

REPRESENTATION FORM

Introduction

The Proposed Local Development Plan (the Plan) sets out a strategy for future development in the Cairngorms National Park. It includes sites and proposals for development as well as the policies that will be used to make decisions on applications for planning permission. We aim to formally adopt the Plan in 2020 when the Local Development Plan 2015 comes to an end. The Plan focuses on the five year period until 2025. It also includes development proposals for the 10 year period until 2030, as well as providing a general indication of the likely scale and location of development as far as 20 years into the future.

How to comment

You can use this form to submit your comments on the Plan. Please complete a separate form for each part of the Plan you want to comment on.

All comments should be submitted no later than 5pm, Friday 5 April 2019.

Email: planning@cairngorms.co.uk

Post:

Cairngorms National Park Authority
FREEPOST NAT21454
Grantown-on-Spey PH26 3BR

You must submit your name and address to ensure your comments can be considered valid. This is because the Cairngorms National Park Authority (CNPA) is required by legislation to contact you in relation to your response.

Fair Collection Statement

As a registered Data Controller, the CNPA will collect, store and use your personal data for the purpose of informing the content of the Cairngorms National Park Local Development Plan 2020. You may request to see personal information held by the CNPA at any time. Information will be shared with the Scottish Government Department of Planning and Environment Appeals and may be published on our website. We will not publish address details but may publish the name of the person who has completed the form. By completing and submitting the form, you are consenting to the above.

Your details

Name Nina Turner, Planning Advisor

Organisation Scottish Natural Heritage

Address [REDACTED]

[REDACTED]

[REDACTED] Postcode [REDACTED]

Email [REDACTED]

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

Name

Organisation

Address

.....

..... Postcode

Email

REPRESENTATION FORM

1. Which section of the Plan would you like to comment on? (Please state clearly which policy, settlement, site reference number, paragraph number etc, your comment relates to)

Please see attached document.

2. What is your comment on this section of the Plan?

Please see attached document.

3. Please state clearly what change/s you wish to see made to the Plan to address your comment

Please see attached document.

What happens next?

Following the consultation period, all responses will be collated and assessed. The Proposed Local Development Plan and all consultation responses will then be submitted to Scottish Ministers and subject to an Examination by an independent Planning Reporter. You can keep up to date with progress on www.cairngorms.co.uk and Facebook and Twitter via [@cairngormsnews](https://twitter.com/cairngormsnews)

Queries

If you have any queries about the consultation process, please contact a member of the Planning Policy team.

Email: planning@cairngorms.co.uk

Telephone: **01479 873535**

Cairngorms National Park Authority
14 The Square, Grantown-on-Spey, PH26 3HG
www.cairngorms.co.uk

Clear

Submit

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Section/page	SNH advice
n/a	<p>For clarity, our comments and advice reflect only the natural heritage matters that we lead on under the protocol between the Park Authority and SNH. This means that we have restricted our advice on allocations to areas protected for nature conservation, as the Park Authority are responsible for identifying and dealing with issues related to placemaking, local landscapes, wildness, protected species and biodiversity.</p>
<p>Throughout: references to “Natura”, “Natura 2000”, “Natura site(s)” and EC Birds/Habitats Directives</p>	<p>Change: We recommend that:</p> <ul style="list-style-type: none"> - reference to “Natura”, “Natura 2000” and “Natura site(s)” is changed to ‘European’ or ‘European site(s)’ as appropriate <p>and</p> <ul style="list-style-type: none"> - that reference to the EC Birds and Habitats Directives are replaced with ‘The Conservation (Natural Habitats &c.) Regulations 1994 (as amended in Scotland)’, as appropriate throughout the proposed Plan. <p>Reason: Recently the implications of Brexit have led to a refinement of our thinking in relation to development plans referring to ‘Natura’ and EU nature conservation Directives. On the assumption that Brexit goes ahead, the proposed Plan is likely to be adopted post-Brexit. To ensure it remains relevant should the UK leave the European Union, it would be better to refer to the terminology in domestic legislation, in this case The Conservation (Natural Habitats &c.) Regulations 1994 (as amended in Scotland). This is because the Regulations provide a definition of ‘European sites’ that encompass Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) that have been known as ‘Natura sites’ (as well as Ramsar sites).</p> <p>(This issue also affects the SEA and HRA – see our separate advice on these assessments.)</p>
<p>Policy 4 Natural Heritage, pages 44-46</p>	<p>Change: We recommend that the policy wording is amended so that reference to ‘Natura 2000’ is changed to ‘European sites’, and other minor amendments to wording, as follows (strikethrough are recommended deletions, bold are additions):</p> <p>“4.1 International Designations Development likely to have a significant effect on a Natura 2000 or Ramsar European site must demonstrate no adverse effect on the integrity of the site. Where this is not possible, development will be considered favourably only where:</p> <ul style="list-style-type: none"> a) there are no alternative solutions; and b) there are imperative reasons of overriding public interest including those of a social or economic nature. Where the site has been designated for a European priority habitat or species, development will only be permitted where the reasons for overriding public interest relate to human health, public safety, benefit

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	<p>consequences of primary importance for the environment or other reasons subject to the opinion of the European Commission (via Scottish Ministers) (or compliance with the relevant process that should be established should the UK leave the EU).”</p> <p>“4.5 Other Biodiversity Development that would have a significant adverse effect on species listed in Annexes 11 or V of the EC Habitats Directive or Annex 1 of the EC Birds Directive Schedules 2 and 4 of The Conservation (Natural Habitats &c.) Regulations 1994 (as amended in Scotland) will not be permitted unless:...”</p> <p>Reason: As the proposed Plan will be adopted post-Brexit, to ensure it remains relevant after the UK leaves the European Union it would be more accurate to refer to domestic legislation, in this case The Conservation (Natural Habitats &c.) Regulations 1994 (as amended in Scotland). The Regulations provide a definition of ‘European sites’ that encompass Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) that have been known as ‘Natura sites’, as well as Ramsar sites. The Regulations also list the relevant European species in the Schedules to the Regulations.</p>
<p>Supporting text to policy 5, Landscape, page 51</p>	<p>Change: We recommend the addition of a word such as ‘impact’ to the second sentence in paragraph 4.74, eg:</p> <p>“...They are often the most obvious man-made features within those landscapes and can have a significant impact on landscape character, special landscape qualities and wildness. ...”</p> <p>Reason: There appears to be a word missing from the sentence, so it does not convey the intended meaning.</p>
<p>Paragraph 5.17, page 85</p>	<p>Change: Following discussion with SEPA over their regulatory requirements, we recommend the following minor amendment to the text of paragraph 5.17:</p> <p>“The site allocations in this section of the Plan identify where development may have an effect on a Natura European site and specify the mitigation measures from Table 4 that will be required to ensure there is no adverse effect on the integrity of the Natura European site. Please note that not all the mitigation measures in Table 4 will apply to all developments; only those that are specified in the site allocation details will be required for the purposes of Habitats Regulations Appraisal. (This does not however override the requirements of Policy 10, which apply to all development.)”</p> <p>Reason: For clarity, to reflect the regulatory requirements of SEPA as well as those of the Habitats Regulations.</p>
<p>Table 4, third row</p>	<p>Change:</p>

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<p>“Change to water quality or quantity in river SACs...”, third column text, page 86/87</p>	<p>Following discussion with SEPA over their regulatory requirements, we recommend the following minor amendment to the text:</p> <p>[retain first paragraph] “...All waste water from developments must comply with Policy 10.3, as well as demonstrate that there will not be an adverse effect on the integrity of river SACs through nutrient enrichment. Please note that this requirement may be more stringent than would otherwise be required by the policy alone. be treated at waste water treatment works to remove harmful levels of pollutants and nutrients. Development may not commence until it has been demonstrated to the planning authority that there is sufficient capacity in local waste water treatment works in terms of capacity and ability to remove pollutants to recommended standards. Where connection to public waste water treatment plants via mains sewerage is not possible, private water treatment solutions must demonstrate that they will not have an adverse effect on the integrity of river SACs through nutrient enrichment.”</p> <p>Reason:</p> <p>For clarity and to reflect the regulatory requirements of SEPA as well as those of the Habitats Regulations (additions), whilst avoiding duplicating requirements from policy 10 (deletions).</p>
<p>Community Information text, Table 4, Changes to water quality etc, page 86</p>	<p>Change:</p> <p>We recommend that the word “of” is changed to ‘or’ at the end of the second sentence in the second column, second row, ie:</p> <p>“Discharges and/or increases....through changes in temperature, water levels of and/or flow rates.”</p> <p>Reason:</p> <p>To make it clear that there are three issues that need to be considered when development is affecting water quality and/or quantity of a European site.</p>
<p>Community Information text, Table 4, Disturbance to qualifying species in river SACs, page 87</p>	<p>Change:</p> <p>We recommend that the word “eliminated” is changed in the third sentence in the third column, second row, and additional text is added to that it reads:</p> <p>“Any identified effects must be eliminated minimised through modifications such that there will not be an adverse effect on the integrity of the European site and a detailed in a Species Protection Plan (SPP).”</p> <p>Reason:</p> <p>To be consistent with the requirements of Habitats Regulations Appraisal for European sites, which require that impacts are at a level that do not adversely affect the integrity of the site (rather than that impacts are eliminated).</p>
<p>Community</p>	<p>Change:</p>

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<p>Information text, Table 4, Disturbance to capercaillie, page 87</p>	<p>We recommend that the title in the second column, final row of the Table is amended to read ‘Disturbance to SPA capercaillie in SPAs’.</p> <p>Reason: Capercaillie found outwith Special Protection Areas (SPAs) are important for the populations found within SPAs. This is recognised in the Habitats Regulations Appraisal (HRA) of the proposed Plan. The amended wording seeks to reflect this and so consistent with the HRA.</p>
<p>Aviemore: LTH1 and LTH2 North Aviemore, legend on the map, page 96</p>	<p>Change:</p> <ul style="list-style-type: none"> - We recommend that the relevant capercaillie SPAs are listed below the “Natura site affected” heading text [noting that the heading will change to read ‘European site’] in the two legend style boxes on the top right (LTH2) and middle left of the map (LTH1) <p>and</p> <ul style="list-style-type: none"> - that the “Spey SAC” is deleted from the middle left box (LTH1). <p>Reason:</p> <ul style="list-style-type: none"> - To be consistent with the way information is presented for other allocations that have connectivity to capercaillie SPAs (eg ED3 on page 98, An Camas Mor on page 101, etc), and to clarify which SPAs developers need to take into consideration when devising proposals for the allocations. <p>and</p> <ul style="list-style-type: none"> - To be consistent with the Habitats Regulations Appraisal (HRA), as the HRA determines that the River Spey SAC will not experience a likely significant effect from development of LTH1.
<p>Dinnet: ED1, Former Steading, page 190</p>	<p>Change: That the following wording is added (or other mechanism such as an appropriate icon in the legend style box to the bottom left of the map, along with explanatory text in Table 4 on page 86/87):</p> <p>“Muir of Dinnet Site of Special Scientific Interest (SSSI) adjoins the allocation. Development must ensure that there will be no adverse effects on the SSSI features through disturbance or changes in hydrology affecting habitats.”</p> <p>Reason: To ensure that development proposals are aware of the presence of the adjoining SSSI from the outset, and so take measures to avoid adverse impacts on it.</p>
<p>Glossary: Appropriate Assessment, European Protected Species, Habitats Regulations Appraisal, Natura</p>	<p>Change:</p> <ul style="list-style-type: none"> - Amendments need to be made to the entries on “Appropriate Assessment”, “Habitats Regulations Appraisal”, “Natura 2000”, “Ramsar Convention Site”, “Special Areas of Conservation”, “Special Protection Areas”, in line with our advice above in relation to ‘European sites’. <p>and</p> <ul style="list-style-type: none"> - We recommend that the entry for “European Protected Species” is

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<p>2000, Ramsar Convention Site, Special Areas of Conservation, Special Protection Areas, pages 220 - 223</p>	<p>amended to read:</p> <p>“European Protected Species: Species listed in Schedules 2 and 4 of The Conservation (Natural Habitats &c.) Regulations 1994 (as amended in Scotland) on Annex IV of the Habitats Directive as species of European Community Interest and in need of strict protection.”</p> <p>Reason:</p> <ul style="list-style-type: none"> - As the proposed Plan will be adopted post-Brexit, to ensure it remains relevant after the UK leaves the European Union it would be more accurate to refer to domestic legislation, in this case The Conservation (Natural Habitats &c.) Regulations 1994 (as amended in Scotland). <p>and</p> <ul style="list-style-type: none"> - The Regulations list the relevant European species in the Schedules to the Regulations.
<p>Action Programme</p>	<p>We have no comments to make on this in relation to our remit.</p> <p>[However, you may wish to amend the ‘Lead Agency’ and ‘Other Partners’ information for ‘Cairngorm Mountain and Glenmore’ on page 9 to reflect the relevant organisations, due to one of the listed lead agencies having gone into administration in 2018.]</p>