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## Relevant Documents Page - Issue 1: General

### 1. Schedule 4

### 2. Representations

006, S Dickie  
124, Anonymous  
141, J Milne  
148, R Locatelli and J Bremner  
165, Cairngorms Business Partnership (CBP)  
180, J and M Forbes Leith Partnership  
181, Scottish Wildland Group  
186, Cairngorms Campaign

### 3. Site Maps

*None*

### 4. Representee Documents

RD001 CBP Main Issues Report Summary and Response - Cairngorms Business Partnership - Cairngorms Business Partnership - 165 - Issue 1  
RD002 CBP Main Issues Report Summary and Response - Cairngorms Business Partnership - Cairngorms Business Partnership - 165 - Issue 1

### 5. Authority Documents

*None*

<b>Issue 1</b>	<b>General</b>	
<b>Development plan reference:</b>	Principle of development Transport Site allocation requirements Process General Policy approach Economic growth	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
006	S Dickie	
124	Anonymous	
141	J Milne	
148	R Locatelli and J Bremner	
165	Cairngorms Business Partnership (CBP)	
180	J and M Forbes Leith Partnership	
181	Scottish Wildland Group	
186	Cairngorms Campaign	
<b>Provision of the development plan to which the issue relates:</b>	Principle of development Transport Site allocation requirements Process General Policy approach Economic growth	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Principle of development within the National Park</u> S Dickie (006) is of the view that development should not be permitted outwith town and village boundaries. The focus should be on conservation, service provision, town and local facility improvements (car parks, toilets) for visitors and encourage local businesses to support these services.</p> <p><u>Transport</u> Anonymous (124) and J Milne (141) believe that all policies are affected / underpinned by transport issues and Anonymous (124) requests that the need for affordable public transport, car-sharing schemes and bike borrowing schemes are added to each policy.</p> <p>J Milne (141) feels that transport and mobility (including accessibility, affordability and choice) is under-represented in the Proposed Plan and despite the National Park Partnership Plan 'promoting active travel and public transport provision and reducing the reliance on private motor vehicles' (Partnership Plan Policy 3.5 f) repeated in paragraph 4.52 of the Proposed Plan on page 40) there is no consideration of how this will happen and what the barriers to achieving this are. It is also raised that there is only one mention of the A95 trunk road which is a key route.</p> <p><u>Site allocation Requirements</u> R Locatelli and J Bremner (148) contend that all development allocations in the LDP should not require to prepare any form of site assessment such as protected species, flood, contamination or other reports. They are of the view that the Planning Authority</p>		

(CNPA) should undertake relevant surveys prior to the allocation of the sites and adoption of the Proposed Plan to demonstrate effectiveness.

#### Process

CBP (165) raised concern that their comments to the Main Issues Report in respect of Main Issue 4: Housing and Issue 5: Affordability of housing were not recorded in the 'Summary of Responses and Recommended Actions' which was taken to CNPA Board in June 2018. By not taking these comments into account, CNPA is contravention of the Planning (Scotland) Act 2006.

CBP (165) also added that responding to the consultation according to the process is time consuming and complex and is a barrier to engagement.

#### General Policy approach

J and M Forbes Leith Partnership (180) express support for policies that allow appropriately scaled development across the National Park to encourage development and help to deliver the important outcomes set out in the National Park Partnership Plan.

#### Economic Growth

Scottish Wildland Group (181) suggests amending reference in the Proposed Plan to 'Sustainable economic growth' to 'equitable growth' as this will likely be the term used in the new Planning Act and Scottish Planning Policy. This term is more 'future-proofed' and suitable for the LDP.

Cairngorms Campaign (186) express concern that there is no process for assessing the economic benefits of development. They claim that no analysis is carried out in respect of the potential economic benefits and therefore how can CNPA give greater weight to the first aim of the National Park. They are of the view that further assessment /analysis at the planning applications stage is needed and consideration of alternatives proposals that would be more beneficial.

### **Modifications sought by those submitting representations:**

#### Principle of development within the National Park

- Do not permit development outwith town and village boundaries (S Dickie, 006);
- Focus on conservation, service provision and local facility improvements for visitors (S Dickie, 006).

#### Transport

- Add a requirement for affordable public transport, car-sharing schemes and bike borrowing schemes to each policy (Anonymous, 124);
- Give greater prominence in the Proposed Plan to the provision of transport, the key challenges and how it will be delivered (J Milne, 141);
- Make greater reference to the A95 (J Milne, 141)

#### Site allocation Requirements

- Remove the requirement for any assessments or surveys for allocated sites (R Locatelli and J Bremner, 148).

#### Economic Growth

- Amend references to 'Sustainable economic growth' to 'equitable growth' (Scottish

Wildland Group, 181).

- Require more rigorous assessment / analysis of economic development proposals (Cairngorms Campaign, 186).

### **Summary of responses (including reasons) by planning authority:**

#### Principle of development within the National Park

CNPA do not agree that development should not be permitted outwith settlements. While conservation is a key aim of the National Park, the development strategy for (set out on page 16) aims to focus the majority of development within settlements however acknowledges the need for smaller scale development to support housing, including affordable housing and rural businesses outwith defined settlements (page 16, paragraph 3.11). Once adopted, all proposals will be subject to relevant policies in the LDP to ensure that development does not have adverse impacts. Therefore no modification is proposed (S Dickie, 006).

The provision or maintenance of local services such as public car parks, toilets and visitors facilities cannot be influenced or informed by the Local Development Plan and it is not considered that this should be the only focus of development within the National Park as set out above. No modification proposed (S Dickie, 006).

#### Transport

The LDP cannot influence or inform public transport provision, car sharing schemes or bike borrowing, however can ensure that the provision of necessary transport infrastructure is incorporated within a development. Policy 3: Sustainable Design, part 3.3 f) requires the promotion of 'sustainable transport methods and active travel, including making provision for the storage of bicycles and reducing the need to travel'. CNPA do not agree that transport is relevant to all policies, however Policy 3 applies to all developments and therefore no modification is required (Anonymous, 124).

While the National Park Partnership Plan and Proposed Plan seek to support and improve transport infrastructure and particularly the provision of active travel, the LDP cannot directly influence or inform public transport provision or improve the affordability or choice of public transport. However, it can seek to ensure that transport provision is taken into account in new developments and opportunities to incorporate active travel are utilised. All development proposals within the National Park are subject to all relevant policies including Policy 3 (stated above) to ensure that appropriate transport options are supported as far as possible within the parameters of planning. CNPA are not the roads or transport authority so is required to consult and work with relevant body where necessary. CNPA is of the view that the Proposed Plan makes appropriate reference to support and encourage more sustainable transport methods, and takes a proportionate approach considering the limited influence planning and the LDP can have of transport provision and infrastructure. No modification proposed (J Milne, 141).

In relation to making reference to the A95, while this is a key route, it is not clear from the response what the purpose of increasing reference to it is. CNPA do not consider there is a compelling argument to make greater reference to the A95. No modification proposed (J Milne, 141).

#### Site allocation Requirements

CNPA does not support the suggestion to remove the requirement for site assessments

and surveys for development allocations. The LDP currently takes a number of years to prepare and runs for a 5 year plan period. Site conditions and circumstances change over time so an assessment carried out 2 years prior to a development coming forward will not accurately reflect the current circumstances. It is more appropriate to undertake site assessments and surveys at the time of the planning application to determine if the proposal is acceptable. Different developments will impact on the environment, infrastructure and other factors in different ways and therefore may require different mitigation measures. For example waste and water infrastructure capacities change depending on the progress of other developments in the area and therefore cannot be confirmed prior to the adoption of the LDP.

In addition, it is a significant undertaking for the authority to spend time and money undertaking assessment for all sites when they will be progressed at different rates and not always within the Plan Period. Therefore this would have to be repeated at the time development is being proposed. No modification is proposed (R Locatelli and J Bremner, 148).

#### Process

CNPA have investigated the absence of CBP being omitted as a respondent in relation to Main Issues 4 and 5 and can confirm that their response, which did not raise any unique issues, was taken into account but their name was omitted as an administrative error in recording the respondents. No modification proposed (CBP, 165).

In respect of the LDP preparation process, this is stipulated in Planning Legislation (Planning (Scotland) Act 2006) which CNPA are required to adhere to. Due to the more limited nature of the Proposed Plan consultation, which specifically requires respondents to support or object to specific parts of the Proposed Plan, it can be more complex. The response survey was designed to obtain specific comments in line with the legislative requirements. No modification or action proposed (CBP, 165).

#### General policy approach

CNPA are of the view that the Proposed Plan's development strategy and policies do support appropriate development outwith allocated sites. No modification proposed (J and M Forbes Leith Partnership, 180).

#### Economic Growth

While CNPA note the suggested amendment of 'Sustainable economic growth', it is not considered essential on the basis that the new Planning Act and Scottish Planning Policy have not yet been implemented. However CNPA would not object if the Reporter is minded to support it (Scottish Wildland Group, 181).

CNPA notes the request for more rigorous assessment of economic development proposals, particularly where in conflict with the first aim of the National Park to 'conserve and enhance the natural and cultural heritage of the area'. However, the current economic development policy (Policy 2) sets out the requirements that proposals must meet (as well as being subject to all other relevant policies within the LDP), which require evidence and justification demonstrating how they meet these requirements (Cairngorms Campaign, 186).

Given the small population and scale of settlements, it can be difficult to obtain a representative picture of need and demand for economic development land as well as to accurately determine the true economic impact of a proposal, particularly as there are

more localised pressures which may not be apparent or properly represented through research and available evidence. The data used to inform the Proposed Plan's approach has been the most up to date available.

In addition, CNPA have a statutory requirement to allocate sites for economic development and include an economic development policy within the LDP to support business and employment in the National Park. The National Planning Framework 3 (paragraphs 1.6 & 2.25) and Scottish Planning Policy (2014) recognise 'the continuing need for diversification of our rural economy to strengthen communities and retain young people in remote areas. Planning should address the development requirements of businesses and enable key opportunities for investment to be realised. It can support sustainable economic growth by providing a positive policy context for development that delivers economic benefits' (Scottish Planning Policy, paragraph 92, page 24).

In some cases, further assessments such as a retail impact assessment may be required however the net economic benefit of a proposal to the local economy is not a material planning consideration. Therefore, no modification is proposed (Cairngorms Campaign, 186).

**Reporter's conclusions:**

**Reporter's recommendations:**

## Relevant Documents Page - Issue 2: Introduction, Vision and General

### 1. Schedule 4

### 2. Representations

089, Scottish Government  
117, Paths for All  
131, Tactran  
159, John Muir Trust  
165, Cairngorms Business Partnership (CBP)  
179, R Turnbull  
182, Wildland Ltd

### 3. Site Maps

*None*

### 4. Representee Documents

*None*

### 5. Authority Documents

CD002 - National Park Partnership Plan 2017-2022  
CD005 - Habitats Regulations Appraisal  
CD006 - Strategic Environmental Assessment  
CD012 - Housing Evidence Report  
CD017 - Draft Economic Action Plan  
CD018 - Site Assessment Report

<b>Issue 2</b>	<b>Introduction, Vision and Strategy</b>	
<b>Development plan reference:</b>	Introduction, Vision and Strategy (pages 4 - 17)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
089	Scottish Government	
117	Paths for All	
131	Tactran	
159	John Muir Trust	
165	Cairngorms Business Partnership (CBP)	
179	R Turnbull	
182	Wildland Ltd	
<b>Provision of the development plan to which the issue relates:</b>	Introduction ,Vision and Strategy	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Introduction</u>  CBP (165) argue that Figure 2 misquotes the National Park Partnership Plan 2017-2022 (CD002) by referring to an 'Economic Action Plan'. They wish this to be corrected and that CNPA produce an Economic Strategy. They argue that the Plan will fail to deliver on key challenges faced by the local Economy because the Proposed Plan has been published without the context of an Economic Strategy. They do not believe the Proposed Plan addresses the availability of housing for workers.</p> <p>CBP (165) argue that the population projections on which the development plan is based will be disastrous for the local economy and that consequently plan does not address the need for housing and the infrastructure to support population growth and the development and diversification of the economy. Accordingly, the approach taken by the Proposed Plan fails to deliver the collective aims of the Cairngorms National Park as set out in the National Parks (Scotland) Act 2000.</p> <p>Wildland Ltd (182) are concerned that with respect to the National Park's four aims, that the Proposed Plan is too focused on built development and while recognising that a balance needs to be struck, the National Park is a heritage designation and therefore this should be reflected more strongly in the Plan, for example by prioritising the first aim of the National Park within Paragraph 1.6 and strengthening the policy provision on natural heritage and landscape.</p> <p>Wildland Ltd (182) also argue that the policy framework in which the Plan sits, as illustrated in Figure 2 is too excessive and leads to a loss of focus. They argue that only the National Park Partnership Plan and an LDP focused on natural heritage and landscape would solve this.</p> <p><u>Vision</u>  Wildland Ltd (182) state that they are unclear how the Long Term Outcomes contained within paragraph 2.2 are translated into Policy within the LDP. They question how large</p>		

allocations, such as those in Aviemore, Newtonmore and Kingussie, are compatible with the Long Term Outcomes.

Tactran (131) request that the vision section should state that new developments will be accessible by public transport and where this is not possible other alternatives to private car use are included within any development proposal.

R Turnbull (179) believes the vision is 'delusional' because development allocations encroach onto land valuable for its environmental qualities. He argues that the history of the planning in the National Park has resulted in an excessive allowance of market dwellings which have not been suitable for local and first time buyers. This has mainly benefited large landowners and house builders with houses largely sold as second, holiday and retirement homes, taking up valuable land and damaging local communities.

John Muir Trust (159) argue that in paragraph 2.3 the principle of protecting the special qualities of the Park be placed ahead of the "*enhanced by new development*" bulletpoint. They also request wildness be reference as a special quality. Wildland Ltd (182) state that they are unclear how these principles relate to the Long Term Outcomes and that certain principles, such as providing sufficient land to meet need and demand are contrary to the conservation Long Term Outcome. It is suggested that these linkages be shown and that there should be a stronger focus on natural heritage and conservation.

#### Strategy

Scottish Government (089) state that there is no-commitment to upgrade a parallel route for non-motorised users along the whole A9 and therefore this needs to be made clear in in paragraph 3.2.

Wildland Ltd (182) state that there is no spatial strategy for the extensive rural and mountainous areas of the National Park. They therefore suggest that the LDP should visualise a rural strategy in some way, for example by showing areas around settlements where small scale development might be permitted while also highlighting the mountainous areas, for example Wild Land Areas, that merit a strong priority for natural heritage and landscape protection. They argue that such an approach would be commensurate with the statutory aims of the National Park.

Paths for All (117) are concerned that efforts should be made to avoid severance of access routes along the upgraded A9.

Tactran (131) request the spatial strategy section should state that travel by private car should not be prioritised over other more sustainable transport modes.

R Turnbull (179) claims that the Proposed Plan's strategy will cause significant environmental damage, with the dualling the A9 fragmenting wildlife populations and generating increased pressure for unsuitable and unsustainable development and An Camas Mòr failing to relieve the development pressure on other settlements. It is argued that the effect of this is a move towards suburban sprawl.

#### **Modifications sought by those submitting representations:**

##### Introduction

- Produce an Economic Strategy to guide the Local Development Plan (CBP, 165).

- Prioritise the first statutory aim of the National Park and strengthen policy provision for natural heritage and landscape (Wildland Ltd, 182)
- Simplify the National Park's policy framework as shown in Figure 2, to just include a National Park Partnership Plan and LDP focused on natural heritage and landscape protection (Wildland Ltd, 182).

### Vision

- Clarify how Long Term Outcomes are translated into Policy (Wildland Ltd, 182).
- Section should confirm that new developments will be accessible by public transport and where this is not possible other alternatives to private car use are included within any development proposal (Tactran, 131).
- A considerable reduction in the overall level of house-building (R Turnbull, 179).
- Emphasise building a far greater proportion of smaller houses, suitable for first time buyers (R Turnbull, 179).
- Create strong presumption against large multi-bedroom houses (R Turnbull, 179).
- Include recognition that the role of the National Park is not to facilitate the cash-flow of large building companies or landowners, or to bow to the pressure put upon the National Park by politicians (R Turnbull, 179).
- Place principle of protecting the special qualities of the Park ahead of the "*enhanced by new development*" bullet point in paragraph 2.3 (John Muir Trust, 159).
- Reference wildness as a special quality in paragraph 2.3 (John Muir Trust, 159).
- Show links between Long Term Outcomes and principles set out within paragraph 2.3 and place greater emphasis on natural heritage and landscape protection (Wildland Ltd, 182).

### Strategy

- Amend paragraph 3.2 to make it clear that there is no-commitment to upgrade a parallel route for non-motorised users along the whole A9 (Scottish Government, 089).
- Create spatial strategy for the National Park's Rural and mountainous areas, for example by showing areas around settlements where small scale development might be permitted while also highlighting the mountainous areas, for example Wild Land Areas, that merit a strong priority for natural heritage and landscape protection (Wildland Ltd, 182).
- State within spatial strategy section that travel by private car should not be prioritised over other more sustainable transport modes (Tactran, 131).
- Require the proper assessment of the impact of dualling of the A9 on wildlife populations (R Turnbull, 179).
- Develop specific policies to resist ribbon development along the A9 (R Turnbull, 179).
- Reduce the rate of housebuilding (R Turnbull, 179).
- Take proper and adequate consideration of the first aim of the National Park (R Turnbull, 179).

## **Summary of responses (including reasons) by planning authority:**

### Introduction

The strategy for promoting a sustainable economy in the National Park is set out within the National Park Partnership Plan (CD002). The National Park Partnership Plan identifies

nine Priorities across three Long-term Outcomes: Conservation, Visitor Experience and Rural Development. The Long-term Outcome for Rural Development is:

“A sustainable economy supporting thriving businesses and communities”.

Due to the integrated nature of the National Park Partnership Plan, delivery of each outcome plays a role in the supporting the economy of the National Park – for example, investment in woodland expansion enhances the landscape for visitors, provides increased recreational opportunities and new economic opportunities. All nine Priorities are therefore important to the deliver a sustainable economy of the National Park but the two most significant Priorities are:

### **“AGENDA FOR ACTION: ECONOMIC DEVELOPMENT**

Partners will deliver the current Economic Strategy for the Park to 2018 and then review, focussing on action plans for key business sectors:

Developing sector-specific plans to tackle investment, enhance skills through stronger links with higher and further education, improve long-term resilience and increase average wages, as well as building business on the natural capital of the National Park;

- Supporting Cairngorms Community Broadband\* to deliver superfast broadband in the hardest to reach parts of the Park;
- Continuing to improve physical infrastructure, including access to affordable housing and digital connectivity;
- Maximising the opportunities for businesses, communities and visitors from the A9 dualling project;
- Review implications and options for the farming sector as changes in long-term support become clearer;
- Using the next Local Development Plan to identify new sites for business use and expansion and the delivery of the Local Development Plan to target investment that opens up those sites to business.”

\* Note this action is now being delivered through the roll-out of Scottish Government’s Reaching 100 project.

And:

### **“AGENDA FOR ACTION: HOUSING**

Partners will respond to the unique housing challenges and pressures within the Park by developing a special approach that is based on:

Reducing the proportion of second homes in new developments by ensuring the new housing development is targeted at meeting local needs as far as possible;

Maximising the proportion of new housing that is affordable in perpetuity;

- Identifying sites in the next Local Development Plan where the affordable housing contribution will be more than the normal national maximum of 25% because of acute affordability pressures and the shortage of supply;
- Using the next Local Development Plan to manage the nature of new open market housing so it is better targeted towards local needs (e.g. by seeking a greater mix of house types and sizes, with an emphasis towards smaller homes in new

developments);

- Applying flexible planning policies to promote majority affordable housing developments and encourage the use of innovative delivery models to maximise the number of affordable homes that are built;
- Targeting public sector funding towards the National Park and to sites with the greatest potential for delivering affordable housing;
- Supporting communities to deliver community-led housing solutions, including by making the most of powers to buy land and taking a more pro-active role in management where appropriate;
- Promoting high standards of sustainable design and energy efficiency in new homes to ensure they are affordable in terms of lifetime running costs.”

In addition, each of the three Long-term Outcomes in the Partnership Plan have a comprehensive policy framework that provides continuity over the long-term, for example National Park Partnership Plan Policy 3.1, which states “*Grow the economy of the Cairngorms National Park by strengthening existing business sectors, supporting business start-ups and diversification, and increasing the number of workers employed in the Park through:*

- *Maintaining the population of the National Park and maintaining or growing the proportion of the working age population.*
- *Supporting the diversification of existing land-based businesses.*
- *Encouraging growth of business sectors that draw on the special qualities of the Park such as sustainable tourism and food and drink.*
- *Broadening the economic base of the Park into sectors such as creative industries, renewable energy, and making stronger links with higher and further education.*
- *Increased provision for business land where there is an identified need and demand; and to support the use of land for small business particularly within settlements.*
- *Slowing outward migration of young people; to encourage their return; and the inward migration of workers to the Park to meet business and community needs.*
- *Provision of a housing land supply that supports migration of young people and workers to the park and maintains vibrant communities.*
- *Reducing the proportion of vacant and second homes to support community vibrancy by ensuring that new housing development best meets local needs.*
- *Maximising the proportion of new housing development that is affordable in perpetuity.”*

CNPA has consulted on an Economic Action Plan (dates 26<sup>th</sup> June – 20<sup>th</sup> September 2019) (CD017) that will sit beneath the National Park Partnership Plan and alongside the LDP. The purpose of the Action Plan is to focus partners’ work in the National Park on five priority themes:

- Building on Economic Strengths of the Park
- Supporting and Attracting Business
- Education, Training and Skills Development
- Infrastructure
- Community and Enterprise

CBP’s (165) claim that the Proposed Plan is produced in the absence of an Economic Strategy and that the reference to an Economic Action Plan is a mis-quote is therefore unfounded.

Matters relating to the level and delivery of housing, including the Housing Supply Target (HST), Housing Land Requirement, Population and household projections are covered under Issue 3: Policy 1: New Housing Development with further information in the Housing Evidence Report (CD012). Fundamentally, however, the population projections are not the sole method by which the HST has been reached and that growth scenarios were taken as the baseline from each of the Local Authority Housing Need and Demand Assessments. CNPA fundamentally disagree that in this respect, the Proposed Plan fails to deliver the collective aims of the Cairngorms National Park (CBP, 165). Matters relating to the level of housing were also raised by R Turnbull (179) against the vision and Strategy; these matters are also covered under Issue 3: Policy 1: New Housing Development.

The LDP is focused on development because it is a development plan. As stated in the National Parks (Scotland) Act 2000 the National Park's aims are to be collectively achieved in a co-ordinated way. It is only where conflict is identified between the National Park Aims that the first aim, which is "*to conserve and enhance the natural and cultural heritage of the area*", should be given greater weight. The LDP has been subject to both Habitats Regulations Appraisal (CD005) and Strategic Environmental Assessment (CD006) and no conflict between the aims has been identified. Therefore, priority does not need to be given to the first aim. The Proposed Plan contains strong policies around environmental protection, including Policies 4: Natural Heritage, 5 Landscape, 7: Renewable Energy and 10: Resources. CNPA is therefore confident that taken together, as is stated in paragraph 4.2, that the Proposed Plan is sufficiently strong to ensure that the National Park's special natural heritage and landscape features are protected from adverse effects (Wildland Ltd, 182).

The policy framework in which the Proposed Plan exists does not fall within the scope of the LDP to alter. The National Park Partnership Plan and LDP are both statutory Plans and therefore required by legislation. CNPA does not however agree that the other plans and strategies are unnecessary or that they can be incorporated effectively into the two statutory Plans. They are crucial for setting out how the various aims, outcomes and actions of the National Park Partnership Plan will be achieved (Wildland Ltd, 182).

No modifications proposed.

#### Vision

The Long Term Outcomes set out in paragraph 2.2 are overarching and it is the role of the Proposed Plan as a whole to deliver them. As stated in paragraph 4.2, planning applications will be assessed against all relevant policies of the Plan and therefore all policies may in some way, depending on the application, support each of the Long Term Aims. For example, Policy 1: Housing, while not specifically a conservation policy, may support the conservation outcome by directing housing proposals to the appropriate locations and for proposals to be of an appropriate scale. The creation of a table or diagram to show linkages is therefore not considered useful (Wildland Ltd, 182).

CNPA does not agree that large allocations are incompatible with the conservation Long Term Outcomes. All policies and sites have been subject to Habitats Regulations Appraisal (CD005) and Strategic Environmental Assessment (CD006) to ensure significant adverse effects do not occur (Wildland Ltd, 182).

The vision section sets out the overarching principles that the Proposed Plan aims to deliver. The request to state that "*new developments will be accessible by public transport*"

*and where this is not possible other alternatives to private car use are included within any development proposal* is considered to be a policy matter. Policy 3.3: Sustainable design requires development to promote sustainable transport methods and active travel, including making provision for the storage of bicycles and reducing the need to travel. The points requested by Tactran (131) are therefore already included within the Proposed Plan and so CNPA does not consider that a change needs to be made.

The bullet points under paragraph 2.3 are not listed in order of importance, therefore reordering would make no difference to the implementation of the Plan. While CNPA recognises wildness as a special quality of the National Park, it is just one of many and the purpose of the paragraph and its bullet points is to highlight outcomes, not highlight particular qualities. Policy 5.1: Special Landscape Qualities already highlights wildness as a special quality and requires it to be considered as part of planning proposals where relevant. Furthermore, paragraphs 4.70, 4.79 and Figure 9 draw attention to Wild Land Areas and wildness as a special quality. CNPA do not therefore agree that an amendment to paragraph 2.3 is necessary (John Muir Trust, 159).

The principles under paragraph 2.3 are like the outcomes themselves, general overarching statements to provide additional context for the way the Plan is to be used. Like the policies, depending on the type of development, these principles could be in some way, depending on the proposal, support each of the Long Term Aims. The creation of a table or diagram to show specific linkages is therefore not considered useful (Wildland Ltd, 182).

All allocations have been subject to site assessments (CD018), Habitats Regulations Appraisal (CD005) and Strategic Environmental Assessment (CD006). There is no evidence that the strategy is likely to significantly undermine the National Park's special qualities or that the vision is unachievable. Furthermore, the Proposed Plan includes a range of policies (e.g. Policy 3: Design and Placemaking, Policy 4: Natural Heritage and Policy 5: Landscape) to ensure that development sites are delivered without causing significant, un-mitigatable harm. As stated in paragraphs 4.1 and 4.2, planning applications will be assessed against all relevant parts of the Plan (R Turnbull, 179).

Policy 1.4 Designing for affordability requires developments to provide a mix of dwelling types and sizes to help secure a balanced housing stock. The policy emphasises the delivery of smaller dwellings. This specifically to ensure that there is stock suitable for first time buyers and those who cannot afford housing at or above the median price. Housing will be delivered through a mixture of commercial and public sector schemes, just as it is elsewhere in Scotland (R Turnbull, 179).

No modification proposed.

### Strategy

CNPA is of the view that section 3 clearly sets out the spatial strategy for the National Park, including how the strategy incorporates rural areas; specifically, paragraphs 3.7 and 3.11 cover this. The strategy diagram is designed to be as simple and as easily understandable as possible. CNPA does not therefore support Wildland Ltd's (182) suggested changes, particularly as the Proposed Plan does not contain a provision for small scale development specifically around settlements, while upland environments and designations, for example Wild Land Areas and Moorland areas, are already identified on figures 9 and 10, which both relate to the implementation of Policy 5: Landscape.

Proposals on dualling the A9 within the National Park are not yet fully complete (Scottish Government, 089). Current designs have an off road multi path from Kingussie to Aviemore, but none to Carrbridge, with Transport Scotland maintaining that either the current NCN7 using B970 and B9153 (Aviemore, Coylumbridge Boat of Garten, Carr-bridge), or the Speyside Way or existing A9 tracks (neither direct or tarmac multi-use) are sufficient.

Transport Scotland undertook the statutory public consultation in August / September 2018. CNPA, Cairngorms Local Access Forum (CLOAF), Highland Council and four Community Councils (Aviemore and Vicinity, Boat of Garten and Vicinity, Carr-Bridge and Tomatin) have outstanding objections to these proposals as they do not meet Transport Scotland scheme objectives or support CNPA's Active Cairngorms Strategy or the National Park Partnership Plan with the specific target of increasing active travel.

In February Transport Scotland met with CNPA, Highland Council, Sustrans and Hitrans and agreed to fund a feasibility study to look at options to create a tarmac off road multi-use path between Aviemore and Carrbridge linking to A9153 north of Carr-bridge (on road). This design is in progress but no initial outputs have been shared and there is currently no clear commitment to build and maintain this route.

CNPA and Highland Council are therefore sustaining their objections, and it is understood that this is also the case for the four community councils, until there is clarity about the design, build and maintenance of any proposed route. CNPA does not therefore agree with the Scottish Government's (089) proposed change and would not consider including any such specific statements until the outstanding objections are resolved.

The management of access routes along the A9 falls outside of the remit of the LDP. However, as the access authority for the area, CNPA is involved in the process and has and will object to any proposals that negatively affect the area's Core Paths and public rights of way (Paths for All, 117).

The strategy is designed to ensure that people can take advantage of sustainable transport modes. There are indeed many things it is designed to do, including promoting social interaction and encouraging healthy lifestyles. The section is not designed to include every single objective, just the main ones that influence policy. Therefore CNPA does not agree that it should be specifically stated that sustainable transport modes are prioritised (Tactran, 131).

CNPA does not agree that the settlement strategy will cause significant environmental damage or is incompatible with the first aim of the National Park (179, R Turnbull). This argument was raised during the preparation of the current Local Development Plan 2015 (CD001) and rejected by the Reporter. The strategy as set out in the Proposed Plan remains broadly the same and builds on the strengths of the area and on its existing infrastructure, focusing growth on existing settlements. In devising the spatial strategy, CNPA has recognised that the most sustainable location for growth is within existing settlements and therefore the focus of the majority of growth is in those settlements. This approach accords with the National Park Partnership Plan Policy 3.2 (CD002), which sets out a settlement hierarchy identifying strategic settlements "*as the most sustainable places for future growth and the focus for housing land supply*".

It is acknowledged that the National Park represents an outstanding environment, however there is no evidence that the strategy is likely to significantly undermine this and

the Proposed Plan includes a range of policies (e.g. Policy 3: Design and Placemaking, Policy 4: Natural Heritage and Policy 5: Landscape) to ensure its protection. As stated in paragraphs 4.1 and 4.2, planning applications will be assessed against all relevant parts of the Plan. The Proposed Plan has also been subject to statutory assessments, including the Habitats Regulations Appraisal (CD005) and Strategic Environmental Assessment (CD006), to ensure there will be no adverse impacts on the environment and, in particular, European protected sites.

The upgrade of the A9 already requires full Environmental Impact Assessments to be carried out, though this falls outwith the remit of the LDP to control (R Turnbull, 179). Currently, there are to be no new junctions proposed for the A9, therefore development associated with it will need to be located within and adjacent to existing settlements. Ribbon development will not therefore be possible along the A9's length (R Turnbull, 179).

No modification proposed.

**Reporter's conclusions:**

**Reporter's recommendations:**

## Relevant Documents Page - Issue 3: Policy 1, New Housing Development

### 1. Schedule 4

### 2. Representations

004, T Pirie  
006, S Dickie  
007, T Gregson  
022, S Whyte  
048, North East Mountain Trust (NEMT)  
050, D and S Dickie  
068, S Wilson  
069, Fergus  
070, C Riach  
071, D Horsburgh  
073, Peacock Creative Design  
089, Scottish Government  
093, J Golebiowski  
104, Aviemore and Vicinity Community Council (AVCC)  
106, Woodland Crofts Partnership  
107, M Kirkwood  
113, Boat of Garten and Vicinity Community Council (BoGVCC)  
117, Paths For All  
120, A Gronbach  
121, A Shoemark  
122, Spey Services  
124, Anonymous  
131, Tactran  
133, Atholl Estates  
147, Niall Calthorpe's 1959 Discretionary Settlement Trust  
158, Invercauld Estate  
160, NHS Grampian  
161, R Anderson  
165, Cairngorms Business Partnership (CBP)  
172, Reidhaven Estate  
174, Scottish Land and Estates  
175, J Cooper  
176, M Jeffrey  
177, Highland Council  
178, RSPB Scotland  
179, R Turnbull  
180, J and M Forbes Leith Partnership  
182, Wildland Ltd  
186, Cairngorms Campaign  
187, Badenoch and Strathspey Conservation Group (BSCG)  
188, An Camas Mòr LLP  
189, A Grant  
192, Rothiemurchus Estate  
193, Scottish Water  
194, Highlands and Islands Enterprise (HIE)  
207, Crown Estate Scotland

### 3. Site Maps

*None*

### 4. Representee Documents

RD003 Notice of Intention to Adopt - West Lothian Local Development Plan - RSPB Scotland – 178 – Issue 3

### 5. Authority Documents

CD001 - LDP 2015

CD002 - National Park Partnership Plan 2017

CD004 - Cairngorms National Park Main Issues Report

CD005 - Habitats Regulations Appraisal

CD006 - Strategic Environmental Assessment

CD010 - Monitoring Statement

CD012 - Housing Evidence Report

CD019 - National Parks (Scotland) Act 2000

CD020 - Local Plan Monitoring Report

CD021 - Draft Housing Supplementary Guidance

CD028 - Badenoch and Strathspey Local Plan 1997

CD029 - Email provided to Cairngorm Business Partnership on 13 March 2019

CD030 - Highland Housing Need and Demands Assessment

CD031 - Aberdeen City and Shire HNDA

CD032 - Moray Housing Need and Demands Assessment

CD033 - TayPlan Housing Need and Demands Assessment

CD038 - Stirling Council LDP 2 Examination Report

CD070 - Planning Advice Note (PAN) 2/2010 Affordable Housing and Housing Land Audits

CD071 - Chief Planner's letter on occupancy conditions and rural housing dated 4th November 2011

CD043 – 2018/0046/DET

CD044 – 2019/0120/DET

CD045 – 2018/0027/DET

CD046 – 2016/0158/DET

CD048 – 2017/0264/DET

CD049 – 2017/0086/DET

<b>Issue 3</b>	<b>Policy 1: New Housing Development</b>	
<b>Development plan reference:</b>	Policy 1: New Housing Development (pages 22-30)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
004	T Pirie	
006	S Dickie	
007	T Gregson	
022	S Whyte	
048	North East Mountain Trust (NEMT)	
050	D and S Dickie	
068	S Wilson	
069	Fergus	
070	C Riach	
071	D Horsburgh	
073	Peacock Creative Design	
089	Scottish Government	
093	J Golebiowski	
104	Aviemore and Vicinity Community Council (AVCC)	
106	Woodland Crofts Partnership	
107	M Kirkwood	
113	Boat of Garten and Vicinity Community Council (BoGVCC)	
117	Paths For All	
120	A Gronbach	
121	A Shoemark	
122	Spey Services	
124	Anonymous	
131	Tactran	
133	Atholl Estates	
147	Niall Calthorpe's 1959 Discretionary Settlement Trust	
158	Invercauld Estate	
160	NHS Grampian	
161	R Anderson	
165	Cairngorms Business Partnership (CBP)	
172	Reidhaven Estate	
174	Scottish Land and Estates	
175	J Cooper	
176	M Jeffrey	
177	Highland Council	
178	RSPB Scotland	
179	R Turnbull	
180	J and M Forbes Leith Partnership	
182	Wildland Ltd	
186	Cairngorms Campaign	
187	Badenoch and Strathspey Conservation Group (BSCG)	
188	An Camas Mòr LLP	
189	A Grant	
192	Rothiemurchus Estate	

193	Scottish Water
194	Highlands and Islands Enterprise (HIE)
207	Crown Estate Scotland
<b>Provision of the development plan to which the issue relates:</b>	Policy 1: New Housing Development
<b>Planning authority's summary of the representation(s):</b>	
<p><u>General comments</u></p> <p>General comments about the overall policy were provided by S Dickie (006), D and S Dickie (050), BSCG (187), CBP (165), NEMT (048), Cairngorms Campaign (186), Crown Estate Scotland (207) and NHS Grampian (160).</p> <p>Several responders object to the policy in general because:</p> <ul style="list-style-type: none"> <li>• Development should be much more limited in scale and not speculative in nature (S Dickie, 006; D and S Dickie, 050).</li> <li>• Policy fails to promote genuinely sustainable development (BSCG, 187).</li> <li>• Policy fails to comply with the 4 aims of the NP BSCG and CNPA failing to deliver the 1st aim of the NP in general (BSCG, 187).</li> <li>• There is very significant conflict between built development and natural heritage and frequently natural heritage is sacrificed (BSCG, 187).</li> <li>• CNPA do not have a measure of natural heritage features lost to development (BSCG, 187).</li> </ul> <p>CBP (165) state that they requested data on the number of planning approvals in the National Park, which was not received.</p> <p>NEMT (048) feel the Proposed Plan should encourage the use and enhancement of vernacular building styles.</p> <p>BSCG (187) feel that the Proposed Plan fails to promote the re-purposing of existing buildings for housing and or community initiatives for housing enough. Conversely, Crown Estate Scotland (207) argue that CNPA should be supportive towards new build in conjunction with the renovation/redevelopment of redundant buildings, particularly where viability is a concern.</p> <p>Cairngorms Campaign (186) argue that CNPA need to revolutionise the current model of housing provision to provide a rental model that would provide good housing, with secure tenancies, at social rents. This would allow older people to release equity from their own homes, and not tie young households down with mortgages.</p> <p>Cairngorms Campaign (186) are also under the impression that CNPA support housing development because of its economic benefit. They did not believe that this was being measured by CNPA and therefore the first aim of the National Park was not being met.</p> <p>NHS Grampian (160) highlight that early discussions will be required between NHS Grampian and the Cairngorms National Park Authority to ensure that the infrastructure required is considered fully so as to mitigate fully the impact the additional patients will have while protecting services for existing patients as far as possible.</p>	

Niall Calthorpe's 1959 Discretionary Settlement Trust (147) suggest that pre-application advice should be encouraged.

#### Policy 1 - Housing Supply Target (HST)

Representations relating to the HST were made by BoGCC (113), HIE (194) and BSCG (187).

HIE (194) note that the HST for 2025-2029 is lower than the HST for 2020-2024, while BoGVCC (113) request that the affordable housing requirement in the 2025-2029 period be adjusted to be higher than the market housing requirement.

BSCG (187) are concerned that CNPA are not choosing to meet housing need outwith the CNP boundary and that delivering housing need and economic development should not 'override' loss of biodiversity, habitat and landscape.

BSCG (187) state that local housing need should be the focus and priority of CNPA, but believe that it is unclear how CNPA can specifically deliver this through this policy. They doubt that previously consented housing has met local need. Rothiemurchus Estate (192) suggest that evidence of local need, such as the study for An Camas Mòr, carried by the Highland Small Communities Housing Trust, should be taken account of in the HST.

#### Policy 1- Housing Land Requirement (HLR) and Shortfall

Representations relating to the HLR were made by CBP (165) and HIE (194).

CBP (165) and HIE (194) argue that the HST and HLR are too low on the basis of their understanding of National Records Scotland population projections. They highlight NRS 2016-based population projections and their principal projection that indicates a decrease of around 4% in the population by 2041. CBP (165) question CNPA's estimate that the Proposed Plan's proposals could accommodate an increase of 7% in the National Park's population over the Plan period and highlight that the statistics are not broken down by age cohort. They state that the "*base statistics for this plan should be predicated on the achievement of the National Park Partnership Plan policy in this respect and not NRS projections*".

CBP (165) object to the policy as they do not believe the HLR is high enough for its aims to be achieved and argue that economic strategy is needed to ensure that housing is delivered.

CBP (165) highlight the difference between the HLR of the current Local Development Plan 2015 (CD001), which for the period 2014-2019 is 759 units and the completion rate for this period, which is around 70 units per annum. They therefore use this to calculate the shortfall in supply for this period and argue that to address this, a generosity level of 217% (a HLR of 1,650 units) is needed in the Proposed Plan. They argue that the housing lands supply is not sufficient to meet this.

#### Policy 1.1: Housing Delivery in Settlements

Representations relating to Policy 1.1 were made by S Dickie (006), R Turnbull (179), and BSCG (187).

Concern is expressed about the nature of Settlement Boundaries, with responders stating that:

- No development should take place outwith boundaries (S Dickie, 006).

- The policy was not strong enough to enable consent to be granted (R Turnbull, 179).
- That the policy implies that not all housing delivery will be in settlements (BSCG, 187).
- They have no confidence that all new housing will be viewed as enhancing the settlement (BSCG, 187).
- The policy can be interpreted too broadly (BSCG, 187).

It is argued that proposals for housing in settlements should also meet all other policy requirements within the Proposed Plan to be granted consent (R Turnbull, 179).

Clarification is requested as to what constitutes a settlement (BSCG, 187).

#### Policy 1.2 Housing Delivery in Rural Groups

Representations relating to Policy 1.2 were made by Highland Council (177), Tactran (131), R Turnbull (179), Wildland Ltd (182), Crown Estate Scotland (207) and Atholl Estates (133).

Clarity is requested on what constitutes a rural group, with a request that the term specifically refer to existing houses as opposed to requiring only one of the buildings to be a dwelling (Highland Council, 177).

Tactran (131) notes that for housing in rural settlements and within the countryside that access to services and sustainable transport needed to be considered as part of development proposals.

Concern is expressed that the policy provides no provision to limit the long-term growth of a rural group. It is suggested that the policy should therefore place a limit on long-term growth, for example, a presumption against increasing growth of existing rural groups beyond 50% in a 20 year period (R Turnbull, 179).

Conversely, others (Wildland Ltd, 182; Crown Estate Scotland, 207) argue that criterion b), which limits growth of rural groups by one third in a Plan period, is too inflexible because there may be circumstances where a greater level of growth is required and that a different approach could be taken in different localities. It is argued that Policy 3: Design and Placemaking will ensure that the scale and design of development will be appropriate. Atholl Estates (133) argue that the focus of Policy 1.2 should be on encouraging sensitive and imaginative design solutions to meet the requirements of a changing population, rather than fixing a numerical restriction on the scale of new development.

#### Policy 1.3 Other Housing in the Countryside

Representations relating to Policy 1.3 were made by BSCG (187), Crown Estate Scotland (207), Woodlands Croft Partnership (106), Scottish Land and Estates (174), J and M Forbes Leith Partnership (180), Wildland Ltd (182) and NEMT (048).

Concern is expressed that the policy fails to protect brownfield sites that may have important natural heritage features. It is argued that the definition of rural brownfield sites held within the Proposed Plan's glossary could be clearer as the definition could include sites that have been out of use for a significant period of time and which consequently are important for natural heritage (BSCG, 187). Crown Estate Scotland (207) suggest that a clear definition of rural brownfield land should be provided or linked to in the Glossary and

suggest a good example can be found in Perth and Kinross Council's Draft Housing in the Countryside Supplementary Guidance, which defines rural brownfield land as (page 22):  
*“Derelict land which was at one time occupied by buildings or structures but these have now been removed, or land directly linked to former buildings or structures which has been so damaged by a former use that it cannot be left to naturalise or be reused for another purpose without first being improved. In most cases this will be sites which have become contaminated by a former use and require remediation before the land can be used for another beneficial use.”*

Woodlands Croft Partnership (106) highlight the importance of crofting in the National Park and state that the Proposed Plan should be more supportive. They are concerned that Policy 1.3: Other housing in the countryside is too restrictive, in particular criteria a) that requires development to be in support of an active business. Along with several other responders (Scottish Land and Estates, 174; Crown Estate Scotland, 207), Woodlands Croft Partnership (106) request that the requirements be removed or relaxed to allow new housing associated with new businesses to be developed, particularly where the provision of worker accommodation is crucial. Others (Scottish Land and Estate, 174; J and M Forbes Leith Partnership, 180) suggest that development in the countryside will not necessarily be able to reinforce existing patterns of development if no development has previously taken place. Wildland Ltd (182) feel the policy is too inflexible in general, stating that it may not meet the needs of the modern land management requirements of multiple unified estates.

J and M Forbes Leith Partnership (180) requested that an additional design based criterion be added to the policy create a 'hook' that may encourage and inspire individuals that are keen to build exemplary houses worthy of the dramatic landscapes of the National Park.

The NEMT (048) were concerned that Policy 1.3 did not require development to *“reinforce and enhance the character of the settlement”*.

#### Policy 1.4 Designing for Affordability

Scottish Land and Estates (174) are concerned that requiring a mix of dwelling types and sizes on all residential development may be unviable or unattractive because of the higher than average costs in the area. They request clarification on how this will be addressed.

#### Policy 1.5 Affordable Housing and Viability

Representations relating to Policy 1.5 were received from Reidhaven Estate (172), CBP (165), Scottish Land and Estates (174), HIE (194), Atholl Estates (133), Rothiemurchus Estate (192), Highland Council (177), Wildland Ltd (182), J Cooper (175), BSCG (187), Cairngorms Campaign (186), BoGVCC (113).

Several responders object to or raise concern about the 45% affordable housing requirement in, Ballater and Blair Atholl and Braemar on the basis that:

- It's contrary to Paragraph 129 of Scottish Planning Policy (Invercauld Estate, 158; Reidhaven Estate, 172; Atholl Estates, 133).
- It will not be viable, reduce delivery rates and dissuade developers from taking on the site (ACCC, 104; CBP, 165; Invercauld Estate, 158; Scottish Land and Estates, 174; HIE, 194; Atholl Estates, 133).
- There isn't enough evidence to suggest that settlements are suffering acutely from a lack of affordable housing (Scottish Land and Estates, 174).

- It's not supported by TayPlan Housing Need and Demand Assessment or TayPlan, which has a requirement of 25% (Atholl Estates, 133).
- The Blair Atholl requirement conflicts with 25% requirement in Perth and Kinross LDP2 (Policy 20) (Scottish Land and Estates, 174).
- Applying 45% means that fewer market houses are built denying people working in local jobs to buy on the open market (Rothiemurchus Estate, 192).
- For developers to attain viability a high proportion of the market homes will need to be aimed at higher priced markets, which is likely to be squeeze out local people entirely (Rothiemurchus Estate, 192).

Highland Council (177) ask that a flexible approach be taken to the implementation of the policy in order to ensure that sites remain viable. Wildland Ltd (182) also express concerns about delivering the policy, particularly if there is an absence of a dedicated social housing partner organisation to deliver the affordable housing. They suggest an alternative approach of local authorities seeking to directly provide significant amounts of housing for rent.

There are concerns that the wording of part 1.5b can be misconstrued to imply that the 25% requirement only applies within settlements as opposed to all other areas / proposed developments (Highland Council, 177).

As an alternative to the 45% requirement it is suggested that:

- The requirement should be 33% (HIE, 192);
- If there is such a great need for affordable housing in the Aviemore area then rather than increase the affordable housing requirement to 45% in these settlements, simply allocate more land. They request that part of LTH1 is allocated as an ordinary housing site (Reidhaven Estate, 172).
- To positively address the population projections, household formation and sizes explored in the Evidence Paper, Policy 1 should focus on mechanisms such as development briefs to broaden housing tenures and range (Atholl Estates, 133).

Other responders argue that the policy is not strong enough because:

- Requirement should be higher than 45% (J Cooper, 175).
- It is not truly targeted at those in need (J Cooper, 175).
- No mention of Social housing (J Cooper, 175).
- Will lead to more luxury and second homes (J Cooper, 175).
- It fails to deliver genuinely affordable housing (BSCG, 187).
- The definition of affordable housing is too lax (BSCG, 187).
- The policy allows for a reduction in affordable housing based on viability and do not believe CNPA has the ability to make a judgment on a proposal's viability (BSCG, 187).
- Policy does not deliver affordable housing in perpetuity and instead the housing will end up as market housing or second homes (Cairngorms Campaign, 186; BSCG, 187).

AVCC (104) request that a policy be included that ensures affordable housing remains so in perpetuity.

J. Golebiowski (093) requested for the provision of more affordable housing i.e. 3 bedroom house for £180,000 - £190,000.

BSCG (187) also argue that there are issues with the implementation of a viability test because circumstances could change between the issuing of a decision and the construction of a site and therefore viability information could become out-of-date during this period. They are concerned that neither CNPA nor developers have control over many factors affecting viability over time. Cairngorms Campaign (186) argue that having the option of viability assessments undermines the policy and the settlement statements because consent could be given under false pretence. Both BSCG (187) and Cairngorms Campaign (186) are concerned that the public would not be able to fully scrutinise viability tests due to issues of commercial confidentiality.

Rothiemurchus Estate (192) argue that there is a lack of supply of the right type of housing for people who either do not want or do not qualify for affordable homes and that has been no attempt to collect evidence of the level of need for these homes or the monitoring of their provision on a travel to work area basis. It was claimed that this issue is holding back business and our ability to maintain confident staff in pursuing the aims of the Park.

BoGVCC (113) question how the policy will be applied outside of the named settlements. There is concern that developers will be able to build incrementally to avoid making a contribution to affordable housing.

Scottish Land and Estates (174) suggest other options for exploring affordable housing, such as the use of Rural Burdens or selling homes at an affordable price for 3 months before going on the open market, should be explored.

Highland Council (177) ask that it be made clear that commuted sum payments would be required prior to any decision being issued or secured through legal agreement. Atholl Estates (133) object to the requirement for commuted sum payments on the basis of viability.

Further guidance on the implementation of the policy is requested (165, CBP), including the how viability will be assessed (Highland Council, 177).

The definition of affordable housing in the Proposed Plan is questioned. CBP (165) state that the phrase 'affordable' could be misleading because "*affordable to the business community is affordability at every stage on the housing ladder to both rent and buy*".

#### Policy 1.6 Affordable Housing Exception Sites

Representations relating to Policy 1.6 were received from BoGVCC (113), Crown Estate Scotland, 207), BSCG (187) and R Turnbull (179).

Clarification is requested on:

- What constitutes exceptions sites (BoGVCC, 113).
- That proposals for exception sites can be discussed at the pre-application stage (Crown Estate Scotland, 207).

It is also requested that pre-application discussions cover the information required and provide security for potential applicants (Crown Estate Scotland, 207)

There is concern about the potential environmental impacts of developing on exceptions sites as these sites could have a high natural heritage value (BSCG, 187).

It is argued that the policy's requirement for community needs assessments, housing needs and demand assessments or other information was weak because "such evidence is insufficiently robust" (BSCG, 187).

It is argued that the proposals for affordable housing exceptions sites should also meet all other policy requirements within the Plan to be granted consent (R Turnbull, 179).

#### Policy 1.7 Alterations to Existing Houses

Wildland Ltd (182) request that it be noted that there will be circumstances where there is no alternative other than to use the existing access irrespective of the standard of that access.

#### Policy 1.9: Replacement Houses

Wildland Ltd (182) believe the policy to be too inflexible and that there may be circumstances where:

- The building types listed under criterion a) of the policy are incapable of economic restoration and a replacement house would be the preferable environmental outcome.
- The location of existing housing may no longer suit the current operational/management practices for the land.

#### Policy 1.10 Housing for Gypsies and Travellers

Scottish Government (089) state that the current wording of the policy does not fully accord with paragraph 133 of Scottish Planning Policy. They therefore requested the inclusion of 'travelling showpeople' in the policy. They write that it should be stated if there is no identified need.

#### Policy 1.11 Long Term Designations

Several responders chose to comment on Policy 1.11. However, their comments were allocation or settlement specific and are therefore summarised and discussed under Issue 7: Badenoch and Strathspey Strategic Settlements where appropriate. These are:

- 004 T Pirie
- 068 S Wilson
- 069 Fergus
- 070 C Riach
- 071 D Horsburgh
- 073 Peacock Creative Design
- 093 J Golebiowski
- 104 Aviemore and Vicinity Community Council
- 107 M Kirkwood
- 120 A Gronbach
- 121 A Shoemark
- 122 Spey Services
- 124 Anonymous
- 161 R Anderson
- 176 M Jeffrey
- 188 An Camas Mor LLP
- 189 A Grant
- 192 Rothiemurchus Estate

- 193 Scottish Water

Their responses are only covered if they contain unresolved representations.

Responders with policy related representations were C Riach (070), D Horsburgh (071); Peacock Creative Design (073); A Gronbach (120); A Shoemark (121), M Kirkwood (107); Reidhaven Estate (172), RSPB Scotland (178), NEMT (048), Cairngorms Campaign (186), BSCG (187), An Camas Mòr LLP (188), A Grant (189) and Rothiemurchus Estate (192).

Reidhaven Estate (172) object to the dual requirement for both the lack of delivery of An Camas Mòr and a shortfall in housing land to trigger the delivery of LTH1 and LTH2. They suggest that only one of the criteria should trigger delivery and such a change would enable greater flexibility in addressing affordable housing needs in Aviemore.

RSPB Scotland (178) argue that the requirement that '*strong evidence that An Camas Mòr will not be delivered in the Plan period*' is not a strong enough requirement. They argue that if an extant permission were to exist then it could still be developed beyond the Plan period and that this has not been considered in the Habitats Regulations Appraisal (CD005) of the Proposed Plan. Consequently, they request that a change be made to the policy to ensure that LTH1 and LTH2 cannot be delivered if an extant permission at An Camas Mòr exists. They also argue that to clarify the position of the policy relating to the triggers for LTH1 and LTH, that the word 'and' should be added between criteria a) and b) to ensure it is understood that both need to be satisfied before early release of the long-term housing land would be considered.

NEMT (048) were not convinced alternative sites were needed for release during the Plan period while the BSCG (187) expressed concern that the approach places too much emphasis on the delivery of An Camas Mòr. Cairngorms Campaign (186) question how it will be decided that An Camas Mòr is undeliverable and what will prevent both sites from being developed within this Plan or beyond 2030.

Several responders argue that the Policy is a short term solution that would accentuate Aviemore's social and economic issues and the focus should be on the delivery of An Camas Mòr and therefore the Policy, LTH1 and LTH2 were not needed and should be deleted (An Camas Mòr LLP, 188; A Grant, 189; Rothiemurchus Estate, 192). A Grant (189) claims the policy and sites were not needed because to-date delays to An Camas Mòr's delivery have not been caused by infrastructure costs or the size of the project, but by CNPA. It is also claimed that the Policy undermines the policies and sites of the current Local Development Plan 2015 (CD001), a number of other previous Plans, a judicial review and the 1994 enquiry on the Badenoch and Strathspey Local Plan 1997 (CD028). It is claimed that CNPA is attempting to prevent the implementation of Policies from the current Plan (A Grant, 189).

Alternatively, it is suggested that an additional policy be included to support the delivery of An Camas Mòr (An Camas Mòr LLP, 188) or other wording be included to commit CNPA to delivering An Camas Mòr (C Riach, 077; D Horsburgh, 071; M Longmuir, 073; M Kirkwood, 107; A Grant, 189).

Discussion on the relative merits of An Camas Mòr, LTH1 and LTH2 are covered under Issue 7: Badenoch and Strathspey Strategic Settlements.

Paragraph 4.6 – What the policy aims to do

BSCG (187) wrote that the contents of paragraph 4.6 should be undertaken in a way that makes the best use of resources and is compatible with the unique natural heritage and landscape qualities of the National Park.

#### Paragraph 4.14 – Housing need

It is argued that the paragraph should make reference to the housing need for people who do not qualify for affordable housing or not / do not want to be on a housing list. (An Camas Mòr LLP, 188; Rothiemurchus Estate, 192).

#### Paragraph 4.15 – Staff accommodation

Wildland Ltd (182) argue that the requirement in paragraph 4.15 for the provision of staff accommodation to meet the policies of the Proposed Plan is problematic. It is suggest a specific policy on staff accommodation, which might include small hostel type developments, is needed or an amendment to Policy 1.9.

#### Paragraph 4.16 - Second Homes

Representations relating to second homes were received from T Gregson (007), S White (022), NEMT (048), BoGVCC (113) and Scottish Land and Estates (174).

Several responders wrote that the Proposed Plan did not adequately address the issue of second homes (T Gregson, 007; S White, 022; NEMT, 048) and that further work needed to be done to identify solutions (T Gregson, 007; NEMT, 048). Clarification was also sought as to how reducing the proportion of second homes in new developments would be achieved (BoGVCC, 113). Scottish Land and Estates (174) asked for evidence on the higher levels of second home ownership in the Settlements that require 45% affordable housing.

#### Paragraph 4.16 – Relationship with National Park Partnership Plan

Wildland Ltd (182) argue that believe the relationship between the LDP and the National Park Partnership Plan would be better located in a single section of the Plan rather than under each policy.

#### Other Housing Types

Scottish Government (089) state that to comply with paragraph 132 of Scottish Planning Policy, that the Proposed Plan should demonstrate consideration of Specialist Housing Provision and other specific needs.

### **Modifications sought by those submitting representations:**

#### Policy 1 - Housing Supply Target

- Increase affordable housing requirement for 2025-2029 period to exceed market housing requirement (BoGVCC, 113).
- Review HST and source and accuracy of underlying data (HIE, 194).
- Use local needs studies, including the one carried out by Highland Small Communities Housing Trust for An Camas Mòr to inform the HST (Rothiemurchus Estate, 192).

#### Policy 1 - Housing Land Requirement and Shortfall

- Apply a generosity rate of 217% (a HLR of 1,650 units) (CBP, 165).

#### Policy 1.1: Housing Delivery in Settlements

- Amend policy wording:

‘Proposals for housing ~~may~~ **will** be supported where they are located:

- a)** on an ~~identified~~ **identified** allocated site; or
  - b)** within an ~~identified~~ **identified** settlement boundary.’
- (RTurnbull, 179)

#### Policy 1.2: Housing Delivery in Rural Groups

- Define rural groups as three dwellings or more (Highland Council, 177).
- Add wording to state that where appropriate under Policy 3: Design and Placemaking, rural building groups may have potential to expand beyond one third (Crown Estate Scotland, 207).
- Make reference to the need to consider access to services and sustainable transport (Tactran, 131)
- Place limit on the long term growth of rural groups, for example a cap % in 20 years (R Turnbull, 179).

#### Policy 1.3: Other Housing in the Countryside

- Include specific reference to supporting crofting (Woodlands Croft Partnership, 106).
- Remove requirement to support ‘active’ business (Woodlands Croft Partnership, 106; Scottish Land and Estate, 174; Crown Estate Scotland, 207).
- Remove requirement “reinforce the existing pattern of development (Scottish Land and Estate, 174; J and M Forbes Leith Partnership, 180).
- Add extra criterion:  
**‘c) would provide a dwelling/s of exceptional architectural design and resource efficiency.’**  
(J and M Forbes Leith Partnership, 180)
- Add a clear definition of Rural Brownfield land or to link to an expanded definition within the Glossary (Crown Estate Scotland, 207).
- Make reference to the need to consider access to services and sustainable transport (Tactran, 131).

#### Policy 1.5: Affordable Housing

- Remove requirement for 45% affordable housing for Aviemore, Ballater, Braemar and Blair Atholl (Reidhaven Estate, 172; Scottish Land and Estates, 174).
- Remove requirement for 45% affordable housing for Blair Atholl (Atholl Estates, 133).
- Apply a requirement of 33% Aviemore, Ballater, Braemar and Blair Atholl (HIE, 194).
- Amend policy wording as follows:  
‘a) **Up to** 45% of the total number of dwellings on the development site in the settlements of Aviemore, Ballater, Blair Atholl and Braemar;’  
(Invercauld Estate, 158)
- Amend wording to clarify that the 25% affordable housing requirement under criteria 1.5b applies to all developments of 4 or more dwellings, not just within settlements (Highland Council, 177).
- Require commuted sum payments to be made prior to a decision being issued or secured by legal agreement (Highland Council, 177).
- Include policy to secure affordable housing in perpetuity (AVCC, 104).
- Include provision for more affordable housing i.e. 3 bed for £180,000 - £190,000 (J

Golebiowski, 093).

#### Policy 1.6: Affordable Housing Exception Sites

- Amend policy wording:  
'Development of 100% affordable housing sites ~~may will~~ be supported in locations that would not normally be used for housing...'  
(R Turnbull, 179)

#### Policy 1.10: Housing for Gypsies and Travellers

- Amend policy wording to meet requirements of paragraph 133 of Scottish Planning Policy:  
'1.10 Housing for gypsies, ~~and~~ travellers, **and travelling show people** Proposals for the development of sites for gypsies, ~~and~~ travellers **and travelling show people** will be favourably considered where the need and location have been identified in the relevant Local Authority Housing Strategy.'  
(Scottish Government, 089)
- State if no need for housing for gypsies, travellers, and travelling show people.  
(Scottish Government, 089)

#### Policy 1.11 Long Term Designations

- It is requested that the following wording be added to Policy 1.11:  
**'Development of housing on the long term housing designations cannot take place while there is an extant planning permission for development at An Camas Mòr'** (RSPB Scotland, 178)
- Add the word '**and**' between criteria a) and b) (RSPB Scotland, 178).
- Delete Policy 1.11 and sites LTH2 and LTH2 (A Shoemark, 121; An Camas Mòr LLP, 188; A Grant, 189; Rothiemurchus Estate, 192).
- Replace with policy that better supports An Camas Mòr (An Camas Mòr LLP, 188)
- Delete following wording in paragraph 4.12:  
'However, a development of such scale, over a long period of time, with significant infrastructure costs will be challenging to make happen" and all other wording relating to An Camas being undeliverable due to infrastructure costs'  
(A Grant, 189)
- Include commitment in LDP that CNPA will do everything they can to deliver An Camas Mòr, e.g. committing to issuing planning permission within three months as opposed to two years (C Riach, 070; D Horsburgh, 071; M Longmuir, 073; M Kirkwood, 107; A Gronbach, 120; A Grant, 189)
- Delete the requirement for both the lack of delivery of An Camas Mòr and a shortfall in housing land to trigger the delivery of LTH1 and LTH2 to amend Policy 1.1 as follows:  
'Long term housing designations are identified in Aviemore to set out the settlement's preferred direction of future growth, to assist in the forward planning of infrastructure and landscape enhancement/mitigation and to ensure that in the event of An Camas Mòr proving undeliverable, a 5-year effective land supply will be maintained. These sites are not relied upon to meet the housing land requirement up to 2030 and are not expected to be released for development during the Plan period.  
a) Early release of the land will only be considered when there is strong evidence that An Camas Mòr will not be delivered in the Plan period ~~and: or this results in~~ **there is** a shortfall in the 5-year effective land supply that cannot be met by:  
i. windfall provision assuming previous trends; or

- ii. constrained sites which are likely to become available for development within the relevant 5-year time frame.
- b) the long term designations are demonstrably deliverable within the relevant 5-year time frame.’  
(Reidhaven Estate, 172)
- Allocate Phase 1 of LTH1 as Site H3 for 200 houses (Reidhaven Estate, 172).

#### Paragraph 4.14 – Housing need

- Amend paragraph test as follows:  
‘...As a consequence, more new housing should be accessible to people working within the National Park. **The delivery of An Camas Mòr is essential if these issues are to be effectively addressed over the plan period.** This, in turn, should support the economy and help local businesses to recruit and retain staff.’  
(An Camas Mòr LLP, 188)

#### Paragraph 4.16 - Second Homes

- The addition of a policy that limits the proportion of second homes in each settlement / area (T Gregson, 007).

#### Other Housing Types

Amended Plan to mention forms of specialist housing, such as accessible and adapted housing, wheelchair housing and supported accommodation, including care homes and sheltered housing and how this provision can be met (Scottish Government, 089).

### **Summary of responses (including reasons) by planning authority:**

#### General comments

CNPA disagrees with the claims that Policy 1 does not deliver sustainable development, fails to comply with the aims of the National Park and that natural heritage is sacrificed at the expense of development (Cairngorms Campaign, 186; BSCG, 187).

The aims of the National Park and how they are to be applied is set out in legislation (National Parks (Scotland) Act 2000 (CD019)). Legislation also makes it clear that it is only in times of conflict in trying to deliver these four aims that CNPA should give greater weight to the first. These legislative requirements are transposed into Scottish Planning Policy (paragraphs 84 & 85), which also states that development plans for National Parks are expected to be consistent with the National Park Plan (which in this case is the National Park Partnership Plan 2017 (CD002)), which sets out the management strategy for the Park.

Paragraphs 1.5 and 1.6 of the Proposed Plan reiterate that the aims are to be achieved collectively, and in a coordinated way and that greater weight must be given to the first if there is conflict between the others. The Vision and long term outcomes of the Proposed Plan are taken directly from the National Park Partnership Plan (CD002), setting out how the Proposed Plan aims to help deliver these. In addition, each policy section, including Policy 1: New housing development, contains an explanation of how the policy contributes to achieving the aims and outcomes of the National Park Partnership Plan. Paragraphs 4.1 and 4.2 of the Partnership Plan set out that planning applications must be tested against all relevant parts of the Local Development Plan and that development must comply with all relevant policies. The housing policies should not therefore be viewed in isolation. CNPA is confident that taken as a whole, the policies of the Proposed Plan can

ensure that all aims of the National Park can be met and that conflict between the aims avoided.

The level of housing development proposed within the National Park is not based on speculation, but on need as identified in the Housing Need and Demand Assessments (HNDAs) that cover the National Park area and further explored by CNPA itself (S Dickie, 006; D and S Dickie, 050). Further detail on how these Housing Need and Demand Assessments have been used can be found in Section 3.4 of the Housing Evidence Report (CD012).

Details on the number of planning approved by CNPA during the current Plan period was published in the Plan's Monitoring Statement (CD010). It, along with the Monitoring Report (CD020) for the Local Plan 2010 (CD078), was provided to CBP (165) on March 13<sup>th</sup> (email, 13/03/2019 (CD029)). This is the extent of the information held by CNP on decisions made within the National Park.

Matters relating to the design of housing, including the position on vernacular styles, are dealt with under Issue 5: Protecting the Environment (048, NEMT). With respect to re-purposing existing buildings, a framework for this is provided through Policy 1.7 Alterations to existing houses and 1.8 Conversions, 3.5: Converting existing building stock and 3.6: Alterations to existing building stock (BSCG, 187). CNPA may be supportive of new build in conjunction with the renovation / redevelopment of redundant buildings, but this would be a matter for specific proposals (Crown Estate Scotland, 207). The aforementioned policies also provide a framework for this.

It is not in the gift of CNPA to revolutionise Scotland's model of housing provision (Cairngorms Campaign, 186). However, Policy 1.5: Affordable Housing and Policy 1.6: Affordable housing exceptions sites provide a strong framework for providing affordable housing for rent.

Discussion will be carried out with the Local Health Boards that cover the National Park's area (NHS Grampian, 160). See Issue 6: Delivering Infrastructure for further discussion on this matter.

Pre-application advice is encouraged (Niall Calthorpe's 1959 Discretionary Settlement Trust , 147).

#### Policy 1 - Housing Supply Target (HST)

Paragraph 121 of Scottish Planning Policy states that: *"In the National Parks, local development plans should draw on the evidence provided by the HNDAs of the constituent housing authorities. National Park authorities should aim to meet the housing land requirement in full in their area"*.

As set out in the Housing Evidence Paper (CD012), the HST has been arrived at through an analysis of the HNDAs (CD030, CD031, CD032 and CD033) that cover the National Park area and other supporting data; it will not be repeated verbatim here. All of the HNDAs used have been found to be robust and credible by the Centre for Housing Market Analysis (CHMA). Each is therefore a reliable base for calculating the HST for the National Park in the Plan period, to the extent that they address the need and demand for housing in the National Park.

The reason that the 2025-2029 HST is lower than the 2020-2024 HST, both in terms of the

overall target (HIE, 194) and the affordable housing target (BoGVCC, 133), is therefore based on the outcome of these assessments. It is however worth noting that one of the reasons the 2020-2024 HST is higher is because it has an estimate of the shortfall from the current Plan period built into it. It is assumed this shortfall will be met in its entirety during the 2020-2025 period. The calculation of the shortfall will be discussed in more detail under the HLR section of this report.

As current legislation stands, the Plan will need to be reviewed and replaced in 2025 and therefore the HST will need to be reviewed and possibly revised at this point. Therefore, while the 2025-2029 HST may be lower in the Proposed Plan, it is possible that it will be higher in its 2025 replacement. CNPA is however of the opinion that the evidence base the HST is currently based on is robust and therefore does not need to be adjusted on the basis of the consultation responses received.

BSCG (187) have suggested that CNPA should consider displacing the provision of housing need outwith of the National Park's boundary. Paragraph 121 of Scottish Planning Policy allows this, stating: "*National Park authorities should aim to meet the housing land requirement in full in their area. However, they are not required to do so, and they should liaise closely with neighbouring planning authorities to ensure that any remaining part of the housing land requirement for the National Parks is met in immediately adjoining housing market areas, and that a 5-year supply of effective land is maintained.*"

The position that CNPA begins with in deciding whether or not to apply this provision is in the statement that National Park authorities should aim to meet the housing land requirement in full in their area. There would therefore need to be a compelling reason to transfer parts or all of the HST outside of the National Park boundary, even if it was still within the same Housing Market Area (HMA).

CNPA does not believe that there currently exist any compelling reasons to do so. There is sufficient unconstrained land to meet the HST and HLR in full within the National Park's boundary and according to the SEA (CD006) and HRA (CD005) assessments carried out to date, any potential negative effects arising from meeting the HST / HLR can be avoided, mitigated or compensated. The proposed HLR is considerably lower than the HLR in the current (2015) LDP, which was found to be compatible with the statutory aims of the National Park. It continues to be CNPA's position that the application of the LDP's policies along with statutory and non-statutory guidance will ensure that the National Park's statutory aims are met and significant negative effects avoided.

BSCG (187) state that local housing need should be the focus and priority of CNPA, however what is meant by this is not defined. Rothiemurches Estate (192) suggest using local needs studies, such as the study for An Camas Mòr carried by the Highland Small Communities Housing Trust, be used to inform the HST. However, while local needs studies are useful at a local level, they cannot be used to determine housing need over a full Plan period of ten years. There are several reasons for this, notably the fact that they are limited by the small sample sizes from which they draw and while they may offer a detailed picture of the intentions and needs of individuals and households at the time of the survey (assuming the sample size is large enough), the value of the results diminishes quickly over time. They may also be limited by geography and can miss out on needs that exist but are currently being met elsewhere or need that is likely to arise from households that are yet to locate to the National Park. HNDA's remain the most reliable way of determining housing need, which is determined on the basis of HMAs. There are six HMAs of varying size covering the National Park area, of which two, are contiguous with

the National Park boundary. Therefore, local need, as far as it can be identified on a HMA basis, has been the focus and priority of CNPA and it is reflected in the HST for each local authority area. CNPA does however support the use of local needs studies to support specific planning applications, indeed they will be essential in justifying exception sites that fall under Policy 1.6.

The implementation of previous policy is not under scrutiny and therefore doubts about the effectiveness of previously consented housing will not be considered here. The means in which the Plan will aim to target local need are however contained within Policy 1, with measures such as the requirement to provide 45% affordable housing in certain locations and the requirement to provide a mix of dwelling types and sizes, with an emphasis on smaller dwellings being specifically designed to aid the working population access housing within the National Park (BSCG, 187).

No modification proposed.

### Policy 1 - Housing Land Requirement (HLR) and Shortfall

#### *HLR*

The rationale behind the application of a 10% generosity allowance can be found in Section 3.5 of the Housing Evidence Report (CD012).

#### *Population Projections*

A great deal of discussion was centred on National Records of Scotland's (NRS) 2016 based population and household projections (CBP, 165; HIE, 194). The caveats under which these should be used and treated are outlined in the Housing Evidence Report (CD012). The two main points in the paper that should be considered with respect to the representations received is that:

*"It is important to note that population projections have limitations. A projection is a calculation showing what happens if particular assumptions are made. The population projections are trend-based. They are, therefore, not policy-based forecasts of what the government expects to happen. Many social and economic factors influence population change, including policies adopted by both central and local government. The relationships between the various factors are complex and largely unknown."*

and

*"Population projections may indicate that existing trends and policies are likely to lead to outcomes which are judged undesirable. If new policies are then introduced, they may result in the original projections not being realised. However, this means the projections will have fulfilled one of their prime functions, to show the consequences of present demographic trends with sufficient notice for any necessary action to be taken".*

While the LDP only covers 10 years of the 25 year projection period, and the projected change over this period according to NRS is -0.57%, the LDP is a policy tool that will influence population trend over the long term.

CNPA has calculated the possible change in population that the new and existing housing stock within the National Park's settlements would be able to accommodate, which is presented in Section 3.2 and Appendix 2 of the Housing Evidence Report (CD012). It is not argued that the Plan itself would generate this population change, simply that it is able to facilitate it. Therefore, assuming the rates of development and occupation outlined in

the Paper, it is estimated that the National Park's settlements could accommodate a population increase of around 7% over the Plan period. This is significantly higher than NRS Principle projection for the same period, which projects a change of -0.57%.

The CBP (165) critique the fact that the estimates presented by CNPA are not broken down by age cohort; there is a simple reason for this, the figures are not population projections and there is no robust methodology for carrying out such calculations on such a small population change.

It should also be noted that population and household projections are just one component of the evidence base used in HNDAs to arrive at an estimate of housing need and demand. Responders that focus on these projections as a means of critiquing the proposed HST miss out on all the other considerations, such as the need for particular tenures, property sizes, specialist accommodation types etc.

The aim of the Plan to deliver a relatively high proportion of affordable housing and to focus on the delivery smaller dwellings, which are better targeted at working households who have not had the opportunity to accrue significant equity through the purchase of property prior to 2008. The Proposed Plan therefore supports the achievement of Policy 3.1 of the National Park Partnership Plan (CD002), which aims to maintain or grow the working age population of the Park, and Priority 7.

#### *Shortfall*

Concern is expressed about the shortfall in housing delivery during the current Local Development Plan 2015 (CD001), with the CBP (165) arguing that a generosity level of 217% needs to be applied to the HST to address it (giving a HLR of 1,650 units). The methodology used to calculate this shortfall is based on the HLR contained within the current Local Development Plan 2015.

However, a shortfall has already been calculated and applied to the HST of each Local Authority Area / HMA, onto which a 10% generosity allowance has been applied. Information on how the shortfall has been calculated and incorporated into the HST can be found in Section 3.4 of the Housing Evidence Report (CD012). Unlike CBP (165), who use the HLR in the current Local Development Plan 2015 (CD001), CNPA have calculated the shortfall using the latest available information contained within the HNDAs that cover its area. This methodology was the one Stirling Council were directed to use by the Reporter in the examination of their LDP2 in 2017 (see page 52 of the Stirling Council LDP 2 Examination Report (CD038)).

CNPA does not agree that the shortfall should be calculated on the basis of the HLR within the current Local Development Plan 2015 (CD001) as the data that underlies this Plan is no longer the most up-to-date. Neither does it agree that the shortfall should be incorporated into the Proposed Plan by adding it to the generosity allowance. CNPA is satisfied that the shortfall has been accounted for in the Proposed Plan and that the HLR and housing land supply generously account for all of the identified need over the Plan period. Delivery of the Plan's HLR will be a priority of CNPA once the Plan is adopted.

No modification proposed.

#### Policy 1.1: Housing Delivery in Settlements

Generally no settlement should take place outwith of settlement boundaries (S Dickie, 006; BSCG, 187) however, this will not always be the case. Indeed, Policies 1.2, 1.3 and

1.6 highlight conditions under which development could take place. All development, whether it be within or outwith settlement boundaries will need to accord with all other policies of the Plan. The request to make this explicit within the policy (R Turnbull, 179) is not considered necessary, as paragraphs 4.1 and 4.2 of the Proposed Plan already cover this matter.

Settlements are identified according to their status within the Settlement Hierarchy on page 90 of the Proposed Plan. Everything outwith these named settlements would be determined under Policies 1.2, 1.3 or 1.6 (BSCG, 187). Not all Rural Settlements have settlement boundaries, namely Angus Glens, Bruar and Pitagowan, Calvine Glenlivet, Glenshee, Laggan and Strathdon, as it is felt a more flexible approach is required for such locations. The nature of the development of these settlements is set out within their accompanying community information.

CNPA does not agree that the policy can be interpreted too broadly (BSCG, 187) or that it is not strong enough to grant consent (Roy Turnbull, 179). As stated in paragraphs 4.1 and 4.2, planning applications will be subject to all relevant policies of the Plan. CNPA is therefore of the opinion that R Turnbull's (179) suggested change to the policy's wording is unnecessary.

No modification proposed.

#### Policy 1.2: Housing Delivery in Rural Groups

A definition of what constitutes a rural group already exists within the policy, namely a cluster of "three or more buildings" (Highland Council, 177). It is however acknowledged that greater clarity could be brought to the Policy and it is intended that this is included in the Housing Supplementary Guidance. The Guidance is currently in draft form, but contains following wording:

*"The group must include three or more buildings, one of which must be an existing house. Ancillary buildings to the existing house are not included in this calculation. These include kennels, outbuildings, garages and sheds."*

Further guidance is provided on how development should meet the other requirements of the Policy. CNPA does not agree that definition should be limited to existing houses (Highland Council, 177). This is because the change would significantly limit the scope of the policy, which exists in the current Local Development Plan 2015 (CD001) and has not proved problematic. Indeed it has been one of the key policies in delivering housing need.

The policy does not apply a limit on long-term growth (R Turnbull, 179) because the policy can only be implemented during this Plan period and cannot influence the determination of planning applications beyond it.

CNPA does not support the removal of criterion b), which places a cap on the number of additions to a group within the Plan period (Wildland Ltd, 182; Crown Estate Scotland, 207; Atholl Estates, 133). CNPA considers there to be a need to manage the growth of small groups of houses in the countryside, allowing them to grow in an 'organic' and sympathetic way that respects the sensitive nature of the National Park's environment. CNPA also seeks through this cap, to provide clarity to applicants on exactly what is likely to be acceptable. The removal of any cap would result in confusion for applicants and communities who would be unable to conceive what is likely or possible during the Plan period. This cap and "*encouraging sensitive and imaginative design solutions*" (Atholl

Estates, 133) are not mutually exclusive and therefore the latter can be delivered within the limits of this scale of development.

Access to services and sustainable transport (Tactran, 131) need to be considered as part of any development, however these considerations are proportional and it is not considered appropriate to overburden the small scale development allowed by the policy with additional requirements.

No modification proposed.

### Policy 1.3: Other Housing in the Countryside

A definition of brownfield land, which is the same definition as found in Scottish Planning Policy (page 71), is provided in the Proposed Plan's glossary (page 220). In addition, a definition of rural brownfield (Crown Estate Scotland, 207) is provided on page 221; CNPA consider that these definitions more succinctly cover all matters included in the Perth and Kinross example suggested by Crown Estate Scotland (207). It does not therefore need to be amended. CNPA considers both of these definitions to be sufficiently clear. It is possible for brownfield sites to display a range of characteristics and could indeed include sites that are important to natural heritage (BSCG, 187) which may not be suitable for development. The identification of brownfield land does not mean that development can take place without heed to the other policies of the Plan (as stated in paragraphs 4.1 and 4.2) and therefore development may not be suitable on brownfield land where significant adverse effects are identified. This would however be a matter to be determined at the planning application stage.

CNPA does not agree with the deletion of criterion a), which requires development outwith brownfield sites to be associated with an active business with a locational requirement directly linked to the countryside (Scottish Land and Estates, 174; Crown Estate Scotland, 207). This would effectively allow development to take place anywhere on potentially tenuous business cases and would therefore significantly weaken the policy and remove the ability to provide growth in the countryside in a managed way. With respect to the provision of worker accommodation, this may be provided under the auspices of Policy 1.6 if located outwith a settlement.

Wildland Ltd (182) does not provide detail on how the policy will prevent modern land management requirements being met. CNPA considers that the policy offers plenty of flexibility in terms of delivering housing in the countryside, particularly through Policies 1.2 and 1.6.

With respect to the Woodlands Croft Partnership's (106) request that the policy and plan in general needs to be more supportive of crofting and the provision of woodland crofts, CNPA is of the position that sufficient support exists. CNPA is of the view that with respect to housing, whether a small holding is a croft or not, it is not the driving force behind decision making. Any proposals on land under croft tenure are considered on their merits, judged against the relevant policies and any other material considerations.

The policy does contain a requirement to "*reinforce the existing pattern of development*" (NEMT, 048). CNPA does not agree that this requirement should be removed or altered because some development may not be able to reinforce existing patterns of development (J and M Forbes Leith Partnership, 180). This would significantly dilute the ability of the policy to manage development in the National Park's sensitive environment. Indeed, one of the policy's aims is to prevent development that does not reinforce existing patterns of

development.

CNPA does not agree an additional criterion on design is required (J and M Forbes Leith Partnership, 180). Good design should be a characteristic of all development and this is delivered through Policy 3: Design and Placemaking.

No modification proposed.

#### Policy 1.4: Designing for Affordability

CNPA does not consider providing a mix of housing sizes to be a serious barrier to the viability of sites (Scottish Land and Estates, 174). There are many examples of consents for smaller houses throughout the National Park (e.g. 2018/0046/DET (CD043) 020 and 2019/0120/DET (CD044). Landowners will need to expect a land value that is planning compliant when negotiating with developers. CNPA considers the Policy to be an important tool in supporting Policy 3.1: Placemaking and Priority 7 of the National Park Partnership Plan (CD002), in that the economic prosperity and sustainability of the National Park depends on ensuring that the needs of all residents are addressed through an appropriate supply of different types and sizes of homes.

Further guidance on meeting the Policy's requirements will be provided in Supplementary Guidance, which is currently in draft form.

No modification proposed.

#### Policy 1.5: Affordable Housing

The evidence base that underlies the policy is outlined in section 3 of the Housing Evidence Report (CD012). As stated in paragraph 4.6 of the Proposed Plan, this approach directly supports the National Park Partnership Plan (CD002) policy, which has been agreed by Scottish Ministers, to identify sites that will deliver more than the normal national maximum contribution of 25% because of acute affordability pressures and the shortfall in supply.

#### *Definition of Affordable Housing*

The definition of 'affordable housing' as queried by CBP (165) is provided in the Glossary (page 220) and is based on the one contained within Scottish Planning Policy (2014 , paragraph 126) and Planning Advice Note (PAN) 2/2010 (CD075) : 'Affordable Housing and Housing Land Audits'. According to paragraph 126 of Scottish Planning Policy, affordable housing is defined broadly as housing of a reasonable quality that is affordable to people on modest incomes. Affordable housing may be provided in the form of social rented accommodation (J Cooper, 175), midmarket rented accommodation, shared ownership housing, shared equity housing, housing sold at a discount (including plots for self-build), and low cost housing without subsidy. The Proposed Plan contains a further definition, which is "*private rented accommodation owned and / or managed by a private sector landlord to approved management and maintenance standards with equivalent registered social landlord rents*" (page 220). This definition reflects national guidance and is not regarded as being too lax (BSCG, 187).

The definition covers a wide range of options, including Rural Housing Burden, as suggested by Scottish Land and Estates (174). However, CNPA disagrees with Scottish Land and Estates (174) suggestion that "*selling homes at an affordable price for 3 months before going on the open market*" should be explored as a means for contribution. The option would reduce certainty about affordable housing delivery and CNPA does not

regard it as an effective way of providing affordable housing in perpetuity.

No modification proposed.

#### *Compliance with Scottish Planning Policy and Evidence*

According to paragraph 129 of Scottish Planning Policy, the level of affordable housing required as a contribution within a market site should generally be no more than 25% of the total number of houses. The key word here is 'generally, which does not set an absolute limit on the affordable housing contribution to be provided. Paragraph 14 of Planning Advice Note (PAN) 2/2010 (CD070) states that 25% is a benchmark figure and that this benchmark does not apply if a different percentage is required locally. This must be justified by the Housing Need and Demand Assessment and identified in the Local Housing Strategy and LDP. In the case of the National Park, it has also been identified in the National Park Partnership Plan (CD002).

Therefore, the simple assertion that the policy is contrary to Scottish Planning Policy because the level is greater than 25% in Aviemore, Ballater, Braemar and Blair Atholl is incorrect (Reidhaven, 172; Atholl Estates, 133). The compliance of the policy with Scottish Planning Policy is therefore tested through the evidence that underlies it.

The evidence base for the Cairngorms National Park is complicated by the fact that CNPA does not produce its own HNDA. These factors are well covered in the Housing Evidence Report (CD012), but to summarise, of the areas in which the increased affordable housing contributions are proposed, only Aviemore sits within a Housing Market Area (HMA) that is contiguous with the National Park's boundary, namely Badenoch and Strathspey. Ballater and Braemar sit within the wider Rural Aberdeenshire HMA while Blair Atholl sits within the wider Highland Perthshire HMA. Therefore, the means at which housing need is identified differs slightly between each Local Authority area of the National Park.

It is considered that there is sufficient evidence to support the policy in these areas (Scottish Land and Estates, 174). The evidence is derived from a range of sources, with the most important being the Highland, Aberdeenshire and TayPlan HNDAs, housing waiting lists and local house price and income data. A detailed review of this evidence is presented in the Section 3 (and summarised in Section 3.6, page 90) of the Housing Evidence Report (CD012).

The claim that the policy is not supported by the TayPlan Joint HNDA is incorrect (Atholl Estates, 133). The HNDA identifies a need of just over 45% for the Highland Perthshire 1 HMA in which Blair Atholl falls. That the requirement for affordable housing in the Perth and Kinross LDP 2 is 25% (Scottish Land and Estates, 174) is a policy decision. There is no conflict between the Cairngorms and Perth and Kinross LDPs in this regard because they are separate planning authorities and CNPA is able to make its own decisions on what the affordable housing requirement should be. The claim that the Cairngorms LDP is not supported by TayPlan is also incorrect (Scottish Land and Estates, 174) since Cairngorms National Park is not part of the TayPlan area and is not directed by TayPlan.

CNPA agrees with Rothiemurchus Estate's (192) view that there is a lack of supply of the right type of housing for people who either do not want or do not qualify for affordable homes. The purpose of Policy 1.4: Designing for Affordability, which covers both affordable and market housing, is designed to address this. CNPA does not however agree that Policy 1.5 will result in a lack of market housing that will exclude people working local jobs (Rothiemurchus Estate, 192). This is because, as outlined in Section 3.3 (pages

28-36) of the Housing Evidence Report (CD012), local house prices already exclude a significant proportion of working households from the housing market unless they are able to acquire a substantial deposit (above the normal minimum requirement of 10%). While many would not qualify for social housing, they would qualify for below market rents, shared equity / ownership and discount for sale tenure types. Secondly, the HST identifies a 53% need for Affordable housing, while the policy only requires 45% in a small number of settlements, with a 25% requirement for the remainder of settlements. This is combined with the fact that there is already a significant stock of unencumbered dwellings in existence within the National Park. The main risk therefore is that insufficient affordable housing will be delivered due to national policy restrictions and viability issues. The implementation of Policy 1.5 is therefore not likely to have a significant negative impact on those searching for market properties.

No modification proposed.

#### *Alternative Approaches*

An affordable housing requirement of 33% for Aviemore, Ballater, Braemar and Blair Atholl was suggested (HIE, 194). CNPA does not agree with this level as it is not supported by any evidence. Neither does CNPA agree with Invercauld Estate (158) that the requirement should be “up to 45%” as the viability concerns they raise can be dealt with through the Policy’s clause on viability assessments; this element of the policy is discussed in more details later in this document). A higher level as suggested by J Cooper (175) is not supported by National Guidance, as the Plan cannot apply a blanket level above 25% across the authority area. Within the individual settlements, the evidence does not support a higher level of provision.

Reidhaven Estate (172) suggest maintaining a 25% affordable housing level in Aviemore and allocating additional land, namely part of LTH1, to meet the affordable need. CNPA does not support this option as it would result in a land supply far in excess of what is required during the Plan period. It would represent an inefficient use of land within the sensitive landscape of the National Park and would damage the ability of CNPA to meet housing need in the long-term.

Atholl Estates (133) suggest using development briefs to broaden housing tenures to address affordable housing needs, rather than requiring 45% affordable housing in Blair Atholl. CNPA is of the position that Policy 1.5 supported by Policy 1.4 is the mechanism by which tenures can be broadened, while Policy 3.2 requires development briefs and Masterplans for major applications. This does not however mitigate the need to deliver 45% affordable housing in Blair Atholl and at any rate, without a policy hook within the Proposed Plan, there is no way for a development brief to broaden housing tenures.

AVCC (104) have requested that a policy be included to ensure that affordable housing remain so in perpetuity. This is outside the gift of the Plan as it cannot have any control over the way housing associations manage their stock as separate legislation guides this. However, CNPA wishes to maximise the delivery of affordable housing in perpetuity. One of the means of doing this is to have a focus of social housing, which is the type of affordable housing that is in greatest need within the National Park.

J Golebiowski (093) requested more affordable housing, i.e. 3 bedroom dwellings in the £180,000 to £190,000 range. CNPA does not regard this range as meeting the definition of “affordable” as it is close to the median house price for the National Park. The Proposed Plan does however propose a higher proportion of affordable housing than the 25%

benchmark set out in Scottish Planning Policy (paragraph 129). This will fit a mixture of tenures and include properties that are for sale and rent. No change proposed.

### *Viability*

Several responders objected to the policy on the basis of viability (CBP, 165; Scottish Land and Estates, 174; HIE, 194; Atholl Estates, 133). These concerns have not been expressed about specific sites but in general. These concerns are acknowledged, however in general terms it is clear that sites with affordable housing in excess of 25% can be delivered. For example, several applications for housing authority / association and market led sites have recently been approved by CNPA. These include:

- 2018/0027/DET (CD045): Spey House, Aviemore. 24 dwellings, all (100%) affordable.
- 2018/0046/DET (CD043): Land 130M South of Meadow View, Crannich Park, Carr-Bridge. 25 dwellings, 12 (48%) affordable
- 2016/0158/DET (CD046): Land 175M SE of Heatherbank, Rothiemurchus, Aviemore. 6 dwellings, 4 (67%) affordable
- 2016/0060/DET (CD047): Land 150M NW of Beachan Court, Grantown On Spey. 43 dwellings, 19 (44%) affordable
- 2017/0264/DET (CD048): Land 40 Metres North of Little Orchard, Blair Atholl. 8 dwellings, all (100%) affordable

These sites range from small to moderate in scale, are located in larger and smaller settlements and demonstrate a range of delivery mechanisms, namely Local Authority investment, cross-subsidy from other housing and the Rural Housing Fund. It is important to note that affordable housing does not rely solely on a housing authority or housing association to deliver.

It is however agreed that viability issues need to be treated carefully, particularly in combination with other developer contributions, such as those for education. It recognised that the level of contribution should not be set too high so that it prevents sites from being developed. Therefore Policy 1.5 contains a clause that developers may seek to negotiate a reduction in the provision of affordable housing in circumstances where the requirement would make the development unviable. This must be demonstrated through a Viability Assessment. Such circumstances may arise where unforeseen costs are encountered or even when a dedicated social housing partner is unavailable (Wildland Ltd, 182) and other options for affordable housing delivery are not possible. CNPA is confident that his will ensure that development remains viable and that the policy will not result in a reduction in delivery rates (CBP, 165; Scottish Land and Estates, 174; HIE, 194; Atholl Estates, 133). It should also not require developers to build a high proportion of higher value market homes to make development viable, particularly as they should have paid a planning compliant price for land in the first instance (Rothiemurchus Estate, 192). This clause will ensure that a flexible approach can be taken to the implementation of the Policy (Highland Council, 177).

BSCG (187) and Cairngorms Campaign (186) object to the inclusion of a viability test within the Policy. The thrust of the objection is that the clause dilutes the policy and allows developers to escape contributing to affordable housing. They argue that the neither CNPA or the public has the skills to critically evaluate the assessments, that information can become out of date between issuing a decision and construction and that CNPA and developers do not have control over many factors affecting viability.

CNPA hold the positions that the Plan needs to recognise that in some cases, abnormal costs may justify a relaxation or exemption from the percentage of affordable housing requirements. This is where the development would otherwise be considered to be unviable due to high infrastructure or unforeseen costs and the proposal would deliver desirable community and economic benefits. The cost of the land is not accepted as a valid reason. It is not intended that CNPA evaluate the assessments. This will be carried out independently by the District Valuer at the applicant's expense. The viability assessments will need to be part of the planning application and be based on the most up-to-date information. The removal of the clause from the policy is therefore not considered appropriate as could limit the ability of CNPA to meet the HST.

Further details on implementation of viability assessments will be contained within the Housing Supplementary Guidance, which is currently in draft form (CD021) (Highland Council, 177). No modification proposed.

#### *Clarification*

Outwith settlements (BoGVCC, 113; Highland Council, 177), developments of 3 or less will be required to pay a commuted sum; the commuted sum level will be set in the Housing Supplementary Guidance. These developments will also have to comply with Polices 1.2: Housing development in existing rural groups and 1.3: Other housing in the countryside, which limits their scale and prevents incremental growth over the Plan period.

Developments of 4 or more will have to comply with Policy 1.6: Affordable housing exception sites and will therefore need to provide a much higher proportion of affordable housing than 25%; 45% is also likely to be deemed too low under these circumstances. No modification proposed.

#### *Affordable Housing in Perpetuity*

It is the ambition of CNPA that all affordable housing be affordable in perpetuity (BSCG, 187). To this end, because tenants no longer have the right-to-buy their council houses in Scotland, any new council houses will not be lost to the housing market. The same applies to any dwellings built by a housing association, who in any case, were never subject to the right-to-buy rules. The affordability of dwellings may also be protected through use of a Title Deed, Rural Housing Burden or Section 75 agreement depending on the tenure type or management required.

Comments relating to second homes are discussed later in this report.

Further guidance on the implementation of the policy, including the how viability will be assessed, will be provided in the Housing Supplementary Guidance, which is currently in draft form (CBP, 165; Highland Council, 177). CNPA agree that the timing of commuted sum payments needs to be clearly stated (Highland Council, 177); this will also be included in the supplementary guidance (currently in draft, CD021). No modification proposed.

#### Policy 1.6: Affordable Housing Exception Sites

Affordable housing exception sites are proposals at locations that would not meet the requirements of Policies 1.1: Housing delivery in settlements, 1.2 Housing development in existing rural groups or 1.3 Other housing in the Countryside. For example, they could include developments of 4 or more units outwith a settlement boundary (BoGVCC, 113). Applicants are encouraged to seek pre-application advice in advance of submitting an application, which will cover the types of information required (Niall Calthorpes 1959

Discretionary Settlement Trust, 147; Crown Estate Scotland, 207). Further information will also be provided in the Housing Supplementary Guidance.

CNPA does not agree that at a community needs assessment and housing need and demand assessments are insufficiently robust to demonstrate the need for affordable housing (BSCG, 187). Within the Cairngorms National Park, methodologies have been applied successfully by charities and organisations such as Highlands Small Communities Housing Trust and Rural Housing Scotland.

All development, including proposals for exception sites will need to comply with all policies of the Plan (R Turnbull, 179). CNPA do not agree that this needs to be explicitly stated within the Policy, or indeed, within any other policy, as it is already clearly stated in paragraphs 4.1 and 4.2. Proposals for exceptions sites therefore need to meet the requirements of Policy 4: Natural Heritage, which means the LDP can manage sites with high natural heritage value, either through mitigation / compensation, or by refusing to grant consent for development (BSCG, 187). No modification proposed.

#### Policy 1.7: Alterations to Existing Houses

CNPA does not agree that the policy should note that “*there will be circumstances where there is no alternative other than to use the existing access irrespective of the standard of that access*” (Wildland Ltd, 182). All developments must meet the requirements and standards set out by the roads authority and if they are unable to do so then they may not be granted consent. No modification proposed.

#### Policy 1.9: Replacement Houses

CNPA does not agree that criterion a) should be deleted (Wildland Ltd, 182). CNPA can envisage situations where the building types listed under the criterion could be difficult to expensive to restore, however the only justification for their demolition would be if they presented a significant and un-mitigatable risk to public safety. However, such circumstances are likely to be extremely rare and can be dealt with as a material consideration. Furthermore, the owners of listed buildings have a legal duty to maintain them and arguments of viability will not be considered a valid reason for their demolition. If any demolition were needed then the applicant would need to save as much of the original structure as possible.

If the existing housing no longer suits the current operational / management practices of the land and it needs to be relocated a considerable distance from the existing property then it cannot be considered a replacement home. However, if the replacement is nearby, then it may be justified as a replacement dwelling and under these circumstances, conditions will be applied to ensure footprint of the previous house will not be accepted as a site for a future housebuilding proposal. This will be set out within the Housing supplementary guidance, which is currently in draft form (CD021) (Wildland Ltd, 182). No modification proposed.

#### Policy 1.10: Housing for Gypsies and Travellers

CNPA agree that the policy needs to accord with paragraph 133 of Scottish Planning Policy (Scottish Government, 089). If the Reporter is minded to make an amendment, then CNPA recommends:

**‘1.10 Housing for gypsies, and travellers and travelling show people**

**Proposals for the development of sites for gypsies, and travellers and travelling show people will be favourably considered where the need and location have been identified in the relevant Local Authority Housing Strategy.’**

As outlined in Section 3.4 (pages 86-89) of the Housing Evidence Report (CD012), there is currently no identified need for sites for gypsies, travellers and travelling show people. CNPA does not however agree that this should be written into the Plan, as circumstances may change at a later date.

#### Policy 1.11: Long Term Designations

While a large number of responders chose to comment on this policy, most comments were site specific and therefore covered under Issue 7: Badenoch and Strathspey Strategic Settlements (T Pirie, 004; S Wilson, 068; C Riach, 070; D Horsburgh, 071; M Longmuir, 073; J Golebiowski, 093; AVCC, 104; M Kirkwood, 107; A Gronbach, 120; A Shoemark, 121; Spey Services, 122; 124; 161; 176; An Camas Mòr LLP, 188; A Grant, 189; Rothiemurchus Estate, 192 and Scottish Water 193). Only policy specific comments from C Riach (070), D Horsburgh (071); M Longmuir (073); A Gronbach (120); A Shoemark (121), M Kirkwood (107); Reidhaven Estate (172), RSPB Scotland (178), NEMT (048), Cairngorms Campaign (186), BSCG (187), An Camas Mòr LLP (188), A Grant (189) and Rothiemurchus Estate (192) are covered below.

Reidhaven Estate (172) have requested that the dual requirement for both the lack of delivery of An Camas Mòr and a shortfall in housing land to trigger the delivery of LTH1 and LTH2 be removed. CNPA fundamentally oppose this as the sole purpose of the Policy is to ensure that an effective 5-year land supply is maintained should An Camas Mòr prove undeliverable. If An Camas Mòr proves undeliverable but there is still an effective 5-year land supply then there is no need to release sites LTH1 and LTH2. Related to this is NEMT's (048) concern that the Policy, LTH1 and LTH2 are unnecessary. CNPA recognise that LTH1 and LTH2 may not be needed, which why the dual requirement is integral to the Policy's implementation. Justification for the Policy and sites is provided in Section 3.7 (pages 107-112) of the Housing Evidence Report (CD012).

CNPA does not believe there is any basis to An Camas Mòr LLP (188), A Grant (189) and Rothiemurchus Estate's (192) claims that the Policy represents a short term solution that accentuates social and economic issues and the policy should be deleted. The Policy represents a logical safeguard against the potential for a proposal, which was first proposed in 1987 and has been subject to previous unimplemented planning consents, fails to be deliverable. The Policy does not undermine the current Plan, or any previous plans or decisions, because new Plans are able to take new directions and previous decisions are made within a different policy context. CNPA cannot prevent the implementation of policies in the current Local Development Plan 2015 (CD001) within the Proposed Plan. Consent for An Camas Mòr (2017/0086/DET (CD049)) was granted on 29<sup>th</sup> April 2019 (A Grant, 189) and may now be implemented subject to conditions.

CNPA does not agree that the Policy or sites should be deleted (A Shoemark, 121; An Camas Mòr LLP, 188; A Grant, 189; Rothiemurchus Estate, 192) or replaced with a specific policy or wording that supports the delivery of An Camas Mòr (An Camas Mòr LLP, 188) or other wording be included to commit CNPA to delivering An Camas Mòr (C Riach, 070; D Horsburgh, 071; M Longmuir, 073; M Kirkwood, 107; An Camas Mòr LLP, 188; A Grant, 189). It is considered that the settlement strategy already does this.

CNPA recognise the concerns of RSPB Scotland (178) about the strengthening the policy, though it considers the policy to be sufficiently robust. However, if the Reporter is minded to modify the Proposed Plan, then CNPA would not object to the following change:

'Long term housing designations are identified in Aviemore to set out the

settlement's preferred direction of future growth, to assist in the forward planning of infrastructure and landscape enhancement/ mitigation and to ensure that in the event of An Camas Mòr proving undeliverable, a 5-year effective land supply will be maintained. These sites are not relied upon to meet the housing land requirement up to 2030 and are not expected to be released for development during the Plan period.

Early release of the land will only be considered when there is strong evidence that An Camas Mòr will not be delivered in the Plan period and:

- a) this results in a shortfall in the 5-year effective land supply that cannot be met by:
  - i. windfall provision assuming previous trends; or
  - ii. constrained sites which are likely to become available for development within the relevant 5-year time frame.

**and**

- b) the long term designations are demonstrably deliverable within the relevant 5-year time frame.

**Development of the long-term housing designations cannot take place while there is an extant planning permission at An Camas Mòr.** The status of these designations will be reviewed through the next Local Development Plan.'

CNPA will need to review the criteria by which An Camas Mòr is judged undeliverable at the time, however, should an extant consent exist, it will always have the potential to be deliverable. Further guidance will be provided in non-statutory guidance. The Plan cannot control development beyond its timeframe; a new plan will be adopted to control development beyond 2024 (Cairngorms Campaign, 186).

#### Paragraph 4.6 – What the policy aims to do

CNPA agree with BSCG (187) that development should make the best use of resources and be compatible with the unique natural heritage and landscape qualities of the National Park. It is of the position that taken together, the policies of the Proposed Plan can achieve this. No modification proposed.

#### Paragraph 4.14 – Housing need

The Proposed Plan recognises the need for all forms of housing, including for those who do not qualify for affordable housing with the HST setting out a need for 385 market dwellings over the Plan period. It is however recognised that market housing can be out of reach to a significant proportion of working households in the National Park, including those who do not qualify for affordable housing. This is why Policy 1.4: Designing for Affordability has been included in the Proposed Plan. One of the principle aims of the policy is to ensure that housing of the right size and design is built, which should be directed at those stepping onto the housing ladder. This is reflected in the Policy's focus on smaller properties. CNPA does not agree that An Camas Mòr should be singled out as being essential to delivering this as Policy 1.4 will ensure that delivery will come from all sites throughout the National Park (An Camas Mòr LLP, 188; Rothiemurchus Estate, 192).

#### Paragraph 4.15 – Staff accommodation

CNPA recognises the importance of workers needing accommodation within the area. However, it does not agree with Wildland Ltd (182) that a policy provision needs to be

made specifically for worker accommodation. CNPA is of the view that with respect to housing, whether a housing is designed as worker accommodation not, it is not the driving force behind decision making. Any proposals for worker accommodation, including 'hostel' type accommodation as suggested by Wildland Ltd (182), will be considered on their merits, judged against the relevant policies, including Policy 1.4: Designing for Affordability, and any other material considerations. No modification proposed.

#### Paragraph 4.16 - Second Homes

Several responders wrote that they did not feel that the Proposed Plan did enough to address the issue of second homes (T Gregson, 007; S White, 022; NEMT, 048) and clarity was sought as to how the Plan aims to reduce the proportion of second homes in new development (BoGVCC, 113).

The Plan has limited scope to control second home ownership and not control at all with respect to the existing stock. For example, since the issuing of the Chief Planner's letter on occupancy conditions and rural housing dated 4th November 2011 (CD071), which states "*The Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided*", CNPA does not believe it has a strong case for issuing them. The letter does not allow occupancy restrictions to be issued simply on the grounds of the potential use of the dwelling, the origin of the buyer or the workplace of the buyer.

The Plan therefore only has control in a number of limited areas. Firstly, with respect to affordable housing, this may be prevented from becoming second homes on the basis that conditions may be placed on its occupancy, through its management by a housing association or through title deed stipulations such as the Rural Housing Burden. CNPA also aims to influence the occupancy of dwellings through their size and design, which can be influenced through Policy 1.4 Designing for Affordability. Anecdotally, new dwellings that are small, terraced or semi-detached do not appeal to the second home market. Therefore it is hoped that by encouraging this form of development, fewer properties will fall into second home ownership.

A request as was also made to see evidence that demonstrates the settlements named in Policy 1: Affordable Housing have significantly higher instances of second homes and vacant dwellings (Scottish Land and Estates, 174). Information on the level and spatial distribution of second homes is presented in Section 3.3 (pages 49-54) the Housing Evidence Report (CD012). Overall, it is maintained that the data on ineffective stock continues to support the proposed increased affordable housing requirements. However, it should also be noted that the level of second homes is not the sole metric by which the areas are identified since, and as stated earlier in the document, it is the HNDAs that carry most weight. Justification for the identification of these sentiments is provided in Section 3.6 (pages 92-103) of the Housing Evidence Report (CD012). No modification proposed.

#### Paragraph 4.16 – Relationship with National Park Partnership Plan

CNPA does not agree that this paragraph should be deleted from the Housing Section and all references to the relationship between the LDP and National Park Partnership Plan amalgamated into a single section (Wildland Ltd, 182). CNPA believe that the best place for this information is integrated within the supporting text for each policy, where it is more likely to be picked up by those using the Plan. No modification proposed.

#### Other Housing Types

Paragraph 132 of Scottish Planning Policy states that:

*“As part of the HNDA, local authorities are required to consider the need for specialist provision that covers accessible and adapted housing, wheelchair housing and supported accommodation, including care homes and sheltered housing... Where a need is identified, planning authorities should prepare policies to support the delivery of appropriate housing and consider allocating specific sites.”*

As previously stated, it is not the responsibility of CNPA to produce HNDAs. This responsibility falls to the Local Authorities (LA) / Strategic Development Planning Authorities (SDPA) that cover the National Park area and therefore, evidence must be drawn from four separate HNDAs covering Aberdeenshire, Angus (TayPlan), Highland, Moray and Perth and Kinross (TayPlan). The findings of each HNDA on specialist provision are summarised below. None of the conclusions contained within the HNDA's are HMA specific.

CNPA will not summarise matters relating to:

- Gypsies, travellers and travelling show people (these groups are covered in Policy 1.10 and Section 3.4 (pages 86-89) of the Housing Evidence Report (CD012).
- HM Armed Forces (because the authority has no significant or permanent military facilities within the National Park).
- University students (because National Park does not have any higher education facilities).

#### *Highland*

The Highland HNDA (2015) (CD030) concludes the following points on strategic planning for housing for Specialist Provision (e.g. any additional locational/ spatial considerations):

- There is a large projected increase in the number of older single person households – and therefore in the need for specialist and adapted housing – during the lifespan of our plans. We anticipate a 28.6% increase in single households over 85s (166 households per year to 2020) and 11.5% 65-84 year olds (137 households per year to 2020).

#### *Aberdeenshire*

Aberdeen City and Shire HNDA (2017) (CD031) contains a detailed section on Specialist provision (Section 5, pages 89-128), though it does not draw any conclusions about whether any locational / spatial considerations need to be taken account in Local Development Plans, either in the Rural HMA or the area of the National Park.

#### *Moray*

The Moray HNDA (2017) (CD032) concludes that in LDP terms:

- Across Moray, there is a need for 60 additional units of accessible housing per year to 2033, as a result of demographic change alone.
- Turnover of affordable rented wheelchair accessible housing is negligible. As a result Housing List applicants must rely on delivery of new build housing for their housing needs.
- To ensure homelessness needs are met, social housing providers will need to increase supply of social housing generally, particularly of 1 bedroom options.
- Approximately 179 more units of extra care housing will be required across Moray between 2018 and 2033.
- Consideration should be given to retaining the current SHIP target of delivering around 30-40% of all new build social housing in a form which meets a specialist housing need.

### *Perth and Kinross and Angus*

The Perth and Kinross and Angus areas of the National Park are covered by TayPlan Joint HNDA (2013) (CD033), though these areas do not fall within the TayPlan area. The HNDA summarises matters relating to specialist need in Chapter 3: Particular Household Needs (pages 16 and 17). With respect to locational / spatial considerations, it concludes that:

- As more people live longer there will be more, smaller households that are older. This may require additional smaller homes to enable some to down size.
- Local Housing Strategies will need to consider how property adaptations and other measures can support groups that need community care (including people with a long-term illness and/or a disability).

### *CNPA's Position*

With the exception of Badenoch and Strathspey HMA, which accounts for approximately 74% of the National Park's population and 6% of the Highland Council's population, no other area of the National Park has population that generates a housing need that represents a significant proportion of the HNDA's overall identified need (see Table 1). Therefore, where HNDA's have identified a quantified need for specialist provision (e.g. Moray), it is unlikely that CNPA area of that LA will need to provide a significant proportion of this. Indeed, the remoteness of much of the National Park means that beyond adapting existing properties, providing for emerging specialist needs is unlikely to be a favoured option. Many of the issues are also primarily the concern of Local Housing Strategies to be implemented by Housing Associations.

**Table 1 Population of National Park and proportion of LA / SDPA / HNDA population**

<b>Area of National Park (HMA)</b>	<b>National Park Mid-year population estimate 2017</b>	<b>% of National Park population</b>	<b>% of Local Authority population</b>
Aberdeenshire (Rural HMA)	3,070	16.5%	0.6%
Angus (West Angus and Strathmore and Glens HMAs)	60*	0.32%	0.01%
Highland (Badenoch and Strathspey HMA)	13,838	74.4%	5.9%
Moray (Cairngorms HMA)	781	4.2%	0.8%
Perth and Kinross (Highland Perthshire HMA)	916	4.9%	0.2%

\* No official statistics exist for the Angus area of the National Park. Population estimate is based on the number of occupied dwellings within the area.

CNPA therefore feel that no specific policy on specialist need is required. CNPA is of the position that Policy 1.4 will cover many issues relating to specialist need through its requirement to provide a mix of dwelling types, sizes and tenures. However, CNPA agree that further guidance could be provided on this aspect of the Policy and that this would be best included in the Housing Supplementary Guidance, which is currently in draft form (CD021).

No modification proposed.

**Reporter's conclusions:**

<b>Reporter's recommendations:</b>

## Relevant Documents Page - Issue 4: Policy 2, Supporting Economic Growth

### 1. Schedule 4

### 2. Representations

038, Strathspey Railway Charitable Trust (SRCT)

048, North East Mountain Trust (NEMT)

089, Scottish Government

113, Boat of Garten and Vicinity Community Council (BoGVCC)

117, Paths for All

131, Tactran

148, R Locatelli and J Bremner

159, John Muir Trust

177, Highland Council

182, Wildland Ltd

192, Rothiemurchus Estate

207, Crown Estate Scotland

### 3. Site Maps

*None*

### 4. Representee Documents

*None*

### 5. Authority Documents

CD002 - National Park Partnership Plan

<b>Issue 4</b>	<b>Policy 2: Supporting Economic Growth</b>	
<b>Development plan reference:</b>	Policy 2: Support Economic Growth (pages 32 – 37)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
038 Strathspey Railway Charitable Trust (SRCT) 048 North East Mountain Trust (NEMT) 089 Scottish Government 113 Boat of Garten and Vicinity Community Council (BoGVCC) 117 Paths for All 131 Tactran 148 R Locatelli and J Bremner 159 John Muir Trust 177 Highland Council 182 Wildland Ltd 192 Rothiemurchus Estate 207 Crown Estate Scotland		
<b>Provision of the development plan to which the issue relates:</b>	Policy 2: Supporting Economic Growth	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>General comments</u>  SRCT (038) feel that it's not clear which part of the Policy is applicable to the Strathspey Railway extension.</p> <p><u>Policy 2.1: Retail development and high footfall generating uses</u>  Scottish Government (089) request that the title of policy be amended to 'Town Centre First' and to frame this policy more positively - to support a mix of uses in town centres both during the day and at night – in line with paragraph 60 of Scottish Planning Policy.</p> <p>Tactran (131) add that consideration of accessibility and sustainable transport requirements is needed in more rural locations.</p> <p><u>Policy 2.2: Tourist accommodation</u>  NEMT (048) seek clarity on what 'adverse social impacts on the site' means.</p> <p>Highland Council (177) request that the Policy 2.2 is strengthened to ensure that new housing which is being proposed for tourism accommodation meets the requirements of Policy 1: Housing.</p> <p>Wildland Ltd (182) and Rothiemurchus Estate (192) disagree with the test to ensure 'no adverse effect'. They both feel that this is too onerous and Wildland Ltd (182) was of the view that it could deter investment in tourist accommodation.</p> <p>Rothiemurchus Estate (192) add that in respect of Policy 2.2, part b) that it is not desirable for all applications to include low cost accommodation as customers want to be with others in a similar level of accommodation.</p>		

#### Policy 2.3: Other tourism and leisure uses

Wildland Ltd (182) and Rothiemurchus Estate (192) disagree with the test to ensure 'no adverse effect'. They both feel that this is too onerous.

Rothiemurchus Estate (192) feel that part b) of the policy could be more precise. They also argue that that it is not reasonable to expect tourism developments to support a year round economy and that there is no planning law that can force businesses to remain open all year so this requirement should be removed.

#### Policy 2.4: Other economic development

Rothiemurchus Estate (192) disagree with the test to ensure 'no adverse environmental effect' and added that this part of the policy does not support the National Park Partnership Plan's (CD002) aim to diversify the economy.

#### Policy 2.5: Protecting existing economic activity

SRCT (038) express concern that this part of the policy may not support the railway's plans as they may conflict with existing Economic Development site ED1 (Grantown-on-Spey).

R Locatelli and J Bremner (148) are of the view that the title of Policy 2.5 should be amended from 'Protecting existing economic activity' to 'Promoting existing economic activity'. The respondents also propose amended wording to the first line to read:

'Proposals for ~~the alternative mixed-use of allocated economic~~ development or tourism sites and non-allocated sites or buildings currently in, or last used for, economic, employment or tourism purposes will ~~only~~ be supported where...';

#### Paragraph 4.27 - What the policy aims to do

Rothiemurchus Estate (192) feel that in order to align with the National Parks (Scotland) Act, the last sentence of paragraph 4.27 should be inclusive and that sustainable economic growth makes a significant contribution to the collective achievement of all of the aims of the National Park.

#### Paragraph 4.29 - Relationship with the Cairngorms National Park Partnership Plan

NEMT (048) express concern that paragraph 4.29 seemed to place Higher and Further education at a lower status than other types of economic development mentioned. They argue that retaining and training young people was an important consideration in economic growth, and the development of a local college should be supported.

Wildland Ltd (182) feel that this paragraph, along with all others that link the National Park Partnership Plan within the Proposed Plan, should be integrated and consolidated into a single section to give a short but clear setting out of the relationship, demonstrating how the National Park Partnership Plan directly influences the spatial strategy and the focussed policy provisions within the LDP.

#### Paragraph 4.35 - Tourist Accommodation

BoGVCC (113) expressed support for the provision of camping sites as set out in Paragraph 4.35. They felt that CNPA should identify sites where camping could take place.

#### Paragraph 4.36 - Huts

Crown Estate Scotland (207) feel that there should be more detailed policy text to support

huts and hutting in the policy itself (Policy 2.3), and that paragraph 4.36 should be removed. They make the argument that huts and hutting not only provide a low cost and low impact/sustainable accommodation option but also provides an opportunity for people to have a 'second stay location' without adding the pressure of second homes.

#### Paragraph 4.37 – New houses for tourism purposes

Wildland Ltd (182) feel that requiring developer obligations towards housing that is used for tourism purposes is not justified as they will not put pressure on local facilities. They argue that they provide an important contribution to the local economy and should be supported. They note that the status of this paragraph is not clear as it is not contained within policy.

#### Paragraph 4.39 Other tourism and leisure developments

John Muir Trust (159) feel that the wording of paragraph 4.39 should be strengthened to ensure that any future proposals at ski areas in the National Park must satisfy "*the most stringent of environmental tests*" and expressed concerns in respect of the capacity of 'Cairngorm Mountain' to accommodate more visitors and vehicles.

#### Paragraph 4.40 – Paths and strategic routes

NEMT (048) are of the view that to protect landscapes, there should be a presumption against new constructed paths in open moorland and a light-touch approach to the maintenance of existing paths.

Paths for All (117) and John Muir Trust (159) expressed support for the creation and expansion of paths and strategic routes to encourage active travel. However, John Muir Trust (159) feel that the Proposed Plan should also recognise that a balance is required with the need to maintain wildness qualities in some areas. They feel that in addition to screening for environmental impact, new paths should seek to have the "*lightest-possible touch*" in terms of siting and design.

#### Paragraph 4.44 - Protecting existing economic activity

R Locatelli and J Bremner (148) are of the view that the title of this section should be amended to 'Promoting existing economic activity' and that paragraph 4.44 should be deleted.

#### Paragraph 4.45 - Protecting existing economic activity

Amend paragraph 4.45 to read:

'Any proposals for the change of use of an existing economic, employment or tourism facility or site, **including to a mixed-use development**, will ~~only~~ be considered acceptable where it is satisfactorily demonstrated that the business and/or premises:

- Is not suitable for another economic, employment or tourism use;
- Is no longer needed or the premises is no longer suitable for the needs of the business;
- Is not practically or economically viable;
- ~~Will not have an adverse impact on the local economy'.~~

(R Locatelli and J Bremner, 148)

#### Figure 7: Significant tourism infrastructure

SRCT (038) highlight that the Strathspey Railway is not identified on Figure 7 as 'Significant tourist infrastructure'.

## **Modifications sought by those submitting representations:**

### General comments

- Policy 2 should provide clarification as to the status of the Strathspey Railway extension (SRCT, 038).

### Policy 2.1: Retail development and high footfall generating uses

- Policy 2.1 should be renamed 'Town Centres First' and framed 'in more positive terms' to emphasise the town centre first principle and support a mix of uses in town centres to support vibrancy, vitality and viability (Scottish Government, 089).
- Consideration of transport requirements is needed in more rural locations (Tactran, 131).

### Policy 2.2: Tourist accommodation

- Clarity should be provided on what 'adverse social impacts on the site' means (NEMT, 048).
- Include a requirement for housing being proposed for tourist accommodation meets the requirement Policy 1: Housing (specifically 1.3) (Highland Council, 177).
- Amend wording of 2.2 part a) to read:  
'no **significant** adverse effect'  
(Wildland Ltd, 182)
- Change the wording of 2.2 part a) to read:  
'~~have no adverse environmental or~~ **enhance the social, economic and environmental qualities of the** park ~~impacts on the site or neighbouring areas;~~  
**and**'  
(Rothiemurchus Estate, 192)
- Amend 2.2 part b) to read (or remove part b completely):  
'**The Authority will support a wide range of applications, including lower, medium or higher cost options**'  
(Rothiemurchus Estate, 192)

### Policy 2.3: Other tourism and leisure uses

- Amend wording of 2.3 part a) to read 'no significant adverse effect' (Wildland Ltd, 182).
- Amend wording of 2.3 part a) to read:  
'no **significant** adverse effect'  
(Rothiemurchus Estate, 192)
- Amend 2.3 part b) to be 'more precise' (Rothiemurchus Estate, 192).
- Amend 2.3 part c) to clarify that businesses would not be forced to stay open year round (Rothiemurchus Estate, 192).

### Policy 2.4: Other economic development

- Amend policy wording to read:  
'Proposals which support or extend the economy, or which enhance the range and quality of economic opportunities or facilities, will be considered favourably where they **contribute to one or more of:**
  - a) Enhancement of the social, economic, cultural and environmental qualities of the Park.**
  - b) Enhancement of the visitor experience in accordance with Park Brand values.**
  - c) Enhancement of community resilience by diversifying the economy.'**

(Rothiemurchus Estate, 192)

Policy 2.5: Protecting existing economic activity

- Include specific reference to the railway infrastructure within the policy (SRCT, 038).
- Amend title of the policy to:  
'~~Protecting~~ **Promoting** ~~existing~~ economic activity'  
(R Locatelli and J Bremner, 148)
- Amend the wording of the first paragraph to read:  
'Proposals for the ~~alternative~~ **mixed**-use of ~~allocated~~ economic development or tourism sites and non-allocated sites or buildings currently in, or last used for, economic, employment or tourism purposes will ~~only~~ be supported where...'  
(R Locatelli and J Bremner, 148)

Paragraph 4.27 - What the policy aims to do

- Include recognition of the contribution that sustainable economic growth makes to the collective aims of the National Park in the last sentence of paragraph 4.27 (Rothiemurchus Estate, 192).

Paragraph 4.29 - Relationship with the Cairngorms National Park Partnership Plan

- Include greater support for the development Higher and Further education institutions (NEMT, 048).
- The individual sections within each policy setting out their relationship to the National Park Partnership Plan should be amalgamated into one section (Wildland Ltd, 182).

Paragraph 4.35 - Tourist Accommodation

- CNPA should identify where camping can take place (BoGVCC, 113).

Paragraph 4.36 - Huts

- Delete paragraph 4.36 (Crown Estate Scotland, 207).
- Include text within Policy 2.3 to specifically provide support for huts (Crown Estate Scotland, 207).

Paragraph 4.37 – New houses for tourism purposes

- Remove requirement for houses for tourism use to pay developer obligations and clarify status of this as it is contained within supporting text and not policy (Wildland Ltd, 182).

Paragraph 4.40 – Paths and strategic routes

- There should be a presumption against new constructed paths in open moorland (NEMT, 048).
- The Plan should promote getting workplaces active within the National Park (Paths for All, 117).

Paragraph 4.44 - Protecting existing economic activity

- Amend title of this section to read:  
'**Promoting** ~~Protecting~~ ~~existing~~ economic activity'  
(R Locatelli and J Bremner, 148)
- Remove paragraph 4.44 (R Locatelli and J Bremner, 148).

#### Paragraph 4.45 - Protecting existing economic activity

- Amend wording of paragraph 4.45 to read:  
'Any proposals for the change of use of an existing economic, employment or tourism facility or site, **including to a mixed-use development**, will only be considered acceptable where it is satisfactorily demonstrated that the business and/or premises:
  - is not suitable for another economic, employment or tourism use;
  - is no longer needed or the premises is no longer suitable for the needs of the business;
  - is not practically or economically viable;
  - ~~will not have an adverse impact on the local economy.'~~  
(R Locatelli and J Bremner, 148)

#### Figure 7: Significant tourism infrastructure

- The Strathspey Railway is added to the 'Significant Tourist Infrastructure' map (Figure 7, page. 36). (SRCT, 038)

#### **Summary of responses (including reasons) by planning authority:**

##### General comments

CNPA consider that the current policy is appropriate for any proposals relating to the Strathspey Railway. Policy 2.3 sets out broad criteria that tourist attractions must meet and it is considered appropriate that any proposals related to the Strathspey Railway extension is considered under this along with all other relevant policies. Other than in town centres, types of development have not been specified and therefore it is not considered appropriate to make specific reference to the Railway in the policy, and not others. It is considered that there is an appropriate policy base on which to assess future proposals and therefore it is considered appropriate that this is retained unchanged (SRCT, 038).

##### Policy 2.1: Retail development and high footfall generating uses

CNPA believe that the current title of Policy 2.1 covers the content of the policy appropriately. However, CNPA would not object amending it to 'Town Centre's First' if the Reporter is minded to do so (Scottish Government, 089).

CNPA understands that transport requirements need to be considered in the context of more rural locations, however, it is considered that the current policy approach is appropriate. Transport provision in more rural areas is understandably more challenging, however all proposals will be assessed on their merits and as per the policy 'where the development supports the economic vitality and viability of that community' (Policy 2.1, part c) (Tactran, 131).

##### Policy 2.2: Tourist accommodation

It is not considered appropriate to define or restrict the meaning of either adverse social or environmental impacts on the basis these can comprise a wide range of potential considerations and each proposal must be assessed on their merits and circumstances, subject to all other policies. It is therefore not considered appropriate to restrict or define what these are (NEMT, 048).

Including cross reference within Policy 2.2 to Policy 1 for housing for tourist accommodation is not considered necessary. The supporting text of 4.37 currently sets this out, clarifying that 'Proposals for new houses that will be used solely for tourism

purposes, which otherwise meet residential standards, will be assessed under the housing policy'. CNPA would accept moving this paragraph to a more prominent place if the Reporter was minded to do so (Highland Council, 177).

In respect of the suggested amendments to the wording, in line with above, it is not considered necessary to add 'significant', as again each proposal will be assessed on its merits and the level of impact will be established on a case by case basis (Wildland Ltd, 182).

The suggested wording to 'enhance the social, economic and environmental qualities of the park' implies a greater requirement to improve these elements, while the current policy ensures that it is not adversely affected and therefore it is considered that the current wording should be retained unchanged (Rothiemurchus Estate, 192).

CNPA does not agree with the proposed amendment to part b) in respect of supporting a range of accommodation options. The policy was specifically drafted to support the aspirations set out in the National Park Partnership Plan to support low cost tourism accommodation as part of a range of accommodation provision. The Policy does not state that all accommodation provision must be low cost or that part of all proposals must comprise low cost accommodation as suggested by the respondent. Therefore it is considered appropriate that this remains unchanged (Rothiemurchus Estate, 192).

#### Policy 2.3: Other tourism and leisure uses

The suggested amendments to the wording, it is not considered necessary to add 'significant', as again each proposal will be assessed on its merits and the level of impact will be established on a case by case basis (Wildland Ltd, 182).

The suggested wording to 'enhance the social, economic and environmental qualities of the park' implies a greater requirement to improve these elements, while the current policy ensures that it is not adversely affected and therefore it is considered that the current wording should be retained unchanged (Rothiemurchus Estate, 192).

The amendment requested to part b) to read 'makes a positive contribution to the experience of visitors to the Park' (Rothiemurchus Estate, 192) (making the small addition of 'to the Park'). CNPA do not consider that this amendment is necessary on the basis that the LDP applies to the National Park.

CNPA do not agree with the request to remove part c) of 2.3. The aim of this requirement is for proposals to support or contribute to a more year round economy, however it is not requiring all proposals specifically to be year round businesses as suggested by the respondent. Therefore it is considered appropriate that this remains unchanged (Rothiemurchus Estate, 192).

#### Policy 2.4: Other economic development

CNPA do not consider that it is appropriate to amend the intention of this policy to only require proposals to meet one of the criteria proposed (Rothiemurchus Estate, 192). CNPA consider that that the current policy is sufficiently flexible but also ensures that proposals are suitable for their proposed site and location. The current policy requires business developments to be compatible/ complementary with existing business activity in the area and also support the vitality and viability of the local economy. This provides sufficient opportunity for a range of economic proposals and it is considered that this approach is appropriate. Therefore, no modification is proposed.

As already highlighted regarding the wording in Policies 2.2 and 2.3, it is not considered appropriate or necessary to amend this wording to include 'significant' as again each proposal will be assessed on its merits and the level of impact will be established on a case by case basis (Rothiemurchus Estate, 192).

The suggested wording to 'enhance the social, economic and environmental qualities of the park' implies a greater requirement to improve these elements. However the current policy ensures that it is not adversely affected. Therefore it is considered that the current wording should be retained unchanged (Rothiemurchus Estate, 192).

The amendment to 2.4, part b) is not supported by CNPA on the basis that proposals cannot be assessed against the Brand values as a material consideration (Rothiemurchus Estate, 192).

CNPA does not support the inclusion of an additional criterion for the 'Enhancement of community resilience by diversifying the economy'. It is considered that the existing wording within part b) to 'support the vitality and viability of the local economy' provides sufficient support for diversifying the economy and therefore the additional wording is not supported (Rothiemurchus Estate, 192).

#### Policy 2.5: Protecting existing economic activity

As set out under the general heading, it is not considered appropriate or necessary to include specific reference to the Strathspey Railway or railway infrastructure more generally within the policy. Concerns expressed regarding the potential conflict of the Strathspey Railway with an existing economic development site in Grantown-on-Spey (ED1) will be considered in the Grantown-on-Spey Schedule 4 (SRCT, 038).

CNPA does not support the proposed amendments to the title of the policy and the wording of the first paragraph. It is considered that the existing title 'Protecting existing economic activity' more appropriately reflects the intention of this policy, which is to maintain and support the continued operation of sites that are currently used for economic, employment and tourism uses. It is not considered appropriate that existing economic sites should be promoted for other uses and therefore CNPA do not propose any modifications to this policy (R Locatelli and J Bremner, 148).

#### Paragraph 4.27 - What the policy aims to do

CNPA do not support this suggestion on the basis that paragraph 4.26 already states that "*The policy aims to enable and encourage appropriate economic development within the National Park that contributes to the sustainable growth of its economy*" (page 33). In addition, paragraph 1.5 of the introduction (page 6) sets out the aims of the National Parks and therefore it is not considered necessary to repeat this in paragraph 4.26 (Rothiemurchus Estate, 192).

#### Paragraph 4.29 - Relationship with the Cairngorms National Park Partnership Plan

While the National Park Partnership Plan (CD002) specifically supports making links with higher education institutions (Policy 3.1 d, page 74), the Proposed Plan has limited scope to enable this. Policy 2 seeks to provide a positive and flexible approach to support economic development which would support developments related to the provision of higher education institutions however it is not possible or considered appropriate to prioritise this over other types of economic development or include a specific policy requirement (NEMT, 048).

CNPA do not agree with the request to amalgamate the links with the National Park Partnership Plan into one section. The current approach highlights the links between the relevant part of the National Park Partnership Plan with each policy and therefore is considered appropriate to be retained as it currently is within each policy section (Wildland Ltd, 182).

#### Paragraph 4.35 - Tourist Accommodation

CNPA do not agree with the suggestion that CNPA should identify camping sites within the National Park. The aim of the policy is to provide sufficient scope for new camping sites to be created, however it is considered more appropriate for these to be proposed and assessed on a case by case basis through planning applications. Therefore, it is considered that the current approach should be retained unchanged (BoGVCC, 113).

#### Paragraph 4.36 - Huts

CNPA acknowledge that huts provide tourist accommodation, however it is not considered necessary to provide specific support for them within the policy. Huts – as with all types of tourist accommodation – must be suitable for their surroundings and it is considered that the proposed approach to assess each proposal on its merits (against all relevant policies) remains appropriate (Crown Estate Scotland, 207).

#### Paragraph 4.37 – New houses for tourism purposes

CNPA does not agree that houses built for tourist accommodation should be exempt from developer obligations. Currently planning permission is not required for changing the use of a house used for tourist accommodation to residential accommodation and therefore it would be quite possible for tourist accommodation to convert to residential use without making the appropriate contribution. Therefore this amendment is not supported.

This requirement is contained within the supporting text of the policy, which while not policy itself, clarifies the intention of the policy and therefore is a material consideration carrying the same weight as the policy in decision making (Wildland Ltd, 182).

#### Paragraph 4.40 – Paths and strategic routes

This comment relates to landscape and all new proposed paths in the National Park will be subject to the landscape policy and all other relevant policies. CNPA does not support a presumption against new core paths – all new proposed paths will be subject to a planning application and assessed on their merits. General path maintenance is not of relevance or can be influenced by the LDP (NEMT, 048).

Getting workplaces more active within the National Park is not of direct relevance to the Proposed Plan. However, it is considered that the strategy offers a means of directing new economic development to locations that support active travel patterns (Paths for All, 117).

#### Paragraph 4.44 and 4.45 - Protecting existing economic activity

As highlighted in respect of Policy 2.5, CNPA do not support the proposed amendments to the title of this section, para's 4.44 and 4.45. It is considered that the existing title 'Protecting existing economic activity' more appropriately reflects the intention of this policy, which is to maintain and support the continued operation of sites that are currently used for economic, employment and tourism uses. It is not considered appropriate that existing economic sites should be promoted for other uses and therefore CNPA do not propose any modifications to this policy. Removing the last bullet point of paragraph 4.45 is also not supported on the basis that the implications of the loss of an existing economic

site on the local area and economy must be considered. Therefore no modifications are proposed (R Locatelli and J Bremner, 148).

Figure 7: Significant tourism infrastructure

CNPA believe that the current map of 'Significant Tourist Infrastructure' (Figure 7, page 36) is adequate, however would not object to including the Strathspey Railway, if the Reporter is minded to do so (SRCT, 038).

**Reporter's conclusions:**

**Reporter's recommendations:**

## Relevant Documents Page - Issue 5, Protecting the Environment

### 1. Schedule 4

### 2. Representations

048, North East Mountain Trust (NEMT)  
050, D and S Dickie  
085, Scottish Environment Protection Agency (SEPA)  
089, Scottish Government  
104, Aviemore and Vicinity Community Council (AVCC)  
112, Scottish Natural Heritage (SNH)  
117, Paths For All  
131, Tactran  
132, Aberdeenshire Council  
135, Inveresk Community Council  
137, Woodland Trust Scotland (WTS)  
144, Mountaineering Scotland  
159, John Muir Trust  
160, NHS Grampian  
174, Scottish Land and Estates  
177, Highland Council  
178, RSPB Scotland  
179, R Turnbull  
181, Scottish Wildland Group  
182, Wildland Ltd  
183, Scottish Environment LINK  
186, Cairngorms Campaign  
187, Badenoch and Strathspey Conservation Group (BSCG)  
189, A Grant  
192, Rothiemurchus Estate  
193, Scottish Water  
194, Highlands and Islands Enterprise (HIE)  
207, Crown Estate Scotland

### 3. Site Maps

*None*

### 4. Representee Documents

*None*

### 5. Authority Documents

CD001 – Local Development Plan 2015  
CD002 - National Park Partnership Plan  
CD005 - Habitat Regulations Appraisal  
CD072 - A guide to understanding the Scottish Ancient Woodland Inventory (AWI)  
CD075 - Scottish Government Control of Woodland Removal Policy  
CD076 - Flood Risk and Land Use Vulnerability Guidance  
CD077 - Natural Flood Management Handbook

CD079 - IUCN management principles  
CD080 - Conservation (Natural Habitats & c.) Regulations 1994  
CD081 - Wildlife & Conservation Act 1981  
CD082 - Use and Adaptation of listed buildings guidance

<b>Issue 5</b>	<b>Protecting the Environment</b>	
<b>Development plan reference:</b>	Policy 3: Design and Placemaking (pages 38 – 42), Policy 4: Natural Heritage (pages 44 – 49), Policy 5: Landscape (pages 50 – 53), Policy 9: Cultural Heritage (pages 66 – 69), Policy 10: Resources (pages 70 – 75)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
048 050 085 089 104 112 117 131 132 135 137 144 159 160 174 177 178 179 181 182 183 186 187 189 192 193 194 207	North East Mountain Trust (NEMT) D and S Dickie Scottish Environment Protection Agency (SEPA) Scottish Government Aviemore and Vicinity Community Council (AVCC) Scottish Natural Heritage (SNH) Paths For All Tactran Aberdeenshire Council Inveresk Community Council Woodland Trust Scotland (WTS) Mountaineering Scotland John Muir Trust NHS Grampian Scottish Land and Estates Highland Council RSPB Scotland R Turnbull Scottish Wildland Group Wildland Ltd Scottish Environment LINK Cairngorms Campaign Badenoch and Strathspey Conservation Group (BSCG) A Grant Rothiemurchus Estate Scottish Water Highlands and Islands Enterprise (HIE) Crown Estate Scotland	
<b>Provision of the development plan to which the issue relates:</b>	Policy 3 – Design and Placemaking Policy 4: Natural Heritage Policy 5 – Landscape Policy 9 – Cultural Heritage Policy 10 – Resources	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Policy 3: Design and Placemaking - General Comments</u> NHS Grampian (160) suggest the policy should reflect the positive impact good design has on health and wellbeing.</p> <p>Scottish Water (193) highlight the developer's responsibility to cover the cost of connecting infrastructure from developments out with their network / supply zones back to the network, often required by SEPA.</p>		

### Policy 3.2: Major Developments

Tactran (131) suggest new development should incorporate the provision of infrastructure to support ultra-low emission vehicles and shared car schemes.

### Policy 3.3: Sustainable Design

SEPA (085) request the policy be strengthened to support the requirement of higher levels of sustainable design than those set out in Scottish Building Standards, for example, Platinum sustainability level in terms carbon dioxide emissions and a Gold Sustainability level for water efficiency.

NHS Grampian (160) welcome the policy's consideration for active travel and green/open spaces. They suggest the policy should have a greater focus on design for adaptable housing, a "*home for life*" enabling residents affected by illness to continue to live in their homes.

Wildland Ltd (182) suggest removing the reference to climate change from the policy, arguing that there is no evidence development has any verifiable effect on climate.

### Policy 3.5: Converting existing building stock

SEPA (085) object to this section of the policy. In line with Scottish Planning Policy paragraph 263, they request the policy should highlight the requirement for any change of use application should comply with SEPA's Land Use Vulnerability guidance.

### Policy 4: Natural Heritage - General Comments

NEMT (048) suggest developers should be encouraged to make efforts to mitigate damage caused and contribute to the enhancement / recovery of adjacent areas.

NEMT (048) express concern that the term 'Climate Change' does not appear in the policy. They emphasise the importance of considering the effects on habitats in a changing climate and their reduced resilience to impacts from development.

SNH (112) suggest replacing the term 'Natura 2000' to 'European Sites', to ensure the policy complies with domestic legislation in preparation for its adoption post-Brexit.

Paths for All (117) state that the LDP must not put responsible recreational access at threat.

Scottish Wildland Group (181) suggest a reference should be made within the policy to explain how a balance of interest may be achieved between protection of natural heritage qualities on the one hand (particularly in the case of the Park capercaillie populations and habitats) and the importance of incorporating government policy support for delivering the many benefits to public enjoyment and health of the outdoors and wildlife, and for development. Alternatively it could be referenced within the Glossary and/or to other Park policy that addresses this.

Scottish Wildland Group (181) suggest that all references to the 'species protection plan' within policies 4.6 and 4.68 should be written in capitals to reflect its importance.

Wildland Ltd (182) request that the policy should adopt a stronger approach to deliver greater protection for natural heritage, effectively a clear presumption against developments that may cause significant harm to natural heritage interests and, introduce key themes such as re-wilding. They also suggest developing policy tests that focus primarily on the Park's natural heritage.

BSCG (187) express concern that the policy contains insufficient specific information, inviting greater interpretation of the policy and therefore result in a loss of special natural heritage features. They add that they would like to see second tier conservation sites across the Park to ensure there is a commitment to deliver the conservation of biodiversity, landscape and habitats.

#### Policy 4.1: International designations

Scottish Government (089) request the policy should include an additional sub-paragraph, “*c) and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.*” This is required to comply with paragraph 208 of Scottish Planning Policy (2014), which requires compensatory planting for Natura networks.

SNH (112) requests the addition of “*(or compliance with the relevant process that should be established should the UK leave the EU)*” at the end of sub-paragraph ‘b’, to ensure the policy complies with domestic legislation in preparation for its adoption post-Brexit.

AVCC (104) argue that criterion b) of Policy 4.1 is contrary to the first aim of the National Park because public interest, including those of a social or economic nature, cannot outweigh conservation objectives where there is conflict. Under these circumstances, the National Parks (Scotland) Act 2000 requires that greater weight must be given to the first aim.

Scottish Wildland Group (181) understand the European Birds and Habitats Directives is referenced in Policy 4.5 however also suggests that reference to the Directives is made under this Policy (4.1) and Policy 4.2.

BSCG (187) express concern that the policy indicates that likely significant effects are acceptable as long as the integrity of the site is not affected. They believe this approach is inadequate and unacceptable and takes a minimalist approach. They also express concern for the surveys required to monitor the presence of species and natural heritage on a site, which they believe are ineffective.

#### Policy 4.2: National designations

NEMT (048) agree with the aims of the National Park (set out in paragraph 1.5) and the clause of when all aims cannot be obtained, greater weight will be given to the first, “to conserve and enhance the natural and cultural heritage of the area”. They feel it is relevant to reflect this clause within this policy to reduce any opportunity of non-confirmation of the policy particularly conservation of protected sites and species (NEMT, 048).

Mountaineering Scotland (144) query the ability to deliver mitigation measures such as incursions that change landform, due to considerable expense. They go on to state however, that if the expense of providing mitigation results in proposals being dropped, then the policy is effective.

The John Muir Trust (159) suggests that ‘Wild Land Areas’ should be included in the list of protected areas. While they are not a statutory designation, they are considered to be a national asset under Scottish Planning Policy and should therefore be included.

BSCG (187) express concern for the compensation requirements outlined in the policy: “*the provision of features of equal or greater importance than those that are adversely*

*affected*", which they believe is unlikely to provide appropriate compensation and that this approach will result in the degradation and loss of natural heritage.

#### Policy 4.3: Woodlands

NEMT (048) express concern for the potential conflict between the policy and paragraph 4.67 regarding Ancient Woodland Inventory sites (AWI). Where the policy permits the loss of AWI sites in "*exceptional circumstances*", "*where it can be clearly demonstrated that the AWI site has low ecological value*" and states "*compensation for such loss will be mandatory*", given paragraph 4.67 highlights the high biodiversity value of AWI sites and the fact that their irreplaceable, "*Once ancient woodland has been destroyed, it cannot be recreated*", the respondent feels mandatory compensation is an inappropriate form of mitigation for AWI sites. They request clarification on:

- a) How an AWI site might be found to have low ecological value; and
- b) How and what compensation is considered appropriate for an irreplaceable resource.

In respect of Policy 4.3 a), NEMT (048) express concern that the developer is required to demonstrate whether the development outweighs the local, national or international contribution of the woodland.

WTS (137) is of the view that the policy, which refers to sites in the Ancient Woodland Inventory (AWI), should be amended to refer to ancient woodland more widely because according to SNH, the AWI should only be used as a guideline. WTS are of the view that the AWI is inaccurate on the basis that some ancient woodland sites have not been recorded and data gathering for the AWI has used poor quality historical maps that have then been poorly digitised. Therefore other mapping resources should be checked (AWI, Native Woodland Survey of Scotland (NWSS), historic OS Maps 1840-60s) to determine the presence and extent of ancient woodland. The respondent suggests consulting the SNH interpretation note 'A guide to understanding the Scottish Ancient Woodland Inventory (AWI)' (CD072)

<https://www.nature.scot/sites/default/files/2018-11/A%20guide%20to%20understanding%20the%20Scottish%20Ancient%20Woodland%20Inventory%20%28AWI%29.pdf>.

WTS (137) also believe that the statement in paragraph 4.67, which recognises the value of ancient woodland and that it is irreplaceable, should be included within the policy, and that it should be clearly stated that there will be no further loss of ancient woodland. They add that this approach should apply to site allocations across the National Park.

WTS (137) add that in respect of the site specific requirements for site allocations, the text should include "*buffering and integration*" to clarify what is needed to protect these woodland areas. This requirement should also be included within the policy as a material consideration. WTS also request that "*structure tree planting*" is included in the Glossary to clarify what it means, with the addition that native trees will be favoured for planting.

R Turnbull (179) requests that sub-paragraphs a) and b) are removed from the policy as they do not comply with Scottish Planning Policy paragraphs 194 and 216. The respondent states it is unacceptable to have a lower standard of protection for ancient woodland. BSCG (187) also suggest that the paragraphs should be deleted, believing part a) conflicts with IUCN Management Principles for Category V Protected Areas (CD079). They also are of the view that part 'b' contradicts the second paragraph in the policy where it states AWI sites are considered to be an irreplaceable resource.

BSCG (187) Welcome the presumption within the policy against the removal of AWI sites. However, they express concern at the lack of reference made to natural heritage within the policy. Again, they express concern for the compensation requirement of the policy, “...at least equal to the quality and quantity of what is lost” as they fear such compensation is unrealistic and undeliverable in many circumstances and not straightforward to deliver.

A Grant (189) expresses concern in respect of the wording of sub-paragraph b) and requests that it is changed to reflect a more stringent approach to loss AWI sites. They also suggest the policy should be further developed to “encourage development in woodland where it supports:

- a) *The perceived naturalness of the land cover*
- b) *The visible lack of buildings, roads, pylons and other modern artefacts* \*Taken from SEA page 264 – characteristics of wildness\*

A Grant (189) adds that development should be encouraged where there is woodland of lower ecological value, home to non-native species and coniferous plantation on the grounds that it would “enhance the character, diversity and special qualities of the National Park’s landscape and cultural and historic heritage”, specifically it would “minimise the loss of wildness” (SEA sub-objective). The respondent goes on to state, “trees visibly screen or hide buildings and roads, therefore development in forested areas enhances the “perceived naturalness of the land cover”, especially from protected viewpoints and in Landscape Character Areas”. The respondent has included appendices with their response to demonstrate their arguments.

#### Policy 4.4: Protected Species

RSPB Scotland (178) suggest the policy should make reference to cumulative impacts where it refers to ‘a significant adverse effect’ throughout the policy, for example, “Development that would have a significant adverse effect, including any cumulative impacts, on badgers or their setts...”

BSCG (187) raise concern for sub-paragraphs b) and c), they feel paragraph b) enables development that overrides avoiding significant adverse impacts on protected species and c) encourages the Park’s planning department to adopt a ‘best guess’ approach.

#### Policy 4.5: Other biodiversity

SNH (112) suggest replacing “Annexes 11 or V of the EC Habitats Directive or Annex 1 of the EC Birds Directive” with “Schedules 2 and 4 of The Conservation (Natural Habitats &c.) Regulations 1994 (as amended in Scotland)”, to ensure the policy complies with domestic legislation in preparation for its adoption post-Brexit.

RSPB Scotland (178) suggests the policy should make reference to cumulative impacts where it refers to ‘a significant adverse effect’ in the opening paragraph. It would therefore read:

*“Development that would have a significant adverse effect, including any cumulative impacts, on species listed in Annexes 11 or V of the EC Habitats Directive or Annex 1 of the EC Birds Directive.”*

RSPB Scotland (178)

WTS (137) raise that the need to preserve ancient woodland applies to policy 4.5 b) as it cannot be compensated for as it is an irreplaceable habitat. This should be included within this policy.

BSCG (187) express concern for sub-paragraph b). The BSCG feel making the assessment of whether a development will not be detrimental to the maintenance of species will be difficult to achieve, given the insufficient level of information that exists on impacts throughout a species natural range.

#### Policy 4.6: All development

RSPB Scotland (178) request the addition of the following sentence to the beginning of the policy, “*All development proposals will be required to identify measures that will be taken to enhance biodiversity in proportion to the potential opportunities available and the scale of the development*”, as there does not seem to be a requirement for developers to enhance biodiversity, which does not align with Scottish Planning Policy paragraph 194 requiring the planning system to seek benefits for biodiversity.

RSPB Scotland (178) also request the addition of the following sentence to the end of the policy, “*Development proposals should follow the mitigation hierarchy*”. They suggest that CNPA should consider using a mitigation hierarchy approach as it will help to halt cumulative small-scale losses of biodiversity and achieve no net loss of biodiversity.

#### Paragraph 4.61 – What the Policy aims to do

Scottish Wildland Group (181) suggest the addition of some examples that demonstrate active management and the advantages to the special qualities to the Park that can be achieved. Alternatively a definition of active management could be added into the glossary.

#### Paragraph 4.63 – What the Policy aims to do

BSCG (187) have no confidence in this section of the policy.

#### Paragraph 4.66 - Mitigation

NEMT (048) request clarification on the remit of the mitigation policy as in its current form it can be interpreted to only apply to designated sites, “*...applies to developments affecting designated sites, whether or not they are inside or outside of the boundary of the designated area*”. The respondent suggests adopting a net environmental gain/benefit approach (rather than an equal quality approach) to ensure the “*connecting habitat*” referred to in policy 4.62 affords equal protection to designated sites.

#### Paragraph 4.68 – Protected Species

BSCG (187) express concern for the planning authority’s ability to ensure the effects of development are “*fully considered*” due to insufficient information provided to enable full consideration.

#### Policy 5: Landscape – General Comments

John Muir Trust (159) note that the policy itself does not specifically reference Wild Land Areas, and while they are identified on the map in Figure 9, more explicit recognition of Wild Land Areas is needed and reference to them should be included within the text of ‘Applying the Policy’.

Wildland Ltd (182) express an overarching concern in their response that the Proposed Plan is an urban land use plan rather than a Plan for the whole National Park and are of the view that Policy 5 does not reflect the importance of landscape to the National Park. They feel there should be stronger presumption against developments that will harm specified landscape interests and other key themes including re-wilding - which are

included in the National Park Partnership Plan (CD002) – should be included in the LDP (Wildland Ltd, 182).

BSCG (187) express concern that ‘significant adverse effects’ will be considered acceptable on the basis of social and economic benefits, and consideration should be given to alternative locations outwith the National Park.

#### Policy 5.1: Special Landscape Qualities

R Turnbull (179) expressed the view that cumulative impacts should be taken into account in landscape considerations and suggested amendments to policy 5.2 to address this.

Wildland Ltd (182) felt that the approach set out in 5.1 needs to be strengthened in order to adequately protect the special landscape qualities.

#### Policy 5.2: Private roads and ways

A number of respondents expressed general concern about the impact of the unregulated use of All Terrain Vehicles (ATV’s) on the landscape and habitats. These not only create new tracks, but are being used to justify existing tracks, extend them or to build new ones (NEMT, 048, Mountaineering Scotland, 144, John Muir Trust, 159, Scottish Wildland Group, 181, Scottish Environment LINK, 183, BSCG, 187).

Some respondents feel that the presumption against new tracks should be strengthened in the policy (NEMT, 048; John Muir Trust, 159; Scottish Wildland Group, 181; Scottish Environment LINK, 183) to address the growing problems associated with ATV vehicles and their implications in terms of planning (NEMT, 048; Scottish Environment LINK, 183; BSCG, 187) and to ensure that new roads and/or tracks are only permitted in exceptional circumstances and where necessary (NEMT, 048; Scottish Wildland Group, 159; Scottish Environment LINK, 183).

John Muir Trust (159) and Scottish Wildland Group (181) feel that part a) could lead to damage to sensitive landscapes and habitats from ATV’s being used to justify the construction of tracks in areas otherwise considered unsuitable for tracks on landscape grounds. Scottish Land and Estates (174) and Crown Estate Scotland (207) add that they would like to see reference to the SNH guidance on ‘Constructed tracks in the Scottish Highlands’ in this part of the policy.

For part b), the John Muir Trust (159) and Scottish Environment LINK (183) express concern that introducing scope for other landscape enhancement/mitigation may not counteract the adverse landscape impacts (183) or the loss of wildness qualities which could result from the creation of a new track (159).

Scottish Land and Estates (174) however object to the way policy 5.2 is worded on the basis that it is not practicable or fair to require the removal of other existing private roads / ways to provide net benefit for landscape (they feel it is not clear how this should be interpreted). Scottish Land and Estates (174) and Crown Estate Scotland (207) do not support the removal of tracks as this is not proportionate and does not recognise tracks / ways that have been subject to the full planning or Prior Notification process. They feel that this policy does not provide protection for those who follow the proper process and the policy suggests that tracks with full permission could be removed and do not consider that this blanket approach is appropriate (Scottish Land and Estates, 174; Crown Estate Scotland, 207). Scottish Land and Estates (174) consider the policy approach in the current 2015 Local Development Plan to be effective and proportionate.

Wildland Ltd (182) feel that while they welcome the presumption against new tracks, they feel that the location, design and form of construction of new tracks is the issue rather than the overarching principle.

Scottish Environment LINK (183) express concern that the policy is not clear whether removing existing tracks is a pre-requisite for the approval of a new track, while Scottish Land and Estates (174) add that not everyone who wants to put a new track in has an existing one to remove. BSCG (187) also acknowledged that there may be circumstances where track removal is more damaging and could result in loss of cultural heritage.

BSCG (187) express the view that the intensive management of moorland is in conflict with achieving climate change targets and facilitating this land use – through permitting tracks / ways to support land management operations – should not be supported.

#### Paragraph 4.72 - What the Policy aims to do: Wildness

John Muir Trust (159) feel that this paragraph should include specific reference to wildness as one of the qualities that should be protected.

#### Paragraph 4.74 and 4.75 – What the Policy aims to do: Private roads and ways

SNH (112), John Muir Trust (159), Scottish Wildland Group (181) and Scottish Environment LINK (183) note that there is a missing word ('impact') in this paragraph so it does not convey the intended meaning. John Muir Trust (159), Scottish Wildland Group (181) and Scottish Environment LINK (183) suggested the inclusion of 'adverse impact'.

Concern was expressed in relation to tracks being necessary for land management (Scottish Wildland Group, 181, BSCG, 187) as there are problems in justifying track use with sufficient clarity (Scottish Wildland Group, 181).

BCSG (187) object to the last sentence in the paragraph – 'Well designed and constructed tracks minimise landscape impacts and damage to habitats while providing necessary access for land management' – as tracks can result in significant landscape impacts irrespective of whether they are well designed and constructed.

#### Paragraph 4.76 – New hill tracks

Mountaineering Scotland (144) express concern that this paragraph could become a loophole to enable ATV tracks to be used to create new tracks where previously none existed. They consider that a set of criteria is needed to inform decision making on private roads and ways would be useful in providing a baseline for assessing the need for a new road.

John Muir Trust (159) and Scottish Environment LINK (183) feel that the word 'inevitable' in the second sentence of paragraph 4.76 should be removed to ensure that the justification for new tracks is robustly challenged and to reinforce the message in respect of greater control over vehicle tracks (159). It is also suggested that the word 'desired' is changed to reinforce that the need for a new track must strictly necessary (John Muir Trust, 159; Scottish Wildland Group, 181; Scottish Environment LINK, 183).

#### Paragraph 4.79/4.82: Wild Land Assessments

John Muir Trust (159) and Scottish Environment LINK (183) feel that reference should be made to the need to carry out wild land impact assessments in para's 4.79 and 4.82 respectively in line with SNH guidance.

### Policy 9.1: Listed Buildings

Scottish Land and Estates (174) note that Historic Environment Scotland's guidance on the Demolition of Listed Buildings (CD083) and the Use and Adaptation of Listed Buildings (CD082) is currently being revised and should be taken into account. Scottish Land and Estates (174) request that partial demolitions should be included in the list of cases where demolition might be justifiable on the basis that it can support the ability to preserve other buildings such as in the case of a steading. Under existing legislation, listing of a building covers the structures and anything within its curtilage which raises issues for example in removing a garden shed which is of little or no significance.

Highland Council (177) query whether it was necessary or appropriate to include the criteria that can be used to justify a significant adverse impact on a listed building or demolition in policy 9.1. Through informal discussions they expressed concern that the policy indicates a listed building could be demolished as long as it meets the criteria in the policy and could appear to be easier than it should be. They added that the criteria used are not all matters for the planning authority, such as determining whether a listed building is of special interest should be determined through a delisting application to Historic Environment Scotland.

### Policy 9.2 Cultural and historic designations

Scottish Government (089) raise that planning authorities have no remit over direct impacts on scheduled monuments as Historic Environment Scotland are the consenting authority. They therefore suggested that the wording of the first paragraph below part c) in Policy 9.2 should be amended to reflect this.

### Paragraph 4.115 Applying the policy

NEMT (048) feel there is a contradiction between paragraph 4.116, which states the "*aim should be to preserve the cultural heritage asset in a way which preserves its special qualities, and takes every opportunity to enhance it for the future*" and paragraph 4.117, which states that "*enhancement is not always appropriate, and where this is the case, specialist advice must be sought to ensure appropriate development is achieved in all cases*".

### Other Cultural Heritage Matter

D and S Dickie (050) express concern that the National Park is losing its character faster than others from inappropriate development and would like to see the landscape and wildlife protected.

### Policy 10: Resources – General comments

It is noted that the policy lacks any reference to Radon gas, with large areas of the National Park falling within a radon prone area (AVCC, 104).

SEPA (085) object that there is no reference to Supplementary Guidance while the Action Programme states that the policy will be delivered through the preparation of planning advice where needed. They request that a commitment be made to revising and updating the existing guidance.

### Policy 10.1 Water resources

It is felt that greater emphasis needs to be placed on ensuring cumulative negative impacts do not arise and that there needs to be acknowledgment of the principle of integrated catchment management of land and water resources as water resources are

best managed at a catchment scale (NEMT, 048).

SEPA (085) argue that a stronger policy approach is needed around the protection, enhancement and creation of blue/green infrastructure. They suggest two minor amendments to the policy that would deliver this.

In order to emphasise the management of surface water, Scottish Water (193) request that reference to their Surface Water Policy be made in the 'What the Policy Aims To Do' section on page 72 or the glossary.

#### Policy 10.2 Flooding

It was noted that the policy is confusing or unclear because:

- Statements about significance and appropriateness are unclear and reference to relevant standards, guidance and best practice were needed (NEMT, 048),
- criterion a) states development should be free of flood risk but the penultimate paragraph, states 'where development is permitted in a medium to high risk area' (Aberdeenshire Council, 132).
- The statement 'Developments should incorporate SuDS or other natural flood measures' is confusing because it is unclear what is being asked for (Aberdeenshire Council, 132).

A number of comments were made by Aberdeenshire Council (132) noting the absence of a number of factors:

- The policy does not contain a definition of low, medium and high flood risk,
- There is no reference to SEPA flood risk maps,
- There is no reference to the Flood Risk Management (Scotland) Act 2009,
- There is no reference to SEPA's River Basin Management Plan (RBMP),
- There is no mention of how the impact of development can be mitigated to maintain and improve water quality in the River Dee, Gairn and Muick (River Dee SAC),
- There is no mention of requiring safe access / egress to properties.

It is argued that greater focus be placed on delivering and the benefits of Natural Flood Management (NFM) (NEMT, 048; John Muir Trust, 159) as there is only one reference in paragraph 4.131 (NEMT, 048). It is suggested that the Proposed Plan should reference the principles in SEPA's Natural Flood Management Handbook 2016 (CD077) and refer to the valuable ecosystem service of flood prevention. It is also pointed out that the Findhorn, Nairn and Speyside Local Flood Risk Management Plan (2016) requires "*SEPA and Planning Authorities to engage early in the development plan process to identify opportunities for restoration of natural features to manage flood risk. Areas of land that may contribute to flood management should be identified and protected*" and that Policy 10 does not appear to reflect this agreement. It is requested that there should be a requirement to assess the feasibility of Natural Flood Management options (NEMT, 048).

SEPA (085) request that provision be made for the possible increase in vulnerability to flood risk in terms of change of use. They suggest a couple of alternative amendments to the policy. They also highlight that SuDS is a legal requirement in Scotland for all development except single dwellings, and that in line with CNPA's proposal to promote a stronger requirement at the Main Issues Report stage strengthening of the policy needed to be made.

#### Policy 10.3 Connection to sewerage

Scottish Water (193) highlight that while the policy requirements are appropriate, an additional factor is that certain plant types would not meet this criteria for both Scottish Water and SEPA. They therefore request that a line be added that requires developers to speak to Scottish Water Development Services before purchasing or designing any such private treatment schemes in order to ensure that it can be adopted (if relevant) and can be connected to our network easily in the future.

#### Policy 10.6 Minerals

It is stated that proposals that enable a higher proportion of secondary aggregate/recycled materials should not be supported if they are likely to have an adverse effect on the ecology and landscape of the National Park (NEMT, 048).

The policy is objected to because it is believed that criterion b) is at conflict with the first aim of the National Park as significant adverse impacts cannot be outweighed by other social economic benefits (AVCC, 104).

Scottish Government (089) argue that the criterion a) and b) add caveats that do not align with paragraph 237 of Scottish Planning Policy (2014) and that to accord with the paragraph, the policy needs to set out factors that specific proposals will need to address, including for example noise, pollution of land, air and water. Scottish Government (089) also state that the Plan needs to safeguard workable minerals resources and support the maintenance of a 10 year land bank.

#### Policy 10.7 Carbon sinks and stores

It is argued that stronger wording in relation to the disturbance of peat soils is needed, clarifying that there is a presumption against any development that would cause disturbance to/damage of areas of deep peat, with disturbance and associated mitigation as the last resort (John Muir Trust, 159).

It is noted that the policy only focuses on carbon dioxide as a greenhouse gas and misses out on other significant stores of carbon, such as methane (AVCC, 104)

#### Policy 10.8 Contaminated land

It is requested that reference be made to the necessity for a soil investigation and the potential use of barrier pipe/ductile iron pipe for the delivery of water to any such sites affected by contaminated land. This could be done by adding a line to contact Scottish Water Development Services to ensure water infrastructure for the site is suitable for any such ground conditions (Scottish Water, 193).

#### Paragraph 4.137: Water Framework Directive

SEPA (085) request that further information on the application of the policy be added to paragraph 4.137.

#### Paragraph 4.138: Ground Water dependant terrestrial ecosystems

SEPA (085) request that paragraph 4.138 be replaced with text referring to paragraph 194 of Scottish Planning Policy.

### **Modifications sought by those submitting representations:**

#### Policy 3: Design and Placemaking - General Comments

That the policy highlights the positive impacts of good design (buildings, streets and open

spaces) has on health and wellbeing.  
(NHS Grampian, 160)

#### Policy 3.2: Major Developments

Request a Transport Assessment/Statement and provision of infrastructure for ultra-low vehicles and car share schemes to be required for larger developments (Tactran, 131).

#### Policy 3.3: Sustainable Design

That the policy emphasises designing homes with a view to providing a 'home for life' [ in terms of adaptability to changing health circumstances ]. (NHS Grampian, 160).

Remove reference to climate change (Wildland Ltd, 182).

#### Policy 3.5: Converting existing building stock

Add the following criteria into the policy (or alternatively cross reference with Policy 10.2 Flooding):

**'and does not introduce a more vulnerable use in terms of flood risk.'**  
(SEPA, 085)

#### Policy 4: Natural Heritage - General Comments

- Include requirement that developers must mitigate any negative impacts caused by development (NEMT, 048).
- Make reference to climate change in the policy (NEMT, 048).
- Replace reference to the term 'Natura 2000 sites' with '**European sites**' (SNH, 112).
- Include reference within the policy to explain how a balance of interest may be achieved between protection of natural heritage qualities [ particularly in the case of the Park capercaillie populations and habitats ] and the importance of incorporating government policy support for delivering benefits to public enjoyment and health of the outdoors and wildlife, and for development. Alternatively it could be referenced within the Glossary and/or to other Park policy that addresses this (Scottish Wildland Group, 181).
- Amend all references to the 'species protection plan' within policies 4.6 and 4.68 to be written in capitals to reflect its importance (Scottish Wildland Group, 181).
- Strengthen the wording of the policy to make a clear presumption against developments that may cause significant harm to natural heritage interests, introduce key themes such as re-wilding and to introduce policy "tests" (Wildland Ltd, 182).
- Amend the policy to require more specific / detailed information from developers (BSCG, 187).
- Develop a second tier of conservation areas and reference them in the Plan (BSCG, 187).

#### Policy 4.1: International designations

- Include an additional sub-paragraph:  
**'c) and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.'**  
(Scottish Government, 089)
- Delete criterion b. (AVCC, 104).
- At the end of sub-paragraph b, add the following:  
**'(or compliance with the relevant process that should be established should**

**the UK leave the EU).'**

(SNH, 112)

- Make reference to the European Birds and Habitats Directives under this policy (Scottish Wildland Group, 181).

Policy 4.2: National designations

- Include reference within the policy to the requirement set out in the National Parks (Scotland) Act 2000 that when there is a conflict between the first and other aims of the National Park, that greater weight will be given to the first, "*to conserve and enhance the natural and cultural heritage of the area*" (NEMT, 048).
- Include 'Wild Land Areas' as a protected area specified (John Muir Trust, 159).
- Make reference to the European Birds and Habitats Directives (Scottish Wildland Group, 181).
- Require an appropriate approach to compensation where development results in a loss of special natural heritage features (BSCG, 187).

Policy 4.3: Woodlands

- Provide more clarity within the policy to ensure there is no contradiction within the policy (NEMT, 048). In addition, further clarification is requested on:
  - How an AWI site might be found to have low ecological value and,
  - How and what compensation is considered appropriate for an irreplaceable resource.
- Amend reference of 'Ancient Woodland Inventory sites' to just 'ancient woodland' in accordance with SNH's guidance, and require using alternative mapping resources (including AWI, historic OS maps and NWSS) to identify ancient woodland or conduct a woodland survey where it is unclear (WTS, 137).
- Include text to recognise that ancient woodland is irreplaceable and that there will be no further loss (WTS, 137).
- Include a requirement for development likely to impact or damage ancient woodland to be located away from it and for 'buffering and integration'. For major developments a 50m buffer is recommended (WTS, 137).
- Object to compensation as it is not appropriate mitigation measure for ancient woodland as it cannot be replaced (WTS, 137).
- Specify that in instances where compensatory planting is appropriate, that native tree species should be used (WTS, 137).
- Remove sub-paragraphs a) and b) (R Turnbull, 179; BSCG 187) and replace with the following:  
**'Development will be considered favourably only where:**  
**a) there are no alternative solutions; and**  
**b) there are imperative reasons of overriding public interest including those of a social or economic nature'**  
(R Turnbull, 179)
- Replace sub-paragraph b) with:  
**'There is a general presumption against the development of woodland with a higher ecological value only'**  
(A Grant, 189)
- Revise the policy to encourage development in woodland where it supports:
  - **'The perceived naturalness of the land cover**
  - **The visible lack of buildings, roads, pylons and other modern artefacts.'**(A Grant, 189)
- Include greater reference to Natural Heritage (BSCG, 187)

- Amend policy to only enable development in woodland areas of low ecological value, coniferous plantation or non-native species areas and promote trees to be used as screening for development (A Grant, 189).

#### Policy 4.4: Protected Species

- Include reference to cumulative impacts (RSPB Scotland, 178).
- Sub-paragraph b) should be amended to reflect that there should be no circumstances where a solution cannot be found and should only apply to development that cannot be sited outwith the National Park (BSCG, 187).
- Objection expressed to the approach set out in sub-paragraph c) as there is insufficient information available to assess this (BSCG, 187).

#### Policy 4.5: Other biodiversity

- Replace “*Annexes 11 or V of the EC Habitats Directive or Annex 1 of the EC Birds Directive*” with “**Schedules 2 and 4 of The Conservation (Natural Habitats &c.) Regulations 1994 (as amended in Scotland)**” (SNH, 112).
- Make reference to cumulative impacts in the first paragraph to read: “Development that would have a significant adverse effect, **including any cumulative impacts**, on species listed in Annexes 11 or V of the EC Habitats Directive or Annex 1 of the EC Birds Directive” (RSPB Scotland, 178)

#### Policy 4.6: All development

- RSPB request the addition of the following at the beginning of the policy: **‘All development proposals will be required to identify measures which will be taken to enhance biodiversity in proportion to the potential opportunities available and the scale of the development’**  
And the addition of the following to the end of the policy: **‘Development proposals should follow the mitigation hierarchy’** (RSPB Scotland, 178)

#### Paragraph 4.61 – What the Policy aims to do

- Include examples that demonstrate active management and the advantages to the special qualities to the Park that can be achieved (Scottish Wildland Group, 181).
- Add a definition of active management to the glossary (Scottish Wildland Group, 181).

#### Paragraph 4.66 - Mitigation

- Provide clarification on the remit of the mitigation policy and adopt a net environmental gain/benefit approach to ensure the connecting habitat referred to in policy 4.62 affords equal protection to designated sites (NEMT, 048).

#### Policy 5: Landscape – General Comments

- Reference to ‘**Wild Land Areas**’ should be included within the Applying the Policy section of the supporting text (from paragraph 4.78) to make it clear that there is a need to retain the character of the Wild Land Areas as set out in the SNH descriptions (John Muir Trust, 159).
- Include a definition of Wild Land Areas within the Glossary (pages 220 – 223) (John Muir Trust, 159).
- Include reference to key themes from the National Park Partnership Plan and develop policy tests that go beyond Scottish Planning Policy tests (Wildland Ltd,

182).

- Include the requirement to consider alternative locations - including those outwith the National Park - for developments with a significant adverse effects that are outweighed by social or economic benefits of national importance (BSCG, 187).

#### Policy 5.1: Special Landscape Qualities

- Amend the wording of part a) to read:  
'any significant adverse effects, **including cumulative impacts**, on the special landscape qualities of the National Park...'  
(R Turnbull, 179)
- Amend part b) to read:  
'all the adverse effects on the setting of the proposed development, **including any cumulative impacts**, have been minimised and mitigated...'  
(R Turnbull, 179)
- Replace 'or' with 'and' in the first two paragraphs of policy 5.1 so they read:  
'There will be a presumption against any development that does not conserve ~~or~~ **and** enhance...'  
and  
'Development that does not complement ~~or~~ **and** enhance the landscape...'  
(Wildland Ltd, 182)
- Replace a) and b) with more precise impact based tests (Wildland Ltd, 182).

#### Policy 5.2: Private roads and ways

- Include reference to the potential damage that can be caused by ATV's such as:  
'**In recent years, ATV use has become more common. While these vehicles are convenient /useful for land managers and employees, it has to be recognised that environmental damage of various sorts can result unless thought and planning is put into their responsible use**'  
(Scottish Wildland Group, 181)
- Strengthen the policy to ensure that that roads / tracks will only be permitted in exceptional circumstances. North East Mountain Trust (048) propose the first paragraph of Policy 5.2 to read:  
'**The Park Partnership Plan states that there is a presumption against new constructed tracks in open moorland. New private roads and ways in open moorland areas will only be approved in exceptional circumstances and only where they;...**'  
(NEMT, 048)
- Amend the first paragraph and part a) of policy 5.2 (leaving part b as it is):  
'New private roads ~~and ways~~ **[or re-routed ways] in open moorland areas will not be permitted unless they are only be approved when it can be demonstrated that they are absolutely [or demonstrably] essential for land management and;**  
a) are designed to minimise landscape and environmental impacts **so that they will not adversely affect any of the special qualities of the Park**'  
(Scottish Wildland Group, 181)
- Amend part a) to address potential damage to sensitive landscapes and habitats by ATV's (John Muir Trust, 159)
- Amend part b) to ensure other landscape enhancements do not distract attention from the loss of wildness qualities which can result from the creation of a new track (John Muir Trust, 159).
- Amend the wording of policy 5.2 include reference to SNH's Guidance on the

constructing tracks in the Scottish Uplands (Scottish Land and Estates, 174; Crown Estates Scotland, 207). Scottish Land and Estates (174) propose the following wording:

'New private roads and ways in open moorland areas will not be permitted unless they:

- a) Are designed to minimise landscape and environmental impacts **in line with Scottish Natural Heritage guidance on Constructed tracks in the Scottish uplands;**

(Scottish Land and Estates, 174)

- Delete the requirement for the removal of existing roads / ways for net benefit for landscape in part b) of policy 5.2. (Scottish Land and Estates, 174; Crown Estates Scotland, 207)
- Amend the wording of part b) as per the wording in the current Local Development Plan 2015 (Scottish Land and Estates, 174)
- Include design and construction guidance or a set of criteria for tracks within the Local Development Plan for assessing proposals (Mountaineering Scotland, 144; Wildland Ltd, 182; Crown Estate Scotland, 207).
- Amend part b) to make it clear that net benefit for the special landscape qualities includes a requirement to redress detrimental impacts on wildness from previous track construction (Scottish Environment LINK, 183).

#### Paragraph 4.72 - What the Policy aims to do: Wildness

- Include reference to wildness as one of the special landscape qualities that should be protected (John Muir Trust, 159).

#### Paragraph 4.74 - What the Policy aims to do: Private roads and ways

- Amend second sentence of paragraph 4.74 to read :  
'**They These and their associated "borrow pits"** are often the most obvious man-made features within those landscapes and can have a significant detrimental impact on landscape character'  
(NEMT, 048)
- Insert the word 'impact' into the second sentence of paragraph 4.74, so that it reads:  
'They are often the most obvious man-made features within those landscapes and can have a significant **impact** [or] **adverse impact** on landscape character...'  
(SNH, 112; John Muir Trust, 159; Scottish Wildland Group, 181; Scottish Environment LINK, 183)
- Include the following within paragraph 4.74:  
'**If it is demonstrably essential for a justifiable land management purpose a track could be allowed, if it is considered to be sufficiently well designed and constructed so as to minimise landscape impacts and damage habitats**'  
(Scottish Environment LINK, 183)

#### Paragraph 4.75 - What the Policy aims to do: Private roads and ways

- Amend the wording of the second sentence to read:  
'New tracks for any other purpose **such as recreation, stalking or shooting access**, require a full planning application to be made'  
(Scottish Environment LINK, 183)

#### Paragraph 4.76 – New hill tracks

- Amend from the second sentence to read:

'However it is inevitable that as management of open moorland and hill ground changes for different objectives, there will be **exceptional** instances where the existing and extensive network of tracks does not meet the evidence-based need for vehicle access for management. In such rare circumstances, the Plan also provides for the construction of well-designed new tracks where they are part of a programme of works that enhances the special landscape qualities of the National Park; this will normally include the removal of other tracks' (NEMT, 048).

- Then add the following:

**'The use of ATVs in open moorland over time can cause significant damage to peat and soils and create visually intrusive scarring. This has recently emerged as a justification for constructing new tracks in planning applications. The National Park will work with the relevant statutory bodies, landowners and other interested parties to find solutions to the problem'**

(NEMT, 048)

- Remove the word 'inevitable' in the second sentence of paragraph 4.76 (John Muir Trust, 159; Scottish Environment LINK, 183).
- Change the word 'desired' in second sentence (John Muir Trust, 159; Scottish Wildland Group, 181; Scottish Environment LINK, 183). It is suggested that the last three words ("*desired for management*") could be replaced with **'shown to the Planning Authority to be essential for management'** (Scottish Wildland Group, 181) or **'absolutely required for management'** (Scottish Environment LINK, 183).

#### Paragraph 4.79/4.82: Wild Land Assessments

- Include specific reference to the need to carry out Wild Land Impact Assessments with reference to Scottish Natural Heritage in this respect (John Muir Trust, 159; Scottish Environment LINK, 183) in paragraphs 4.79 and 4.82.

#### Policy 9.1 Listed buildings

- Ensure policy consistency with Historic Environment Scotland's guidance on the Demolition of Listed Buildings and the Use and Adaptation of Listed Buildings published in April 2019 (Scottish Land and Estates, 174).
- Include partial demolitions within the list of cases where demolition might be justified (Highland Council, 177).
- Remove the fourth paragraph starting 'There is a presumption against demolition...'  
(Highland Council, 177).
- Remove the fifth paragraph and criteria a-c) starting 'Where development would result in a significant adverse impact...'  
(Highland Council, 177).
- Remove the sixth paragraph and criteria a-d) starting 'Any proposals for the demolition of a listed building ...'  
(Highland Council, 177).

#### Policy 9.2 Cultural and historic designations

- Replace the second last paragraph below part c) to read:  
**'Any works directly affecting a designated Scheduled Monument requires Scheduled Monument Consent (SMC) which is obtained from Historic Environment Scotland. Advice on the SMC process and requirements should be sought at an early stage'**  
(Scottish Government, 089)

#### Other Cultural Heritage Matters

- Reinststate a requirement for development to remain one and a half storeys and use local materials (D and S Dickie, 050).

#### Policy 10.1 Water resources

- Amend criterion b. as follows:  
‘treat surface water and foul water discharge separately ~~and~~. **Development is required to treat surface water** in accordance with the current CIRIA SuDS Manual: and...’  
(SEPA, 085)
- Amend wording of final paragraph of policy as follows:  
‘An appropriately sized buffer strip will be required to be retained around all water features **and designed and managed to contribute positively towards placemaking.**’  
(SEPA, 085)
- Reference to Scottish Water’s Surface Water Policy in the 'What the Policy Aims To Do' section on page 72 or the glossary (Scottish Water, 193).

#### Policy 10.2 Flooding

- Amend policy by either adding the following criterion:  
**‘e) not increase vulnerability to flood risk through change of use’**  
Or by adding the following paragraph after the reference to water resilient materials:  
**‘Consideration should also be given to the type of development proposed. For some land uses there may be additional flood risk requirements or constraints, and an assessment of the low to medium risk area may be needed. Development shall only be permitted for uses of equal or less vulnerability in accordance with SEPA’s Land Use Vulnerability Guidance.’**  
(SEPA, 085)
- Amend final paragraph of policy as follows:  
‘Development ~~should~~ **shall** incorporate SuDs in proportion to the scale and nature of the development.’  
(SEPA, 085)

#### Policy 10.3 Connection to sewerage

- Add line to require developers to contact Scottish Water Development Services before commencing development to ensure schemes can be connected or adopted if required (Scottish Water, 193).

#### Policy 10.6 Minerals

- Set out factors that specific proposals will need to address, including for example noise, pollution of land, air and water (Scottish Government, 089).
- Make reference to maintenance of a landbank of permitted reserves for construction aggregates of at least 10 years (Scottish Government, 089).

#### Policy 10.8 Contaminated land

- Add reference to the necessity for a soil investigation and the potential use of barrier pipe/ductile iron pipe for the delivery of water to any such sites affected by contaminated land (Scottish Water, 193), or add a line to contact Scottish Water Development Services to ensure water infrastructure for the site is suitable for any

such ground conditions (Scottish Water, 193).

#### Paragraph 4.137: Water Framework Directive

- Add following wording to end of paragraph 4.137:  
**‘The optimum width of a buffer strip adjacent to a waterbody will be affected by the width of the water course/size of water body, site conditions, topography and additional functions. They should be a minimum of 6m but could be wider than 20m on major rivers or dynamic water courses to allow them to follow their natural course. Where there are opportunities to undertake restoration of straighten or realigned watercourses, a wider buffer may also be required.’**  
(SEPA, 085)

#### Paragraph 4.138: Ground Water dependant terrestrial ecosystems

- Replace paragraph 4.138 with the following text:  
***‘Scottish Planning Policy, paragraph 194 states that “the planning system should: ... promote protection and improvement of the water environment including...wetlands... in a sustainable and co-ordinated way. Wetlands are also protected under the Water Framework Directive. Phase 1 Habitat Surveys should be used to identify if wetlands are present on or adjacent to a development site. If present, a more detailed National Vegetation Classification survey will be required to identify if the wetlands are dependent on groundwater or surface water. Wherever possible, all types of wetlands should be avoided by development though the inclusion of an appropriate buffer otherwise further assessment and appropriate mitigation will be required.”***  
(SEPA, 085)

### **Summary of responses (including reasons) by planning authority:**

#### Policy 3: Design and Placemaking - General Comments

Inveresk Community Council (135) suggest promoting straw bales as a sustainable construction method, however this is outwith the remit of the Plan. Further details of sustainable construction methods will be outlined in the Design and Placemaking non-statutory guidance that will support the Plan, currently in early draft (CD022).

NHS Grampian (160) suggested the policy should highlight the positive impact good design has on health and wellbeing. CNPA agrees that this is an important issue to highlight and is supported by Scottish Planning Policy paragraph 29. However, the topic will be better highlighted in the Design and Placemaking non-statutory guidance that will support the Plan.

CNPA notes Scottish Water’s (193) comment regarding developer’s responsibilities in reference to water infrastructure out with the network. However all water and sewer connection issues would be addressed during planning application process. No modification proposed.

#### Policy 3.2: Major Developments

Tactran (131) suggest a Transport Assessment / Statement should be required along with a masterplan or development brief for large development applications. It is agreed that it is likely that such assessment / statements will be required to support Major Developments. However it is not necessary to incorporate this within the policy, as such a requirement,

including the scope of any reports, would be determined during the planning pre-application / application process.

#### Policy 3.3: Sustainable Design

SEPA (085) suggest strengthening the policy in regard to sustainable design standards. In paragraph 4.51, the supporting text to the policy reads "*The policy promotes the highest standards of design in all development.*" CNPA are satisfied that this policy does promote the highest levels of sustainable design attainable. This will be monitored on an individual application basis during the planning application process.

NHS Grampian (160) request the policy should have a greater focus on adaptable housing. CNPA agree adaptable housing is an important issue and strongly relates to sustainability of housing in the Park. Adaptability is one of the Scottish Government's six qualities of successful places, these form the basis of the Design and Placemaking non-statutory guidance that will support the Plan in which the concept of adaptability and adaptable housing will be explored in full.

Wildland Ltd (182) suggest removing the reference to climate change from the policy. The reference to climate change will not be removed from the policy as it is required by The Climate Change (Scotland) Act 2009 and is supported by the Scottish Government's six qualities of Successful Places "Resource Efficient" element outlined in Scottish Planning Policy paragraph 45 and National Park Partnership Plan (CD002) policies 3.3 and 3.5.

#### Policy 3.5: Converting existing building stock

SEPA (085) suggest the policy should highlight all change of use applications should comply with SEPA's Land Use Vulnerability guidance. Due to the non-statutory nature of SEPA's guidance, CNPA do not feel it appropriate to make a requirement for all change of use applications to comply with the guidance. CNPA are happy to encourage applicants to consider the guidance as part of their application process.

Their request to add the wording "*and does not introduce a more vulnerable use in terms of flood risk*", is not felt necessary as this is covered under Policy 10.2. A cross reference to Policy 10.2 is also felt unnecessary. Cross referencing does not exist between policies within the Proposed Plan as the policies should be considered in full in conjunction with one another.

#### Policy 4: Natural Heritage - General Comments

NEMT (048) suggest the policy should require developers to mitigate any negative impacts of development however CNPA are satisfied the policy stipulates where mitigation will be required under sections 4.3, 4.4, 4.5 and 4.6, the policy also outlines a definition of 'mitigation' and 'compensation' in paragraph 4.66 (NEMT, 048).

They also raised concern the policy does not make reference to climate change. However CNPA are satisfied that Policy 3.3 (Sustainable Design) requires development proposals to "*minimise the effects of the development on climate change...*" (part 1). Therefore no modification is proposed (NEMT, 048).

In respect of SNH's request to replace references to 'Natura 2000' with 'European sites', CNPA does not object to this as a minor modification, if the Reporter is minded to accept it (SNH, 112).

In respect of including reference to achieving a balance between the protection of natural heritage and supporting the benefits of public health, all development proposals are

subject to all policies in the LDP, including Natural Heritage and Sustainable Design (Policy 3). Every application must be assessed on its merits and appropriate measures and assessments will be undertaken, where required, to determine any potential impacts. It is not considered that there is a quantifiable 'balance', as it is subject to individual assessment through all relevant policies. Therefore no modification is proposed (Scottish Wildland Group, 181).

CNPA do not agree that references to the requirement for a 'species protection plan' should be in capitals unless referring to a specific one which the policy is not. Therefore no modification is proposed (Scottish Wildland Group, 181).

In respect of adopting a stronger approach for the protection of natural heritage, CNPA consider that the current Natural Heritage Policy affords appropriate and proportionate protection to the National Park's Natural heritage. In respect of the suggestion to develop policy 'tests', again CNPA do not support this on the basis that each proposal should be assessed on its merits subject to all policies and it is not considered that this would provide a more suitable or comprehensive approach to managing or reducing impacts on natural heritage (Wildland Ltd, 182).

The request to require more specific / detailed information from developers is noted, however the requirements vary depending on the nature and scale of development and species/habitat affected. It is not practical to set out specific site requirements for all sites in the Proposed Plan as, for example, species vary between years, weather, population dynamics, food supply etc. and some are mobile and therefore are not always present. Therefore it is not possible to stipulate with certainty in the policy, which assessments will be required in every circumstance. Therefore it is considered appropriate to retain the current approach set out in Policy 4.6 which identifies that "*where there is evidence to indicate that a protected or priority habitat or species may be present...the developer will be required to undertake a focused survey of the area's natural environment to assess the effect of the development on it*". The need for specific assessments will be highlighted to the developer at the pre-application or application stage. No modification proposed (BSCG, 187).

Introducing a second tier of nature conservation areas is not considered necessary as over half of the National Park is already covered by formal designations and all development proposals will be subject to all policies, including Natural Heritage to ensure that any impacts on natural heritage assets are appropriately considered and where necessary mitigated. No modification proposed (BSCG, 187).

#### Policy 4.1: International designations

The request to include an additional sub-paragraph/criteria c) is noted and while Policy 4.6 sets out that a species/habitat protection plan should set out measures to avoid, reduce or mitigate effects, CNPA consider it reasonable, for greater clarity, to include this in direct relation to European sites as a minor modification if the Reporter is minded to accept it (Scottish Government, 089).

The additional wording proposed at the end of sub-paragraph/criteria b) is also noted and CNPA agree that it may be appropriate to include the wording to ensure continued protection should the UK leave the EU. It is considered that this is a minor modification if the Reporter is minded to accept it (SNH, 112).

All criteria within policy 4.1 are already contained within the current Local Development

Plan 2015 (CD001) and have been in operation without causing conflict since 2015. It is a valid approach to pursue any of the aims of the National Park, although greater weight is given to the first. This does not however mean that a decision cannot be made in favour of development should it be deemed necessary, even if adverse effects are identified. The point being that, despite greater weight being placed on the first aim of the National Park, it may not be enough to outweigh the need for development. The wording of the policy has been written to comply with other legislation regarding European sites (The Conservation (Natural Habitats, &c.) Regulations 1994, European Council Directive 92/4/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora known as the Habitats Directive and Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds known as the Birds Directive). To remove criterion b) as requested by AVCC (104) would leave the policy in conflict with this legislation. CNPA therefore do not support the change and no modification is proposed (AVCC, 104).

Including reference to the European Birds and Habitats Directives is not considered necessary in Policy 4.1 as it already refers specifically to Natura 2000 and Ramsar sites (amended to 'European sites' as noted in the General comments for 112 (SNH) above). Such sites are governed by domestic legislation derived from the Directives. In addition, there is the potential for the Directives being superseded should the UK leave the EU. Therefore including reference to the Directives is not considered necessary. No modification proposed (Scottish Wildland Group, 181).

#### Policy 4.2: National designations

The requirement to give greater weight to the first aim of the National Park where there is a conflict between the first aim and any of the others is currently set out in the introduction (paragraph 1.6) and it is not considered necessary to repeat this within the policy. No modification proposed (NEMT, 048).

It is not considered necessary to include wild land specifically within this policy on the basis that the special landscape qualities of the National Park include Wildness and Wild land, amongst others, and this is set out in the Landscape Policy (Policy 5). No modification proposed (John Muir Trust, 159).

CNPA does not support the suggestion to include reference to the European Birds and Habitats Directives as Policy 4.2 relates to National Designations and therefore this is not relevant. No modification proposed (Scottish Wildland Group, 181).

The current policy requires that "*any such adverse effects are... compensated by the provision of features of equal or greater importance than those that are adversely affected*" (Policy 4.2, b)). It is considered that this requires an appropriate approach to compensation and therefore no modification is proposed (BSCG, 187).

#### Policy 4.3: Woodlands

The request for more clarity in respect of the perceived contradiction between Policy 4.3 and paragraph 4.67 is noted, however CNPA do not agree that this is the case. Policy 4.3 sets out that there is a presumption against the removal of Ancient Woodland Inventory (AWI) sites and this will only be permitted in exceptional circumstances. Paragraph 4.67 reinforces this by emphasising the presumption against woodland removal more generally and that any decision to remove AWI sites must be taken carefully as they cannot be replaced. Therefore CNPA do not consider that further clarity is required. No modification proposed (NEMT, 048; BSCG, 187).

In respect of the queries posed regarding how an AWI site may be found to have low ecological value and what compensation is considered to be appropriate, this must be assessed on a site by site basis. It is not considered appropriate to specify within the Policy what constitutes low ecological value, as a number of factors would need to be considered including biodiversity and flora value and soil structure. It is not possible to stipulate exactly without a full assessment of a site. Compensation measures will vary from site to site depending on the woodland lost and again, it is not considered appropriate to specify within the policy. Therefore no modification is proposed (NEMT, 048).

The request to amend the reference to AWI sites to align with SNH's guidance is noted. However CNPA do not consider that the definition or that the AWI is a provisional guide needs to be included within the policy. Any proposals for development affecting ancient woodlands including those identified in the AWI will be assessed on their merits. Policy 4.3 refers to both woodland and AWI sites and it is considered that this is appropriate. A woodland survey or further assessments will be undertaken where required on a case by case basis, however it is not considered necessary to include this within the policy. No modification proposed (WTS, 137).

Policy 4.3 already acknowledges that ancient woodland is considered to be an irreplaceable resource. Paragraph 4.67 reinforces that there is a general presumption against the removal of all woodland. It is not considered appropriate to stipulate that there will be no further loss of ancient woodland as while the intention of the policy is to minimise any ancient woodland loss, it recognises there may be exceptional circumstances where it is necessary. Therefore no modification is proposed (WTS, 137).

The current policy approach seeks to minimise any impacts on ancient woodland. While it does not specify a requirement for buffering (or state a distance), proposals are required to comply with the Scottish Government's Control of Woodland Removal Policy (CD073), with each case being assessed on its merits. Appropriate buffering and structure planting will be assessed as part of the planning application process, taking into account the specific characteristics of the site. In respect of comments and buffering requirements for individual allocations, these are addressed in the settlement specific schedules. Therefore no modification is proposed (WTS, 137).

The objection to the requirement for compensatory planting is noted, however CNPA consider that it is necessary and appropriate to ensure that in the exceptional circumstances where the removal of ancient woodland is necessary, that appropriate compensatory measures are required. In respect of requiring native species for compensation, while as a general principle this is generally supported, it is not considered necessary to specify in the policy as each case should be assessed on its merits. Therefore no modification is proposed (WTS, 137).

CNPA do not support the removal of criteria a) and b) of Policy 4.3 on the basis that they are necessary to ensure that AWI sites are only removed in exceptional circumstances. While the concerns were expressed that this policy is contrary to Scottish Planning Policy (paragraphs 194, 216 & 218), CNPA does not agree on the basis that the Policy (and supporting text in paragraph 4.67) both state there is a presumption against the removal of woodland, and a strong presumption against the removal of AWI sites (R Turnbull, 179). This is also in line with the Scottish Government's Control of Woodland Removal Policy, referred to in paragraph 4.67 (CD073).

CNPA do not agree that Policy 4.3 a) conflicts with IUCN management principles (CD079), as these principles are expressed through the National Park's aims and the National Park Partnership Plan (CD002). The Proposed Plan is one of the main documents that will deliver the outcomes set out within the National Park Partnership Plan and the CNPA consider that the overarching approach throughout the Proposed Plan is compatible with the National Park's aims. Therefore, the Proposed Plan and the policies it contains, comply with the IUCN management principles (BSCG, 187).

The suggested amended criteria are not supported as CNPA consider that the current wording is robust and there is no compelling argument for the proposed changes (R Turnbull, 179; A Grant, 189).

CNPA do not agree to the proposed amendment to encourage development in woodland where it supports the perceived naturalness of the land cover and/or the visible lack of buildings, roads, pylons and other modern artefacts (A Grant, 189). Policy 4.3 sets out the exceptional circumstances where woodland removal may be permitted, however overall there is a general presumption against the removal of woodland. CNPA does not support amending the policy to permit development in woodland subject to the proposed criteria. No modification proposed (A Grant, 189).

The request to make greater reference to natural heritage is noted, however 'natural heritage' is the overarching term used to collectively describe the individual elements of the policy. CNPA do not agree that greater reference to natural heritage is needed or would be beneficial in that it provides policy for each element of natural heritage. No modification is proposed (BSCG, 187).

The policy promotes a presumption against woodland removal for development and that removal will only be permitted in exceptional circumstances. CNPA does not support an amendment to only enable development in areas of low ecological value, coniferous plantation or non-native species areas. The current policy does not afford value to different types of woodland other than AWI sites. It is considered more appropriate that all proposals that could result in the loss of woodland must be assessed on their merits subject to the policy criteria and the details of the proposal. The proposed amendment would also contradict the Scottish Governments woodland expansion aspirations. No modification proposed (A Grant, 189).

Trees are already promoted and widely used as screening for development and the Sustainable Design Policy (Policy 3.3c) requires the use of materials and landscaping that will complement the setting of the development (A Grant, 189).

#### Policy 4.4: Protected Species

The proposed amendment to the wording to include cumulative impacts is noted, however significant adverse effects refer to direct, indirect or cumulative impacts and therefore it is not necessary to specify this within the policy. No modification proposed (RSPB Scotland, 178).

CNPA note the request to amend sub-paragraphs 'b' to reflect the respondents view that there should be no circumstances where a solution cannot be found and should only apply to development that cannot be sited outwith the National Park. CNPA do not agree with this amendment as criteria b) does not sit in isolation and should be read in conjunction with a) and c) for each type of protected species. This makes it clear that development

that would have a significant adverse effect on protected species will only be permitted where it meets all three criteria and is not considered to override avoiding significant adverse impacts on protected species (BSCG, 187). It is not considered that criteria c) encourages a 'best guess' approach as any proposals affecting protected species will be required to carry out the relevant assessments and surveys to inform decision making. This approach also reflects the licensing requirements set out in the Conservation (Natural Habitats & c.) Regulations 1994 (as amended in Scotland) (CD081) and the Wildlife & Conservation Act 1981 (as amended in Scotland) (CD080). Therefore no modification is proposed (BSCG, 187).

CNPA does not support an amendment that would only apply to development where it cannot be sited outwith the National Park. CNPA cannot inform planning or development outwith the National Park and therefore it is not appropriate to include the provision for this within the Policy. No modification proposed (BSCG, 187).

#### Policy 4.5: Other biodiversity

The request to replace Annexes II or V of the EC habitats Directive or Annex 1 of the EC Birds Directive with Schedules 2 and 4 of The Conservation (Natural Habitats &c.) Regulations 1994 (as amended in Scotland) is noted. CNPA agree with this amendment as a minor modification if the Reporter is minded to accept it (SNH, 112).

The proposed amendment to the wording to include cumulative impacts is noted, however significant adverse effects refer to direct, indirect or cumulative impacts and therefore it is not necessary to specify this within the policy. No modification proposed (RSPB Scotland, 178).

#### Policy 4.6: All development

The request to include additional wording to require all proposals to identify measures to enhance biodiversity are noted. However, CNPA consider that the current requirement to "*avoid, reduce or mitigate such effects*" [of a development] is appropriate and proportionate, particularly when considered in combination with Policy 3.3k ("*create opportunities for further biodiversity and promote ecological interest*"). It may not be appropriate or feasible for all development to enhance biodiversity, but as a minimum every effort should be made to avoid, reduce or mitigate the impacts in a proportionate way. While enhancement will be required and encouraged in some circumstances, this must be determined by taking into account the scale and type of development and the type of natural heritage that it is affecting. Therefore no modification is proposed (RSPB Scotland, 178).

CNPA do not consider it necessary to include reference to the mitigation hierarchy [avoid, minimise and mitigate, compensate ] to reduce the loss of biodiversity. In practice, the mitigation hierarchy is applied as a matter of course as development proposals. Whether mitigation/compensation is required is best assessed and determined on a case by case basis, depending on the scale and type of development as well as the type of natural heritage that it may affect. It is considered that the combination of Policy 3.3k ("*create opportunities for further biodiversity and promote ecological interest*") and Policy 4 should minimise biodiversity loss. No modification proposed (RSPB Scotland, 178).

#### Paragraph 4.61 – What the Policy aims to do

The request to provide examples of active management are noted however it is not considered relevant or necessary for the purposes of the Proposed Plan to include this. In addition, management practices will evolve and change over time and therefore it is not

considered appropriate to include them within the LDP as they may become outdated. Therefore no modification is proposed (BSCG, 187).

#### Paragraph 4.63 – What the Policy aims to do

The comment that BSCG have no confidence in this section of the policy is noted. The Natural Heritage policy as a whole has been created and assessed in consultation with key stakeholders including SNH. CNPA are satisfied that it is fit for purpose (BSCG, 187).

#### Paragraph 4.66 - Mitigation

The request for clarification on the remit of the mitigation policy is noted and that the current wording in paragraph 4.66 suggests that it only applies to designated sites. However it is not the intention of the paragraph to only apply to designated sites, it is to highlight that a development site does not necessarily have to lie within a designated site to have an impact and require mitigation. For the purposes of clarification, CNPA propose an amendment to the third sentence to read: **'Where a development affects a designated site, the policy applies whether or not the development is inside or outside the boundary of the designated site'**, if the Reporter is minded to accept it (NEMT, 048).

In respect of the suggestion to include a net environmental gain/benefit approach, CNPA consider that criterion k of Policy 3.3 already covers this through the creation of opportunities for furthering biodiversity and promotion of ecological interest. While enhancement/net benefit may be required and encouraged in some circumstances, this must be determined taking into account the scale and type of development as well as the type of natural heritage that the development is affecting. Therefore no modification is proposed (NEMT, 048).

#### Paragraph 4.68 – Protected Species

The concern expressed in relation to CNPA's ability to ensure the effects of development are 'fully considered' is noted. However, the Natural Heritage policy as a whole has been created and assessed in consultation with key stakeholders including SNH and CNPA are satisfied that it is fit for purpose. In addition, CNPA work closely with relevant partners to ensure that sufficient information and assessments are undertaken to fully assess the impacts of a development through the planning process (BSCG, 187).

#### Policy 5: Landscape – General Comments

The special landscape qualities of the National Park include wildness and wild land, amongst others. Therefore it is not considered necessary to make specific reference to Wild Land Areas within the 'Applying the policy section', which provides guidance for conserving and enhancing the special landscape qualities (John Muir Trust, 159).

The current glossary includes the definition of wildness, which is "*the quality experienced within areas of wild land character*". However to distinguish between land identified as Wild Land Areas (WLAs) and the qualities of wildness that can be experienced both within and outwith WLAs, CNPA would not object to the inclusion of a definition of Wild Land Areas if the Reporter is minded to do so and would suggest the following:

**'Wild Land Areas were identified by Scottish Natural Heritage in 2014. They are the most extensive areas where high wildness qualities (perceived naturalness, ruggedness, remoteness and lack of human artefacts) can be found. They are a non-statutory designation considered to be of national importance.'**

(John Muir Trust, 159)

CNPA consider that sufficient connections have been made to the relevant parts of the National Park Partnership Plan (CD002) within each policy. The purpose of the Proposed Plan is to set out the future development strategy for the National Park, including the policies for how development should be delivered within the National Park and where. It is outwith the scope of the LDP to inform or influence issues such as re-wilding that are dealt with in the National Park Partnership Plan (which is the strategic land management plan) and other National Park plans and strategies. CNPA cannot require developments to meet tests/standards higher than those required by National Policy and therefore do not agree with the proposed changes (Wildland Ltd, 182).

The LDP can only influence development within the National Park and each proposal will be assessed on its merits against the relevant parts of the LDP. It is not considered necessary or appropriate to require alternative locations to be considered where the 'significant adverse effects' of a proposal are outweighed by economic or social benefits of national importance. The approach is set out in Scottish Planning Policy (paragraph 212) and therefore considered appropriate. It is not within the scope of the LDP to require the consideration of alternative locations outwith the National Park and therefore CNPA do not agree with these proposed changes (BSCG, 187).

#### Policy 5.1: Special Landscape Qualities

Provision for the consideration of cumulative impacts is set out in paragraph 4.79 (under 'Applying the policy') states that 'New development will also be assessed to consider the cumulative impact on the special qualities of the landscape and sense of wildness found in that area'. CNPA therefore do not consider this amendment is necessary (R Turnbull, 179).

Replacing 'or' with 'and' in the first two paragraphs of Policy 5.1 is not considered necessary. Requiring all developments to both conserve and enhance the landscape character and special qualities and complement and enhance the National Park is considered to be overly onerous for smaller proposals. The intention of the current wording is to be proportionate and require as a minimum, that a proposal should conserve the existing landscape, but enhance it where possible. Therefore CNPA do not support this amendment (Wildland Ltd, 182).

Given the varying nature and types of developments within the National Park, it is not considered appropriate or practicable to provide a precise set of impact based tests. Each proposal should be assessed on its merits against the relevant policies and therefore CNPA do not support this amendment (Wildland Ltd, 182).

#### Policy 5.2: Private Roads and ways

The concerns raised in respect of the impacts of ATV's are noted however it is considered that Policy 5 provides a robust framework for ensuring tracks in open moorland are only permitted where it is demonstrated that they meet criteria a) and b) (NEMT, 048; Mountaineering Scotland, 144; John Muir Trust, 159; Scottish Wildland Group, 181; Scottish Environment LINK, 183 BSCG, 187).

It is not considered necessary to include the suggested paragraph in relation to ATV's as planning cannot control or influence their use currently (Scottish Wildland Group, 181). In addition, CNPA do not consider it appropriate to single out ATV's as tracks are used and created by different methods and this does not change our policy position or presumption against new tracks in open moorland. The additional wording suggested to 'strengthen' the policy is not supported, particularly in respect of allowing tracks in exceptional

circumstances and demonstrating that they are required for land management. Each proposal will be assessed on its merits and required to meet the requirements of Policy 5 and any other relevant policies which may require justification for the use, siting, layout, scale, design and construction of the track. Therefore CNPA do not support these amendments (NEMT, 048; Scottish Wildland Group, 181; John Muir Trust, 159).

CNPA do not agree that delivering a net benefit for the special landscape qualities of the National Park (Policy 5.2, part b)) will distract attention from the loss of wildness qualities. As set out in the policy, new tracks will only be permitted where they meet the criteria set out, including that they are designed to minimise landscape and environmental impacts and help to deliver a net benefit for the special landscape qualities of the National Park (of which wildness is one). Therefore CNPA do not support an amendment to this part of the policy (John Muir Trust, 159).

In terms of including reference to SNH's Guidance on the construction of tracks in the Scottish Uplands within Policy 5, paragraph 4.82 already states that "*Proposals should follow the good practice guidance produced by Scottish Natural Heritage on constructing tracks in the Scottish Uplands*". CNPA consider that there it is not necessary to include reference again within the policy itself and therefore do not support this amendment (Scottish Land and Estates, 174; Crown Estate Scotland, 207).

CNPA do not agree with the suggestion to remove part b) of policy 5.2. It is considered that there is a need to ensure landscape impacts as a result of tracks are minimised and therefore should take into account existing roads or way in in that area. Each proposal will be assessed on its merits and therefore it is not considered appropriate to remove this part of the policy (Scottish Land and Estates, 174; Crown Estate Scotland, 207). CNPA do not support reverting to the wording in the current Local Development Plan 2015 (Scottish Land and Estates, 174).

Paragraph 4.82 currently refers to SNH's guidance on constructing tracks in the Scottish Uplands and therefore it is not considered necessary to provide additional design or construction guidance within the policy or to include a set of criteria to inform decision making for tracks within the policy (Mountaineering Scotland, 144; Wildland Ltd, 182; Crown Estate Scotland, 207).

CNPA do not consider it necessary to amend part b) to include a requirement to redress detrimental impacts on wildness from previous track construction. It is considered that the current policy approach remains suitable in that it supports the removal of other existing roads and ways to deliver a wider benefit for the special landscape qualities of the National Park (of which wildness is one) (Scottish Environment LINK, 183).

The objection to the policy on the basis that intensive moorland management is in conflict with climate change targets is noted. However it is not possible or appropriate to remove the policy relating to private ways on the basis that they support moorland management. CNPA consider that providing a policy basis for the issue strengthens our position in ensuring that private ways are only permitted where it is demonstrated that they meet the criteria set out in Policy 5.2. Therefore CNPA do not agree to amend or remove this policy (BSCG, 187).

#### Paragraph 4.72 - What the Policy aims to do: Wildness

Wildness, amongst others, is one the Cairngorm National Park's special landscape qualities. CNPA consider that it is adequately covered within Policy 5 and the policy's

supporting text, which already highlights the importance of wildness and the importance of considering the impact of development on wildness. It states in the 'Applying the policy' section (paragraph 4.79) that "*Key to this [landscape] assessment are impacts on the character of the landscape, on the sense of wildness found in that area and how the proposal contributes to conserving and enhancing the special landscape qualities.*". Therefore CNPA do not support an amendment to this paragraph (John Muir Trust, 159).

#### Paragraph 4.74 - What the Policy aims to do: Private roads and ways

It is not considered necessary to add 'borrow pits' to the second sentence in this paragraph. As these are often part of a track application and works, it is not necessary to highlight these specifically and each application or prior notification would be assessed on its merits subject to all relevant policies. Therefore CNPA do not support this amendment (NEMT, 048).

A number of respondents noted the missing word 'impact' in paragraph 4.74. It is acknowledged that this is a technical error and CNPA would not object to its inclusion if the Reporter is minded to do so (SNH, 112; John Muir Trust, 159; Scottish Wildland Group, 181; Scottish Environment LINK, 183). However it is not considered necessary to include 'adverse impact' as this is not necessarily 'often' the case (John Muir Trust, 159; Scottish Wildland Group, 181; Scottish Environment LINK, 183).

The additional wording suggested to ensure there is a demonstrable need for a track is not considered necessary. As set out in paragraph 4.76, the Proposed Plan starts from the position that there should be a presumption against new tracks constructed in open moorland and any proposals must meet the requirements of Policy 5 and any other relevant policies which may include justification for the use, siting, layout, scale, design and construction of the track. Therefore CNPA do not support this amendment (Scottish Wildland Group, 181).

#### Paragraph 4.75 - What the Policy aims to do: Private roads and ways

CNPA consider that the current wording clearly states that new tracks for any purpose other than forestry or agriculture require full planning permission and therefore the proposed amendment is not supported (Scottish Wildland Group, 181).

#### Paragraph 4.76 – New hill tracks

As addressed above, the proposed amended wording to the second sentence to emphasise that tracks should only be permitted in exceptional circumstances and meet an evidence based need is not considered necessary. The current wording in paragraph 4.76 advises that the Proposed Plan starts from the position of a presumption against new tracks constructed in open moorland. All proposals will be assessed on their merits and required to meet the requirements of Policy 5 and any other relevant policies which may require justification for the use, siting, layout, scale, design and construction of the track. Therefore CNPA do not support this amendment (NEMT, 048).

The concerns raised in respect of the impacts of ATV's have been noted already here and it is considered that Policy 5 does provide a robust framework for ensuring tracks in open moorland are only permitted where it is demonstrated that they meet criteria a) and b). CNPA do not consider it appropriate to single out ATV's as tracks are used and created by different methods and this does not change our policy position or presumption against new tracks in open moorland (NEMT, 048).

Removing the word 'inevitable' from the second sentence of paragraph 4.76 is not

considered necessary, as it demonstrates an understanding of the changing nature of land management in upland areas. CNPA do not support this amendment (John Muir Trust, 159; Scottish Environment LINK, 183).

Removing the word “*desired*” from the second sentence is not supported by CNPA. Determining the route of a track to ensure it meets the policy requirements may not necessarily result in the ‘required for management’ route but one that meets other considerations and therefore it is not considered appropriate to change the wording (John Muir Trust, 159; Scottish Wildland Group, 181; Scottish Environment LINK, 183).

#### Paragraphs 4.79, 4.82: Wild Land Assessments

Within the ‘Applying the policy’, it states that “*All proposals will be assessed to measure the impact on the landscape, its character and its quality*” (paragraph 4.79) and it goes on to say in paragraph 4.81 that “*assessments will consider the siting, design and impact*”. Given that a wild land assessment would normally accompany a landscape and visual impact assessment – which is also not specified – it is not considered that explicit reference is required. The necessary assessments will be sought depending on the proposal being assessed. It is considered that wild land assessments would form part of this without having to be specified within the policy or supporting text. Therefore, CNPA do not support this amendment (John Muir Trust, 159; Scottish Environment LINK, 183).

#### Policy 9.1 Listed buildings

The current policy approach, including the criteria that proposals must meet to justify the demolition of listed buildings remain consistent and compliant with Historic Environment Scotland’s guidance on the Demolition of Listed Buildings (CD083) and the Use and Adaptation of Listed Buildings (CD082) published in April 2019. In the Use and Adaptation of Listed Buildings guidance, it states within the ‘Approaches to secure the continued use or reuse of listed buildings’ chapter on page 10 that “*the adaptation, alteration, extension and even partial demolition of the building are all options which can, in the right circumstances, form part of the solution*”. While it is not considered necessary to amend the policy approach (as the criteria have not been changed in the national guidance), it is acknowledged at a national level that partial demolition may form part of the solution for a listed building and while not explicitly stated in the current policy, it does not seek to prohibit this (Scottish Land and Estates, 174).

The suggestion to remove the criteria that proposals must meet where they would result in a significant adverse impact or for the demolition of a listed building are not supported by CNPA. The criteria within the policy are consistent with those set out in the Historic Environment Scotland guidance on Demolition of Listed Buildings (CD083) and the Use and Adaptation of Listed Buildings (CD082). While CNPA would not always be the authority in determining listed building consents, it is important that applicants are still required to meet all of the requirements as set out by Historic Environment Scotland. While CNPA do not support the removal of these two parts of the policy, it is accepted that direct reference to the relevant national guidance could be made within the policy if the Reporter is minded to do so. Inclusion of the following wording before the final paragraph is suggested:

**‘Developments that would result in a significant adverse impact or the demolition of a listed building should follow Historic Environment Scotland’s good practice guidance on the Use and Adaptation of Listed Buildings and the Demolition of Listed Buildings.’**

(Highland Council, 177)

### Policy 9.2 Cultural and historic designations

The suggested wording to clarify the position of Scheduled Ancient Monuments is noted and CNPA would not object to this amendment if the Reporter is minded to do so (Scottish Government, 089).

### Other Cultural Heritage matters

This amendment does not fall within the scope of this policy. In terms of design and building heights, the Placemaking and Design Policy sets out the standards that new developments must meet and further detail will be provided within supporting supplementary guidance (D and S Dickie, 050).

### Policy 10: Resources – General comments

There is no requirement for the Proposed Plan to make reference to or set our requirements for the management of radon gas. This matter falls under the remit of Scottish building regulations, specifically section 3.2 of both the domestic and non-domestic Building Standards Technical Handbook 2017 (CD074) (AVCC, 104). No modification proposed.

The current policy as set out in the current Local Development Plan 2015 (CD001) is not supported by supplementary guidance and CNPA does not intend to produce supplementary guidance to support this Plan. However, CNPA does intend to revise and update the current non-statutory guidance should it be needed. No modification proposed (SEPA, 085).

### Policy 10.1 Water resources

Taken in combination with Policy 1.2 of the National Park Partnership Plan (CD002) and the Proposed Plan as a whole, as is stated under paragraphs 4.1 and 4.2 of the Proposed Plan, it is considered that sufficient emphasis is placed on ensuring cumulative negative impacts do not arise. The principle of integrated catchment management is well understood and the Proposed Plan offers as many tools as it is able to to encourage this. There are limits however owing to the nature of the development that falls under the LDP's control. The greatest policy tool in this regard is the National Park Partnership Plan. No modification proposed (NEMT, 048).

CNPA believe that the policy is sufficiently robust and that the protection, enhancement and creation of blue/green infrastructure can be delivered through a number of policies, including Policy 10.1: Water Resources, Policy 3.1: Placemaking and Policy 4: Natural Heritage. However, CNPA considers the suggested changes to be minor in nature and would not object if the Reporter were minded to recommend them (SEPA, 085).

CNPA believe that the policy is sufficiently robust, however if the Reporter were minded to make a change then CNPA would not object to the following wording being added to the end of paragraph 4.135:

**'Applicants should consult Scottish Water's Surface Water Policy on the appropriate treatment of surface water and foul water discharge.'**

(Scottish Water, 193)

### Policy 10.2 Flooding

The policies of the Proposed Plan cannot be over prescriptive and cannot set out precise circumstances under which consent will be granted as inevitably, all proposals will be unique in some way. The potential effects of a development are therefore largely judged at the point of application (entirely if the site is not allocated) and it is the compliance with

policy and the significance of the potential impacts that are measured. CNPA is of the opinion that this is sufficiently clear and an entirely normal to policy. CNPA does appreciate that standards and guidance are useful to applicants, however to a large extent, these are outside of the gift of CNPA to set out. CNPA do not believe the LDP to be an appropriate place to set out examples of best practice. No modification proposed (NEMT, 048).

As stated in the policy, all development should be free from medium to high risk of flooding. However, it is recognised that some forms of development are less sensitive or even compatible with areas at risk of flooding; this is set out in the SEPA Flood Risk and Land Use Vulnerability Guidance 2018 (CD076). For example, the guidance states that less vulnerable uses, such as shops, financial and professional, services, restaurants and cafés, may be acceptable in areas of medium to high risk under certain circumstances. The policy reflects this fact (Aberdeenshire Council, 132). No modification proposed.

The text 'Developments should incorporate SuDS or other natural flood measures' does not appear in the Proposed Plan (Aberdeenshire Council, 132). No modification proposed.

Aberdeenshire Council's (132) comments on absent factors may be answered as follows:

- The references to low, medium and high flood risk areas reflect the categories set out by SEPA and displayed on their flood maps.
- There is no requirement to make specific reference to SEPA flood maps, though the Policy does cover these matters under criterion a).
- There is no requirement to reference the Flood Risk Management (Scotland) Act 2009 or SEPA's River Basin Management Plan (RBMP) in the LDP, though their contents were taken account in the formation of the Plan, as set out in the SEA (CD006).
- The potential impact of development on the River Dee SAC was considered as part of the Plan's Habitat's Regulations Appraisal (CD005). The mitigation requirements arising from this process are set out in Table 4 of the Proposed Plan and noted under the Plan's site specific requirements where necessary. In general, Policy 10.1 Covers matters relating to water quality.
- Policy 3.3: Sustainable Design, criterion j) covers matters relating to access and egress.

No modification proposed (Aberdeenshire Council, 132).

It should be noted that the Proposed Plan can only require mitigation that relates directly to the development being referred to. Therefore, mitigation at a catchment level is unlikely to be achievable at significant level. CNPA does wish to encourage Natural Flood Management (NFM) and priority areas are identified in the National Park Partnership Plan (CD002), which is seen as the most effective mechanism for delivery. NFM as a smaller scale may be delivered through SuDS schemes, which are a requirement of the policy. In this regard, the SEPA Natural Flood Management Handbook 2016 (CD077) offers only limited useful information for planning applicants. SEPA have been engaged throughout the Proposed Plan preparation process and are satisfied with its contents with regard to NFM. No modification proposed (NEMT, 048).

CNPA consider the policy to be sufficiently robust, in that the statement "*All development should...*" covers all development, including changes of use. For this reason, CNPA do not support the addition of wording to the policy. No modification proposed (SEPA, 085).

### Policy 10.3 Connection to sewerage

CNPA believe that the policy is sufficiently robust to manage sewerage infrastructure. However if the Reporter were minded, CNPA would not object to the following paragraph being added to applying the policy section after paragraph 4.134:

**az‘The policy of both SEPA and Scottish Water is that all development where possible should connect to the public drainage network. This is to prevent the proliferation of septic tanks and any potential associated degradation of the ground and water environment. This is particularly relevant in instances where connection to the existing public network is reasonable and practical.**

**In instances where this is not currently possible, developers should contact Scottish Water to ensure their private treatment schemes can be adopted (where applicable) and designed in such a way that connection to the public network may be achieved easily at a future point.**

**Rural housing development, remote from public drainage networks that require a septic tank should be consulted upon with the relevant Local Authority and registered with SEPA.’**

(Scottish Water, 193)

### Policy 10.6 Minerals

As stated by paragraphs 4.1 and 4.2, planning applications will be assessed against all relevant parts of the Plan. Therefore a framework already exists to prevent development that will have a significant effect on the ecology and landscape of the National Park. No modification proposed (NEMT, 048).

It is a valid approach to pursue any of the aims of the National Park although greater weight is given to the first. This does not however mean that a decision cannot be in favour of development should it be deemed necessary, even if significant adverse effects are identified. The criteria by which these circumstances may arise are set out in criterion b), and CNPA is content that they may occur if there is a social or economic benefit. This policy only applies with respect to mineral extraction. No modification proposed (AVCC, 104).

All criteria within policy 10.6 are already contained within the current Local Development Plan 2015 (CD001) and have been in operation without causing conflict since 2015. It's a valid approach to pursue any of the aims of the National Park although greater weight is given to the first. This does not however mean that a decision cannot be in favour of development should it be deemed necessary, even if adverse effects are identified. The point being that despite greater weight being placed on the first aim of the National Park, it may not be enough to outweigh the need for development. The criteria by which these circumstances may arise are set out in criterion b), and CNPA is content that they may occur if there is a social or economic benefit. This policy only applies with respect to mineral extraction. No modification proposed (AVCC, 104).

As stated by paragraphs 4.1 and 4.2 of the Proposed Plan, planning applications will be assessed against all relevant parts of the Plan and therefore matters relating to natural heritage, landscape, economic development, disturbance etc, are dealt with by the relevant policies. Furthermore criterion b) of Policy 10.6: Minerals states that restoration needs to be a consideration. CNPA is therefore of the position that all matters are covered by the Plan as a whole, and amendments to the policy are not required. No modification proposed (Scottish Government, 089).

The policy aims to maintain a 10 year land bank through its first set of criteria. However, this is not explicitly stated. While CNPA is consider the policy sufficient to maintain this, if the Reporter were minded to recommend it for clarity, CNPA would not object to making the following amendment to paragraph 4.130:

‘The policy aims to reduce the overall resource use footprint of the National Park, protect resources where appropriate and ensure we use and manage natural resources in an effective way. **It will assist the sustainable provision of a supply of raw materials and ensure that there is a minimum 10 year land bank of reserves for construction aggregates.** It will protect what is important about our resources, while facilitating appropriate development in ways which create a net positive outcome. It complements legislative obligations beyond the planning act, and allows sufficient flexibility to adapt to changes and developments in technology and research associated with the protection and exploitation of resources.’  
(Scottish Government, 089)

#### Policy 10.7 Carbon sinks and stores

The policy itself offers a presumption against the disturbance of peat soils (John Muir Trust, 159). The reference to CO<sub>2</sub> reflects the fact that when measuring the carbon storage of soils, methane and other greenhouse gasses are converted into the CO<sub>2</sub> equivalent. CNPA does not therefore believe a change to the policy is required. However, if the Reporter were minded to, CNPA would not object to the following change in wording:

‘include an assessment of the likely effects of development on ~~carbon dioxide (CO<sub>2</sub>)~~ **greenhouse gas** emissions and identify appropriate mitigation measures to minimise the release of stored carbon as a result of disturbance.’  
(AVCC, 104)

#### Policy 10.8 Contaminated land

Criterion a) of Policy 10.8 requires assessments to be undertaken to identify actual and potential impacts of contaminated land. This includes potential negative effects on human health, which would cover matters relating to the delivery of water. CNPA does not therefore consider that specific reference needs to be made to the use of barrier or ductile iron pipes. No modification proposed (Scottish Water, 193).

#### Paragraph 4.137: Water Framework Directive

SEPA (085) request that further information on the application of the policy be added to paragraph 4.137.

CNPA believe that the paragraph is sufficiently clear, however if the Reporter were minded to make a change then CNPA would not object to the suggested wording being added to the end of paragraph 4.137:

**‘The optimum width of a buffer strip adjacent to a waterbody will be affected by the width of the water course/size of water body, site conditions, topography and additional functions. They should be a minimum of 6m but could be wider than 20m on major rivers or dynamic water courses to allow them to follow their natural course. Where there are opportunities to undertake restoration of straighten or realigned watercourses, a wider buffer may also be required.’**  
(SEPA, 085)

#### Paragraph 4.138: Ground Water dependant terrestrial ecosystems

CNPA believe that the paragraph is sufficiently clear, however if the Reporter were minded to make a change then CNPA would not object to paragraph 4.138 being replaced with the

suggested wording:

**'Scottish Planning Policy, paragraph 194 states that "the planning system should: ... promote protection and improvement of the water environment including...wetlands... in a sustainable and co-ordinated way. Wetlands are also protected under the Water Framework Directive. Phase 1 Habitat Surveys should be used to identify if wetlands are present on or adjacent to a development site. If present, a more detailed National Vegetation Classification survey will be required to identify if the wetlands are dependent on groundwater or surface water. Wherever possible, all types of wetlands should be avoided by development though the inclusion of an appropriate buffer otherwise further assessment and appropriate mitigation will be required.'**

(SEPA, 085)

**Reporter's conclusions:**

**Reporter's recommendations:**

## Relevant Documents Page - Issue 6, Delivering infrastructure

### 1. Schedule 4

### 2. Representations

029, Nestrans  
048, North East Mountain Trust (NEMT)  
063, R Dalitz  
067, Walkhighlands  
085, Scottish Environment Protection Agency (SEPA)  
089, Scottish Government  
104, Aviemore and Vicinity Community Council (AVCC)  
117, Paths For All  
131, Tactran  
133, Atholl Estates  
144, Mountaineering Scotland  
149, Willow Tree Allotment Association (WTAA)  
159, John Muir Trust  
177, Highland Council  
178, RSPB Scotland  
181, Scottish Wildland Group  
182, Wildland Ltd  
207, Crown Estate Scotland

### 3. Site Maps

*None*

### 4. Representee Documents

*None*

### 5. Authority Documents

CD002 - National Park Partnership Plan 2017-2022  
CD011 – Action Programme  
CD023 - Draft Developer Obligations supplementary guidance  
CD039 - Constructed Tracks in the Scottish Uplands 2015  
CD074 - Building Standards Technical Handbook 2017

<b>Issue 6</b>	<b>Delivering Infrastructure</b>	
<b>Development plan reference:</b>	Policy 6: The Siting and Design of Digital Communications Equipment (pages 54 – 56), Policy 7: Renewable Energy (pages 58 – 60), Policy 8: Open space, Sport and Recreation (pages 62 - 64), Policy 11: Developer Obligations (pages 76 - 80)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
029	Nestrans	
048	North East Mountain Trust (NEMT)	
063	R Dalitz	
067	Walkhighlands	
085	Scottish Environment Protection Agency (SEPA)	
089	Scottish Government	
104	Aviemore and Vicinity Community Council (AVCC)	
117	Paths For All	
131	Tactran	
133	Atholl Estates	
144	Mountaineering Scotland	
149	Willow Tree Allotment Association (WTAA)	
159	John Muir Trust	
177	Highland Council	
178	RSPB Scotland	
181	Scottish Wildland Group	
182	Wildland Ltd	
207	Crown Estate Scotland	
<b>Provision of the development plan to which the issue relates:</b>	Policy 6: The Siting and Design of Digital Communications Equipment Policy 7: Renewable Energy Policy 8: Open space, Sport and Recreation Policy 11: Developer Obligations	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Policy 6: The Siting and Design of Digital Communications Equipment</u> John Muir Trust (159) and Scottish Wildland Group (181) note that while paragraph 4.88 highlights that Policy 6 will be used in conjunction with other policies, reference within the policy should be made to the need to take into account the impacts of tracks – including construction and restoration.</p> <p><u>Paragraph 4.86 - Applying the policy</u> NEMT (048) are of the view that details in respect of new vehicle tracks required for proposals should be added in the Applying the Policy section (paragraph 4.87) and it was suggested that reference should be made to SNH's guidance on constructed tracks in the Scottish Uplands (NEMT, 048; Scottish Wildland Group, 181).</p> <p><u>Policy 7.1: All renewable energy developments</u> Several responders concentrate on the potential effects of renewable energy on wild land and Wild Land Areas. It is asked that more clarity be provided that renewable energy</p>		

developments will not be allowed in Wild Land Areas, particularly as part of the identification of Wild Land Areas comes from having a lack of modern artefacts and structures. It was pointed out that National Planning Framework 3 (paragraphs 3.23 & 4.4) requires Wild Land Areas to be protected as a nationally important asset. Responders highlighted the importance of wild land to the National Park's identity and that it was a vital part of the area's appeal for outdoor recreation and tourism (Walkhighlands, 067; Mountaineering Scotland, 144). In particular, the effects of associated hill tracks are cited as a concern, with John Muir Trust (159) requesting careful consideration be given to whether, permanent, engineered/hard surface vehicle access tracks are always appropriate.

It is requested that greater encouragement be given to incorporating energy efficient features, such as better insulation and solar PV/thermal, and other design led interventions into homes and other buildings (NEMT, 048; Scottish Wildland Group, 181; Crown Estate Scotland, 207).

Wildland Ltd (182) raise concern about the development of wind farms around the National Park and suggest that there would be merit in setting out a policy position on the need to address the whole scheme when assessing large scale wind farms that may have a significant adverse effect on the landscape and nature heritage of the National Park.

Crown Estate Scotland (207) request that explicit support be given to ground mounted solar panels and that reference be made to the benefits of private solar array development for electricity primarily used onsite.

SEPA (085) note that the Proposed Plan makes no reference to the existing Renewable Energy Supplementary Guidance and that the Action Programme states that the policy will be delivered "*through the preparation of planning advice where needed*". They state that they provided detailed evidence at the Main Issues Report consultation about what should be included in supplementary guidance and would welcome the opportunity to help deliver it.

#### Policy 7.2 Hydropower

Concern is raised about the impact of hill tracks associated with development with a request that there needs to be early liaison with developers and greater monitoring of construction and restoration (Scottish Wild Land Group, 181; Mountaineering Scotland, 144; NEMT, 048; John Muir Trust, 159). It is requested that greater attention be given to the construction of and maintenance of access roads. It is suggested that this be done through Supplementary Guidance on hydropower proposals in National Scenic Areas and Wild Land Areas, which limits the construction corridor width and reduces the specification for any maintenance access tracks or paths to 1.5m or less and requires detail on what intake weir facings and infrastructure would be appropriate (Mountaineering Scotland, 144). Other suggestions include requiring new tracks to be ATV width and access to intakes close to tracks to be via footpaths only (NEMT, 048) and that protection needs to be given to peat and high carbon soils when considering development and its associated infrastructure (John Muir Trust, 159).

#### Policy 7.3 Wind energy

Concern is raised about the impact of hill tracks associated with development with a request that there needs to be early liaison with developers and greater monitoring of construction and restoration (Scottish Wild Land Group, 181).

John Muir Trust (159) ask why the inappropriateness of wind farms is not explicitly mentioned in the policy.

#### Policy 7.4 Biomass

NEMT (048) request clarity on what is meant by “...*minimise the need for delivery of the fuel to the site*”. AVCC (104) state that there should be a requirement for wood pellets to be stored safely.

#### Policy 7.5 Energy from waste

NEMT (048) question the appropriateness of energy from waste plants within the National Park.

#### Policy 7.6 Heat networks

Several responders express the opinion that district heating systems are problematic and should not be seen as a blanket solution for improved energy efficiency (AVCC, 104; Crown Estate Scotland, 207). AVCC (104) argue that heat networks place an additional financial burden on households and should not be encouraged. They note that paragraph 4.98 states that the systems “*will be supported*” and that the policy should be consistent with this.

#### Paragraph 4.89 – What the Policy aims to do

NEMT (048) argue that renewable energy will not increase resilience to climate change and will not reduce fuel poverty and therefore the paragraph is confusing.

#### Policy 8: Sport and Recreation - General Comments

SEPA (085) highlight that there is no policy guiding the design of new open space/green infrastructure within new developments or individual proposals and felt that this should be incorporated within this policy or Policy 3.

Scottish Government (089) note that the Proposed Plan does not include policy for the support and protection of allotments, community growing and community growing spaces as required in Scottish Planning Policy paragraphs 227 and 228.

Scottish Government (089) note that the Proposed Plan does not include text or reference to temporary greening as set out in Scottish Planning Policy paragraph 229.

#### Active Travel

Tactran (131) state that active travel should be promoted for both recreational and utility journeys.

#### Policy 8.3: Redevelopment of other open space

Highland Council (177) raise concern that the approach set out in Policy 8.3 dilutes the protection currently given to protected open space. They feel that the current presumption against development on areas of protected open space should be maintained or guidance produced to ensure consistency and so developers have an understanding of what is expected to be provided.

#### Other Sport and Recreation comments

R Dalitz (063) makes the case for a new bridge crossing Geldie Burn and requested an upgrade of facilities in the Core Paths Plan.

#### Policy 11: Developer Obligations – General comments

Wildland Ltd (182) argue that developer obligations could be potentially onerous for developments, particularly those that are economically marginal. In addition, they state that full details of expected contributions and justifications should be included within the LDP and not supplementary guidance.

#### Policy 11: Developer Obligations

Paths for All (117) are of the view that developer obligations should extend to high quality infrastructure for Active Travel, green space and active recreation.

Highland Council (177) feel that the wording of Policy 11 should better reflect that the process and mechanism for securing developer obligations may differ across the constituent local authorities.

#### Contributions towards natural heritage

RSPB Scotland (178) make the case that additional recreation management and other mitigation measures may be necessary to ensure that the cumulative impacts of developments do not adversely affect the integrity of Natura sites. In respect of some of the measures set out in Table 4 (pages 86-87: *Mitigation requirements for developments that may affect Natura sites*), they felt that it may be more appropriate for developers to contribute financially rather than directly implement those measures. They referred to Scottish Planning Policy, which states that the planning system should seek benefits for biodiversity from new developments and contributions towards off-site habitat creation, enhancement or restoration could help to fulfil this.

RSPB Scotland (178) refer to other local authorities who have included a similar policy provision, and they feel that it would be very difficult for CNPA to justify seeking financial contributions toward natural heritage unless this is reflected in the policy. They acknowledge that requirements for contributions must meet the legal and policy tests but note that the policy currently says contributions towards certain matters may (instead of will) be required.

#### Contributions towards education

Crown Estate Scotland (207) raise the issue that contributions towards education based on functional capacity rather than physical capacity means that contributions can be sought even though there is enough capacity. If contributions are based on functional capacity, then the threshold should be as high as possible.

In addition, 'placement requests' from one catchment to another are not considered before contributions are sought and Crown Estate Scotland (207) consider catchment reviews are important to ensure that changing catchment areas would not avoid the need for a new or extended school.

#### Contributions towards community facilities

WTAA (149) is of the view that allotments should be included as an infrastructure requirement for which contributions can be sought. It is requested that paragraph 4.158 is amended to include this.

### **Modifications sought by those submitting representations:**

#### Policy 6: The Siting and Design of Digital Communications Equipment

- Include specific reference within the Policy to take account of the impacts –

including the construction and restoration - of tracks associated with digital communications equipment (John Muir Trust, 159; Scottish Wildland Group, 181)

#### Paragraph 4.86 - Applying the policy

- Include reference to SNH's guidance on constructed tracks in the Scottish Uplands (NEMT, 048; Scottish Wildland Group, 181).
- Include an additional bullet point in paragraph 4.87 stating:  
**'details of new vehicle tracks where these are required. These should include the proposed line, construction methods and plans for restoration, all in line with SNH guidance regarding constructed tracks in the Scottish Uplands (NEMT, 048).**

#### Policy 7.1: All renewable energy developments

- Add presumption against renewable energy developments in Wild Land Areas (Walkhighlands, 067).
- Add cross reference to supplementary guidance and references to revise / update the existing guidance in the finalised Plan (SEPA, 085).
- Give explicit support to ground mounted solar panels (Crown Estate Scotland, 207).
- Make reference to the benefits of private solar array development for electricity primarily used onsite (Crown Estate Scotland, 207).

#### Policy 7.2 Hydropower

- Create Supplementary Guidance that covers matters relating to the development of hydropower schemes in National Scenic Areas and Wild Land Areas (Mountaineering Scotland, 144).

#### Policy 7.6 Heat networks

- Change policy wording as follows:  
**'The development of heat networks will be ~~encouraged~~ supported.'**  
(AVCC, 104)

#### Policy 8: Sport and Recreation - General Comments

- Include a 'sub policy' covering the provision of new open space with suggested wording:  
**'New open space – new developments must incorporate accessible multifunctional open space of appropriate quantity and quality to meet the needs of development and must provide green infrastructure to connect to wider blue/green networks.'**  
(SEPA, 085)
- Make reference to the Design and Placemaking supplementary guidance in the 'Applying the policy' section (SEPA, 085).
- Insert a sub section within the policy covering the protection of allotments, community growing and community growing spaces. (Scottish Government, 089)
- Include the following as a sub section within the policy:  
**'Temporary Greening - Temporary greening can be an appropriate way to create safe and attractive places until development comes on stream. The National Park Authority will support the use of temporary greening of land awaiting development, where appropriate. Consideration will be given to whether greening of a site could bring about a positive impact to the local environment and overall amenity of the area, without prejudicing the effectiveness and viability of the site, if it is allocated for development in the**

## **longer term'**

(Scottish Government, 089)

### Active Travel

- Include support for the use of active travel for utility journeys as well as recreational use (Tactrans, 131).

### Policy 8.3: Redevelopment of other open space

- Maintain the current presumption against development within areas of open space or provide guidance to ensure the consistent application of the policy (Highland Council, 177).

### Policy 11: Developer Obligations – General comments

- Include details of the expected contributions and justifications within the LDP (Wildland Ltd, 182).

### Policy 11: Developer Obligations

- Include provision for contributions towards infrastructure for active travel, greenspace and active recreation (Paths for All, 117).
- Amend the wording to better reflect that the mechanism for securing obligations differs across constituent authorities (Highland Council, 177).

### Contributions towards natural heritage

- Amend start of the third paragraph/list to read: 'Contributions ~~may~~ **will** be required' (RSPB Scotland, 178)
- In the list of criteria that contributions may be sought for, add: '**mitigation of impacts on natural heritage**' (RSPB Scotland, 178)

### Contributions towards education

- Base education contributions on physical, not functional capacity and if it must be based on functional capacity, ensure it is as high as possible (Crown Estate Scotland, 207).

### Contributions towards community facilities

- Include reference to allotments in paragraph 4.158 in respect of community facilities towards which contributions can be sought (WTAA, 149).

## **Summary of responses (including reasons) by planning authority:**

### Policy 6: The Siting and Design of Digital Communications Equipment

Within the 'Applying the policy' section of the Policy (in paragraph 4.88), it states that "*The policy will be used in conjunction with other policies within the Plan*". Any proposals for digital communications equipment would be subject to Policy 5: Landscape and would therefore take into account the policy approach in respect of private access, roads and tracks. No modification proposed (John Muir Trust, 159; Scottish Wildland Group, 181).

### Paragraph 4.86 - Applying the policy

As highlighted above, any proposals would be subject to all relevant policies, particularly Policy 5: Landscape, which sets out in paragraph 4.82 that "*Proposals should follow the good practice guidance produced by Scottish Natural Heritage on constructing tracks in*

*the Scottish Uplands*". Therefore it is not considered necessary to repeat this within Policy 6 (John Muir Trust, 159; Scottish Wildland Group, 181).

The additional paragraph requiring details of any proposed tracks are not considered necessary, again on the basis that proposals would be subject to Policy 5 and it is not considered necessary to repeat this (NEMT, 048).

#### Policy 7.1: All renewable energy developments

Wild Land Areas are not statutory designations, however to accord with paragraph 200 of Scottish Planning Policy, LDPs need to identify and safeguard the character of areas of wild land. CNPA agrees that wild land is of great importance to the National Park's character, indeed wildness is one of its recognised special landscape qualities. Wildness and wild land are therefore covered by Policy 5.1: Special Landscape Qualities, which sets out the requirements for all development, including renewable energy development, with respect to its potential impact on landscape. According to the policy, there is a presumption against any development that does not conserve or enhance the special landscape qualities on the National Park, including wildness. The Proposed Plan also identifies Wild Land Areas in figure 9, as identified in Scottish Natural Heritages 2014 maps. CNPA is therefore of the opinion that a policy mechanism to prevent harmful development exists, that the requirements of Scottish Planning Policy (paragraphs 194, 200 & 215) and National Planning Framework 3 (paragraphs 3.23 and 4.4) are met and that specific requirements do not need to be set out under Policy 7 (Walkhighlands, 067; Mountaineering Scotland, 144; John Muir Trust, 159).

Policy 7 deals with renewable energy developments that require planning consent. Standards and requirements associated with insulation and the incorporation of heating or energy systems largely fall outwith the planning system, being within the remit of Building Regulations. The planning system cannot require the building standards of development to exceed the minimum requirements set out in Building Regulations. However, the planning system may encourage design led interventions and the Proposed Plan does this through Policy 3: Design and Placemaking. Policy 3.1: Placemaking requires all developments to meet the six qualities of successful places, which includes being adaptable and resource efficient. No changes or additions are therefore required with respect to Policy 7 (NEMT, 048; Scottish Wildland Group, 181; Crown Estate Scotland, 207).

Wildland Ltd's (182) comments on large scale wind farms outside of the National Park are noted, but do not apply to the LDP as the LDP cannot be implemented outwith of the National Park's boundary. Decision makers outside of the National Park do however need to take account of the National Park's aims and therefore require their own policy framework to adequately deal with such applications. CNPA is a consultee on such applications, however it uses the National Park Partnership Plan (CD002) as the basis for its comments. No modifications proposed (Wildland Ltd, 182).

CNPA does not agree that explicit support needs to be given to ground mounted solar panels or that reference be made to the benefits of private solar array development for electricity primarily used onsite (Crown Estate Scotland, 207). Matters relating to solar development are set out in Policy 7.1, which considers renewable energy developments favourably, and explicit reference would only be needed if additional bespoke requirements were identified, for example as they have for hydropower and wind energy. No such requirements are identified for solar and therefore no changes to the policy are deemed necessary. No modifications proposed (Crown Estate Scotland, 207).

The Proposed Plan does not make reference to existing supplementary guidance because this will no longer carry weight once the new Plan is adopted. CNPA has no intention of creating new supplementary guidance, though it intends to update and reissue existing guidance as non-statutory guidance, as referenced in the Action Programme (CD011). CNPA would welcome SEPA (085) help to deliver this. No modification proposed (SEPA, 085).

#### Policy 7.2 Hydropower

The potential impact of proposals on landscape quality is considered through Policy 5.1: Special Landscape Qualities, while hill track development, including hill tracks associated with renewable energy schemes, is managed through Policy 5.2: Private Roads and Ways. As set out in paragraph 4.82, proposals for tracks should follow the good practice guidance set out in Scottish Natural Heritage document Constructed Tracks in the Scottish Uplands (2015) (CD039). Producing specific SG or non-statutory guidance for the National Park, or even more specifically, Policy 7.2: Hydropower, is not therefore considered necessary. With respect to the design of the hydropower proposals themselves, proposals are required to demonstrate that weir facings and infrastructure are appropriate to meet the landscape, design and other tests of the Plan. Policy 7.2 already sets out that there should be no detrimental impact on peat and soil along the length of the scheme. No modification proposed (Scottish Wild Land Group, 181; Mountaineering Scotland, 144; NEMT, 048; John Muir Trust, 159).

#### Policy 7.3 Wind energy

Hill track development, including hill tracks associated with renewable energy schemes, is managed through Policy 5.2: Private Roads and Ways. As set out in paragraph 4.82, proposals for tracks should follow the good practice guidance set out in Scottish Natural Heritage document Constructed Tracks in the Scottish Uplands (2015) (CD039) (Scottish Wild Land Group, 181).

Paragraph 161 of Scottish Planning Policy (2014) states that planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities, following the approach set out below in Table 1 of that document. National Parks fall within Group 1 of that approach, which states that National Parks are areas where wind farms will not be acceptable. CNPA's position on wind farms is set out in Policy 3.3 of the National Park Partnership Plan 2017-2022 (CD002) which states "*...Large-scale wind turbines are not compatible with the landscape character or special landscape qualities of the National Park. They are inappropriate within the National Park or where outside the Park they significantly adversely affect its landscape character or special landscape qualities*".

(John Muir Trust, 159). No modification proposed (John Muir Trust, 159; Scottish Wild Land Group, 181).

#### Policy 7.4 Biomass

"*...to minimise the need for delivery of the fuel to the site*" means that developments should have sufficient fuel storage capacity to ensure deliveries are kept to a minimum (048, NEMT). CNPA agree that wood pellets need to be stored safely and this is covered by both domestic and non-domestic Building Standards Technical Handbook 2017: specifically Standard 3.23 Fuel storage – protection from fire and Standard 3.24 Fuel storage – containment (CD074). No modification proposed (AVCC, 104).

#### Policy 7.5 Energy from waste

Energy from waste facilities can range in size and there is no reason that such facilities are not to be appropriate within the National Park. As stated in paragraphs 4.1 and 4.2 of the Proposed Plan, planning applications will be assessed against all parts of the Plan and therefore will not be permitted if negative effects cannot be mitigated or compensated. No modification proposed (NEMT, 048).

#### Policy 7.6 Heat networks

CNPA agree that district heating systems are not a blanket solution for improved energy efficiency. District heating systems should not place an additional financial burden on households and this should be proven through the requirement to demonstrate the feasibility of such schemes. No modification proposed (AVCC, 104; Crown Estate Scotland, 207).

#### Paragraph 4.89 – What the Policy aims to do

Increasing renewable energy will help households adapt to volatile energy prices and increasingly pressured supply of fossil fuels. It is likely to reduce long-term fuel poverty as the price fossil fuels increasingly exceed the price of renewable energy. No modification proposed (NEMT, 048).

#### Policy 8: Sport and Recreation - General Comments

Design guidance in respect to new open spaces/ green infrastructure will be included with the supplementary guidance for Policy 3: Design and Placemaking. It is therefore not considered necessary to include any guidance within Policy 8 (SEPA, 085).

Reference is made to allotments and communal growing areas within paragraph 4.100 under the 'What the policy aims to do' section, with paragraph 4.101 stating that "*The policy aims to ensure the needs of local communities and visitors for recreational space and facilities are accommodated, and existing facilities protected*". It is considered that the policy identifies and applies to all open space, recreation and sporting facilities, which includes allotments and community growing spaces. Therefore, it is not necessary to include specific support for these (Scottish Government, 089).

Including a policy section on 'Temporary Greening' is not considered necessary within the context of the National Park. While it is understood that it is set out in Scottish Planning Policy (paragraphs 40 & 229), there are extremely few, if any non-greenfield development sites within the National Park and therefore it is not supported (Scottish Government, 089).

#### Active Travel

The current policy seeks to support and protect the existing path networks within the National Park that contribute and encourage active travel. While it is understood that active travel includes both recreational and utility use, it is not considered necessary to make this differentiation within the policy as both uses are supported through the existing protection (Tactran, 131).

#### Policy 8.3: Re-development of other open space

The policy contains a presumption against development on protected open spaces which will be maintained (Policy 8.3). While it was suggested that guidance should be provided for developers, it is considered that the current criteria set out in 8.2 and 8.3 are adequate to ensure that any losses are appropriately compensated for. It is therefore not considered that further guidance is required at this stage (Highland Council, 177).

#### Other Sport and Recreation comments

The Core Paths Plan does not form part of the Local Development Plan in the National Park, therefore this comment cannot be considered through this consultation (R Dalitz, 063).

#### Policy 11: Developer Obligations – General comments

Wildland Ltd's (182) comments in relation to economically marginal developments are noted. The supporting information for Policy 11 contains a short section on viability (paragraphs 4.162 and 4.163). Paragraph 4.163 states that "*If a developer considers that the level of planning contribution being sought will render an otherwise commercially viable proposal to be unviable, they must demonstrate this by providing a Viability Assessment to the authority*".

It is understood that for clarity, it would be useful to set out the required contributions within the LDP. However the LDP covers a 5 year period, which means it would not be possible to take account of changing circumstances that could affect the level of contributions required, for example, changing school roll forecasts. Therefore it is considered more appropriate to include an initial outline of these in the supplementary guidance, which is proposed to be published at the same time as the LDP and updated annually through the Action Programme to reflect yearly changes (Wildland Ltd, 182).

#### Policy 11: Developer Obligations

The current Policy does identify that contributions may be required towards "*transport provision and infrastructure including active travel*". It is acknowledged in the supporting information (paragraphs 4.159 – 4.161) that while active travel should be incorporated within a development, contributions may be required towards the creation or enhancement of active travel routes (Paths for All, 117).

In respect of greenspace and active recreation, these would be required to be addressed and incorporated as part of the planning application and would be subject to Policy 3: Design and Placemaking and Policy 8: Open space, sport and recreation. CNPA therefore does not consider it necessary to make this amendment (Paths for All, 117).

In terms of amending the wording to better reflect that the mechanism for securing obligations differs across constituent authorities, it is considered that this will more appropriately be set out within the Developer Obligations supplementary guidance, which is currently in draft form (CD023). The Policy currently acknowledges that "*there are differences in the need for contributions, contribution thresholds and the delivery of contributions between settlements*". How the contributions are secured is a matter of procedure, not policy and may change during the course of the Plan period. Therefore CNPA does not consider it necessary to amend the policy, but will set out this information within the supplementary guidance (Highland Council, 177).

#### Contributions towards natural heritage

The suggested amendment of the wording from 'may be required' to 'will be required' is noted. However as the contributions listed will not be required for all developments, it is not considered appropriate to change the wording (RSPB Scotland, 178).

In respect of including 'mitigation of impacts on natural heritage', Policy 4: Natural Heritage currently includes a section on mitigation and sets out in paragraph 4.66 that "*In exceptional cases, legal agreements attached to planning permissions may be required to secure the agreed mitigation and/or compensation measures*". While CNPA are satisfied that contributions could be sought on the basis of this and agree there may be

circumstances where a contribution is more appropriate than direct mitigation by the developer, CNPA does not object to an amendment to include this within Policy 11. If the Reporter is minded to do so, 'natural heritage mitigation' could be added to the list to enable an appropriate contribution that meets the necessary tests to be used to secure costs towards appropriate mitigation (RSPB Scotland, 178).

Under these circumstances, it is suggested that the following sub-section is added within the 'Applying the policy' section if the Reporter is minded to agree:

**'Natural Heritage mitigation and compensation**

**Mitigation is defined as 'the undertaking of measures to prevent or reduce to an acceptable level, the impact of a development'. Compensation is defined here as 'the provision of replacement areas of habitat to an equal quality (short term or long term) to offset habitat that will be adversely affected by development'.**

**Mitigation and/or compensation will be required where development affects designated sites, whether or not they are inside or outside the boundary of the designated area in line with Policy 4: Natural Heritage. In some exceptional cases, a contribution may be necessary to compensate or mitigate proposals that cumulatively impact on a designated site and/or where mitigation is required to be provided outwith the development site. In these exceptional cases, legal agreements attached to planning permissions may be required to secure the agreed mitigation and/or compensation measures.'**

(RSPB Scotland, 178)

**Contributions towards education**

The costs and thresholds for developer obligations towards increasing education provision are set by the local authorities, not CNPA. While concerns in respect of physical and functional capacity are noted, the contributions required will be informed by the relevant education authority's requirements and CNPA cannot adjust these. Therefore it is not possible to specify or restrict through CNPA's policy, the level at which education contributions will be sought (Crown Estate Scotland, 207).

**Contributions towards community facilities**

The request to include allotments as community facilities towards that contributions can be sought is noted, however, the current wording is intentionally broad and does not specify exactly what 'community facilities' comprises. Therefore this could include allotments. However contributions towards community facilities can only be sought where there is an established project and need for the facility to accommodate the additional development, which is likely to be challenging for the provision of allotments. It is also not considered appropriate to specify allotments within the supporting text without highlighting other types of community facility. Each application will be assessed on its merits in accordance with Policy 11. No modification proposed (WTAA, 149).

**Reporter's conclusions:**

**Reporter's recommendations:**

## Relevant Documents Page – Issue 7, Badenoch and Strathspey strategic settlements

### 1. Schedule 4

### 2. Representations

001, Equal Adventure  
004, T Pirie  
006, S Dickie  
012, Granish Farm Partnership  
020, A Schofield  
023, K Hall  
025, Wallace and Grimson  
026, A Lay  
036, Grantown-on-Spey and Vicinity Community Council (GoSVCC)  
038, Strathspey Railway Charitable Trust (SRCT)  
040, P Duncan  
056, M Slaney  
062, Anonymous  
069, Fergus  
070, C Riach  
071, D Horsburgh  
073, Peacock Creative Design  
077, W Paterson  
085, Scottish Environment Protection Agency (SEPA)  
086, R Ormiston  
089, Scottish Government  
093, J Golebiowski  
097, Newtonmore and Vicinity Community Council (NVCC)  
104, Aviemore and Vicinity Community Council (AVCC)  
105, B Lobban  
107, M Kirkwood  
108, T Davis  
112, Scottish Natural Heritage (SNH)  
120, A Gronbach  
121, A Shoemark  
122, Spey Services  
124, Anonymous  
137, Woodland Trust Scotland (WTS)  
149, Willow Tree Allotments Association (WTAA)  
161, R Anderson  
172, Reidhaven Estate  
176, M Jeffrey  
177, Highland Council  
178, RSPB Scotland  
179, R Turnbull  
182, Wildland Ltd  
186, Cairngorms Campaign  
187, Badenoch and Strathspey Conservation Group (BSCG)  
188, An Camas Mòr LLP  
189, A Grant

192, Rothiemurchus Estate  
193, Scottish Water  
194, Highlands and Islands Enterprise (HIE)  
195, Cairngorm Brewery  
196, A Morrison  
197, A Stewart  
198, D Maclennan  
199, L McKenna  
200, R Braham  
201, N McClure  
202, A Harris  
203, F Masson  
204, J Armstrong  
205, P Masson  
206, Sarah  
208, Anonymous

### 3. Site Maps

Issue 7 - remove An Camas Mor, Aviemore  
Issue 7 - remove LTH1 and LTH2, Aviemore  
Issue 7 - remove northern part of LTH1, Aviemore  
Issue 7 - remove north eastern part of M1, Aviemore - map 1  
Issue 7 - remove north eastern part of M1, Aviemore - map 2  
Issue 7 - remove southern part of H2, Grantown on Spey  
Issue 7 - remove H2, Grantown on Spey  
Issue 7 – allocate additional long term land THC039, Grantown on Spey  
Issue 7 - new site adjacent to C1, Grantown on Spey  
Issue 7 - remove T1, Kingussie  
Issue 7 - allocate St Vincents Hospital, Kingussie  
Issue 7 – additional land at ED1, Kingussie

### 4. Representee Documents

RD004 Stage 2 Assessment - Settlement Relationship and Accessibility - An Camas Mor LLP – 188 – Issue 7  
RD005 An Camas Mòr LLP Main Issues Report Consultation Response - An Camas Mor LLP – 188 – Issue 7  
RD006 Call for Sites and Ideas form An Camas Mòr - An Camas Mor LLP – 188 – Issue 7  
RD007 An Camas Mòr Post Main Issues Report New Sites Consultation - An Camas Mor LLP – 188 – Issue 7  
RD008 An Camas Mòr Housing Needs Summary Report - An Camas Mor LLP – 188 – Issue 7  
RD009 An Camas Mòr LLP Covering Letter - An Camas Mor LLP – 188 – Issue 7  
RD010 Area of H2 to be removed - B Lobban – 105 – Issue 7  
RD011 Granish Farm Partnership mark-up - Granish Farm Partnership - 12 – Issue 7  
RD012 Route of Railway Line - SCRT – 038 – Issue 7  
RD013 SCRT – 038 – Issue 7  
RD014 Flood Photographs - P Duncan – 040 – Issue 7  
RD015 RSPB comments on An Camas Mor HRA - RSPB Scotland - 178 – Issue 7

## 5. Authority Documents

CD001 – Local Development Plan 2015  
CD005 - Habitats Regulations Appraisal  
CD006 - Strategic Environmental Assessment  
CD011 - Action Programme  
CD012 - Housing Evidence Report  
CD018 - site assessment report  
CD028 - Badenoch and Strathspey Local Plan 1997  
CD034 - Highland Council Housing Land Audit 2018  
CD042 - Planning Performance Framework 8, 2019  
CD050 – 05/306/CP  
CD051 – 2018/0183/MSC  
CD052 – 2018/0311/DET  
CD053 – 2019/0027/DET  
CD054 – 2017/0465/DET  
CD055 – 2013/0058/MSC  
CD056 – 2013/0190/MSC  
CD057 – 2015/0317/DET  
CD058 – 2018/0067/DET  
CD075 – Planning Advice Note (PAN) 51

<b>Issue 7</b>	<b>Badenoch and Strathspey Strategic Settlements</b>	
<b>Development plan reference:</b>	Aviemore (pages 92 – 103), Grantown-on-Spey (pages 110 – 114), Kingussie (pages 117 – 122), Newtonmore (pages 124 – 127)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
001	Equal Adventure	
004	T Pirie	
006	S Dickie	
012	Granish Farm Partnership	
020	A Schofield	
023	K Hall	
025	Wallace and Grimson	
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036	Grantown-on-Spey and Vicinity Community Council (GoSVCC)	
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040	P Duncan	
056	M Slaney	
062	Anonymous	
069	Fergus	
070	C Riach	
071	D Horsburgh	
073	Peacock Creative Design	
077	W Paterson	
085	Scottish Environment Protection Agency (SEPA)	
086	R Ormiston	
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137	Woodland Trust Scotland (WTS)	
149	Willow Tree Allotments Association (WTAA)	
161	R Anderson	
172	Reidhaven Estate	
176	M Jeffrey	
177	Highland Council	
178	RSPB Scotland	

179	R Turnbull
182	Wildland Ltd
186	Cairngorms Campaign
187	Badenoch and Strathspey Conservation Group (BSCG)
188	An Camas Mòr LLP
189	A Grant
192	Rothiemurchus Estate
193	Scottish Water
194	Highlands and Islands Enterprise (HIE)
195	Cairngorm Brewery
196	A Morrison
197	A Stewart
198	D MacLennan
199	L McKenna
200	R Braham
201	N McClure
202	A Harris
203	F Masson
204	J Armstrong
205	P Masson
206	Sarah
208	Anonymous
<b>Provision of the development plan to which the issue relates:</b>	Aviemore Grantown-on-Spey Kingussie Newtonmore
<b>Planning authority's summary of the representation(s):</b>	
<p><u>Aviemore – General Comments</u></p> <p>Scottish Government (089) request that the Community information section and map be amended to include detail on the dualling of the A9 including Transport Scotland's preferred option.</p> <p>Several responders are concerned about the effects of development on infrastructure, and in particular on health care services (W Paterson, 077; T Davis, 108). It is requested that upgrades to the infrastructure be made if development is to take place.</p> <p>Wallace and Grimson (025) asked that the 1996 Aviemore Masterplan could be implemented or reviewed.</p> <p>AVCC (104) make a number of comments about outdated maps and ask that they be updated for the final Plan. They question the omission of 05/306/CP (CD050), which is a consent for 140 dwellings (of which 114 are yet to be built), and ask if this has resulted in it being missed from the calculation of housing need.</p> <p>Several responders stated that they hoped that more holiday homes would not be created and that housing was needed for local workers (Cairngorms Brewery, 195; J Armstrong, 204; P Masson, 205).</p> <p><u>Aviemore H2: Dalfaber</u></p>	

It is requested that a small area of the site is deleted because it has been excluded by DPEA Reporters in the past and from the current consent (see 2018/0183/MS (CD051) for approved layout). The area is instead proposed for woodland regeneration (B Lobban, 105).

#### Aviemore M1: Aviemore Highland Resort

Several responders express concern about the potential impact of the development on flooding in the area (A Lay, 026; Anonymous, 062), with A Lay (026) particularly concerned about the potential backfilling of land upstream from Craig na Gower Avenue.

WTS (137) highlights that the site specific guidance does not acknowledge the presence of ancient woodland in the south of the site. They are of the view that this should be included in the landscaping paragraph. WTS do not support development on this area and are of the view it should be excluded from the allocation.

BSCG (187) object to the housing element because the field is important for biodiversity, including flowers and fungi, ecological connectivity and recreation.

#### Aviemore ED1: Dalfaber Industrial Estate

WTS (137) highlight that there is ancient woodland to the north of the site. While it is unclear if development would impact on this, it should be included in the site specific guidance and include the requirement for a buffer.

BSCG (187) object to the extension to the site because it used to have importance to biodiversity and could do so again. They argue that it also has high landscape value and will spoil people's enjoyment of the Speyside Way.

Highland Council (177) request clarification on acceptability of non-residential uses on the site as Policies 2.4: Other economic development and 2.5: Protecting existing economic activity, appear to suggest some flexibility may be acceptable in some area.

#### Aviemore ED2: Myrtlefield Industrial Estate

To protect the views of neighbouring residential properties, a request is made that development not exceed the height of the highest building currently onsite (K Hall, 023).

Highland Council (177) request clarification on acceptability of non-residential uses on the site as Policies 2.4: Other economic development and 2.5: Protecting existing economic activity, appear to suggest some flexibility may be acceptable in some area.

#### Aviemore ED3: Granish

WTS (137) request an amendment to the wording of the last paragraph (Landscaping, page 98) to read:

'Landscaping and structure planting will be required to ensure **buffering and** integration of the development with the surrounding landscape and ancient woodland adjacent to the site. **The ancient woodland in particular must be protected from potential impacts of economic development for the site**'.

(WTS, 137)

Highland Council (177) suggest that there should be a requirement to masterplan ED3 alongside LTH1 and LTH2.

AVCC (104) note that the map of the site does not show the Aviemore Kart Raceway.

Concern is expressed about the expansion of ED3 to the fields in the south because of the site's importance to biodiversity, landscape character and people's enjoyment (BSCG, 187).

Wallace and Grimson (025) argue that ED3 already has a negative effect on landscape quality and the Proposed Plan should include measures to bring this under control.

#### Aviemore C1: Land at Dalfaber Drive

AVCC (104) comment that the site's description is inaccurate. They note that the Aviemore Joint Cadet Centre has been constructed on the site of the bowling green and therefore should form part of the description.

#### Aviemore C2: Former School Playing Fields

Because a full Flood Risk Assessment may not be required depending on proposed use / layout, SEPA (085) wish to see a change of wording for the site's flooding requirements, to read:

**'Low Medium to High....a Flood Risk Assessment or other supporting information may be required.'**

#### An Camas Mòr

An Camas Mòr LLP (188) and Rothiemurchus Estate (192) object to classification of An Camas Mòr as a Strategic Consent rather than a Strategic Settlement. They argue that this status is incompatible with its scale and significance. They point out that the Proposed Plan lacks the principles set out in the current Local Development Plan 2015 (CD001) pages 56-63 and claim that the mitigation measures set out in the site requirements section on pages 101-103 are beyond the scope of the Proposed Plan. An Camas Mòr LLP (188) argue that tie change should have been consulted on at the MIR stage.

Several responders object to the principle of the site. The reasons for this are:

- Development on the floodplain should not be permitted (S Dickie, 006).
- It is not feasible or desirable (Wallace and Grimson, 025).
- It is a strategic mistake (R Turnbull, 179).
- It is within core of protected areas and will increase pressure on their qualifying features leading to conflict (R Turnbull, 179).
- It is within the National Scenic Area (Wildland Ltd, 189; Cairngorms Campaign, 186).
- Because it is not a 'sustainable community' as described in the Proposed Plan (R Turnbull, 179; BSCG, 187; Wildland Ltd, 182).
- Because there is not pressure in other settlements for housing development and it therefore does not need to be relieved at An Camas Mòr (BSCG, 187).
- Because the restrictions the Recreational Management Plan (RMP) places on peoples enjoyment of the countryside demonstrates that the site represents overdevelopment (BSCG, 187).
- Mitigation measures will place 'draconian' restrictions on access (R Turnbull, 179),
- It is in the wrong place; too close to areas of importance to capercaillie and the River Spey, which is an important habitat for freshwater pearl mussel (R Turnbull, 179; Cairngorms Campaign, 186; BSCG, 187).
- It will have a negative effect on landscape character, including around Loch Pityoulish (BSCG, 187).
- Should not provide free parking for residents of An Camas Mòr at Loch Pityoulish

(BSCG, 187).

- Recreation should not be encouraged in the Loch Pityoulish area (187, BSCG).
- Impact of woodland and ancient woodland around An Camas Mòr and Loch Pityoulish, which could provide habitat for capercaillie (WTS, 137, BSCG, 187). WTS (137) highlight that 'ancient woodland is a significant part of the initial site' and extends to the eastern part of the site.
- Small scale and well located development would be a more sustainable option (Wildland Ltd, 182).
- Mitigation measures don't work (Cairngorms Campaign, 186).

Reidhaven Estate (172) argue that a reliance should not be placed on An Camas Mòr to deliver housing need, as it believes the delivery rate of 54 dwelling by 2022 in the Highland Council Housing Land Audit (HLA) 2018 (CD034) is in doubt. They state that there has already been a significant delay in delivery, given that the site was first submitted for planning permission 2009.

RSPB Scotland (178) are of the view that it cannot be concluded beyond reasonable doubt development at An Camas Mòr would have no adverse effect on the integrity of any Natura site if only the mitigation listed in the site requirement section is implemented. They therefore request that the Recreation Management Plan (RMP) text be replaced with a stronger commitment is written into the Plan.

Wallace and Grimson (025) request that a condition be applied to the consent that adequate pedestrian infrastructure and a bridge of the Spey be created prior to development taking place.

A Grant (189) requests that some changes be made to the requirements for the Recreation Management Plan requirements. They state that consultation carried out with the community suggests a bike, skate and pump park would be preferable to a mountain bike track.

Several responders express support for An Camas Mòr, that it is a better option than LTH1 and LTH2 and/or urge CNPA to get it to provide more commitment to its delivery (T Pirie, 004; C Riach, 070; D Horsburgh, 071; Peacock Creative Design, 073; J Golebiowski, 093; M Kirkwood, 107; A Gronbach, 120; A. Shoemaker, 121; Spey Services, 122; Anonymous, 124; R Anderson, 161; M Jeffrey, 176; A Stewart, 197; D Maclennan, 198; L McKenna, 199; A Harris, 202; J Armstrong, 204; Sarah, 206; Anonymous, 208). F Masson (203) highlighted the importance of an integrated active travel network.

A Grant (189) makes a series of complaints about administrative errors relating to responses to An Camas Mòr at previous stages of the Plan preparation and the Proposed Plan consultation.

Rothiemurchus Estate (192) note that the site area quoted for An Camas Mòr in the Proposed Plan is incorrect.

#### Aviemore LTH1 and LTH2: North Aviemore

These sites are linked to the delivery of An Camas Mòr as set out in Policy 1.11: Long Term Designations. Policy related responses are therefore summarised in under Issue 3: Policy 1: New Housing Development. This Schedule 4 only deals with site specific responses.

SEPA (085) write that to comply with paragraph 64 of PAN51, the masterplan for LTH1 and LTH2 will need to take account of existing adjacent regulated activities when zoning land use within the development site.

SNH (112) recommend that relevant capercaillie SPAs are listed below the “*Natura site affected*” heading text on the site map. This is to clarify which SPAs developers need to take into consideration when developing proposals. They also recommend that the ‘Spey SAC’ be deleted from LTH1, as the Habitats Regulations Appraisal (CD005) does not identify any likely significant effects on the SAC from LTH1.

WTS (137) support recognition that there is ancient woodland to the north of the site, but also highlight that the site lies adjacent to additional ancient woodland and request that reassurance is included that it will be buffered. A further assessment of the value of the ancient woodland in the north of the site should also be assessed to determine its ecological value.

Scottish Water (193) request that it be made clear that early engagement will be needed with Scottish Water on any development that will take place on the sites.

Reidhaven Estate (172) argue that that part of LTH1 should be allocated for development within the current Plan period, while Highland Council (177) suggest the whole of both LTH1 and LTH2 should be allocated. The rationale behind this is to ensure a range of effective sites are available for development as required by paragraph 119 of Scottish Planning Policy.

Several responders object to the allocation of the sites. The reasons for this are:

- LTH1 is a working farm, and the leaseholder wishes it to continue as such into the foreseeable future (Granish Farm Partnership, 012) (objection only relates to LTH1).
- It would lengthen the settlement (AVCC, 104).
- The sites will not deliver sustainable development (AVCC, 104; An Camas Mòr LLP, 188).
- The sites are located outwith the settlement boundary, meaning the purpose of the settlement boundary is unclear (AVCC, 104).
- Aviemore Primary School lacks the capacity to accommodate new pupils (AVCC, 104).
- There are other policies that can deal a shortfall should it arise (AVCC, 104).
- High quality of the landscape and biodiversity (BSCG, 187).
- The sites should not relate to An Camas Mòr (BSCG, 187).
- The sites are too close to Granish Waste Transfer station (AVCC, 104; A Grant, 189; A Morrison, 196; N McClure, 201).
- Poor access to services and amenities (An Camas Mòr LLP, 188; R Braham, 200; N McClure, 201).
- Houses likely to be poorly built (R Braham, 200).

The owners (Rothiemurchus, 192) and promoters (An Camas Mòr LLP, 188) of An Camas Mòr object to LTH1 and LTH2 by contrasting them with their own site, arguing that unlike An Camas Mòr, LTH1 and LTH2 will not be able to address the following challenges:

- Provide a level of outdoor recreational infrastructure capable of sustaining Aviemore’s reputation as a centre for leisure and recreation while reducing impact

on sensitive habitats and wildlife through its diversionary benefits.

- Drive new services and jobs through critical mass.
- Solve the lack of educational capacity within Aviemore.
- Provide sufficient affordable housing.

Or meet the following objectives and characteristics that only An Camas Mòr is claimed to be able to do:

- Being the vision of and supported by Aviemore and Vicinity Community Council.
- Being where visitors want to be, and it is where there is the greatest demand for services and so employment.
- Having plans that recognise the need for sustainable and resilient communities.
- It has been designed with people living locally working together with world renowned professional and specialists.
- Being phased to meet accommodation requirements for those needed to look after the National Park.
- Plans for sustainable development including a full range of public facilities, recreation, work space, child care and fair opportunities for people working locally to buy or rent a home.
- Delivers a more balanced community.
- Delivers fair opportunities for people who live and work nearby to rent or buy a home designed for their needs.
- It has the scale to justify the public services that are needed within the two communities.
- Favours full time occupation.
- Allows people to live close to and appreciate nature and it fits in the landscape, mainly screened by trees.
- Land for mitigation has been identified and can be safeguarded for moorland, wetland and forest enhancement.
- Can change the perception of the area.
- Has had a full environmental assessment carried out.
- Has a consent that is well thought through with a comprehensive set of conditions.

The thrust of this argument is that LTH1 and LTH2 are poor substitutes for An Camas Mòr and should not be allocated as an alternative.

A Grant (189) argues that the LTH1 and LTH2 are not good alternative sites to An Camas Mòr because there is no evidence that they could be delivered more quickly. It is claimed the LH1 and LTH2 would still be required to meet the same planning conditions as An Camas Mòr, including the production of a Recreation Management Plan. A Grant (189) requests that the requirements with respect to biking, be the same for both An Camas Mòr and LTH1 and LTH2.

A Shoemark (121) requests that LTH1 and LTH2 be deleted from the Proposed Plan as they “*seem like a delaying tactic*” with respect to An Camas Mòr.

RSPB Scotland (178) are of the view that it cannot be concluded beyond reasonable doubt at this stage that development in North Aviemore and Granish would have no adverse effect on the integrity of any Natura site if only the mitigation set out in Table 4 (pages 86 and 87) is implemented. They ask that the requirements set out in the table be strengthened.

### Grantown-on-Spey - Settlement Map

SRCT (038) note that the indicative route of the Strathspey Railway extension is not consistent with the railway's proposals – the proposed line will be closer to the industrial estate and Strathspey Drive estate than illustrated. This will also affect the amount of land available at the industrial estate (ED1).

SEPA (085) and Reidhaven Estate (172) highlight that the housing sites are incorrectly labelled and that 'H1' in the north should be relabelled H2.

Highland Council (177) highlight that the conservation area has been reviewed and amended and request that this is reflected in the settlement map.

### Grantown-on-Spey - Settlement objectives

SRCT (038) note that the settlement objectives refer to the Speyside Railway, and this should be amended to 'Strathspey Railway'.

### Grantown-on-Spey - Developer Obligations

Scottish Water (193) suggest the inclusion of the following statement in respect of Waste Water treatment works under the Developer Obligations section to state:

**'Waste Water Treatment Works capacity should be verified with Scottish Water by completion of a Pre Development Enquiry (PDE) form'.**

### Housing in Grantown-on-Spey

GoSVCC (036) highlight that there is a need for small shared ownership and rented accommodation in Grantown to support local business and services, particularly for those working in the health and care sector. This type of housing could be delivered through the improvement of apartments behind and High Street businesses.

GoVCC (036) note that there is no reference to the fragility of Grantown-on-Spey's economy or the need for more tourist accommodation.

### Grantown-on-Spey H2: Castle Road

Reidhaven Estate (172) express support for the allocation of H2 for 50 houses. They make the case that the site is marketable, deliverable and has no unsurmountable constraints. They make the case that the site fits with the existing town, relates well to neighbouring development and is in close proximity to the local services and the town centre. They also put the case forward that additional land to the west of the site should be included as long term housing land to provide certainty for the future growth of the town and can form part of the masterplan for H2.

However, GoSVCC (036) and BSCG (187) object to the allocation of H2 as it currently stands (referred to as H1 in their responses due to the error on the settlement map).

BSCG (187) are of the view that this site is a valuable part of the Mossie supporting grassland and wetland habitats, rich biodiversity and important for landscape and the setting of the town. GoSVCC (036) are of the view that the central area of the site is deep bog and would be expensive to develop.

GoSVCC (036) specifically object to development in the southern part of the site (that lies between the health centre and Grants House Care home) on the basis that historically there was no intention to develop here and this area contributes to the town's character and heritage.

However, they feel that a smaller development in the north east part of the site would be acceptable for low rise residential units, tourist accommodation or community facilities. However they highlighted that there is a need for a new road and roundabout connecting with the A939 which would mean the development expensive and far from affordable (GoSVCC, 036).

SEPA (085) propose a small amendment to the wording in respect of the requirement for a Food Risk Assessment (FRA) on the basis that a full FRA may not be required depending on the layout of the development.

WTS (137) note that there is ancient woodland to the north of the site. They request that the wording relating to landscape in the site specific guidance (page 112) is amended to include ancient woodland protection in addition to integration.

#### Grantown-on-Spey ED1: Woodland Industrial Estate

S Paul (001) notes that the industrial estate has poorly maintained roads and internet provision and further development should not be permitted here until the infrastructure is fit for purpose.

SRCT (038) state that the indicative route of the Strathspey Railway extension is not consistent with the railway's proposals – the proposed line will be closer to the industrial estate and Strathspey Drive estate than illustrated. This will also affect the amount of land available at the industrial estate (ED1) and it is felt that the boundary of ED1 should be amended to reflect this or text clarification provided in respect of the more limited scope for non-railway related economic development on the site.

SRCT (038) also note that text relating to watercourses, water main, water course enhancement and Drainage Impact Assessment requirements are similar to those of C2 and queried whether there has been an error. SRCT (038) agree that there are wet conditions in the south of site C2 and watercourses crossing the land, but are not aware of any watercourses crossing ED1.

#### Grantown-on-Spey T1: Caravan Park

SEPA (085) propose a small amendment to the wording in respect of the requirement for a Flood Risk Assessment on the basis that a full FRA may not be required depending on the layout of the development.

WTS (137) note that the site is surrounded by and contains ancient woodland. They recommended that the area of ancient woodland within the site is removed from the allocation.

BSCG (187) object to the allocation of T1 arguing that it is important for landscape, setting, recreation and biodiversity – notably the ecological integrity of the Mossie and species on the Scottish Biodiversity List.

#### Grantown-on-Spey C2: Strathspey Railway extension

SRCT (038) express support for the allocation of C2 for the proposed Railway terminus and feel that this location is better than previously proposed at the Industrial estate (ED1) as it is closer to the town centre and more attractive arrival for tourists. However they request an amendment from 'Speyside Railway' to 'Strathspey Railway'.

BSCG (187) object to the allocation of this site on the basis the site is relatively undisturbed and may be important for Otters associated with the River Spey Special Area of Conservation (SAC) and suggest the Railway terminus is located elsewhere.

#### Grantown-on-Spey Allotments

WTAA (149) make the case that the site in Grantown (adjacent to C2) that has planning permission for allotments should be allocated. Previous advice in response to a nearby planning application (H1) was that allotments are not an infrastructure requirement identified in the Proposed Plan so cannot be sought as part of a planning application and should be subject to an individual planning application. However WTAA (149) make the case that including them within the LDP gives the community more certainty.

#### Kingussie - General comments

A Schofield (020) highlights a need for affordable housing and small start-up business units.

#### Kingussie - New Community site

A Schofield (020) suggests that St Vincent's hospital should be allocated for community use on the basis that it is going to close and should be protected from being converted into inappropriate residential housing.

#### Kingussie - Developer Obligations

A Schofield (020) notes that the current healthcare facilities in Kingussie are at capacity and contributions towards healthcare should be included.

Scottish Water (193) suggest the inclusion of the following statement in respect of Waste Water treatment works under the Developer Obligations section to state:

**'Waste Water Treatment Works capacity should be verified with Scottish Water by completion of a Pre Development Enquiry (PDE) form'.**

#### Kingussie H1: Land between Ardbroilach Road and Craig an Darach

S Dickie (006) is of the view that new housing should be restricted to within the existing settlement and not on farm land.

A Schofield (020) states that while H1 has planning permission in principle for 300 houses, the actual number was likely to be significantly less and therefore the wording should be amended to **'up to 300 dwellings'**.

WTS (137) highlight the presence of ancient woodland along the northern boundary of the site. The site specific guidance should include the requirement for a buffer stating: **'Landscaping and structure planting will be required to ensure buffering of the ancient woodland area from the development'**.

#### Kingussie ED1: Council Depot and ED2: McCormack's Garage

R Ormiston (086) suggests that ED1 should be extended to include all of the industrial areas around the railway station and not just the Council Depot and McCormack's Garage (ED2). In addition, the Highland Horse Fun, which is operated from a unit on the Industrial Estate by the railway station, should be maintained as tourism development.

SEPA (085) suggest an amendment to the wording in respect of flood risk to make it clear that it lies adjacent to the site and does not surround it.

Scottish Water (193) welcome reference to the sewer crossing ED2 however request that the following is added:

**‘Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance’.**  
(Scottish Water, 193)

HIE (194) suggest that ED1 and ED2 should be extended on the basis of the scale of H1.

#### Kingussie T1: Caravan Park

WTS (137) highlight that the site is surrounded by ancient woodland and contains ancient woodland in the south. They do not support the allocation and recommend it is removed.

#### Kingussie - Other matters

S Dickie (006) is of the view that council tax for second homes should be raised substantially to make more houses available for local people.

#### Newtonmore H1: Land between Perth Road and Station Road (page 125)

P Duncan (040) and M Slaney (056) express concern about flooding on H1 and that parts of the site (particularly the lower part of the field) are prone to flooding and becoming waterlogged.

M Slaney (056) also noted that there is an open drain and sewer running across the site which connect with the industrial estate and housing area and when they are not properly cleared, can back up on the field and this is an ongoing problem and further development should not be permitted.

Scottish Water (193) note the reference to the sewer crossing H1 however request that the following is added after to read:

**‘Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance’.**  
(Scottish Water, 193)

#### Newtonmore ED2: Industrial Park (page 126)

SEPA (085) note that reference to the ‘Low to high probability flood risk’ should be amended to read:

**‘Low Medium to high probability flood risk’**  
(SEPA, 085)

NVCC (097) are of the view that this allocation is not suitable for industrial use on the basis that there is restricted access which is unsuitable for heavy traffic. They feel that further development should not be permitted on the site without reconsideration of improving the access.

#### Newtonmore – Other matters

HIE (194) would welcome further consideration to increase land allocation available for economic development.

### **Modifications sought by those submitting representations:**

#### Aviemore – General comments

- Show Transport Scotland’s preferred option for the upgrade of the A9 on the

settlement map and explain in map key what this means (Scottish Government, 089).

- Implement requirements of 1996 Aviemore Masterplan (Wallace and Grimson, 025)
- Update settlement maps to latest available and adjust legend so that is easier to understand (Wallace and Grimson, 025; AVCC, 104).
- Upgrade infrastructure and revisit hospital proposal (W Paterson, 077; T Davis, 108).

#### Aviemore H2: Dalfaber

- Delete small area of site and leave for woodland regeneration (B Lobban, 105)

#### Aviemore M1 Aviemore Highland Resort

- Delete area of site on floodplain upstream from Crag na Gower Avenue (A Lay, 026)
- Acknowledge the presence of ancient woodland in the south of the site in the landscaping paragraph, and remove it from the allocation (WTS, 137).

#### Aviemore ED1 Dalfaber Industrial Estate

- Include reference to ancient woodland that lies to the north of the site and include a requirement for buffering within the site specific guidance on page 97 (WTS, 137).
- Clarify whether non-industrial uses are acceptable on the site (Highland Council, 177).

#### Aviemore ED2: Myrtlefield Industrial Estate

- Add a requirement that states that the height of any new buildings cannot exceed the height of any existing buildings (K Hall, 023).
- Clarify whether non-industrial uses are acceptable on the site (Highland Council, 177).

#### Aviemore ED3: Granish

- Amend the wording of the last paragraph (Landscaping, page 98) to read: 'Landscaping and structure planting will be required to ensure **buffering and** integration of the development with the surrounding landscape and ancient woodland adjacent to the site. **The ancient woodland in particular must be protected from potential impacts of economic development for the site**' (WTS, 137)
- Add requirement to masterplan ED3 alongside LTH1 and LTH2 (Highland Council, 177).

#### Aviemore C1: Land at Dalfaber Drive

- Amend site description as follows: 'Land at Dalfaber Drive between ~~the Bowling Green~~ **Aviemore Joint Cadet Centre** and Main Railway Line provides an important community resource and will be protected for community use.' (AVCC, 104)

#### Aviemore C2: Former School Playing Fields

- Amend site requirement as follows: 'Low **Medium** to High....a Flood Risk Assessment **or other supporting information** may be required.' (SEPA, 085)



M Kirkwood, 107; A Gronbach, 120; A. Shoemaker, 121; Spey Services, 122; Anonymous, 124; R Anderson, 161; M. Jeffrey, 176; L McKenna, 199; Sarah, 206; Anonymous, 208).

#### Aviemore LTH1 and LTH2: North Aviemore

- Amend site requirement as follows:  
'A masterplan for the sites will be required. This should include....site. **It will also need to take account of existing adjacent regulated activities when zoning land use within the development site.'**  
(085, SEPA)
- List relevant capercaillie SACs, as identified in the Habitats Regulations Appraisal (CD005) in the 'Natura Site affected' box on the site map (SNH, 112).
- Delete Reference to River Spey SAC from LTH1 (SNH, 112).
- Acknowledge the ancient woodland adjacent to the site and require buffering. In addition, require a survey to establish ecological value of ancient woodland to the north of the site (WTS, 137).
- Modify text in 'Disturbance to capercaillie in SPAs' row in Table 4 (page 86) as follows:  
**'We have identified in particular that** sites in Aviemore may lead to a small increase in MTB use off the main forest tracks and paths in the Kinveachy Forest SPA. For these sites...'  
(RSPB Scotland, 178)
- Allocate southern part of LTH1 for 200 houses within the current Plan period (Reidhaven Estate, 172).
- Allocate all of LTH1 and LTH2 for development within the current Plan period (Highland Council, 177).
- Delete northern part of LTH1 (Granish Farm Partnership, 012).

#### Grantown-on-Spey - Settlement Map

- Amend the indicative route of the Strathspey Railway extension to more accurately reflect the proposed route (SRCT, 038).
- Consider an amendment to the settlement boundary to take into account amended route of the railway and associated land (SRCT, 038).
- Amend label on 'H1' allocation adjacent to the Hospital to 'H2' (SEPA, 085).
- Amend the conservation area boundary on the map to reflect the revised boundary (Highland Council, 177).

#### Grantown-on-Spey Settlement objectives

- Replace references to 'Speyside Railway' with '**Strathspey Railway**' (SRCT, 038).

#### Grantown-on-Spey Developer Obligations

- Include the following within the Developer Obligations section:  
**'Waste Water Treatment Works capacity should be verified with Scottish Water by completion of a Pre Development Enquiry (PDE) form'**  
(Scottish Water, 193)

#### Grantown-on-Spey H2: Castle Road

- Retain existing H2 allocation and include additional long term housing to the west (THC039) (Reidhaven Estate, 172).
- Remove most of the area of H2 from the allocation, retaining a small area in the north east of the site for housing or tourism or community uses (GOSVCC, 036).

- Remove the allocation of H2 (BSCG, 187).
- Amend wording in the site specific guidance (page 112) in respect of flooding to read:  
‘There are small watercourses on the boundary of the site and a Flood Risk Assessment **or other supporting information** will be required’ (SEPA, 085)
- Amend wording relating to landscape in the site specific guidance (page 112) to include ancient woodland protection in addition to integration (WTS, 137).

#### Grantown-on-Spey ED1: Woodlands Industrial Estate

- Amend the boundary of ED1 to reflect the revised Strathspey Railway route and areas within the Industrial Estate that will be required for railway associated infrastructure or include wording to clarify this (GOSVCC, 038).

#### Grantown-on-Spey T1: Caravan Park

- Remove the area of ancient woodland within the site from the allocation (WTS, 137).
- Amend wording in the site specific guidance (page 113) in respect of flooding to read:  
‘There are small watercourses on the boundary of the site and a Flood Risk Assessment **or other supporting information** will be required’ (SEPA, 085)

#### Grantown-on-Spey C2: Strathspey Railway extension

- Amend references to ‘Speyside Railway’ to read:  
‘~~Speyside~~ **Strathspey** Railway’ (SRCT, 038)
- Relocate the Railway terminus as the site is undisturbed and may be important of otters from the River Spey SAC (BSCG, 187).

#### Grantown-on-Spey Allotments

- Allocate the area (adjacent to C2) that currently has planning permission for allotments (WTAA, 149).
- Include allotments as something that developer contributions can be taken for within paragraph 4.158 of Policy 11 (WTAA, 149).

#### Kingussie - New Community site

- Allocate St Vincent’s Hospital for community uses (A Scholfield, 020).

#### Kingussie - Developer obligations

- Include requirement for contributions towards healthcare facilities in Kingussie (A Scholfield, 020).
- Include the following within the Developer Obligations section:  
**‘Waste Water Treatment Works capacity should be verified with Scottish Water by completion of a Pre Development Enquiry (PDE) form’**  
(Scottish Water, 193)

#### Kingussie H1: Land between Ardbroilach Road and Craig an Darach

- Amend the Indicative residential capacity to ‘Up to 300 units’ (A Scholfield, 020).
- Amend site specific guidance to include the requirement for a buffer stating:  
‘Landscaping and structure planting will be required to ensure **buffering of the**

**ancient woodland area from the development’.**

(WTS, 137)

Kingussie ED1: Council Depot and ED2: McCormack’s Garage

- Extend ED1 allocation to include all of the industrial area around the railway station (R Ormiston, 086).
- Maintain ‘Highland Horse fun’ on the industrial estate as tourism development (R Ormiston, 086).
- Amend wording in respect of flood risk to read: ‘**Low Medium** to High probability flood risk lies adjacent to the site’ (SEPA, 085)
- After ‘Sewer mains cross this site.’, include the following: ‘**Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance**’ (193, Scottish Water)
- Extend ED1 and ED2 (HIE, 194).

Kingussie T1: Kingussie Golf Club Caravan Park

- Remove the allocation (WTS, 137)

Newtonmore H1: Land between Perth Road and Station Road

- No permit further development (M Slaney, 056)
- After “*Sewer mains cross this site.*”, include the following: ‘**Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance**’ (193, Scottish Water)

Newtonmore ED2: Industrial Park

- Amend wording in respect of flood risk to read: ‘**Low Medium** to high probability flood risk’ (SEPA, 085)

Newtonmore – Other matters

- Increase the land allocation for economic development (HIE, 194)

**Summary of responses (including reasons) by planning authority:**

Aviemore – General comments

If the Reporter deems it necessary, CNPA do not object to the inclusion of Transport Scotland’s preferred option on the Settlement map. However, it needs to be recognised that the A9 proposals are still subject to outstanding objections, including objections from CNPA. They are therefore only subject to draft orders. To include this information on the maps, CNPA will therefore need Transport Scotland to provide CNPA with the relevant GIS data, outlining exactly the land that needs to be protected in order to deliver the project. (Scottish Government, 089)

Should need be identified, developers will need to contribute to the upgrading of infrastructure in accordance with Policy 11: Developer Obligations. The hospital already benefits from consent (2018/0311/DET) (CD052) and will not be revisited within the context of the LDP. No change proposed (W Paterson, 077; T Davis, 108).

The Aviemore Masterplan (1996) has never been a formal planning document. CNPA does not have any intentions to review it or produce a new overarching masterplan for Aviemore. However, masterplans will be required for specific sites as set out in the site information section and Policy 3.2 Major Developments. No change proposed (Wallace and Grimson, 025).

Maps and aerial photography will be updated to the latest available for the adopted Plan. 05/306/CP (CD050) is not identified specifically on the settlement map but does form part of M1: Aviemore Highland Resort. The anticipated delivery of the outstanding units with consent is set out within Appendix 1 of the Proposed Plan. The units are not yet delivered and are therefore not meeting any current housing need. They have however been identified as part of the provision of need over the Plan period. CNPA agree that for a point of clarification, the figure for outstanding units should be included in the site information for site M1 on page 94 (AVCC, 104). Information on how housing need is identified is provided in the Housing Evidence Report (CD012).

As stated under Issue 3: New Housing Proposals, the Plan has limited scope to control second home ownership and not control at all with respect to the existing stock. For example, since the issuing of the Chief Planner's letter on occupancy conditions and rural housing dated 4th November 2011 (CD071), which states "*The Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided*", CNPA does not believe it has a strong case for issuing them. The letter does not allow occupancy restrictions to be issued simply on the grounds of the potential use of the dwelling, the origin of the buyer or the workplace of the buyer.

The Proposed Plan therefore only has control in a number of limited areas. Firstly, with respect to affordable housing, this may be prevented from becoming second homes on the basis that conditions may be placed on its occupancy, through its management by a housing association or through title deed stipulations such as the Rural Housing Burden. CNPA also aims to influence the occupancy of dwellings through their size and design, which can be influenced through Policy 1.4 Designing for Affordability. Anecdotally, new dwellings that are small, terraced or semi-detached do not appeal to the second home market. Therefore it is hoped that by encouraging this form of development, fewer properties will fall into second home ownership. Such smaller dwellings are also designed for those working or needing to work in the local area who typically have a lower household income than the Scottish average (see Housing Evidence Report, CD012) (Cairngorms Brewery, 195; J Armstrong, 204; P Masson, 205).

#### Aviemore H2: Dalfaber

The site area as presented in the Proposed Plan reflects the current planning consent (see 2018/0183/MS (CD051) for approved layout). The area B Lobban (105) has requested to be removed forms part of the site's landscaping strategy, in which new deciduous trees are to be planted and existing habitats protected and enhanced. In that respect it fulfils the request for an area for woodland creation. CNPA does not therefore agree with the area's removal as it would limit the Plan's ability to control this and deliver mitigation should the current application lapse and a new consent be applied for. No modification proposed (B Lobban, 105).

#### Aviemore M1 Aviemore Highland Resort

The area of site that has been requested to be removed by A Lay (026) and BSCG (187) is already subject to an extant planning permission (05/306/CP) (CD050). There are no proposals for backfilling the watercourse. SEPA have been consulted on the allocation

and do not raise any concerns about the proposed development. Proposals for any further development on the site will be required to be supported by a Flood Risk Assessment or other information to ensure that no adverse effects are caused. Any potential negative effects on biodiversity will need to be mitigated. CNPA is therefore satisfied that no issue exists relating to flooding or biodiversity on the site and that no changes need to be made to the Proposed Plan. No modification proposed (A Lay, 026; BSCG, 187).

The presence of ancient woodland has been identified in the site assessment report (CD018) and Strategic Environmental Assessment (CD006). Where such woodland forms an intrinsic part of the site and proposed development has the potential to have an impact on it, the site specific guidance recognises this. In the case of M1, the area of ancient woodland contains an existing woodland lodge development and it is considered that the woodland setting is part of the character of this development. Any future proposals here would be subject to the necessary assessment to ensure the woodland is not further degraded, however this will be undertaken as part of any planning application. Therefore no modification proposed (WTS, 137).

#### Aviemore ED1 Dalfaber Industrial Estate

The comments in respect of the potential impacts on ancient woodland to the north of the site are noted. However taking into account the scale of the extension to the allocation and that there is no ancient woodland on the site itself, the Strategic Environmental Assessment (CD006) determined that there are no site specific effects. Therefore it is not considered necessary to include reference within the site specific guidance. No modification is proposed (WTS, 137).

This minor extension to Dalfaber is already in use and subject to a retrospective planning application (2019/0027/DET) (CD053) and has previously had temporary consent as a compound for works related to the A9 (2017/0465/DET) (CD054). It is not regarded by CNPA as having particularly high landscape value and does not possess any particular sensitive habitats or species (see site Assessment Report, pages 105-112 (CD018)). CNPA does not therefore agree that it should be removed from the Proposed Plan on these grounds. No modification proposed (BSCG, 187).

CNPA economic development policies are designed to operate on a town-centre first principle with respect to use classes 1 to 3. Aviemore's town centre is a key element of the economic, social and environmental fabric of the local area and should be at the core of community and economic life, offering spaces in which to live, meet and interact, do business, and access facilities and services. CNPA aim to put the health of the town centre, indeed all town centres, at the heart of decision making, seeking to deliver the best local outcomes regarding investment and de-investment decisions, alignment of policies, targeting of available resources to priority town centre sites, and encouraging vibrancy, equality and diversity. CNPA does not therefore consider uses 1 to 3, which may generate high levels of footfall, to be suitable on ED1, owing to its distance from the town centre. Furthermore, CNPA recognise the need to ensure sites and properties are available for use classes 4, 5 and 6 and that the pressure for alternative uses, which this site has been subject to, should be resisted to ensure that an effective economic land supply is maintained. With respect to site ED1 therefore, CNPA believes only uses 4, 5 and 6 and certain sui-generis uses, which would need to be considered on a case by case basis, to be suitable. If the Reporter is minded therefore, CNPA would not object to a change that made this explicit (Highland Council, 177).

#### Aviemore ED2: Myrtlefield Industrial Estate

The site is already built-out and there is no space for any further building without the demolition of existing properties. The aim of the allocation is to protect these uses and allow for redevelopment to occur within use classes 4, 5 and 6. Delivering good design is an important aim of the Proposed Plan and it is important that economic development does not have a significant adverse effect on the amenity of neighbouring residential properties. This will however be delivered through Policy 3: Design and Placemaking and judged on a planning application basis. CNPA does not believe that it is necessary to include specific design requirements within the site information section. No modification proposed (K Hall, 023).

ED2 is partially located within the town centre boundary and already contains a range of uses, including properties within use classes 1, 3, 4, 6, and 9. These uses are split across the site, with uses 1, 3 and 9 within the town centre boundary and 4 and 6 outwith. It is clear therefore that while the allocation is for economic development, as it is in the current Local Development Plan 2015 (CD001), the site performs a broader function. Given the pressure on land in Aviemore, CNPA wish to see the properties and land within use classes 4 and 6 protected as such, therefore it would not support an alternative use. However, on the basis of the town first principle, CNPA would also wish to see the other uses, which are located within the town centre boundary, given the same protection. CNPA is therefore satisfied with the status of the current allocation, though it could also see merits in its change of status to a mixed use allocation, if the Reporter wished to recommend such a change (Highland Council, 177).

#### Aviemore ED3: Granish

The presence of ancient woodland has been identified in the site assessment report (CD018) and Strategic Environmental Assessment (CD006) and as a result is highlighted in the site specific guidance on page 98. The proposed amendments to the wording as suggested are not considered necessary on the basis that the guidance on page 98 already highlights that “*landscaping and structure planting will be required to ensure integration of development with the surrounding landscape and ancient woodland to the north of the site*”. In addition, any proposals on the site would be subject to Policy 4.3. CNPA consider that this appropriately addressed and no modification is proposed (WTS, 137).

CNPA are of the position that the requirements of Policy 3.2: Major developments are sufficient to deal with significant proposals on this site. However, if the Reporter is minded to make a change, CNPA would recommend adding the following wording to the requirements for ED3:

**‘A Masterplan for the site will be required. This should include information on its integration with sites LTH1 and LTH2.’**

(Highland Council, 177)

Maps and aerial photography will be updated to the latest available for the adopted Plan (AVCC, 104).

LTH1 has been subject to site assessment and CNPA is satisfied that any negative effects on biodiversity, landscape character and people’s enjoyment can be mitigated (see site Assessment Report, pages105-112 (CD018)). No modification proposed (BSCG, 187).

Delivering good design is an important aim of the Proposed Plan and it is important that economic development does not have a significant adverse effect on the special qualities of the National Park’s landscape. This will be delivered through Policy 3: Design and

Placemaking and judged on a planning application basis. There is therefore the opportunity to improve the appearance of the site. However, the LDP cannot influence the appearance of existing uses outside the purview of a planning application. No modification proposed (Wallace and Grimson, 025).

#### Aviemore C1: Land at Dalfaber Drive

CNPA agree with AVCC's (104) suggested change to the wording of the site's requirements to reflect changes that have occurred since the last Plan was adopted. This is considered to be a minor change (AVCC, 104).

#### Aviemore C2: Former School Playing Fields

CNPA agree with SEPA's (085) suggested change to the wording of the site's requirements to more accurately reflect the nature of the flood risk and would not therefore object of the Reporter were minded to recommend a change (SEPA, 085).

#### An Camas Mòr

Despite receiving a number of representations objecting to the site on the grounds of its merits, the merits of An Camas Mòr will not be discussed in this report. An Camas Mòr was granted permission in principle on 29<sup>th</sup> April 2019 and therefore will be an outstanding consent during the period of the Plan. The Plan cannot delete or reduce the size of An Camas Mòr or 'swap' it for another location. Due to the scale of the development, the Plan will need to take An Camas Mòr into account and recognise it as a strategically significant component of the housing land supply. Equally, the consent is already subject to a set of planning conditions and they cannot be reviewed within the context of the Plan (S Dickie, 006; Wallace and Grimson, 025; R Turnbull, 179; Wildland Ltd, 182; Cairngorms Campaign, 186; BSCG, 187). The fact that An Camas Mòr has consent also means that CNPA is already committed to its delivery and matters are now in the hands of the site owners to ensure the development can commence (T Pirie, 004; C Riach, 070; D Horsburgh, 071; Peacock Creative Design, 073; J Golebiowski, 093; M Kirkwood, 107; A Gronbach, 120; A Shoemaker, 121; Spey Services, 122; Anonymous, 124; R Anderson, 161; M Jeffrey, 176, D Maclennan, 198; L McKenna, 199; Sarah, 206; Anonymous, 208).

The reclassification of An Camas Mòr as a Strategic Consent rather than Strategic Settlement reflects the fact that despite the proposals first being raised in 1987 and An Camas Mòr having a planning status since the Badenoch and Strathspey Local Plan 1997 (CD028), development is yet to take place. While the site now has consent, doubts about its delivery remain due to significant up-front infrastructure costs that are unlikely to be fundable on a commercial basis. Therefore, CNPA does not believe identifying An Camas Mòr as a strategic settlement is appropriate at this stage. CNPA will review this in the next Plan assuming development takes place. An Camas Mòr was not presented in the MIR as a Strategic Settlement, just as a Preferred Option for allocation. Furthermore, the issue of An Camas Mòr's delivery was well consulted on, being the subject of Main Issue 4b. The Proposed Plan consultation offered ample opportunity for interested parties to comment on the proposals, therefore the CNPA do not agree that further consultation is needed. No modification proposed (An Camas Mòr LLP, 188, Turnberry, 209).

CNPA is currently satisfied with the information contained within the Highland Council HLA (2018) (CD034) and Cairngorms National Park Proposed Action Programme (CD011). At this stage, CNPA is satisfied that the projected rate of delivery for An Camas Mòr is able to meet need within the current Plan period and that the measures included within the Plan, i.e. its classification as a Strategic Consent and the provisions of Policy 1.11: Long term designations, are sufficient to deal with any shortfall should it occur. As reported in

the Planning Performance Framework 8 (2019) (CD042), the National Park currently has an effective housing supply of 6.8 years. No modification proposed (Reidhaven Estate, 172).

The Habitats Regulations Appraisal for the Proposed Plan, which was carried out in consultation with and agreed by SNH, concluded that adverse effects on the integrity of European sites can be avoided with the implementation of mitigation measures, including those identified within a Recreational Management Plan (RMP). CNPA agree with RSPB Scotland (178) that the RMP will need to contain sufficient and robust measures to ensure that An Camas Mòr does not have an adverse effect on the integrity of European sites, and CNPA will need to be satisfied that the RMP does this when the applicant applies to discharge the relevant condition. CNPA does not consider the changes suggested by RSPB Scotland (178) add any value to the Proposed Plan as the RMP requirements are already clearly set out. No modification proposed (RSPB Scotland, 178).

The main purpose of the RMP is to ensure that there are no adverse effects on the integrity of connected European sites. The requirement for a mountain bike track is a key element of this as its purpose is to divert mountain bike activity away from the most sensitive areas. As such, a bike, skate and pump park is not an adequate replacement as it does not perform the same function. This does not however mean that a bike, skate and pump park is not a desirable recreational resource to deliver on An Camas Mòr and it is within the gift of the developer to deliver both pump park and mountain bike track if they wish (A Grant, 189). Active travel and the integration of the site with Aviemore is an important consideration in the development's design (F Masson, 203). No modification proposed

CNPA recognised the errors raised by A Grant (189) and they were amended at the time. They have not prejudiced anyone's ability to have their opinions recorded and considered. There has also been an error in the site area for An Camas Mòr on page 101 (Rothiemurchus Estate, 192). CNPA consider the correction of this, which should be 136.6ha, to be a minor change (Rothiemurchus Estate, 192). CNPA does not propose to add any further information on site area.

#### Aviemore LTH1 and LTH2: North Aviemore

CNPA does not agree that the Proposed Plan fails to comply with paragraph 64 of PAN51 (CD075), which summarises the role of planning in addressing noise. The states that new noise or nuisance sensitive developments have to be carefully considered in relation to existing noise or nuisance emitting land uses. This does not however mean that specific measures need to be included within the Proposed Plan, and CNPA does not agree that every single requirement for a masterplan needs to be listed. The issue may be fully considered at the planning application stage (SEPA, 085).

According to the Habitats Regulations Appraisal (CD005) of the Proposed Plan, only Kinveachy Forest SPA is likely to require to be taken into consideration in when developing proposals. It is therefore agreed that the SPA name could be listed below the 'Natura site affected' heading text on the site map. CNPA also agree that the River Spey SAC could be removed from LTH1 due to the HRA not identifying any likely significant effects relating to it (SNH, 112).

The presence of ancient woodland adjacent to the site is already highlighted in the site specific guidance on page 96, which states that "*landscaping and structure planting will be required to ensure integration of development with the surrounding landscape and ancient*

*woodland to the north of the site*". It is not considered necessary to specifically require buffering on the basis that this may form part of the 'integration' required, any proposals will be assessed on their merits as well as being subject to Policy 4.3. Therefore no modification is proposed (WTS, 137).

Scottish Water's (193) suggestion to make reference to the need to contact them for asset protection guidance is noted, however CNPA do not consider that it is necessary within the LDP as it is a matter of process. CNPA will include this within the existing set of guidance notes for submitting planning applications where it is considered more appropriate. No modification proposed (Scottish Water, 193).

As set out in Appendix 1 of the Proposed Plan, CNPA considers that there is an effective land supply of 660 units in the period of 2020-2024 and 494 in the period 2025-2029. This is in excess of the identified Housing Land Requirement of 447 in the former period and 304 in the latter. In addition, CNPA is currently satisfied with the information contained within the Highland Council HLA (2018) (CD034), the Cairngorms National Park Proposed Action Programme (CD011) and Planning Performance Framework 8 (2019) (CD042), the latter of which states that there is currently an effective housing land supply of 6.8 years. In the event that there is a risk that the effective housing land supply falls below 5 years, CNPA is satisfied that the provisions contained within Policy 1.11: Long term designations are sufficient to address the situation. CNPA does not therefore agree that LTH1 and LTH2, either partially or as a whole, should be allocated as part of the current housing land supply. No modification proposed (Reidhaven Estate, 172; Highland Council, 177).

To respond to the site based objections in order:

- LTH1 is owned by Reidhaven Estate, which support its inclusion as a long-term allocation and wish to see half of it allocated in as a housing site for the current Plan period. It will be up to the site owner and leaseholder to discuss terms if the lease is not due to expire within the Plan period (should the site be needed). LTH1 and LTH2 have an indicative capacity of 400 units, which is 100 units in excess of the expected delivery of An Camas Mòr during the Plan period. LTH1 is therefore unlikely to be required in its whole during the Plan period, even if An Camas Mòr fails to be delivered. The site however, remains to represent the best option meeting the long term housing need in the area, particularly in the absence of An Camas Mòr (Granish Farm Partnership, 012).
- Aviemore is constrained by topography in the west and the River Spey in the south and east. In the absence of An Camas Mòr, LTH1 and LTH2 represents the only significant area of available land in the Aviemore area. CNPA has not identified any significant negative landscape or biodiversity effects that would prevent development from taking place so due to the lack of any reasonable alternatives, the lengthening of Aviemore is likely to be inevitable assuming need for new housing continues to arise (AVCC, 104).
- No explanation of how LTH1 and LTH2 are unable to provide sustainable development is provided. The sites have been subject to site assessments, Strategic Environmental Assessment (CD006) and Habitats Regulations Appraisal (CD005) and therefore CNPA is satisfied that the development of the sites can meet the principles of sustainability (AVCC, 104; An Camas Mòr LLP, 188).
- The sites are located outwith the settlement boundary because it is not intended that they be delivered within the Plan period unless An Camas Mòr proves undeliverable. If they were within the settlement boundary then CNPA would not have the tools to manage their development in accordance with Policy 1.11: Long

term designations. The purpose of the settlement boundary is set out within Policy 1 (see Issue 3: New Housing Proposals) (AVCC, 104).

- Should a development result in a school becoming over-capacity then the developer will need to address this issue through the requirements of Policy 11: Developer obligations (AVCC, 104).
- The policy that is designed to deal with a potential shortfall in the 5 year effective land supply is Policy 1.11, which LTH1 and LTH2 are an integral part. There are no other policies that enable the Plan to effectively deal with a shortfall (AVCC, 104).
- The site has been assessed for its landscape and biodiversity value through the Strategic Environmental Assessment (CD006) and site assessment report (CD018). While mitigation will be required, there are no features that would prevent development from taking place (BSCG, 187).
- LTH1 and LTH2 are identified at this stage specifically to ensure that should a shortfall in the 5 year effective land supply occur due to the failure of An Camas Mòr to be delivered, that sufficient land is available to prevent speculative development on unsupported sites occurring. Their relationship with An Camas Mòr is therefore essential (BSCG, 187).
- The sites are close to the waste transfer station on ED3, however there is a sufficient buffer proposed between the residential aspects of LTH1 and LTH2. In terms of the former, this already exists in the form of planting on the opposite side of the road, while the latter will have compatible economic development between it and the waste transfer aspects of ED3 (AVCC, 104; A Grant, 189; A Morrison, 196; N McClure, 201).
- The distance from the centre of LTH2 to the nearest supermarket is around 800m, which is significantly closer than most properties in the National Park. While other services are further away (around 2km from Aviemore town centre) they are not much further away than those from the centre of An Camas Mòr (around 1.5km from Aviemore town centre once footbridge is constructed). Given the alternative would be to provide housing land outwith Aviemore, in locations that are likely to have fewer services, CNPA do not regard LTH1 and LTH2 to be poorly located (An Camas Mòr LLP, 188; R Braham, 200; N McClure, 201).
- Properties will need to be built in accordance with the latest building standards (R Braham, 200).
- The delivery of An Camas Mòr is not tied to LTH1 or LTH2 in anyway; the relationship is in fact the inverse of this. There are no logical reasons that the identification of these sites represents a 'delay tactic' with respect to An Camas Mòr (A Shoemark, 121).

No modification proposed (Granish Farm Partnership, 012; AVCC, 104; A Shoemark, 121; BSCG, 187; An Camas Mòr LLP, 188; A Grant, 189; A Morrison, 196; R Braham, 200; N McClure, 201).

CNPA wish to reiterate that they are not promoting one site over another with regards to An Camas Mòr and LTH1 and LTH2. It is hoped that An Camas Mòr is delivered in line with the rates set out in the Highland Council HLA (2018) (CD034). However, given the significant up-front costs associated with the development, which are unlikely to be fundable on a commercial basis, CNPA consider that there is a high enough risk to warrant a back-up plan to ensure that a shortfall in the effective land supply does not occur. LTH1 and LTH2 are therefore identified as a fail-safe against this possibility. The arguments about the merits of one site over another are therefore irrelevant as LTH1 And LTH2 will only be considered for delivery if An Camas Mòr proves to be undeliverable and

therefore not an option for development. The mechanisms that this can occur are set out under Policy 1.11: Long term designations (see Issue 3: Policy 1: Housing New Housing Proposals).

CNPA dispute Rothiemurchus Estate (192) and An Camas Mòr LLP's (188) claims that only An Camas Mòr can deliver on the set of challenges they set out within their responses. CNPA do not wish to dispute that An Camas Mòr can achieve what they claim, but to claim that An Camas Mòr is the only reasonable option is not supported. The site owners of LTH1 and LTH2 (Reidhaven Estate) have demonstrated their desire to deliver the sites and there is nothing to suggest that the majority of the land cannot be delivered within the Plan period. The sites will not have to meet the same planning conditions as An Camas Mòr, for example they will not need to provide a footbridge across the River Spey. Should they be granted consent they will be subject to their own conditions and will need to ensure that measures are put in place to ensure adverse effects on the integrity of European sites do not occur. Demonstrating this may take the form of an RMP, however mitigation measures in this case are likely to be easier to implement than An Camas Mor as the affected European sites are within the same ownership as the development sites (189, A Grant). No modification proposed (Rothiemurchus Estate, 192; An Camas Mòr LLP, 188, A Grant, 189).

The Proposed Plan has undergone a Habitats Regulations Appraisal (CD005), which was carried out in consultation with and agreed by SNH. This has informed the mitigation requirements are set out in Table 4. CNPA is therefore satisfied that there is sufficient strength within the Proposed Plan to mitigate any potential adverse effects on the integrity of European sites (RSPB Scotland, 178).

#### Grantown-on-Spey - Settlement Map

While the indicative route of the Strathspey Railway has no policy basis and therefore will not affect land take etc. as suggested by SRCT (038), CNPA agree that it is reasonable to amend it as a factual correction if the Reporter is minded to do so (SRCT, 038).

CNPA do not consider that it is necessary to amend the settlement boundary. The route of the proposed railway already extends outwith the settlement and there is no compelling argument to include it. No modification proposed (SRCT, 038).

The incorrect labelling for housing site H2 (labelled as H1 on the settlement map) and the new conservation area boundary recently reviewed and approved by Highland Council are noted and CNPA agree that these should be changed as a minor amendments to the settlement map (SEPA, 085; Reidhaven Estate, 172).

#### Grantown-on-Spey Settlement objectives

The request to change 'Speyside' to 'Strathspey' in respect of the railway is noted and CNPA support this minor adjustment as a factual correction if the Reporter is minded to do so (SRCT, 038).

#### Grantown-on-Spey Developer Obligations

Scottish Water's (193) suggestion to make reference to the need for a Pre Development Enquiry form is noted, however CNPA do not consider that it is necessary within the LDP as it is a matter of process. CNPA will include this within the existing set of guidance notes for submitting planning applications where it is considered more appropriate. No modification proposed (Scottish Water, 193).

### Housing in Grantown-on-Spey

The comments in respect of the need for small shared ownership and rented accommodation are noted and it is considered that the settlement objective to 'Support the delivery of housing that meets local needs' along with the allocation of the housing sites that will include affordable housing, are intended to support the delivery of housing that meets local need. Therefore no modification proposed (GoSVCC, 036).

Relying on the delivery of housing through the improvement of existing apartments or increasing units around the High Street is not considered an appropriate or effective way of meeting housing need. Upgrading existing properties on the High Street presents a number of challenges in respect of acquiring ownership, the cost of upgrading older properties and their suitability for a range of needs make this option inappropriate. Therefore no modification is proposed (GoSVCC, 036).

While it is noted that there is no reference to the fragility of Grantown-on-Spey's economy or the need for tourist accommodation, the current settlement objectives include:

- *"Support opportunities to increase the attraction of Grantown-on-Spey as a tourist and recreation destination."*
- *"Support proposals for business development, growth and diversification."*

It is considered that the settlement objectives already seek to support and enhance the local economy and tourism. Therefore proposals within Grantown-on-Spey can be seen positively and will be supported (subject to other LDP policies) where they contribute towards these objectives. No modification proposed (GoSVCC, 036).

### Grantown-on-Spey H2: Castle Road

Support for the allocation of H2 is noted (Reidhaven Estate, 172); however CNPA do not support the proposal to add an extension to the site as long term housing. The scale of H2 has been increased from the current Local Development Plan 2015 (CD001) which allocates it for 20 houses, up to 50 houses in the Proposed Plan (with an increased site area). It is considered that the current allocations within Grantown-on-Spey provide an effective 5 year land supply and at this stage further long term housing land is not required. No modification proposed (Reidhaven Estate, 172).

The suggestion to reduce the site and develop a small number of houses in the northern part on account of the site containing an area of bog in the middle and need to preserve the field in the south are noted but not supported (GoSVCC, 036). The site specific guidance for H2 on page 112 highlights that there are small watercourses on the boundary of the site and a Flood Risk Assessment may be required. It is also notes that a Drainage Impact Assessment will be required to address surface water flooding. In addition, while the intention historically may have been to preserve the field in the south as open space, Grantown maintains a number of protected open spaces that contribute to maintaining the character of the town. Development in the area between Grant's House and the Hospital on H2 (and on the rest of the site) will be subject to all relevant policies within the LDP to ensure it is appropriate and sympathetic to its surroundings (GoSVCC. 036).

The objection to the allocation of the site is noted but not supported. The Proposed Plan and all sites have been subject to the Strategic Environmental Assessment (CD006) and Habitats Regulations Appraisal (CD005) to ensure that development will not have any significant effects that cannot be mitigated. As highlighted above, any applications on the site will require planning permission and will be subject to all relevant policies in the LDP including Policy 3.3: Sustainable Design, Policy 4: Natural Heritage and Policy 5:

Landscape to ensure proposals avoid significant adverse effects. No modification proposed (BSCG, 187).

The presence of ancient woodland adjacent to the site is already highlighted in the site specific guidance on page 112, which states that “*landscaping and structure planting will be required to ensure integration of development with the surrounding landscape and ancient woodland to the north of the site*”. It is not considered necessary to specifically require protection as well as integration as the woodland does not lie within the site, any proposals will be assessed on their merits, as well as being subject to Policy 4.3. Therefore no modification is proposed (WTS, 137).

#### Grantown-on-Spey ED1: Woodlands Industrial Estate

The request to amend the boundary of ED1 to reflect the proposed railway route and associated infrastructure is noted (SRCT, 038) however it is not considered necessary at this stage as this could still be pursued within the economic development allocation. It could be reasonable to include wording within the specific site guidance for ED1 (on page 112) to reflect the proximity and potential impact of the railway extension, if the Reporter is minded to do so. The following wording is suggested as part of the introductory text:

**‘The site lies adjacent to the proposed route for the Strathspey Railway extension and future proposals and railway operations may overlap the western part of the site’.**

(SRCT, 038)

#### Grantown-on-Spey T1: Caravan Park

CNPA notes the request to remove the area of ancient woodland from the allocation however the presence of ancient woodland has been identified in the site assessment report (CD018) and Strategic Environmental Assessment (CD006), and is highlighted in the site specific guidance on page 113 to ensure any future proposals take account of this. There is existing development within the area of ancient woodland that is part of the operational business of the Caravan Park. The Strategic Environmental Assessment notes that this woodland is degraded and therefore it is not considered appropriate to remove it from the allocation. Any future proposals will be subject to Policy 4.3 and therefore no modification is proposed (WTS, 137).

CNPA note SEPA’s (085) proposed amendment to the wording in respect of the requirement for flood information and do not object to this change if the Report is minded to support it (SEPA, 085).

#### Grantown-on-Spey C2: Strathspey Railway extension

CNPA note SRCT’s (038) request to amend references to the Speyside railway and do not object to this minor change if the Report is minded to support it (SRCT, 085)

In respect of the objection to the allocation of the site on the basis that the site may be important for otter (187, BSCG), while this is noted, all sites within the Proposed Plan have been subject to a SEA and HRA to ensure that development of the site can be achieved without causing any significant impacts on designations and protected species, such as the River Spey Special Area of Conservation. Mitigation may be required as set out in the site specific guidance map on page 114 and Table 4, pages 86 and 87 (BSCG, 187).

#### Grantown-on-Spey allotments

The request to include the area with existing permission for allotments is noted however it is not considered that there is a compelling reason of allocating this site, which lies

adjacent to an existing community site. The land is not under pressure from competing development and so an allocation would not have a specific purpose. Allotments may be delivered without land being identified as LDP allocations. No modification proposed (WTAA, 149).

It is not considered necessary to specifically identify 'allotments' within the supporting text of Policy 11, paragraph 4.158 (community facilities), as they are considered to be one of a range of community facilities that could be considered under paragraph 4.158. No modification proposed (WTAA, 149).

#### Kingussie – General comments

CNPA acknowledge the need for affordable housing in both Kingussie and across the National Park. Developments within Kingussie will be required to comprise 25% affordable housing in accordance with Policy 1.5: Affordable Housing. The rationale behind the affordable housing requirement is provided in the Housing Evidence Report (CD012) and discussed under Issue 3: Policy 1: New Housing Development (A Schofield, 020).

The settlement objectives already include to “*Support proposals for business development, growth and diversification*”. Proposals for small start-up business units within Kingussie could be supported by this and the existing policy provisions within the Proposed Plan. Therefore no modifications are proposed (A Schofield, 020).

#### Kingussie - New Community Site

CNPA note the suggestion to allocate the hospital for community uses, however, as the site is currently in operation as a hospital and will be for some time yet, it is not considered appropriate to allocate it for community uses. Further work will be required to be done to establish viable uses for the site following the closure of the hospital and therefore no amendment is proposed (A Schofield, 020).

#### Kingussie - Developer obligations

While it is raised that contributions towards healthcare should be included in Kingussie, CNPA have sought to engage with NHS Highland to determine required contributions. However, it has not been possible to establish a need for healthcare contributions and therefore no contribution towards healthcare can be sought. Consents will need to be granted in accordance with Policy 11: Developer Obligations and therefore if a need is identified at this point, contributions may be required. No modification required (A Schofield, 020).

Scottish Water's (193) suggestion to make reference to the need for a Pre Development Enquiry form is noted, however CNPA do not consider that it is necessary within the LDP as it is a matter of process. CNPA will include this within the existing set of guidance notes for submitting planning applications where it is considered more appropriate. No modification proposed (Scottish Water, 193).

#### H1: Land between Ardbroilach Road and Craig an Darach

The indicative residential capacity of the site is based on a recently lapsed planning permission in principle for 300 units (2013/0058/MS (CD055), 2013/0190/MS (CD056), 2015/0317/DET) (CD057). The consent covered the whole site area and only lapsed following the consultation on the Proposed Plan. The consent for 23 affordable units at the western end of the site (2018/0067/DET) (CD058) remains valid. CNPA is therefore confident that the indicative capacity of 300 units quoted in the Proposed Plan remains a reasonable figure. This gives an indicative density of around 15 units per hectare, which is

comparable to the density of the surrounding built form (A Schofield, 020).

In respect of the site specific guidance on page 118, it already states that “*landscaping and structure planting will be required to ensure integration of development with the surrounding landscape and ancient woodland surrounding the site*”. It is not considered necessary to specifically require buffering on the basis that this may form part of the ‘integration’ required, proposals will be assessed on their merits and subject to Policy 4.3. Therefore no modification is proposed (WTS, 137).

In line with Policy 3.2 Major development, proposals in excess of 50 units will be required to produce a masterplan to demonstrate how the site will be delivered. This has also been included as a site requirement for qualifying allocations within the Proposed Plan. Because H1 in Kingussie had consent at the time of the development of the Proposed Plan, which included a masterplan, this site specific requirement was not considered necessary. However, if the Reporter is minded, CNPA would not object to the inclusion of a site specific requirement for a masterplan, if it is thought that this will provide applicants with greater clarity. CNPA also recognises that a change to the site’s introductory text is required to bring it up-to-date. Therefore, if the Reporter is minded to make a change, CNPA recommends the following:

‘The site has ~~existing outline consent for a Masterplan for the~~ **has capacity for a** phased development of 300 dwellings with **capacity opportunities** for economic development and community uses. Any future proposals on the site ~~should comply with the approved~~ **will need to be supported by a** masterplan.’

(A Scholfield, 020)

#### Kingussie ED1: Council Depot and ED2: McCormack’s Garage

The suggestion to extend the economic development sites are noted however no indication of boundaries has been provided. The current settlement objectives include to “*Support proposals for business development, growth and diversification*”, which would support the continued operation of existing businesses as well as new ones (R Ormiston, 086).

Highland Horse Fun is not currently allocated for tourism use and it is not considered necessary to allocate this unit specifically for this use (R Ormiston, 086).

Scottish Water’s (193) suggestion to make reference to the need to contact them for asset protection guidance is noted, however CNPA do not consider that it is necessary within the LDP as it is a matter of process. CNPA will include this within the existing set of guidance notes for submitting planning applications where it is considered more appropriate. No modification proposed (Scottish Water, 193).

The suggestions to increase the existing ED1 and ED2 allocations are noted, however, in the absence of any detailed proposals or justification, CNPA does not consider there is a compelling argument to do so. No modifications proposed (HIE, 194).

#### Kingussie T1: Kingussie Golf Club Caravan Park

CNPA do not support the removal of the allocation on the basis that the site is an existing operational business. The current site specific guidance on page 120 requires consideration of the surrounding ancient woodland and any proposals would be subject to Policy 4.3. Therefore no modification is proposed (WTS, 137).

#### Kingussie – Other matters

Council tax billing is not a matter that can be considered or influenced by the LDP and therefore not a matter for consideration (HIE, 194).

Newtonmore H1: Land between Perth Road and Station Road

CNPA acknowledge in the site specific information (page 125) that H1 contains flood risk in the southern part of the site and a Drainage Impact Assessment will be required. The site has existing consents in the northern part of the site - it is not envisaged that the development will cover the entire site as the areas at risk from flooding will form part of the wider landscaping and SuDS requirement. These aspects have already been assessed and considered as part of the existing consents and will be for any future detailed planning applications. No modification proposed (P Duncan, 040; M Slaney, 056).

The issues in respect of the drain and sewer intersecting the site are also noted and this is also highlighted in the site specific information (page 125). This is a matter that would be required to be resolved with Scottish Water as part of the detailed planning application (M Slaney, 056).

Newtonmore ED2: Industrial Park (page 126)

CNPA notes the small error in respect of low to high flood risk and does not object to this amendment if the Reporter is minded to support it (SEPA, 085).

ED2 is an existing established Industrial Park. While there is some limited capacity for future development, any proposals will be required to meet appropriate road standards. Highland Council Roads department will be consulted on any proposals and will ensure appropriate access is ensured. No modification proposed (NVCC, 097).

Newtonmore – Other matters

The suggestions to increase the land allocations for economic development are noted, however, it is considered that there is a sufficient supply of effective land in Newtonmore (ED1 with some limited supply at ED2) and in the absence of any detailed proposals or justification, CNPA does not consider there is a compelling argument to amend this. No modifications proposed (HIE, 194).

**Reporter's conclusions:**

**Reporter's recommendations:**

## Relevant Documents Page – Issue 8, Aberdeenshire Strategic and Intermediate Settlements

### 1. Schedule 4

### 2. Representations

002, Anonymous  
011, Fife Arms Hotel  
017, A Till  
021, Cheyne  
022, S Whyte  
024, Fife Arms and Invercauld Arms  
027, Ballater Community Council  
028, D Chandler  
030, A Anderson  
034, S Walker  
043, B Wright  
044, L Murray  
052, R Drever  
053, S Archibald  
054, J Reilly  
055, M and I Baxter  
060, M Dewar  
065, Ballater and Crathie Community Council (BCCC)  
075, J Angus  
076, A Martin  
078, A Herd  
079, S Whyte  
080, K Manson  
081, L Manson  
082, Anonymous  
084, R Wood  
085, Scottish Environment Protection Agency (SEPA)  
088, D Forrester  
090, F Forrester  
091, G Riddler  
092, G Inglis  
096, F Coull  
099, Ballater Highland Games  
100, Cromar Community Council  
101, M Dewar  
102, D Sherrard  
110, F and L Valentine  
111, S Barns  
115, R Forrester  
116, E Robertson  
118, F McLay  
128, W Romilly  
132, Aberdeenshire Council  
134, Braemar Community Council  
150, V Jordan

155, Aberdeenshire Council  
157, I Robertson  
158, Invercauld Estate  
160, NHS Grampian  
162, S Barns  
166, Invercauld Estate  
169, Mar Estate  
173, R and R Turner  
185, C Cameron  
193, Scottish Water

### 3. Site Maps

Issue 8 – remove H1, Ballater  
Issue 8 – extend open space, reduce H1, Ballater  
Issue 8 – relocate H1 to north east, Ballater  
Issue 8 – remove north western part of H1, Ballater  
Issue 8 – allocate AB002, Braemar  
Issue 8 – allocate AB003, Braemar  
Issue 8 – allocate AB006, Braemar  
Issue 8 – allocate AB007, Braemar  
Issue 8 – allocate AB008, Braemar  
Issue 8 – remove H1, Braemar  
Issue 8 – allocate H1 and H4 as open space, Braemar  
Issue 8 – remove H2, Braemar  
Issue 8 – remove H4, Braemar  
Issue 8 – allocate additional land at H4, Braemar  
Issue 8 - extend H4 to include AB009, Braemar  
Issue 8 - allocate additional land at H4, Braemar  
Issue 8 – relocate H5 North Braemar to play park, Braemar

### 4. Representee Documents

RD016 Ballater Flood Protection Study Relocation Options - Aberdeenshire Council – 132 – Issue 8  
RD017 Main Issues Response from Braemar Community Council, Invercauld Estate and Mar Estate - Invercauld Estate – 166 – Issue 8  
RD018 North Braemar– A Vision of Design and Facility - Invercauld Estate – 166 – Issue 8  
RD024 Aberdeenshire Council Letter about their Response - Aberdeenshire Council – 132 – Issue 8

### 5. Authority Documents

CD003 - Main Issues Report  
CD005 - Habitats Regulations Appraisal  
CD006 - Strategic Environmental Assessment  
CD007 - Strategic Flood Risk Assessment  
CD012 - Housing Evidence Report  
CD018 - site assessment report  
CD050 – 05/306/CP  
CD059 – 2019/0003/DET

CD060 – 07/219/CP

CD061 – 07/223/CP

CD074 - Building Standards technical handbooks 2017

<b>Issue 8</b>	<b>Aberdeenshire Strategic and Intermediate Settlements</b>	
<b>Development plan reference:</b>	Ballater (pages 104 – 108), Braemar (pages 139 – 144)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
002	Anonymous	
011	Fife Arms Hotel	
017	A Till	
021	Cheyne	
022	S Whyte	
024	Fife Arms and Invercauld Arms	
027	Ballater Community Council	
028	D Chandler	
030	A Anderson	
034	S Walker	
043	B Wright	
044	L Murray	
052	R Drever	
053	S Archibald	
054	J Reilly	
055	M and I Baxter	
060	M Dewar	
065	Ballater and Crathie Community Council (BCCC)	
075	J Angus	
076	A Martin	
078	A Herd	
079	S Whyte	
080	K Manson	
081	L Manson	
082	Anonymous	
084	R Wood	
085	Scottish Environment Protection Agency (SEPA)	
088	D Forrester	
090	F Forrester	
091	G Riddler	
092	G Inglis	
096	F Coull	
099	Ballater Highland Games	
100	Cromar Community Council	
101	M Dewar	
102	D Sherrard	
110	F and L Valentine	
111	S Barns	
115	R Forrester	
116	E Robertson	
118	F McLay	
128	W Romilly	
132	Aberdeenshire Council	

134	Braemar Community Council
150	V Jordan
155	Aberdeenshire Council
157	I Robertson
158	Invercauld Estate
160	NHS Grampian
162	S Barns
166	Invercauld Estate
169	Mar Estate
173	R and R Turner
185	C Cameron
193	Scottish Water
<b>Provision of the development plan to which the issue relates:</b>	Ballater Braemar
<b>Planning authority's summary of the representation(s):</b>	
<p><u>Ballater – General comments</u></p> <p>J Angus (075) argues that mixed developments incorporating industrial spaces and workshops have not been considered but are needed. Sheds should also be included.</p> <p>Cromar Community Council (100) is of the view that Ballater is physically restricted and cannot expand and while a small number of houses could be proposed on the H1 site, small housing developments throughout the town would be more appropriate.</p> <p>S Archibald (053), J Reilly (054), F and L Valentine, (110) and S Barns (162) express concerns that there are insufficient employment and jobs in the area to support the level of housing being proposed.</p> <p><u>Ballater Settlement objectives</u></p> <p>B Wright (043) feels that an additional settlement objective should be included ensuring Ballater remains a pleasant place to live and work.</p> <p>G Riddler (091) raises that the new affordable housing on site H1 would be subject to an allocations policy that is not designed to meet local needs. It is considered that the focus should be on delivering well planned, affordable housing developments that meet the hidden housing needs of settlements and this should be reflected in the settlement objectives.</p> <p><u>Ballater H1: Monaltrie Park - Principle and scale</u></p> <p>Anonymous (002), Ballater Community Council (027), L Murray (044), Invercauld Estate (158) and C Cameron (185) express general support for the development of housing in Ballater allocation of H1.</p> <p>L Murray (044) and C Cameron (185) both highlight the need for more housing that is affordable for people (particularly young people like themselves) working in the area. Both note that it will be difficult for them to stay in the area without more housing in Ballater.</p> <p>Invercauld Estate (158) make the case that the site makes an important contribution to the housing land supply within the National Park and will help to meet established housing</p>	

supply targets, providing the opportunity to deliver quality housing within a high amenity setting in Ballater. They believe the site is well connected to local services and facilities, has good pedestrian access due to neighbouring core paths and would deliver a sustainable long term development. They provide a concept masterplan as part of their representation and highlight that there are no insurmountable constraints that would affect the delivery of the site.

B Wright (043), R Drever (052), S Archibald (053), J Reilly (054), Anonymous (082) Cromar Community Council (100), Anonymous (075), G Riddler (091), Cromar Community Council (100), S Barns (112), W Romilly (128), V Jordan (150) and S Barns (162) object to the allocation of H1 for 250 units.

A number object to the scale of the site and feel that the number of houses should be lowered (B Wright, 043; R Drever, 052; S Archibald, 053; J Reilly, 054; Cromar Community Council, 100; S Barns, 162). B Wright (043) suggests the number is reduced to 30 units is on the basis that only 60 units are needed in the current Plan period and S Archibald (053) supports just the first phase of 50 units.

S Barns (162) argues that the number should be reduced to reflect the reduction in the development area of H1.

B Wright (043) suggests that the site could accommodate future community projects including allotments, community gardens and 'Men's Shed' and should be allocated for community uses and reduced number of houses as suggested above.

R Drever (052) notes that any development on this site should incorporate affordable housing.

R Drever (052), J Reilly (054), G Riddler (091), F Coull (096), Cromar Community Council (100), S Barns (112), NHS Grampian (160) express concern about the capacity and the additional pressures on infrastructure including schools, healthcare, services and waste/sewage.

NHS Grampian (160) express support for the requirement for contributions towards Healthcare in Ballater.

J Reilly (054), G Inglis (092), V Jordan, (150), S Barns, (162) object to the inclusion of the area between Monaltrie Close and Monaltrie House in the north west of the site. This is on the basis that it is a nature reserve field and dedicated area of sustainable agriculture (M Esson, 054), the access along Monaltrie Avenue is unsuitable (G Inglis, 092) and the development will impact on the setting of Listed Monaltrie House (V Jordan, 150; S Barns, 162).

BCCC (065) suggested moving the H1 allocation north east and elevating the site if it is at risk from flooding. Access could then be taken from the A93, pass of Ballater, Morven Way, Craigview Road or the end of Pannanich Road/by Aberdeen Cottage.

#### Ballater H1: Monaltrie Park - other concerns

Other concerns relating to H1 are expressed including:

- Additional traffic, particularly during construction (S Archibald, 053; S Barns, 111).
- Distance from local services in the village (F Coull, 096).
- Provision of transport / active travel to the housing (J Angus, 075; F Coull, 096).

- Impact on car parking in Ballater (F Coull, 096; Cromar Community Council, 100).
- Landscape impact and visibility/views of the site from the entrance to the town and the wider surrounding area (Cromar Community Council, 100; W Romilly, 128; V Jordan, 150).
- Negative impact on tourism (W Romilly, 128).
- Paths along the western boundary of Monaltrie Park and H1 have a line 'of at least thirty field gentians' which are classes as vulnerable in a 2005 red data list of vascular plants and the fields are needed for sheep, cattle and grain, and contain lapwings and oystercatchers (Anonymous, 082).
- The proposal is in conflict with the first aim of the National Park 'to conserve and enhance the natural and cultural heritage of the area' (V Jordan, 150).
- The site has some of the highest natural radon gas emissions in Scotland, which is a carcinogenic and should be avoided for housing developments. This should be made clear and comes with an additional cost to the developer (G Riddler, 091).

#### Ballater H1: Monaltrie Park - Highland Games / open space

B Wright (043), J Reilly (054), G Riddler (091), F Coull (096), Ballater Highland Games (099), Cromar Community Council (100), S Barns (111) highlight the importance of the allocated area and Monaltrie Park as the location of the annual Highland Games, and concern was expressed regarding the impact that the development may have on the operation and parking provision for the Games.

Specific concern is expressed in respect of moving the parking to the north west of the site (by Aberdeen Cottage) for people with mobility issues (J Reilly, 054), the layout and operation of Ballater Highland Games (Ballater Highland Games, 099) and difficulties in marshalling car parking for the Highland Games (Ballater Highland Games, 099).

B Wright (043) feels that the boundary should be clarified in the masterplan, which should also demonstrate how adequate parking for the Games will be maintained.

BCCC (065) and the Ballater Highland Games (099) are of the view that the green space should be increased in size and extended to the second fence line to protect the recreational and highland games area.

G Riddler (091) and Ballater Highland Games (099) add that the new 'strip' of protected open space to the south west of H1 is not sufficient to accommodate the Highland Games and the additional open space to the northeast is inadequate for future parking and would divert people from the town centre. However Invercauld Estate (158) expressed full support of the current boundary within the Proposed Plan, which they believe achieves the optimum use of the land.

S Barns (162) states that the 'new open space' should be renamed as 'retained open space'.

#### Ballater H1: Monaltrie Park - access

Ballater Community Council (027), R Drever (052), S Archibald (053), BCCC (065), Ballater Highland Games (099) expressed concern and objection regarding the potential access and that it should not affect or be routed through Monaltrie Park.

S Archibald (053) suggest that access to the site should be from Craigview, or a new access created east of Pannanich (Rd) or Morven Way (which connects to Monaltrie

Avenue) (S Archibald, 053).

However, G Riddler (091) is of the view that there are no viable accesses to the site.

Concerns in respect of the following access options were raised:

- Craigview Road – Access is now closed off and Aberdeenshire Council have said this access is unsuitable for more than 50 houses (G Riddler, 091).
- Provost Craig Road – would adversely impact on the layout of the Games (G Riddler, 091; Ballater Highland Games, 099), cutting off the storage shed from the Games field (G Riddler, 091; Ballater Highland Games, 099) and will increase traffic (G Riddler, 091).
- Monaltrie Avenue – G Riddler (091) highlighted that this has previously been ruled out by Aberdeenshire Council and would affect the plans of the Ballater Highland Games for a new seating stand and office facility (Ballater Highland Games, 099).
- Aberdeen Cottage Area – access onto the A93 is dangerous (G Riddler, 091) and access would need to come from the same route as is currently used (Ballater Highland Games, 099).

#### Ballater H1: Monaltrie Park - flooding

Concerns are expressed about flooding. It was raised that much of H1 is a flood plain and was significantly affected by the flooding in 2015, making it unsuitable for development (M Esson, 054; G Riddler, 091; F Coull, 096; F and L Valentine, 110; S Barns, 111; W Romilly, 128; V Jordan, 150; S Barns 162).

G Riddler (091) is of the view that the SEPA flood risk modelling for the River Dee has failed and they have not upheld their objection to this modelling by other contractors, which has also failed in Ballater, and therefore while FRA's are a requirement, they have not worked in high risk flood areas such as Ballater, and therefore questions whether H1 is suitable for development on this basis. G Riddler (091) adds that the flood risk will be further exacerbated by the hard surfacing for housing and access and there is a lack of recognition of the high flood risk for the site. This is contrary to the settlement objective of 'enhancing flood management and resilience'.

SEPA (085) request the insertion of 'Open spaces must maintain and, where possible, enhance their existing flood storage and conveyance properties' at the end of the main paragraph for H1 (page 106) to ensure no inappropriate uses or land raising are proposed within the flood extent.

Aberdeenshire Council (132) note that the Ballater Flood Study Feasibility Report has been completed. This includes flood modelling for the Ballater area that can be used for assessing flood risk and future applications where a flood risk would be required.

G Riddler (091) and Aberdeenshire Council (132, 155) highlight that that the Ballater Flood Study includes a preferred option for moving the Caravan Park to the H1 site and the Police, Ambulance and Fire Stations to the north west part of H1, which is an added conflict concerning the use of H1. Aberdeenshire Council (132) noted they would welcome discussions on the inclusion of these within H1.

V Jordan (150) is of the view of the Flood Risk Assessment required should have been carried out prior to the inclusion of the site in the Proposed Plan. V Jordan adds that Plans should use a Strategic Flood Risk Assessment (SFRA) to inform choices about where

development should go and promote a precautionary principle which would indicate that the H1 proposal should not be included.

#### Ballater ED1 Ballater Business Park (page 107)

SEPA (085) request the removal of the second sentence in respect of the requirement for a Flood Risk Assessment (FRA), replaced with amended wording to ensure future development takes account of the functional flood plain as defined in the Ballater Flood Study as an FRA will not be required.

#### Ballater T1 Caravan Park (page 107)

SEPA (085) request the removal of the second sentence of the first paragraph and replaced to reflect that development will be impacted by flood risk and restricted to non-residential/non-camping use.

SEPA (085) also request the removal of the second sentence in respect of the requirement for a Flood Risk Assessment (FRA) as an FRA will not be required due to the undertaking of the Ballater Flood Study mentioned above.

#### Ballater - Developer obligations

Scottish Water (193) request that the settlement statement includes the need for developers to complete a pre-development enquiry form.

#### Ballater – Other matters

Anonymous (082) state that the car parking area in the Highland Games should not be used as an un-wardened campsite.

#### Braemar - Developer obligations

NHS Grampian (160) confirm that the proposed development within Braemar and surrounding areas will require a contribution towards the medical practice in Braemar.

#### Braemar – Scale of housing proposals

Some respondents feel that the scale of housing proposed in Braemar is too significant for the size of the village (A Till, 017) and that this would result in:

- Increased traffic and car parking pressures in the village (A Till, 017).
- Impact on tourism (A Till, 017).
- More families and children will impact on the school, which is already nearly at capacity (A Till, 017).
- More second / holiday homes, which will stand empty (Cheyne, 021; S Whyte, 079).

S Whyte (022) is of the view that any new housing in Braemar should be at least 70% social housing – council, housing association or shared-ownership in perpetuity, so that they cannot be sold on the open market.

Braemar Community Council (134) express support for the proposed affordable housing requirement in Braemar. However Mar Estate (169) express concerns about the increased affordable housing requirement as this has the potential to make developments unviable coupled with the requirement for developer obligations.

Mar Estate (169) are of the view that there are significant housing pressures in Braemar and that additional housing is essential for the village to grow and ensure housing is available for local people. They make the case that the housing land requirements are not

sufficiently generous in Braemar and should be greater – from 10% increased to the maximum 20% allowance. They highlight that Proposed Plan is over reliant on large/strategic and older site allocations being carried over and that a broader range of small to medium sized sites need to be introduced to support the delivery of housing.

#### Braemar H1: Chapel Brae

Objection is expressed to the allocation of H1 for housing (S Walker, 034; M and I Baxter, 055; M Dewar, 060; K Manson, 080; L Manson, 081; D Forrester, 088; R Forrester, 115; Braemar Community Council, 134).

L Manson (081) and D Forrester (088) are of the view that H1 is an important area of green space and K Manson (080) and Braemar Community Council (134) are of the view that the site should be re-allocated as protected open space.

Concerns are expressed that the development will:

- Adversely impact on the setting, character and amenity of the Brae (S Walker, 034; K Manson, 080; D Forrester, 088; R Forrester, 115; Braemar Community Council, 134).
- New development will be unsympathetic to the existing vernacular character of the area which contains open spaces (S Walker, 034; K Manson, 080; L Manson, 081; D Forrester, 088; R Forrester, 115).
- Increase traffic (both from residents and construction) and threaten pedestrian safety as there is no footpath/pavement and the road is very narrow so there is no room for pavements and/or passing places (S Walker, 034; M and I Baxter, 055; M Dewar, 060).
- Impact on Chapel Brae as a key visitor walking route to Morrone Birkwood (a Special Area of Conservation) and the duck pond (S Walker, 034; K Manson, 080; L Manson, 081) and is an important wildlife corridor (K Manson, 080; L Manson, 081).
- Impact on the wildlife, trees, wild flowers and views on the site (S Walker, 034; K Manson, 080; L Manson, 081; R Forrester, 115).
- Result in more holiday homes if the site is developed for open market housing (S Walker, 034).
- Result in loss of parking space in the busy season and games weekend (D Forrester, 088; R Forrester, 115).
- Affect a public right of way (D Sherrard, 102).

M and I Baxter (055) suggest that a new road to the sites via the Linn O'Dee Road could be created to address the issues. However this would not address the pedestrian concerns and the site should not be developed if safe pedestrian access cannot be created.

Support for the allocation of H1 is expressed (Cromar Community Council, 100) as it is one of a number of small developments that are considered more appropriate to the size of the village. R and R Turner (173) are of the view that H1 is best suited to a small number of low cost/affordable houses with sufficient open space and should respect the surroundings.

#### Braemar H2: St Andrews Terrace

Objection expressed to the allocation of H2 (Cromar Community Council, 100), which is considered too large for the village and is in a prominent location on the edge of Braemar.

Support is expressed for the allocation of H2 (L Manson, 081) on the basis that it has sufficient space to ensure a considered approach to development in comparison to H1 and H4.

#### Braemar H3: Kindrochit Court

Support for the allocation of H3 is expressed (Cromar Community Council, 100) as it is one of a number of small developments that are considered more appropriate to the size of the village.

Objection to the allocation of H3 is expressed (M Dewar, 101) on the basis that this proposal:

- Will not contribute to the settlement objectives for Braemar or the National Parks Vision.
- Lies directly behind Kinrochit Court which is a sheltered housing complex and will cause distress, noise and upheaval to vulnerable and valuable members of the community through years of building work.
- It will change the character of the settlement and is in the middle of the conservation area.

Objection is also expressed (P Lawrence, 010) on the basis that:

- Houses will be crammed onto the site to maximise profit, with a couple of 'affordable' units, which will not be beneficial to the community.
- The proposed access is unsuitable due to the narrow section in front of Rucksacks being insufficient for pedestrians from traffic.
- The stand of trees supports red squirrel, great spotted woodpecker, as well as being an important green space in the centre of the village.

Scottish Water (193) welcome reference to the sewer crossing H3 however request that the following is added:

**'Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance'.**

(Scottish Water, 193)

#### Braemar H4: Chapel Brae

Objection is expressed to the allocation of H4 for housing (D Chandler, 028; S Walker, 034; M and I Baxter, 055; M Dewar, 060; A Martin, 076; A Herd, 078; K Manson, 080; L Manson, 081; R Wood, 084; F Forrester, 090; E Robertson, 116; Braemar Community Council, 134).

D Chandler (028), K Manson (080), R Wood (084) and Braemar Community Council (134) are of the view that the site should be re-allocated as protected open space and not developed for housing.

Concerns were expressed that the development will:

- Adversely impact on the setting, character and amenity of the Brae (S Walker, 034; K Manson, 080; R Wood, 084; F Forrester, 090; Braemar Community Council, 134).
- Be unsympathetic to the existing vernacular character of the area (S Walker, 034; K Manson, 080; L Manson, 081).
- Increase traffic (both from residents and construction) and threaten pedestrian safety as there is no footpath/pavement and the road is very narrow so there is no

room for pavements and/or passing places (S Walker, 034; M and I Baxter, 055; M Dewar, 060; A Martin, 076; A Herd, 078).

- Impact on Chapel Brae as a key visitor walking route to Morrone Birkwood (a Special Area of Conservation) and the duck pond and forms a wild life habitat and corridor with links the Morrone to the River Dee (D Chandler, 028; S Walker, 034; M and I Baxter, 055; A Martin, 076; A Herd, 078; K Manson, 080; L Manson, 081; R Wood, 084; E Robertson, 116).
- Impact on the wildlife (including red deer, red squirrels, black grouse, owls, bats, pheasants), trees, wild flowers and views on the site (S Walker, 034; M and I Baxter, 055). There is also an ancient and very large larch tree on the site which should not be removed (D Chandler, 028; M and I Baxter, 055; A Herd, 078; R Wood, 084).
- Result in more holiday homes if the site is developed for open market housing (S Walker, 034).
- Impact on a public right of way which should be maintained to the river from Chapel Brae (E Robertson, 116).

A Herd (078) requests that if the development does go ahead, it should be no higher than 1.5 storey, provide an access to the Linn O'Dee road for parking, use the space at the top of the site as a passing place and provide pavements on both roads.

E Robertson (116) and I Robertson (157) requested that the conservation area is re-drawn to include H4 within it. I Robertson (157) requested that the green space to the north of H4 should also be included.

Support for the allocation of H4 is expressed (Cromar Community Council, 100; Mar Estate, 169). Cromar Community Council (100) are of the view that it is one of a number of small developments that are considered more appropriate to the size of the village.

Mar Estate (169) suggest that H4 could be extended to the north in line with the original Main Issues Report submission (AB009) (see Main Issues Report page 77 (CD004)) to allow additional land for landscaping.

#### Braemar H5: Braemar North

Objection to the allocation of H5 is expressed (Fife Arms Hotel, 011; S Whyte, 022; Fife Arms and Invercauld Arms, 024; Cromar Community Council, 100; F McLay, 118).

Concerns were expressed that the development will:

- Impact on the approach and setting of the village from the north (Fife Arms Hotel, 011; S Whyte, 022; Highlands Hospitality Ltd, 024; Cromar Community Council, 100).
- Impact on the built heritage and historic character of the village, particularly the castle and Invercauld Arms (S Whyte, 022; Highlands Hospitality Ltd, 024). It was added that the development could negatively impact on tourism (Fife Arms and Invercauld Arms, 024).
- Result in the loss of habitats - The site is a breeding place for ground nesting birds including lapwings, oystercatchers and curlew, which are in decline (S Whyte, 022; F McLay, 118).
- (The non-affordable proportion of the site) will result in an increase in second / holiday homes, which will be empty and push prices out of reach of local people (S Whyte, 022; S Whyte, 079; Cromar Community Council, 100).

- Impact on the sewage system, which is currently unable to meet demands (S Whyte, 079).
- Be too large in scale for the size of Braemar (Cromar Community Council, 100).

The Fife Arms Hotel (011) and the Fife Arms and Invercauld Arms (024) believe that the H5 site should be re-located to an alternative site. The Fife Arms Hotel (011) believes an alternative site should be found, while the Fife Arms and Invercauld Arms (024) are of the view that the play park behind the Invercauld Arms is a more suitable location for the housing in terms of impacting on 'historic vistas', and the play park could relatively easily be re-located.

Support is expressed for the allocation of H5 (A Anderson, 030; K Manson, 080; L Manson, 081; Braemar Community Council, 134, Invercauld Estate, 166).

It is raised that Braemar needs low cost and affordable rented housing to ensure young families can remain in Braemar and this is the best location for it – as long as the style and layout is sympathetic (A Anderson, 030). It is also highlighted that the site enables additional housing to be delivered in a more considered way and can reflect the existing village and enhance the approach (K Manson, 080; L Manson, 081).

Braemar Community Council (134) raised that H5 is sensitive due to its prominent location and suggest that the site is set back from the A93 to retain the view of the Invercauld Arms.

Invercauld Estate (166) make the case that the site can be sensitively and sustainably developed to meet the housing and employment needs of the growing village. They support the masterplan led approach which they believe will achieve a high standard of design and respect the character of the conservation area and local vernacular. They highlight that Braemar is constrained by flooding and H5 provides the most suitable option for future growth and will contribute towards the settlement objectives for the village (166).

Invercauld Estate (166) also believe that a larger number of houses will be required on the site to ensure the project is viable (taking into account the increased level of affordable housing required and developer contribution costs) and deliverable (in terms of infrastructure).

SEPA (085) request that the text relating to flood risk within the site specific guidance for H5 (on page 142) should sit above the landscaping paragraph for consistency. They also request an amendment to the wording in relation to the flood risk to read:

'Medium to high probability flood risk exists adjacent to the site. A Flood Risk Assessment **or other supporting information may** be required to identify the developable area'.

(SEPA, 085)

#### Braemar ED2: The Mews

SEPA (085) request an amendment to the wording in relation to the need for a Flood Risk Assessment in the site specific guidance for ED2 (page 143) as it may not be required depending on the proposed use and layout. Proposed wording to read:

'Medium to high probability flood risk exists adjacent to the site. A Flood Risk Assessment or other supporting information may be required and used to inform the site layout'.

(SEPA, 085)

#### Braemar T1: caravan park

Invercauld Estate (166) express support for the extension to the T1 allocation to support the provision of additional tourist accommodation in Braemar and support the local economy. The Estate is working with SEPA to address the flood related issues.

Scottish Water (193) welcome reference to the water infrastructure crossing T1, however request that the following is added at the end of the final sentence (page 144) to read:

**'Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance'**.

(Scottish Water, 193)

Cromar Community Council (100) request that if the caravan park is to be increased in size, there should be a wide and dense tree belt created along the A93, between the site and the village.

#### Braemar - additional housing sites

Mar Estate (169) put the case forward for the consideration of a number of additional sites in Braemar that were not taken forward as preferred options into the Proposed Plan.

These sites are set out in the Main Issues Report page 77 (CD004) and comprise AB002, AB003, AB006, AB007 and AB008. Mar Estate (169) make the case that the sites are all viable and capable of being delivered and will make a positive contribution towards housing in Braemar:

- AB002: site is proposed for small scale development of low density which would not impact on SSSI.
- AB003: site is proposed as long term housing land (number of units not specified), which could provide certainty for future growth opportunities for Braemar. Mar Estate (169) highlight that the site is not within any environmental designations and any landscape impact could be minimised through layout and strategic landscaping.
- AB006: CNPA previously noted in the site assessment report (CD018) that much of the site is semi-natural woodland. Mar Estate (169) make the case that the site is suitable for small-scale development (number of units not specified) within the existing trees/woodland. They add that drainage and access can be addressed through the design, and the curling pond and guiding hut could be moved to more suitable locations.
- AB007: Mar Estate (169) disagree that development on the site would have an adverse landscape impact (as set out in CNPA's site assessment report (CD018)) as it lies adjacent to existing settlement and is partially brownfield. Small scale development here (number of units not specified) would be sympathetic to the surrounding character and ensure a green space link / visual corridor is maintained between the Memorial Park and the nature reserve to the west.
- AB008 Mar Estate (169) do not agree that the site would have an adverse impact on the setting of Braemar (as set out in the site assessment report (CD018)) as it lies adjacent to existing development. Any future development on this site – 2 to 3 units proposed - would be in keeping with the existing pattern of development.

#### Braemar - Economic development land

D Sherrard (102) and Braemar Community Council (134) highlight that there is only one site (ED1) that is suitable for industrial development (as ED2 is used for retail), which is insufficient to support the growing village and suggests an additional site in the vicinity of

H5 is allocated.

#### Braemar - Other matters

Fife Arms and Invercauld Arms (024) suggest holding a public consultation to discuss the site options for relocating the Play Park behind the Invercauld Arms.

### **Modifications sought by those submitting representations:**

#### Ballater- General comments

- Make provision for mixed use development that incorporates industrial spaces and workshops (J Angus, 075).

#### Ballater Settlement objectives

- Include a settlement objective to reflect that: 'Ballater should remain a pleasant place to live and work' (B Wright, 043).
- Remove the 45% requirement for affordable housing (G Riddler, 091).

#### Ballater H1: Monaltrie Park - Principle and scale

- Remove allocation of H1 (Anonymous, 082; G Riddler, 091; S Barns, 111; V Jordan, 150 C Cowell, 151; S Barns, 162).
- Identify H1 as protected open space (V. Jordan, 150).
- Substantially reduce the number of houses on the site, with suggestions of 30 or 50 (B Wright, 043; R Drever, 052; S Archibald, 053; J Reilly, 054; Cromar Community Council, 100; S Barns, 162).
- Re-allocate H1 for community use and up to 30 housing units (B Wright, 043).
- Ensure the development incorporates affordable housing and takes into account pressure on infrastructure including schools and services (R Drever, 052; J Reilly, 054; S Barns, 091; F Coull, 096; Cromar Community Council, 100; S Barns, 111; NHS Grampian, 160).
- Remove the north west part of the site (between Monaltrie Avenue and Monaltrie House) from the H1 allocation (J Reilly, 054; G Inglis, 092; C Cowell, 151; S Barns, 162).
- Relocate H1 to the north east of its current location, taking access from the A93, pass of Ballater, Morven Way, Craigview Road or the end of Pannanich Road/by Aberdeen Cottage (BCCC, 065).
- Relocate the Ballater Band hut to allow building on this land and build in other villages and hamlets where the local residents want development such as Dinnet (S Barns, 162).

#### Ballater H1: Monaltrie Park - Highland Games / open space

- Include some guidance in respect of access to address cultural, economic and public safety impacts (G Riddler, 091).
- Ensure sufficient parking for the highland games (J Reilly, 054) and include the boundary for car parking within the masterplan demonstrating how parking will be maintained (B Wright, 043).
- Increase the size of the protected green space to accommodate future Highland Games and Parking (BCCC, 065; G Riddler, 091; Ballater Highland Games, 099) with it being suggested the boundary is taken up to the second fence line within H1 (BCCC, 065).
- Rename the 'new open space' to 'Retained open space' (S Barns, 162).

#### Ballater H1: Monaltrie Park - access

- Require that access to the site should be taken from Craigview, or a new access created east of Pannanich (Road) or Morven Way (which connects to Monaltrie Avenue) (S Archibald, 053). It should not be routed through or affect Monaltrie Park (Ballater Community Council, 027; R Drever, 052; S Archibald, 053).
- Consult Highland Games organisers at an early stage (J Angus, 075).

#### Ballater H1: Monaltrie Park - flooding

- Insert the following '**Open spaces must maintain and, where possible, enhance their existing flood storage and conveyance properties**' at the end of the main paragraph for H1 (page 106) (SEPA, 085).
- Include the relocation of the Caravan Park, the Police, Ambulance and Fire stations within the H1 allocation (G Riddler, 091; Aberdeenshire Council, 132; Aberdeenshire Council, 155).

#### Ballater ED1 – Ballater Business Park

- Remove the wording "*A Flood Risk Assessment will be required to accompany any future planning applications*" and replace with '**Any future development will need to take account of the functional flood plain as defined in the Ballater Flood Study**' (SEPA, 085).

#### Ballater T1 – caravan park

- Replace second sentence of first paragraph with '**Any future development will be limited to non-residential/non-camping use and should take account of the functional flood plain as defined by the Ballater Flood Study**' (SEPA, 085).
- Remove the wording "*A Flood Risk Assessment will be required to accompany any future planning applications*" (SEPA, 085).

#### Ballater Developer Obligations

- Include the following text within the Developer obligations box:  
**'Waste Water Treatment Works capacity should be verified with Scottish Water by completion of a Pre Development Enquiry (PDE) form'**  
(Scottish Water, 193)

#### Ballater – Other matters

- The car parking area at the Highland Games should not be used as a campsite (Anonymous, 082).

#### Braemar - Developer Obligations

- Include the requirement for contributions towards Braemar Medical practice within the Developer obligations section (NHS Grampian, 160).

#### Braemar – Scale of housing proposals

- Amend the affordable housing requirement in Braemar to 70% (S Whyte, 022).
- Reduce affordable housing requirement in Braemar (Mar Estate, 169).
- Increase the level of generosity applied to the housing land requirement to 20% (currently 10% in the Proposed Plan) and allocate additional sites for housing (Mar Estate, 169).

#### Braemar H1: Chapel Brae

- Remove H1 allocation (S Walker, 034; M and I Baxter, 055; M Dewar, 060; K

Manson, 080; L Manson, 081; D Forrester, 088; R Forrester, 115; D Sherrard, 102; Braemar Community Council, 134).

- Allocate H1 as protected open space (K Manson, 080; Braemar Community Council, 134).
- Allocate H1 for affordable housing (R and R Turner, 173).

#### Braemar H2: St Andrews Terrace

- Remove H2 allocation (Cromar Community Council, 100).

#### Braemar H3: Kindrochit Court

- Remove the allocation of H3 (M Dewar, 101, P Lawrence, 010).
- Include the following at the end of the last sentence in site specific guidance for H3 (page 141):  
**'Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance'**  
(Scottish Water, 193)

#### Braemar H4: Chapel Brae

- Remove H4 allocation (D Chandler, 028; S Walker, 034; M and I Baxter, 055; M Dewar, 060; A Martin, 076; A Herd, 078; K Manson, 080; L Manson, 081; R Wood, 084; F Forrester, 090; E Robertson, 116; Braemar Community Council, 134) and
- Remove H4 allocation and re-allocate as protected open space (D Chandler, 028; K Manson, 080; R Wood, 084; Braemar Community Council, 134).
- Require right of way to be maintained from Chapel Brae to the river (Braemar Community Council, 116).
- Stipulate that development should be no higher than 1.5 storey, provide an access to the Linn O'Dee road for parking, use the space at the top of the site as a passing place and provide pavements on both roads (A Herd, 078).
- Include H4 (and greenspace to the north of the allocation) within the conservation area (E Robertson, 116, I Robertson, 157), with suggested wording to be included within the site specific guidance (page 141) to read:  
**'The site will require to be included within the Braemar Conservation Area to ensure development in line with adjacent housing.'**  
(I Robertson, 157)
- Extend H4 to the north to reflect the original submission of AB009 made to the Main Issues Report (CD004) to provide additional space for landscaping (Mar Estate, 169).

#### Braemar H5: Braemar North

- Remove the allocation of H5 (Fife Arms Hotel, 011; S Whyte, 022; Fife Arms and Invercauld Arms, 024; Cromar Community Council, 100; F McLay, 118).
- Relocate the H5 allocation to another site (Fife Arms Hotel, 011). The current play park behind the Invercauld Arms Hotel was suggested (Fife Arms and Invercauld Arms, 024).
- Move the paragraph relating to Flood Risk above the Landscaping paragraph on page 142 (SEPA, 085).
- Amend wording relating to Flood Risk to read:  
**'Medium to high probability flood risk exists adjacent to the site. A Flood Risk Assessment will therefore or other supporting information may be required to identify the developable area'**  
(SEPA, 085)

- Move the allocation back from the A93 to retain views to the Invercauld Arms (Braemar Community Council, 134).
- Increase the level of housing on H5 to ensure viability and deliverability of the site (166).

#### Braemar ED2: The Mews

- Amend wording relating to flood risk to read:  
‘Medium to high probability flood risk exists adjacent to the site. A Flood Risk Assessment or other supporting information may be required and used to inform the site layout’  
(SEPA, 085)

#### Braemar T1: caravan park

- Include requirement for a dense and wide tree belt between along the A93 between the site and the village (Cromar Community Council, 100).
- Include the following at the end of the last sentence in site specific guidance for T1 (page 144):  
**‘Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance’**  
(Scottish Water, 193)

#### Braemar - additional housing sites

- Allocate five additional sites for small scale residential development, AB002, AB003, AB006, AB007 and AB008 as set out in the Main Issues Report (CD004) page 77 (Mar Estate, 169).

#### Braemar - Economic development land

- Allocate an additional site, within the vicinity of H5, for economic development (D Sherrard, 102; Braemar Community Council, 134).

#### Braemar – other matters

- Hold a public consultation to identify alternative site options for the relocation of the existing play park (Fife Arms and Invercauld Arms, 024).

### **Summary of responses (including reasons) by planning authority:**

#### Ballater – general comments

While it is acknowledged that there are no allocated mixed use sites in Ballater, proposals for industrial spaces and/or workshops could be supported through the existing policy provisions. It is not considered necessary to amend or include specific allocations for mixed use development. No modification proposed (J Angus, 075).

It is acknowledged that Ballater contains a number of constraints that will affect the delivery and expansion of the town in the future. However, the current allocation at H1 provides sufficient housing land supply for the town for the next 20+ years. The allocation is necessary due to the limited alternative development options within the town - it is not reasonable to rely on windfall sites to deliver the level of housing needed. It is not possible to consider other development options at this stage as no alternative sites have been proposed for Ballater through the Proposed Plan or the Main Issues consultation. Therefore no modifications are proposed (Cromar Community Council, 100).

While not an issue that can be influenced by the LDP, a number of respondents queried whether there is sufficient employment within the area to support the level of housing being proposed. However, as highlighted above, H1 is a long term housing allocation and will be delivered in phases to help to support existing unmet housing needs. Taking into account the current and projected demographic trends, the houses are unlikely to significantly increase the population or create an influx of new working age occupants seeking employment over the Plan period. CNPA has estimated the population that may be accommodated within the new housing based on projected delivery rates and accounts for around a 1% growth up to 2029 (see Housing Evidence Report, Appendix 2, Table 56 (CD012)). The development will play an important role in providing an improved range of housing options that may include existing residents in unsuitable housing, younger people leaving home as well as for people in the wider area who wish to live in Ballater. No modification proposed (S Archibald, 053; J Reilly, 054; F and L Valentine, 110; S Barns, 162).

#### Ballater - settlement objectives

It is considered that the current settlement objectives capture the proposed additional objective of ensuring Ballater remains a pleasant place to live and work. The current objectives include conserving and enhancing Ballater's distinctive built heritage and increasing the attraction of Ballater as a business, tourist and recreation destination. Therefore it is not considered necessary to include the addition. No modifications proposed (B Wright, 043).

The issue raised in respect of the allocations policy for affordable housing is not for the consideration of or can be influenced through the LDP. It is agreed that there should be a focus on delivering well planned affordable housing developments and it is considered that the current settlement objectives adequately reflect this by including the objective to: "*Deliver housing that meets local need and affordable housing, including low cost ownership and affordable housing for rent*". Removing the requirement for 45% affordable housing will not influence the allocations policy and the need for this level of affordable housing is set out in the Housing Schedule 4. No modifications proposed (G Riddler, 091).

#### Ballater H1: Monaltrie Park - Principle and scale

Support for the allocation of H1 is noted (Ballater Community Council, 027; L Murray, 044; Invercauld Estate, 158; C Cameron, 185).

Representations arguing for the removal the allocation or for a reduction in the number of units are noted but not supported by CNPA. CNPA has a statutory duty to ensure there is an effective housing land supply to meet housing needs as identified in the Housing Supply Target (HST) (this is discussed in the Housing Evidence Report (CD012)). Past completion rates demonstrate that it is unrealistic to expect that the housing supply target can be met from windfall sites alone and therefore allocated land is required to meet housing needs (S Barns, 111; S Barns, 162).

When considering the number of dwellings needed in Ballater, it is necessary to take account of what the HST is for the area is. As set out in Table 1 of the Proposed Plan, the HST for the Aberdeenshire area of the Park is 60 units between 2020 and 2024 and a further 49 units between 2025 and 2029. As required by Scottish Planning Policy (2014, paragraph 116 & diagram 1 page 30), this has a 10% level of generosity applied to it to give a Housing Land Requirement (HLR) of 120 units for the period of 2020-2029.

Consent for 24 dwellings (2019/0003/DET) (CD059) exists on C1: Former School Site, on

which work has begun. Completion is expected pre-2020 or early in the period of 2020-2024. This does not cover the entire HLR and it is not expected that the delivery of other sites in the Aberdeenshire part of the National Park is likely to meet this either. The status of Ballater in the settlement hierarchy also needs to be considered. It is the position of CNPA that 24 dwelling will not be sufficient to meet the settlement's housing needs, or the needs of the needs of area as a whole, up to 2029.

Delivery rates on H1 are estimated to be in the region of 25 units within the 2020-2024 period and a further 25 units within the 2025-2029 period. Overall, it is expected that across the Aberdeenshire area of the National Park, around 64 dwellings will be delivered between 2020-2024 and a further 66 over the period 2025-2029. The delivery of H1 therefore represents a significant proportion of this. The Plan may also give a broad indication of where future need will be met. Since H1 represents the only place in Ballater where this can now occur, it is regarded as being important to identify in the Proposed Plan, hence the wider site area and the estimated delivery of 200 units beyond 2030.

In conclusion therefore, removing the allocation of H1 in its entirety or even in part will mean that the HST and the HLR is not met. Furthermore, the identification of land for a further 200 dwellings means that the long term housing needs of Ballater are protected. No modifications are therefore proposed (Anonymous, 082; G Riddler, 091; S Barns, 111; C Cowell, 151; S Barns, 162).

While it is suggested that H1 be allocated for Community uses (along with a significantly reduced number of houses), it is not considered that that a site of this scale is required to meet a deficit in the provision of land for community uses. Although CNPA do not consider it necessary to allocate H1 for community uses, any proposals for community uses on H1 or within Ballater more widely could be supported and assessed on their merits against the policies within the Plan. No modifications proposed (B Wright, 043).

The development will be required to incorporate affordable housing as part of the development which for Ballater is proposed at 45% as set out in Policy 1.5: Affordable Housing. The rationale behind this is set out in the Housing Evidence Report (CD012) and discussed under Issue 3 - Policy 1: New Housing Proposals. In addition, all development proposals will be required to make appropriate contributions towards local infrastructure where required, in line with Policy 11: Developer Obligations (R Drever, 052; J Reilly, 54; G Riddler, 091; F Coull, 096; Cromar Community Council, 100; S Barns, 111; NHS Grampian, 160).

Concerns in respect of the area of land between Monaltrie Avenue and Monaltrie House are noted and CNPA acknowledge that this site contains a community orchard and other features of value. However, the site specific information for H1 (page 106) states that 'Development in the northern part of the site should retain the existing orchard and woodland and must be sympathetic to the setting of Monaltrie House'. It is considered that this will ensure that development on this part of the site sensitively takes account of Monaltrie House and makes appropriate provision for the retention of these features. No modifications proposed (J Reilly, 054; G Inglis, 092; C Cowell, 151; S Barns, 162).

The suggestion to move the H1 allocation further north is noted but not supported by CNPA. No further details of proposed new boundaries have been provided and it is considered that the current allocation can accommodate the proposed development (BCCC, 065).

While it was suggested that housing development should be focused in other settlements such as Dinnet, there is a requirement to ensure adequate provision of housing land in Ballater which is a strategic settlement. Dinnet has a small allocation of 15 units which is proportionate to its existing scale and recognises its role as a rural settlement. The level of housing proposed in Ballater is appropriate and proportionate to the size of the settlement as a strategic settlement and it is not considered appropriate or sustainable to locate this level of housing in a rural settlement (S Barns, 162).

#### Ballater H1: Monaltrie Park - Other Concerns

A number of additional concerns were expressed in relation to the allocation of H1. In respect of transport and traffic, these issues will be addressed through the planning application process in consultation with the Aberdeenshire Council's Roads Department to ensure these issues are appropriately dealt with (S Archibald, 053; S Barns, 111).

CNPA does not consider that the distance from the site to local services is significant. Appropriate provision of public transport and active travel routes will be encouraged through the planning process, again in consultation with the relevant Roads Authority, to ensure good connectivity to the town centre for people living within the new development and to manage impacts on car parking (G Riddler, 075; F Coull, 096; Cromar Community Council, 100).

Concerns in respect of the visual and landscape impacts of the development are noted. As set out in paragraphs 4.1 and 4.2, all planning applications will be subject to all LDP policies, including Policy 5: Landscape, which will ensure the special qualities of the National Park are taken into account and significant adverse effects avoided. Mitigation will form a part of this, with the site specific guidance for the site on page 106 stating that "*Landscaping and structure planting will be required to ensure integration of the development with the surrounding landscape and adjacent open space*". Therefore the need to manage and minimise the landscape impact is highlighted and a full assessment will be undertaken at the planning application stage. No modification proposed (Cromar Community Council, 100; W Romilly, 128; C Cowell, 151).

There is no evidence to suggest that development within Ballater will impact on tourism. As set out above, all efforts will be made to ensure the development does not have a significant adverse impact on the settlement. No modification proposed (W Romilly, 128).

The concerns about the impact of the site on the natural heritage are noted and any proposal will be required to be submitted with the relevant assessments (Anonymous, 082). Therefore, CNPA does not agree that this development is in conflict with the first aim of the National Park. It is considered that H1 forms an appropriate addition to an existing Strategic Settlement. The site has been subject to Habitats Regulations Appraisal (CD005), Strategic Environmental Assessment (CD006) and other site assessments (CD018) and is demonstrated to not adversely impacting on the natural and cultural heritage of the area (C Cowell, 151).

The presence of radon gas is not a material planning consideration. The LDP cannot influence or inform how this is managed as part of a development. This matter falls under the remit of Scottish Building Regulations, specifically section 3.2 of both the domestic and non-domestic Building Standards Technical Handbook 2017 (CD074). No modification proposed (G Riddler, 091).

#### Ballater H1: Monaltrie Park - Highland Games / open space

CNPA recognises the importance of the annual Ballater Highland Games and notes the concerns in respect of the potential impact that development on H1 may have on its operation.

Prior to the publication of the Proposed Plan, CNPA discussed the issue with the Highland Games and Invercauld Estate and agreed at that point to a 55 metre buffer between Monaltrie Park and H1. This buffer has been applied in the Proposed Plan. The Proposed Plan acknowledges the importance of ensuring parking provision for the Games and sets out in the site specific guidance for H1 on page 106 that "*Development Proposals should incorporate and enhance Monaltrie Park, ensuring adequate space for the use of existing sports pitches and parking for events*". Any masterplan for the site will be required to demonstrate that the site will not impact on the use of Monaltrie Park for recreation and ensure adequate space for parking for events. Any additional provisions required to support the operations of the Highland Games within the H1 site are a matter for the Highland Games and developer/land owner. Monaltrie Park itself, which is the location of the Highland Games, continues to be allocated as protected open space and CNPA do not consider it necessary to extend the boundary of the protected open space further. No modifications proposed (B Wright, 043; J Reilly, 054; BCCC, 065; G Riddler, 091; Ballater Highland Games, 099).

The suggestion to rename the 'new open space' to 'retained open space' is noted. However, these areas are not currently formal open spaces for recreation and are currently used for agriculture. Therefore, it is considered more appropriate to continue to identify them as 'new' open spaces until such time as they become formalised recreational or open spaces (S Barns, 162).

#### Ballater H1: Monaltrie Park - access

A number of concerns were expressed in relation to the proposed access for the site. A number of options were discussed with view both in support and against them. The final decisions in respect of access will be a matter for consideration as part of the planning application in consultation with Aberdeenshire Council's Roads Department to ensure adequate road access for the number of units proposed. They will also advise and help to inform the road layout of the development itself and this will all be considered as part of the masterplan. Therefore it is not considered appropriate or necessary to specify the final access required within the LDP. No modifications proposed (Ballater Community Council, 027; R Drever, 052; S Archibald, 053; G Riddler, 091)

The developer/ landowner will be encouraged to consult the Highland Games and other relevant local groups at an early stage. However, this is outwith the scope or influence of the LDP. No modifications proposed (J Angus, 075).

#### Ballater H1: Monaltrie Park - flooding

A number of respondents raised concerns in respect of flooding on the H1 site. CNPA has undertaken extensive consultation with SEPA. The most up to date flood modelling has informed the revised layout of the H1 site (which involved removing part of the eastern corner of the site that contains flood risk). CNPA is satisfied that the current H1 allocation is deliverable and should not be removed on account of flooding. Any proposals on the site will be subject to all policies including Policy 10: Resources (Policy 10.2) which states that proposals should not increase the risk of flooding elsewhere (J Reilly, 054; G Riddler, 091; F Coull, 096; F and L Valentine, 110; S Barns, 111; W Romilly, 128; C Cowell, 151; S Barns, 162).

In respect of SEPA's suggested amendment to the first paragraph within the specific guidance for H1 (page 106), CNPA do not object to this amendment if the Reporter is minded to support it (SEPA, 085).

The suggestions put forward by Aberdeenshire Council (to relocate a number of other functions to H1) are noted, however are not supported by CNPA. Including these additional functions on the site would significantly reduce the amount of land available for housing. In addition, in the absence of any detailed information in respect of how this may be delivered, it cannot be appropriately considered or factored in at this stage. Further discussions with the Council have led them to withdraw this objection (see RD024). CNPA do not support this proposal and no modifications proposed (G Riddler, 091; Aberdeenshire Council, 132; Aberdeenshire Council, 155).

While it is contended (V Jordan, 150) that a Flood Risk Assessment should have been carried out prior to the inclusion of the site in the Proposed Plan, the Ballater Flood Study and other flood modelling has been used to inform the allocation of the site. In addition, a Strategic Flood Risk Assessment (CD007) was carried out to inform development within the Proposed Plan and can be found on CNPA's website.

#### Ballater ED1: Ballater Business Park

SEPA's (085) suggestion to amend the wording to remove reference to the requirement for a Flood Risk Assessment is noted. CNPA do not object to this amendment, if the Reporter is minded to support it (SEPA, 085).

#### Ballater T1: Caravan Park

SEPA's (085) suggestions to amend the first paragraph and wording to remove reference to the requirement for a Flood Risk Assessment are noted. CNPA do not object to these amendments, if the Reporter is minded to support it (SEPA, 085).

#### Ballater - Developer Obligations

Scottish Water's (193) suggestion to make reference to the need for a Pre Development Enquiry form is noted, however CNPA do not consider that it is necessary within the LDP as it is a matter of process. CNPA will include this within the existing set of guidance notes for submitting planning applications where it is considered more appropriate. No modification proposed (Scottish Water, 193).

#### Ballater - other matters

The use of the Highland Games area for camping is not a matter that can be informed or influenced by the LDP. No modification proposed (Anonymous, 082).

#### Braemar - Developer Obligations

The request for contributions towards Braemar health centre is noted. CNPA agree that this could be included as a minor modification (NHS Grampian, 160).

#### Braemar – Scale of housing proposals

The justification for setting the affordable housing requirement in Braemar (along with Aviemore, Ballater and Blair Atholl) is set out in the Housing Evidence Report (section 3.6) (CD012). This higher level is set within these settlements because of acute affordability pressures and the shortage of supply in these areas, which is further discussed in the Housing Schedule 4 and set out section 3.4 of the Housing Evidence Report (CD012). It is considered that 45% affordable housing remains appropriate for Braemar (S Whyte, 022; Mar Estate, 169).

In terms of request to increase the generosity applied to the housing land requirement (HLR) from 10 to 20%, CNPA estimate that there is enough effective land to deliver 130 units (2020-2029) in the Aberdeenshire area of the National Park, while the HLR suggests a requirement of 120. Therefore even with the 10% generosity applied, land allocations have exceeded the level required and it is not considered that any further allocations should be supported. CNPA therefore do not propose any modifications the level of generosity (Mar Estate, 169).

#### Braemar H1: Chapel Brae

Concerns in respect of the allocation of H1 are noted. The site specific guidance on page 140 sets out that development of the site “*must be of a high quality which is sympathetic to the character of the village and conservation area*”. It is considered that development can be delivered on the site in a way that respects the surrounding area. Any proposals on the site will be subject to all policies, including 3.3: Sustainable Design, 4: Natural Heritage and 5: Landscape, which will seek to ensure that the development does not adversely affect the site and surrounding area. Any road related issues will be addressed through the planning application stage in consultation with Aberdeenshire Council and appropriate mitigation measures will be required where necessary. Therefore, no modification is proposed (S Walker, 034; M and I Baxter, 055; M Dewar, 060; K Manson, 080; L Manson, 081; D Forrester, 088; R Forrester, 115; D Sherrard, 102; Braemar Community Council, 134).

#### Braemar H2: St Andrews Terrace

H2 is an existing allocation that has implemented planning permission (07/219/CP (CD060)). While it is not yet developed, this site forms an important part of the housing land requirement in Braemar and it is not considered appropriate to remove it. No modification proposed (Cromar Community Council, 100).

#### Braemar H3: Kindrochit Court

The objections to the allocation of H3 is noted, however as with H2, H3 has existing implemented planning permission (07/223/CP (CD061)) that cannot be changed and provides the affordable housing element of associated development H2. Therefore CNPA do not support the removal of H3 and no modification is proposed (M Dewar, 101; P Lawrence, 010).

Scottish Water’s (193) suggestion to make reference to the need to contact them regarding asset protection guidance is noted, however CNPA do not consider that it is necessary within the LDP as it is a matter of process. CNPA will include this within the existing set of guidance notes for submitting planning applications where it is considered more appropriate. No modification proposed (Scottish Water, 193).

#### Braemar H4: Chapel Brae

Concerns in respect of the allocation of H4 are noted (D Chandler, 028; S Walker, 034; M and I Baxter, 055; M Dewar, 060; A Martin, 076; A Herd, 078; K Manson, 080; L Manson, 081; R Wood, 084; F Forrester, 090; E Robertson, 116; Braemar Community Council, 134). The site specific guidance on page 141 sets out that “*Development of the site must be of a high quality which is sympathetic to the character of the village and adjoining conservation area. Development must also take account of the site’s sensitive topography and location on the edge of the settlement*”. This acknowledges a number of the concerns raised through the consultation and it is considered that development can be delivered on the site in a way which respects its surroundings.

Any proposals on the site will be subject to all policies in the LDP, once adopted. Policies 3.3: Sustainable Design, 4: Natural Heritage and 5: Landscape are of particular relevance to the concerns raised. These policies will seek to ensure that the development does not significantly adversely affect the surrounding area or impact on access to Morrone Birkwood and the River Dee. Any road related issues will be addressed at the planning application stage in consultation with Aberdeenshire Council and mitigation measures will be required where necessary. Therefore, no modification is proposed (D Chandler, 028; S Walker, 034; M and I Baxter, 055; M Dewar, 060; A Martin, 076; K Manson, 080; L Manson, 081; R Wood, 084; F Forrester, 090; E Roberston, 116; Braemar Community Council, 134).

CNPA do not support the re-allocation of the site as protected greenspace as there is no compelling argument for doing so (D Chandler, 028; K Manson, 080; R Wood, 084; Braemar Community Council, 134).

The request for development to be restricted to 1.5 storeys, provide an access to the Linn O'Dee Road and provide pavements are all matters that will be addressed through the planning application process. It is not within the influence of the LDP to stipulate these aspects. No modification proposed (A Herd, 078).

It is also requested that the conservation area is amended to include this site. Aberdeenshire Council are the responsible authority for the review of conservation areas and CNPA cannot amend this through the LDP. It is not considered appropriate or necessary to suggest that the site will be included within the conservation area within the LDP on the basis that there is no compelling argument for this and it is outwith the influence and remit of CNPA. No modification proposed (E Robertson, 116; I Roberston, 157).

The request to extend the site to include the land to the north (that sits outwith the current settlement boundary) is not supported. It is considered that this land can still provide important landscaping for the development of the site and it is not necessary to extend the boundary of H4 to include it. No modification proposed (Mar Estate, 169).

#### Braemar H5: Braemar North

A number of concerns have been expressed in respect of the allocation of H5 (Fife Arms Hotel, 011; S Whyte, 022; Fife Arms and Invercauld Arms, 024; S Whyte, 079; Cromar Community Council, 100; F McLay, 118). The site specific guidance (page 142) requires the preparation of a masterplan to demonstrate how the development will sympathetically integrate into the wider landscape and entrance to the village. In addition, a number of other requirements are set out in the Proposed Plan to ensure that development of the site provides appropriate screening/planting to support landscape integration, achieves a high standard of design in terms of layout and integrates with the vernacular architecture and adjoining conservation area.

In addition, any proposals on the site will be subject to all policies in the LDP, once adopted. Policies 3.3: Sustainable Design, 4: Natural Heritage and 5: Landscape are of particular relevance to the concerns raised. These policies will ensure that significant adverse effects are avoided or mitigated. The concerns expressed that the site will increase second / holiday homes in the area are noted. However the Proposed Plan proposes an increased proportion of affordable housing in Braemar to seek to achieve a greater proportion of houses that meet local needs and do not become second / holiday

homes.

Concerns expressed in respect of sewage (S Whyte, 079) are a matter for Scottish Water and cannot be directly addressed by the LDP. Scottish Water have not raised any concerns that sewage is an issue that would affect the delivery of this site. Scottish Water are responsible for ensuring there is adequate water and waste infrastructure to meet the needs of existing and programmed developments, and as such, any current issues should be progressed directly with Scottish Water.

The requests to move the H5 allocation to another (unspecified) location (Fife Arms Hotel, 011), to the play park (Fife Arms and Invercauld Arms, 024) or further back from the A93 (Braemar Community Council, 134) are not supported. A number of alternative development locations were considered through the Proposed Plan process, however were not considered appropriate (further details of these can be found in the site assessment report (CD018)). In the absence of an alternative location / compelling evidence to justify the requests, CNPA do not support them. The existing play park is a protected green space and established recreational area that should be protected. Again, in the absence of a suggested alternative location for the play park or compelling argument to justify this proposal, CNPA do not support this. The request to move the site further from the A93 is noted, however an area of protected green space has been allocated to the west of the site to protect the approaching view of the Invercauld Arms. CNPA consider that this is appropriate. No modification proposed (Fife Arms Hotel, 011; Fife Arms and Invercauld Arms, 024; Braemar Community Council, 134).

SEPA's (085) comments in respect of the flooding content are noted. CNPA agrees with this modification and considers it as a minor amendment, if the Reporter is minded to accept it (SEPA, 085).

In respect of increasing the level of housing on H5, while CNPA note the issues raised, the level of housing proposed on H5 is considered to be appropriate to meet established housing need for the area. Therefore, while CNPA do not support increasing the allocation within the LDP, the current policies (Policy 1 Housing and Policy 11 Developer contributions) contain provision for the use of viability assessments to provide the opportunity for the developer to demonstrate through an 'open-book' confidential basis that the requirements make the development unviable and therefore this can be reviewed. As a consequence this could lead to an increase in the number of units on site. Therefore no modification is proposed (Invercauld Estate, 166).

#### Braemar ED2: The Mews

SEPA's (085) comments in respect of the flooding are content is noted and CNPA consider these acceptable minor amendments if the Reporter is minded to accept them (SEPA, 085).

#### Braemar T1: Caravan Park

Including a requirement for a tree belt between T1 and the A93 is noted, however not supported. Any development proposals on the site will be subject to all policies including landscape, therefore CNPA do not consider it appropriate or necessary to include this requirement. No modification proposed (Cromar Community Council, 100).

Scottish Water's (193) suggestion to make reference to the need to contact them for asset protection guidance is noted, however CNPA do not consider that it is necessary within the LDP as it is a matter of process. CNPA will include this within the existing set of

guidance notes for submitting planning applications where it is considered more appropriate. No modification proposed (Scottish Water, 193).

Braemar - Additional housing sites

As set out above, and explored in greater depth in the Housing Schedule 4 (Issue 3) and Housing Evidence Report (CD012), CNPA estimate that there is enough effective land to meet and exceed the housing land requirement in the Aberdeenshire part of the National Park. Therefore there is no basis or justification for identifying additional housing allocations in Braemar (Mar Estate, 169).

The sites proposed were all assessed prior to publication of the Main Issues Report and were not identified as preferred options for the reasons set out in the site assessment report (CD018). It is not considered that any further compelling justification has been provided and CNPA maintain its view that the sites are not necessary or appropriate for inclusion in the LDP. Any proposals on these sites should be progressed through an individual planning application subject to all LDP policies. No modification proposed (Mar Estate, 169).

Braemar - Economic development land

The proposal to allocate an additional economic development site is noted, however in the absence of a suggested location or compelling argument for this, CNPA does not support this. While H5 is identified for housing, it is noted in the first paragraph on page 142 that it “*may provide some scope for complementary uses*”. Should there be a market demand for appropriate compatible economic related uses on this site, they could be considered as part of the masterplan. No modification proposed (D Sherrard, 102, Braemar Community Council, 134).

Braemar – other matters

The request to hold a public consultation to identify alternative site options for the relocation of the play park cannot be considered at this stage in the Proposed Plan preparation process. CNPA are of the view that any future proposals relating to this should involve a public consultation, but this cannot be included or informed by the LDP. No modification proposed (Fife Arms and Invercauld Arms, 024).

**Reporter’s conclusions:**

**Reporter’s recommendations:**

## Relevant Documents Page – Issue 9, Badenoch and Strathspey intermediate settlements

### 1. Schedule 4

### 2. Representations

001, Equal Adventure  
003, Anonymous  
006, S Dickie  
008, H Brown  
037, Anonymous  
039, Tulloch Homes Ltd  
045, H Moody  
059, D Harries and M Helmn  
061, D Black  
064, Anonymous  
072, S and S Crawford  
077, W Paterson  
083, Tulloch Homes Ltd  
085, Scottish Environment Protection Agency (SEPA)  
095, John Gordon and Sons  
098, R Langridge  
103, A Kirk  
108, T Davis  
109, M Kinnaird  
113, Boat of Garten and Vicinity Community Council (BoGVCC)  
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126, L McInnes  
129, L Anderson  
127, P MacLeod  
136, S Kirk  
137, Woodland Trust Scotland (WTS)  
138, C Turnbull  
139, M Campbell  
140, Carr-Bridge and Vicinity Community Council (CVCC)  
142, J Campbell  
143, J Campbell  
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146, M Carstairs  
147, Niall Calthorpe's 1959 Discretionary Settlement Trust  
148, R Locatelli and J Bremner  
156, G Bruce  
167, M Corser  
168, Mac Infrastructure Ltd  
170, N Anderson  
171, R Williams  
179, R Turnbull  
180, J and M Forbes Leith Partnership  
184, L Frew  
187, Badenoch and Strathspey Conservation Group (BSCG)  
190, J and L Mackay

191, Macbean Road Residents Association  
193, Scottish Water

### 3. Site Maps

Issue 9 - allocate entire field at H1, Carrbridge  
Issue 9 - new site, allocate as car park, Carrbridge  
Issue 9 - allocate as open space, Carrbridge  
Issue 9 - remove H1, Cromdale  
Issue 9 - remove H1 and replace with THC032, Dulnain Bridge  
Issue 9 - remove H1, Kincaig  
Issue 9 - remove ED2, Kincaig  
Issue 9 - remove ED2, replace with new site next to ED1, Kincaig  
Issue 9 - remove H1, Nethy Bridge  
Issue 9 – allocate additional land at H1 to include THC002, Nethy Bridge  
Issue 9 – allocate LDP 2015 H1, Craigmore Road, Nethy Bridge  
Issue 9 - new site, land north east of Nethybridge Hotel, Nethy Bridge

### 4. Representee Documents

RD019 H1 Dulnain Bridge Tree Locations - D Harries and M Helmn - 059 - Issue 9  
RD020 Car Park Location Plan - Mac Infrastructure Ltd - 168 - Issue 9  
RD021 Land behind Nethybridge Hotel - Tulloch Homes Ltd - 083 - Issue 9  
RD022 H1 Site, Craigmore Road - Tulloch Homes Ltd - 083 - Issue 9

### 5. Authority Documents

CD001 – Local Development Plan 2015  
CD002 - National Park Partnership Plan 2017  
CD004 - Main Issues Report  
CD005 - Habitats Regulations Appraisal  
CD006 - Strategic Environmental Assessment  
CD011 - Cairngorms National Park Proposed Action Programme  
CD012 - Housing Evidence Report  
CD018 - site assessment report  
CD024 - Main Issues Consultation Summary of Responses and Recommended Actions  
Paper  
CD025 - Carr-Bridge H1 Development Brief  
CD026 - Cairngorms National Park Landscape Character Assessment 2009  
CD027 - Action Programme 2019  
CD028 - Badenoch and Strathspey Local Plan 1997  
CD030 - Highland Housing Need and Demands Assessment  
CD034 - Housing Land Audit  
CD041 - Screening Direction PPA-001-2020  
CD043 – 2018/0046/DET  
CD044 – 2019/0120/DET  
CD062 - 03/00292/OUTBS  
CD063 - 05/00325/REMBS  
CD064 - 07/400/CP  
CD065 - 2019/0034/DET  
CD066 - PPA-001-2020  
CD067 - TENA-009-2002

CD068 - 09/052/CP

CD071 - Chief Planner's letter on occupancy conditions and rural housing dated 4th  
November 2011

CD078 - Local Plan 2010

CD084 -01/00115/FULBS

CD085 -02/00091/FULBS

<b>Issue 9</b>	<b>Badenoch and Strathspey Intermediate Settlements</b>	
<b>Development plan reference:</b>	Boat of Garten (page 136 – 137), Carr-Bridge (pages 146 -150), Cromdale (pages 153 – 155), Dulnain Bridge (pages 158 – 160), Kincaig (pages 161 – 165), Nethy Bridge (pages 167 – 169)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
001	Equal Adventure	
003	Anonymous	
006	S Dickie	
008	H Brown	
037	Anonymous	
039	Tulloch Homes Ltd	
045	H Moody	
059	D Harries and M Helmn	
061	D Black	
064	Anonymous	
072	S and S Crawford	
077	W Paterson	
083	Tulloch Homes Ltd	
085	Scottish Environment Protection Agency (SEPA)	
095	John Gordon and Sons	
098	R Langridge	
103	A Kirk	
108	T Davis	
109	M Kinnaird	
113	Boat of Garten and Vicinity Community Council (BoGVCC)	
125	A McInnes	
126	L McInnes	
129	L Anderson	
127	P MacLeod	
136	S Kirk	
137	Woodland Trust Scotland (WTS)	
138	C Turnbull	
139	M Campbell	
140	Carr-Bridge and Vicinity Community Council (CVCC)	
142	J Campbell	
143	J Campbell	
145	J Knox	
146	M Carstairs	
147	Niall Calthorpe's 1959 Discretionary Settlement Trust	
148	R Locatelli and J Bremner	
156	G Bruce	
167	M Corser	
168	Mac Infrastructure Ltd	
170	N Anderson	
171	R Williams	
179	R Turnbull	
180	J and M Forbes Leith Partnership	

184	L Frew
187	Badenoch and Strathspey Conservation Group (BSCG)
190	J and L Mackay
191	Macbean Road Residents Association
193	Scottish Water
<b>Provision of the development plan to which the issue relates:</b>	Boat of Garten Carr-Bridge Cromdale Dulnain Bridge Kinncraig Nethy Bridge
<b>Planning authority's summary of the representation(s):</b>	
<p><u>Boat of Garten - Settlement objectives</u> BoGVCC (113) request the inclusion of the following additional settlement objective to <b>'Maintain a pleasant, supportive, safe place to live in a sustainable environment'</b>.</p> <p><u>Boat of Garten T1: caravan park</u> Scottish Water (193) notes reference to the water main crossing T1 however request that the following is added: <b>'Developers should contact Scottish Water at <a href="mailto:service.relocation@scottishwater.co.uk">service.relocation@scottishwater.co.uk</a> for asset protection guidance'</b>. (Scottish Water, 193)</p> <p><u>Carr-Bridge - Settlement objectives and Developer obligations</u> Several responders objected or questioned the settlement objectives and developer obligations requirements on the following basis:</p> <ul style="list-style-type: none"> <li>• Housing should be restricted to local people (Anonymous, 037).</li> <li>• No indication of what business tourism or recreation proposals will be supported (Anonymous, 037).</li> <li>• No details on what proposals at Struan House will be supported (Anonymous, 037).</li> <li>• 25% affordable housing level too low and would like to see 45% (Anonymous, 037; A Kirk, 103).</li> <li>• Need a higher level of affordable housing, but only if restricted to local people in perpetuity (CVCC, 140).</li> <li>• No definition of the term affordable (Anonymous, 037).</li> <li>• No explanation of what strategic community leisure facilities will be increased (Anonymous, 037).</li> </ul> <p><u>Carr-Bridge – Affordable Housing</u> A comment was made that the affordable housing needed to be affordable (Anonymous, 003)</p> <p><u>Carr-Bridge H1: Carr-Road</u> The site owners (Tulloch Homes Ltd, 039) object to the reduction in housing units from 72 in the current Local Development Plan 2015 (CD001) to 36 in the Proposed Plan. They argue that the change does not appear to have a material justification and that there is no logical reason for it because while most objections to the site relate to the impact of traffic on Carr Road, the Highland Council, as the local roads authority, have not objected to the proposal. They highlight their commitment to the site by citing their intention to submit a planning application for 47 units; this has now occurred (2019/0120/DET) (CD044).</p>	

A number of responders object to the allocation of H1. The objections raise a variety of concerns, which can be broadly summarised as follows:

- The impact of development on traffic, cycling and pedestrian safety on Carr Road (Anonymous, 037; H Moody, 045; R Langridge, 098, A Kirk, 103; M Kinnaird, 109; L McInnes, 126; S Kirk, 136; C Turnbull, 138; M Campbell, 139; CVCC, 140; J Campbell, 142; J Campbell, 143; M Carstairs, 146; G Bruce, 156; R Williams, 171; L Frew, 184).
- The effectiveness and adequacy of any traffic calming measures that may be required (Anonymous, 037; H Moody, 045; R Williams, 171).
- Road unsuitable for footpath (Anonymous, 037).
- The impact of construction traffic and the difficulty of access for construction Vehicles (H Moody, 045; R Langridge, 098; L McInnes, 126; C Turnbull, 138; M Campbell, 139; J Campbell, 142; M Corser, 167; L Frew, 184).
- Proposal for 36 units is only on half of site, so the whole site could be developed for 72 in the future (H Moody, 045; R Langridge, 098, A Kirk, 103; M Kinnaird, 109; A McInnes, 125; L McInnes, 126; S Kirk, 136; M Campbell, 139; CVCC, 140; G Bruce, 156; N Anderson, 170; R Williams, 171).
- Lack of water and sewage capacity (H Moody, 045; J Campbell, 142; R Williams, 171).
- Type of housing is inappropriate (R Langridge, 098).
- Lack of capacity in the school (A McInnes, 125; L McInnes, 126; J Campbell, 142; J Campbell, 143; M Corser, 167; R Williams, 171; L Frew, 184).
- Too many houses and too dense (L McInnes, 126; M Campbell, 139; M Corser, 167; R Williams, 171; L Frew, 184).
- Need a safe route to school (L McInnes, 126; M Campbell, 139; J Campbell, 142; J Campbell, 143; L Frew, 184).
- H2 should be fully delivered before H1 progresses (140, CVCC).
- The scale of development and its impact on the overall character of the village (146, M Carstairs; 184, L Frew).
- No evidence of need or demand for the level of development proposed (L Frew, 184).
- Increase in population will have negative effect on services and amenities (M Carstairs, 146).
- Construction will cause long term disruptions (R Williams, 171).
- Negative impact on environment (L Frew, 184).
- Field has potential for flowers and fungi (BSCG, 187).
- Site supports livestock (BSCG, 187).
- Site is culturally important (BSCG, 187).
- Site is an important landscape feature (BSCG, 187).
- Site is close to important woodland (WTS, 137, BSCG, 187). It is raised that the woodland contains ancient woodland features and should be protected and enhanced. It is requested that a further survey should be carried out to inform development (WTS, 137).

A number of suggestions for an alternative or lower number of dwellings on H1 are made:

- Fewer houses on whole site (H Moody, 045),
- 12 dwellings (N Anderson, 170; R Williams, 171)
- 18 dwelling (A Kirk, 103; M Kinnaird, 109; S Kirk, 136)
- 40 dwellings for whole of Bull Field (CVCC, 140)

Some suggestions for mitigation measures on Carr Road were received:

- 20mph speed limit (A Kirk, 103; S Kirk, 136; CVCC, 140)
- Traffic calming (A Kirk, 103; S Kirk, 136; CVCC, 140)
- Off road route to school (A Kirk, 103; A McInnes, 125; L McInnes, 126; S Kirk, 136; CVCC, 140)
- New road connecting site and car village park (C Turnbull, 138)

It is suggested that the area that was identified as part of H1 in the Main Issues Report (CD004), but was removed following the consultation, be identified as a Protected Open Space (L Anderson, 129).

#### Carr-Bridge H2: Crannich Park

WTS (137) note that the south of this allocation is adjacent to an area of ancient woodland and there should be site specific requirements to protect this and buffer the woodland from the development.

It was asked if there would be access through the current Crannich Park (G Bruce, 156).

#### Carr-Bridge ED1: Land at Railway Station

WTS (137) note that the site is adjacent to ancient woodland, which should be protected. They request the inclusion of a requirement to protect this woodland area with an appropriate buffer in the site specific guidance on page 148.

#### Carr-Bridge ED2: Carr-Bridge Garage

Scottish Water (193) note that their infrastructure crosses the site and that the developer contributions section information should add wording to direct developers towards contacting Scottish Water.

#### Carr-Bridge ED3: Former Saw Mill

SEPA note that a full FRA may not be required depending on proposed use / layout and therefore this requirement needs to be amended accordingly (SEPA, 085).

The site owners (John Gordon and Sons, 095) object to the site's allocation for economic development, arguing that it should have a more flexible allocation that included housing, which they argue would be the catalyst for delivering the site. The request that ED3 be changed to a mixed use allocation and that the mixture of uses be set out within a masterplan. They argue that a mixed use site would better meet the settlement objectives set out within the Proposed Plan.

WTS (137) note that the site is adjacent ancient woodland which should be protected. They request the inclusion of a requirement to protect it with an appropriate buffer in the site specific guidance page 148. They also note that the site contains one of the Cairngorms priority species (Kentish Glory), which should be conserved.

#### Carr-Bridge T1: Landmark Forest Adventure Park

The site was objected to because:

- It's too large (Anonymous, 037)
- Woodlands around Carr-Bridge will be harmed (Anonymous, 037; BSCG, 187)

While supportive of the allocation, it was noted that a core path runs across the site which

will need to be replaced with an alternative path of equal or greater value (A Kirk, 103; CVCC, 140; J Campbell, 142; G Bruce, 156).

SEPA (085) request the removal of the flood risk assessment requirement paragraph for T1, as the site has been reassessed and there is no small watercourse.

WTS (137) request that the site specific guidance makes reference to the ancient woodland on the site.

#### Carr-Bridge New Site: Car Park, Inverness Road

A new car park is proposed on Inverness Road to service the Carr-Bridge Hotel (Mac Infrastructure Ltd, 168). The site promoters argue that this is vital for the running of business. They state that they have been unable to find an appropriate existing parking opportunity within Carr-Bridge itself and therefore a new parking area at this location is necessary. They are of the view that the Hotel offers the potential to significantly contribute to the economic and social needs of the area, and that the car park supports its efforts to extend the tourist season, thereby offering greater economic benefits.

#### Cromdale - Developer obligations

R Locatelli and J Bremner (148) requests the removal of the existing Developer obligations requirements on page 153 and replaced with the following:

**'Contributions to community infrastructure, including where relevant – affordable housing, will only be sought from new private housing development where proven not to make the proposal unviable and where proven to be legally requirement and related in scale and kind to the proposed development.'**

(R Locatelli and J Bremner, 148)

#### Cromdale H1: Kirk Road

P MacLeod (127) objects to the allocation of H1 as the road is not wide enough and requires pavements, it will result in the loss of arable farming land and wildlife will be affected.

Scottish Water (193) notes reference to a water mains crossing H1 however request that the following is added:

**'Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance'**.

(Scottish Water, 193)

#### Cromdale H2: Auchroisk Park

Scottish Water (193) notes reference to a water mains crossing H1 however request that the following is added:

**'Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance'**.

(Scottish Water, 193)

#### Cromdale ED1: Smoke House

R Locatelli and J Bremner (148) requests the allocation of ED1 (referred to by the respondent as Rosebank Cottage) should be broadened to allow for a greater range and mix of potential uses. This could include residential, business, retail and tourism to enable the site to be re-developed and brought back into use as a community asset.

It is requested that name of the site is amended to 'Rosebank Cottage' and the first

paragraph of the site specific guidance on page 155 is amended to read:

**'A site with mixed use potential at Rosebank Cottage could provide for economic development either as part of a mixed –use scheme to include residential, tourism, leisure and business/employment use, or for any one of these uses.'**

(R Locatelli and J Bremner, 148)

#### Cromdale – other matters

R Locatelli and J Bremner (148) make the case that no allocation within the LDP should require protected species, flooding, contamination or any other reports/surveys. CNPA (as the Planning Authority) should undertake surveys where necessary before the adoption of the LDP to give confidence to developers, investors and the local community. The respondent is of the view that these requirements are restrictive, unnecessary and undesirable (R Locatelli and J Bremner, 148).

#### Dulnain Bridge – general comments

Equal Adventures (001) point out that the settlement does not have a shop, only a post office, where it is not possible to make any purchases other than stamps. Equal Adventures (001) also claim that:

- There is no opportunity for safe active travel and that this should be addressed.
- More investment in leisure facilities is needed.
- There is no mention of internet services, which are currently poor.

#### Dulnain Bridge H1: Land West of Play Area

It is requested that:

- Mature trees are protected (D Harries and M Helmn, 059).
- That a dedicated wildlife corridor be included within the site layout (D Harries and M Helmn, 059).
- That a pedestrian path that runs along Skye of Curr Road be improved (D Harries and M Helmn, 059).
- Drainage issues be addressed (D Harries and M Helmn, 059).
- Careful consideration be given to site access (D Harries and M Helmn, 059).
- That text be added to direct developers to contact Scottish Water (Scottish Water, 193).

BSCG (187) state that H1 should have a functional hold back separation from adjacent woodland.

#### Dulnain Bridge H2: Land adjacent to A938

SEPA (085) state that a full Flood Risk Assessment may not be required and therefore changes should be made to the site information text accordingly.

Scottish Water (193) request that text be added to direct developers to contact Scottish Water.

BSCG (187) state that H2 should have a functional hold back separation from adjacent woodland.

#### Dulnain Bridge - New Site: THC032 Ballintomb Wood

A new site proposal is suggested by Niall Calthorpe's 1959 Discretionary Settlement Trust (147). The Trust argue that THC032, which was submitted at the Call for Sites stage and

shown on page 83 of the Main Issues Report (CD004), should be allocated instead of H1 as H1 is not effective. They propose a site of 0.8ha for the current Plan period and a further 0.8ha for longer term development. They state that the proposal sits within commercial woodland that is due to be felled and that the development would provide 2.7ha of native woodland/amenity greenspace. It is argued that the site scored reasonably well in CNPA's site assessments (CD018) and that it supports the aims of Policy 1: Housing, to "*enable and actively support the delivery of new housing which is affordable and meets community needs, in turn supporting and growing the economy*".

#### Kincraig - Developer obligations

H Brown (008) and J Knox (145) note that while there is a requirement for a contribution towards Kingussie High School, there is not for Alvie Primary School. The primary school is nearing capacity, which is likely to be exceeded as a result of the proposed development in Kincraig. It is requested that the contributions towards increasing capacity at Alvie Primary should also be sought (H Brown, 008; J Knox, 145).

#### Kincraig H1: Opposite School

SEPA (085) request an amendment to the wording of the second paragraph of the site specific guidance (page 163) to reflect that a full Flood Risk Assessment may not be required depending on the proposed use/layout.

S Dickie (008) objects to the development of agricultural land and is of the view that there should be a presumption against large housing estates in Kincraig.

J and L Mackay (190) and the Macbean Road Residents Association (191) raise that while they do not object to the allocation of H1, they are concerned that the development of H1 will not be sympathetic in scale, design and density to Kincraig, particularly as the site is being marketed for 70 units. J and L Mackay (190) recommend that a planning condition is used to prevent the properties becoming holiday homes or short term lets.

WTS (137) note there is native woodland to the north of the site, and structural planting as part of the development should also use native species to ensure integration.

#### Kincraig ED1: Baldow Smiddy

SEPA (085) request an amendment to the wording of the second paragraph of the site specific guidance on page 164 to read:

'A small culverted watercourse ~~to the south of the site~~ lies adjacent to the site which may present a ~~increase~~ flood risk. A Flood Risk Assessment **or other supporting information** may be required...'

(SEPA, 085)

#### Kincraig ED2: North of B9152

SEPA (085) request an amendment to the wording of the second paragraph of the site specific guidance on page 165 to read:

'A small culverted watercourse ~~to the south of the site~~ lies adjacent to the site which may present a ~~increase~~ flood risk. A Flood Risk Assessment **or other supporting information** may be required...'

(SEPA, 085)

J Knox (145), J and M Mackay (190) and the Macbean Road Residents Association (191) object to the allocation of the site.

Concerns include:

- Landscape impact /visual intrusion from the A9 due to the height of the site and it will impact on the character and amenity of the village (J Knox, 145; J and L Mackay, 190; Macbean Road Residents Association, 191);
- It is not considered there is any empirical evidence of identified need and demand of employment land that supports this allocation (J Knox, 145; J and L Mackay, 190);
- The principle of development has only been established through permitted development and a temporary consent and is still required to be reinstated and this should not be used as a justification for the allocation (J Knox, 145; J and L Mackay, 190);
- The dualling of the A9 should not lead to a presumption in favour of development along that corridor. It is considered that if access is taken from the B9152, the dualling of the A9 cannot be used to justify the development of this site (J Knox, 145);
- Increase traffic on the B9152 through the village and impact on safety, particularly for school children (J Knox, 145; J and L Mackay, 190).
- Noise and light pollution (J and L Mackay, 190; Macbean Road Residents Association, 191).

J Knox (145) requests that if the Reporter is minded to approve the allocation, clear guidance should be included in the LDP specifying the type of economic development that is appropriate on the site and ideally the use of the site should be restricted to small business units/ low impact uses which do not impact on the amenity of the village, include a requirement to lower the site and provide appropriate landscaping and screening (J Knox, 145; Macbean Road Residents Association, 191).

J and M Forbes Leith Partnership (180) expressed support for the allocation of ED2.

#### Kincraig - Alternative site

J and L Mackay (190) and Macbean Road Residents association (191) propose that land adjoining Ross' Garage is instead allocated as it is within the existing settlement boundary and already partially used as a storage compound (J and L Mackay, 190).

#### Nethy Bridge - General

It is requested that instead of allocating H1 Lettoch Road that a number of smaller sites closer to the village centre be allocated, but with a higher proportion of affordable housing (T Davis, 108).

#### Nethy Bridge H1: Lettoch Road

The site owner (D Black, 061) wishes to see the site extended to accommodate around 42 dwellings. They argue this because:

- A flood risk assessment has been carried out that demonstrates that a larger site is possible.
- A scheme of 20 dwellings is unviable.
- Only allocating part of the site will lead to an additional application at a later point, so sensible to allocate now.
- 20 dwellings would not provide enough affordable housing.
- 20 dwellings would not meet other issues identified in the Proposed Plan.
- There is a shortage of housing sites throughout Scotland.

Several responders object to the site on the basis that:

- The settlement has a high proportion of second and holiday homes and doesn't need any more (Anonymous, 064; T Davis, 108; S and S Crawford, 072; W Paterson, 077).
- It extends settlement in linear fashion (Anonymous, 064; S and S Crawford, 072; W Paterson, 077).
- 20 houses is excessive (R Turnbull, 179).
- Over development near River Nethy and woodland (BSCG, 187).
- Negative landscape impacts (BSCG, 187).
- Site supports wildlife, including Scottish Biodiversity List species, and is a corridor between woodland and River Nethy (BSCG, 187; T Davis, 108; S and S Crawford, 072; W Paterson, 077).
- Provides important habitat and connectivity (BSCG, 187).
- It's too far from the nearest bus stop (1km) (T Davis, 108).
- It's too far from centre of Nethy Bridge (T Davis, 108).
- Will result in too many additional car journeys making road less safe (T Davis, 108; S and S Crawford, 072).
- It is ribbon development (T Davis, 108).
- There suitable alternative sites (T Davis, 108).
- The sewage infrastructure does not have capacity to accommodate the level of development proposed (T Davis, 108; S and S Crawford, 072; W Paterson, 077).
- Road infrastructure is inadequate and road cannot be upgraded because of planning conditions to developments at Lynstock Park [believed to refer to planning application 02/00260/FULBS (CD085) ] and Lettoch Road [ believed to refer to planning application 01/00115/FULBS (CD084) ] (S and S Crawford, 072; W Paterson, 077).

The comments made by S and S Crawford's (072) in their response form state that they apply to "*H2 Development*", however their comments appear to relate to H1. They have therefore been dealt with under H1.

SEPA (085) note an error in their Main Issues Report (CD004) response and therefore the incorporation of unnecessary site requirements in the Proposed Plan. They therefore recommend that that an amendment to the text to reflect this be made.

Scottish Water (193) request that text be added to direct developers to contact Scottish Water.

#### Nethy Bridge H2: Land at Lynstock Crescent

BSCG (187) object to H2 because it:

- Is croft land.
- Provides green space next to a footpath.
- It is premature.

SEPA (085) note an error in their Main Issues Report response and therefore the incorporation of unnecessary site requirements in the Proposed Plan. They therefore recommend that that an amendment to the text to reflect this be made.

Scottish Water (193) request that text be added to direct developers to contact Scottish Water.

### Nethy Bridge - deletion of site H1: Craigmore Road

H1: Craigmore Road (15 units) is the only allocation in Nethy Bridge in the current Local Development Plan 2015 (CD001). The site owners (Tulloch Homes Ltd, 083) object to the site's deletion in the Proposed Plan. They reason that both Craigmore Road site (H1 in Local Development Plan 2015 (CD001)) and the Lettoch Road site (H1 in Proposed Plan) represent linear extensions to the settlement are both equally far from services. They argue that any potential landscape and ecological impacts can be mitigated.

### Nethy Bridge - new site: land north and north east of Nethybridge Hotel

Tulloch Homes Ltd (083) propose a new housing site on two areas of land totalling 2.36 ha to the north and north east of the Nethybridge Hotel. They argue that the site once benefited from a consent for 9 dwellings in 2005 (CNPA cannot find a record for this, but there is a record of a previous consent for 48 dwellings 05/00075/FULBS). They contend that Nethy Bridge is sufficiently well catered for in terms of open space and therefore the protected open space designation is unnecessary. They also argue that the proposed new site is centrally located and close to services and facilities.

## **Modifications sought by those submitting representations:**

### Boat of Garten - Settlement objectives

- Include the following additional settlement objective:  
*"Maintain a pleasant, supportive, safe place to live in a sustainable environment."*  
(BOGVCC, 113)

### Boat of Garten T1: caravan park

- After "A water main runs along the boundary of this site" include the following:  
**'Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance'**  
(Scottish Water, 193)

### Carr-Bridge Settlement objectives and Developer obligations

- Allocate more small sites (R Langridge, 098).
- Keep the houses in keeping with the village (Anonymous, 003).
- Add bullet point to Settlement Objectives:  
**'Support proposals for an expansion and diversification of the Carrbridge Hotel, including additional car and coach parking provision.'**  
(168, Mac Infrastructure Ltd)

### Carr-Bridge H1: Carr Road

- Allocate whole of Bull Field for 72 dwellings (Tulloch Homes Ltd, 039),
- Allocate fewer houses (H Moody, 045; R Langridge, 098; C Turnbull, 138),
- Allocate 12 dwellings (N Anderson, 170; R Williams, 171)
- Allocate 18 dwellings (A Kirk, 103; M Kinnaird, 109; S Kirk, 136)
- Allocate maximum of 40 houses for whole of Bull Field (CVCC, 140)
- Require a 20mph speed limit on Carr Road (A Kirk, 103; S Kirk, 136; CVCC, 140)
- Require traffic calming measures (A Kirk, 103; S Kirk, 136; CVCC, 140; M Carstairs, 146; N Anderson, 170; R Williams, 171)
- Provide an off road route to school (A Kirk, 103; A McInnes, 125, L McInnes, 126; S Kirk, 136; CVCC, 140)
- Build a new access road between village car-park at the site (C Turnbull, 138),
- Designate the area identified as part of H1 in the Main Issues Report (CD004), but

was removed following the consultation, as a Protected Open Space (L Anderson, 129).

- Include a requirement for a further woodland survey to ensure if there is ancient woodland that it is protected and enhanced (WTS, 137).

#### Carr-Bridge H2: Crannich Park

- Include site specific requirements on page 148 to require a buffer between the ancient woodland to the south of the site and the development (WTS, 137).

#### Carr-Bridge ED1: Land at Railway Station

- Include a requirement in the site specific guidance on page 148 to protect ancient woodland adjacent to the site with an appropriate buffer (WTS, 137).

#### Carr-Bridge ED2: Carr-Bridge Garage

- Add following wording:  
**'Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance.'**  
(Scottish Water, 193)

#### Carr-Bridge ED3: Former Saw Mill

- Change wording to read:  
'A Flood Risk Assessment or other supporting information ~~will~~ **may** be required....'  
(SEPA, 085)
- Change allocation to a mixed use site (John Gordon and Sons, 095)
- Change wording to read:  
**'Allocated for economic development and/or a mix of compatible housing, business, tourism and community uses for which a masterplan will be prepared, incorporating a landscape "buffer" and proposed upgrading of the A9.'**  
(John Gordon and Sons, 095)
- Include a requirement in the site specific guidance on page 149 to protect ancient woodland adjacent to the site with an appropriate buffer (WTS, 137)
- Ensure the conservation of the Cairngorms priority species (Kentish Glory), which is present on the site (WTS, 137).

#### Carr-Bridge T1: Landmark Forest Adventure Park

- Remove Flood Risk requirement paragraph (SEPA, 085).
- Include reference to the presence of ancient woodland on the site (WTS, 137).

#### Carr-Bridge - New Site: Car Park, Inverness Road

- Allocate new car park according to plans submitted by responder on Inverness Road, with the following wording in site information text:  
**'Proposal ED4: Inverness Road - Allocated for Car and Coach Parking – Indicative Capacity 39 car spaces plus 4 coach spaces (0.4ha).'**  
(Mac Infrastructure Ltd, 186)
- Do not include text or annotations relating to the need for environmental, protected species, flood risk, landscape impact assessment or any other report (Mac Infrastructure Ltd, 186).

#### Cromdale - Developer obligations

- Replace current developer obligations requirements with the following:

**'Contributions to community infrastructure, including where relevant – affordable housing, will only be sought from new private housing development where proven not to make the proposal unviable and where proven to be legally requirement and related in scale and kind to the proposed development.'**

(R Locatelli and J Bremner, 148).

#### Cromdale H1: Kirk Road

- Remove allocation of H1 (P MacLeod, 127).
- Include the following wording after 'A water main runs along the boundary of this site':  
**'Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance' after 'A water main runs along the boundary of this site.'**  
(Scottish Water, 193)

#### Cromdale H2: Auchroisk Park

- Include the following wording after 'A water main runs along the boundary of this site':  
**'Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance' after 'A water main runs along the boundary of this site.'**  
(Scottish Water, 193)

#### Cromdale ED1: The Smoke House

- Change the allocation from 'ED' (Economic Development) to 'M1' for Mixed-use development which would include residential, tourism and leisure as well as employment use (R Locatelli and J Bremner, 148).
- Change the name of the site to 'Rosebank Cottage' (R Locatelli and J Bremner, 148).
- Remove the requirements for flood risk and drainage impact assessments (R Locatelli and J Bremner, 148).
- Delete the first paragraph of the site specific guidance (page 155) and replace with:  
**'A site with mixed use potential at Rosebank Cottage could provide for economic development either as part of a mixed –use scheme to include residential, tourism, leisure and business/employment use, or for any one of these uses.'**  
(R Locatelli and J Bremner, 148)

#### Cromdale - Other

- Remove the requirement for any surveys on allocated sites (R Locatelli and J Bremner, 148).

#### Dulnain Bridge – General comments

- Consideration of financial investment into services (Equal Adventures, 001).

#### Dulnain Bridge - H1: Land West of Play Area

- Delete H1 and replace with THC032 (Niall Calthorpe's 1959 Discretionary Settlement Trust, 147)
- Add following wording:  
**'Developers should contact Scottish Water at**

**service.relocation@scottishwater.co.uk for asset protection guidance.'**

(Scottish Water, 193)

**Dulnain Bridge H2: Land adjacent to A938**

- Amend site wording as follows:  
'A Flood Risk Assessment **or other supporting information** will be required and used to inform the site layout'  
(SEPA, 085)
- Add following wording:  
'**Developers should contact Scottish Water at service.relocation@scottishwater.co.uk for asset protection guidance.**'  
(Scottish Water, 193)

**Dulnain Bridge - New Site: THC032 Ballintomb Wood**

- Allocate for housing (an 0.8ha immediate residential allocation, 0.8ha longer-term allocation and 2.7ha as native woodland/amenity greenspace) instead of H1 (Niall Calthorpes 1959 Discretionary Settlement Trust, 147).

**Kincraig - Developer obligations**

- Include a requirement for contributions towards increasing capacity at Kincraig Primary School (H Brown, 008).

**Kincraig H1: Opposite School**

- Amend second sentence of second paragraph in the site specific guidance (page 163) to read:  
'A Flood Risk Assessment **or other supporting information** will be required to establish the developable area.'  
(SEPA, 085)
- Remove allocation of H1 (H Brown, 008)
- Include requirement for development on H1 to be sympathetic in scale, design and density to Kincraig (J and L Mackay, 190; Macbean Road Residents Association, 191).
- Include a requirement for structural planting as part of the development to use native species to ensure integration (WTS, 137).

**Kincraig ED1: Baldow Smiddy**

- Amend the second paragraph of the site specific guidance (page 164) relating to flood risk, to read:  
'A small culverted watercourse ~~to the south of the site~~ lies adjacent to the site which may present a ~~increase~~ flood risk. A Flood Risk Assessment **or other supporting information** may be required...'  
(SEPA, 085)

**Kincraig ED2: North of B9152**

- Amend the second paragraph of the site specific guidance (page 165) relating to flood risk, to read:  
'A small culverted watercourse ~~to the south of the site~~ lies adjacent to the site which may present a ~~increase~~ flood risk. A Flood Risk Assessment **or other supporting information** may be required...'  
(SEPA, 085)
- Remove allocation of ED2 (J Knox, 145; J and L Mackay, 190; Macbean Road

Residents Association, 191).

- Specify the type of economic development that is appropriate on the site – ideally limit the use of the site to small business units/ low impact uses (J Knox, 145; Macbean Road Residents Association, 191).
- Include a requirement to lower the site and for appropriate landscaping and screening on the site (J Knox, 145; Macbean Road Residents Association, 191).

#### Kincraig - Alternative site

- Allocate land adjoining ED1 (Ross' Garage) for economic development instead of ED1 (J and L Mackay, 190; Macbean Road Residents Association, 191).

#### Nethy Bridge - General

- Increase proportion of affordable housing by involving a housing association, but on sites close to village centre (T Davis, 108)

#### Nethy Bridge H1: Lettoch Road

- Allocate additional land to accommodate 42 dwellings (D Black, 061).
- Delete H1 (Anonymous, 064; S and S Crawford, 072; W Paterson, 077).
- Reduce the allocation from 20 to 10 dwellings (R Turnbull, 179).
- Consider providing allotments on non-developable parts of site (R Turnbull, 179).
- Amend site requirements as follows:  
'Medium to high probability flood risk exists in the lower half of the site adjacent to site. A Flood Risk Assessment or other supporting information ~~will~~ **may** be required to determine the developable area.'  
(SEPA, 085)
- Add following wording at the end of the last paragraph:  
**'Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance.'**  
(Scottish Water, 193)

#### Nethy Bridge H2: Land at Lynstock Crescent

- Consider providing allotments on non-developable parts of site (R Turnbull, 179).
- Amend site requirements as follows:  
'Medium to high probability flood risk **exists in the lower half of the** adjacent to site. A Flood Risk Assessment or other supporting information will be required to determine the developable area'  
(SEPA, 085)
- Add following wording:  
**'Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance.'**  
(Scottish Water, 193)

#### Nethy Bridge - Deletion of site H1: Craigmore Road

- Allocate Local Development Plan 2015 site H1: Craigmore Road (Tulloch Homes Ltd, 083).

#### Nethy Bridge - New Site: Land north east of Nethybridge Hotel

- If H1: Craigmore Road is not suitable for allocation, allocate land north east of Nethybridge Hotel (Tulloch Homes Ltd, 083).

**Summary of responses (including reasons) by planning authority:**

### Boat of Garten - Settlement objectives

The suggested additional settlement objective is noted. However, as set out in the Main Issues Consultation Summary of Responses and Recommended Actions Paper (CD024), it was considered that the suggestion refers to general issues that are addressed through other policies in the LDP. Therefore it is not considered necessary to include these as additional objectives. No modification proposed (BoGVCC, 113).

### Boat of Garten T1: caravan park

Scottish Water's (193) suggestion to make reference to the need to contact them for asset protection guidance is noted, however CNPA do not consider that it is necessary within the LDP as it is a matter of process. CNPA will include this within the existing set of guidance notes for submitting planning applications where it is considered more appropriate. No modification proposed (Scottish Water, 193).

### Carr-Bridge - Settlement objectives and Developer obligations

Scotland operates a discretionary planning system and therefore does not need to identify every proposal that is likely to come forward. Along with the policies in the Proposed Plan, the settlement objectives are designed to provide a supportive framework in which appropriate proposals can be delivered. There settlement objectives do not therefore need to be specific. Some uses are however provided with an allocation, for example T1: Landmark Adventure Park. No modification proposed (Anonymous, 003; Anonymous, 037).

CNPA does not agree that there should be a settlement objective to specifically support the business of the Carrbridge Hotel (Mac Infrastructure Ltd, 168). CNPA does not consider it appropriate to single out specific business in this way. The merits of Mac Infrastructure Ltd (168) site proposal are discussed later in this report. No modification proposed.

### Carr-Bridge – Affordable Housing

With respect to affordable housing, a definition is provided in the Proposed Plan's glossary (page 220) (Anonymous, 037; CVCC, 140). Housing will not be restricted to local people as this has not been possible since the issuing of the Chief Planner's letter on occupancy conditions and rural housing dated 4th November 2011 (CD071), which states "*The Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided*". The letter does not allow occupancy restrictions to be issued simply on the grounds of the potential use of the dwelling, the origin of the occupier or the workplace of the buyer and CNPA does not believe it has a strong case for issuing them. No modification proposed (Anonymous, 037; CVCC, 140).

CNPA does not have a case to apply a higher level of affordable housing than 25% in Carr-Bridge. The explanation for this is located in the Housing Evidence Report (CD012) and discussed under Issue 3: Policy 1: New Housing Proposals. It is the ambition that all affordable housing be affordable housing in perpetuity; however the LDP does not have any influence of over the management property by housing associations. No modification proposed (CVCC, 140).

### Carr-Bridge H1: Carr-Road

The site is currently subject to a planning application for 47 dwellings (2019/0120/DET) (CD044). This area is known as the Bull Field. The application will be determined under the provisions of the current Local Development Plan 2015 (CD001), which allocates the

site for 72 dwellings. CNPA is of the position that should the planning application be consented but fail to be implemented then policy should default to the new LDP, in which the lower figure of 36 dwellings and corresponding smaller site area is considered appropriate.

The reduction in the number of dwellings from the 72 in the 2015 LCP to the 36 in the Proposed Plan did not occur as a result of representations to the Main Issues Report relating to the potential impact of the development on Carr Road, as suggested by Tulloch Homes Ltd (039). To understand the rationale behind the change, which occurred following the consultation on the Main Issues Report (CD004), it is necessary to cover the history of the site.

Proposals for housing development on H1 go back as far as the Badenoch and Strathspey Local Plan 1997 (CD028) with consent being granted on appeal for 117 dwellings (03/00292/OUTBS) (CD062) in June 2004. This consent formed the basis for the site's allocation in the Local Plan 2010 (CD078). Prior to the adoption of the Local Plan 2010, further applications (05/00325/REMBS (CD063) and 07/400/CP (CD064)) were submitted, covering matters relating to the layout and phasing of the development. These were not determined until March 2015, when they were refused consent, shortly before the adoption of the current 2015 LDP. The site has not benefited from any form of planning consent since these decisions were made.

The production of the current 2015 LDP (CD001) must therefore be seen in the context of this situation, in that consent existed for 117 dwellings. While the allocation was reduced in size from the Local Plan 2010 (CD078) and the numbers cut to 72 dwellings, the outstanding consent of 03/00292/OUTBS (CD062) was shown on the settlement map and recognised in the housing land supply. During the examination of the current 2015 LDP, the Reporter instructed that H1 be reduced in size to cover just the Bull Field and the number of units be reduced to 36. This was however overturned by Scottish Ministers and so the adopted 2015 LDP contained an allocation for 72 dwellings. The formation of the Proposed Plan has not had to consider this as no consents existed at the time, effectively offering a clean slate.

The other significant difference between the production of the current Local Development Plan 2015 (CD001) and the Proposed Plan is that the evidence base around housing need and demand has moved on considerably. Information on how housing need and demand are determined for the Cairngorms National Park is set out in the Housing Evidence Report (CD012). The main point with regard to the change in dwelling numbers on H1 is that the estimate of need and demand for the period of 2015-2029 is considerably lower than it was estimated to be at the time of the production of the current Local Development Plan 2015 (CD001). Therefore, it is reasonable to re-assess the nature of previous and existing allocations, including the proposed number of units, density and size, in the context of the latest evidence, which includes estimates of need and demand and the current effective housing land supply. It should be noted that CNPA still considers H1 to be the best location for housing development, with all available sites in Carr-Bridge having undergone assessment, as set out in the Site Assessment Report (CD018), Strategic Environmental Assessment (CD006) and Habitats Regulations Appraisal (CD005).

When considering the number of dwellings needed in Carr-Bridge, it is necessary to take account of what other housing is likely to be delivered during the current and next Plan periods. The H2 allocation benefits from a planning consent for 23 dwellings (2018/0046/DET (CD043)), which is currently being implemented. These are likely to be

delivered during the remaining part of the current LDP period (2015-2019) and the early part of the next (2020-2024). As there are no other existing housing allocations in Carr-Bridge, it is necessary to consider what level of new housing growth on H1 would be appropriate for the settlement over the entirety of 10 year plan period (up to 2029). This decision needs to have regard to the status of Carr-Bridge as an Intermediate Settlement in the settlement hierarchy. It is not agreed that the provision of fewer than 36 dwellings, for example 12 or 18 dwellings on H1, as proposed by a number of respondents (H Moody, 045; R Langridge, 098; C Turnbull, 138; N Anderson, 170; R Williams, 171; A Kirk, 103; M Kinnaird, 109; S Kirk, 136), or the slightly higher proposals of 40 houses for the whole of the Bull Field, as put forward by CVCC (140), would be appropriate to serve Carr-Bridge or the wider area over the ten year plan period to 2029. CNPA also do not consider 72 units to be necessary at this time, as the Proposed Plan identifies enough effective housing land to accommodate the need identified in both the Housing Supply Target and Housing Land Requirement for the Badenoch and Strathspey Housing Market Area (HMA) (Tulloch Homes Ltd, 039).

CNPA regards suitable land for housing to be a scarce resource and consider there to be a strong need to look beyond the current Plan period when allocating sites. Therefore, while it is felt that 36 dwellings is sufficient to serve Carr-Bridge, for at least the first 5 years of the Plan period, CNPA does not believe allocating the whole Bull Field represents an efficient use land, particularly as it would result in a site density of just 15 units per hectare. CNPA consider that a reasonable site density at this location would sit somewhere between 25 and 30 units per hectare, and therefore the site should be reduced in size if it is to accommodate just 36 units. The site as presented in the Proposed Plan is 1.3ha and has a density of 28 units per hectare. CNPA does not regard this as being too dense considering the focus in the Proposed Plan on smaller dwellings and that it is comparable to similar developments across National Park (L McInnes, 126; Mark Campbell, 139; M Corser, 167; R Williams, 171; L Frew, 184). The Proposed Plan allocation also leaves room for a further dwellings to be built on the remainder of the Bull Field, should need be identified in future Plan periods (H Moody, 045; R Langridge, 098; A Kirk, 103; M Kinnaird, 109; A McInnes, 125; L McInnes, 126; S Kirk, 136; M Campbell, 139; CVCC, 140; G Bruce, 156; N Anderson, 170; R Williams, 171).

The level of housing need in Carr-Bridge has been questioned (L Frew, 184). This question was also raised at the Main Issues Report stage as well as at various previous consultation events within the Carr-Bridge community, and it is worth reiterating that this is an essentially unknowable number. There are several reasons for this, not least being the volatile nature of small area population estimates on which a model of housing need and demand would need to rely. Consequently, any estimates of need and demand would carry with them such a broad margin of error that they would be of little value for policy making within the LDP. In the past, some responders have advocated a survey based approach. However, these are also limited by the small sample size from which they can draw and while they may offer a detailed picture of the intentions and needs of individuals and households at the time of the survey (assuming the sample size is large enough), the value of results diminishes quickly over time and they cannot be used to form assumptions that span the whole Plan period (10 years). They may also be limited by geography, because a survey that covers just Carr-Bridge will miss out on need that exists but is currently being met elsewhere. Finally, it is important to note that Carr-Bridge does not form its own HMA as households in Carr-Bridge and other nearby settlements will consider a range of local and regional locations to buy or rent. The most reliable estimates of housing need and demand therefore come from HNDAs. The Housing Need and Demand Assessment covering Carr-Bridge is the Highland Housing Need and Demand

Assessment 2015 (CD030). This has been found to be robust and credible by the Centre for Housing Market Analysis and provides a good estimate of housing need and demand for the Badenoch and Strathspey HMA (see Issue 3: Policy 1: New Housing Proposals for representations on this). The amount of housing that is allocated to Carr-Bridge and other settlements within the HMA is a policy decision for the LDP.

The issues relating to the increase in traffic are also well rehearsed and Highland Council, as the responsible authority for roads in the area, have been consulted at numerous points to gain a view as to whether or not this issue is mitigatable. It is important to note that Highland Council have not raised any objection to the H1 allocation on traffic grounds. In their previous comments on the Development Brief for the site (CD025), Highland Council estimated that Carr Road currently services 65 dwellings and that an additional 72 dwellings, which is the level of housing set out in the current Local Development Plan 2015 (CD001), would result in around 48 extra two-way vehicle trips during the am peak from 8am to 9am, and an extra 57 two-way trips in the pm peak between 5pm to 6pm. Based on previous advice from Highland Council, it is expected that any development proposal to come forward will need to include measures on Carr Road that would better support the safe integration of vehicles with more vulnerable road users, including cyclists, walkers and children. These measures will need to promote suitable design speeds with appropriate physical characteristics that help keep general traffic speeds at or below that design speed. A maximum speed limit 20mph should be promoted, but design speeds should be sufficiently below this figure to ensure actual vehicle speeds are kept to a sufficiently low level. Highland Council have previously indicated that they would not support a traffic calming scheme that relied entirely on vertical speed humps, with a more holistic approach being needed, recognising the current attractive rural nature of the road. Because Carr Road is publicly adopted, any proposals to change and enhance it will need to be done to an adoptable standard. It will therefore still be useable by construction vehicles, agricultural machinery etc. As proposed in the current Development Brief, site requirements will also still include the provision of a footpath to the school (Anonymous, 037; H Moody, 045; R Langridge, 098; A Kirk, 103; M Kinnaid, 109; L McInnes, 126; S Kirk, 136; C Turnbull, 138; M Campbell, 139; CVCC, 140; J Campbell, 142; J Campbell, 143; M Carstairs, 146; G Bruce, 156; R Williams, 171; L Frew, 184).

Concerns were also expressed about construction traffic using Carr Road. This can be managed as part of the planning application process if deemed necessary. For example, journeys can be limited to certain times of the day or directed to use or not use certain roads or access points (H Moody, 045; R Langridge, 098; L McInnes, 126; C Turnbull, 138; M Campbell, 139; J Campbell, 142; M Corser, 167; L Frew, 184).

Taking into account the above, there are no reasonable grounds to conclude that traffic or road safety issues present a constraint to the development of 36 dwellings on the H1 site.

The site is known to have had a high botanical and fungi value (L Frew, 184; BSCG, 187), though nothing that would prevent development. However, it was ploughed for arable use in 2017, which is likely to have had a significant adverse effect on its ecology. In terms of wider impacts, there are no areas of the site that are currently woodland and being in proximity to woodland is not a barrier to development. The site has been assessed for its effects on landscape and its relative cultural importance and is considered to have capacity for development. This view is supported by the Cairngorms National Park Landscape Character Assessment (CD026). As with all sites and the Proposed Plan as a whole, the potential negative effects of development have been considered and through the site assessment reports (CD018), Strategic Environmental Assessment (CD006) and

## Habitats Regulations Appraisal (CD005).

Scottish Water have not objected to the principle of development on the grounds of water or sewage capacity and these matters would not prevent development. Applicants will need to contact Scottish Water to see if upgrades were needed as a result of the development, and if so, would need to contribute towards the upgrade through a developer obligation (H Moody, 045; J Campbell, 142; R Williams, 171).

Carr-Bridge Primary School has a total capacity of 75 pupils and is currently operating at 80% capacity (A McInnes, 125; L McInnes, 126; J Campbell, 142; J Campbell, 143; M Corser, 167; R Williams, 171; L Frew, 184). Highland Council forecast that in 2023/24 the total capacity will be exceeded by 12%. These forecasts are based on allocations within the current (2015) LDP and therefore assume that H1 will deliver 72 units, and that both H1 and H2 will be mostly completed by 2023/24. It is therefore highly unlikely that H1, as it is presented in the Proposed Plan, will result in the school exceeding its capacity. It is important to note that school roll forecasts are reviewed on an annual basis, and if capacity issues are identified at the time of a planning application then a developer obligation, in line with Policy 11, will be required to address the issue. This is standard practice.

CNPA do not agree that the scale of development is out of scale with Carr-Bridge (M Carstairs, 146; L Frew, 184). The settlement has a relatively high level of services compared to other Intermediate Settlements, including a primary school, fuel station and garage, several hotels, bars and cafes, a local shop and a mainline railway station. 36 dwellings on H1 are considered to be commensurate with this level of service provision.

The remaining comments about the H1 site are noted. As outlined previously, a “*safe route to school*” will be required as part of the development of the site (L McInnes, 126; M Campbell, 139; J Campbell, 142; J Campbell, 143; L Frew, 184), the types of housing will be permitted in accordance with Policy 1.4: Designing for affordability (R Langridge, 098), CNPA cannot condition that H2 be fully delivered before H1 progresses, although in practice this is likely to occur anyway (CVCC, 140), livestock may be moved elsewhere (BSCG, 187) and the area of the Bull Field outwith the settlement boundary will not be identified as a Protected Open Space as it already has protection by virtue of being outside of the settlement boundary (L Anderson, 129). The need for a woodland survey will be assessed at the application stage depending on the proposals put forward. Any application on the site will be subject to Policy 4.3 and assessed on its merits (WTS, 137).

No modification proposed.

### Carr-Bridge H2: Crannich Park

H2 already benefits from planning permission (2018/0046/DET (CD043)) and is under construction. There are no proposals to provide vehicular access through the current Crannich Park (G Bruce, 156) and the no amendments can now be made to the distance between the development and ancient woodland. Any future applications for the site would be subject to Policy 4.3 (WTS, 137).

No modification proposed.

### Carr-Bridge ED1: Land at Railway Station

The presence of ancient woodland has been identified in the site assessment report (CD018) and Strategic Environmental Assessment (CD006). Where woodland forms an

intrinsic part of the site and proposed development has the potential to have an impact on it, the site specific guidance recognises this. In this instance the boundary of the site has been reduced to reflect the previously developed area and ensure impacts on the adjacent ancient woodland can be minimised. Any proposals on the site will be subject to Policy 4.3 and the need for a buffer will be established through the application process. Therefore no modification is proposed (WTS, 137).

#### Carr-Bridge ED2: Carr-Bridge Garage

Scottish Water's (193) suggestion to make reference to the need to contact them for asset protection guidance is noted, however CNPA do not consider that it is necessary within the LDP as it is a matter of process. CNPA will include this within the existing set of guidance notes for submitting planning applications where it is considered more appropriate. No modification proposed.

#### ED3: Former Saw Mill

CNPA do not object to SEPA's (085) proposed change as it reflects our best understanding of the site's constraints. Therefore, CNPA would not object to the change should the Reporter recommend it.

CNPA have assessed this site and do not support a broader allocation as there is no demonstrable need for the uses suggested by the site owner (John Gordon and Sons, 095). CNPA considered housing for the site but dismissed it for the following reasons:

- There is sufficient effective housing land within Carr-Bridge and the Badenoch and Strathspey HMA.
- The preferred options for housing (i.e. H1 and H2) are considerably better than ED3 in accommodating housing.
- With the exception of the railway station, the site is a considerable distance from all services and facilities.
- As a former saw-mill site the soil is likely to be contaminated and require significant remediation to make housing possible. The site owner has provided no information on this in any of their submissions and therefore the risks and associated costs represent a significant unknown. CNPA is concerned that said unknown costs could significantly affect the viability of the site and place the ability of the Plan to deliver affordable housing at risk.
- Other sites in Carr-Bridge and the Badenoch and Strathspey HMA offer considerable more certainty with respect to meeting affordable housing targets.

CNPA consider the site to be an ideal location for economic development, with the potential to offer a temporary location as a depot for the upgrade of the A9. There is no demonstrable need or firm proposals for a community use for the site. CNPA does not therefore support any proposed changes to this allocation (John Gordon and Sons, 095).

The presence of ancient woodland has assessed in the site assessment report (CD018) and Strategic Environmental Assessment (CD006). Where such woodland forms an intrinsic part of the site and proposed development has the potential to have an impact on it, the site specific guidance recognises this. In this instance, it is not certain that development on the site is likely to impact on the surrounding ancient woodland. Therefore, the impacts of development and need for a buffer and/or mitigation will be assessed at the application stage. All proposals will be subject to Policy 4.3 and therefore no modification is proposed (WTS, 137).

In respect of species present on the site, these will be considered through the necessary assessments required by Policy 4: Natural Heritage (WTS, 137).

#### Carr-Bridge T1: Landmark Forest Adventure Park

Most of Landmark is already in use, so only the 10.5ha extension to the west represents an opportunity for new development. The site has been assessed and the majority of the woodland in this area found to be of relatively low ecological value. The nature of the development, which relies on a woodland setting, would not result in a significant loss of trees and any consents can be conditions to ensure anything of ecological value is protected. No modification proposed (Anonymous, 037; BSCG, 187).

Any core paths affected by development will need to be replaced with an alternative path, which performs the same function, of equal or greater value. No modification proposed (A Kirk, 103; CVCC, 140; J Campbell, 142; G Bruce, 156).

The request to delete the paragraph on flood risk assessment for T1 following the site being reassessed by SEPA is noted. CNPA support the removal as a factual correction, if the Reporter is minded to do so (SEPA, 085).

In respect of including reference to ancient woodland on the site, the site specific guidance on page 150 already requires "*Development proposals should be designed to minimise the loss of existing woodland*" and acknowledges that the site is included within the Ancient Woodland Inventory. Therefore no modification is proposed (WTS, 137).

#### Carr-Bridge - New Site: Car Park, Inverness Road

At the time of the submission the site for the new car park was subject to a planning application (2019/0034/DET (CD065)), which had been appealed on the basis of non-determination (PPA-001-2020 (CD066)). The case was complicated by the fact that the site was felled of trees without a licence before the application was submitted and has been subject to enforcement by Scottish Forestry (case reference TENA-009-2002 (CD067)).

With reference to the site's proposed use (Mac Infrastructure Ltd, 168), CNPA is of the view that despite the felling being undertaken illegally, it is not a material consideration. However Scottish Forestry's replanting notice, which is now in effect, is a material consideration. CNPA is therefore of the position that the site is woodland. Although there are no trees there at the moment, regrowth will occur; the implementation of Scottish Forestry's enforcement notice expedites this process. The proposal therefore represents development in woodland and would result in the loss of trees. Furthermore, as of July 24<sup>th</sup> 2019, the Reporter has issued a screening direction (CD041) that determines that the proposed development would be likely to have a significant effect on the environment. Accordingly, the Reporter has directed that the proposal is EIA development. In response, the site owner has decided not to pursue the application through the appeal system.

The Proposed Plan contains a strong presumption against the loss of woodland to development, with Policy 4.3: Woodlands stating that woodland removal for development will only be permitted where the removal would achieve clearly defined additional public benefits and that compensation at least equal to the quality and quantity of what is lost will be required. Only in exceptional circumstances will a lack of compensation be acceptable. The site's proposers have not demonstrated how it will achieve clearly defined additional public benefits, nor have they demonstrated how compensation for the loss of woodland will be achieved. On this basis therefore, the proposal fails to meet the tests of the policy.

Furthermore, CNPA support the Scottish Government's aim of creating 650,000ha of new woodland by the second half of the century. This is currently expressed through the aim of the National Park Partnership Plan (CD002) of delivering 5,000ha of new woodland in the National Park by 2022. The benefits of this are multiple, but the contribution of woodlands in helping to tackle greenhouse gas emissions is considered particularly important. Therefore Policy 4.3 is an important tool in meeting the objectives set out by the Climate Change Act (Scotland) 2009. CNPA regard the loss of woodland to development as being to the detriment of these objectives.

Due to the combined fact that the proposal would be contrary to the Proposed Plan policies and the potential significant environmental effects the Reporter on appeal PPA-001-2020 (CD041) believes development might have, CNPA do not support the allocation of a car park at this location. No modification is proposed (Mac Infrastructure Ltd, 168).

#### Cromdale - Developer obligations

CNPA do not support the proposed amendments in respect of Developer Obligations in Cromdale. Contributions towards affordable housing are a requirement for all development sites within the National Park, which is set out in Policy 1: Housing. Policy 1.5: Affordable Housing contains a clause that allows developers to negotiate a reduction in provision if viability is an issue. CNPA considers that the proposed wording would weaken the requirement. In addition, Policy 11: Developer obligations sets out the requirement for contributions and includes guidance on viability (paragraphs 4.162 and 4.163). Therefore it is not necessary to repeat this information within the settlement specific guidance. As a matter of practice, all developer obligations must be legally sound and again this is set out within the Policy so it is not necessary repeat this. No modification is proposed (R Locatelli and J Bremner, 148).

#### Cromdale H1: Kirk Road

The objection to the allocation of H1 is noted, however CNPA are of the view that the site is effective and contributes to the wider housing land supply of the area. All planning applications on the site will be subject to all policies to ensure appropriate mitigation for any impacts is provided (P MacLeod, 127).

Scottish Water's (193) suggestion to make reference to the need to contact them for asset protection guidance is noted, however CNPA do not consider that it is necessary within the LDP as it is a matter of process. CNPA will include this within the existing set of guidance notes for submitting planning applications where it is considered more appropriate. No modification proposed (Scottish Water, 193).

#### Cromdale H2: Auchroisk Park

Scottish Water's (193) suggestion to make reference to the need to contact them for asset protection guidance is noted, however CNPA do not consider that it is necessary within the LDP as it is a matter of process. CNPA will include this within the existing set of guidance notes for submitting planning applications where it is considered more appropriate. No modification proposed (Scottish Water, 193).

#### Cromdale ED1: The Smoke House

The request to amend the allocation from Economic development to mixed use is not supported. As an economic development allocation, there is already potential to develop the site for tourism, leisure and/or business/employment uses, therefore amending the allocation to incorporate these uses is not necessary. The house on the site should not be

affected as it is an existing dwelling and can remain in residential use. Therefore no modification is proposed (R Locatelli and J Bremner, 148).

In respect of the title of the site, CNPA do not object to renaming the site “**Rosebank Cottage and surrounding land**” if the Reporter is minded to accept this, to reflect that Rosebank is the main property on the site however it also includes the land around the cottage that has potential development opportunities (R Locatelli and J Bremner,148).

CNPA do not support the removal of the need for a Flood Risk Assessment and Drainage Impact Assessment. These are statutory requirements, requested by relevant statutory consultees and are required to ensure future development on the site is not affected by flood risk or drainage issues. Therefore no modification is proposed (R Locatelli and J Bremner, 148).

The suggested amendment to the first paragraph of the site specific guidance on page 155 is not supported on the basis that, as stated above, that the current allocation already provides opportunity for a number of uses and it is not considered necessary to specify these. The site lies within the settlement boundary and any alternative uses would be subject to all LDP policies (R Locatelli and J Bremner, 148).

#### Cromdale – other matters

The suggestion to remove the requirement for assessments and surveys on allocated sites is a general LDP issue and is covered under Issue 1: General (R Locatelli and J Bremner, 148).

#### Dalnain Bridge – general comments

CNPA supports any amendments that improve the accuracy of the Proposed Plan and would not object to the reference to a shop being replaced with a reference to a post office if the Reporter were minded to recommend it (Equal Adventures, 001).

The settlement objectives support the provision of safe active travel in the settlement, while Policy 8: Open space sport and recreation support the delivery of new leisure facilities. The Proposed Plan supports the delivery of internet services through Policy 6: The siting and design of digital communications equipment. However, it is the National Park Partnership Plan 2017 (CD002) that is the best policy document to support the delivery of digital infrastructure. No modification proposed (Equal Adventures, 001).

#### Dalnain Bridge H1: Land West of Play Area

Development of the site will need to meet the requirements set out in policy and the site information section. Mature trees may be protected if they are deemed valuable enough, however this will be decided on the basis of a full ecological survey. Protecting trees during construction and following it, either on site or adjacent to it, can be conditioned as part of a planning application. The site will also need to be landscaped and wildlife corridors may form part of this. Access, both vehicular and pedestrian, will need to be taken account of in the layout of the site and will need to be to the satisfaction of the roads authority; improvements to the existing network may form part of this. The site information already states that a Drainage Impact Assessment will be required and mitigation may be identified as a result of this. No modification proposed (D Harries and M Helmn, 059; BSCG, 187).

Scottish Water’s (193) suggestion to make reference to the need to contact them for asset protection guidance is noted, however CNPA do not consider that it is necessary within

the LDP as it is a matter of process. CNPA will include this within the existing set of guidance notes for submitting planning applications where it is considered more appropriate. No modification proposed (Scottish Water, 193).

#### Dulnain Bridge H2: Land adjacent to A938

CNPA do not object to SEPA's (085) proposed change as it reflects our best understanding of the site's constraints, if the Reporter were minded to recommend a change (SEPA, 085).

Scottish Water's (193) suggestion to make reference to the need to contact them for asset protection guidance is noted, however CNPA do not consider that it is necessary within the LDP as it is a matter of process. CNPA will include this within the existing set of guidance notes for submitting planning applications where it is considered more appropriate. No modification proposed (Scottish Water, 193).

Protecting trees during construction and following it, either on site or adjacent to it, can be conditioned as part of a planning application. No modification proposed (BSCG, 187).

#### Dulnain Bridge New Site: THC032 Ballintomb Wood

The proposal to allocate THC032 (which is identified on page 83 of the Main Issues Report (CD004) as an alternative site) is set against the de-allocation of H1 (Niall Calthorpe's 1959 Discretionary Settlement Trust, 147). The crux of this argument is that H1 will not be delivered within the Plan period and therefore an effective replacement is needed. This argument is not however supported by the Highland Council's latest Housing Land Audit (CD034) or the Cairngorms National Park Proposed Action Programme (CD011), for which the landowner was contacted about their intentions regarding the site. Even in the absence of H1, there is sufficient land allocated within the Proposed Plan to meet the Housing Land Requirement and 5-year effective land supply (see Appendix 1 of Proposed Plan).

CNPA does not agree that THC032 has more merit as an allocation than H1, its assessment being poorer throughout the site assessment process (CD018) and Strategic Environmental Assessment (CD006). The site itself does not specifically support Policy 1's aim to "*enable and actively support the delivery of new housing which is affordable and meets community needs, in turn supporting and growing the economy*", as this is a non-site specific matter. Furthermore, it is not an aim to be pursued without heed for other environmental and social concerns, as is set out in Paragraphs 4.1 and 4.2 of the Proposed Plan.

According to paragraph 194 of Scottish Planning Policy (2014), the planning system should "*...protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value*". So while CNPA recognise THC032 is a commercial plantation, CNPA does not support its loss to development, particularly as there is ancient woodland on site and reasonable alternatives available. Furthermore, CNPA support the Scottish Government's aim of creating 650,000ha of new woodland by the second half of the century. This is currently expressed through the National Park Partnership Plan's (CD002) aim of delivering 5,000ha of new woodland in the National Park by 2022. The benefits of this are multiple, but the contribution of woodlands in helping to tackle greenhouse gas emissions is considered particularly important. The Proposed Plan therefore aims to minimise the loss of existing trees and woodlands through development; this is set out in Policy 4.3: Woodlands, which

states “*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.*”.

The proposal at THC032 as set out by Niall Calthorpe's 1959 Discretionary Settlement Trust (147) does not meet these requirements and is therefore not supported by CNPA. No modification proposed (Niall Calthorpe's 1959 Discretionary Settlement Trust, 147).

#### Kincraig - Developer Obligations

The comments in respect of school capacity are noted however the 2019 school roll forecasts for Alvie Primary School do not anticipate the school roll exceeding 70% within the next 10 years and therefore there is sufficient capacity as it currently stands and a contribution would not be required. The forecasts may be re-run by Highland Council for any significant developments and if a prospective application is likely to result in the school being over capacity, contributions would be required at that stage. No modification proposed (H Brown, 008; J Knox, 145).

#### Kincraig H1: Opposite School

SEPA's (085) comments in respect of the flooding content are noted and CNPA agrees with this modification and considers it as a minor amendment if the Reporter is minded to accept it (SEPA, 085).

H1 is an existing allocation and provides an important contribution to local housing land supply. While concerns were raised in respect of scale, design and density, the site is allocated for up to 40 dwellings and any planning applications on the site will be subject to all policies including Policy 3.3: Sustainable Design. Any proposals for an increase in the number of units must be justified and will be subject to all relevant LDP policies. It is not considered necessary to include any additional requirements within the site specific guidance. No modifications proposed (H Brown, 008; J and L Mackay, 190; Macbean Road Residents Association, 191).

The request to require native species for the structural planting is noted. However it is not considered necessary to include this within the site specific information on the basis that this will be considered application stage and the most appropriate species used (WTS, 137).

#### Kincraig ED1: Baldow Smiddy

SEPA's (085) comments in respect of the flooding content are noted. CNPA agrees with this modification and considers it as a minor amendment, if the Reporter is minded to accept it (SEPA, 085).

#### Kincraig ED2: North of B9152

SEPA's (085) comments in respect of the flooding content are noted and CNPA agrees with this modification and considers it as a minor amendment if the Reporter is minded to accept it (SEPA, 085).

Concerns in respect of the allocation of ED2 are noted however CNPA consider that the site can be developed in a way that will not negatively impact on the character and amenity of Kincraig. It is understood that there is limited empirical evidence of identified need and demand of employment land in the National Park. However, given the small population and scale of settlements, it is difficult to obtain a representative picture of need

and demand for economic development land across the park, particularly as there are more localised pressures which may not be apparent or properly represented through research. The data used to inform the Proposed Plan's approach has been the most up to date available.

In addition, CNPA have a statutory requirement to allocate sites for economic development and include an Economic Development Policy within the LDP to support business and employment in the National Park. The National Planning Framework 3 (paragraphs 1.6 & 2.25) and Scottish Planning Policy recognise "*the continuing need for diversification of our rural economy to strengthen communities and retain young people in remote areas. Planning should address the development requirements of businesses and enable key opportunities for investment to be realised. It can support sustainable economic growth by providing a positive policy context for development that delivers economic benefits*" (Scottish Planning Policy, paragraph 92).

CNPA have allocated a number of sites for economic development along with a flexible economic development policy to support sustainable economic growth in the National Park. Scottish Planning Policy's planning principles for Supporting Business and Employment include allocating "*sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities*" (paragraph 93). It is considered that CNPA have done this through the approach set out in Policy 2: Economic Development and through the allocation of a range of sites, including ED2 in Kincaig to enable new opportunities for economic development as well as protect existing uses.

Scottish Planning Policy paragraph 101, page 26, requires development plans to "*allocate a range of sites for business, taking account of current market demand; location, size, quality and infrastructure requirements*" [amongst others]. As highlighted above, in the absence of more in-depth or representative information on the need and demand of employment land, CNPA have sought to ensure supply of the employment along in conjunction with the Economic Development Policy to ensure that the approach complies with National Guidance.

Any development proposals on the site will be subject to all policies including Policy 2: Economic Development and Policy 3: Sustainable Design to ensure that any development on the site is appropriate and sympathetic to its surroundings. In addition, issues relating to noise, lighting and road infrastructure will also be addressed through a planning application. While CNPA does not support restricting the type or use of economic development on the site (J Knox, 145; Macbean Road Residents Association, 191), it is considered appropriate to include a requirement within the site specific guidance on page 165 to ensure that any future proposals take consideration of the prominence of the site and make provision for appropriate screening and landscaping to minimise any impacts if the Reporter is minded to support it. Suggested wording:

***'Consideration of the prominence of the site must be taken into account and landscaping and structure planting will be required to ensure integration of the development with the surrounding landscape.'***

(J Knox, 145; Macbean Road Residents Association, 191)

#### Kincaig - Alternative site

The suggestion to allocate land adjoining ED1 is noted, however, no compelling argument for doing so has been provided other than as an alternative to ED2. CNPA do not support

the removal of ED2 and therefore there is no justification for the allocation of an additional site. No modification proposed (J and L Mackay, 190; Macbean Road Residents Association, 191).

#### Nethybridge - general

The alternatives to the allocated sites were considered and consulted on during the Main Issues Report process. There were no suitable, smaller alternatives to the preferred options, which have become H1 and H2 in the Proposed Plan. CNPA does not have a case to apply a higher level of affordable housing than 25% in Nethybridge. The explanation for this is located in the Housing Evidence Report (CD012) and discussed under Issue 3: New Housing Proposals (T Davis, 108).

#### Nethybridge H1: Lettoch Road

The site area for H1: Lettoch Road was influenced by the medium flood risk area as identified on SEPA's flood risk maps (D Black, 061). However, when allocating sites consideration was also given to the amount of land needed to meet the Housing Land Requirement (HLR) for the National Park as a whole and in the case of this site, the Badenoch and Strathspey Housing Market Area. As set out in Appendix 1 of the Proposed Plan, there is more than enough effective land to meet the HLR and therefore arguments around a shortage of sites does not exist within the National Park.

The site promoter's (D Black, 061) claim that 20 dwellings is unviable is unsubstantiated within their representation. CNPA question the validity of this claim given that the site is flat and without significant constraint. Policy 1.5: Affordable Housing contains a viability clause and therefore it will be up to the applicant at the time of a planning application to meet these requirements should they wish to make such arguments. However, it should be noted that viability arguments will only be considered favourably if it is demonstrated that high infrastructure or unforeseen costs are the cause. The cost of the land, which should reflect the cost of development, is not accepted as a valid reason. This is set out in the draft Housing Supplementary Guidance (CD021).

Further expansions to the site may be possible in the future, however this will be reviewed for the next Plan period on the basis of the need and sites available at the time (D Black, 061).

CNPA does not therefore agree with the expansion of the site to accommodate 42 dwellings as requested by D Black (061).

The site has been subject to site assessment (CD018), Strategic Environmental Assessment (CD006) and Habitats Regulations Appraisal (CD005). During this process, all the available alternatives were considered with H1 and H2 being the best in relative terms (T Davis, 108). The site has been found to be of relatively low ecological value, though it is accepted that locally there could be some adverse effects on landscape quality. Mitigation measures can however be conditioned to minimise this and may even result in an improvement (BSCG, 187; T Davis, 108; S and S Crawford, 072; W Paterson, 077). Nethy Bridge is constrained by woodland and the River Nethy, therefore some form of linear development is inevitable. However, there is sufficient land to provide in-depth development and therefore ribbon development will be avoided (Anonymous, 064; S and S Crawford, 072; W Paterson, 077; T Davis, 108). The roads authority, which in this case is Highland Council, offer no objection to H1: Lettoch Road. There is sufficient room to accommodate safe access, a pedestrian footpath and a safe crossing should one be required. Furthermore, there is room for two vehicles to pass one another on this road.

With the nearest bus stop around 800m away, it is likely that more vehicular journeys will be generated, however, with only 20 dwellings proposed, this is unlikely to be significant (S and S Crawford, 072; W Paterson, 077; T Davis, 108).

The planning system has little direct control over second homes and CNPA cannot apply occupancy conditions to housing. This reflects the contents of the Chief Planner's letter on occupancy conditions and rural housing dated 4th November 2011 (CD071), which states "*The Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided*". The letter does not allow occupancy restrictions to be issued simply on the grounds of the potential use of the dwelling, the origin of the occupier or the workplace of the occupier. The fact that there is a high proportion of ineffective stock in Nethy Bridge is not however an argument for no development, as housing need still needs to be met. The Proposed Plan however aims to discourage second home and holiday home use through Policy 1.3: Designing for Affordability, which can be used to encourage house types that are not typically attractive to this market (Anonymous, 064; T Davis, 108; S and S Crawford, 072; W Paterson, 077).

Taken together with site H2, CNPA does not agree that 24 dwellings is too much for Nethy Bridge, either over the five years the Plan will be in place, or the 10 years it identifies housing for. Indeed, it only represents an increase of around 5% in the settlement's estimated total housing stock (R Turnbull, 179).

Scottish Water have not objected to the principle of development on the grounds of water or sewage capacity and these matters would not prevent development. Applicants will need to contact Scottish Water to see if upgrades were needed as a result of the development and if so would need to contribute towards the upgrade through a developer obligation (T Davis, 108; S and S Crawford, 072; W Paterson, 077).

CNPA do not therefore agree with deleting the site or reducing it to 10 dwellings. CNPA also cannot require the developers to deliver and maintain allotments, since planning obligations can only be levied to address issues relating to the development. The provision of allotments does not meet this test (R Turnbull, 179).

CNPA do not object to SEPA's (085) proposed change as it reflects our best understanding of the site's constraints. CNPA consider this to be a minor change.

Scottish Water's (193) suggestion to make reference to the need to contact them for asset protection guidance is noted, however CNPA do not consider that it is necessary within the LDP as it is a matter of process. CNPA will include this within the existing set of guidance notes for submitting planning applications where it is considered more appropriate. No modification proposed (Scottish Water, 193).

#### Nethybridge H2: Land at Lynstock Crescent

The site is not on the Crofting Register and even if it was, it would not prohibit development. It does not provide any form of formal open space and the area adjacent to the path is unlikely to be suitable for development due to flood constraints. It is included to allow for mitigation. It is unknown what is meant by the site being 'premature' (BSCG, 187).

CNPA do not object to SEPA's (085) proposed change as it reflects our best understanding of the site's constraints. Therefore CNPA would not object should the Reporter be minded to make a change.

Scottish Water's (193) suggestion to make reference to the need to contact them for asset protection guidance is noted, however CNPA do not consider that it is necessary within the LDP as it is a matter of process. CNPA will include this within the existing set of guidance notes for submitting planning applications where it is considered more appropriate. No modification proposed (Scottish Water, 193).

#### Nethybridge - Deletion of Site H1: Craigmore Road

H1: Craigmore Road, as identified in the current 2015 LDP (CD001), has been allocated in some form since the Badenoch and Strathspey Local Plan 1997 (CD028). Its most recent planning history is of a refused application for the erection of 30 houses, including 10 affordable house plots, and 8 small business units (approval of reserved matters) (09/052/CP) (CD068). The current Action Programme (2019) (CD027) assesses the site as having significant infrastructure or other constraints that make the development undeliverable. These constraints are listed as:

- Natural heritage.
- Small watercourse adjacent to site and further flood risk information will be required.
- Overhead network crossing the site will require diverting or undergrounding.

Significantly, the whole site is identified as high quality ancient woodland. According to paragraph 194 of Scottish Planning Policy, the planning system should “...*protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value*”. Therefore CNPA does not support the loss of this woodland to development, particularly as there are other reasonable alternatives available. Furthermore, CNPA support the Scottish Government's aim of creating 650,000ha of new woodland by the second half of the century. This is currently expressed through the National Park Partnership Plan's (CD002) aim of delivering 5,000ha of new woodland in the National Park by 2022. The benefits of this are multiple, but the contribution of woodlands in helping to tackle greenhouse gas emissions is considered particularly important. The Proposed Plan therefore aims to minimise the loss of existing trees and woodlands through development; this is set out in Policy 4.3: Woodlands, which states “*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.*”.

The proposal at H1: Craigmore Road as set out by Tulloch Homes Ltd (083) does not meet these requirements and is therefore not supported by CNPA. Overall, CNPA does not agree that H1: Craigmore Road has more merit as an allocation than H1: Lettoch Road, its assessment being poorer throughout the site assessment process (CD018) and Strategic Environmental Assessment (CD006).

#### Nethybridge New Site: Land north east of Nethybridge Hotel

This is the first time the land north east of Nethybridge Hotel has been proposed for allocation. It was not therefore considered in advance of the Main Issues Report and was not identified as an alternative site during that period. It has not been subject to any form of site assessment and the site's promoters (Tulloch Homes Ltd, 083) have not provided any information in this respect. While the site may be centrally located, CNPA regard the land as forming an important backdrop to the historic Nethybridge Hotel and one that the Protected Open Space designation is designed to protect, as it does in the current Local

Development Plan 2015 (CD001). CNPA are comfortable that there is sufficient effective housing land identified within Nethy Bridge, and the Badenoch and Strathspey Housing Market Area as a whole, as set out in Appendix 1 of the Proposed Plan. CNPA does not therefore support the allocation of this site during the current Plan period (Tulloch, 083).

**Reporter's conclusions:**

**Reporter's recommendations:**

## Relevant Documents Page – Issue 10, Other Intermediate Settlements

### 1. Schedule 4

### 2. Representations

015, E Stuart  
031, E and J MacGregor  
047, P Wright  
049, J and E MacGregor  
057, A McAleney  
085, Scottish Environment Protection Agency (SEPA)  
094, Mr and Mrs Foran  
114, Perth and Kinross Council  
119, N Wienand  
130, F Wienand  
133, Atholl Estates  
137, Woodland Trust Scotland (WTS)  
151, C Cowell  
164, A Gordon-Gibson  
193, Scottish Water  
194, Highlands and Islands Enterprise (HIE)  
207, Crown Estate Scotland

### 3. Site Maps

Issue 10 - remove H1, Blair Atholl  
Issue 10 - replace H1 with new site and PKC007, Blair Atholl  
Issue 10 - relocate H1 to opposite end of field, Blair Atholl  
Issue 10 - new sites to replace H1, Blair Atholl  
Issue 10 - replace H1 with new central sites, Blair Atholl  
Issue 10 - remove H2, Blair Atholl  
Issue 10 - extend settlement boundary for more housing, Tomintoul  
Issue 10 - additional land, extension to T1, Tomintoul  
Issue 10 - remove T1, Tomintoul

### 4. Representee Documents

RD023 Email - Local Development Plan - A Gordon-Gibson - 164 - Issue 10

### 5. Authority Documents

CD004 - Main Issues Report  
CD005 - Habitat Regulations Appraisal  
CD006 - Strategic Environmental Assessment  
CD009 - Statement of Conformity with the Participation Statement  
CD012 - Housing Evidence Report  
CD018 - site assessment report  
CD048 – 2017/0060/DET  
CD069 – 2014/0311/DET  
CD071 - Chief Planner's letter on occupancy conditions and rural housing dated 4th November 2011

<b>Issue 10</b>	<b>Other Intermediate Settlements</b>	
<b>Development plan reference:</b>	Blair Atholl (pages 129 – 134), Tomintoul (pages 170 – 174)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
015 E Stuart 031 E and J MacGregor 047 P Wright 049 J and E MacGregor 057 A McAleney 085 Scottish Environment Protection Agency (SEPA) 094 Mr and Mrs Foran 114 Perth and Kinross Council 119 N Wienand 130 F Wienand 133 Atholl Estates 137 Woodland Trust Scotland (WTS) 151 C Cowell 164 A Gordon-Gibson 193 Scottish Water 194 Highlands and Islands Enterprise (HIE) 207 Crown Estate Scotland		
<b>Provision of the development plan to which the issue relates:</b>	Blair Atholl Tomintoul	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Blair Atholl - Settlement objectives</u>  Atholl Estates (133) request the inclusion of an additional objective to:  '<b>Support Blair Atholl's local economic service role and the provision of the future expansion of allocation ED1 Blair Atholl Sawmill Yard to comply with wider infrastructure, design, heritage and amenity policies 2, 3, 4 and 5 objectives of the LDP</b>'.</p> <p>Atholl Estates (133) also request the removal of the 45% affordable housing requirement for Blair Atholl and reduce this to 25% for developments of more than 5 private homes.</p> <p><u>Blair Atholl H1: Old Bridge of Tilt</u>  Objection is expressed to the allocation of H1 (E and J MacGregor, 031; J and E MacGregor, 049; C Cowell, 151; A Gordon-Gibson, 164).</p> <p>A number of concerns are raised that development will:</p> <ul style="list-style-type: none"> <li>• 'Stretch' Old Bridge of Tilt towards Blair Atholl, leading to them merging and create a sprawling village (E and J MacGregor, 031; J and E MacGregor, 049; C Cowell, 151).</li> <li>• Lead to an increase in noise and lighting in the area (E and J MacGregor, 031; J and E MacGregor, 049; C Cowell, 151), which could impact on bats (C Cowell,</li> </ul>		

151).

- Increase traffic on the already busy road (E and J MacGregor, 031; C Cowell, 151; A Gibson, 164). The current road from the site to the village is unsafe for pedestrians (J and E MacGregor, 049; C Cowell, 151).
- Have dangerous access (J and E MacGregor, 049; C Cowell, 151). One respondent is of the view that it does not make sense to upgrade the road (J and E MacGregor, 049), while another is of the view that a single access is preferable and there must be sufficient room for larger vehicles (such as refuse collection lorries) to enter the site and turn, and that a new junction is required from the main B8079 onto the Glen Tilt Road that leads to H1 (C Cowell, 151).
- Increased reliance on cars as no public transport and poor active travel provision (C Cowell, 151), and the site is far from local community facilities in Blair Atholl (C Cowell, 151; A Gordon-Gibson, 164).
- Detract from the distinct heritage of Blair Atholl (E and J MacGregor, 031) and impact on the rural character / atmosphere of this area (J and E MacGregor, 049; C Cowell, 151). There is no history of development on this site (J and E MacGregor, 049; C Cowell, 151).
- Be too significant in scale and will double the population of Old Bridge of Tilt (J and E MacGregor, 049; C Cowell, 151).
- Not be in keeping with the existing development pattern / traditional design style (J and E MacGregor, 049; C Cowell, 151).
- Impact on the landscape (J and E MacGregor, 049; C Cowell, 151) as H1 is more prominent than existing housing, which is 'nestled' in at the foot of a slope (J and E MacGregor, 049) and negatively affect tourism (C Cowell, 151).
- Not be maintained as affordable in perpetuity and houses being allocated to people not from the area who will travel to work in other places (J and E MacGregor, 049).
- Become second homes or be bought from people outwith the area who will inflate the prices, making the houses unaffordable for local people (J and E MacGregor, 049; C Cowell, 151).
- Impact on protected species on the site and in the woodland adjacent to the River Tay Special Area of Conservation (SAC) (C Cowell, 151; A Gordon-Gibson, 164) and there should be no additional foot passage through the woodlands (C Cowell, 151).
- Impact on waste water, sewage and the water table (A Gordon-Gibson, 164).

Perth and Kinross Council (114) request that it should be noted in the site specific guidance for H1 (page 130) that Perth and Kinross Council are the roads authority and request the addition of the following to the last paragraph: '...to the satisfaction of Perth and Kinross Council as Roads Authority'.

Scottish Water (193) note reference to water infrastructure that crosses the site and request that the following is added:

**'Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance'.**

In response to their objection to H1, E and J MacGregor (031) and J and E MacGregor (049) suggest that housing should be allocated at the bottom of the same field or 'below the terrace' at the entrance to the village from the south instead of H1. The land 'below the terrace', while not specified by the respondent, is assumed to refer to PKC007 in the Main Issues Report on page 73 (CD004) and potentially the area to the north of this.

In respect of the opposite end of the field to H1, J and E MacGregor (049) propose that this site could be developed at a lower density and would require less road improvements and has sufficient space for a footpath.

J and E MacGregor (049) are also of the view that the land below the terrace is suitable and is not at risk from flooding as it has not been affected by flooding, even when other parts of the village have been. They state that the land rises between the sewage treatment works to where the old A9 meets the village (outwith PKC007). They also make the case that development in this area would require less infrastructure and disruption.

C Cowell (151) and A Gordon-Gibson (164) are of the view that H2 has greater potential for development and put forward the case that additional sites, including an extension to H2, would be a more suitable alternative. C Cowell (151) suggests the allocation of three additional sites to the east of H2 and is of the view that they would be more appropriate than H1. C Cowell (151) proposes that development along the B8079 could mirror the existing development on the opposite side of the road, and is more suitable on account of the case made for H2: it is in close proximity to local services, public transport and utilities infrastructure and has good access from the B8079.

A Gordon-Gibson (164) also suggested the 'Old Station Yard' by the railway station and the fields opposite the Atholl Arms Hotel as they are 'suitable and popularly supported'.

#### Blair Atholl H2: Main Road

A McAleney (057) objects to the allocation of H2. A number of concerns are expressed:

- The site is not located within the village and would require greater infrastructure / utility costs.
- Houses on the site could become second homes.
- Landscape/visual impact.

Perth and Kinross Council (114) request that it should be noted in the site specific guidance for H2 on page 131 that Perth and Kinross Council are the roads authority and request the addition of the following requirement on page 131:

**'Road and access improvements (including pedestrian provision) to the satisfaction of Perth and Kinross Council as Roads Authority.'**

Support for the allocation of H2 is expressed (C Cowell, 151; A Gordon-Gibson, 164) as it is in close proximity to local services, public transport and utilities infrastructure and has good access from the B8079. They are also of the view there is greater scope to expand from this site, which could be used as an alternative to allocating H1.

#### Blair Atholl ED1: Blair Atholl Sawmill Yard

Atholl Estates (133) have noted that the Sawmill Yard is established and developed and have requested additional capacity to grow the site. They propose that this is provided within the LDP subject to all relevant policies.

#### Blair Atholl T1: Blair Castle Caravan Park

WTS (137) note the presence of ancient woodland to the north of the site, which should be protected and enhanced and this should be included in the site specific guidance on page 132.

#### Blair Atholl T2: Caravan Park

SEPA (085) request an amendment to the site specific information for T2 on page 133 to

remove the first sentence of the second paragraph in relation to flood risk. This is because the Drainage Impact Assessment will address surface water flooding.

#### Blair Atholl – Other matters

J and E MacGregor (049) expressed dissatisfaction with the consultation event and publicising of the events. They are of the view that the events were simply a 'paper exercise' and decisions had already been made. They added that opportunities to publicise the events on social media and using modern communications should have been used as many local people did not know about it.

A McAleney (057) highlighted that they found difficulty accessing the information regarding the Proposed Plan on the website.

#### Tomintoul – General comments

A couple of responders object to the way they were notified, with one concerned that the engagement event held in the settlement was not advertised in the village (i.e. in the local Post Office) (Mr and Mrs Foran, 094) and another saying only two residents were notified of site at T1 (F Wienand, 130). F Wienand (130) argues that there should have been a site notice.

HIE (194) suggest extending the settlement boundary to the north west to accommodate more housing land.

#### Tomintoul T1: Land to the South West

A number of objections are made against the site because:

- It will cause disruption to households, wildlife, forestry and plants (E Stuart, 015; Mr and Mrs Foran, 094)
- Woodland should not be developed; it is naturally regenerating and of varying ages (E Stuart, 015; P Wright, 047; N Wienand, 119)
- Part of site is meant to deliver compensatory planting for wigwam development (2014/0311/DET) (CD069) (E Stuart, 015)
- Woodland is habitat for red squirrel, bats, pine marten, water voles, hedgehogs, roe deer and woodpecker (E Stuart, 015; N Wienand, 119; F Wienand, 130).
- Site is a wildlife corridor (E Stuart, 015).
- The area is of high recreational value (E Stuart, 015; N Wienand, 119).
- It will cause noise pollution (Mr and Mrs Foran, 094).
- Poor access (N Wienand, 119; F Wienand, 130).
- It will result in more traffic (Mr and Mrs Foran, 094).
- Lack of water and sewage capacity (Mr and Mrs Foran, 094).
- Water pressure already too low (Mr and Mrs Foran, 094).

N Wienand (119) argues that the wigwam development (2014/0311/DET) (CD069) has been 'destructive' and evidence that a tourism designation has led to negative impacts on the area's amenity. This is used as a evidence as to why a tourism designation would not be able to protect the features highlighted in their response.

It was asked what development was proposed for the land west of Military Road (P Wright, 047).

Crown Estate Scotland (207) request that the Protected Opens Space adjacent to T1 be made part of the tourism allocation.

SEPA (085) comment that a full Flood Risk Assessment may not be required depending on proposed use/layout and therefor recommend a change to the site requirements to reflect this.

Scottish Water (193) request that text be added to direct developers to contact Scottish Water.

### **Modifications sought by those submitting representations:**

#### Blair Atholl - Settlement objectives

- Inclusion of an additional objective to: 'Support Blair Atholl's local economic service role and the provision of the future expansion of allocation ED1 Blair Atholl Sawmill Yard to comply with wider infrastructure, design, heritage and amenity policies 2, 3, 4 and 5 objectives of the LDP' (Atholl Estates, 133).
- Remove the 45% affordable housing requirement for Blair Atholl and reduce this to 25% for developments of more than 5 private homes (Atholl Estates, 133).

#### Blair Atholl H1: Old Bridge of Tilt

- Remove allocation of H1 (E and J MacGregor, 031; J and E MacGregor, 049; C Cowell, 151; A Gordon-Gibson, 164).
- Remove allocation of H1 and allocate land at the opposite end of the field to H1 (E and J MacGregor, 031; J and E MacGregor, 049), the land below the 'terrace' at the southern entrance to Blair Atholl (E and J MacGregor, 031), to the north and east of H2 (C Cowell, 151), the 'Old Railway Yard' by the train station or the fields opposite the Atholl Arms hotel (A Gordon-Gibson, 164).
- Insert, after "*Sewer mains cross this site*", the following to the end of the last paragraph of the site specific guidance (page 130):  
**'...to the satisfaction of Perth and Kinross Council as Roads Authority.'**  
(Perth and Kinross Council, 114)
- Include the following at the end of the third paragraph of the site specific guidance (page 130):  
**'Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance'**  
(Scottish Water, 193)
- Require the following conditions to be attached to any proposals on H1:
  - Increase road capacity on the Glen Tilt Road;
  - Address 'bottleneck' for traffic to the north of the site;
  - Construction traffic access must be kept away from existing houses;
  - Require new junction from the B8079 onto the Glen Tilt Road;
  - Require a single point of access;
  - Require a new footpath to the village, not through the existing woodland
  - Make off road provision for large vehicles on the site (such as for refuse collection lorries);
  - Resolve core path safety issues; and
  - Undertake Environmental Impact Assessment for potential impacts on protected species.  
(C Cowell, 151)

#### Blair Atholl H2: Main Road

- Remove allocation of H2 (A McAleney, 057).

#### Blair Atholl ED1: Blair Atholl Sawmill Yard

- Include additional capacity to grow the site within the LDP subject to all relevant policies (Atholl Estates, 133).

#### Blair Atholl T1: Blair Castle Caravan Park

- Include a requirement in the site specific guidance on page 132 to protect and enhance the ancient woodland to the north of the site (WTS, 137).

#### Blair Atholl T2: Caravan Park

- Remove first sentence of second paragraph 'Any proposals...Developable area' from the site specific guidance on page 133 (SEPA, 085).

#### Tomintoul – General comments

- Extend settlement boundary to north-west to accommodate more housing land (HIE, 194).

#### Tomintoul T1: Land to the South West

- Delete T1 (P Wright, 047; Mr and Mrs Foran, 094)
- Delete T1 and maintain current designation (N Wienand, 118)
- Substitute protected open space land shown south of Delanbo Road and north of T1 with an extended T1 tourism allocation (Crown Estate Scotland, 207).
- Change wording to:  
'Owing to...a Flood Risk Assessment **or other supporting information** will be required....'  
(SEPA, 085)
- Add following wording:  
**"Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance."**  
(Scottish Water, 193)

### **Summary of responses (including reasons) by planning authority:**

#### Blair Atholl - Settlement objectives

The request to include an additional settlement objective is noted, however reference to allocated sites should be contained within the site specific information, which in this case is on page 131. While the respondent (Atholl Estates, 133) requested additional capacity to grow the site, no specific information relating to the detail of this has been provided. It is considered more appropriate for any future proposals to be assessed on their merits through a planning application. All planning applications are subject to all relevant policies and therefore it is not necessary to specify which policies are of relevance to a proposal. No modification proposed (Atholl Estates, 133).

The evidence base for the need for the 45% affordable housing requirement is set out in the Housing Evidence Report (CD012) and discussed under Issue 3: New Housing Proposals. No modifications proposed (Atholl Estates, 133).

#### Blair Atholl - H1: Old Bridge of Tilt

The representations (E and J MacGregor, 031; J and E MacGregor, 049; C Cowell, 151; A Gordon-Gibson, 164) arguing for the removal the allocation are noted but not supported by CNPA. CNPA has a statutory duty to ensure there is an effective housing land supply to meet housing needs as identified in the Housing Supply Target (HST) (this is discussed in

the Housing Evidence Report (CD012). Past completion rates demonstrate that it is unrealistic to expect that the housing supply target can be met from windfall sites alone and therefore allocated land is required to meet housing needs.

When considering the number of dwellings needed in Blair Atholl, it is necessary to take account of what the HST is for the area is. As set out in Table 1 of the Proposed Plan, the HST for the Perth and Kinross part of the Park is 27 units between 2020 and 2024 and a further 16 units between 2025 and 2029. As required by Scottish Planning Policy (paragraph 116), this has a 10% level of generosity applied to it to give a Housing Land Requirement (HLR) of 47 units for the period of 2020-2029.

Consent for 8 dwellings (2017/0264/DET) (CD048) exists on a windfall site, however work is yet to begin. Completion is expected pre-2020 or early in the period of 2020-2024. This does not cover the entire HLR and there are no allocated housing sites within the Perth and Kinross part of the National Park. Blair Atholl's status in the settlement hierarchy as an intermediate settlement also needs to be considered. It is the position of CNPA that 8 dwellings will not be sufficient to meet the housing needs of the settlement, or the needs of the needs of area as a whole, up to 2029.

Delivery rates on H1 are estimated to be in the region of 20 units within the 2020-2024 period. Overall, it is expected that across the Perth and Kinross area of the National Park, around 28 dwellings will be delivered between 2020-2024 and a further 2 over the period 2025-2029 (however additional housing delivery from windfall is expected during this period). The delivery of H1 therefore represents a significant proportion of this. The Proposed Plan may also give a broad indication of where future need will be met.

In conclusion therefore, removing the allocation of H1 in its entirety will mean that the HST and the HLR is not met. Therefore no modifications are proposed (E and J MacGregor, 031; J and E MacGregor, 049; C Cowell, 151; A Gordon-Gibson, 164).

A number of concerns in relation to the site were expressed, which are noted. In respect of development of H1 resulting in the 'sprawling' or merging of Blair Atholl and Old Bridge of Tilt, it is not the intention of the current allocation to do this. The current H1 site remains some distance from the core of Blair Atholl village and will form an extension to Old Bridge of Tilt (E and J MacGregor, 031; J and E MacGregor, 049; C Cowell, 151).

Concerns in respect of lighting, noise and accessibility are all noted. These will be assessed through the planning application process and will subject to all relevant policies to ensure impacts are appropriately managed. Prior consultation with the relevant Road Authority indicated that road improvements would be required, particularly around the entrance to the site, and wider improvements may be required along the road for safety (E and J MacGregor, 031; J and E MacGregor, 049; C Cowell, 151; A Gordon-Gibson, 164).

Given the rural nature of Blair Atholl and its surroundings, there is an existing reliance on cars, not only to access services in Blair Atholl but also other larger service centres. It is considered that the site lies in relatively close proximity to local facilities, particularly in comparison to many other housing groups in the area. While the use of public transport is encouraged, use in this area is still very low and it is not possible to base housing allocations on this alone. However, ensuring a safe pedestrian access to the village is key and will help to support active travel and use of public transport. Therefore the site specific guidance (page 130) explicitly requires that development should ensure "*there is a safe access between the site and village*" (C Cowell, 151; A Gordon-Gibson, 164).

As mentioned, any development proposals will be subject to all relevant policies, including Sustainable Design (Policy 3) to ensure that the development is sympathetic to its surroundings. In addition, the site specific information (page130) specifically states for H1 that “*development should seek to complement the existing character of Old Bridge of Tilt*” (J and E MacGregor, 049; C Cowell, 151). A lack of development on a site is not in itself a factor that affects a site’s suitability for future development (J and E MacGregor, 049; C Cowell, 151).

Concerns in respect of the density of the site are noted, however the existing pattern of development is very low density and allocating H1 at a similar density increases the likelihood of larger detached houses that would not meet current housing need. The density of the site at 20 houses per hectare is still lower than many parts of Blair Atholl and can comfortably accommodate the proposed level of housing. There is a greater need to deliver smaller and more affordable units and it is therefore considered that the density and scale of H1 is appropriate. In respect of concerns about more modern housing design, as noted by a number of respondents, Old Bridge of Tilt has seen a number of new houses in recent years that have integrated within the existing houses. It is considered possible for additional houses that are appropriately designed to also achieve this. Therefore no modifications proposed (J and E MacGregor, 049; C Cowell, 151).

Impacts on the wider landscape will be assessed at the planning application stage – as noted, planning applications are subject to all relevant LDP policies, which include Policy 5: Landscape (J and E MacGregor, 049; C Cowell, 151).

The Plan has limited scope to control second home ownership and no control at all with respect to the existing stock. For example, since the issuing of the Chief Planner’s letter on occupancy conditions and rural housing dated 4th November 2011 (CD071), which states “*The Scottish Government believes that occupancy restrictions are rarely appropriate and so should generally be avoided*”, the CNPA does not believe it has a strong case for issuing them. The letter does not allow occupancy restrictions to be issued simply on the grounds of the potential use of the dwelling, the origin of the buyer or the workplace of the buyer.

The Plan therefore only has control in a number of limited areas. Firstly, with respect to affordable housing, this may be prevented from becoming second homes on the basis that conditions may be placed on its occupancy, through its management by a housing association or through title deed stipulations such as the Rural Housing Burden. CNPA also aims to influence the occupancy of dwellings through their size and design, which can be influenced through Policy 1.4 Designing for Affordability. Anecdotally, new dwellings that are small, terraced or semi-detached do not appeal to the second home market. Therefore it is hoped that by encouraging this form of development, fewer properties will fall into second home ownership (J and E MacGregor, 049; C Cowell, 151).

All sites within the Proposed Plan have been subject to a Strategic Environmental Assessment (CD006) and Habitat Regulations Appraisal (CD005) to ensure that development of the site can be achieved without causing any significant impacts on designations and protected species, such as the River Tay Special Area of Conservation. In addition, Policy 4: Natural Heritage applies would apply to a planning application, safeguarding natural heritage interests. Mitigation may be required as set out in the site specific guidance map on page 130 and Table 4 on pages 86 and 87 (C Cowell, 151; A Gordon-Gibson, 164).

The request to include additional wording in respect of road improvements to the satisfaction of Perth and Kinross as Roads Authority are noted, however CNPA do not consider that this is necessary. All planning applications are required to consult the relevant Roads Authority however it is not necessary to specify this for each site and therefore it is not needed for H1. No modification proposed (Perth and Kinross Council, 114).

The requirements for waste water and sewage are also contained within the site specific guidance (page 130) and have been informed by prior consultation with Scottish Water (A Gordon-Gibson, 164).

Scottish Water's (193) suggestion to make reference to the need for a Pre Development Enquiry form is noted, however CNPA do not consider that it is necessary within the LDP as it is a matter of process. CNPA will include this within the existing set of guidance notes for submitting planning applications where it is considered more appropriate. No modification proposed (Scottish Water, 193).

As set out above, and explored in greater depth in the Housing Schedule 4 (Issue 3) and Housing Evidence Report (CD012), CNPA estimate that there is enough effective land to meet and exceed the housing land requirement in the Perth and Kinross part of the National Park. Therefore there is no basis or justification for identifying additional housing allocations in Blair Atholl. It is not considered that any compelling justification or detailed information has been provided to demonstrate that the alternative options are more suitable and deliverable than H1. Any proposals on these sites should be progressed through an individual planning application subject to all LDP policies. No modification proposed (E and J MacGregor, 031; J and E MacGregor, 049; C Cowell, 151; A Gordon-Gibson, 164).

In respect of the land 'below the terrace' at the southern entrance to Blair Atholl, it was argued that this site should not be ruled out on account of flood risk. While the respondent did not provide an exact extent of the site they are referring to, it is assumed that this includes PKC007, which was considered at the 'Call for sites and ideas' and Main Issues Report stage (CD004). For clarification, while the site contains some limited surface water flooding, it was not ruled out on flood risk grounds as suggested, but due to the significant landscape impact on the setting of Blair Atholl (J and E MacGregor, 049).

C Cowell (151) provide maps of additional suggested sites adjacent to H2 and the B8079. The scale of these proposals, while intended to provide a longer term housing options, are in excess of the level of housing required over the next 10 years. As with the other suggestions, limited information in respect of the details and deliverability of the proposed sites have been submitted and it is not considered that there is a compelling argument for the allocation of these at this time. No modification proposed (C Cowell, 151).

#### Blair Atholl - H2: Main Road

The objection to the allocation of H2 is noted. As set out in respect of H1, H2 also provides an important contribution to the Housing Supply Target and Housing Land Requirement. CNPA do not support the removal of the site (A McAleney, 057).

The concerns raised are noted, however it is considered that both H1 and H2 lie in close proximity to Blair Atholl. Again, concerns about the potential for the housing to become second homes are understood but it is not an issue that the LDP can influence. As

highlighted in H1, Policy 1: New Housing Development now encourages “*designing for affordability*” (Policy 1.4) to ensure a greater mix in the types of houses built to help provide a more balanced housing stock, with a focus on smaller dwellings that are less desirable as second homes (A McAleney, 057).

Impacts on the wider landscape will be assessed at the planning application stage and as noted, planning applications are subject to all relevant LDP policies, which include Policy 5: Landscape (J and E MacGregor, 049; C Cowell, 151).

The request to include additional wording in respect of road improvements to the satisfaction of Perth and Kinross as Roads Authority are noted however CNPA do not consider that this is necessary. All planning applications are required to consult the relevant Roads Authority, however it is not necessary to specify this for each site and therefore it is not needed for H2. No modification proposed (Perth and Kinross Council, 114).

#### Blair Atholl - ED1: Blair Atholl Sawmill Yard

While the respondent requested additional capacity to grow the site, no specific information relating to the detail of this has been provided and it is considered more appropriate for any future proposals to be assessed on their merits through a planning application. All planning applications are subject to all relevant policies and therefore it is not necessary to specify which policies are of relevance to a proposal. No modification proposed (Atholl Estates, 133).

#### Blair Atholl T1: Blair Castle Caravan Park

The presence of ancient woodland has been identified in the site assessment report (CD018) and Strategic Environmental Assessment (CD006). Where such woodland forms an intrinsic part of the site and proposed development has the potential to have an impact on it, the site specific guidance recognises this. In this instance, the Strategic Environmental Assessment does not identify any site specific effects and therefore any future proposals will be subject to the Woodlands Policy 4.3. No modification proposed (WTS, 137).

#### Blair Atholl - T2: Caravan Park

SEPA’s (085) comments in respect of the flooding content are noted. CNPA agrees with this modification and considers it as a minor amendment, if the Reporter is minded to accept it (SEPA, 085).

#### Blair Atholl – other matters

CNPA note the comments made regarding the consultation (J and E MacGregor, 049; A McAleney, 057). Significant effort was made to publicise both the consultation and events, with social media being used extensively to raise awareness about the issues and tell communities about events. Our engagement statistics (see the Statement of Conformity with the Participation Statement (CD009)) engaged a record number of people across the National Park using a variety of social media channels – Facebook, Twitter, Instagram and Youtube as well as CNPA website. Copies of the Proposed Plan and posters detailing the events were emailed and posted to community councils to publicise in their area. Notification letters were sent out in accordance with Part 14 and Schedule 2 of The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 to all addresses within 20 metres of a proposed development. It is acknowledged that engaging people in local development plans can be challenging, however CNPA are satisfied that considerable effort was made to not only publicise the consultation but also using videos

to give people clear information about how to get involved.

#### Tomintoul – General comments

Engagement events were advertised on social media, CNPA website and posters were sent out to Community Councils and Associations to put up in their local area. CNPA agree that the method of distributing posters has been problematic as some Community Councils and Associations did not do this. Notification letters were sent out in accordance with Part 14 and Schedule 2 of The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 to all addresses within 20 metres of a proposed development. Letters were sent to forty addresses in Tomintoul, including six to addresses within 20 metres of T1: Land to the South West. There is no requirement to place site notices and CNPA has not committed to doing so in its Participation Statement (see the Statement of Conformity with the Participation Statement (CD009)) (Mr and Mrs Foran, 094; F Wienand, 130). No modifications proposed.

Sites in Tomintoul are identified on the basis of the Call for Sites process and no further sites for housing were submitted at that time or during subsequent consultation. CNPA does not therefore support HIE's (194) suggestion to extend the settlement boundary to the north as it is speculative in nature and there is no evidence of effective housing land in this area. Housing development outwith the settlement boundary may still come forward providing in is in accordance with Policy 1.6: Affordable Housing exceptions sites. No modifications proposed (HIE, 194).

#### Tomintoul - T1: Land to the South West

The area allocated as T1: Land to the South West in the Proposed Plan is allocated in the current Local Development Plan 2015 (CD001), but with a slightly smaller area. It is this area of the site that responders are objecting to. The expansion of the site takes in the area consented and currently being implemented for wigwams (2014/0311/DET (CD069)), and while several responders have been critical of this development (E Stuart, 015; N Wienand, 119; F Wienand, 130), the principle of the consent appears to be accepted.

Two conditions of the consent (2014/0311/DET (CD069)) are of relevance to the objections made to the Proposed Plan, namely:

- **Condition 3 Maintenance and Management Plan Woodland Area:**  
“No development shall commence until an objective-based maintenance and management plan for the application site woodland, detailing long term management, has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. This should seek to enhance the diversity and attractiveness of the woodland for site users and for the public in the wider landscape. The development shall be implemented in full accordance with the approved maintenance and management plan.”  
and
- **Condition 5 Scheme of Compensatory Planting:**  
“No development shall commence on site until a scheme of compensatory planting, and an objective-based maintenance and management plan for the Habitat Mitigation Area, has been submitted to and approved in writing by the Cairngorms National Park Authority acting as Planning Authority. The compensatory planting should only be provided on the Habitat Mitigation Area extending to 0.64 hectares and shown hatched red on the first of the attached plans to the letter of assurance, dated 26th March 2015, from Andrew Wells of The Crown Estate to Simon Harrison at the Cairngorms National Park Authority. The development shall be implemented

in full accordance with the approved scheme of compensatory planting.”

Both conditions were discharged as of July 9<sup>th</sup> 2015, with the area identified as the Habitat Mitigation Area already allocated in the current Local Development Plan 2015 (CD001). This area has therefore been set aside for woodland regeneration and may also function as an area for recreation. The purpose of keeping this area within the allocation is therefore to tie everything that is subject to the wigwam consent (2014/0311/DET (CD069)) together on a development plan basis. The area of the site that is objected to is therefore protected from development by virtue of these planning conditions and while this does not prevent a planning application being submitted at this location, just as a planning application may be submitted anywhere else, proposals for development here are unlikely to be supported by CNPA.

Decisions would have to be made in accordance with National Guidance and the policies of the Proposed Plan, which contains a strong presumption against development on woodland sites. According to paragraph 194 of Scottish Planning Policy, the planning system should “...*protect and enhance ancient semi-natural woodland as an important and irreplaceable resource, together with other native or long-established woods, hedgerows and individual trees with high nature conservation or landscape value*”. Furthermore, CNPA support the Scottish Government’s aim of creating 650,000ha of new woodland by the second half of the century. This is currently expressed through the aim of the National Park Partnership Plan (CD002) of delivering 5,000ha of new woodland in the National Park by 2022. The benefits of this are multiple, but the contribution of woodlands in helping to tackle greenhouse gas emissions is considered particularly important. The Proposed Plan therefore aims to minimise the loss of existing trees and woodlands through development; this is set out in Policy 4.3: Woodlands, which states “*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.*”.

Therefore CNPA would not support the loss of this regenerated woodland to development (E Stuart, 015; P Wright, 047; Mr and Mrs Foran, 094; N Wienand, 119; F Wienand, 130).

CNPA does not support Crown Estate Scotland’s (207) request to incorporate the protected open space adjacent to T1 into the allocation. The land does not form part of consent 2014/0311/DET (CD069) and is used as a recreation space. Therefore the Protected Open Space designation is considered appropriate.

CNPA do not object to SEPA’s (085) proposed change as it reflects our best understanding of the site’s constraints. Therefore CNPA would not object if the Reporter were minded to recommend the change (SEPA, 085).

Scottish Water’s (193) suggestion to make reference to the need to contact them for asset protection guidance is noted, however CNPA do not consider that it is necessary within the LDP as it is a matter of process. CNPA will include this within the existing set of guidance notes for submitting planning applications where it is considered more appropriate. No modification proposed (Scottish Water, 193).

**Reporter’s conclusions:**

<b>Reporter's recommendations:</b>

## Relevant Documents Page – Issue 11, Rural settlements

### 1. Schedule 4

### 2. Representations

013, S Slimon  
035, Sportscotland  
085, Scottish Environment Protection Agency (SEPA)  
086, R Ormiston  
100, Cromar Community Council  
112, Scottish Natural Heritage (SNH)  
131, Tactran  
133, Atholl Estates  
137, Woodland Trust Scotland (WTS)  
153, Ardverikie Estate  
154, Rothiemurchus Estate  
160, NHS Grampian  
187, Badenoch and Strathspey Conservation Group (BSCG)  
193, Scottish Water  
194, Highlands and Islands Enterprise (HIE)  
207, Crown Estate Scotland

### 3. Site Maps

Issue 11 - allocate THC015 or extend settlement boundary to include it, Dalwhinnie  
Issue 11 - allocate THC016 for economic development, Dalwhinnie  
Issue 11 - allocate land between garage and B9158, Dinnet  
Issue 11 - remove T1 or create buffer between T1 and European sites, Inverdrue and  
Coylumbridge

### 4. Representee Documents

*None*

### 5. Authority Documents

CD001 – Local Development Plan 2015  
CD004 - Main Issues Report  
CD005 - Habitats Regulations Appraisal  
CD006 - Strategic Environmental Assessment  
CD018 - site assessment report  
CD073 – Control of Woodland Removal Policy

<b>Issue 11</b>	<b>Rural Settlements</b>	
<b>Development plan reference:</b>	Bruar and Pitagowan (pages 178 - 179), Calvine (pages 181 - 183); Dalwhinnie (pages 184 - 186), Dinnet (pages 189 - 190), Glenmore (pages 195 - 197), Glenshee (page 200), Inverdrue and Coylumbridge (pages 206 - 207), Laggan (pages 212 - 213).	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
013 035 085 086 100 112 131 133 137 153 154 160 187 193 194 207	S Slimon Sportscotland Scottish Environment Protection Agency (SEPA) R Ormiston Cromar Community Council Scottish Natural Heritage (SNH) Tactran Atholl Estates Woodland Trust Scotland (WTS) Ardverikie Estate Rothiemurchus Estate NHS Grampian Badenoch and Strathspey Conservation Group (BSCG) Scottish Water Highlands and Islands Enterprise (HIE) Crown Estate Scotland	
<b>Provision of the development plan to which the issue relates:</b>	Rural Settlements: Bruar and Pitagowan; Calvine; Dalwhinnie; Dinnet; Glenmore; Glenshee; Inverdrue and Coylumbridge; Laggan	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Bruar and Pitagowan</u> Atholl Estates (133) express support for acknowledgment of the House of Bruar as a strategically important development, but request a small amendment to the first paragraph on page 179.</p> <p><u>Calvine</u> Tactran (131) are of the view that the settlement objectives for Calvine should include taking advantage of improved accessibility resulting from the A9 dualling project, not only to the active travel network but also through the potential grade separated junction at Bruar.</p> <p><u>Dalwhinnie - H1: Land by Garage</u> SEPA (085) requested an amendment to the paragraph wording in respect of flood risk as a full Flood Risk Assessment may not be required depending on the proposed use / layout.</p> <p><u>Dalwhinnie - ED1: Garage site</u></p>		

SEPA (085) requested an amendment to the paragraph wording in respect of flood risk as a full Flood Risk Assessment may not be required depending on the proposed use / layout.

#### Dalwhinnie Other sites

R Ormiston (086) is of the view that the former Transport café site and Balfour Beattie depot / yard should be allocated for economic development.

Ardverikie Estate (153) highlight the site THC015 that they had proposed through the Call for Sites Process (see page 97 of Main Issues Report (CD004)). The site was not a Preferred Site at the Main Issues Report stage due to issues of flooding grounds, however the site assessment report (CD018) noted that because the proposed site lies within the settlement boundary of the current Local Development Plan 2015 (CD001), it could be progressed as infill development should the flooding issues be satisfactorily addressed. However the settlement boundary has now been amended in the Proposed Plan, which would not allow for infill development. Ardverikie Estate (153) argues that there is only one housing site in Dalwhinnie for 6 units, which is identified in the Action Programme (CD011) as having not progressed, so without any further allocations, there is a risk that no new housing will come forward and there would be no effective housing land.

HIE (194) express support for the allocation of more land for housing in Dalwhinnie to sustain the population and community.

#### Dinnet - H1: Land to East

SEPA (085) request an amendment to the wording of the second paragraph of the site specific guidance (page 190) in respect of flood risk as a full Flood Risk Assessment may not be required depending on the proposed use / layout.

Cromar Community Council (100) and WTS (137) object to the allocation for 15 houses on the site. Cromar Community Council believe it will impact on the 'gateway' to the village from the east and almost double the length of the village. It is suggested that a maximum of 5-8 dwellings should be permitted on the site or if more houses are required, some could be built on other sites in the village, such as in the woodland between the B9158 and Dinnet Garage (100).

WTS (137) are of the view that development would cause further fragmentation of the woodland habitat and contravene the Scottish Government's Control of Woodland Removal Policy and Scottish Planning Policy.

#### Dinnet - ED1: Former Steading

SEPA (085) request an amendment to the wording of the second paragraph of the site specific guidance (page 190) in respect of flood risk as a full Flood Risk Assessment may not be required depending on the proposed use / layout.

SNH (112) request the addition of wording within the site specific guidance (page 190) to ensure development proposals are aware of the adjoining SSSI and can take measures to avoid any adverse impact. It is also raised that this should be added to Table 4 (pages 86 and 87) of the Community Information section of the Proposed Plan.

#### Glenmore - T1: Camping site

WTS (137) note the site is surrounded by and contains some ancient woodland. The site specific guidance on page 196 should recognise this and seek to protect and enhance the

woodland.

Scottish Water (193) request the inclusion of the following wording within the site specific guidance (page 196):

**‘Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance.’**

(Scottish Water, 193)

In addition, Scottish Water (193) request an amendment to the final paragraph in respect of wastewater treatment works:

**‘This site is situated in close proximity to a wastewater treatment works. Developers are advised that as such, the facility will require 24 hour operational access, which may result in noise and works lighting, sometimes during hours of darkness. While every effort is made to minimise its impact on the surrounding locality, the nature of the biological process may result in odour being released at certain times.’**

(Scottish Water, 193)

#### Glenmore - T2: Glenmore Lodge

Sportscotland (035) support the allocation of Glenmore but request that wording in the site specific guidance on page 197 is amended to reflect the importance of the site for outdoor and adventure pursuits.

SEPA (085) request an amendment to the wording of the second paragraph of the site specific guidance (page 197) in respect of flood risk as a full Flood Risk Assessment may not be required depending on the proposed use / layout.

WTS (137) note the site is surrounded by and contains ancient woodland and they believe development should be confined to the developed area. They request that the presence of ancient woodland on and adjacent to the site is included within the site specific guidance on page 197.

#### Glenshee

Tactran (131) support the settlement objective to enhance visitor experience and support economic growth, however note that the potential for additional visitors and vehicular traffic to impact on local infrastructure will require to be managed.

#### Inverdrue and Coylumbridge - T1: Camping site

Rotheimurchus Estate (154) highlight that the site specific information in respect of T1 states that ‘The site is located a considerable distance from the public waste water network. The installation of a network from the site to the public sewer is the responsibility of the developer’. However the current operation camping site has an existing private drainage system that adequately supports the existing operations and while the size of the physical site may increase, the current licence only permits the approved number of pitches and therefore will not increase. They request that it should not be a requirement for the site to be connected to the public drainage network.

BSCG (187) object to the allocation of T1 on the basis that it adjoins the boundary of a Natura designation and propose there should be a buffer to minimise natural heritage impacts.

WTS (137) note that the site is part of an area of ancient woodland and they believe

development should be confined to the already developed area and should be sympathetic to the woodland. They request that the presence of ancient woodland on and adjacent to the site is included within the site specific guidance on page 207.

#### Laggan

S Slimon (013) argues that the proposed allocation at H1 is unsuitable for affordable housing due to the cost of water, sewage and electricity however there is an existing building on the site that should be utilised housing. The respondent considers that the site would be suitable for 3 or 4 woodland crofts. Affordable housing is needed and should be located with easier access to the shop, school, medical centre, village hall and church and where infrastructure is more readily available. The respondent also queried why contributions towards Kingussie High School would be needed and could the money not contribute towards footpaths or the public toilet facilities (S Slimon, 013).

HIE (194) express support for the allocation of H1, however also requested greater protection for the use of land for leisure and tourism. It is suggested that mixed use allocations could be used.

### **Modifications sought by those submitting representations:**

#### Bruar and Pitagowan

- Amend first paragraph on page 179 to read:  
'With no defined settlement boundary, and no development allocations, development here should be of a scale to reflect the spatial strategy, capacity of the site, landscape context and transport infrastructure.'  
(Atholl Estates, 133)

#### Calvine

- Include a settlement objective to recognise and take advantage of the improvement in accessibility resulting from the A9 dualling project, including the potential grade separated junction at Bruar (Tactran, 131).

#### Dalwhinnie - H1: Land by Garage

- Amend the second sentence of first paragraph in the site specific guidance on page 186 to read:  
'A Flood Risk Assessment **or other supporting information** will be required to determine the developable area.'  
(SEPA, 085)

#### Dalwhinnie - ED1: Garage Site

- Amend the second sentence of the paragraph relating to flood risk in the site specific guidance on page 186 to read:  
'A Flood Risk Assessment **or other supporting information** will be required to determine the developable area.'  
(SEPA, 085)

#### Dalwhinnie - Other sites

- Allocate former Transport café site and Balfour Beattie depot / yard should be allocated for economic development (Ormiston, 086).
- Allocate THC015 (see Main Issues Report page 97 (CD004)) for housing with the requirement for a Flood Risk Assessment to be undertaken to determine

developable area of the site (Ardverikie Estate, 153). Should this not be supported, it is requested that the site is included within the settlement boundary as previously suggested (Ardverikie Estate, 153).

- Allocate more land for housing (HIE, 194).

#### Dinnet - H1: Land to East

- Amend the second sentence of second paragraph in the site specific guidance (page 190) to read:  
'A Flood Risk Assessment **or other supporting information** will be required to determine the developable area.'  
(SEPA, 085)
- Reduce the scale of the allocation from 15 units to 5-8 units. If more houses are needed, allocate some in woodland between Dinnet Garage and B9158 (Cromar Community Council, 100).
- Remove the allocation (WTS, 137).

#### Dinnet - ED1: Former Steading

- Amend the second sentence of second paragraph in the site specific guidance (page 190) to read:  
'A Flood Risk Assessment **or other supporting information** will be required to determine the developable area.'  
(SEPA, 085)
- Include additional wording / paragraph within the site specific guidance to read:  
'**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.**'  
(SNH, 112)

#### Glenmore - T1: Camping site

- Include reference within the site specific guidance on page 196 to the ancient woodland adjacent to and within the site, and the need to protect and enhance it (WTS, 137).
- Include the following within the site specific guidance (page 196):  
'**Developers should contact Scottish Water at [service.relocation@scottishwater.co.uk](mailto:service.relocation@scottishwater.co.uk) for asset protection guidance**'  
(Scottish Water, 193)
- Add a new second sentence to the final paragraph to read:  
'This site is situated in close proximity to a wastewater treatment works.  
**Developers are advised that as such, the facility will require 24 hour operational access, which may result in noise and works lighting, sometimes during hours of darkness. While every effort is made to minimise its impact on the surrounding locality, the nature of the biological process may result in odour being released at certain times.**'  
(Scottish Water, 193).

#### Glenmore - T2: Glenmore Lodge

- Replace the first paragraph on page 197 with the following:  
'**Glenmore Lodge is the National Centre for Outdoor and Adventure sports. It is an established business which supports the provision of tourism accommodation, residential training opportunities and events for the adventure sports sector. These established uses should be protected from**

**adverse development, and any future development must be compatible with the existing operational business.'**

(Sportscotland, 035)

- Amend the second sentence of second paragraph in the site specific guidance (page 197) to read:  
'A Flood Risk Assessment **or other supporting information** will be required to determine the developable area.'  
(SEPA, 085)
- Include reference to the presence of ancient woodland on and adjacent to the site is within the site specific guidance on page 197 (WTS, 137).

#### Glenshee

- Include reference to the need to manage the impacts on infrastructure additional visitors and vehicular traffic (Tactran, 131).

#### Inverdrue and Coylumbridge - T1: Camping site

- Remove the requirement in the last paragraph of the site specific guidance (page 207) that 'The installation of a [public waste water] network from the site to the public sewers is the responsibility of the developer' (Rothiemurchus Estate, 154)
- Remove T1 allocation or create buffer between the camping site and the Natura site (BSCG, 187).
- Include reference to the presence of ancient woodland on and adjacent to the site is within the site specific guidance on page 207 (WTS, 137).

#### Laggan

- Allocate additional sites for housing in close proximity to Laggan that have services more readily available (S Slimon, 013)
- Remove requirement for contributions towards Kingussie High School, and require contributions towards the creation of footpaths or maintaining the public toilet (S Slimon, 013).
- Provide greater protection for the use of land for leisure and tourism and consider allocation of mixed use areas/allocations (HIE, 194).

### **Summary of responses (including reasons) by planning authority:**

#### Bruar and Pitagowan

The suggested amendment to the introductory paragraph is noted, however the current wording, which states that 'development here should be of a small scale, organic nature designed to meet local needs', already reflects the Spatial Strategy. This identifies Bruar and Pitagowan as a rural settlement and 'development in rural settlements will primarily be aimed at meeting local need' (paragraph 3.10). The scale of development in rural settlements will be more modest than intermediate and strategic settlements and therefore it is considered that the current wording is appropriate. Any planning applications will be subject to all relevant policies. There is no need to specifically refer to the capacity of the site, landscape or transport infrastructure specifically as there are no allocations. No modification proposed (Atholl Estates, 133).

#### Calvine

While CNPA agree that opportunities for Calvine as a result of the A9 dualling should be maximised, it is not considered appropriate, in the absence of a final route plan for this section of the A9 dualling, to specifically refer to the 'improved accessibility' or the

potential grade separated junction at Bruar. However, CNPA consider it may be appropriate to include an additional settlement objective, as has been done in other rural settlements such as Dalwhinnie, to include 'Support opportunities that utilise the benefits of the A9 dualling for Calvine' as a minor amendment, if the Reporter is minded to support this (Tactran, 131).

#### Dalwhinnie - H1: Land by Garage

SEPA's (085) comments in respect of the flooding content are noted. CNPA agrees with this modification and considers it as a minor amendment, if the Reporter is minded to accept it (SEPA, 085).

#### Dalwhinnie - ED1: Garage site

SEPA's (085) comments in respect of the flooding content are noted. CNPA agrees with this modification and considers it as a minor amendment, if the Reporter is minded to accept it (SEPA, 085).

#### Dalwhinnie - other sites

The former Transport café / Balfour Beattie depot was suggested as an allocation through the 'Call for sites and ideas' consultation and considered as an allocation (THC016) in the Main Issues Report, page 97 (CD004). The site was identified as a preferred option for allocation, however following further consultation with statutory consultees, SEPA objected to this on the basis of flood risk on the site, which restricts future development. In response to the Main Issues Report consultation, SEPA recommended that the site is removed from the plan, stating that "*We are aware that the site has been previously developed, however new development could increase the vulnerability and increase risk elsewhere. Redevelopment of this site is likely to be limited. If the site is not removed from the plan the limitations of redevelopment must be clearly stated in the settlement statement.*"

As this is previously developed land, there may be some limited potential for its redevelopment, and it remains within the settlement boundary to allow for this. However, taking into account the flooding constraints on the site, it is not considered effective and therefore not suitable for allocation. No modification proposed (Ormiston, 086).

Following the consultation on the Main Issues Report, policy has been reviewed for its inclusion within the Proposed Plan. One such revision was to Policy 8: Open space, sport and recreation, which looked to formalise the status of Protected Open Space within the new plan, as it is ill-defined within current Local Development Plan 2015 (CD001). Part of this included the review of how protected open space was identified and what purpose it served. However, the most important factor to consider is that the purpose of the policy is to ensure that protected open spaces remain free from development. It was decided that because the protected open space in Dalwhinnie (as shown on page 97 of the Main Issues Report (CD004)) was on the settlement edge, it did not serve a particular function as the same effect could be achieved by redrawing the boundary to exclude it. Since THC015 was located on the protected open space, and was not deemed suitable or necessary for allocation, it was also excluded from the boundary. The position from the Main Issues Report has therefore moved on in this specific regard. However, the issue of flooding remains in that THC015 cannot be regarded as effective, and therefore part of the housing land supply, as it has not been demonstrated how the flooding constraints affecting it can be overcome. CNPA is confident that sufficient effective housing land is identified in the Proposed Plan, as set out in Appendix 1. There is no need to identify further sites, particularly in Dalwhinnie, which is identified as a Rural Settlement and

therefore only in need of limited development. Should the site owner wish to pursue the site under the next LDP, they will need to do so under the auspices of Policy 1.6: Affordable housing exception sites (Ardverikie Estate, 153).

Support to allocate more housing is noted, however no compelling argument has been provided and no modification is proposed (HIE, 194).

#### Dinnet - H1: Land to East

SEPA's (085) comments in respect of the flooding content are noted. CNPA agrees with this modification and considers it as a minor amendment, if the Reporter is minded to accept it (SEPA, 085).

The suggestion to reduce and potentially relocate housing allocations in Dinnet is noted, however it is not considered that a compelling argument has been made for this and no adequately evidenced proposals have been provided. The allocation of 15 units is an existing allocation and it is considered that the development remains appropriate for this site. The site specific guidance requires "*landscaping and structure planting...to ensure integration of the development with the surrounding landscape*" and the development will be subject to all policies (Cromar Community Council, 100).

CNPA does not support the removal of the allocation. While the SEA (CD006) does acknowledge that development could affect semi-natural woodland, any proposals would be subject to Policy 4.3, which seeks to avoid the loss of woodland habitats. CNPA consider that the allocation remains appropriate and provides an important contribution to the provision of housing land in Dinnet. No modification proposed (WTS, 137).

#### Dinnet - ED1: Former Steading

SEPA's (085) comments in respect of the flooding content are noted. CNPA agrees with this modification and considers it as a minor amendment, if the Reporter is minded to accept it (SEPA, 085).

In respect of the request to make direct reference to the Muir of Dinnet Site of Special Scientific Interest (SSSI) within the site specific guidance, it is not considered necessary as all policies apply to applications and consideration of impacts on a SSSI would be required in accordance with the Natural Heritage Policy. As SSSIs are not European sites, it is not necessary to make direct reference to them within the site maps (which only refer to sites identified as part of the Habitats Regulations Appraisal process (CD005)). Therefore, no modification is proposed (SNH, 112).

#### Glenmore - T1: Camping site

The presence of ancient woodland has been identified in the site assessment report (CD018) and Strategic Environmental Assessment (CD006). Where such woodland forms an intrinsic part of the site and proposed development has the potential to have an impact on it, the site specific guidance recognises this. In this instance, while the Strategic Environmental Assessment recognises the presence of ancient woodland, on the basis of the existing operational business on the site and intention of the policy to protect the existing use, it is unlikely to have any negative effects on the ancient woodland. Any future proposals will be subject to Policy 4.3 and therefore it is not considered necessary to amend the site specific guidance on page 196. No modification proposed (WTS, 137).

Scottish Water's (193) suggestion to make reference to the need to contact them regarding asset protection guidance is noted, however CNPA do not consider that it is

necessary within the LDP as it is a matter of process. CNPA will include this within the existing set of guidance notes for submitting planning applications where it is considered more appropriate. No modification proposed (Scottish Water 193).

The additional wording suggested in respect of the neighbouring sewage works are noted, however it is not considered that this addition is appropriate or necessary for inclusion in the LDP. Issues relating to the access and the operation of the sewage works site are a matter for the operator and as the sewage works site itself does not lie within the settlement or the allocation, it is not considered necessary to include this and therefore no modification is proposed (Scottish Water, 193).

#### Glenmore - T2: Glenmore Lodge

The proposed amended wording for the introductory paragraph poses a minor change to emphasise the focus of Glenmore Lodge on outdoor and adventure sport. It is considered that this is a reasonable amendment and CNPA support this as a minor modification, if the Report is minded to accept it (Sportscotland, 035).

SEPA's (085) comments in respect of the flooding content are noted. CNPA agrees with this modification and considers it to be a minor amendment, if the Reporter is minded to accept it (SEPA, 085).

The presence of ancient woodland has been identified in the site assessment report (CD018) and SEA (CD006). Where such woodland forms an intrinsic part of the site and proposed development has the potential to have an impact on it, the site specific guidance recognises this. In this instance, while the SEA recognises the presence of ancient woodland, on the basis of the existing operational business on the site and intention of the policy to protect the existing use, it is unlikely to have any negative effects on the ancient woodland. Any future proposals will be subject to Policy 4.3, and therefore it is not considered necessary to amend the site specific guidance on page 197 (WTS, 137).

#### Glenshee

While the settlement objective for Glenshee seeks to enhance visitor experience and complement the role of Glenshee as a focus for visitors, it is not considered that development will happen at a rate or in a way that is going to significantly impact on the local road infrastructure. All future development proposals will be subject to all policies in the LDP and the relevant roads authority will be consulted on any proposals to ensure that any potential impacts are appropriately mitigated. No modification is proposed (Tactran, 131).

#### Inverdrue and Coylumbridge - T1: Camping site

The comments in respect of the requirement for the site to be connected to the public sewage network are noted. CNPA consider that while Scottish Water advise that connection to the public network is required, that it may be appropriate to amend the wording to state the following, if the Report is minded to accept this:

**'The site is located a considerable distance from the public waste water network. Depending on future proposed development on the site, the installation of a network from the site to the public sewers may be required and would be the responsibility of the developer'**  
(Rothiemurchus Estate, 154)

The objection to the allocation of T1 due to proximity to the European site (which is also a

SSSI) is noted. However allocations have been subject to Habitats Regulations Appraisal (CD005) and it is not considered that there is a compelling argument justifying its removal, particularly as there is an existing operating business on the site. No modification proposed (BSCG, 187).

The extent of the allocation of T1 was an issue at the previous examination and the Reporter determined that *“I observe from my site visit that the existing operational site area is not commensurate with the current settlement boundary (in the Local Plan 2010). Increasing the site area to the boundary of the SSSI would be logical”*. This decision was taken previously and it is considered appropriate to retain the existing boundary of T1 as it currently stands. Any future planning applications on the site would be subject to all policies including Policy 4: Natural Heritage and therefore no modification is proposed (BSCG, 187).

The presence of ancient woodland has been identified in the site assessment report (CD018) and Strategic Environmental Assessment (CD006). Where such woodland forms an intrinsic part of the site and proposed development has the potential to have an impact on it, the site specific guidance recognises this. In this instance, while the Strategic Environmental Assessment recognises the presence of ancient woodland, on the basis of the existing operational business on the site and intention of the policy to protect the existing use, it is unlikely to have any negative effects will arise. Any future proposals will be subject to Policy 4.3 Woodlands and therefore it is not considered necessary to amend the site specific guidance on page 207 (WTS, 137).

#### Laggan

While the potential challenges in delivering housing at H1 are noted, no other allocations have been proposed in Laggan and it is considered appropriate to ensure a small amount of housing land is allocated. Laggan does not have a settlement boundary and any future development proposals would therefore be subject to Policy 1: Housing (as well as all other LDP policies), which supports small scale housing in rural areas in specific circumstances including proposals for 100% affordable housing. As stated on page 212 of the Proposed Plan, with no settlement boundary, development at Laggan should be of a small scale, organic nature designed to meet local need. It is considered that the allocation of H1 along with the settlement's status and the existing policy provides appropriate opportunities for housing in the area and therefore no further allocations area required (S Slimon, 013).

The developer obligations towards education are set by the Education Authority and will be assessed at the time of application (this is dependent on most recent school roll forecasts so may vary over time). Money required for education cannot be routed to other uses and contributions towards a footpath or public facilities could only be secured where it is directly related to the development. Therefore no modifications are proposed (S Slimon, 013).

Allocating land for tourism and leisure is generally only done where there is an existing operational business within a settlement and an allocation is used to protect that existing use. No proposals for tourism have been put forward in Laggan, therefore specific proposals cannot be considered. Any tourism related development proposals would be subject to Policy 2: Economic Development (and all other LDP policies), which provides a relatively flexible policy framework that would enable and support tourism related proposals should they come forward. No modifications proposed (HIE, 194).

<b>Reporter's conclusions:</b>
<b>Reporter's recommendations:</b>

## Relevant Documents Page – Issue 12, Other Issues

### 1. Schedule 4

### 2. Representations

089, Scottish Government

085, Scottish Environment Protection Agency (SEPA)

112, Scottish Natural Heritage (SNH)

178, RSPB Scotland

### 3. Site Maps

*None*

### 4. Representee Documents

*None*

### 5. Authority Documents

CD001 – Local Development Plan 2015

CD002 - National Park Partnership Plan

CD005 - Habitats Regulations Appraisal

CD006 - Strategic Environmental Assessment

CD040 - Climate Change Plan: third report on proposals and policies 2018-2032 (RPP3)

<b>Issue 12</b>	<b>Other Issues</b>	
<b>Development plan reference:</b>	Other Issues	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
089	Scottish Government	
085	Scottish Environment Protection Agency (SEPA)	
112	Scottish Natural Heritage (SNH)	
178	RSPB Scotland	
<b>Provision of the development plan to which the issue relates:</b>	Other Issues	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Appendix 1: Housing allocations and housing land supply</u>  Scottish Government (089) request that the housing figures in Table 1 and Table 2 (page 26) and Appendix 1 of the Proposed Plan should be checked for accuracy as there are some minor inaccuracies in the housing figures.</p> <p><u>Climate Change Act</u>  Scottish Government (089) state that the Proposed Plan should be modified to include a policy that fulfils the requirements of section 3F of the Town and Country Planning (Scotland) Act 1997. This is because the Act requires that LDPs include policies requiring all developments to be designed to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use. They offer an example of other LDPs have approached this requirement:  <a href="https://www.gov.scot/publications/climate-act-annual-reports-2016-2018/">https://www.gov.scot/publications/climate-act-annual-reports-2016-2018/</a></p> <p><u>Active travel exemplar</u>  Scottish Government (089) request that the LDP identify at least one exemplar walking and cycling friendly settlement because paragraph 5.14 of National Planning Framework 3 encourages all local authorities to develop at least one exemplar walking and cycling friendly settlement.</p> <p><u>Support for the National Long Distance Cycling and Walking Network</u>  Scottish Government (089) state that support should be given to support the Speyside Way Extension as set out in National Development 8 of National Planning Framework 3 (page 75). National developments are a core element of delivering the spatial strategy set out in National Planning Framework 3.</p> <p><u>Draft Action Programme – Table 2</u>  For clarity, Scottish Government (089) request that Table 2 of the Draft Action Programme 2020 be amended to include the following wording in the 'Notes' section for the A9 dualling entry:  <b>'Construction of the second section between Luncarty and Pass of Birnam is underway and is planned to be completed in Spring 2021.'</b>  (Scottish Government, 089)</p>		

### Community Information: Environmental Considerations

SEPA (085) express concerns about the wording relating to 'Environmental considerations' within the Community Information (section 5, pages 85 - 87). They are of the view that while "*pollution and siltation*" (Table 4, page 86) may have a detrimental impact on a European site, development should not affect any water environment (irrespective of designation) and a Construction Method Statement (CMS) may be required. SEPA feel that by placing the icon on some allocated sites implies that a CMS will only be required for those identified instead of all sites where pollution and siltation may be an issue. This is also an issue in respect of "*water quality*" (page 86). SEPA request modified wording for clarity. The wording had been subject to discussion with SNH. As a result, SNH (112) and SEPA (085) request some minor amendments to the wording of paragraph 5.17 (page 85), to clarify that the requirements set out in Table 4 do not override the requirements of Policy 10 – Resources.

For the same reasons, SNH (112) and SEPA (085) request the deletion and insertion of text in Table 4, second paragraph, third row, third column on page 86, to reflect the regulatory requirements of SEPA and the Habitats Regulations, and avoid duplicating requirements from Policy 10 – Resources.

SNH (112) request some minor amendments to the wording of the text in Table 4, third row, second column on page 86, for clarity.

SNH (112) request some amendments to the wording of the text in Table 4, second row, third column on page 87, for clarity.

SNH (112) request a change to the title/wording of the third row, second column on page 87, to clarify that capercaillie found outwith Special Protection Areas (SPAs) are important for capercaillie populations found within SPAs.

RSPB Scotland (178) suggest an amendment to the 'Mitigation Required' section in relation to Disturbance to capercaillie in SPAs to include '**We have identified in particular that**' before the start of the paragraph 'Sites in Aviemore...'. RSPB are of the view that it cannot be concluded that development in North Aviemore and Granish would have no adverse effect on the integrity of any Natura site (in relation to the capercaillie qualifying interest) if only the mitigation set out in Table 4 is implemented and may give prospective applicants a false impression of what will be required. Further mitigation may be necessary.

RSPB Scotland (178) also request that the wording of paragraph 5.17 on page 85 is amended so that Table 4 applies to all developments, not just where indicated on the site specific maps.

RSPB Scotland (178) also propose an additional paragraph following 5.17, to read: '**It should be noted that other mitigation requirements in addition to those detailed in Table 4 may apply to a development in order to ensure compliance with Policy 4.1 and no adverse effect on the integrity of any Natura site**'. This is on the basis that they believe it is not possible to determine that development on all allocated sites would have no adverse effect on the integrity of any Natura site without mitigation related to capercaillie. It also ensures that further mitigation could be sought if it is demonstrated that it is required to satisfy Policy 4.1.

## **Modifications sought by those submitting representations:**

### Appendix 1: Housing allocations and housing land supply

Correct minor inaccuracies in Table 1 and Table 2 (page 26) and Appendix 1 (Scottish Government, 089).

### Climate Change Act

Modify Proposed Plan to include a policy that fulfils the requirements of section 3F of the Town and Country Planning (Scotland) Act 1997 (Scottish Government, 089).

### Active travel exemplar

Identify at least one exemplar walking and cycling friendly settlement (Scottish Government, 089).

### Support for the National Long Distance Cycling and Walking Network

Give support the Speyside Way Extension (Scottish Government. 089).

### Draft Action Programme – Table 2

Add following wording to include the following wording in Table 2 of the Draft Action Programme 2020:

**'Construction of the second section between Luncarty and Pass of Birnam is underway and is planned to be completed in Spring 2021.'**  
(Scottish Government, 089)

### Community Information: Environmental Considerations

- Amend wording of paragraph 5.17 (page 85) to read:  
'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.)**'  
(SNH, 112; SEPA, 085)
- Amend the wording of the second paragraph in the third row, third column on page 86 (Table 4) to read:  
'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.~~'  
(SNH, 112; SEPA, 085)
- Amend the wording of the second paragraph in the third row, second column on

page 86 (Table 4) to read:

'Discharges and/or increases....through changes in temperature, water levels of **and/or** flow rates.'

(SNH, 112)

- Amend the wording of the second paragraph in the second row, third column on page 87 (Table 4) to read:  
'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).'
- Amend the wording of the title/wording of the third row, second column on page 87 (Table 4) to read:  
'Disturbance to **SPA** capercaillie ~~in SPAs~~'
- Amend wording of the last sentence of paragraph 5.17 to read:  
'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~~'
- Include an additional paragraph following 5.17, to read:  
'**It should be noted that other mitigation requirements in addition to those detailed in Table 4 may apply to a development in order to ensure compliance with Policy 4.1 and no adverse effect on the integrity of any Natura site**'
- Insert the following wording in the 'Mitigation Required' section relating to Disturbance to capercaillie in SPAs (Table 4, page 87):  
'**We have identified in particular that**' before the start of the paragraph 'Sites in Aviemore...'

(RSPB Scotland, 178)

### Summary of responses (including reasons) by planning authority:

#### Appendix 1: Housing allocations and housing land supply

CNPA is able to make minor changes to the Proposed Plan, including correcting typos and minor inaccuracies (Scottish Government, 089). CNPA will therefore make any amendments that are required. The table will be checked, corrected and updated, based on latest available data, following the examination, taking in any amendments that might also arise through this process.

#### Climate Change Act

CNPA is unclear as to why the Scottish Government (089) do not believe the Proposed Plan fulfils the requirements of section 3F of the Town and Country Planning (Scotland) Act 1997. The approach to meeting the requirement taken in the Proposed Plan (Policy 3.3 Sustainable Design) is identical to the one taken in the current 2015 LDP (CD001) (Policy 3.1 Design statements). As highlighted in 'Annex – Adopted Section 3F Policies to 31 January 2019' of the Ninth Annual Report on the Operation of Section 72 of the Climate Change (Scotland) Act 2009', which the Scottish Government direct CNPA to look at, the policy is listed as fulfilling the requirements of section 3F.

It is however worth discussing more comprehensively as to why CNPA is of the opinion that the Proposed Plan meets the requirements of section 3F of the Town and Country

Planning (Scotland) Act 1997, as transposed in Section 72 of the Climate Change (Scotland) Act 2009. This states “*A planning authority, in any local development plan prepared by them, must include policies requiring all developments in the local development plan area to be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the specific development, through the installation and operation of low and zero-carbon generating technologies*”.

The Proposed Plan supports the Climate Change (Scotland) Act 2009 aim to ensure that the net Scottish emissions account for the year 2050 is at least 80% lower than the baseline in a number of ways.

Climate change has been a key consideration throughout the development of the Proposed Plan, with the vision, strategy, policies and sites assessed for their potential effects through the Strategic Environmental Assessment process. Appendix 2: Environmental Baseline Topic 1: Climatic Factors of the Strategic Environmental Assessment (CD006) covers the baseline for climatic factors, while there are key inter-relationships with other topics, in particular water and population and human health. The baseline indicates that per capita emissions for the National Park have been falling, despite development taking place and the population growing.

Significantly, the Strategic Environmental Assessment (CD006) concludes that the overarching aims of the Proposed Plan, as expressed through the Vision and Settlement Strategy, are likely have a minor positive effect on climate. Recognising that development is necessary, the assessment concludes that the crucial aspect of the Vision with regard to reducing greenhouse gas emissions is the link to nature and people thriving together. Such an approach requires the management of the National Park to take on principles that limit negative impacts on the environment and encourage positive change; these may have either direct or indirect positive benefits in meeting the Strategic Environmental Assessment Objective. For example, promoting woodland expansion and the better management of moorland both play a strong role in the storage and sequestration of carbon. Furthermore, the Settlement Strategy focuses development in the strategic settlements, which should reduce the need to travel to access work and services and encourage means of transport alternative to the private car.

Mitigation for potential negative effects are identified within the Proposed Plan through support for the improvement of an integrated and sustainable walking and cycling network with better links to transport. Furthermore, Policies 3: Design and placemaking, 7: Renewable energy and 11: Developer obligations have a wide range of elements that will help mitigate negative effects. These include encouraging the incorporation of renewable energy technologies into development, requiring a high standard of design to reduce carbon emissions and the local planning authority to ask for developer obligations to deliver improvements to walking and cycling infrastructure and the public transport network. The overall policy approach is supported by the National Park Partnership Plan (CD002), particularly Policy 3.2.

It is worth noting that Policy 3.3 of the Proposed Plan has a specific criteria to ensure that the requirements of the Act are met, in that all development proposals must be designed to minimise the effects of the development on climate change in terms of siting and construction, make sustainable use of resources, including minimising energy usage and, once complete, achieve at least the minimum standard in compliance with the Building Standards Technical Handbook. Under Section 60 of the Climate Change (Scotland) Act

2009 the Scottish Government is required to produce a plan that includes details of how the Scottish Ministers intend to update planning and building regulations to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the specific building, through the installation and operation of low and zero-carbon generating technologies.

As stated in Climate Change Plan: third report on proposals and policies 2018-2032 (RPP3) (CD040), staged improvements to energy standards within building regulations have resulted in emissions from buildings built to current standards being, on aggregate, around 75% lower than those of buildings built to standards in force in 1990. It also states that a further review of energy standards will commence in 2018, which will investigate a number of measures that offer the potential for further abatement from new buildings and where work is undertaken in existing buildings.

Thus, through its spatial strategy and design policies, the Proposed Plan is compatible with the requirements of the 1997 and 2009 Acts and with overall approach of the Scottish Government. It will ensure that new buildings do not contribute towards a rising proportion of the projected greenhouse gas emissions, particularly as building regulations are incrementally improved.

No modification proposed (Scottish Government, 089).

#### Active travel exemplar

The LDP is not required to identify exemplar walking and cycling friendly settlements (Scottish Government, 089). However, the National Park has several with Aviemore and Kingussie being of particular note. While the word 'exemplar' isn't used anywhere, the settlement objectives for Aviemore do support the development of the Active Aviemore initiative and show it indicatively on the settlement map. If the Reporter were minded to make matters clearer, CNPA would not object to including the following settlement objectives in the Proposed Plan:

- **'Support Aviemore's status as an exemplar walking and cycling friendly settlement.'**
- **'Support Kingussie status as an exemplar walking and cycling friendly settlement.'**

(Scottish Government, 089)

#### Support for the National Long Distance Cycling and Walking Network

CNPA believes that the LDP gives sufficient support to the extension of the Speyside Way through Policy 8: Open Space, sport and recreation (Scottish Government, 089). Figure 2 (page 9) of the Proposed Plan also highlights the links with other strategies, including the overarching National Park Partnership Plan (CD002), and Active Cairngorms, which is the National Park's outdoor access strategy. Explicit support is provided both Active Cairngorms, which is the primary delivery mechanism, and in the National Park Partnership Plan, with the latter placing its delivery at strategic importance for the National Park:

- Agenda for Action, criteria a): Developing new ways including visitor giving to fund infrastructure investment and maintaining and upgrading key off-road routes including Speyside Way, Deeside Way and the Core Paths network (page 48);
- Figure 10: Public investment priorities for visitor infrastructure (page 49); and
- Capital investment priorities (page 76)

CNPA therefore believes that significant support is provided for the Speyside Way extension throughout its policy documents. However, if the Reporter were minded to recommend explicit reference to the Speyside Way in the LDP, then CNPA would not object to the following amendment being made to paragraph 4.101:

‘The policy aims to ensure the needs of local communities and visitors for recreational space and facilities are accommodated, and existing facilities protected. This includes informal and formal recreation provision **and the delivery of strategic infrastructure, such as the Speyside Way extension**. The policy encourages the development of good quality open spaces and recognises the environmental, social and health benefits they can generate through green infrastructure, biodiversity and placemaking.’  
(Scottish Government, 089)

#### Draft Action Programme – Table 2

The Luncarty and Pass of Birnam section of the A9 is not within the Cairngorms National Park. It does not therefore need to be included within the Action Programme. No modification proposed (Scottish Government, 089).

#### Community Information: Environmental Considerations

The amendments proposed jointly by SNH (112) and SEPA (085) in relation to paragraph 5.17 (page 85) and the second paragraph in the third row, third column on page 86 (Table 4) are noted. CNPA agree that the proposed modifications will provide greater clarity. CNPA support the changes as minor amendments, if the Reporter is minded to accept them (SNH, 112; SEPA, 085).

The three further points SNH (112) raise in relation to the contents of Table 4 (pages 86 and 87) in the Proposed Plan are noted. CNPA agree that the proposed modifications will provide greater clarity and reflect the Habitats Regulations Appraisal (CD005). CNPA support the changes as minor amendments, if the Reporter is minded to accept them (SNH, 112).

Deleting the text at the end of paragraph 5.17 is not supported on the basis that Table 4 relates directly to the mitigation required as part of the HRA and linked with the site specific maps, while Policy 4 continues to apply to all proposals (RSPB Scotland, 178).

CNPA does not support the additional paragraph noting that other mitigation requirements in addition to those details may apply. As with the above, this section directly relates to the requirements identified through the HRA and all proposals are subject to all relevant policies including Policy 4 and will be assessed on a case by case basis. No modification proposed (RSPB Scotland, 178).

The addition to Table 4 in relation to sites in Aviemore is not supported. The Proposed Plan has undergone a HRA, which was carried out in consultation with and agreed by SNH. This has informed the mitigation requirements set out in Table 4. CNPA is therefore satisfied that there is sufficient strength within the Proposed Plan to mitigate any potential adverse effects on the integrity of European designations. No modification proposed (RSPB, 178).

#### **Reporter’s conclusions:**

**Reporter's recommendations:**

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