks, in supporting sustainable rural development, in promoting and enhancing the visitor experience and ensuring that the Parks' stunning landscapes and special qualities are conserved and enhanced for future generations.***" and "*We aspire to them being 'must visit' destinations – renowned for their landscapes, welcoming visitor experience and thriving communities.*" concluding with "*We should be proud of our National Parks and, in partnership, work to **ensure they stand as two of the best in the world.***" **To retain this status and value we support the inclusion of core areas of wild land as part of national, strategic and local planning policy. We support PLDP policy that protects and enhances the diverse and spectacular landscapes of the National Park and protects against development that would erode the special qualities of the Park.**
6. PLDP paragraph 8.5 on page 34 and The Policy on page 35 state that large scale commercial wind turbines (defined as more than one turbine and more than 30 metres in height) are not compatible with the special qualities of the National Park and are not considered to be appropriate within the National Park or where outside the Park they

affect its landscape setting. **This we support.** It is however important that the new national planning policies (SPP, paragraph 131) on the design and siting of development including taking account of local landscape character and Core Wild Land Areas are incorporated into the PLDP policy on Natural Heritage, Landscape and Renewable Energy.

7. SPP paragraphs 132 and 133 state that planning permission should be refused where the scale or nature of proposed development would have an unacceptable impact on the landscape or natural heritage and planning authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain. The PLDP policy on landscape must include Core Areas of Wild Land. It must also be policy relevant to assessing proposed development outside of the Park that might have an adverse impact on the setting of the Park in the context of protecting one of Scotland's "national assets, underpinning international tourism destinations." (PLDP, paragraph 7.6)
8. Section 14 of the National Parks (Scotland) Act 2000 requires Ministers to have regard to the Park Plan in exercising any function which has an effect on the Park, not just those functions and activities within it;
9. *which means that* any proposal (within the National Park or outside it that affect its landscape setting) which contradicts the strategic objectives of the Park Plan are contrary to Scottish Government Policy in relation to the National Park.
10. There is a need for a robust application of the legislative and planning policy context to ensure decisions taken at a local planning level, at appeal or by Scottish Ministers are consistent in their interpretation of that legislative and policy framework following the recent (17 June 2013) Scottish Government decision to refuse the Glenkirk Wind Farm on Balnespick Estate, Tomatin – particularly in relation to wind farms around the edge of the National Park where the Scottish Ministers accepted that the National Park Plan and the adverse impact on the setting of the National Park as valid and significant evidence to refuse planning permission for a wind farm development outside the Park and that the adverse landscape and visual impacts (where not preserving the natural beauty of the area) could outweigh the renewable energy benefits .
11. In this context, as this policy is a material consideration for wind farm developments outside the Park, reference to surrounding planning authority spatial planning, energy and capacity studies and guidance should be included as a consideration in determining the impact on the landscape setting of the Park.

12. **Supporting Material**

Also attached is Glenprosen Estate's representation to the LDP Main Issues Report. In it, the comments made in relation to the Cairngorms National Park Plan 2012-2017 are pertinent to this representation as the quality of landscape and natural heritage of the park is a major asset to Glenprosen Estate's business and future sustainability.

As such, the Proposed Local Development Plan (PLDP) must ensure the Park Authority, other partners and organisations continue to strengthen its policy and commitment to protect and enhance the core assets and special qualities. A presumption against wind farms and avoiding inappropriate development in and around the park is essential.

The statements under Issues 1 to 6 in the letter are also relevant grounds to this representation and the Park Authority must ensure the PLDP text and policy reflects the need to strike an acceptable balance between protecting the Park's special qualities and the need to sustain economic growth and support local businesses.

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

- Alteration to the PLDP and Supplementary Guidance text and policy on Landscape to incorporate text, mapping and references to SNH's Core Areas of Wild Land mapping to inform planning decisions; and
- Alteration to the PLDP and Supplementary Guidance text and policy on Landscape to clarify that wind farms outside of the Park must take account of this policy, the policies and guidance of surrounding planning authorities and include guidance to strengthen the policy to protect and enhance the setting of the Park.
- The continuation, and strengthening of the presumption against any development that does not comply with the LDP policies to avoid inappropriately designed and/ or located development and to ensure the Park remains one of the best National Parks in the world.

Official Use Only

Reference:

Objection No:

Form for representations on the Cairngorms National Park Proposed Local Development Plan

Please read the explanatory notes inside the front cover of the proposed Local Development Plan before completing this form. The deadline for returning completed forms is 5pm, Friday 5 July 2013. The forms can also be completed online at www.cairngorms.co.uk. You can photocopy this form, or further copies are available from the Cairngorms National Park Authority offices or can be printed from our website.

Please use this form to state clearly the modification/s you would like to see made to the Plan. You should include the proposal/policy or paragraph reference where appropriate. Please use a separate form for each representation.

1. Name Andrew Bayne
Address ABC Planning & Design

H [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

2. If you are representing a third party, please give their details.

Name Glenprosen Estate

Address c/o S [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

To which address do you wish all correspondence to be directed? (please tick)

Own

Agent

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.

[Proposed LDP Chapter 6 Natural Heritage and Supplementary Guidance Section 5](#)

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).

[See Attached Document named "CNPA LDP-6"](#)

DOCUMENT NAME: CNPA LDP-6

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.

Proposed Local Development Plan (PLDP) Chapter 6: Natural Heritage and Proposed Supplementary Guidance Section 5.

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).

The key grounds of this representation are:

1. The PLDP policy on Natural Heritage must reflect the emerging Scotland's Third National Planning Framework (NPF3) and Scottish Planning Policy (SPP) desire to include "strong protection for our wildest landscapes" (NPF3, paragraph 2.18) through the use of SNH's mapping of Core Wild Land Areas to inform future planning for wind farm developments and include those core wild areas as areas of significant protection (SPP, paragraphs 128, 129 and 218).
2. PLDP paragraph 1.11 states "What is required in National Parks is an approach that delivers for **ALL** four aims [of the National Parks as set out by the National Parks (Scotland) Act 2000] together".
3. PLDP paragraph 1.12 goes on to confirm "where it appears to the National Park Authority that there is such a conflict, the Act requires that **greater weight** is given to conserving and enhancing the natural and cultural heritage."
4. PLDP paragraph 6.1 acknowledges that the range and quality of natural heritage in the Cairngorms National Park is unique in the UK and is internationally valued. The PLDP also states in this paragraph that this unique natural heritage underpins all four aims of the Park. This is reiterated in the National Park Plan 2012-2017 which clearly states that "The special qualities underpin the designation of the National Park and the delivery of all four aims together" and "All partners should seek to conserve and enhance the special qualities...";
5. **which is something the Scottish Government supports** In the foreword to the National Park Plan 2012-2017 where **the Minister for Environment and Climate Change** states "**Scotland's National Parks are two of our greatest national assets. From the high mountains and straths of the Cairngorms to the lochs and woodlands of Loch Lomond and the Trossachs, these areas of outstanding natural beauty provide some of our most iconic landscapes. They are important for their contribution to the Scottish tourist industry and wider economy, their rich cultural heritage and for the health and social benefits they bring our citizens. They are valued by the communities and people that live, work and find recreation and enjoyment in them. Our National Park Authorities play a vital role in managing the Parks, in supporting sustainable rural development, in promoting and enhancing the visitor experience and ensuring that the Parks' stunning landscapes and special qualities are conserved and enhanced for future generations.**" and "We aspire to them being 'must visit' destinations – **renowned for their landscapes, welcoming visitor experience and thriving communities.**" concluding with "We should be proud of our National Parks and, in partnership, work to **ensure they stand as two of the best in the world.**" **To retain this status and value we support the inclusion of core areas of wild land as part of national, strategic and local planning policy.**

6. PLDP paragraph 8.5 on page 34 and The Policy on page 35 state that large scale commercial wind turbines (defined as more than one turbine and more than 30 metres in height) are not compatible with the special qualities of the National Park and are not considered to be appropriate within the National Park or where outside the Park they affect its landscape setting. **This we support.** It is however important that the new national planning policies (SPP, paragraph 131) on the design and siting of development including taking account of local landscape character and Core Wild Land Areas are incorporated into the PLDP policy on Natural Heritage, Landscape and Renewable Energy.
7. SPP paragraphs 132 and 133 state that planning permission should be refused where the scale or nature of proposed development would have an unacceptable impact on the landscape or natural heritage and planning authorities should apply the precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain. This must include Core Areas of Wild Land. It must also be policy relevant to assessing proposed development outside of the Park that might have an adverse impact on the setting of the Park.
8. Section 14 of the National Parks (Scotland) Act 2000 requires Ministers to have regard to the Park Plan in exercising any function which has an effect on the Park, not just those functions or activities within it;
9. **which means that** any proposal (within the National Park or outside it that affect its landscape setting) which contradicts the strategic objectives of the Park Plan are contrary to Scottish Government Policy in relation to the National Park.
10. There is a need for a robust application of the legislative and planning policy context to ensure decisions taken at a local planning level, at appeal or by Scottish Ministers are consistent in their interpretation of that legislative and policy framework following the recent (17 June 2013) Scottish Government decision to refuse the Glenkirk Wind Farm on Balnespick Estate, Tomatin – particularly in relation to wind farms around the edge of the National Park where the Scottish Ministers accepted that the National Park Plan and the adverse impact on the setting of the National Park as valid and significant evidence to refuse planning permission for a wind farm development outside the Park and that the adverse landscape and visual impacts (therefore not preserving the natural beauty of the area) could outweigh the renewable energy benefits .
11. In this context, as this policy is a material consideration for wind farm developments outside the Park, reference to surrounding planning authority spatial planning, energy and capacity studies and guidance should be included as a consideration in determining the impact on the landscape setting of the Park.

12. **Supporting Material**

Also attached is Glenprosen Estate's representation to the LDP Main Issues Report. In it, the comments made in relation to the Cairngorms National Park Plan 2012-2017 are pertinent to this representation as the quality of landscape and natural heritage of the park is a major asset to Glenprosen Estate's business and future sustainability.

As such, the Proposed Local Development Plan (PLDP) must ensure the Park Authority, other partners and organisations continue to strengthen its policy and commitment to protect and enhance the core assets and special qualities. A presumption against wind farms and avoiding inappropriate development in and around the park is essential.

The statements under Issues 1 to 6 in the letter are also relevant grounds to this representation and the Park Authority must ensure the PLDP text and policy reflects the need to strike an acceptable balance between protecting the Park's special qualities and the need to sustain economic growth and support local businesses.

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

- Alteration to the PLDP and Supplementary Guidance to include the relevant new NPF3 and SPP planning policies on natural heritage;
- Alteration to the PLDP and Supplementary Guidance text and policy on Natural Heritage to incorporate text, mapping and references to SNH's Core Areas of Wild Land mapping to inform planning decisions; and
- Alteration to the PLDP and Supplementary Guidance text and policy on Natural Heritage to clarify that wind farms outside of the Park must take account of this policy, the policies and guidance of surrounding planning authorities and include guidance to strengthen the policy to protect and enhance the setting of the Park and to ensure the Park remains one of the best National Parks in the world.

Official Use Only

Reference:

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Please use this form to state clearly the modification/s you would like to see made to the Plan. You should include the proposal/policy or paragraph reference where appropriate. Please use a separate form for each representation.

1. Name Andrew Bayne
Address ABC Planning & Design

████████████████████
██████████ ██████████ ██████████
██ ███

2. If you are representing a third party, please give their details.

Name Glenprosen Estate
Address c/o Savills

12 ██████████
██████████ ██████████ ██████████
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To which address do you wish all correspondence to be directed? (please tick)

Own Agent

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.

[Proposed LDP Chapter 8 Renewable Energy and Supplementary Guidance Section 7](#)

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).

[See Attached Document named "CNPA LDP-8"](#)

DOCUMENT NAME: CNPA LDP-8

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.

Proposed Local Development Plan (PLDP) Chapter 8: Renewable Energy and Proposed Supplementary Guidance Section 7.

4. Please state clearly and fully the grounds of your objection or representation to the proposed Local Development Plan, using a continuation sheet if necessary. (You are advised to limit your statement to a maximum of 2000 words, plus limited supporting materials).

PLDP Paragraph 8.5 on page 34 and The Policy on page 35 state that large scale commercial wind turbines (defined as more than one turbine and more than 30 metres in height) are not compatible with the special qualities of the National Park and are not considered to be appropriate within the National Park or where outside the Park they affect its landscape setting. **This we support.** It is however critically important that the national planning policy and energy consents context is reflected in this policy statement and form part of the Supplementary Guidance. As this section of the PLDP specifically mentions wind farms, it must be clear to which wind farms it applies in terms of (1) type/ scale; and (2) location.

The key grounds of this representation are:

1. Scotland's Third National Planning Framework Main Issues Report and Draft Framework states the Scottish Government remains of the view (paragraphs 2.16 and 2.17) that planning authorities should continue to prepare spatial strategies for onshore wind development and indicates that planning authorities should determine what scales of wind farm these should cover and therefore remain of the view that planning authorities are best placed to plan for onshore wind at the local level, including assessment of any cumulative impacts;
2. **which is then followed up by** Scottish Planning Policy Consultative Draft stating (paragraph 216) that Local Development Plans should clearly set out the potential for wind turbine and wind farm development of **ALL** scales as part of the spatial strategy;
3. **therefore** this therefore includes applications for wind farm developments under S36 of the Electricity Act 1989 not just those applications determined by planning authorities;
4. **and as** Schedule 9 of that Act places a duty on the wind farm promoter/ developer to have regard to the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna, and geological and physiological features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest;
5. **it means that** the Park Plan constitutes the policy of Scottish Ministers for managing the Park;;
6. **which in turn means** Section 14 of the National Parks (Scotland) Act 2000 requires Ministers to have regard to the Park Plan in exercising any function which has an effect on the Park, not just those functions or activities within it;
7. **which** in the case of consideration of an application under the Electricity Act 1989, this involves taking into account the Park Plan in particular to the preservation of the natural beauty of the area;
8. **and** any proposal (within the National Park or outside it that affect its landscape setting) which contradicts the strategic objectives of the Park Plan are contrary to Scottish Government Policy in relation to the National Park.

9. *so that* there is a need for a robust application of the legislative and planning policy context to ensure decisions taken at a local planning level, at appeal or by Scottish Ministers are consistent in their interpretation of that legislative and policy framework following the recent (17 June 2013) Scottish Government/ Ministers decision to refuse the Glenkirk Wind Farm on Balnespick Estate, Tomatin – particularly in relation to wind farms around the edge of the National Park where the Scottish Ministers accepted that the National Park Plan and the adverse impact on the setting of the National Park as valid and significant evidence to refuse planning permission for a wind farm development outside the Park and that the adverse landscape and visual impacts (where not preserving the natural beauty of the area) could outweigh the renewable energy benefits .
10. Finally, in this context, as this policy is a material consideration for wind farm developments outside the Park, reference to surrounding planning authority spatial planning, energy and capacity studies and guidance should be included as a consideration in determining the impact on the landscape setting of the Park.

11. **Supporting Material**

Also attached is Glenprosen Estate’s representation to the LDP Main Issues Report. In it, the comments made in relation to the Cairngorms National Park Plan 2012-2017 are pertinent to this representation as the quality of landscape and natural heritage of the park is a major asset to Glenprosen Estate’s business and future sustainability.

As such, the Proposed Local Development Plan (PLDP) must ensure the Park Authority, other partners and organisations continue to strengthen its policy and commitment to protect and enhance the core assets and special qualities. A presumption against wind farms and avoiding inappropriate development in and around the park is essential.

The statements under Issues 1 to 6 in the letter are also relevant grounds to this representation and the Park Authority must ensure the PLDP text and policy reflects the need to strike an acceptable balance between protecting the Park’s special qualities and the need to sustain economic growth and support local businesses.

5. Please state clearly what change/s you wish to see made to the Plan, which would resolve your objection.

- Alteration to the PLDP and Supplementary Guidance text and policy to include reference to the fact it applies to “ALL” wind farms including those under S36 of the Electricity Act and to ensure a consistent application and interpretation of that legislative and policy context;
- Alteration to the PLDP and Supplementary Guidance text and policy to clarify that wind farms outside of the Park must take account of this policy, the policies and guidance of surrounding planning authorities and include guidance on how to assess their impact on the setting of the Park, particularly in relation to S36 applications and to ensure a consistent application and interpretation of that legislative and policy context.
- Alteration to the PLDP policy to reinforce the presumption against large scale commercial wind turbines within the Park or where outside the Park they affect its landscape setting and to ensure the Park remains one of the best National Parks in the world.

[REDACTED]

Karen Major
Local Development Plan Team,
Cairngorms National Park Authority
Albert Memorial Hall
Station Square
BALLATER
AB35 5QB

By FREEPOST & e-mail to localplan@cairngorms.co.uk

04 July 2013

Dear Karen,

CAIRNGORMS NATIONAL PARK LOCAL DEVELOPMENT PLAN – PROPOSED PLAN AND SUPPLEMENTARY GUIDANCE

Thank you for the opportunity to make representations on the Cairngorm National Park Proposed Local Development Plan. I am responding on behalf of the Scottish Government, including Transport Scotland and Historic Scotland.

In general we welcome the vision and strategic objectives set out in the plan.

With regard to the content of the proposed plan and supplementary guidance we have a number of comments and representations that we wish to make.

Greenhouse Gas Emission Policies (P24 and Chapter 8)

The plan does not expressly deal with the legislative requirements of Section 3F of the Town and Country Planning (Scotland) Act 1997 regarding Green House Gas Emissions Policies.

We invite the Reporter to take a view as to whether the proposed plan sections on sustainable design and renewable energy are sufficient with regard to the legislative provisions.

If the Reporter is not of the view that the plan is sufficient in this regard, we highlight comments the Scottish Government Planning and Architecture Division made to the Perth and Kinross Proposed Local Development Plan on their approach to this matter. We would also draw the Reporter's attention to the Scottish Government's Third Annual Report to the Scottish Parliament on the operation of Section 72 of the Climate Change Act (known as Section 3F of the Town and Country Planning (Scotland) Act 1997), which sets out the Government's position on the likely essential characteristics of policies meeting the requirements of Section 3F.

The Perth and Kinross approach to meeting the legislative requirement may not be entirely suitable for the Cairngorm National Park and the Reporter may wish to invite the Park

Authority to set out how their proposed plan meets the requirements of the legislation. The Scottish Government expects that a variety of approaches to meeting the requirements of Section 3F will emerge.

A link to the Third Annual Report to the Scottish Parliament is provided here:

http://www.scottish.parliament.uk/S4_RuralAffairsClimateChangeandEnvironmentCommittee/General%20Documents/2013.03.28_-

[Third Annual Report on the Operation of Section 72 of the Climate Change \(Scotland\) Act 2009.pdf](#)

Our comments to Perth and Kinross Council on greenhouse gas policies are attached below:



CNPA Extract 1



CNPA

accompanying Representation 3F Ex

Developer Contributions

The wording of paragraph 12.8 is inaccurate. Circular 12/1996 was revoked by Circular 1/2010, which in turn was revoked and replaced by Circular 3/2012. The reference is therefore substantially out of date. The references to planning agreements are also out of date. The Planning Etc (Scotland) Act 2006 established that section 75 allows planning authorities to secure planning obligations.

We suggest that references to 'planning agreement' be changed to the legally correct 'planning obligation' and that a more suitable form of words for paragraph 12.8 would be along the lines of; 'Scottish Government guidance on the use of planning obligations is provided in Circular 3/2012. This sets out that planning obligations may be used to mitigate the adverse impacts of a development, where this cannot be achieved through other means such as conditions or other legal agreements. The Planning etc (Scotland) Act 2006 allows such mitigation to include payment of money (developer contributions). Any contribution will be based on the costs of provision of infrastructure required as a consequence of that development, although this may include an element to address the cumulative effects of a number of small developments.

The Proposed Plan also needs to acknowledge that the tests of necessity require to be met.

Housing Land Requirement

The amount of housing land to be allocated over the next 20 years is unclear. The over abundance of tables in the supporting 'Evidence report' is confusing and they are of questionable accuracy. It is difficult to ascertain whether the housing figures represent a sufficiently generous supply of land. An assumption is made that all land with a current consent and currently in the Plan will deliver housing, which may be unrealistic and reduces flexibility.

It would be helpful to clearly present the total housing land required in the LDP over the plan period as one concise and easy to understand table which subtracts total land supply from the total requirement (if that is the route the CNPA wishes to follow). This could then be split into market and affordable requirement.

The Scottish Government considers that Reporters will need to satisfy themselves that the Proposed Plan identifies a generous supply of housing land sufficient to meet all housing

need and demand at least up to year 10 beyond the anticipated year of adoption of the plan, including flexibility and choice of sites. The Proposed Plan should clearly show the contribution to meeting all need and demand expected from allocated and windfall sites up to year 10. If the scale of allocation is being restricted to protect the integrity of the Park, we invite the Reporters to satisfy themselves that justification for such an approach has been presented in the LDP.

Transport

Transport Scotland welcomes the Transport Appraisal that the National Park Authority has undertaken to inform the Proposed Plan. The Agency would also have welcomed the opportunity to comment on draft versions of the Plan and Supplementary Guidance as a number of the points raised in the representations could have been incorporated prior to publication, thereby reducing the need to comment at this formal stage.

The Supplementary Guidance Representations are as follows:

1. Transport Assessment
2. Renewable Energy
3. Developer Contributions
4. Newtonmore H1

Transport Representation 1 – Supplementary Guidance - Transport Assessment

Aspect of Supplementary Guidance to which a modification is sought

Supplementary Guidance, page 22, Promote Sustainable Transport Heading, paragraph 4.24 and 4.25.

Grounds of representation

We welcome the fact that the supplementary guidance makes reference to the need for a Transport Assessment. However, the scope of the assessment should be agreed with Transport Scotland where there are potential impacts on the safe and efficient operation of the trunk road network. Including the suggested statement below in the Supplementary Guidance should allow developers to understand who they need to consult with to scope and agree Transport Assessments.

The statement in the first sentence of paragraph 4.25 also applies to new or upgraded private accesses. The sentence should therefore be modified to include reference to new accesses, which may be private and not form part of the public road.

Changes sought to resolve representation

Paragraph 4.24 currently reads as follows:

“We will require a Transport Assessment where the impacts of the development are considered significant.”

This should be followed by the text below:

“The need for, and scope of which, will be agreed in consultation with the relevant roads authority(s).”

Insert the words “or access” to the first sentence of paragraph 4.25, which should then read as follows:

“If a new or improved made-up public road or access is required then the proposed development must not be occupied until the road is constructed to a standard which satisfies the relevant roads authority.”

Transport Representation 2 – Supplementary Guidance – Renewable Energy

Aspect of Supplementary Guidance to which a modification is sought
Supplementary Guidance, pages 53 onwards, Chapter 7 Renewable Energy –
Supplementary Guidance.

Grounds of representation

A number of changes should be made to ensure that proposals do not compromise the safe and efficient operation of the trunk road network. Should a development have potential impacts on the trunk road network, in line with Scottish Planning Policy (paragraphs 174 and 175), consultation with Transport Scotland will be required to identify and agree any mitigation that may be needed.

Changes sought to resolve representation

On page 53, insert the following within the “*Information required*” column on the “*All Development, All renewable energy developments*” row insert “*and decommissioning*” within the third bullet point which should then read as follows:

“Access and traffic management assessment including access to and around the site during construction, operation and decommissioning of the proposal which should be agreed with the relevant roads authority(s)”

On page 55, remove “*during the construction phases*” from the last sentence of the last paragraph of 7.10.

Under the “*Wind energy*” heading on page 56 insert a new sub-heading named “*Trunk Road considerations*” and insert the following text thereafter:

“When siting wind turbines in the vicinity of a trunk road turbines should:

- be set back a minimum of 1.5 times the height of the wind turbine (from ground level to the uppermost tip of turbine blade) away from the nearest kerbline of the trunk road carriageway.*
- not form a visual distraction to trunk road users particularly where drivers are required to manoeuvre, react or make decisions (e.g. junctions, bends etc.).*
- be sited to ensure that vehicles on the trunk road would not be facing towards it with a low sun behind it, such as on early winter mornings, otherwise the turbines should be sited at a distance of 10 rotor diameters away from the carriageway.”*

Transport Representation 3 – Supplementary Guidance – Developer Contributions

Aspect of Supplementary Guidance to which a modification is sought
Supplementary Guidance, page 81, Transportation and outdoor access heading, paragraph 11.8, bullet point 6.

Grounds of representation

Reference to developer contributions in relation to trunk roads is welcomed. Where infrastructure is required to support development it is more commonly the case that developers are to fund and deliver improvements, rather than providing a contribution to others to deliver necessary works. The infrastructure required should be identified within the Transport Assessment which should be scoped and agreed with Transport Scotland where potential trunk road impacts are identified. The text within bullet point 6 could be more appropriately phrased to provide clarity on this point.

Changes sought to resolve representation

Reword bullet point six as follows:

“The Trunk Roads Authority will determine any contributions required in relation to trunk roads or works to be undertaken by the developer, dependent on the scale and nature of interventions identified as necessary within the Transport Assessment.”

Transport Representation 4 – Supplementary Guidance – Newtonmore H1

Aspect of Supplementary Guidance to which a modification is sought

Supplementary Guidance, page 104, Newtonmore H1, Development requirements, Access and links heading.

Grounds of representation

Transport Scotland has no record of having being consulted on the adjacent consented site (refs: THC - 07/00153/FULBS, CNPA – 07/230/CP). Given the potential impacts on the trunk road arising from site H1, Transport Scotland should be consulted on potential trunk road impacts.

In line with Scottish Planning Policy (paragraphs 174 and 175), given the development has the potential to affect the performance or safety of the strategic transport network a Transport Assessment should be undertaken to determine any trunk road impacts. If required, mitigation measures should be agreed with Transport Scotland and delivered by the developer.

Changes sought to resolve representation

On page 104 under the heading “*Development Requirements*”, subheading “*Access and links*” the following paragraph should be inserted:

“A Transport Assessment should be undertaken to determine the impact of the development on the safe and efficient operation of the trunk road. If required, trunk road mitigation measures should be agreed with Transport Scotland and delivered by the developer.”

In addition to the representations above, please see two further observations below:

- The heading “*Promote sustainable transport*” in the Supplementary Guidance, page 22 may more appropriately be named “*Transport*”, as not all improvements required to support a development will relate to sustainable modes.
- It appears that paragraphs 4.40 to 4.42 may more appropriately sit under the Transport heading.

Cultural Heritage

In general Historic Scotland (HS) welcomes the policy provision for cultural heritage and have no formal representations to make. However, they consider that the policy, supplementary guidance and aspects of the spatial strategy for cultural heritage within the proposed plan lack focus and clarity, and that these issues could have been addressed with more meaningful engagement. It is not clear to HS whether comments made during the consultation on the Main Issues Report and settlement maps have been taken into account. Therefore HS has provided detailed comments on these issues, attached below.



CNPA proposed plan
- HS Annex.doc

Should you wish to discuss any of the above representations and comments, please do not hesitate to contact either myself, Amy Phillips at Transport Scotland or Adele Shaw at Historic Scotland. My details are at the top of this page and those for Amy and Adele can be found below.



I hope that you find the above and attached helpful.

Yours sincerely



Jane Smith
Senior Planner



Annex to Scottish Government response on Proposed Cairngorm National Park LDP

Cultural heritage chapter – policy

General comments

Historic Scotland advises that policy for cultural heritage within the LDP would benefit from being redrafted. The Proposed Plan should also be proof read to ensure that terminology is used consistently. For example, the policy for national designations refers to ‘scheduled ancient monuments’ and the Supplementary Guidance ‘scheduled monuments’. For information, the term ‘scheduled monuments’ is preferred.

The inclusion of additional sub headings within the policy and a restructuring of the supplementary guidance would resolve some of these issues. Historic Scotland notes that ‘enhancement’ is a key concept and is one which is identified in the long term outcomes of the LDP. The policy aims should acknowledge that it might not always be appropriate for developers to enhance certain heritage assets and it will be important that the plan sets out that the CNPA will consider such proposals on a case by case basis, taking advice from HS and/or Local Authority Archaeologists as required.

Specific comments - National designations

The policy deals with all national designations under one heading. HS advises that policy for scheduled monuments should state that development should require remains to be preserved in situ and in an appropriate setting unless there are exceptional circumstances, in line with national policy contained in SPP.

The statement that assets ‘which have been formally recognised for the contribution they make to the cultural heritage of the National Park or the understanding and enjoyment of this contribution’ should be removed from the policy and added to the policy aims on page 40. HS recognises that whilst the heritage assets within the National Park contribute to its environmental quality, the National Park is not the reason for their designation.

Demolition

The policy on demolition is repetitive, lacks clarity and on this basis would benefit from some revision. HS advises that the latter part of the second paragraph in the text box on page 42 after ‘Proposals... will only be considered favourably where every effort has been exerted to find practical ways of retaining it.’ should be deleted, including points a and b. Additional information on this has been provided in the Supplementary Guidance volume and this should be cross referenced here.

Furthering our knowledge

Provision for building recording should be added to the second paragraph on this subject.

Supplementary guidance

The Supplementary Guidance for the historic environment would also benefit from being revised. It could be restructured to highlight that in managing change within the historic environment, the first step is to understand the resource and its significance. The information under the heading ‘all forms of development’ should then follow this information. HS also has the following specific advice on the supplementary guidance.



- Para 9.1 HS advises that the term archaeology is added to the second sentence in this paragraph.
- Para 9.19 it is assumed that the term 'sites not formally identified' refers to unscheduled rather than as yet unknown archaeology. This should be clarified in the Supplementary Guidance.
- Para 9.22 formal consent for works to scheduled monuments is known as scheduled monument consent and would be required in addition to other permissions, including planning permission in advance of any works. HS recommends that this terminology and advice is used in the Supplementary Guidance. It is not clear why only certain works affecting a scheduled monument have been included in this paragraph. HS advises that this partial list is removed from the Supplementary Guidance and that the following wording is added to the end of the last sentence in that paragraph '...and applicants should consult HS prior to the submission of any application for SMC'.
- Para 9.25 implies that the only time the relevant planning authority will consult HS will be where development is within an Inventory GDL or battlefield. CNPA should clarify that this is not the case. The wording should also be clarified to state that in relation to scheduled monuments and their setting, category A listed buildings and their setting and Inventory battlefields and gardens and designed landscapes, HS's role is as a statutory consultee.
- Demolition, paras 9.35 – 37. The supplementary guidance should highlight that there may be a need to undertake EIA for such proposals, in line with the requirements of Circular 4/2011.

Core paths plan

HS welcomes the aim of the core paths plan to help to encourage people to enjoy the cultural heritage within the Park in a responsible way. However, it has not been possible to assess the impact of the core paths plan on individual assets due to the scale of the mapping included in the Proposed Plan. HS notes that the core paths plan does not provide any advice on managing impacts to designated sites that may be crossed by paths within the plan and offers the following advice.

Scheduled Monuments

Some core paths are existing paths which cross or are in close proximity to scheduled monuments. Where new paths are proposed in the vicinity of scheduled areas HS strongly advises that they are re-routed to avoid direct impacts. Any works proposed to create new or improve existing paths through the legally protected area of a scheduled monument would require the prior written consent of Scottish Ministers (scheduled monument consent) under Section 2 of the provisions of the Ancient Monuments and Archaeological Areas Act 1979. Applications for scheduled monument consent (SMC) should be made to HS. SHEP provides further details on this process. However it should not be assumed that such consent would necessarily be forthcoming for such works. If you wish to discuss SMC, please contact HS's area Heritage Management Team Leader, Allan Rutherford, on 0131 668 8612.

Properties in Care

Historic Scotland should also be consulted on any proposals to upgrade or carry out physical works to any paths within the boundary of any properties which are within the care of Scottish Ministers and maintained by HS on their behalf.

Listed Buildings

Any works directly affecting a listed structure will require Listed Building Consent. The planning authority should consult HS on works affecting the setting of an A-listed structure.



Inventory Gardens and Designed Landscapes

Proposals to upgrade core paths which pass through designated gardens and designed landscapes, which follow the line of existing paths, should be informed by the existing, often original, path structure. Proposals for paths which have no historic precedent should be very carefully considered to ensure that they will not significantly impact upon the visual integrity of a particular area or threaten the viability of important trees or planting.

Inventory Battlefields

Battlefields are a unique resource with complex archaeological and landscape components. They also provide opportunities for interpretation and battlefield trails. However, proposals for new or upgraded paths may require to be considered carefully in order that impacts on any surviving archaeological remains are addressed appropriately. Any such proposals should be discussed with the relevant planning authority archaeological advisor in the first instance.

Signs

For proposed signage that may lead to works on a scheduled monument, HS recommends early consultation. Under Section 2 of the Ancient Monuments and Archaeological Areas Act 1979, any works within the scheduled area, for example temporary fencing, installation of gates and sign posting, can only be carried out with the prior written SMC.

In the case of paths which lie within or adjacent to properties in the care of Scottish Ministers we would recommend early discussion with HS on the content of signage referring to these monuments and their status.

Responsibility for assessing proposed signage works affecting listed buildings lies with the relevant planning authority. Signs should be carefully located and it may be more appropriate to place a sign near rather than on a listed structure. Their design should complement the age and architectural style of the building and their materials, colour and lettering should be carefully chosen. The number of fixings should be the minimum necessary, should be non-ferrous and where possible, should be fixed into joints rather than into masonry.

Spatial strategy

General comments

The advice provided by HS on the spatial strategy in response to the consultation on the Main Issues Report and the site settlement maps still stands and could be included in the Action Plan. On the whole, the maps included in the Proposed Plan were not very clearly presented. HS notes that area based heritage designations have been included except for battlefields.

Site specific comments

For example it is not clear from the Proposed Plan that allocation H1 at Killiecrankie is within the designated battlefield. There may be a requirement for further assessment to understand the impact on the landscape and any archaeological remains associated with the battlefield in advance of development.

An Camas Mor – HS advises that the proposed new community will lie close to Rothiemurchus, palisaded enclosure to NW of Dell farm (index 9337), a monument scheduled under the Ancient Monuments and Archaeological Areas Act 1979. As such we would expect to see consideration of this monument's setting for the development itself and also for potential impacts from associated services. Mitigation for potential direct impacts upon this monument should also be given due attention.



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Perth and Kinross Local Development Plan – Proposed Plan **Representation Form**

Please read the notes below before completing this form. Completed forms should be returned to the Local Development Plans Team: DevelopmentPlan@pkc.gov.uk

Please complete all 4 sections of the Plan, this will allow us to process your representation accurately and quickly. If you have comments on several documents or parts of the Plan please use separate forms for each.

The period of representation will end at **4pm on Tuesday 10th April 2012** and it is essential that you ensure that representations are with us by then.

Your representation will be considered as part of the Local Development Plan preparation process and will be processed by employees of Perth & Kinross Council's Environment Service. Representations and any information you provide (except signatures, email addresses and phone numbers) will be available for public inspection, published online and may be shared with other appropriate professionals and service providers. Under the terms of the Data Protection Act 1998 you are entitled to know what personal information Perth and Kinross Council holds about you, on payment of a fee of £10.

Once we have your representation(s) we will acknowledge them and inform you when the Proposed Plan has been submitted to Scottish Ministers for examination. Scottish Government guidance indicates that representations should be a maximum of 2000 words to provide the Examination Reporter with concise representations that can be resolved through written representations, hearings or a public inquiry as part of the examination process.

1. Contact details (only representations that include full contact details are valid)

Name

Address and Postcode

Telephone no.

Email address

Note: email is our preferred method for contacting you – if you do not wish to receive correspondence by email, please tick this box:

2. Which document are you making a representation on?

Proposed Plan	<input checked="" type="checkbox"/>	SEA Environmental Report – Addendum 2	<input type="checkbox"/>
Supplementary Guidance	<input type="checkbox"/>	SEA ER Addendum 2 - Appendices	<input type="checkbox"/>

If making a representation on Supplementary Guidance, please state the name of the document:

3. Which part of the document are you making a representation on?

Policy ref.	<input type="text" value="EP1"/>	or			
Site ref.	<input type="text"/>	or			
Chapter	<input type="text" value="3. Policies"/>	Page no.	<input type="text" value="50/51"/>	Paragraph no.	<input type="text" value="3.11.1"/>

4. What is your representation?

Are you supporting the Plan?

Or

Would you like to see a change to the Plan? Please state this change.

Additional factors are required in order to achieve compliance with Section 3F of the Town and Country Planning (Scotland) Act 1997 (Section 3F).
Low and Zero-carbon generating technology should be applied to all new buildings.
The policy should specify a proportion of greenhouse gasses to be avoided through the use of low and zero-carbon generating technology.
The specified proportion of greenhouses gasses to be avoided should rise over time.

Please include the reason for supporting the Plan/requesting a change.

The first paragraph in the EP1 box states '...all relevant applications must be accompanied by a sustainability statement and label under the Building Standards Technical Handbook Section 7 - Sustainability.' This implies that only those buildings subject to a sustainability statement should also be accompanied by a sustainability label. This is a key part of the Council's approach to meeting Section 3F requirements but as worded does not meet the 'all buildings' requirement of Section 3F.
The text does not require all new buildings to be subject to Low and zero-carbon generating technology (LZCGT).

Suggest the text is revised to:

'New buildings should also include low and zero-carbon generating technologies (LZCGT) to off-set a proportion of emissions arising from the use of the buildings, as specified in the table below. Some relevant buildings must be accompanied by a sustainability statement and all buildings must receive an appropriate sustainability label as per the Building Standards Technical Handbook Section 7 – Sustainability.'

The table in EP1 does not require all developments to be subject to 'Active' sustainability levels. Those levels are the only ones to include low and zero-carbon generating technology. To ensure all levels of sustainability labelling will result in a specified proportion of emissions being avoided through the use of LZCGT, reference should be made to the use of LZCGT within the table and where possible reference should be made first to the 'active' sustainability levels.

It is possible to specify the proportion of greenhouse gas emissions to be avoided through the use of LZCGT within the policy table. Given the financial and technical aspects of LZCGT and in recognition of early introduction through planning policy, it would be appropriate, initially, to apportion a small proportion of savings to LZCGT. Two to three percent is unlikely to be onerous for most buildings. Scottish Planning Policy 44 notes that section 72 of the Climate Change (Scotland) Act 2009 should be implemented in accordance with building regulations. That is to indicate that the building regulations do not have to be exceeded by development plan policy in relation to greenhouse gas emissions. In a scenario where 2% of emissions reduction was to be from LZCGT, that would be 2% of the overall emissions reduction achieved by Scottish Building Standards.

Suggested amended text (underlined) for the table has been provided in a separate Word document. In suggesting amended wording, the number of steps before reaching the Platinum level has been reduced, reflecting reference to 'Active' levels of sustainability.

Save a copy

Print

Submit

Cairngorm National Park – Local Development Plan - Proposed Plan – Scottish Government Response - Representation on 3F – Extract 2.

Copy of:

Perth and Kinross Proposed Development Plan – Policy EP1 – Table – Suggested Amendments

	Domestic	Non-domestic
2012	<p>Bronze Active</p> <p>This is the baseline level for sustainability achieved where the dwelling meets the functional standards set out in Sections 1-6 of the Technical Handbook <u>and includes a minimum 2% carbon dioxide emissions abatement through the use of LZCGT.</u></p>	<p>Bronze Active</p> <p>This is the baseline level for sustainability achieved where the building meets the functional standards set out in Sections 1-6 of the Technical Handbook <u>and includes a minimum 2% carbon dioxide emissions abatement through the use of LZCGT.</u></p>
2016	<p>Silver Active</p> <p>Where the dwelling complies with each of the 8 aspects <u>below and includes LZCGT:</u></p> <p><i>Aspect 1</i> - Carbon dioxide emissions;</p> <p><i>Aspect 2</i> - Energy for space heating;</p> <p><i>Aspect 3</i> - Energy for water heating;</p> <p><i>Aspect 4</i> - Water use efficiency;</p> <p><i>Aspect 5</i> - Optimising performance;</p> <p><i>Aspect 6</i> - Flexibility and adaptability;</p> <p><i>Aspect 7</i> - Wellbeing and security;</p> <p><i>Aspect 8</i> - Material use and waste</p> <p><u>New buildings should include a minimum 3% carbon dioxide emissions abatement through the use of LZCGT.</u></p>	<p>Silver Active</p> <p>Carbon Dioxide emissions equivalent to a 50% improvement on the 2007 standards. <u>A minimum 3% of this emissions improvement should come from the use of LZCGT.</u></p>
2020	<p>Gold</p> <p><i>Aspect 1</i> - Carbon dioxide emissions;</p> <p><i>Aspect 2</i> - Energy for space heating;</p> <p><i>Aspect 3</i> - Energy for water heating;</p> <p><i>Aspect 4</i> - Water use efficiency;</p> <p><i>Aspect 5</i> - Optimising performance;</p> <p><i>Aspect 6</i> - Flexibility and</p>	<p>Gold</p> <p>Carbon Dioxide emissions equivalent to a 75% improvement on the 2007 standards, <u>a minimum 5% of this emissions improvement should come from the use of LZCGT.</u></p>

	adaptability; <i>Aspect 7 - Wellbeing and security;</i> <i>Aspect 8 - Material use and waste</i> <u>New buildings should include a minimum 5% carbon dioxide emissions abatement through the use of LZCGT.</u>	
2022	Platinum Carbon Dioxide emissions equivalent to a 100% improvement on 2007 standards, <u>including a minimum 6% carbon dioxide abatement through the use of LZCGT.</u>	
<p>All new development will be required to provide satisfactory arrangements for the storage and collection of refuse and recyclable materials as an integral part of its design. Major developments should include communal facilities for waste collection and recycling where appropriate. New homes and workplaces should allow for the provision of high-speed broadband access to enable provision of next generation broadband.</p> <p>Note: Supplementary Guidance will expand on the above requirements including:</p> <ul style="list-style-type: none"> • identifying the type of <u>building</u> which will require to submit a sustainability statement; • where combined heat and power technologies may be appropriate. 		