

**Proposed Local Development Plan  
Consultation Responses 057 - 075  
November 2013**

<b>Objector Ref</b>	<b>Objector Name</b>
057	Tulloch Homes
058	Jeremy Money
060	Forest Holidays
061	The Cairngorms Campaign
062	Roy Turnbull
063	SEPA
069	Sportscotland
070	The Crown Estate
074	Tactran
075	MacDonald Aviemore Highland Resort

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 4pm, Friday 5 July 2013. The forms can also be completed online at [www.cairngorms.co.uk](http://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 TheresaHunt

Address

Telephone 01227010000 Email [Theresa.hunt@businesspark.com](mailto:Theresa.hunt@businesspark.com)

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

Name Tulloch Homes Group Ltd

Address C/O Agent

Telephone C/O Agent

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

Own Agent X



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. 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).

4. See Paper Apart

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

Amend the Carr-Bridge LDP plan on page 107 to reflect the boundaries shown on Bracewell Stirling Drawing 2467/01-01 for application reference 2013/0120/DET and substitute the reference to the capacity of the II2 site on page 104 from "22 dwellings" to that which is confirmed through the planning process or replace with "24 dwellings".

**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](mailto:localplan@cairngorms.co.uk)

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## Cairngorms National Park Local Development Plan

### Tulloch Homes Group Limited

#### Paper Apart – Carr-Bridge

Our clients have consistently promoted land for development in Carr-Bridge and are pleased to note that sites H1 Carr Road and H2 Crannich Park remain allocated in the Local Development Plan (LDP).

Outline consent reference 03/00292/OUTBS was granted by the Scottish Ministers on 25 January 2014 for housing, amenity woodland, formation of roads, cycleways and footways and associated works on land bounded by Crannich Park, Rowan Park and Carr Road. Pursuant to the outline consent, reserved matters application reference 05/00325/REMBS was submitted to The Highland Council which sought the approval of roads, footpaths, plot boundaries; dwelling designs for Plots 1-24; phasing proposals and supporting studies and traffic calming details. CNPA called in the application under application reference 05/495/CP. [This application remains undetermined. /The outline consent is no longer extant].

Our clients made representations under cover of email dated 28 September 2012 in respect of the settlement maps to be included in the Cairngorms National Park Local Development Plan. We were pleased to note at that stage that the consented sites (references 05/00325/REMBS and 05/0495/CP) were accurately reflected but still raised issues over the extent of the sites being accurately represented on the plan. Our client's comments in respect of the consented H1 and H2 sites do not appear to have transposed into the LDP.

As CNPA will be aware, planning application reference 13/01281/FUL for the erection of 96 dwellings was submitted to The Highland Council on 5 April 2013. This application has been called in by the CNPA (reference 2013/0120/DET) and awaits determination.

Our clients are concerned that the extent of the H1 and H2 sites shown in the LDP does not correspond with the extent of the sites for which planning permission has now been sought under application reference 2013/0120/DET. Attached is a copy of the layout plan submitted with application reference 2013/0120/DET. The plan for Carr-Bridge on page 107 of the LDP appears to show irregularly shaped sites rather than the sites which our clients have promoted for development, which site boundaries are based on the constraints identified through our client's extensive work in assessing the most appropriate areas to bring forward for development. In particular the eastern boundary of the H1 site appears to have been arbitrarily drawn and there are no obvious signs from our client's topographic surveys or aerial pictures of any physical features which dictate the proposed boundary.

Given that the current applications are likely to be determined during the lifetime of the LDP, and our clients continue to be supportive of the development opportunities which can be achieved on these sites, it would be more appropriate for the LDP to reflect the current application boundaries. It is not clear on what basis the boundaries on the LDP plan have been drawn.

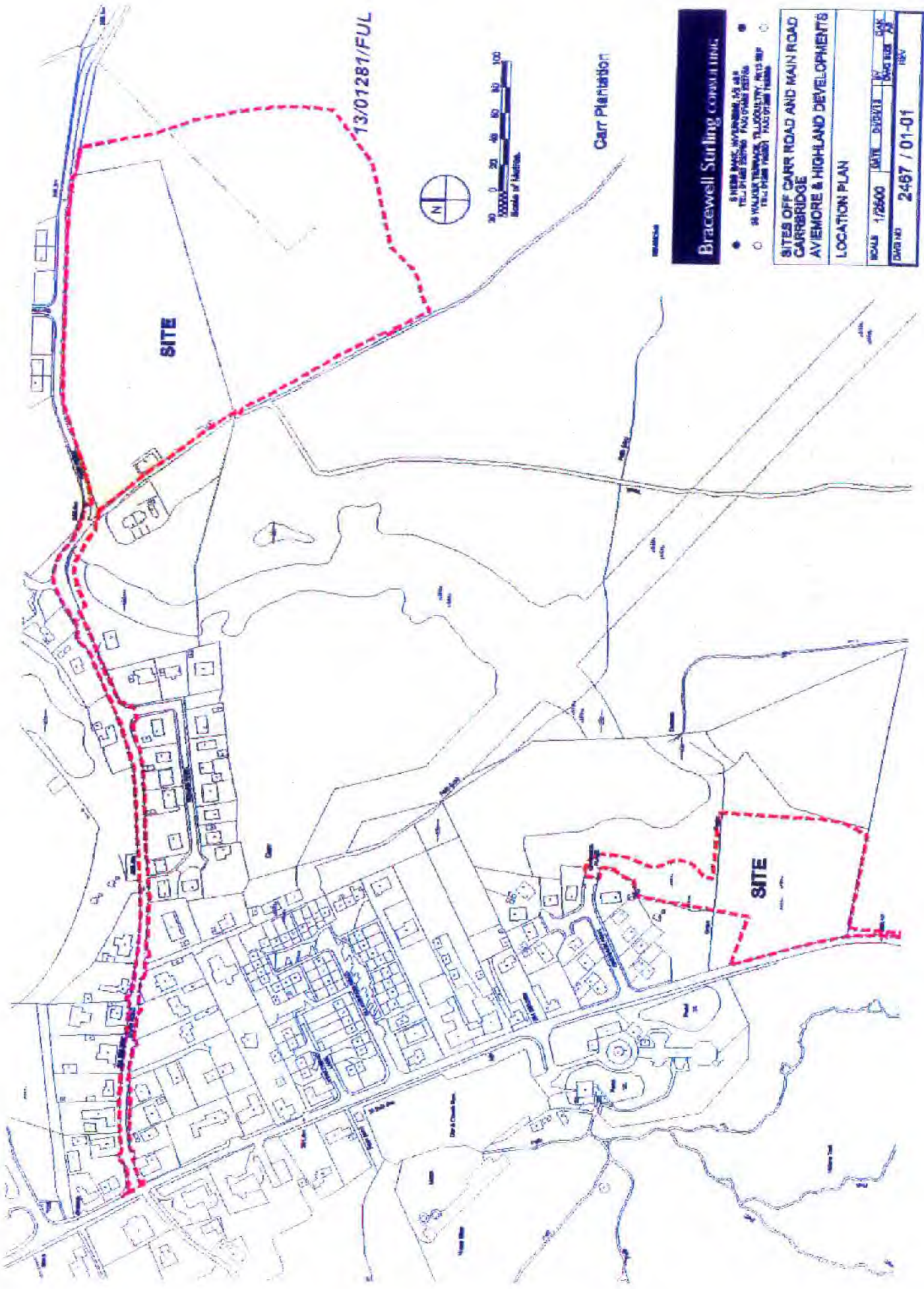
The LDP suggests that the capacity for site H1 is 72 units, which is consistent with our clients current application. The capacity for site H2 is noted as being 22 units on page 104 of the LDP.

The LDP text should be amended to remove the reference to a capacity of 22 units for sit H2 and either leave the capacity of the site to be confirmed through the planning process or reference be made to the proposal from our clients that the capacity of both sites could accommodate 96 dwellings (72 on H1 and 24 on H2). Either amendment will avoid confusion over the appropriate capacity of these sites and an arbitrary restriction on the proper land use planning for these sites.

**Change Requested:**

Amend the Carr-Bridge LDP plan on page 107 to reflect the boundaries shown on Bracewell Stirling Drawing 2467/01-01 for application reference 2013/0120/DET and substitute the reference to the capacity of the H2 site on page 104 from "22 dwellings" to that which is confirmed through the planning process or replace with "24 dwellings".





13/01281/FUL



0 20 40 80 100  
 1:5000  
 Scale of Meters

Carr Plantation

REVISIONS

**Bracewell Stirling Consulting**

- 5 NEW 2 BHK HOUSING AS PER TELLS IN THE EXISTING FACILITIES
- 18 WALKER TERRACE, 11 CLOUDBURY, 1615 REP TELLS (NEW HOUSING) FACILITIES

**SITES OFF CARR ROAD AND MAIN ROAD  
 CARRBRIDGE  
 AVIEMORE & HIGHLAND DEVELOPMENTS**

LOCATION PLAN

SCALE	1/2500	DATE	08/03/13	BY	DRG
DATE NO	2467	REV	01-01		



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1. Name Theresa Hunt

Address

Telephone

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

Name Tulloch Homes Group Ltd

Address C/O Agent

Telephone C/O Agent

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

Own Agent  X

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. 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).

4. See Paper Apart

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

Amend the Nethy Bridge LDP plan on page 177 to reflect the boundaries shown on Bracewell Stirling Drawing 3879/01-01 for application reference 2013/0119/DET and substitute the reference to the capacity of the H1 and H2 sites on page 175 from "around 40 units" to that which is confirmed through the planning process or replace with "around 58 units".

**Please return all completed forms to:**

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

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## Cairngorms National Park Local Development Plan

### Tulloch Homes Group Limited

#### Paper Apart – Nethy Bridge

Our clients have consistently promoted land for development in Nethy Bridge and are pleased to note that sites H1 School Road and H2 Craigmore Road remain allocated in the Local Development Plan (LDP).

Consent reference 02/00045/OUTBS for the erection of 40 dwellings and a business unit was granted by The Highland Council on 20 February 2006. However the reserved matters consent (reference 09/052/CP) dated 13 February 2009 was dismissed on appeal dated 18 July 2011 (reference PPA-001-2005). Following refusal of the reserved matters application, the outline planning permission expired.

As CNPA will be aware, consultation was carried for over a year in respect of both sites in before application reference 13/01280/FUI for the erection of 58 dwellings (44 on the School Road site/H1 allocation and 14 on the Craigmore Road site/H2 allocation) was submitted to The Highland Council on 5 April 2013. This application has been called in by the CNPA (reference 2013/0119/DET) and awaits determination.

Our clients are concerned that the extent of the H1 and H2 sites shown in the LDP do not correspond with the extent of the sites for which planning permission has now been sought under application reference 2013/0119/DET. Attached is a copy of the layout plan submitted with application reference 2013/0119/DET. The plan for Nethy Bridge on page 177 of the LDP appears to show irregularly shaped sites rather than the sites which our clients have promoted for development, which site boundaries are based on the combination of topographical and ecological constraints identified through our clients extensive work in assessing the most appropriate areas to bring forward for development.

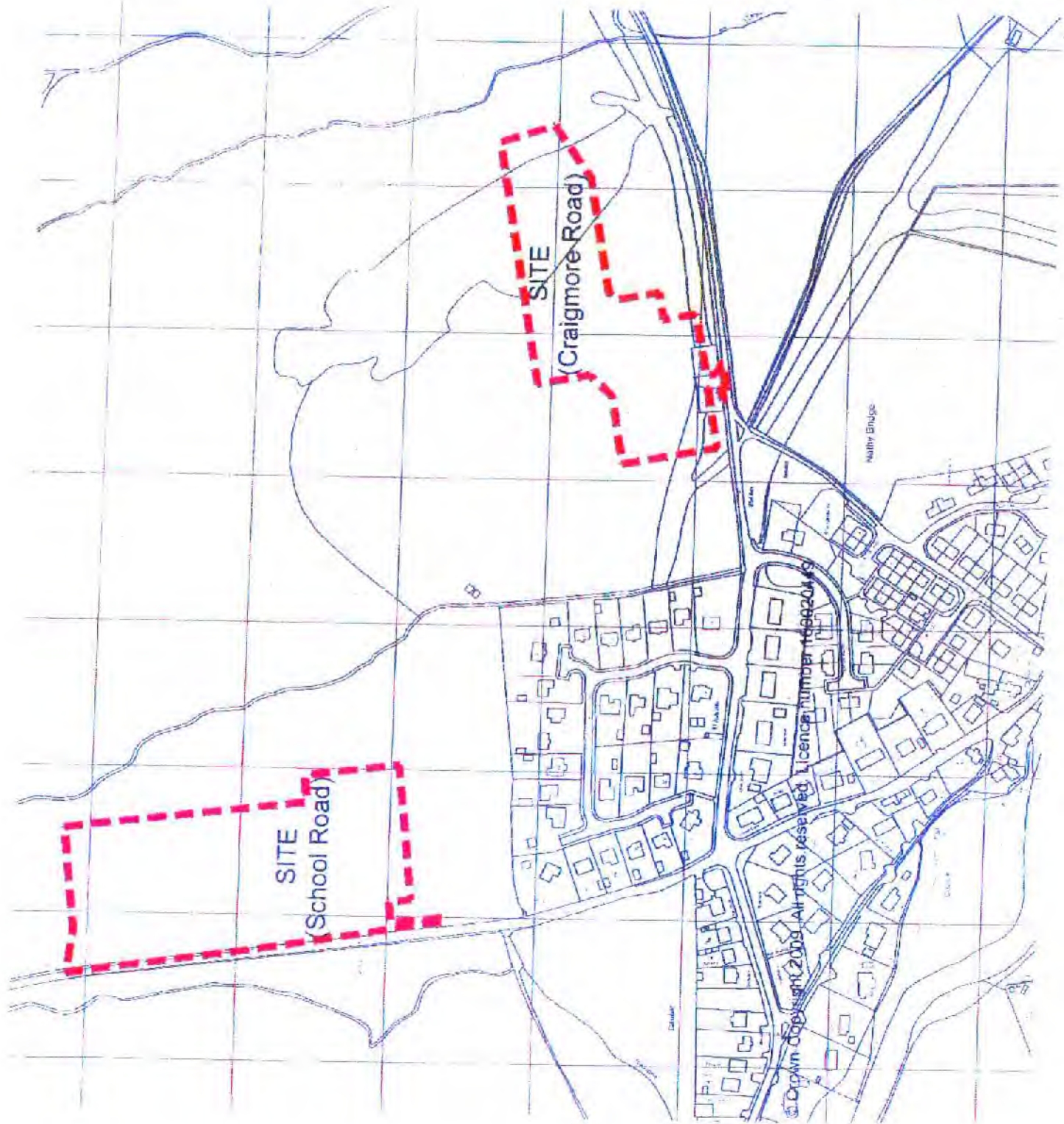
Given that the current applications are likely to be determined during the lifetime of the LDP, and our clients continue to be supportive of the development opportunities which can be achieved on these sites, it would be more appropriate for the LDP to reflect the current application boundaries. It is not clear on what basis the boundaries on the LDP plan have been drawn.

In addition the LDP suggests that the capacity for both sites H1 and H2 is around 40 units, which seems to be a passing reference to the 2006 outline consent referred to above. It is important to note that the H2 site was historically allocated for commercial development and not the housing allocation now proposed in the LDP. Given the deletion of the commercial element it is appropriate for the LDP to be updated to reflect the increased capacity over the H1/H2 sites. The LDP text should be amended to remove the reference to a capacity of 40 units and either leave the capacity of the sites to be confirmed through the planning process or reference be made to the proposal from our clients that the sites could accommodate 58 dwellings. Either amendment will avoid confusion over the appropriate capacity of these sites and an arbitrary restriction on the proper land use planning for these sites.

Change Requested:

Amend the Nethy Bridge LDP plan on page 177 to reflect the boundaries shown on Bracewell Stirling Drawing 3879/01-01 for application reference 2013/0119/DET and substitute the reference to the capacity of the H1 and H2 sites on page 175 from "around 40 units" to that which is confirmed through the planning process or replace with "around 58 units".





Rev: 01/01/01

13/01280/EUL

**Bracewell Stirling consulting**

- 3 MISSISSIPPI DEVELOPMENT PLANS
- 100% DEVELOPMENT PLAN (100% DEVELOPMENT)
- 100% DEVELOPMENT PLAN (100% DEVELOPMENT)
- 100% DEVELOPMENT PLAN (100% DEVELOPMENT)

School Road & Craigmore Road	
Nuthy Bridge	
Argyll Developments (Scotland) Ltd	
Location Plan	
Scale: 1:2500	Date: April 11
Drawn No: 3879	Rev: 01-01



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1. Name Theresa Hunt

Address C/O P. ... .. Hill, ... ..

Telephone

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

Name Tulloch Homes Group Ltd

Address C/O Agent

Telephone C/O Agent

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

Own Agent X



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4. See Paper Apart

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

No change requested.

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KXHS)  
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Ballater  
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## **Cairngorms National Park Local Development Plan**

### **Tulloch Homes Group Limited**

Paper Apart – Newtonmore

Our clients have consistently promoted land for development in Newtonmore and are pleased to note that their site for which they have extant planning permission (to the north west of site H1 remains allocated in the Local Development Plan (LDP).

Consent reference 07/230/CP (The Highland Council reference is 07/00153/FULBS) for the erection of 81 houses and the construction of access roads on land between Perth Road and Station Road has been accurately reflected in the Newtonmore settlement map on page 183 of the LDP.

No Change required



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Reference:

Objection No:

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Address

Telephone

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Name Tulloch Homes Group Ltd

Address C/O Agent

Telephone C/O Agent

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**[www.cairngorms.co.uk](http://www.cairngorms.co.uk)**



## Cairngorms National Park Local Development Plan

### Tulloch Homes Group Limited

#### Paper Apart – Affordable Housing

Our clients made representations at the Main Issues Report stage for the Local Development Plan (LDP). A copy of the MIR representation is attached.

Our clients are concerned that their comments which were submitted at the MIR stage have not been adequately addressed in the proposed LDP.

Chapter 3: New Housing Development (page 17) contains the Affordable Housing Policy which specifies an affordable housing “bench mark” of 25%. In the “How it will be applied” section, at paragraph 3.9 it is stated that the policy is to be used “*to ensure that as many affordable houses are built in the Park as possible*”.

Whilst our clients recognise that the bench mark figure used in the LDP appears to be consistent with current Scottish Planning Policy (SPP) (para 88), it is clear that policies on affordable housing are to be realistic and take into account considerations such as development viability and the availability of funding (para 87). It is of concern that no detailed justification has been provided for the application of a requirement of 25% affordable development from all sites in all settlement locations in the Park and the flexibility put forward in national guidance is not followed in the policy wording.

The approach in the LDP is inconsistent with the emerging draft Scottish Planning Policy Guidance which says that the level of affordable housing requirement should generally be no more than 25%. The emerging guidance suggests that there is a need for planning authorities to consider the level of affordable housing contribution which is likely to be deliverable in the current economic climate, as part of a viable housing development. It is submitted that the emerging guidance is aiming at creating a flexible approach to the provision of affordable housing.

Insisting on a high percentage of affordable housing, in the strict sense which is implied by the proposed wording of the LDP policy, may in practice mean a reduction in the number of mainstream units provided at the lower end of the open market as developers/landowners seek to cover the cost of providing the affordable units in the scale of larger main stream units. If the 25% bench mark requirement is applied rigidly then this will endanger the very units for which the authority have identified a need.

The related Supplementary Guidance on Affordable Housing produced by CNPA continues the strict approach by indicating that “*All residential development must make a contribution towards affordable housing provision*”. The Supplementary Guidance goes on to explain how that provision of affordable housing may be required by way of on site and off site mechanisms in addition to possible financial contributions in lieu of the provision of constructing affordable housing units. The Supplementary Guidance also makes no reference to a flexible approach in the application of the “Development Appraisal Toolkit”.

It is submitted that the policy wording should be amended to include reference to the flexible approach which is promoted in current and emerging national policy.

The policy also fails to make it clear the level of financial contribution which may be payable in lieu of the provision of affordable housing on a site. The Supplementary Guidance indicates at para 2.18 that the financial contribution will be specifically related to the value of the site being developed. The guide figure is to be £25,000 per unit for developments of 3 or more houses but it is noted that this may vary due to the location and value of the development or the specifics of the site. It is not clear who is to carry out the assessment of the value of the development land and how an alternative figure for a financial contribution is to be calculated.

It is submitted that the approach to financial contributions in the Supplementary Guidance leads to uncertainty, contrary to SPP para 87 which requires the development plan to be clear on what is expected from prospective developers and conflicts with the "realistic" approach required in the current economic circumstances in terms of SPP. It is submitted that reference to the value of the development land to the calculation of the appropriate financial contribution in lieu of the provision of affordable housing should be omitted and the guide figure of £25,000 be applied to the circumstances of each site proportionately and the figure payable for contributions in lieu of the provision of affordable housing be capped at £25,000.

In addition the Plan does not make it clear that the percentage requirement for affordable housing is not to apply when considering currently allocated sites which have been carried forward and for which planning consent may already have been issued.

Change Requested:

Amend the Affordable Housing policy and related Supplementary Guidance in line with current and emerging national guidance to

1. make it clear that a flexible approach to the application of the 25% requirement will be considered on a site by site basis
2. make it clear that the 25% requirement will not be applied rigidly in uncertain economic circumstances
3. omit reference to the development land value being used to calculate the appropriate financial contributions in lieu of the provision of affordable housing and that the guide figure be applied proportionately to the circumstances of each site and that the figure payable for contributions in lieu of the provision of affordable housing be capped at £25,000.
4. Make it clear that the percentage requirement does not apply to allocated sites which have been carried forward and for which planning consent has already been issued.

# -Proposed Local Development Plan (Version: 2013)

## Your Details

**Your Name:** Jeremy Money

**Organisation Name:**

**Agent Name:**

**Address 1:** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Site Name:**

**Contact Person:** Me

Your comments will be applied to the following items:

31 Grantown-on-Spey - Paragraph 31.20

I would like to object to the zoning of this area for housing within the plan. The area of open ground between Grant House and Ian Charles hospital preserves the open character of the community and brings the surrounding countryside right up to the main routeway through the town. This is fundamental to the pleasant open feel of the core of the settlement and provides a pleasant gradual change from town to country. I believe that losing this would have a disproportionately large impact upon the entrance to the town from the north.



# -Proposed Local Development Plan (Version: 2013)

## Your Details

**Your Name:** Jeremy Money

**Organisation Name:**

**Agent Name:**

**Address 1:** [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Site Name:**

**Contact Person:** Me

Your comments will be applied to the following items:

38 Nethy Bridge - Paragraph 38.19

I feel very strongly that the site within the area known as School Wood should not be allocated for housing in the new LDP. It seems most inappropriate that a National Park Authority given the responsibility of caring for some of the finest ancient woodland in the country should consider permitting the destruction of an area recognised as an ancient woodland of high biodiversity value. This is particularly so given the guidance within Scottish Planning Policy, Feb. 2010 p.29 para 146 which states that ancient and semi-natural woodland is an important and irreplaceable national resource that should be protected and enhanced, as should other native and long established woodlands with high nature conservation value.

File Ref: CP212. CNPA Reprs.  
Date: 4<sup>th</sup> July 2013



Cairngorms National Park Authority  
**BY EMAIL ONLY**

Dear Sirs,

**RE: Cairngorms National Park Proposed Local Development Plan  
Consultation April – July 2013**

Following on from previous representations made to the Main Issues Report and Draft Settlement Map consultations, we set out our comments on the National Park's latest consultation. Our comments relate primarily to Section 4 – Supporting Economic Growth, and Section 29 – Glenmore.

Within Section 4, we support the National Park's aim to encourage new investment and growth in the economy, and the recognition that appropriate tourism development is key to securing this.

With reference to Section 29 – Glenmore, in order to achieve the stated objectives of enhancing the visitor experience and supporting the strategic role of Glenmore in the tourism economy of the National Park, there needs to be more explicit support for increasing the provision and broadening the range of tourist accommodation on offer in Glenmore.

The Main Issues Report outlined that the current approach to development within the Rural Areas has been flexible but has been reactive and not proactive. This is considered to be particularly the case with Glenmore Village. Over the past few decades, development at Glenmore Village has grown in an ad hoc way, with no overall vision or spatial planning aims. Unfortunately, this means that Glenmore Village does not, at present, provide the outstanding visitor experience that it has the potential to. The Proposed Plan has the opportunity to rectify this, and should provide the flexibility required to allow for improved visitor facilities (including tourism) to the benefit of the local community as well as meeting the economic aspirations of the Park as a whole.

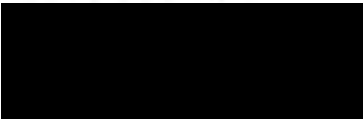
File Ref: CP212. CNPA Reps.  
Date: 4<sup>th</sup> July 2013



In addition, as we have stated within previous consultation responses, beneficial economic development should not be unnecessarily constrained in designated sites where there will be no adverse impact on the sensitive designations or where appropriate mitigation can be provided and this should be emphasised within the Plan. Existing businesses and uses should be supported to expand and diversify, where appropriate.

We trust our comments will be duly noted in the development of the Local Development Plan and would request that we are kept fully informed of all subsequent progress on the document.

Yours faithfully,



Rebecca L. McAlister  
**Concept Town Planning Ltd.**

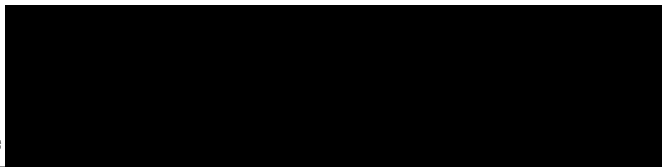
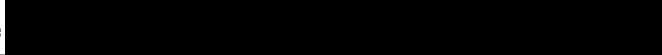


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Reference  
Objection No:

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**1. Name** MRS REBECCA MCALSTER  
**Address** CONCEPT TOWN PLANNING, SAMBROOK HALL,  
  
**Telephone** 

2. If you are representing a third party, please give their details.  
**Name** FOREST HOLIDAYS LLP  
**Address** C/O CONCEPT TOWN PLANNING LIMITED  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Postcode \_\_\_\_\_  
**Telephone** \_\_\_\_\_ **Email** \_\_\_\_\_

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

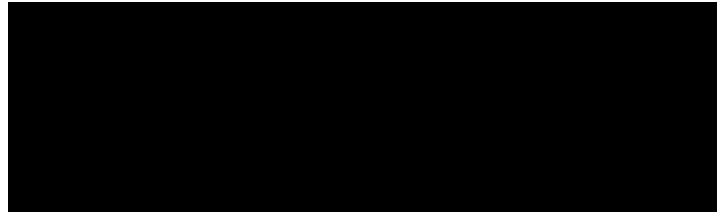
Own  Agent

3. Please state clearly the policy, proposal, map or other aspect of the Plan or guidance to which you wish to seek a modification.  
**4. Supporting Economic Growth; 29 – Glenmore;**

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).  
  
**Please see accompanying letter**



## The Cairngorms Campaign



CNPA

Ballater

[localplan@cairngorms.co.uk](mailto:localplan@cairngorms.co.uk)

5<sup>TH</sup> July 2013

### Comments on CNP proposed Local Development Plan

The Cairngorms Campaign welcomes the opportunity to comment on the proposed Local Development Plan (LDP). We intend to focus our comments upon the most important aspects of the LDP.

#### **Introduction – the four Aims of the Scottish National Parks - paragraphs, 1.10 -1.13**

We believe there is an inherent contradiction within the four aims, in particular between the first aim *“to conserve and enhance the natural and cultural heritage of the area”* and the other three aims, which is not properly resolved by the instruction that in cases of perceived conflict *“greater weight”* shall be given to the first aim. Without more guidance as to how much, or how little, *“greater weight”* should be added, the NPA is free to decide in favour of development which damages the natural heritage, yet claim that its decision is consistent with the statutory aims. We believe that the NPA should always, and strongly, have in mind the reason why its area has been designated as a National Park, which is because of its outstanding natural heritage importance, and ensure that all its decisions aim to conserve and enhance that natural heritage.

We further comment upon the key word *“sustainable”* in the fourth aim: *“To promote sustainable economic and social development of the area’s communities”*. *“Sustainable development”* has been defined in many ways, including some which are so vague as to be effectively meaningless, and to include all development, almost regardless of the damage it may do to the environment and natural heritage. For some action to be *sustainable*, must mean that one can keep on doing it repeatedly without damaging the resources involved. Self-evidently, this does not include the one-off construction of large housing estates upon sites which are at present woodland or heathland or agricultural within a National Park. The LDP itself defines *“sustainable development”* as *“development which uses the resources and special qualities of the National Park in such a way that they are used and enjoyed by current generations and that future generations can continue to use and enjoy them”*, and even this definition (which we consider to be unduly vague) would also seem to exclude construction of large housing estates and a New Town on countryside land which can be used and enjoyed by current generations, but which will be totally destroyed for future generations by developments such as are proposed for An Camas Mor and other sites in the LDP. Accordingly, we **object** to the development of An Camas Mor as it is not *“sustainable”*.



We also note that the fourth aim is “*to promote sustainable development .. of the area’s communities*”. At present, there is no community at An Camas Mor, which is undeveloped countryside, and has never been populated or built upon. Construction of a New Town upon a wholly undeveloped site cannot reasonably be termed “*development of .. the area’s communities*”. This aim directs the NPA towards the existing communities of the area, and to argue that it permits or encourages the development of entirely new “*communities*” stretches the wording intolerably. As there is no community at An Camas Mor, any development of that site is outwith the authority of the aims of the National Parks (Scotland) Act, and would therefore appear to be *ultra vires*. For this reason also, we **object** to the development of An Camas Mor.

For all these reasons, we urge the NPA to reconsider its proposals for large scale housing estates and the New Town at An Camas Mor, and to refocus its activities upon the conservation and enhancement of the natural heritage of the Cairngorms area, to ensure that the exceptional qualities of the area will be available for future generations to enjoy. If the CNPA presides over the wanton and knowing destruction of large areas of the countryside within the Cairngorms National Park, this will be shameful for Scotland and an irreversible loss for the future.

### **The Policies**

The Cairngorms Campaign finds the layout of Policies, none of which are numbered, most unhelpful. It appears designed to obfuscate use of the Policies and confuse anyone wishing to comment to the CNPA on matters relating to the park. The previous LP contained Policies that were numbered, discrete and reasonably clear. The Cairngorms Campaign **objects** to the format of Policies and wishes to see shorter, discrete, numbered Policies that can more easily be referred to.

### **New Housing Development- the Policies, para 3.6 – “Housing in Settlements”**

We believe that some wording or conditions must have inadvertently been omitted from the first part of the policy dealing with housing in settlements, as it appears to approve of all and any development proposals for a site designated within the LDP: the policy reads “*Proposals will be supported where they: a) occur within a site identified within the Local Development Plan; or b) reinforce and enhance the character of the settlement...*”. Surely the “or” should be “and”? Or is it really the intention of the CNPA to support all development proposals for allocated sites, regardless of their effect upon the character of that settlement or otherwise? The Cairngorms Campaign therefore **objects** to policy “Housing in Settlements” since it would allow the CNPA to support proposals on allocated sites that do not reinforce and enhance the character of the settlement.

The inevitable effect of allowing large parcels of land within the National Park to be developed by major commercial developers is that these will give high density housing estates with a uniformity of appearance and design which is quite incompatible with the character of the Cairngorms and their surrounding historic towns and villages. Whilst there is certainly a need for additional housing which is affordable for local workers and those with family requirements to live within the area, we believe it is unacceptable for the CNPA to base its strategy upon the construction of at least three times as many open market houses which are likely to be taken by commuters, holiday makers or retirees. Demand for housing in one of the most scenically attractive areas of the country will always exist, and trying to meet such a demand will lead to irreparable damage to the scenery, the wildlife and biodiversity, and the special qualities which define the Cairngorms and their surrounding straths.

### **Landscape**

The special landscape qualities of the Park, which the LDP quite rightly praises, do not comprise man-made features, but depend upon the wild scenery, the impressive mountain ranges, the steep valleys, glacial rocks, lochs, forests and moorland, and the interplay of these natural features. In so far as the Cairngorms landscape includes man-made features, these always detract from the wildness, natural qualities and grandeur. Therefore, it is presumptuous, or disingenuous, to try to pretend that any newly built development can possibly “*conserve or enhance*” the landscape

of the Cairngorms. To claim that “*Ensuring development conserves and enhances the quality of these landscapes underpins delivery of all four aims of the National Park*” (para 7.6) must be a hollow claim, and it would be better if the CNPA openly recognised that man-made developments can, at best, only fail to damage the landscape – and even then, only if they are well hidden.

Past performance may be an unreliable guide to the future, but it is undeniable that the existing areas of large development, such as the sprawling estates, large hotels and ribbon development of Aviemore, are a prominent and unfortunate blot on the landscape and significantly compromise views of, and from, the Cairngorms. The Cairngorms Campaign believes that the LDP should make real efforts to improve the damage to the landscape caused by existing housing and commercial developments, by, for example, requiring the planting of more trees, and encouraging the use of less prominent colours and more natural stonework, and should immediately desist from permitting any further large housing developments which will inevitably, and all too predictably, further damage the landscape qualities of the National Park. The damage done to the landscape by excessive housing estates will last beyond present lifetimes, blighting the scenery and Cairngorms experience for generations to come.

To claim, as in para 7.7 that in the next five years “*we will have capitalised on opportunities for new development to enhance the landscape of the Park*” is wholly unrealistic and impossible to achieve, and the aim should be the more realistic one of trying to reduce past damage and impact, and ensure that no further irreparable harm is done to the special landscape of the area.

Accordingly, we support the policy which states that “*There will be a presumption against any development that does not conserve and enhance the landscape character and special qualities of the Cairngorms National Park, and in particular, the setting of the proposed development*” because we believe that if this policy is applied seriously, it must prevent any large housing or industrial developments within the Park.

We particularly support the adoption of the precautionary principle as set out in para 6.17: “*The precautionary principle will be applied where the impacts of a proposed development on internationally and nationally significant landscapes or natural heritage resources are uncertain but there is sound evidence for believing that significant irreversible damage could occur. Where the precautionary principle is justified, modifications to the proposal which would eliminate the risk of irreversible damage should be considered.*” (We believe that such modifications should be more than “*considered*” - they should be essential.) However, we **object** to the seemingly contradictory wording of the next sentence: “*The precautionary principle will not be used to impede development unnecessarily*” - primarily because it is vacuous and adds nothing to the proper control of development. If, as is presumed, there is sound evidence for believing that significant irreversible damage could occur from a development, then impeding that development would certainly not be unnecessary, and the CNPA should have the courage to say so and insist upon stopping such damage.

We very much approve of the recognition of the importance of wildness in appreciation of the Cairngorms (para 7.9). “*The impact of development on wildness is important and will be a fundamental factor in the application of this policy.*” It is undeniable that any man-made development reduces or destroys a perception of wildness, and the impact of development on broad views of, and from, the mountains should be given great importance.

### **Housing In Badenoch and Strathspey**

Whilst housing issues are park wide, the following concentrates on Badenoch and Strathspey since that is the district for which the CC has greatest information.

The damage being caused to what is now largely the western part of the Cairngorms National Park was long ago recognised by planning professionals. In March, 1991, long before the national park came into being, before the Habitats Directive and Natura sites were established, before the 1992 Rio Earth Summit and the hugely increased knowledge of local biodiversity of recent years, and before capercaillie were threatened with extinction in this their



only remaining Scottish stronghold, Highland Regional Council's first draft Badenoch and Strathspey Local Plan commented,

*"... concern is emerging about the rate and scale of change in established villages. Unsympathetic cramming and expansion of communities is eroding their character and setting, threatening to overwhelm facilities, or creating imbalance in the social structure. There are major investment implications for the local authorities once such settlements exceed their natural limits or current infrastructure thresholds. Similarly in the countryside, stronger safeguards are needed to avoid servicing problems or compromising important heritage features and rural resources."*

Since 1991, with a Badenoch and Strathspey population of then around 11,000 and a total housing stock of 5,600 homes, the settlement areas of Badenoch and Strathspey towns and villages have had the following numbers of new houses built within them:

Data on Housing Completions, Badenoch and Strathspey, 1991-2010 inclusive, from Highland Council

Aviemore	692
Boat of Garten	76
Carrbridge	123
Grantown	297
Kingussie	199
Nethy Bridge	180
Newtonmore	118
District Total	1900 (includes smaller settlements)

Yet, at the end of this period of unprecedented rapid growth (which actually continues back to the mid-1970s, with an average of 100 houses per year being built in Badenoch and Strathspey since that time) we are still told that there is an "overwhelming" need for more housing for local people.

Moreover, this period of rapid growth has been conducted under a policy, initiated by Highland Council and now continued by the CNPA, of providing 25% 'affordable' housing in larger schemes.

Is it not now obvious that this policy of excessive house-building:

1. is damaging the natural and cultural heritage of the area. The natural heritage is damaged by the physical destruction of habitats, such as native woodlands, flower and fungi rich meadows and lowland heaths in the building process itself, and also by the loss of rural landscapes and, more insidiously, by the effect of increased recreational disturbance on supposedly protected species, such as capercaillie, that are known from recent research to be susceptible to disturbance.
2. is not resulting in low-cost housing in the area – indeed, the **INTERNAL SPECIALIST RESPONSE** referred to above shows that the mean house price in the A30 area (area within 30 miles of Aviemore) was £211,787 in 2010, compared with £165,672 for Highland generally and £163,429 for Scotland as a whole. The hypothesis that providing a plentiful supply of new houses will reduce prices to an affordable level for local people is falsified. The reason is simple: the hinterland from which prospective purchasers are derived is huge compared to the size of the housing area in the national park. In other words, the demand is far greater than the supply. Increasing the supply tenfold would make little impact, since it still could not meet demand. It is only in situations where the supply is more equal to the demand that increasing the supply will help to lower the cost. Even if (indeed *when* on current trends) the landscape and rural communities of the national park had been very severely damaged by over-development, they would still provide relatively attractive locations

for people from industrial areas looking for second or retirement homes: the demand would remain. Yet the CNPA has no overall policy on the limits to growth, nor even any recognition of the need for such a policy: we are faced with the actuality of endless rampant growth, continuing attrition, degradation and destruction of classic Cairngorms countryside and villages, all the while accompanied by statements of professed concern and promises of protection for such assets, which when faced with the pressure for development prove to be almost worthless.

3. above all, has simply failed to deliver that which was, and now continues by the CNPA to be, promised. This policy of promoting a rate of house-building greatly in excess of local need is said to be necessary to provide housing for local people. Yet at the end of some forty years of this policy we are still told that there is an “overwhelming need” for more housing for local people, for example, “Park board member Willie McKenna said there was a desperate need for more houses in the area” (Press and Journal, 4<sup>th</sup> July 2013, p.7).

When a policy has so spectacularly failed to deliver what was promised, whilst at the same time causing substantial and irreversible damage to settlements and the natural heritage, is it not time for a reappraisal? Yet NO such substantial assessment of the benefits and dis-benefits of this policy has been undertaken by the CNPA to our knowledge: it just ploughs on regardless, causing more and more damage to the national park and its communities.

The present policy of allowing large housing developments is damaging villages and their communities, damaging landscapes, destroying wildlife and depriving small local builders of a sustainable livelihood, whilst feeding an unsustainable demand from large landowners and large building companies, who generally do not use local workers, for more and more housing. It is the very opposite of what should be occurring in a national park, as has been learnt from bitter experience elsewhere. Sooner or later the CNPA must grasp the nettle of appropriate control of development.

The Cairngorms Campaign therefore **objects** to the scale of overall development inherent in the Community Information (pages 50-188) part of the pLDP and of the Policy outlined on page 17/18 of the pLDP.

Instead, we urge the adoption of Residency Criteria (or similar) and we **object** to the absence of residency criteria in the LDP.

Such Residency Criteria were outlined in the first draft of the CNPA Local Plan 2005 as part of Policy 38, requiring that new-build houses in the national park are restricted to:

- i) Existing residents of the National Park (over the age of 18), who have permanently resided in the area for at least the last 3 years and who now need new accommodation.***
- ii) A head of household who is or whose partner is in or is taking up full-time permanent employment in a business within the National Park.***
- iii) Elderly or disabled persons requiring sheltered or otherwise more suitable accommodation who already live permanently within the National Park.***
- iv) Persons having to leave tied accommodation within the National Park.***
- v) In all cases above the applicant must prove that they are currently unhoused or inadequately housed.***



The rationale behind the use of residency criteria is explored and explained in the attached Paper **Housing Provision in Scottish National Parks** by Bill McDermott, April 2012. This paper, and others produced directly by the Peak District National Park are attached to the **Cairngorms Campaign pLDP Representation Appendix**, sent separately. The Paper concludes:

#### **4.0 Conclusion**

- 4.1** *This paper posits the proposition that the experience of the Peak District National Park is something that the CNPA should seek to emulate, irrespective of the legislative differences. The scenarios and projections for housing communities in the Cairngorms National Park have reached a stage where the Authority is being cavalier with the environment which it was established to protect. It has acted as if it was the housing authority, with senior members of the NPA now regarding affordable rural housing as its primary concern. As the Peak Park shows it is possible to work constructively with others to provide much needed affordable homes but recognise that at the end of the day the landscape, wildlife and cultural heritage in a national park trumps all other considerations in the final analysis when conflicts appear.*
- 4.2** *The first National Park Plan of the CNPA projected a stable population over a period of 25 years from 2007. The current draft of the new NPP now uses new figures from the Registrar General to declare that on current projections, the Park population will increase by 20% over the next 20 years in comparison to a decrease of 12.5% for the Loch Lomond and Trossachs National Park. On examining the population projections in more detail, the increase in population is represented by a nil increase in the 0-5 age group and a 43% increase in the over 65 age group. This begins to look like a self-fulfilling prophecy where the open market houses being built to secure a proportion of affordable homes actually provide the accommodation for immigrant retirees as well as commuters to work outside the Park. It adds import to the statement by a policy officer at the Peak Park who said that the appropriate vision for a national park spans a time scale of 100 or more years. In that context the cyclical problems of the housing market are not the most important consideration. "You can't build your way out of a cyclical housing supply problem".*
- 4.3** *From the range of comments which have come forward in the consultations for the NPP and the Main Issues Report of the Local Development Plan, it is clear that there is increasing resistance to the imposition of developer-led housing in the Cairngorms National Park. With a projected target of 3,000 houses (25% affordable) over the next 20 years at a time when the PDNPA have projected 500-1,000 houses (all affordable), the question that the PDNPA asked itself in 1989 must come to the fore. Can the Cairngorms National Park landscape and natural heritage cope with the present rate of house building and if not what provisions are being made for a long term vision when the tap is turned off? It is clear from the Peak Park that this is possible and indeed publicly acceptable, but there is a further problem with the way that the CNPA does business and that is illustrated by a social attitudes survey commissioned for the NPP.*
- 4.4** *When residents and visitors were asked what they liked about the National Park, a common answer was that residents and tourists liked the 'planned, stone-built villages' The developer-led approach to house building, epitomised by Aviemore, High Burnside, Kincaig and Carrbridge do not meet that criterion. They are urban intrusions in the landscape of the National Park and are the direct result of allocating large parcels of Greenfield land which developers then fill with identikit houses unfitted to a national park setting. The Peak Park has avoided the worst of this kind of development by insisting on stone and slates in discrete, small scale developments which blend with the historic architecture. More often than not the land selected is vacant and unused so the end result is enhancement of the Park environment and a win/win for Park residents who meet the residency criteria. Discussions with CNPA officers suggest that their solution lies in better design of housing, but it hard to imagine that in a developer-led approach where there are stipulations required for cross subsidy that this situation will improve. It is the scale of the developments and their locations which need to be addressed.*

*4.5 It is clear that there remains a large gulf between the policies and actions of the CNPA over the issue of housing and the views of many environmental NGOs. Insofar as these policies are driven by the Scottish Government's approach to economic development and a failure to recognise the special planning policies which should apply to national parks, the NGOs can seek to make representation to Government for a change of course. In particular there is a generalised requirement for all planning authorities, including NPAs to meet targets for supply of land for housing and to use the cross-subsidy method for private developers to provide affordable houses. As has been shown from the example of the Peak District National Park a more appropriate mechanism for meeting housing need in a national park setting is to remove references to targets and to identifying a 'generous supply' of land for housing and replacing it with a Rural Exceptions Policy in concert with local occupancy restrictions. Whilst this methodology has its detractors, such detractors invariably come from the developers, the housing authorities and the social scientists all of whom focus on how to provide affordable homes without reference to the environmental consequences.*

*4.6 The Peak Park has accepted that the consequences of allocating a generous supply of land for housing is no longer sustainable. The PDNPA is not a housing authority, nor is the CNPA. The fourth aim, to promote sustainable development, has been wrongly used by the CNPA to justify acting like any other planning or housing authority when in reality there should be no real difference in approach between the Peak and the Cairngorms, both having a primary responsibility to conserve the natural and cultural heritage. If the CNPA finds itself to have acted illegally in the adoption of its Local Plan, then it is to be hoped that the example of the Peak Park will offer a new direction and perhaps even a change of heart over such developments as An Camas Mor.*

## Specific Settlement Proposals

### An Camas Mor

The Cairngorms Campaign **objects** to the inclusion of the proposed new town of An Camas Mor in the LDP.

*"An Camas Mòr will have the distinction of being the only new community planned for a National Park."* (para 14.7)  
It is certainly distinctive for a National Park Authority to be promoting construction of a New Town in the middle of its National Park, unique within the UK and probably unique within any National Park anywhere in the world. Many of the National Parks in England face at least the same pressure for additional housing as the Cairngorms, but have found other ways to handle the challenge, without encouraging large developments of market-value housing.

*"An Camas Mòr will be internationally acclaimed as an exemplar of sustainable development and building design in a very sensitive location. It will be an inspiration and a delight."* Such desperate and unrealistic wishful thinking has no place in a policy document such as the LDP.

We have already set out various objections which should cause the members of the CNPA to rethink their support for An Camas Mor, and we believe that they should accept the opportunity now to reconsider what has clearly become a mistaken policy. To try to defend the construction of a New Town on a greenfield site in a sensitive part of the National Park risks lasting damage to Scotland's reputation as an exemplar of sustainability.

To the public, the very idea of a New Town in a National Park is ludicrous, and literally incredible – virtually everyone we speak to finds it almost impossible to believe that the Cairngorms National Park Authority really supports such an idea, and the public has most generously donated thousands of pounds to our legal challenge in order to try to prevent it. We deeply regret that the judiciary has found that the plan is not so unreasonable that it should be overturned. The original plan for a new town at Cambusmore was formulated many years before the National Park was established, and is still obviously supported by the land-owner and prospective developer for financial reasons, but we believe that any rational consideration of the changed circumstances shows that the proposal should now be abandoned. Independent Reporters to the Local Plan Inquiry found it to be unnecessary, and we believe the CNPA

should review their report and accept that An Camas Mor is inappropriate and extremely damaging to the Cairngorms area, and to the concept of a National Park.

*“An Camas Mòr will be an inclusive and vibrant community with a demographically balanced resident population. It will embrace diversity and provide for all abilities. It will be recognisably ‘Cairngorms’. It will be a real community, not a holiday village or second home enclave, and will provide the range of facilities commensurate with that status”.*

(para 14.26) – how is the CNPA to ensure the demographic balance? Perhaps by vetting all prospective residents to ensure they fit within pre-determined quotas of sex and age? How will the CNPA ensure that it is not occupied by workers who commute into Inverness daily, with all the additional travel this would involve? How will the CNPA prevent it becoming a holiday village or second home enclave? This appears to imply that the CNPA will have some ability to set residency or occupancy criteria, and if this is possible for An Camas Mor, why is it not possible for the rest of the National Park? We can only conclude that this is an example of double standards: the use of residency criteria can be used to promote An Camas Mor, but is unable to be used, according to the CNPA, to control development in the park as a whole.

The LDP recognises the potential impact of An Camas Mor upon five European designated sites, and hence the need for measures to protect them and their biodiversity both during construction and ever afterwards. The entire site is within the Cairngorms Mountain National Scenic Area. The recognition of the risk of impacts upon a number of Natura 2000 sites will involve costly protection, and the requirement for a comprehensive range of measures to protect the biodiversity, and the requirement for substantial developer contributions towards infrastructure works will also increase developer costs. In view of all these essential requirements, it is inevitable that the cost of developing An Camas Mor will be very high, implying that the cost of houses there will be correspondingly much higher than elsewhere. Is it reasonable for the CNPA to continue to claim that the development is necessary and will make a significant contribution to the provision of a full range of affordable housing? We believe that the pressures of costs will inevitably force the CNPA into diluting the unrealistically high standards it is setting out as an aspiration, and that An Camas Mor will end up as an undistinguished extension to Aviemore, which will now extend across both banks of the Spey, forming a large and unbalancing conglomeration within the National Park, dominating the other settlements by virtue of its sheer size and expansion, and characterising the National Park as the home of unattractive urban sprawl rather than a place of majestic scenery and wildlife.

## **Other Settlements**

### **Nethy Bridge**

The Cairngorms Campaign **objects** to the inclusion of NB H1 and H2 in the LDP.

This proposal would,

1. destroy an area of woodland of high biodiversity value and listed in the Ancient Woodland Inventory (and damage similar surrounding areas of woodland by disturbance, pollution, fragmentation and introduction of invasive species), contrary to Scottish Planning Policy, Feb. 2010 p.29 para 146.
2. threaten the viability of continuing use of the area by European Protected Species, Otter, primarily due to increased disturbance from domestic pets, particularly dogs.
3. destroy habitat and dreys of Schedule 5 species, red squirrel
4. increase disturbance of capercaillie in Abernethy Spa and Craigmore SPA and adjacent Culstank Moss, and in School Wood itself, in which capercaillie continue to be occasionally reported despite their very low overall population.

### **Carrbridge**

The Cairngorms Campaign **objects** to the inclusion of Carrbridge H1 and H2 in the LDP.



These proposals would,

1. destroy an area of native pine woodland of high biodiversity value (and damage similar surrounding areas of woodland by disturbance, pollution, fragmentation and introduction of invasive species), contrary to Scottish Planning Policy, Feb. 2010 p.29 para 146.
2. destroy an area of species rich grassland.

## **Glenmore**

The Cairngorms Campaign **objects** to the extension of the settlement boundary across the road to the south and west and also into the Special Area of Conservation. The Cairngorms Campaign considers that there is no justification for extending the settlement boundary beyond the footprint of the present small settlement on the north east side of the road.

Yours sincerely, Timothy Ambrose, Treasurer, for and on behalf of the Directors of The Cairngorms Campaign

## **Housing Provision in Scottish National parks**

- 1. Introduction**  
**Aims and Objectives**  
**Methodology**
- 2. The McCafferty Report**
- 3. The Peak Park Approach**
- 4. Conclusion**

**Bill McDermott**

**11 April 2012**

Roy Turnbull

E

Cairngorms National Park Authority  
Albert Memorial Hall  
Ballater  
AB35 5QB  
2013

5th July

Dear Sir,

I make the following representation concerning the proposed CNPA Local Development Plan (pLDP) with particular emphasis to **Issue 38 Nethy Bridge**.

### **Population changes and Housing Completions in Nethy Bridge Settlement Area**

#### **Population**

The 2001 census return for Nethy Bridge records an increase in population of 9.8% between 1991 and 2001 (in the settlement area).

The 2011 census return is not yet available, but the document **CNPA Application Ref. No.: 2013/0119/DET (concerning sites NB H1 and H2) INTERNAL SPECIALIST RESPONSE Economic Development** states, “NB was estimated to have a population of around 630 in June, 2010. This represents an increase of 132 (26.5%) since 2001, more than double the area average”

During the same period, population growth in Scotland as a whole was 1.27% between 1991 and 2001 and 3.1% between 2001 and 2010.

#### **Housing Completions**

During the same period (1991-2010 inclusive) Housing Completion figures from Highland Council show that 180 houses were built during this 20 year period in the Nethy Bridge settlement area. 93 of these houses were built from 2002-2010 inclusive.

Thus, population growth in Nethy Bridge in recent decades has outstripped that of Scotland as a whole by a factor of **around 8** ( $9.8/1.27 = 7.7$ ,  $26.5/3.1 = 8.5$ ). Like much of Badenoch and Strathspey, Nethy Bridge is suffering from the effects of excessively rapid growth, entirely as a result of inward migration, (since the ratio of births: deaths of the resident population is around 1, this has not contributed significantly to the population growth).

Moreover, the reported increase in population of 132 since 2001 that was accompanied by the building of 93 houses, indicates an approximate occupancy rate of 1.4 persons/household for the new houses. This compares with a Scottish average of 2.3 persons/household (5,062,011 people/2,192,246 households) for Scotland as a whole recorded in the 2001 Census.

The very rapid population growth in Nethy Bridge is indicative of a grossly unsustainable rate of change and the low occupancy rate of households indicates an unsustainable use of resources, which are therefore in conflict with the second and fourth aims of the park, not to mention the consequences for the natural and cultural heritage, which are wholly negative.

### **General Comments on Statements within the pLDP Concerning 38 Nethy Bridge (pages 172-177)**

38.1

claims NB “remains unspoilt”.



38.2

states **“The community is concerned about unsympathetic housing developments”**

Indeed it is. The reason is precisely because the former quote from 38.1 is an increasingly untenable statement, following the construction of several housing estates in and around the village in recent years and the threat of even worse to come in the form of H1 and H2.

38.3

This statement implies that stable communities cannot provide **“employment opportunities for the younger generation”** or support **“local tradesmen”**. No evidence is produced in support of such assertions and I submit that they are manifestly untrue. The implied necessity for endless growth insisted upon by the CNPA indicates a hostility towards sustainability which is at odds with, particularly, the second and fourth aims of the park.

38.4

**“development should meet the needs of the local community”**. Indeed it should, but that has not been the case in recent decades where relatively large housing estates have been allowed to be built that have provided very few homes for local people.

38.6

**I object** to the fact that areas of woodland registered in the Ancient Woodland Inventory and other woodlands of high biodiversity value are not so identified on settlement maps. **I recommend** that all such areas should be so identified in order to direct potential development elsewhere at the earliest opportunity. This recommendation is in accordance with Scottish Planning Policy, Feb. 2010 p.29 para 146, which states,

**“Ancient and semi-natural woodland is an important and irreplaceable national resource that should be protected and enhanced, as should other native and long established woodlands with high nature conservation value. The Scottish Forestry Strategy identifies the protection of woodlands of high biodiversity value as an important consideration in the development management process. Woodland of high nature conservation value should be identified in development plans along with relevant policies for its protection and enhancement.”**

**“The River Nethy ... designated as a Special Area of Conservation”**. **I object** to the fact that the Allt Mor (a tributary of the Spey and part of the River Spey SAC) on the northern edge of the village is not likewise referenced in 38.6. This should be remedied as should similar occurrences in all other settlement maps.

**I object** that the map key is **inadequate** to the task of identifying protected areas. It is impossible to know from the settlement map that the Allt Mor (or, indeed, the upper reaches of the Nethy) are part of the Spey SAC. The key for the settlement maps should be comprehensively revised so as to show all protected areas with clarity and without ambiguity.

### **Nethy Bridge Proposals**

**I object** to the inclusion of sites H1 and H2, of housing development within School Wood, in the LDP for the following reasons:

- School Wood is listed in the Ancient Woodlands Inventory as an ‘ancient woodland site currently supporting woodland of plantation character’.

No value is given for the area of School Wood identifies in the pLDP, but it appears to be about 10ha. This area, were it to be developed, would be entirely destroyed as far as its ancient woodland status is concerned and the introduction of housing into the woodland would have an adverse effect on the remaining undeveloped woodland, as described by The Woodland Trust in

<http://www.woodlandtrust.org.uk/en/campaigning/our-campaigns/neighbour-hell/Pages/neighbours-hell-summary.aspx#.T3m1otl0nuM> )

This Woodland Trust study identifies the following **adverse effects** from development close to woodland:

**Chemical Effects** from garden chemicals (pesticides, herbicides, fertilisers), road salt, other pollutants from roads, garden and other rubbish.

**Disturbance** from light, noise, human recreation and domestic pets. In the case of School Wood such factors are likely to include not only human disturbance, but predation/attack of otters by dogs, predation of red squirrels and small birds by domestic cats, interbreeding of wildcat (which have been recorded within 800m of the site) with domestic cats, and predation of eggs and chicks of ground nesting birds, including woodcock and, possibly, capercaillie, by cats and dogs].

**Fragmentation** from the direct destruction of woodland and the creation of areas of terrain inhospitable to woodland species, thus increasing the distance between favourable habitats, thus inhibiting migration of species.

**Non-native species** from garden escapes or discarding of garden rubbish.

- **Scottish Natural Heritage** states, "Ancient and semi-natural woodland is an important and irreplaceable national resource that should be protected and enhanced, as should other native and long established woodlands."

In its "**Summary and Policy Statement**" see, <http://www.snh.gov.uk/docs/C283974.pdf> , Scottish Natural Heritage state,

"Although there is no legislation specifically protecting ancient woodland, Scottish Planning Policy identifies it as an important and irreplaceable national resource that should be protected and enhanced, as should other native and long established woodlands with high nature conservation value.

- The pDLP states, p27, "Development that would adversely effect an ancient woodland site ... will only be permitted where it has been demonstrated that:
  - a) the objectives etc.
  - b) any significant adverse effect ... etc.

There is no prospect of either of constraints a) or b) being realised. It is simply impossible to destroy a significant area of ancient woodland and increase the peripheral effects referred to by The Woodland Trust without compromising the overall integrity of the site/ Nor is there any prospect in this case of providing features of commensurate or greater importance to those lost.

- **NPPG 14, para. 51** states, "**Planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Ancient and semi-natural woodlands have the greatest value for nature conservation.**"
- **SPP Feb. 2010** (which superseded NPPG 14) p.29 para 146 states, "**Ancient and semi-natural woodland is an important and irreplaceable national resource that should be protected and enhanced, as should other native and long established woodlands with high nature conservation value. The Scottish Forestry Strategy identifies the protection of woodlands of high biodiversity value as an important consideration in the development management process. Woodland of high nature conservation value should be identified in development plans along with relevant policies for its protection and enhancement.**"
- **European Protected Species, Otter**

Otters regularly use the Caochan Fuaran, (the burn that runs through School Wood close to the eastern end of the H2 site) probably as a source of frogs and perhaps eels, and as a route to Culstank Moss, where the wetland at the eastern end and the bog area provide a further source of food Otter also transfer between the Allt Mor (which is used regularly by otters) and the Caochan Fuaran.

Otters are vulnerable to attack from dogs. Indeed, an otter cub was recently attacked by a dog (in the presence of its owner) close to its holt on the Allt Mor, upstream from Craigmore, a few hundred metres away from the Caochan Fuaran/Craigmore Road site.

The unusual feature here is the extreme small size of the Caochan Fuaran that affords no refuge for an otter under attack from dogs: otters are therefore likely to be far more vulnerable than by the Spey or one of its larger tributaries where they can escape into a much larger body of deeper water if attacked.

The proposed H2 site is less than 20 metres from the Caochan Fuaran. Dogs associated with these proposed developments would likely regard stretches of the Caochan Fuaran as their home territory and pose an unacceptable threat to the otters using it. They will also effectively sterilise any potential natal holt in the area, including areas in Culstank Moss: a dog's nose will readily find that which may be overlooked by human eyes. This would also mean

that otters would likely be denied access upstream of the Craigmor Road site, since, in addition to human forms of disturbance, otters would be reluctant to pass an area where attack by dogs would be likely. This would mean that the whole of Culstank Moss, including the springs at its far end and the bog area and potential natal holts within it, would become unavailable via the Caochan Fuaran.

The Caochan Fuaran, of course, flows into the Spey and is close to the Allt Mor, both of which are part of the River Spey Special Area of Conservation for which the otter is one of four qualifying features (the others being salmon, lamprey and freshwater pearl mussel). Thus any harm to or restriction of foraging or breeding habitat of otters adjacent to the Caochan Fuaran would be harming not only a **European Protected Species** but would also have an adverse effect on a **Special Area of Conservation**.

- **Schedule 5 Species Red Squirrel**

The Wildlife and Countryside Act, 1981 was amended by the recent introduction of the Wildlife and Natural Environment (Scotland) Act 2011 to the effect that there is no longer a complete prohibition upon the granting of a licence for the destruction of red squirrel dreys for the purpose of development. This amendment to the 1981 requires that,

**“The appropriate authority shall not grant a licence under subsection (3)(i) unless it is satisfied—**

**(a) that undertaking the conduct authorised by the licence will give rise to, or contribute towards the achievement of, a significant social, economic or environmental benefit; and**

**(b) that there is no other satisfactory solution.” [ WINE(Scotland) Act 2011 Sect. 18 (2) (b) ]**

In this context, it should be pointed out that:

- I am not aware that the developer has made any attempt to demonstrate that the proposed development will contribute towards the achievement of a significant social benefit, since no assessment of the possible social benefits and dis-benefits of this proposal has, to my knowledge, been conducted by the developer or anyone else.
- The only likely economic benefits fall to the developer, whereas local builders and craftsmen who might reasonably be expected to derive benefit from smaller developments that this proposed development precludes, are disadvantaged. Thus, the **local** economic benefit has not been demonstrated to be positive and is likely to be negative. Further, the aims of the National Park require that any economic benefit (and any use of the natural resources) within the park should be sustainable: development that destroys natural capital in the form of ancient woodland cannot be regarded as sustainable under any definition. There is considerable environmental dis-benefit associated with the development of H1 and H2 and any potential benefits from enhanced management of the remaining woodland could be better achieved by removing this allocation and thus allowing the wood to be sold to interested parties with a remit of nature conservation. Such parties, with sufficient funds, exist.

- **Habitats and Birds Directive Annex 1 Species, Capercaillie**

School Wood lies between Abernethy Forest and Craigmor Special Protection Areas. Capercaillie is one of three qualifying species for Abernethy Forest and the sole qualifying species for Craigmor. The sites allocated for either housing or business unit development lie less than one kilometre away from these two SPAs. Capercaillie have been observed in School Wood on occasions in recent years and are vulnerable to disturbance, which the intrusion of housing into the wood would significantly increase. The addition of a further 58 houses in this location, would cause an increase in disturbance in the above two SPAs, and particularly Craigmor Wood, by recreational activity of the occupants.

The letter (14/12/2004) from the Commission of the European Communities to the Secretary of State for Foreign and Commonwealth Affairs noted, p.7,

**"With regard to relevant habitat adjacent to SPAs in Strathspey, there is concern that the United Kingdom of Great Britain and Northern Ireland is failing to ensure that sufficient account is being taken of the capercaillie with regard to planning proposals in the new Cairngorms National Park. It appears that a large number of development proposals are in the pipeline and are being zoned for woodland areas important for capercaillie. The issue of the adequacy of guidance to planning authorities and their need to take into account the interests**



**of the capercaillie in their planning decisions was already highlighted in the additional letter of formal notice of 17 December 2002. ...**

**The Commission is concerned that despite having raised these concerns, there is still no clear guidance being given the local planning authority on this matter. Furthermore, there appears to have been no overall assessment of the likely cumulative impact of these various individual proposals as is required under Article 6(3) of the Habitats Directive."**



Yours sincerely,

Roy Turnbull

Our ref: PCS/126115  
SG ref: SEA00619/er

Karen Major  
Cairngorms National Park Authority  
Ground Floor  
Albert Memorial Hall  
Station Square  
Ballater  
AB35 5QB

If telephoning ask for:  
Nicola Abrams

2 July 2013

By email only to [REDACTED]

Dear Karen

**Environmental Assessment (Scotland) Act 2005  
Cairngorms National Park Authority Proposed Local Development Plan Updated  
Environmental Report**

Thank you for your Environmental Report (ER) consultation submitted under the above Act in respect of the Updated Environmental Report. This was received by SEPA via the Scottish Government SEA Gateway on 15 April 2013.

On the whole we consider the assessment to be comprehensive and well presented. We have used our response to the Scoping Report and the Interim Environmental Report to consider the adequacy of the ER and this is used as the framework for detailed comments which can be found in Appendix 1. For convenience, these comments have been structured to reflect that of the ER. Please note, this response is in regard only to the adequacy and accuracy of the ER and any comments we may have on the Proposed Plan itself will be provided separately (SEPA Response PCS/126119).

As the Proposed Plan is finalised, Cairngorms National Park Authority as Responsible Authority, will be required to take account of the findings of the Environmental Report and of views expressed upon it during this consultation period. As soon as reasonably practical after the adoption of the plan, the Responsible Authority should publish a statement setting out how this has occurred. We normally expect this to be in the form of an "SEA Statement" similar to that advocated in the Scottish Government SEA templates and toolkit which is available at [www.scotland.gov.uk/Publications/2006/09/13104943/13](http://www.scotland.gov.uk/Publications/2006/09/13104943/13). A copy of the SEA statement should be sent to the Consultation Authorities via the Scottish Government SEA Gateway on publication.

Should you wish to discuss this environmental report consultation, please do not hesitate to contact me on 01224 266698 or via our SEA Gateway at [sea.gateway@sepa.org.uk](mailto:sea.gateway@sepa.org.uk)

Yours sincerely

Nicola Abrams  
Senior Planning Officer

Ecopy: [hssea.gateway@scotland.gsi.gov.uk](mailto:hssea.gateway@scotland.gsi.gov.uk); [sea\\_gateway@snh.gov.uk](mailto:sea_gateway@snh.gov.uk)

## **Appendix 1: Comments on the Environmental Report (ER)**

### **General comments**

The SEA methodology you have used has adopted elements of an ecosystems approach which lends itself very well to a strategic plan such as the Park Plan but perhaps not quite as well to a Local Development Plan and when we met previously we had a useful discussion around the benefits and challenges of the approach in this context. Nevertheless, we consider that the ER provides a good assessment on the Proposed Plan and for this you are to be commended.

In addition, we are pleased to note that many of the comments we made on the Interim ER (MIR) have been taken on board.

### **Detailed comments**

#### **1. Relationship with other Plans, Policies and Strategies (PPS)**

- 1.1 We are pleased to note that the comments we made on the Interim ER on other possible PPS to consider have been acted upon and Appendix 1 of the ER provides a very useful summary of the relevant PPSs and the relationship between these PPS and the Local Development Plan MIR and relevant environmental protection objectives.

#### **2. Baseline information**

- 2.1 We are pleased to note that many of the comments we made on this section at the scoping stage have been taken into consideration and we consider the baseline information to be comprehensive.

##### Water

- 2.1.1 We are pleased to note that our earlier recommendation that groundwater be included in the environmental baseline has been included.
- 2.1.2 We are pleased to note that more explicit links have been made to River Basin Planning in Table 7.

##### Sustainable Waste Management

- 2.1.3 As highlighted at the Interim ER (MIR) stage, SEPA considers that it would be helpful to outline what the issues and trends are in relation to waste management in the Park. You may also wish to refer to the waste site capacity and infrastructure reports available on our website: national capacity reports - [www.sepa.org.uk/waste/waste\\_data/site\\_capacity\\_infrastructure/national\\_capacity\\_report\\_s.aspx](http://www.sepa.org.uk/waste/waste_data/site_capacity_infrastructure/national_capacity_report_s.aspx) and landfill capacity reports - [www.sepa.org.uk/waste/waste\\_data/site\\_capacity\\_infrastructure/landfill\\_capacity\\_report.aspx](http://www.sepa.org.uk/waste/waste_data/site_capacity_infrastructure/landfill_capacity_report.aspx) and municipal waste annual report [www.sepa.org.uk/waste/waste\\_data/waste\\_data\\_reports/local\\_authority\\_annual\\_reports.aspx](http://www.sepa.org.uk/waste/waste_data/waste_data_reports/local_authority_annual_reports.aspx)

#### **3. SEA Objectives**

- 3.1 We are pleased to note that Table 8 highlights the relationship between SEA questions and relevant environmental objectives.



## **4. Assessment Methodology**

### **4.1 General Comments**

- 4.1.1 We are pleased to note that Table 8 highlights the relationship between SEA questions and relevant environmental objectives. It is noted that waste management issues within the Park are not captured in any of the SEA questions in Table 10 (although waste management is identified as an assessment criteria later under Question 6). We are pleased to note that an additional assessment criteria has been added to Q3 in Table 10 to explicitly recognise groundwater.
- 4.1.2 We welcome the identification of assessment criteria and potential indicators in Table 10, and we are pleased to note many of our comments on this aspect made at the Scoping stage have been taken into account. We note the previous indicator relating to flood risk "*Area of land identified as at risk of flooding in the Strategic Flood Risk Assessment*", has been removed, we suggest that an indicator relating to flood risk would be useful and should be included against Q3.
- 4.1.3 We are pleased to note that the vision, spatial strategy, policies, each community and a cumulative assessment of all policies and proposals together has been undertaken.

### **4.2 Assessment of Vision and Policies**

- 4.2.1 We are satisfied with the assessments presented with the exception of the following suggestions which we request be addressed in the finalised ER.
- 4.2.2 Policy: Renewable Energy- we note that the policy has been assessed as having negligible effects on SEA objective 3, we would welcome further explanation of this, the policy as it is currently worded states that "all hydropower proposals must have no detrimental impact on:-a) the water environment; b) the recreational use of the water environment; c) peat and soil along the length of the scheme." The policy sets a very stringent standard in relation to the water environment and we do wonder whether once implemented such a policy would have the potential to have a positive effect on SEA objective 3, we suggest that further consideration be given to this element of the assessment..

### **4.3 Assessment of Sites**

- 4.3.1 In general the assessment of sites has been enhanced with greater use of the comments box enabling the consultation authorities to more readily understand the reasoning behind the assessment. On the whole we are satisfied with the assessments presented with the exception of the following suggestions for clarification which we request be addressed in the finalised ER.
- 4.3.2 Settlements and Proposals
- 4.3.2.1 An Camas Mor- we note that the proposal has been assessed as having a positive effect on SEA question 3, we note that the MIR stage this proposal was assessed as having an uncertain effect overall with the potential for negative effects on water quality, we would welcome further clarification as to the reasoning behind the current assessment. Similarly at the MIR stage the proposal was assessed as having a positive effect on SEA question 6, however the current assessment indicates no or negligible effects on SEA question 6, we would welcome further clarification as to the reasoning for the revised assessment.

4.3.2.2 A number of proposals have been assessed as having a positive effect on SEA question 3, however we would welcome further explanation of this assessment given that the plan also highlights the potential for a number of sites to be affected by flood risk and the requirement for a FRA to be undertaken in support of planning applications for a number of proposals, this includes sites in Aviemore & Vicinity, Ballater, Braemar, Dinnet, Grantown on Spey, Inverdrue & Coylumbridge and Kingussie.

## **5. Mitigation**

5.1 We note that mitigation measures have been built into the development of policies and proposals. It appears that the mitigative actions (such as removal of land allocations within flood risk areas) have been undertaken prior rather than as part of the SEA, although we welcome the building in of mitigation in principle, it would be useful if the ER more clearly set out where changes to the Plan were undertaken as mitigation.

## **6. Monitoring**

6.1 We welcome the use of indicators (as set out in Table 13) for the monitoring of the Plan against SEA Objectives and we welcome the inclusion of some of the indicators which we previously suggested. As suggested at the MIR stage the assessment would benefit from an indicator which clearly relates to waste management, such as "*%reduction in total waste arisings*".

Our ref: PCS/126119  
Your ref: CNPA - LDP  
If telephoning ask for:  
Clare Pritchett

Karen Major  
Cairngorms National Park Authority  
Albert Memorial Hall  
Station Square  
Ballater  
AB35 5QB

4 July 2013

By email only to: [REDACTED]

Dear Ms Major

### **Cairngorms National Park Proposed Local Development Plan**

Thank you for your consultation regarding the above proposed Local Development Plan, Supplementary Guidance and Environmental Report. We welcome the opportunity to comment on these documents.

Overall we consider that a clear framework of guidance, comprising policies and supplementary guidance is provided in relation to our interests which should ensure the protection of the special qualities of the Park. The majority of our representations are requests or recommendations for re-wording or additional text for clarification. We do have a number of objections for additional or re-worded text in relation to the specific site allocations which may be at medium to high risk of flooding and the failure of the plan to identify clearly flood risk constraints in accordance with the relevant requirements of Scottish Planning Policy.

We have provided detailed comments in the attached appendices – Appendix 1 on the Proposed Local Development Plan, Appendix 2 on the Supplementary Guidance and Appendix 3 on the Proposed Action Programme. We have provided comments on the SEA by separate response Please note that we have only commented on issues which fall within our remit.

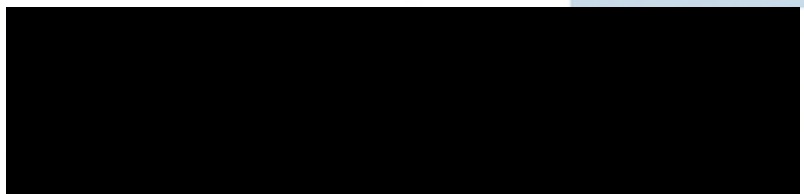
We note that a meeting has been requested by the CNPA with SNH and SEPA regarding the issue of the Habitats Directive and water quality thresholds in relation phosphorous levels and freshwater pearl mussels. Therefore we do not comment further on this matter or in particular on Para 5.56 & 5.57 in this response but will wait for the outcome of the meeting.

If you require any further information please do not hesitate to contact me.

If you have any queries relating to this letter, please contact me by telephone on 01224 266609 or by e-mail to [planningaberdeen@sepa.org.uk](mailto:planningaberdeen@sepa.org.uk).

Yours sincerely

Clare Pritchett  
Senior Planning Officer  
Planning Service





## **Appendix 1 Cairngorms National Park Proposed Local Development Plan**

We set out below:

- The policy, proposal, map or other aspect of the Plan or guidance to which we seek a modification:
- The grounds of objection or representation to the proposed Local Development Plan:
- Changes we wish to see made to the Plan which would resolve our objections

### **Proposed Local Development Plan**

#### **Section 5 – Sustainable Design – The Policy - p24**

We **support** the policy on sustainable design and the requirement for a design statement to demonstrate how a proposal incorporates sustainable design including how the proposal has been designed to create opportunities to further biodiversity and promote ecological interest.

#### **Section 6 – Natural Heritage - The Policy - p28**

We **support** the policy on natural heritage to conserve and enhance the outstanding natural heritage of the CNP.

However we **consider** that the policy relating to ‘Other biodiversity’ does not adequately protect those habitats, networks of habitats and species that are not protected by designations. We would be happy to discuss wording to address this but we **suggest** that this could be addressed by including the slightly re-worded second sentence of Section 6 – Natural Heritage - Para 6.16 as set out below in the policy itself.

*“The planning authority will consider the direct, indirect and cumulative effects of development proposals on habitats, networks and species. Developments should therefore conserve and enhance natural and semi-natural habitats for the ecological, recreational, landscape and natural heritage values, including water bodies, watercourses, wetlands, peat and river corridor.”*

#### **Section 8 – Renewable Energy – The Policy – Hydropower - p34**

We **support** the policy on renewable energy to encourage the generation of renewable energy.

The policy states that all hydropower proposals must have no detrimental impact on:

- a) the water environment
- b) the recreational use of the water environment
- c) peat and soil along the length of the scheme.

We **consider** that it is not reasonable to expect all hydropower proposals to have no detrimental impact.

We **suggest** that the wording should be changed and would be happy to discuss this further. For example the wording no ‘*unacceptable*’ detrimental impact could be included or *that the impacts be adequately minimised*’.

#### **Section 8 – Renewable Energy – The Policy – Wind Energy - p34**

The policy states that: I

*In addition all wind energy proposals must adequately minimise:*

- a) *all noise impacts*
- b) *all shadow flicker*
- c) *the impact of the development on all aviation interests.*

It is not clear if 'in addition' in this policy means that all text above in the policy including that under Hydropower applies to the relevant section or just the text in the first section. For the avoidance of doubt, we **consider** that wind energy proposals may have significant impact on the water environment, the recreational use of the water environment and peat and soil similar to hydropower proposals. We **suggest** that additional wording should be added to clarify and address this.

### **Section 11 – Resources - The Policy - Water resources – Omission - p44**

We **support** the policy on Resources and its identification of water resources, flooding, sewerage, waste management and minimisation, minerals, carbon sinks and stores, contaminated land and landfill.

However, we **consider** that, in addition to the requirement to not cause a deterioration in the ecological status of water bodies, there should be a clearer policy statement on all development avoiding unacceptable detrimental impacts on the water environment. This would tie in with other policy requirements eg renewable energy – hydropower and wind power. We would be happy to discuss this further but the following statement raises all the issues we would expect to see addressed:

*Proposals should avoid unacceptable detrimental impacts on the water environment. The water environment includes wetlands, rivers, lochs and groundwater. Proposals affecting the water environment will only be approved where it is demonstrated that any impacts (including cumulative) on river hydrology, sediment transport and erosion, nature conservation, ecological status or ecological potential, fisheries, water quality, quantity and flow rate, recreational, landscape, amenity and economic or social impact can be adequately mitigated. Existing and potential impacts up and downstream of the proposed development, particularly in respect of potential flooding should be addressed. There is a presumption against the culverting of watercourses and any unnecessary engineering works in the water environment. An appropriately sized buffer strip will require to be retained around all water features. Proposals should be designed to link in with blue/green networks and contribute to open space requirements. Developer contributions may be required.*

### **Section 11 – Resources - The Policy - Water resources – p44**

It is not clear what is meant by:

- c) have no significant adverse impact on **existing or** private water supplies

We **suggest** that the policy section on Water Resources point c) should be amended to state:

- c) have no significant adverse impact on public or private water supplies or wastewater treatment services*

### **Section 11 – Resources - The Policy - Waste Management and Minimisation – p44**

This states that:

*All development should:*

- a) *safeguard existing strategic waste management facilities and all sites required to fulfil the requirements of the Zero Waste Plan; or*
- b) *create a waste management facility which will contribute to the delivery of the Zero Waste Plan and is located on land where General Industrial development or storage and distribution development would be appropriate; or*
- c) *ensure the minimisation of waste from the construction of the development and throughout the life of the development as defined in a site waste management plan or statement.*

We **support** the references to the Zero Waste Plan, the safeguarding of sites, the creation of facilities and the requirement for a site waste management plan.

However, we **consider** that the policy requires re-wording as the word 'or' between each point is confusing and reference should be made to 'employment' land in accordance with the SPP and the ZWP. We **suggest** the following wording but would be happy to discuss further:

### **Waste Management and Minimisation**

*All development should:*

- a) *safeguard existing strategic waste management facilities and all sites required to fulfil the requirements of the Zero Waste Plan;*
- b) *ensure the minimisation of waste from the construction of the development and throughout the life of the development as defined in a site waste management plan or statement*

*New waste management facilities must contribute towards the delivery of the Zero Waste Plan and should be located on existing waste management sites, or land identified for General Industrial development, employment land or storage and distribution development.*

### **Section 11 – Resources - The Policy - Waste Management and Minimisation – p44**

We note that para 10.55 indicates with reference to waste management facilities that sites are identified on the proposals maps. However, the only relevant sites that appear to be identified are recycling points in some settlements. Confirmation is required that there are no further sites for waste management within the CNP, including outwith settlements or details of these should be provided. We note the reference to SEPA's Waste Infrastructure Maps but **suggest** that relevant information from these should be included in the Plan.

### **Section 11 – Resources - The Policy – Landfill – p45**

We **support** the presumption against the development of new landfill sites unless the development includes the principles of self sufficiency and provides facilities for recycling/waste treatment.

### **Section 11 – Resources - The Policy - Carbon sinks and stores – p45**

We **support** the policy on carbon sink and stores. Although referenced in para 10.73, we **suggest** that the policy section on Carbon sinks and stores should also refer to forestry and woodland as a carbon store, and to the potential release of carbon resulting from deforestation associated with development proposals and to the issue of forest waste. We would be happy to assist with this wording.



## Section 13 to Section 41 – Community Information p 51 – p193

We **support** the community plans and the identification of parcels of land where development can help provide support for and maintain sustainable communities across the park. However, we **object** to site specific wording in some cases and provide comments in Table 1 below on requests for additional wording for individual sites which include a mix of existing operations and uses and new sites.

### Flooding

It is noted that sites with significant planning consents are shown for information only. We are not clear on the position with respect to these sites should permission lapse or a new application be submitted. In many cases where flood risk is an issue, flooding has already been addressed through submission of a FRA in support of the application and/or the attachment of planning conditions. However, in some cases flooding may have not been addressed to the extent that would be required in line with current policy and guidance. We would highlight that on some of these sites, if permissions lapse or new development proposals are brought forward instead, further consideration of flood risk may be required and development of the sites may be more constrained than currently expected. Updated or new FRAs may be required. This possibility is addressed in the plan by the inclusion of flood risk as an issue in the overall text for most of the settlements so we note this for your information and consideration.

We note that for sites where a FRA is likely to be required, in some cases the text states one may be required and in others it states one will be required. It is not clear whether the wording has been decided on a site-by-site basis but in some situations it says may when we feel it will be required and vice-versa. We would **recommend** either the text is altered to be consistent for all sites, or the sites are reviewed to consider whether it is most likely (will) or only a possibility (may) that an FRA would be required.

**Table 1**  
**SEPA Table of Sites Requiring Amendments to Wording**

<b>Site</b>	<b>Comments</b>
<b>Section 17 p75 Ballater T1</b>	<b>Object unless wording amended:</b> The sites lies wholly within SEPA's indicative 1:200 year flood risk area. No additional site capacity and no development which results in a loss of floodplain capacity will be supported. A detailed FRA will be required to accompany any further development proposal for this site.
<b>Section 20 p93 Braemar C1</b>	<b>Object unless wording amended:</b> Part of the site is likely to be constrained by the risk of flooding. A FRA will be required to identify the developable area, capacity of the site and/or development layout which could be limited. There may be constraints due to the presence of wetland. A NVC survey may be required to accompany any development proposals for the site.
<b>Section 26 p122 Dinnet H1 &amp; H2</b>	<b>Object unless wording on flood risk switched from H1 to H2.</b> It is H2 which may require a FRA and not H1.
<b>Section 29 p133 Glenmore T1</b>	<b>Object unless wording included:</b> Several small watercourses and drains run through the site. A FRA will be required to support any development proposals.
<b>Section 31 p139 Grantown-on-Spey H1</b>	<b>Object unless wording included:</b> The Kylantra Burn runs along the north west boundary of the site. SEPA holds records of flooding associated with the Burn. A FRA is likely to be required to support any development proposals.
<b>Section 32 p152 Inverdrue and Coylumbridge T1 (Coylumbridge)</b>	<b>Object unless wording included:</b> Part of the site is within SEPA's indicative 1:200 year flood risk area. A FRA may be required to accompany any further development proposals, particularly where an increase in footprint or vulnerability is proposed.
<b>Section 35 p160 Kincraig H1</b>	<b>Object unless wording included:</b> A small watercourse runs along the site boundary which is culverted under a nearby road and the topography is very low and flat so it may be susceptible to flooding. A FRA may be required to support development proposals.
<b>Section 36 p165 Kingussie ED2</b>	<b>Object unless wording included:</b> The majority of the site is within SEPA's indicative 1:200 year flood risk area. Development proposals may require a FRA to accompany them, particularly if an increase in development vulnerability or footprint is proposed.
<b>Section 36 p165 Kingussie ED3</b>	<b>Object unless wording included:</b> The site is adjacent to SEPA's indicative 1:200 year flood risk area. Development proposals may require a FRA to accompany them, particularly if an increase in development vulnerability or footprint is proposed.
<b>Section 36 p165 Kingussie T1</b>	<b>Object unless wording included:</b> Part of the site is within SEPA's indicative 1:200 year flood risk area. A FRA may be required to accompany any further development proposals, particularly where an increase in footprint or development vulnerability is proposed.
<b>Section 39 p181 Newtonmore ED2</b>	<b>Object unless wording included:</b> The site is adjacent to SEPA's indicative 1:200 year flood risk area and a small watercourse runs through the site. Depending on development location and layout, some further proposals for development would have to be accompanied by a FRA.

**Glossary – Scottish Environment Protection Agency - p195**

We **suggest** that this should also refer to SEPA as Scotland's environmental regulator and that SEPA monitors and reports on the state of Scotland's Environment.

## **Appendix 2 Cairngorms National Park Proposed Local Development Plan Supplementary Guidance**

We set out below:

- The policy, proposal, map or other aspect of the Plan or guidance to which we seek a modification:
- The grounds of objection or representation to the proposed Local Development Plan:
- Changes we wish to see made to the Plan which would resolve our objections

### **Supplementary Guidance**

#### **Section 5 – Natural Heritage – Table – Principle 1 - p26**

We **suggest** that there should be clearer identification in the 'Information required' of the requirements for a construction method statement, for demonstration of capacity in waste water treatment works and capacity in water supply as set out in paras 5.53, 5.57 and 5.58. These could be linked to the third and fourth bullet points in the 'Information required'.

#### **Section 5 – Natural Heritage - 3. Other priority species - para 5.27 - p31**

We **suggest** that under examples this paragraph should also refer to ***groundwater dependent wetlands***.

#### **Section 5 – Natural Heritage -5. Soils and soil carbon – para 5.30 - p32**

Para 5.30 implies that a soil survey is not required for all developments. We **suggest** that it should be made clear that a soil survey is required for all developments, as set out in the Information Required, and that para 5.31 sets out the requirements of the soil survey.

#### **Section 5 – Natural Heritage - Examples of developments and requirements for natural heritage guidance – Table - p34**

We **suggest** that 'Other Surveys which may be necessary' should include NVC Survey (National Vegetation Classification) as these are frequently required for major developments in the CNP.

#### **Section 5 – Natural Heritage - 4. Water Extraction - para 5.59 – p40**

The requirement for information on capacity for water extraction, if required, set out in para 5.59 is not set out in the Information required in the summary table. We **suggest** that this should be identified.

#### **Section 7 – Renewable Energy - Table – Policy Requirements/Information Required Additional technology specific planning requirements - Hydro developments – p53**

- *Impact on water environment – demonstrate no detrimental impact on other hydro schemes in the catchment, any private water supply in the catchment and hydrology of the site and surroundings*

We **suggest** that this guidance does not accord with the Policy. We suggest that the supporting information requirements should indicate that hydro developments should have no ***unacceptable***

detrimental impact **or that the impacts must be adequately minimised on the water environment including** other hydro schemes in the catchment, the hydrology of the site and surroundings including any private water supply in the catchment and **groundwater dependent wetlands**.

### **Section 7 – Renewable Energy - Table – Policy Requirements/Information Required Additional technology specific planning requirements – Wind energy developments – p53**

We **consider** that this section should also refer to

- *Impact on water environment*
- *Impact on peat and soil*

as these developments may have also a significant impact on both the water environment and peat and soil through the construction of both access tracks and also turbine foundations.

This should also be identified in paragraphs under Wind Energy from para 7.23.

### **Section 7 – Renewable Energy - Table – Policy Requirements/Information Required Additional technology specific planning requirements – Biomass developments – p53**

We **suggest** that the requirement for including sufficient storage capacity for biomass proposals will need to be balanced with any regulatory requirements to not store excess waste at a site.

### **Section 10 - Resources – Table – Information Required - Water Resources – p66**

We **suggest** that the Information Required should more clearly relate to The Policy requirements for Water Resources. For example, in order to meet the Policy requirements:

- a) *a statement on water use and requirements including use minimisation, demand management and a risk assessment for private water supplies if required;*
- b) *a Drainage Assessment including foul drainage and surface water drainage showing sustainable drainage systems (SUDS);*
- c) d) & e) *a hydrology survey covering both surface and groundwater including wetland habitats and natural flow regime, water quality with reference to existing WFD classification status, existing public and private water supplies from abstractions and springs and amenity and recreational water use if required.*

Other information required should include:

- *Details of and justification for proposals and nature and scale of potential impacts including direct and cumulative;*
- *Construction and operation method statements detailing mitigation measures and pollution prevention and including enhancement and restoration or other remedial works which meet best practice requirements.*

### **Section 10 - Resources – Table – Information Required - Flooding – p66**

We **suggest** that this should state:

- *Proximity to area at potentially significant risk of flooding (0.5% or 1:200 year probability) as shown on SEPA's Indicative Flood Map*



## **Section 10 - Resources – Table – Information Required - Connection to sewerage – p66**

We **suggest** that the reference to 'in the future' should be removed (the demonstration is required that the system will be built to an adoptable standard now regardless of whether it may or may not be adopted in the future) and replaced with 'if required'.

- *Justification of need for private system and demonstration that this will be to an adoptable standard if required*

## **Supplementary Guidance -Section 10 - Resources - Water Resources – Groundwater - p68**

We **support** the statement at para 10.3: *Groundwater and wetlands are also important and impacts on these should also be fully considered, including the impact on water levels.* However, we **suggest** that a section on groundwater also referencing groundwater dependent wetlands, indicating that these are part of the water environment which are specifically protected under the Water Framework Directive, should be included following the section on surface waters to add further clarification. We would be happy to assist with the drafting of this if required.

## **Supplementary Guidance -Section 10 - Resources - Water Resources – Buffer strips – p72**

We **support** the statement at para 10.27 which **encourages** the provision of buffer strips. However, we **consider** that a **requirement** for buffer strips alongside waterbodies should be included to add further details to mitigation and enhancement. We would be happy to assist with the drafting of this if required.

## **Supplementary Guidance -Section 10 - Resources - Water Resources – Omission – RBMPs p69**

We **consider** that a section on RBMPs (River Basin Management Plans) should be added to highlight that they contain measures to maintain and improve water bodies to reach good ecological status and are a material planning consideration. We would be happy to assist with the drafting of this if required.

The Water Framework Directive (2000/60/EC) (WFD) requires that all inland and coastal water within defined river basin districts must reach at least good ecological status by a set deadline. The National Planning Framework 2 states, *“there will be a need for effective interaction between development plans and River Basin Management Plans in this strategic approach to water management”* (Paragraph 177). The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 state that the planning authority must have regard to any river basin management plan relating to the local development plan area (Regulation 10 (f)). This is also reflected in Circular 1/09 for both strategic development plans (SDPs) (Paragraph 16) and local development plans (LDPs) (Paragraph 42). The land use planning system therefore has an important role in delivering this objective in Scotland through its influence on the location, layout and design of new development.

## **Supplementary Guidance -Section 10 - Resources - Water Resources – Omission – Engineering Activities p69**

We **consider** that a section on engineering activities in the water environment should be added to highlight that culverting and unnecessary activities should be avoided but if unavoidable appropriate mitigation must be provided. It should also encourage where possible the removal of redundant structure and the return of water bodies to their natural state. We would be happy to assist with the drafting of this if required.

**Supplementary Guidance -Section 10 - Resources - Water Resources – Flooding -Omission – p73**

We **consider** that it is not explicit that the findings of a FRA will have to inform the development proposals, and this could constrain development. We consider that it should be made more explicit that the findings of a FRA should inform the development of a site and may affect the developable area, achievable capacity or economic feasibility of the site. For sites where there may be a risk of flooding and a FRA is required, not all areas within the site may be available for development. This could constrain the volume (or capacity) of the development and the layout of the development. Parts of the site may have to be avoided and not be available for development. The outcome of the FRA for these sites may have an impact on the scale, design, and economic feasibility of the development. We would be happy to discuss the wording of this with you.

**Supplementary Guidance -Section 10 - Resources - Water Resources – Flooding – p73**

We **consider** that reference to prevention and alleviation measures at paragraph 10.41 should be removed. Development which would require new measures is not normally acceptable (as you note further on) and this may be misleading that measures are a way of developing areas otherwise unsuitable for development.

**Supplementary Guidance -Section 10 - Resources – Waste management and minimisation - Waste Management Facilities - Para 10.55 – p76**

This refers to sites for the provision of waste management facilities identified on the proposals maps within the plan which are to be safeguarded from incompatible neighbouring development. Although ‘recycling points’ are identified for information on the proposals map if it is not clear if these are the only safeguarded sites.

We **consider** that all safeguarded sites for waste management facilities should be identified or a statement added for clarification as to the nature of these sites.

**Supplementary Guidance – Section 12 - Development Briefs p87-p105**

<b>Grantown-on-Spey H1 p94</b>	<b>Object unless wording included:</b> The Kyntra Burn runs along the north west boundary of the site. SEPA holds records of flooding associated with the Burn. A FRA is likely to be required to support any development proposals.
<b>Kincraig H1p99</b>	It is noted that waterlogged ground and burn restoration is mentioned in the development brief and an area prone to flooding is shown on the map. <b>Object unless wording included:</b> A small watercourse runs along the site boundary which is culverted under a nearby road and the topography is very low and flat so it may be susceptible to flooding. A FRA will be required to support development proposals.

**Appendix 3**  
**Proposed Local Development Plan**  
**Proposed Action Programme**

We **support** the Proposed Action Programme which includes Infrastructure Delivery including upgrading of wastewater treatment works at Blair Atholl, Boat of Garten and Dinnit.

We note that there may also be issues with the wastewater treatment works at Grantown on Spey, with sewer network capacity at Aviemore and Newtonmore and with the existing septic tank at Tomintoul. Scottish Water should provide further information on all of the above.

We suggest that this document could identify any major energy generation and transmission requirements.

We also suggest that the A9 dualling should be identified for clarification.

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 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. Name .....sportscotland.....  
 Address .....[REDACTED].....  
 .....  
 ..... Postcode ..... [REDACTED] .....  
 Telephone ..... [REDACTED] ..... Email ..... [REDACTED] .....

2. If you are representing a third party, please give their details.  
 Name .....N/A.....  
 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.  
 Proposed Action Programme Page 11

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 simply wish to stress, in respect of the Sport and Recreation identified action for 'Review of sport and recreation facilities and identify gaps and opportunities' that **sportscotland** can assist in this process and would be delighted to meet the Council Officers at the appropriate stage to discuss.



4. Continued

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

Potential reference to **sportscotland** as a partner in this process.

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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.  
 Section 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).

**sportscotland** has a number of concerns in relation to Section 9 Sport and Recreation. Our concerns relate to the preliminary text; the Policy and to the subsequent explanatory text.

In general terms our concerns are around:

- Ensuring that sport is given sufficient emphasis. Playing fields and sports pitches are given explicit

protection in SPP, since these particular forms of open space provide for a specific purpose (formal and informal sport) which cannot be accommodated on all areas of open space. Where open space and pitches are combined in a Development Plan policy, then there is a risk that specific protection of playing fields – and the unique role they play – appears diluted.

And

- Ensuring compliance with SPP

We expand upon these comments below.

Paragraph 9.2 refers to recreation but no sport; we suggest sport is explicitly referred to in this paragraph.

It is not clear why paragraph 9.3 focuses only on children and young people and the provision of play space and other opportunities to play freely etc. Whilst this is clearly an important issue; in the context of a LDP section regarding Sport and Recreation; there is an opportunity to draw attention to other Scottish Government goals and priorities. Suggested additional text is provided below.

We have a number of concerns around the wording of Policy 9 Sport and Recreation. For the avoidance of doubt, our comments relate only to the second part of this Policy, i.e. from the sentence starting, “Development which would result in a reduction of sport and recreation facilities...” Our specific comments and concerns relative to this latter part of the Policy are:

- Sport and recreation are addressed together. This fails to recognise the unique contribution that sports pitches and other outdoor sports facilities (e.g. bowling greens and tennis courts) make towards enabling participation in sport. Whilst other areas of open space may be used for informal play; an unmarked grassed area does not afford the same opportunities to engage in sport that a pitch or other dedicated outdoors sports facility does. The intention of SPP is to protect outdoor sports facilities for sports use.
- We suggest that ‘pitches and outdoor sports facilities’ are addressed in one sub-section in this Policy, and that ‘Other recreational space’ is addressed separately.
- The Policy as currently worded loses the clarity provided in paragraph 156 of SPP
- Bullet point (d) may cause some confusion in its requirement to provide compensation “of at least equal size.” This is not always the best solution in seeking compensation for the loss of pitches. For example, a full sized but poor quality grass pitch may suitably be replaced by a smaller synthetic pitch which affords far greater opportunity to play on due to the surface not being affected by poor weather. Where a pitch or other outdoor sports facility may be lost, we consider proposed compensation on the particular merits of the site and proposal
- Bullet point (e) makes no reference to the involvement of **sportscotland** in the preparation of a playing field strategy. SPP specifically refers to consultation with **sportscotland**.
- It is not clear why, in bullet point (e); assessment criteria for the potential loss of sport facilities includes “and that no alternative site is available.” This does not flow from the assessment criteria in paragraph 156 of SPP. SPP requires that playing fields and sports pitches should not be developed unless:
  - the proposed development is ancillary to the principal use of the site; or
  - the proposed development involves a minor part of the pitch or playing field which would not affect its use and potential for sport and training; or
  - the playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport; or by appropriate upgrading of an existing

- playing field; or
- a playing field strategy – prepared in consultation with **sportscotland** – had demonstrated that there is a clear excess of sports pitches to meet current and future anticipated demand

Based upon the provisions of SPP; unless the 1<sup>st</sup>, 2<sup>nd</sup> or 4<sup>th</sup> bullet points apply; then appropriate compensation is required where a sports pitch or playing field will be lost. The availability or otherwise of an alternative site is not material to this consideration.

- Overall, we consider that this latter part of Policy 9 does not fully reflect the provisions of SPP in protecting sports pitches and playing fields. This is perhaps a result of combining the protection of sporting facilities with other recreational facilities. We suggest that these are separated into two sub-sections within Policy 9. Our suggested wording is noted below.
- Finally, an additional section could be added to specifically address the requirements of outdoor and adventure sports. This section could require protection of such facilities either from developments that will result in a reduction of these facilities, or from development that will impact negatively on them. Sport and recreation resources, especially those for outdoor and adventure sports, can be impacted on by negative landscape impacts or impacts of noise or pollution, for example, in addition to the physical reduction of the resource itself.

We have concerns about paragraph 9.10 in the following areas:

- This makes reference to compensatory measures being required where a proposal involves the loss of an *important* sports facility. This does not reflect SPP, which affords protection to *all* sports pitches and playing fields; and which requires compensation for their loss in certain circumstances.
- The second sentence states “This must take the form of a replacement facility, or an agreement with the community on how this should best be achieved.” **sportscotland** fully supports community engagement, and we recommend engagement relative to compensatory provision of sports facilities (for example local community engagement to establish the extent of use of a grass pitch which may be lost, and what form of compensation may be of most value; or engagement with a local Bowling Club which may be affected by development of a bowling green). However, we would stress that **sportscotland** is a statutory consultee for any planning application for development which is likely to lead to the loss, or prejudice the use, of certain outdoor sports facilities (either in current use or last used for that purpose).
- In addition, paragraph 9.10 talks about the loss of a facility or opportunity to the *local* community. While we are supportive of the need to protect facilities important to the local community it is also important to recognise that many of the sport facilities and resources in the national park are used by and important to communities from outwith the park. People come from all over the UK to use the outstanding resources that the Cairngorms has for sport and recreation. This is perhaps particularly relevant to the outdoor resources such as the hills, cliffs, white water etc. that are used for a range of sports. If the intention of this policy is to protect all such resources then it is important for the Plan to recognise that this wider community can be impacted on by the loss of recreational facilities and opportunities in the park. In addition we note that the SPG relevant to sport and recreation also makes reference to the local community. We recommend that this be amended accordingly to address the issue highlighted above. This could possibly be done by referring to communities as local and sporting communities or as local communities and wider sporting interests.

In relation to the SPG it is important that the guidance does not make reference to the *footpath*



network. Access rights apply to more than pedestrian access and the term path network should be used with no specific reference made to *footpaths*.

4. Continued

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

At paragraph 9.2 we suggest specific reference is made to sport. This would alter this paragraph to read:

“The policy aims to ensure the needs of local communities and visitors for sport and recreational space and facilities are accommodated, and existing facilities protected. This includes informal and formal sport and recreation provision.”

Suggest the inclusion of an extra paragraph under paragraph 9.3 to read:

“The Scottish Government includes “increasing physical activity” as a national indicator. This is aligned to the strategic objective of making Scotland a healthier nation. Suitable protection and promotion of sport and recreational opportunities through the land use planning system make a positive contribution to this objective.”

Suggest that Policy 9 is reworded from the sentence starting, “Development which would result in a reduction of sport and recreation facilities...” Specifically, we suggest that two sub-sections are created here: “Pitches and sports facilities” and “Other recreational space”. Only the former of these in within **sportscotland**’s remit. We suggest that the wording should flow directly from SPP and suggest this reads:

“Playing fields and sports pitches should not be re-developed except where:

- The proposed development is ancillary to the principal use of the site as a playing field or
- The proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training or
- The playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users, or by the upgrading of an existing playing field to provide a better quality facility either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing field capacity in the area; or
- A playing field strategy prepared in consultation with **sportscotland** has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision”

We are not clear about the purpose of paragraph 9.10 e.g. whether this is part of a wider strategy to give local communities stronger controls. On the basis of this uncertainty we would not request radical changes, but suggest minor amendments as below:

“Where the proposal involves the loss of a sports or other recreation facility or opportunity to the local community, you must include compensatory measures to ensure the local community is not adversely affected. This must take the form of a replacement facility, or an agreement with the community, in consultation with sportscotland in the case of outdoor sports facilities, on how this should be best achieved. Provision of land to a community may be acceptable if the community is willing to take on the future development of the replacement facility.”

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2. If you are representing a third party, please give their details.  
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 Address .....  
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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.  
 Supplementary Guidance 8: Sport and Recreation paragraphs 8.7 to 8.9.

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).

Our issues in relation to these paragraphs are very similar to those expressed in terms of Proposed Plan Policy 9 in terms of compliance with SPP.

Specifically:

- Paragraph 8.7 requires an assessment of alternative facilities where a site is proposed for

reuse. This is not a requirement of SPP.

- Paragraph 8.8 goes on to state that where such justification is not available, proposals which involve the reduction of existing facilities will only be supported, “where the facility is ancillary to the main use of the site and where the removal of the facility will not adversely impact this principal use.” This is not a true reflection of SPP; which presumes against the loss of playing fields and pitches unless:
  - the proposed development is ancillary to the principal use of the site; or
  - the proposed development involves a minor part of the pitch or playing field which would not affect its use and potential for sport and training; or
  - the playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport; or by appropriate upgrading of an existing playing field; or
  - a playing field strategy – prepared in consultation with **sportscotland** – had demonstrated that there is a clear excess of sports pitches to meet current and future anticipated demand

This lack of consistency with SPP may lead to confusion.

- Paragraph 8.9 states that the principal facility must be upgraded, or an alternative facility must be provided *of at least equal size*. As stated in our response to Proposed Plan Policy 9, this is not always the best solution in seeking compensation for the loss of pitches or playing fields. For example, a full sized but poor quality grass pitch may suitably be replaced by a smaller synthetic pitch which affords far greater opportunity to play on due to the surface not being affected by poor weather. Where a pitch or other outdoor sports facility may be lost, proposed compensation should be considered on the particular merits of the site and proposal.

In all cases above, our concern is that a lack of compliance with SPP may be confusing; and the unwanted effect of any such confusion may be a dilution of the protection afforded to outdoor sports facilities.



4. Continued

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

We suggest substitution of paragraphs 8.7 to 8.9 with the following text to more accurately reflect SPP:

“8.7 There is a presumption against the redevelopment of playing fields and sports pitches unless:

- The proposed development is ancillary to the principal use of the site as a playing field or
- The proposed development involves a minor part of the playing field which would not affect its use and potential for sport and training or
- The playing field which would be lost would be replaced by a new playing field of comparable or greater benefit for sport and in a location which is convenient for its users, or by the upgrading of an existing playing field to provide a better quality facility either within the same site or at another location which is convenient for its users and which maintains or improves the overall playing field capacity in the area; or
- A playing field strategy prepared in consultation with **sportscotland** has demonstrated that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and that the site could be developed without detriment to the overall quality of provision.”

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Address	[REDACTED].....	
	.....	
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Name	.....
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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. SPG – Core Paths Plan
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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 recommend that the position outlined in bullet 6 of paragraph 13.5 should be amended. This seems to suggest that a core path can be developed as long as it can be demonstrated that no other viable development option is available. We suggest that a core path should only be allowed to be developed where appropriate mitigation has been agreed – e.g. provision of a new route or
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4. Continued

acceptable diversion of an existing route. Where this cannot be satisfactorily achieved the Park should be willing to refuse applications that will have a negative impact on core paths. We recommend that the bullet be amended accordingly. This would also bring the core paths SPG into line with the policy position set out in clause c) of the sport and recreation policy set out on page 38 of the proposed local development plan.

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

See above.

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1. Name	.sportsotland.....		
Address	.....		
	.....		
	Postcode	.....	
Telephone	.....0.....	Email	.....

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. SPG – Landscape – Table 3 Wildness Band Descriptions
---

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 table 3 it would be useful to understand the Park's position in relation to the development of access infrastructure in wild land areas. This would include, for example, paths, bridges, stiles, a pontoon or slipway and

4. Continued

perhaps the development of mountain huts or bothies. Wild land is a hugely important recreational resource but in order for people to enjoy it they need to be able to access it which can in turn necessitate the provision of some access infrastructure.

Sportscotland understands the concept of the long walk in and that by definition this may discourage the provision of formal access infrastructure, there may be occasions, however where its provision is appropriate and it would be useful to understand the Park's policy approach to such development in the wild areas of the park.

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

Reference within table 3 of the Park's approach to access infrastructure provision within the wild area bands of the park.



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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                   Debbie Mackay  
Address                 22 Yarrow Street, Edinburgh, EH2 4TB  
Telephone:             [REDACTED]  
Email:                   debbie.mackay@smithsgore.co.uk

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

Name        The Crown Estate  
Address     Contact Agent above.  
Postcode  
Telephone  
Email

To which address do you wish all correspondence to be directed? 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.

Figure 3 Page 12 Strategy Diagram

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 Strategy Diagram shows the majority of the Cairngorms National Park covered in a green designation which is described as "areas managed for sporting, agriculture, recreation, and nature conservation benefits". This implies that other forms of development will be largely unwelcome here. Obviously this would considerably stifle development across the Park.

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

The Strategy Diagram should state that the green area can also be managed for renewable resources, employment and housing appropriate to the scale and setting.

**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](mailto:localplan@cairngorms.co.uk)

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Please use this form to state clearly the modification/s you would like to see made to the plan.

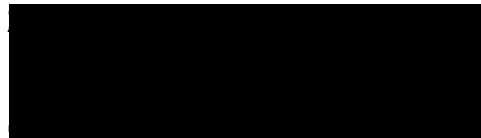
You should include the proposal/policy or paragraph reference where appropriate. Please use a separate form for each representation.

1. Name                      Debbie Mackay

Address

Telephone:

Email:



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

Name        The Crown Estate

Address    Contact Agent above.

Postcode

Telephone

Email

To which address do you wish all correspondence to be directed?    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.

Chapter 3, page 17, Other housing in the countryside.

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 scope for housing on "Rural Brownfield sites" is welcomed. It would be useful to have a definition of this term in the context of the Plan.

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

It would be useful to have a definition of this term in the context of the Plan.

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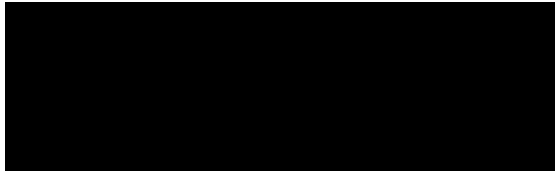
You should include the proposal/policy or paragraph reference where appropriate. Please use a separate form for each representation.

1. Name Debbie Mackay

Address

Telephone:

Email:



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

Name The Crown Estate

Address Contact Agent above.

Postcode

Telephone

Email

To which address do you wish all correspondence to be directed? Agent

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Chapter 3 Page 17, Contribution towards affordable housing

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).

While the need for affordable housing in the National Park is recognised, there is a concern that the affordable housing requirements (4 or more open market dwellings giving rise to the requirement for 25% provision) are so onerous that they will stifle any housing development.

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

The trigger for affordable housing contributions should be raised to 10 or more units which is commensurate with that of many other planning authorities.

Official Use Only

Reference:


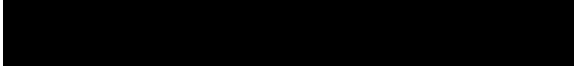
Objection No:

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You should include the proposal/policy or paragraph reference where appropriate. Please use a separate form for each representation.

1. Name                   Debbie Mackay  
Address                 22 Young Street, Edinburgh, EH2 4JB  
Telephone:               
Email:                   
2. If you are representing a third party, please give their details.  
Name            The Crown Estate  
Address        Contact Agent above.  
Postcode  
Telephone  
Email

To which address do you wish all correspondence to be directed? Agent

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### Chapter 5 Sustainable Design The Policy

The requirement for a design statement to accompany "all" development.

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).

This requirement for all development proposals to be accompanied by a design statement which covers all of the 11 points in the policy, is extremely onerous. It is not clear if this applies to agricultural buildings. This is a significant extra burden on planning applications given the fact that many already have to provide a Design and Access Statement in any case.



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

The threshold for providing a Design Statement should be raised to Major developments only and should definitely exclude agricultural buildings.

**Please return all completed forms to:**  
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Cairngorms National Park Authority  
Albert Memorial Hall, Station Square  
Ballater  
AB35 5QB

Or email: [localplan@cairngorms.co.uk](mailto:localplan@cairngorms.co.uk)

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1. Name Debbie Mackay

Address

Telephone:

Email:

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

Name The Crown Estate

Address Contact Agent above.

Postcode

Telephone

Email

To which address do you wish all correspondence to be directed? 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.

Chapter 10 Cultural Heritage, page 41 "Other Local Cultural Heritage"

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 policy on "Other Local Cultural Heritage" requires definition. This could be open to interpretation and will leave applicants unclear when conducting their site assessments and assembling their planning applications, which features qualify as items of local or wider cultural significance.

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

The term "local of wider cultural significance requires definition.

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1. Name Debbie Mackay

Address

Telephone:

Email:

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

Name The Crown Estate

Address Contact Agent above.

Postcode

Telephone

Email

To which address do you wish all correspondence to be directed? 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.

Page 193 Settlement map for Tomintoul ED3

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 Crown Estate is broadly in agreement with the settlement map for Tomintoul. However would wish to see clarification of the allocation of ED3. It is currently allocated for Economic uses. We have received verbal clarification from the Park Authority that tourism uses would also be acceptable under this allocation. We would wish this to be confirmed. There has been interest in this site for tourism facilities and accommodation.

The Tomintoul and Glenlivet Regeneration project will see many enhancements to Tomintoul in the next few years. These will greatly enhance the visitor offer of Tomintoul and therefore sufficient land in the right places to provide for tourism

facilities in a planned and strategic way will add significant value to the work the work of the Trust.

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

The Plan should be clear that ED3 can also be used for tourism facilities.

**Please return all completed forms to:**  
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Albert Memorial Hall, Station Square  
Ballater  
AB35 5QB

Or email: [localplan@cairngorms.co.uk](mailto:localplan@cairngorms.co.uk)

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[www.cairngorms.co.uk](http://www.cairngorms.co.uk)

# -Proposed Local Development Plan (Version: 2013)

## Your Details

**Your Name:** Michael Cairns

**Organisation Name:** Tactran

**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:

12 Developer Contributions

it is suggested specific reference should be made to seeking contributions for the financial support of new or improved bus services where justified.

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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 TheresaHurt

Address

Telephone

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

Name Macdonald Hotels plc

Address C/O Agent

Telephone C/O Agent

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

Own Agent X



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. 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).



4. See Paper Apart

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

Settlement map on page 69 for Aviemore to be altered to include reference to the area covered by the approved masterplan as an allocation of land for economic development and mixed uses.

**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

## **Cairngorms National Park Local Development Plan**

### **Macdonald Aviemore Highland Resort Limited**

#### **Paper Apart – Aviemore Settlement Map**

Our clients welcome the annotation on the proposals map on page 69 relating to Aviemore which indicates that the Macdonald Aviemore Highland Resort has an existing planning permission. Our clients can confirm that the area shown on the proposals map corresponds with the existing planning consent reference 08/241/CP dated 11 April 2011.

However the key for the annotation indicates that this is "*for information only*". It is not clear why such a description has been given.

Our clients obtained consent reference 08/241/CP in April 2011 and it lasts five years. As part of that permission a masterplan for the Resort was approved. Our clients believe that the LDP should not only recognise the extant planning consent, but also indicate that the site which is subject to the approved masterplan is an allocation of land for economic development and mixed uses. On the basis that there is an approved masterplan (copy enclosed) the LDP should recognise the ability for the site to come forward for development/redevelopment in the lifetime of the LDP for the uses approved in accordance with the masterplan.

Change requested:

Settlement map for Aviemore on page 69 altered to include reference to the area covered by the approved masterplan as an allocation of land for economic development and mixed uses.





Official Use Only

Reference:

Objection No:

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1. Name Theresa Hunt

Address

Telephone

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

Name Macdonald Hotels plc

Address C/O Agent

Telephone C/O Agent

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

Own Agent X

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

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4. See Paper Apart

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

See Paper Apart

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## **Cairngorms National Park Local Development Plan**

### **Maedonald Aviemore Highland Resort Limited**

#### **Paper Apart – Aviemore**

Our clients are pleased to note the importance the Local Development Plan (LDP) places on Aviemore as a main settlement which is required to deliver the vision of the LDP.

It is noted that the four aims of the Park listed at paragraph 1.10 of the LDP are to be given equal importance and to be achieved collectively in the LDP. It is suggested in paragraph 1.11 however, that the aim of enhancing the natural and cultural heritage is to have a greater weight if there is a conflict with the other three aims. Given the recognition of Aviemore as a key economic driver for the tourism in the area, it should be recognised that the aim of enhancing the natural and cultural heritage within existing settlements should not override the strategic role for which Aviemore is recognised.

Our clients welcome the recognition that tourism forms part of the policy on supporting economic growth in Chapter 4 of the LDP. However, given that it is acknowledged in paragraph 4.2 that tourism is one of the main sectors on which the Park's economy is based, it is considered that the tourism policy could have been covered by a stand alone policy given the recognition on page 63 that Aviemore is a key centre for recreation and tourism. If a separate policy is not considered appropriate, reference in the existing tourism policy text on page 21 of the importance of areas/settlements, such as Aviemore, as being a key centre for recreation and tourism, should be noted.

Our clients are pleased to note that reference is made to existing business receiving assistance and investment and the creation of a flexible framework that allows the best economic developments to thrive and prosper (paragraph 4.3).

It is clear from pages 63-67 of the LDP that there are a number of objectives set out in the Community Information for Aviemore and the Vicinity area. Our clients support the strategic role identified for Aviemore in terms of delivering employment and services, an international venue for conferences and events, its recognition as a vital component of Scottish tourism and it being a prime economic driver for the National Park. In addition, they welcome the recognition that closer integration of the Maedonald Aviemore Highland Resort, Aviemore and An Camas Mor is required to assist in the delivery of economic growth of these areas and secure a major contribution to a sustainable future for the National Park. Our clients welcome the explicit reference to the investment opportunity at the Resort.

The objectives and proposals listed for Aviemore are promoted within a spatial strategy that presents Aviemore as the focus for economic growth and diversification at the heart of a national transport corridor. Against this background our clients would suggest that within the Community Information for Aviemore the importance of working with all stakeholders, including our clients, to deliver the infrastructure required should be referenced, to ensure that development opportunities both at the Resort and within Aviemore itself are realised.

Changes requested:



1. Recognition in paragraph 1.12 that the overriding aim of enhancing the natural and cultural heritage does not apply within existing settlements, such as Aviemore, given their strategic economic role in the Park
2. Inclusion of a separate tourism policy in Chapter 4 or reference in the existing tourism policy text on page 21 of the importance of areas/settlements, such as Aviemore, as being a key centre for recreation and tourism.
3. Recognition in the Community Information for Aviemore of the importance of working with all stakeholders, including our clients, to deliver the infrastructure required to ensure that development opportunities at the Resort and within Aviemore itself are realised