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BSCG COMMENTS ON pLDP 2020-2025

POLICY I New Housing Development.

BSCG objects to this policy.

We consider that this policy fails to promote genuinely sustainable development and fails to comply with the 4 aims of the NP. Conservation of the natural environment should be central to what the CNPA do. We are deeply concerned that the failure of the CNPA to properly deliver the 1st aim of the NP is destroying the natural capital of the CNP that includes exceptional importance for biodiversity, habitats and landscape that are fundamental to the designation as a NP and have high significance in delivering Aichi targets, halting biodiversity loss and meeting international obligations for nature conservation.

Local housing need should be the focus and priority of the CNPA. Whereas "local need" is referred to many times in the pLDP it is unclear how the CNPA can specifically deliver this through this policy.

We are concerned that the approach of the CNPA appears to us to be one that does not put sufficient weight on the opportunity for the CNPA to deliver housing need outwith the CNP.

The CNPA should not, but appears to, view housing need (e.g. as predicted by the HNDA) and development of economic development or industrial estate areas as imperatives that override loss of biodiversity, habitat and landscape. This has already resulted in significant biodiversity loss.

The CNPA has articulated to us the view that there is plenty of room for development without an apparent knowledge of what is being lost to development, nor how much of a natural heritage feature (e.g. a particular habitat), its quality, its significance is impacted; how much of such habitat has already been lost to development through the plans and policies and decisions of the CNPA. In terms of genuine enhancement of natural heritage, this is not provided.

It does not appear to us that the CNPA has a thorough, effective and meaningful means of establishing the outcomes of their housing policies. To what extent the housing that the CNPA has so far permissioned is actually meeting a "local need" is obscure, and the means the CNPA has of obtaining this information seems to be a blunt tool and one that it is unconvincing. The added value of the NP designation when it comes to built development is not apparent.

The CNPA has demonstrated extremely little appetite for invoking the aspect of the NP Act that covers weighting of the 4 aims in the event of conflict between the 1st aim and other aims, "The aims all have equal status and it is the job of the National Park Authority to ensure they are "collectively delivered in a coordinated way". If it appears to the Authority that there is a conflict between the conservation and enhancement of the natural and cultural heritage and other National Park aims, then the Park Authority must give greater weight to the first aim" (CNPA website).

There is very significant conflict between built development and natural heritage and frequently natural heritage is sacrificed.

It is not apparent to us that the CNPA has an adequate bank of knowledge about the CNP's natural heritage, (e.g. extent, whereabouts, particular value, relative importance), to be able to properly judge the impacts of their housing plans and policies. It does not appear to us that the CNPA is placing sufficient emphasis on the natural heritage losses that are inevitable with built development. We would like to see 2nd tier conservation sites across the CNP included in the pLDP.

Although the CNPA reiterates the importance of the CNP in terms of biodiversity, landscape and habitats, it does not translate this into an informed commitment to deliver conservation of the CNP's natural heritage in real and practical terms.

We are concerned that there are a wide range of ways that elements of the policy can be interpreted, and that greater clarity is needed.

I.1 Housing delivery in settlements

We are concerned that this policy seems to imply that housing delivery in settlements would not all be within the settlement boundary ("I.1 Housing delivery in settlements Proposals for housing will be supported where they are located: a) on an identified allocated site; or b) within an identified settlement boundary"). If 'Housing delivery in settlements' extends beyond the settlement boundary then considerable further information is needed to explain what a

settlement constitutes.

For example, 1.1 Housing delivery in settlements “All proposals for housing will need to: a) meet the requirements for the settlement as outlined in the Community Information section; and b) reinforce and enhance the character of the settlement.” We have no confidence that all new housing will be viewed as enhancing the settlement; the interpretations of the policy can be so broad and undefined as to have little meaning in practice.

1.3 Other housing in the countryside

We are concerned that the policy on brownfield sites fails to protect valuable sites and that the glossary definition of brownfield sites is inadequate in the NP context. We consider that the glossary should provide a clearer and more detailed definition of rural brownfield sites than that proposed, (“Rural brownfield: Sites that have previously been used. In rural areas this usually means sites that are occupied by redundant or unused buildings or where the land has been significantly degraded by a former activity”).

The emphasis on a site having been previously used, in the absence of any timescale, includes sites that we do not consider it reasonable to define as brownfield; and does not take sufficient account of the natural processes that may have taken place over time. Brownfield sites can be very valuable for natural heritage.

1.4 We support an emphasis on smaller dwellings.

1.5 We are concerned that this policy fails to deliver genuinely affordable housing. We support the 45% of affordable housing in some settlements. We remain concerned about the definition of affordable housing that appears to us to be too lax.

We are concerned about the significant difficulties that we understand arise in maintaining in perpetuity affordable housing that becomes available for sale. It is our understanding that commonly and perhaps virtually invariably, such housing is sold on the open market without the burden of affordability. This practice promotes the continuing requirement for new build affordable housing, at the inevitable expense of land and natural heritage, forestry, agriculture and so on. We object to the reduction in affordable housing on the basis of economic viability. We do not consider this is a robust planning mechanism that the planning authority can properly assess and control. We are concerned about the high level of financial information that the CNPA staff would need to have access to from the developer and be able to assess fully and realistically. We are concerned that there is no reason why the CNPA Board members would have the necessary expertise to be able to make a judgement on the economic viability of developments. We are concerned that the CNPA staff and Board are reliant on financial and other information provided by the developer. We are concerned that there are potential issues of significant changes over time. The economic viability of a development may well change significantly over time, bearing in mind the months and years that can elapse between a planning decision and the issue of a Decision Notice and the building out of a development. This could draw into question the validity of the CNPA's decision based on what becomes out of date and potentially largely irrelevant information relating to past circumstances. Economic viability is determined by many and far-reaching factors that are not all in the gift of developers or the CNPA to control.

We are concerned that issues around commercial confidentiality could make some information not openly and transparently in the public domain; this excludes proper oversight by the public.

1.6 Affordable housing exception sites. We are concerned at the evident impacts on the environment of this. The “locations that would not normally be used for housing” are likely to be of high natural heritage value. We do not consider that the permission of housing, in a NP, in such a location, is reasonably justified by “evidence of unmet local need shown through community needs assessments, housing needs and demand assessments or other information available at the time of application”. Such evidence is insufficiently robust.

1.11 Long term designations. We are concerned about this approach that places undue emphasis on the delivery of ACM.

What the policy aims to do. We are concerned at the statement under 4.6 and how the CNPA interprets this .

“4.6 Maintaining high quality places where communities can be sustainable and thrive is key to the long term success of the National Park. This should be undertaken in a way that makes the best use of resources, is compatible with the unique natural heritage and landscape qualities of the National Park,”

We note that there appears to be little reference to promoting the re-purposing of existing buildings for housing and to promoting community initiatives for housing, which have the potential in some circumstances to reduce land take and better meet local housing need.

POLICY 4 NATURAL HERITAGE

BSCG notes that some aspects of this policy seek to reflect legal obligations incumbent on any planning authority. We are however concerned that the policy fails to deliver the 4 aims of the NP

BSCG objects to aspects of this policy. We are concerned that the policy is liable to result in a loss in quality of special features as well as a loss of specific natural heritage features themselves; this concern applies to virtually every aspect of this policy.

We are concerned that insufficient specific information is provided within in the pLDP, inviting excessive latitude in the interpretation of the policy.

4.1 International designations. We are concerned that 4.1 is liable to result in degradation and loss of features. The policy indicates that LSEs are acceptable as long as the integrity of the site is not affected. We consider this to be a minimalist approach which is inadequate and inappropriate in a NP, and especially a NP that supports exceptionally high quality natural heritage and is a recipe for failure to enhance natural heritage.

We are concerned that the policy is too reliant on assessing impacts on the integrity of the site. This is problematic. There is inadequate information available on some special features; there are difficulties in assessing the impacts on a feature over a site. We are concerned that past experience has revealed that even

legally minimal surveys have not always been required and some of the species and features of high value have been overlooked for years in spite of being present on a site. We are further concerned that the standard of survey is not always adequate to establish presence, or significant use or impacts. Often there can be a lack of contextual information relevant to making any properly informed assessment.

The precautionary principle requires to be respected, given e.g. limitations of 'snapshot' surveys undertaken for developers.

It concerns us that there is no reference to the unacceptability of negative impacts with less major outcomes.

4.2 National designations. We are concerned that 4.2 is unrealistic ("any such adverse effects are clearly outweighed by social, economic or environmental benefits of national importance, and compensated by the provision of features of equal or greater importance than those that are adversely affected"). In the context of the CNP, that supports exceptionally high quality natural heritage, adverse environmental impacts are unlikely to be capable of being compensated for by "the provision of features of equal or greater importance than those that are adversely affected". This approach to natural heritage conservation is likely to result in degradation and loss of features, including over longer timescales and for features that can be conserved irreplaceable.

4.3 Woodlands. We welcome the statement that "There will be a strong presumption against removal of Ancient Woodland Inventory (AWI) sites, which are considered an irreplaceable resource".

However we have concerns about other aspects of 4.3.

We are concerned that the statement "Woodland removal for development will only be permitted where removal of the woodland would achieve clearly defined additional public benefits. Compensation will be expected which is at least equal to the quality and quantity of what is lost. Only in exceptional circumstances will lack of compensation be acceptable."

We are concerned at the lack of reference to natural heritage. For example, public benefits associated with loss of woodland to development might include access provision, but this may be at the expense of natural heritage features.

We consider reliance on compensation that is equal to the quality and quantity of what is lost; our concerns relate to this being unrealistic and undeliverable in many circumstances. Such compensation is not at all straight forward to deliver. In reality, the outcome of attempting to alter a natural heritage feature in order to provide compensation can readily result in a worse outcome for natural heritage than doing nothing. Compensation is far from easy for a developer to deliver.

4.3a and b. We recommend that both these paragraphs should be deleted.

4.3a We are concerned that the CNPA's approach appears to be to promote development over natural heritage. To establish the full value of an AWI site is extremely challenging and requires a long timescale and significant finance and expertise. It is unrealistic to promote the view that this will be achieved within the planning system.

Both 4.3 a and b significantly undermine the statement that there is a strong presumption against removal of AWI. The "need and justification" for development is not a justification for removal of AWI sites.

Development in AWI does not constitute the right development in the right place. The CNPA should not be allocating development in AWI sites. This goes against good practice and is arguably in breach of obligations. This approach to the delivery of the 4 aims of the NP we consider to be a national disgrace and damaging to Scotland's reputation. We consider it to be in conflict with IUCN Management Principles for Category V Protected Areas. These 2 paragraphs are a 'fudge' that facilitates loss of AWI sites to badly planned development.

4.3b We recommend this paragraph should be deleted. Sites for natural heritage are finite by definition and we should not be enabling the loss of AWI sites. To clearly demonstrate that a site is of low ecological value is extremely challenging, require a long timescale, and we cannot see this as in any way realistic in practice within the planning system.

The final statement that "Where AWI removal is deemed acceptable, compensation for such loss will be mandatory" can be interpreted as contradicting the recognition that AWI is an irreplaceable resource. Their loss cannot be compensated for and attempts to provide compensatory habitat can at times do more harm than good to natural heritage.

4.4 Protected Species

We are concerned that 4.4 does not provide adequate protection for species that are special features of the NP. This conflicts with the aims of the NP and fails to uphold the CNPA's obligations.

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We are concerned at clause b) for EPS and Schedule 5 etc and Schedule I etc, that states "there is no satisfactory alternative solution". This places development as an imperative that overrides avoiding significant adverse impacts on protected species. We find it hard to think of any development for which no alternative solution could be found.

Further this should only apply to development that cannot be sited outwith the NP. It seems to us that this is indicative of a failure of the planning system to provide plans and policies that promote the right development in the right place.

In relation to EPS, Schedule 5 etc, and Schedule I etc, clause c) states "the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range" yet the information available to assess this can be incomplete and inadequate (e.g. including for bat species) which results in the planning system falling back on a 'best guess'. We consider this approach inadequate and unacceptable in a NP.

4.5 Other biodiversity. We are concerned at the reliance in clause b) on assessing that “the development will not be detrimental to the maintenance of the species concerned at a favourable conservation status in the natural range”. There are real difficulties in making such an assessment, including a lack of sufficient information. It should be borne in mind that it can take many years to collect natural heritage information. Bearing in mind the many pressures on a planning authority over development planning, including meeting timescales, there are very real risks that a planning authority makes what is in reality an unreliable assertion, based on inadequate information, that a development will not be detrimental to the maintenance of the species concerned at a favourable conservation status in its natural range. Commonly, there is insufficient information on impacts throughout a species natural range to reliably know this.

What the policy aims to do. We welcome much of 4.61 and 4.62 that recognises the importance of natural heritage in the CNP. However, we have no confidence in the conclusions drawn in 4.63, for the reasons given above as well as drawing on our disappointing experience to date of planning in the CNP.

Applying the policy. It is our experience that the HRAs provided by the CNPA for developments can lack accuracy, rigour and realism in significant ways. It is hard not to get the impression that the CNPA is providing HRAs that enable the delivery of built development, rather than HRAs that provide genuine, deliverable protection for natural heritage interests through realistic and proven mitigation. We are further concerned that mitigation measures such as recreation management plans are of little value in actually delivering a situation whereby impacts are properly mitigated. We cannot avoid getting the impression that the CNPA puts the delivery of development above the delivery of conserving and enhancing natural heritage.

4.67 Woodlands. We welcome much of 4.67, including the recognition of the importance of soils in AWI sites and that AWI sites cannot be recreated.

4.68 Protected species. We do not have confidence that the planning authority will be in a position to ensure that effects of development on species are “fully considered”. In our experience there is commonly insufficient information or context provided to permit this.

POLICY 5 LANDSCAPE

BSCG objects to some aspects of this policy, that we find disappointingly unsubstantial, especially given that unspoilt landscapes contribute positively to the economy and are one of the NP’s “most valuable assets” (4.70).

5.1 Special Landscape Qualities. In general the “presumption against any development that does not conserve or enhance the landscape character and special landscape qualities” and the reference to “wildness” are to be welcomed.

However, our concerns include that “significant adverse effects” will be “permitted” on the basis of social and economic benefits of national importance. We note that no reference is made to considering alternative locations including outwith the CNP.

5.2 Private roads and ways. Land managers can claim that new hill tracks on open moorland are required for land management purposes associated with driven grouse shooting and the related intensive management of moorland. This is a controversial land use and one that is climate-unfriendly and therefore in conflict with achieving important climate change targets. We have concerns about the NP Authority facilitating this land use, whether intentionally or not, through a policy that seems to justify new hill tracks on the basis that the easier access provided by new constructed tracks is necessary for open moorland management. If new hill tracks are deemed essential for management of open moorland, then the sustainability and public benefit of that land use may require reappraisal. In terms of the CNPA delivering fully on climate change targets, the conversion of grouse moorland to woodland should be an important priority. The provision of policies that facilitate management for grouse moors undermines progress in such a transition.

We are concerned at the statement in 4.74 that “Well designed and constructed tracks minimise landscape impacts and damage to habitats whilst providing necessary access for land management”. This is not the case: there can be significant landscape impacts of tracks irrespective of whether they are reasonably well designed and constructed. This statement appears to pave the way for future tracks on the basis that they are well designed and constructed.

We are further concerned at the reference to necessary access for land management.

Irrespective of the assurance of consistency with the presumption in the Park Partnership Plan in 4.77, we consider that statements in 5.2 sit very uneasily with this and create a confusing muddle. In practice this policy could facilitate unwanted planning outcomes.

5.2b. In many circumstances BSCG is supportive of the removal of tracks. However, there are situations where track removal is more damaging than letting nature take its course, and also there can be a loss of cultural heritage by erasing old tracks.

We are also concerned about the justification for new constructed tracks being related to reducing the impacts of scars from ATVs.

5. COMMUNITY INFORMATION

ALLOCATION OF PROTECTED GREEN SPACES OF NATURAL HERITAGE VALUE.

We consider the pLDP should provide clarity to developers and communities by providing an allocation that specifically protects important natural heritage areas in and around settlements from built development. It is our impression that this aspect of forward planning by the CNPA has been falling short. The impression we gain is that the CNPA weights development over natural heritage and is not demonstrating sufficient responsibility to safeguard natural heritage or showing sufficient appreciation of the value of natural heritage to communities. It is our view that a special feature of the CNP is the close juxtaposition of high quality natural heritage in and around settlements, such that people can enjoy great aspects of the outdoors on their doorstep. With the growth of settlements that the CNPA is promoting through its plans and policies this special feature and associated biodiversity is being significantly eroded.

BSCG objects to:

LTH 1 and 2. These are both high quality areas of fine landscapes and biodiversity that contribute extremely positively to the entrance to Aviemore. We object to relating these developments to the delivery of ACM. We do not consider there is

M1. We welcome that the NW edge of M1 is allocated as open space. However we object to the northern part of the M1 allocation for housing. This is an important field that supports biodiversity including flowers and fungi and being adjacent to the Milton Burn, to Milton Wood and to the scattered birches on the NW edge provides important ecological connectivity. It is an important area for people to enjoy on their doorstep.

ED1. We have objected to this area of ground being allocated for industrial development several times and are extremely disappointed that the CNPA has consistently failed to recognise the importance to biodiversity, landscape and people's enjoyment of the Speyside Way that it represented. It was a rich and beautiful area right beside the industrial estate that supported meadow fungi and flowers and other important biodiversity. It has the potential to do so again if the CNPA took action and allocated it as green space and set about a volunteer programme to allow nature to reclaim the site.

ED3. We are extremely concerned at the expansion of ED3 to the south where there are valuable habitats, biodiversity and landscapes that contribute to ecological connectivity as well as people's enjoyment.

AN CAMAS MOR

BSCG objects to ACM.

We object to the CNPA describing it as a "sustainable community". In our view this is without foundation or justification. We object to the pLDP providing the view that it "will progressively relieve pressure from the existing settlement [i.e. Aviemore]". We regard this as amounting to spin. The unjustified view that there is pent up pressure in communities that is relieved by further house building is unjustified.

We object to all the requirements of the RMP. Many of these concerns have already been made to the CNPA in our written objection to ACM planning applications. This level of restriction on people's enjoyment demonstrates that ACM represents overdevelopment. It is the wrong development in the wrong place. To site a new town in a NP is questionable enough, but to then consider the most appropriate location for it is in the Glenmore corridor, cheek by jowl with the most important area for capercaillie, one of Scotland's most endangered birds, and the River Spey that supports the globally threatened freshwater pearl mussel, and the most popular area for outdoor recreation in the NP provides an insight into the scale of the problem that ACM presents.

We object to the proposed developments at Loch Pityoulish, which must be one of the most cherished landscapes and valued tranquil areas in the NP. To develop car parking and new paths here in the expectation that they will prove to be 'diversionary' is to not understand the impact of providing such facilities on people's use of the countryside. An alternative approach would be to recognise that the woodland around L. Pityoulish and ACM could provide caper habitat and valuable connectivity to Kinveachy across the Spey. We consider the proposal to provide ACM residents with free parking is divisive and unacceptable. With the best will in the world, ranger presence can only have limited impacts on people's behaviour. ACM would alter the landscape character of the area, as well as altering the experience of users on the B970.

GRANTOWN

BSCG objects to T1, C2 and H1.

T1 is important for landscape, setting, recreation and biodiversity. It is important for the ecological integrity of the Mossie and supports SBL species.

C2. Is a relatively undisturbed area that may be significant for otters associated with the R. Spey SAC. Otters are known to frequently make use of the burn nearby and are known from studies to make their natal holts in woodland away from main rivers. We strongly recommend that provision for the railway is put elsewhere.

H1 This is an integral part of the Mossie that supports valuable grassland and wetland habitat, rich in biodiversity including flowers and fungi and pollinating insects. It is important for landscape, the setting of the town and for recreational enjoyment. It also supports breeding waders.

CARRBRIDGE

BSCG objects to H1 and T1.

H1. This field has the potential to be returned to a flower and fungi rich site having recently supported exceptional biodiversity. It supports livestock and has had cultural value for generations as a seasonal camping area. We consider the allocation too large and inappropriately sited. H1 represents loss of an amenity greenspace and agricultural land and an important landscape feature. It is close proximity to important woodland including bog woodland.

T1. We are concerned at the scale of T1 and the associated loss of woodland.

DULNAIN BRIDGE

We are concerned that H1 and H2 should both have functional hold back separation from the adjacent woodland.

NETHYBRIDGE

We welcome that School Wood is removed from the LDP.

We object to H1. This represents overdevelopment both near the River Nethy and the woodland and impacts on the valuable landscape setting of the village. The site supports SBL species and provides important habitat and connectivity.

H2 We object to this site that we understand is croft land. It provides green space beside the well used path to the Black Bridge. We consider there should be a large holdback away from the river. We consider this allocation is premature.

INVERDRUIE AND COYLUMBRIDGE

BSCG objects to T1.

The allocation extends right to the boundary of the Natura designated site in an area where there has been a withdrawn retrospective application and long-standing and persistent unauthorised use including charging for camping outwith what we understand to be the licenced caravan site. We consider there should be a holdback distance as a buffer from the Natura site. The area has outstanding biodiversity and is highly important for landscape and amenity, supporting SBL species and providing connectivity. The caravan site has an unfortunate record of contributing to regrettable natural heritage impacts.