

JOHN MUIR TRUST RESPONSE TO
CAIRNGORMS NATIONAL PARK
LOCAL DEVELOPMENT PLAN 2020
MAIN ISSUES REPORT



BACKGROUND

The John Muir Trust is the leading wild land conservation charity in the United Kingdom. Working with people and communities to conserve, campaign and inspire, the Trust is a membership organisation that seeks to ensure that Wild Land is protected and enhanced and that wild places are valued by and for everyone.

Scotland's Wild Land is an asset of national and international significance but it is a finite resource. The distribution of Scotland's Wild Land is closely associated with peatlands which plays a vital role in retaining carbon in the ground. Wild Land, gives us clean air, water and food and is home to valuable wildlife. Wild Land also plays a vital role in contributing to well-being, supporting tourism and a wide range of other economic and leisure activities.

OVERVIEW

Co-ordinating the Local Development Plan with the National Park Partnership Plan 2017-2022

The Cairngorms National Park is an incredibly important part of our natural heritage and much of it is identified as Wild Land in the Scottish Natural Heritage Wild Land Areas (WLAs). So the Trust shares the Cairngorms National Park Authority (CNPA) aspirations for "*An outstanding National Park, where nature and people thrive together*". The CNPA National Park Partnership Plan 2017-2022 includes three key Priorities for conservation – Supporting landscape-scale collaboration; deer management and moorland management.

It is essential that the Local Development Plan (LDP) supports the delivery of those natural heritage aims from the National Park Partnership Plan. Too often in Scotland, planning policy and land use strategies are not joined-up and this can contribute to failure to achieve the land management aims and protect the environment.

ISSUES TO CONSIDER FOR THE LOCAL DEVELOPMENT PLAN

The Trust considers these key issues below –

WILD LAND AREAS

IMPACTS ON NATURA DESIGNATIONS and AN CAMUS MOR

LAND MANAGEMENT IN UPLAND AREAS - HILLTRACKS

WILD LAND AREAS

Annex 1 of the Main Issues Report (MIR) summarises changes which the CNPA are suggesting are required in the LDP. Two policies relevant to Wild Land - Policy 4 Natural Heritage; Policy 5 Landscape - are listed as requiring only minor changes. However, the CNPA's Priorities for conservation, i.e. for managing natural and semi-natural landscapes, are ambitious. One of the listed minor changes is "*making reference to wild land*".

There are very specific references in the 2014 National Planning Framework 3 and Scottish Planning Policy 2 regarding Wild Land and Wild Land Areas. The LDP Policies need to be explicit about how the Wild Land Areas within - and outwith the Park in so far as it affects the Park's special qualities - will be protected and enhanced.

The 2015 LDP says at 7.5, "*The National Park Partnership Plan supports this objective by seeking enhanced landscapes at a Park scale with improved quality and connectivity of habitats. It also highlights the importance of the sense of wildness that can be experienced in the Park and has, as a particular focus, conserving and enhancing wildness qualities.*"

So there is a stated intention of "*conserving and enhancing wildness qualities*" in the current LDP but there is no explicit reference to the Wild Land Areas or how that protection will occur. Published in 2015, the current LDP was presumably unable, due to timing, to incorporate appropriate changes to the text.

Policies regarding Wild Land should make specific references to Wild Land Areas, linking it with the NPF and SPP wording.

7.7 of the 2015 LDP states, "*In the next five years...We will have protected the areas of the Park which are particularly important for their qualities of wildness*".

It is important to consider the evidence for how successfully this has been done, when considering what revisions are required for the 2020 LDP.

Evidence Paper on Conservation - no information on CNP's Wild Land Areas

The background paper for the MIR, Evidence Paper on Conservation, states:

"more work is needed to ensure these (Natura) sites underpin the outstanding quality of the habitats and species in the Cairngorms National Park. We also need to connect management of the network of Natura sites with the wider delivery of landscape scale habitat enhancement across the Park as a whole.

"It is important that the Local Development Plan continues to ensure the protection of the National Park's unique environment. In particular, we must ensure that none of the proposals within the Plan will have an adverse effect on Natura protected sites and species."

Given these statements and the many references in Park documents to the importance of wildness as one of the special qualities - as well as the explicit references in the National

Planning Framework 3 and Scottish Planning Policy 2 to enhanced protection for Wild Land - it is very surprising that the Wild Land Areas are not mentioned in this Evidence Paper which is providing the background evidence for the MIR.

The absence of references to Wild Land Areas in the Main Issues Report or the supporting Evidence Paper on Conservation is a significant gap.

Strategic Environmental Assessment (SEA)

The Strategic Environmental Assessment does, however, helpfully refer to Wild Land and Wild Land Areas in the following statements:

“Around 2,100 km², or 46%, of the Cairngorms National Park has been identified as ‘wild land’

“Wild land is described in the National Planning Framework (NPF) (Scottish Government, 2014) as a “...nationally important asset ” (p. 42) and according to SPP (Scottish Government, 2014), “plans should identify and safeguard the character of areas of wild land...”. The LDP will therefore need to take account of these areas.”

One of the “Key messages” given in the SEA is *“It is without doubt one of the UK’s finest environments and possess a range of special qualities, often unique to the area. Furthermore, nearly half of the National Park’s land area is classified as being ‘wild land’”.*

The draft LDP must refer explicitly to Wild Land Areas and how the Policies will protect and enhance them.

MAIN ISSUE 7 IMPACTS ON NATURA DESIGNATIONS

AN CAMUS MOR

The MIR Issue 7 concentrates on Natura designations. However, it should be remembered that Wild Land Areas (see above) are a holistic concept which includes ecological value as well as landscape quality. Wild Land Areas are a good identification of areas which have special ecological qualities with much of the land identified being montane or bog habitat. So Wild Land Areas should be identified as a focus for landscape-scale collaboration, which is an aim of the CNPA.

It is important that the LDP identifies and cross-references links between ecological value and landscape and upland value.

The MIR highlights two of the protected species in particular – the capercaillie and the freshwater pearl mussel. The Trust supports the Option, on page 46 of the MIR, of *“a revised and more co-ordinated approach to capercaillie mitigation and conservation measures on a landscape scale”.*

However, we do not agree with the suggestion that this could be done *“by designing packages of measures to address the cumulative impacts of new development proposals*

around areas which are most sensitive for capercaillie and support the growth of good capercaillie habitat in the locations where it will have least disturbance from people”.

This appears to be suggesting “offsetting” impacts by providing compensatory habitats. It should always be the case that a priority habitat should be protected in situ if at all possible.

For example, taking account of the CNPA’s papers, SNH response and discussions (see below) when Planning Permission In Principle for An Camus Mor was recently extended, it is clear that the site itself must be developed respecting the conditions set to **ensure protection on site**.

The CNPA Planning Report on An Camus Mor noted,

“SNH advise that the proposal is likely to have a significant effect on:

- a) The Capercaillie qualifying interest of Cairngorms SPA (Special Protection Area for birds), Abernethy Forest SPA, Kinveachy Forest SPA, Anagach Woods SPA and Craigmore Wood SPA;*
- b) The acidic scree, alpine and subalpine heath, blanket bog, dry heath, wet heath, plants in crevices on acid rocks, and otter qualifying interests of Cairngorms SAC; and*
- c) The otter, Atlantic salmon, fresh water pearl mussel, and sea lamprey qualifying interests of River Spey SAC.*

“They also advise that the development could be progressed with the mitigation detailed at Annex 1 in the Habitats Regulations Appraisal (HRA)”

It is, therefore, critical that there is satisfactory CNPA supervision and monitoring of the An Camus Mor development to ensure compliance with planning conditions and European and domestic regulations to protect the natural environment.

The Trust does not agree with the implied use of “biodiversity offsetting” or its inclusion in the LDP as a satisfactory way of mitigating development on priority habitats. Rather CNPA should ensure that priority habitats and Wild Land Areas are protected and enhanced themselves.

MAIN ISSUE 10 LAND MANAGEMENT IN UPLAND AREAS

The Preferred Option states that the current LDP’s *“specific policy on landscape...outlines a presumption against any development that does not conserve the landscape character and special qualities”* and goes on, *“We think the existing policy will continue to provide an appropriate means for controlling these forms of development in the future.”*

However, there is little doubt that the policy has not protected the Park’s landscapes from a number of significant impacts which detract from the special qualities. Some of these impacts will be from outside the Park boundary and so the Park Authority will not have been able to mitigate them themselves. However, some of the decisions on development do not appear to have had due regard to the special upland landscapes, including Wild Land Areas.

HILLTRACKS

The Trust believes that, rather than the LDP merely retaining the current phrasing in the landscape Policy, the revised Local Development Plan should adopt the second Option discussed under “Preferred Option” on page 58 of the Main Issues Report –

that more clarity on hilltracks could be given by amending the policy to reflect the National Park Partnership Plan’s specific presumption against new tracks in areas of open moorland.